

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of DTE
ELECTRIC COMPANY for approval of special
contracts and for other relief.

MPSC No. U-22058

Attorney General's Notice of Intervention

Michigan Attorney General Dana Nessel (Attorney General) gives her Notice of Intervention, by and through Assistant Attorney General Joel B. King, as a party in this proceeding. In response to the Application filed by DTE Gas Company ("DTE Gas" or the "Company") and the Notice of Hearing issued by the Michigan Public Service Commission (Commission), the Attorney General states:

I. Statement of Interest

1. The State of Michigan is a body politic established under the Constitution of the United States of America and admitted into the Union by act of Congress under date of January 26, 1837.

2. The Attorney General is the duly elected and qualified Attorney General of the State of Michigan and holds such office by virtue of and pursuant to the provisions of Const 1963, art 5, § 21, and by mandate of the qualified electorate of the State of Michigan, and she is head of the Department of Attorney General created by the Executive Organization Act, 1965 PA 380, Ch 3; MCL 16.150 *et seq.*

3. The Attorney General's intervention and appearance in this proceeding are authorized by both statutory and common law.

4. MCL 14.28 provides in relevant part:

[T]he attorney general . . . may, when in [her] own judgment the interests of the state require it, intervene in and appear for the people of this state in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this state may be a party or interested.

The Attorney General has the right to intervene in any administrative proceeding when the Attorney General, in her own discretion, deems it in the public interest to do so. *People v O'Hara*, 278 Mich 281, 270 NW 298 (1936); *Gremore v Peoples Community Hospital Authority*, 8 Mich App 56, 153 NW2d 377 (1967). In her capacity as Michigan's chief law officer, the Attorney General has common law authority to represent public interests as she may deem necessary for the protection of public rights. *In re Certified Question (Wayne Co v Philip Morris, Inc)*, 465 Mich 537, 543-545; 638 NW2d 409 (2002); and *Withee v Lane & Libby Fisheries Co*, 120 Me 121, 123; 113 A 22, 23 (1921).

5. Furthermore, when the Attorney General deems it in the public interest to do so, she may intervene in any administrative proceeding at any stage of such a proceeding. *Attorney General v Liquor Control Comm*, 65 Mich App 88; 237 NW2d 196 (1975).

6. The Attorney General, in her judgment, has determined that the interests of the State and the People of the State of Michigan require her to intervene in this proceeding on their behalf. The proceeding will directly affect the State and a large number of the People of this State who are customers of DTE. Any action taken in this proceeding will directly affect the economy of this state and the general well-

being of residents in DTE's service territory, and may impact the State's ability to achieve its renewable and clean energy standards established by the legislature under Public Act 235.

II. Statement of Positions

7. On March 17, 2026, DTE filed its application in this case seeking approval of “the Company’s Primary Supply Agreement (“PSA”) and Clean Capacity Accelerator Agreement (“CCAA”) (collectively, the “Special Contracts”) with Google LLC (the “Customer”).”

8. DTE’s application states that Google plans to build and commission a data center in DTE Electric’s service territory located at or near Van Buren Twp, Michigan (the “Facility”). Further, DTE’s application notes that the Facility’s maximum load is approximately 1.0 gigawatt (“GW”) and is scheduled to begin taking service in December 2027, with max load being achieved by December 2028.¹

9. DTE’s application notes that the Special Contracts are included as Exhibit A-16 and Exhibit A-18. A review of Exhibits A-16 and A-18 shows substantial redactions in DTE’s initial filing.

10. DTE’s application states that it will provide Google electric service under Rate Schedule D11 (“D11”) for a period of 20 years, and avers that the Special Contracts “protect other customers from potential cost subsidies.”²

¹ DTE Application p. 2.

² Id.

11. DTE's application requests an expedited review of the application "with the issuance of a Commission order on or before the September 10, 2026 condition precedent deadlines set forth in the Special Contracts."³

12. The Attorney General takes the position that she, Commission Staff, and any other interested party should be able to fully participate in a contested hearing; this includes the ability, over a reasonable timeframe, to conduct discovery, have full access to unredacted contracts, file testimony, cross examine witnesses, and present alternatives and objections to DTE's requests.

13. The Attorney General further takes the position that the Commission should not approve DTE's application without first developing an evidentiary record and conducting proceedings pursuant to Chapter IV of the Administrative Procedures Act [MCL 24.271 et seq.], because the requests therein may not be just and reasonable and may not be in compliance with all applicable legal authority.

14. The Attorney General takes the position that DTE's preferred timeframe in which to receive a Commission order in this matter may not be reasonable and prudent. The Commission should not allow DTE to unilaterally dictate the timeline on which this case is conducted, simply based on a timeframe DTE agreed to with Google, without any input from the Commission or other stakeholders.

15. The Attorney General may take the position that one or more of the Company's proposals are not reasonable or prudent or in compliance with the law.

³ Id. p. 5.

16. The Attorney General reserves the right to present additional positions and arguments based upon additional information developed via discovery and evidence admitted into the record in this case.

III. Relief Requested

The Attorney General requests the Michigan Public Service Commission to:

- A. Enter her Notice of Intervention upon the official record of the captioned case, treat her as a party to these proceedings for all purposes, and allow for full discovery and review of unredacted contracts;
- B. Develop an evidentiary record and conduct contested proceedings pursuant to Chapter IV of the Administrative Procedures Act [MCL 24.271 et seq.];
- C. Determine if the relief requested in the Company's application is just, reasonable, prudent, and lawful; and
- B. Grant any further and additional relief the Commission may decide is reasonable and lawful.

Respectfully submitted,

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Dated: April 1, 2026

PROOF OF SERVICE - U-22058

The undersigned certifies that a copy of the *Attorney General's Notice of Intervention* was served upon the parties listed below by e-mailing the same to them at their respective e-mail addresses on the 1st day of April 2026.

Joel B. King

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