

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 related relief

Case No. U-22058

**OBJECTION OF THE
GREAT LAKES RENEWABLE ENERGY ASSOCIATION
TO DTE ELECTRIC COMPANY'S PROPOSED PROTECTIVE ORDER**

The Great Lakes Renewable Energy Association (GLREA) files this objection to DTE Electric Company's Motion to Approve, and its proposed Protective Order filed in this case. In support of this Objection, GLREA asserts as follows:

1. DTE's protective order is far too broad, complex, and departs significantly from the substance of protective orders issued in numerous utility rate and other cases, including as an example, the protective order issued by the Administrative Law Judge (ALJ) in DTE Electric's most recently decided rate case, U-21860 (copy attached).

2. DTE's proposed protective order extends far beyond what is necessary and appropriate to protect valid confidential information and documents, but extends to a request that the ALJ and Commission outright exempt from disclosure information or documents which the Applicant DTE, or its data center customers, subjectively assert as being confidential.

3. DTE's proposed protective order also purports to exempt or prevent disclosure of information or documents which are relevant to matters directly within the jurisdiction of the Commission with respect to rates, tariffs, and contracts, including review of information highly relevant to determining the impact of the data center upon DTE's cost of service applicable to

establishing and maintaining just and reasonable rates for DTE Electric's other customers. For example, page 2, paragraph 1a of the proposed Protective Order lists examples of the claimed confidential information as including:

...information regarding compensation, generation, transmission and distribution facilities and related equipment, infrastructure, energy market projections or assumptions, forecasts, gas conversion analyses, sensitivity analyses, revenue requirement analyses, or financial arrangements including but not limited to those set forth in contracts.

Similarly, page 2, paragraph 2 also proposes to include as confidential information such matters as:

[L]oad characteristics... negotiated rates; power quality or redundancy specifications; usage forecasts; or any other information that is confidential, proprietary, commercially sensitive, or subject to nondisclosure obligations under contracts between the Applicant and the customer.

Also, as an example, page 3, paragraph 4 of the proposed Protective Agreement, also includes as being confidential “[t]his information includes reports; analyses; models (including related inputs and outputs).” However, DTE Electric is required to file soon an Integrated Resource Plan pursuant to Section 6t, MCL 460.6t and to provide access (as in prior IRPs) to the planning models which are under license to private vendors, and to share such models for analysis and challenge by intervenors to its IRP case. Similarly, there should be a process in this case for interested persons to review DTE's models or to obtain information regarding the models which may be relevant to matters that affect DTE's cost of service subject to review under the Commission's jurisdiction, with participation by other case parties.

4. GLREA also objects to the provision on page 4, paragraph C of the proposed Protective Order which provides for certain information to be shared on “a read only file sharing” basis. This provision is a significant departure from the protective provisions approved in scores of Commission cases wherein protective orders have been issued.

5. GLREA also objects to some of the many redacted portions of DTE's revised exhibits A16 and A18, which should be subject to disclosure to the parties pursuant to a more reasonable Protective Order.

6. GLREA asserts that the protective orders issued in previous utility cases, including DTE cases, such as the attached Protective Order issued in its last completed rate case, U-21860, is fully adequate to provide for the sharing of information and documents in this case. DTE has provided no grounds in its motion, affidavit, or proposed protective order to justify a departure from the provisions in prior protective orders that have been negotiated and approved in many previous utility cases.

7. GLREA also asserts that the approval of DTE's proposed protective order, in contrast to the proposed protective order issued in U-21860, undermines the purpose and integrity of the Commission's contested case process, as mandated by the Michigan Administrative Procedures Act, MCL 24.201, *et seq.*, and several statutes applicable to the Commission, including Section 6a, MCL 460.6a.

8. On an overriding basis, GLREA asserts that it is premature and speculative for the ALJ to approve DTE's overly broad and self-serving proposed Protective Order because confidentiality issues can be better addressed within the context of an actual discovery issue or dispute, which may never occur. As of now, no discovery questions have been issued and a discovery dispute may not arise. A more reasonable approach at this time is for the ALJ to adopt the protective order approved in U-21860 as a fully adequate remedy.

