

STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
Consumers Energy Company)	
for authority to increase its rates for)	Case No. U-21870
the generation and distribution of)	
electricity and for other relief.)	
_____)	

RULING ON MOTION TO EXCEED PAGE LIMIT

On December 23, 2025, the last day for the filing of a reply brief, Consumers filed its Motion to Exceed Page Limit (“Motion”), seeking to exceed the 30-page limit for reply briefs set forth in the July 8, 2025, Scheduling Memo (“Scheduling Memo”).¹ On that same day, Consumers filed its Reply Brief, which is 66 pages in length. In its Motion, Consumers indicates that it does not request a hearing on the Motion.

In its Motion, Consumers asserts that while it was able to anticipate and address in its Initial Brief most of the arguments set forth in the initial briefs filed by the other parties in this case, there were also “several new or expanded arguments” that the parties’ presented in their initial briefs which Consumers “needed to address” to ensure that the ALJ and the Commission “have a complete understanding of the Company’s position on these issues.”²

¹ As the Motion indicates, the Scheduling Memo was amended on September 5, 2025 and October 16, 2025, but these amendments did not change the portions of the original Scheduling Memo relevant to this Motion.

² Motion, p. 1-2.

Consumers also asserts that it “worked to be concise” in its Reply Brief, and “where possible did not address issues that were adequately addressed in its Initial Brief.”³

This Ruling finds that these Consumers’ assertions are contradicted by its Motion and its Reply Brief. While Consumers asserts that there are “several new or expanded arguments” that it wants to address in its Reply Brief, this Ruling notes that the Table of Contents in the Reply Brief lists 35 separately titled sections of argument.⁴ Moreover, Consumers acknowledges that its determination of which arguments to address in its Reply Brief was not based on whether the arguments were “new or expanded arguments”, but rather was based on whether the issues “were adequately addressed” the first time around by Consumers in its Initial Brief.⁵ Thus, it is very likely that the Reply Brief includes many arguments which are repetitive of the arguments included in Consumers’ Initial Brief.

This Ruling finds that Consumers has not shown good cause for its Reply Brief to exceed the 30-page limit set forth in the Scheduling Memo.

The requirements for the briefs set forth in the Scheduling Memo are intended to assist the ALJ and the Commission in deciding rates cases in a timely fashion, and the Commission has recognized the discretion of the ALJ to enforce these requirements.⁶ In this regard, the Scheduling Memo states that the ALJ may order the party who filed a non-

³ Id., p. 2.

⁴ See Reply Brief, Table of Contents, p. i, ii.

⁵ Motion, p. 2 (“Consumers Energy worked to be concise in its Reply Brief, and where possible did not address issues that were adequately addressed in its Initial Brief.”)

⁶ See, e.g., U-20322, Order, September 26, 2019, p. 5-6:

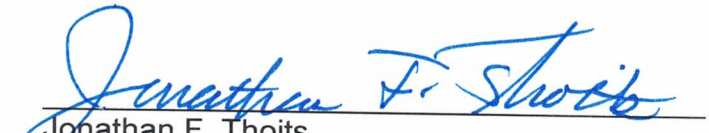
To assist the Commission in complying with that [very strict 10-month] deadline, the administrative law judge is [] is permitted to issue specific directives [] that may include limiting the length and content of reply briefs. If the parties choose not to comply with the administrative law judge’s

conforming brief to file a supplemental brief within a specified time correcting the deficiencies, or may disregard or strike the non-conforming brief.⁷

Accordingly, as Consumers has not shown good cause for its Reply Brief to exceed the 30-page limit set forth in the Scheduling Memo, the Motion is DENIED and Consumers' Reply Brief is stricken from the record.

On or before January 5, 2026, Consumers may file a supplemental reply brief which conforms with the 30-page limit for reply briefs set for in the Scheduling Memo.

MICHIGAN OFFICE OF ADMINISTRATIVE
HEARINGS AND RULES
For the Michigan Public Service Commission


Jonathan F. Thoits
Administrative Law Judge

December 26, 2025
Lansing, Michigan

legally enforceable directives, the Commission acknowledges the administrative law judge's discretion to enforce those directives pursuant to law and the Michigan Court Rules.

⁷ This provision mirrors MCR 7.212(l).

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-21870

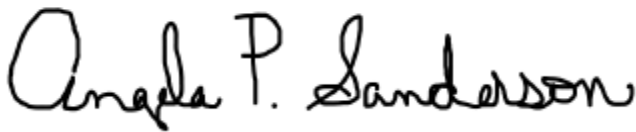
County of Ingham)

Lisa Felice being duly sworn, deposes and says that on December 26, 2025 A.D. she electronically notified the attached list of this **Ruling on Motion via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).



Lisa Felice

Subscribed and sworn to before me
This 26th day of December 2025



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

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U-21870

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