WHEREFORE, GLREA opposes DTE's Motion for approval of its proposed Protective Order, and objects to DTE's proposed Protective Order, and requests the Administrative Law Judge to approve a Protective Order that contains the same language and provisions as utilized by the Administrative Law Judge and Commission in DTE's recently completed rate case,

U-21860, which protective order is attached hereto. GLREA requests such further and consistent relief that is lawful and reasonable.

Respectfully submitted,

Don L. Keskey

Don L. Keskey (P23003)

Brian W. Coyer (P40809)

Public Law Resource Center PLLC

University Office Place

333 Albert Avenue, Suite 425

East Lansing, MI 48823

Telephone: (517) 999-7572

E-mails: donkeskey@publiclawresourcecenter.com

bwcoyer@publiclawresourcecenter.com

Dated: April 21, 2026

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)	
DTE ELECTRIC COMPANY)	
for authority to increase its rates, amend)	Case No. U-21860
its rate schedules and rules governing the)	
distribution and supply of electric energy, and)	
<u>for miscellaneous accounting authority.</u>)	

PROTECTIVE ORDER

This Protective Order governs the use and disposition of Protected Material that any Party discloses to another Party during the course of this proceeding. This Protective Order protects non-public, confidential information and materials so designated by the Disclosing Party as Protected Material, as defined herein. Accordingly, it is ordered:

I. “Protected Material” and Other Definitions

A. “Protected Material” consists of trade secrets or confidential, proprietary, or commercially sensitive information provided in Disclosing Party’s application, exhibits, discovery or audit responses, any witness’ related exhibits and testimony, motions, objections, briefing, responses to an order issued by the presiding hearing officer or the Michigan Public Service Commission (“MPSC” or the “Commission), and any arguments of counsel describing or relying upon the Protected Material. Subject to challenge under Paragraph IV.A, Protected Material shall also consist of non-public confidential information and materials including, but not limited to, the following information disclosed during the course of this case if it is marked as required by this Protective Order:

1. To the extent permitted, information obtained under license from a third-party licensor, to which the Disclosing Party or witnesses engaged by the Disclosing Party is a licensee, that is subject to any confidentiality or non-transferability clause. This information includes reports; analyses; models

(including related inputs and outputs); trade secrets; and confidential, proprietary, or commercially sensitive information that the Disclosing Party or one of its witnesses receives as a licensee and is authorized by the third-party licensor to disclose consistent with the terms and conditions of this Protective Order.

2. Information that is protected as confidential in another jurisdiction that the Applicant provides utility service, and the source of the other jurisdiction's protective designation is made known to the Receiving Party.

B. The information subject to this Protective Order does not include:

1. Information that is or has become available to the public through no fault of the Receiving Party or Reviewing Representative and no breach of this Protective Order, or information that is otherwise lawfully known by the Receiving Party without any obligation to hold it in confidence;
2. Information received from a third party free to disclose the information without restriction;
3. Information that is approved for release by written authorization of the Disclosing Party, but only to the extent of the authorization;
4. Information that is required by law or regulation to be disclosed, but only to the extent of the required disclosure; or Information that is disclosed in response to a valid, non-appealable order of a court of competent jurisdiction or governmental body, but only to the extent the order requires.

C. "Applicant" refers to the filing party in this proceeding.

D. "Disclosing Party" means a Party producing Protected Material in this proceeding.

E. "Party" refers to the Applicant, MPSC Staff ("Staff"), Michigan Attorney General, or any other person, company, organization, or association that is granted intervention in this case under the Commission's Rules of Practice and Procedure, Mich Admin Code, R 792.10401 et al.

F. "Receiving Party" means any Party to this proceeding who requests or receives access to Protected Material. A Receiving Party is responsible for assuring that persons,

representatives, or agents under its control or supervision comply with this Protective Order.

G. “Reviewing Representative” means a representative of the Receiving Party who is:

1. An attorney who has entered an appearance in this proceeding for a Receiving Party;
2. An attorney, paralegal, or other employee associated, for the purpose of this case, with an attorney described in Paragraph I.G.1;
3. An expert or employee of an expert retained by a Receiving Party to advise, prepare for, or testify in this proceeding; or an employee or other representative of a Receiving Party with significant responsibility in this case.

H. “Nondisclosure Certificate” refers to Attachment 1 to this Protective Order. Except as otherwise provided herein, the Reviewing Party and Reviewing Representatives will be required to sign Nondisclosure Certificates. However, Nondisclosure Certificates will not be required from administrative law judges, members of the Commission and its support staff, Staff (excluding consultants, third-party experts, agents or other similar persons), and Staff counsel, for whom by virtue of their employment are presumed to be bound by the terms of this Protective Order.

II. Access to and Use of Protected Material

A. This Protective Order governs the use of all provided Protected Material. This Protective Order protects: (i) the Protected Material; (ii) any copy or reproduction of the Protected Material made by any person; and (iii) any memorandum, handwritten notes, or any other form of information that copies, contains, or discloses Protected Material. All Protected Material in the possession of a Receiving Party and a Reviewing Representative shall be maintained in a secure place. Access to Protected Material shall be limited to the Receiving

Party and the Reviewing Representative, after each has executed the Nondisclosure Agreement and provided a copy of the Nondisclosure Agreement to the Disclosing Party, subject to the limited exception in Paragraph I.H.

B. Protected Material must be used and disclosed by the Receiving Party solely in accordance with the terms and conditions of this Protective Order. A Receiving Party and Reviewing Representative may analyze the Protected Material; make or respond to discovery; present evidence; prepare testimony, argument, briefs, or other filings; prepare for cross-examination; consider strategy; and evaluate settlement. A Reviewing Representative shall not release or disclose the content of Protected Material to any other person or use the information for any other purpose.

C. The Disclosing Party may request the Receiving Party withhold certain information from a Reviewing Representative and retains the right to object to any designated Reviewing Representative if the Disclosing Party has reason to believe that there is an unacceptable risk of misuse of confidential information. If a Disclosing Party objects to a Reviewing Representative, then the Disclosing Party shall submit the dispute to the presiding hearing officer simultaneously upon objection. If the Disclosing Party notifies a Receiving Party of an objection to a Reviewing Representative, then the Protected Material shall not be provided to that Reviewing Representative until the objection is resolved by agreement or by the presiding hearing officer.

D. If a Receiving Party seeks access to Critical Energy Infrastructure Information (“CEII”) as defined in 16 U.S.C § 824o-1(a)(3) and FERC rules, specifically 18 CFR § 388.113(c), the Receiving Party and Reviewing Representative shall also sign the CEII Nondisclosure Certificate (Attachment 2 to this Protective Order) and provide a copy of the

executed CEII Nondisclosure Certificates to the Disclosing Party.

E. The obligations under this Protective Order do not expire by entry of a final order in this case and are enforceable by the MPSC or a court of competent jurisdiction. To the extent Protected Material is not returned to a Disclosing Party, it remains subject to this Protective Order. Members of the Commission, Commission staff assigned to assist the Commission with its deliberations, and the presiding hearing officer shall have access to all Protected Material that is submitted to the Commission under seal.

F. A Party retains the right to seek further restrictions on the dissemination of Protected Material to persons who have or may subsequently seek to intervene in this MPSC proceeding.

G. Nothing in this Protective Order precludes a Party from asserting a timely evidentiary objection to the proposed admission of Protected Material into the evidentiary record for this case.

III. Procedures

A. The Disclosing Party shall identify what portion(s) of any document designated confidential it considers confidential. This can be done through highlights or other clear identifier. The Disclosing Party must mark any information that it considers confidential as “CONFIDENTIAL: SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21860.” Software executable files containing Protected Material may not be capable of being marked with the foregoing required protective language. The inability to mark software executable files containing Protected Material with such protective language shall not diminish the requirements of this Protective Order. It shall be sufficient if the medium used to deliver software executable files containing Protected Material is marked with the required protective

language. However, any output from the software executable files containing Protected Material that is generated only as a reproducible document, whether electronic or non-electronic, that is capable of being marked with the required protective language, shall be marked by the party who generated the output with such protective language and subject to the requirements of this Protective Order. If the Receiving Party or a Reviewing Representative makes copies of any Protected Material, they shall conspicuously mark the copies as Protected Material. Notes of Protected Material shall also be conspicuously marked as Protected Material by the person making the notes.

B. If a Receiving Party wants to quote, refer to, or otherwise use Protected Material in pleadings, pre-filed testimony, exhibits, cross-examination, briefs, oral argument, comments, or in some other form in this proceeding (including administrative or judicial appeals), the Receiving Party shall do so consistent with procedures that will maintain the confidentiality of the Protected Material. For purposes of this Protective Order, the following procedures apply:

1. Written submissions using Protected Material shall be filed in a sealed record to be maintained by the MPSC's Docket Section, or by a court of competent jurisdiction, in envelopes clearly marked on the outside, "CONFIDENTIAL – SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-21860." Simultaneously, identical documents and materials, with the Protected Material redacted, shall be filed and disclosed the same way that evidence or briefs are usually filed;
2. Oral testimony, examination of witnesses, or argument about Protected Material shall be conducted on a separate record to be maintained by the MPSC's Docket Section or by a court of competent jurisdiction. These separate record proceedings shall be closed to all persons except those furnishing the Protected Material and persons otherwise subject to this Protective Order. The Receiving Party presenting the Protected Material during the course of the proceeding shall give the presiding officer or court sufficient notice to allow the presiding officer or court an opportunity to take measures to protect the confidentiality of the Protected Material; and
3. Copies of the documents filed with the MPSC which contain Protected Material, including the portions of the exhibits, transcripts, or briefs that refer

to Protected Material, shall be marked or identified as, “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER IN CASE NO. U-21860” and shall be maintained in a separate portion of the record under seal, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order.

C. The Protected Material subject to this Order shall be shielded from disclosure to the extent permitted by law. If any person files a request under the Freedom of Information Act (“FOIA”) with the MPSC or the Michigan Attorney General seeking access to documents subject to this Protective Order, the MPSC’s Executive Secretary, Staff, or the Attorney General shall promptly notify the Disclosing Party, and the Disclosing Party may take whatever legal actions it deems appropriate to protect the Protected Material from disclosure. In light of Section 5 of the Freedom of Information Act, MCL 15.235, the notice must be given at least five (5) business days before the MPSC, Staff, and/or the Michigan Attorney General grant the request in full or in part.

IV. Termination of Protected Status

A. A Receiving Party reserves the right to challenge by motion whether a document or information is Protected Material and whether this information can be withheld under this Protective Order. The Receiving Party challenging the protected status of the document must explicitly state its reason for challenging the confidential designation. In response to a motion, the Commission or the presiding hearing officer in this case may revoke a document’s protected status after notice and hearing. If the presiding hearing officer revokes a document’s protected status, then the document loses its protected status after 14 days unless a Party files an application for leave to appeal the ruling and a request for a stay to the Commission pursuant to R 792.10433. If the application for leave is timely, the document’s protected status will continue during the Commission appeal process. Any Party opposing the application for leave to appeal

and the stay shall file an answer with the Commission no more than 14 days after the filing and service of the appeal. Continued protected status post order, will be determined by the Commission in its order addressing the application for leave and the request for stay. Nothing in this paragraph shall prohibit the Disclosing Party from seeking a stay on appeal of the Commission's decision regarding the revocation of any document's protected status.

B. The Disclosing Party bears the burden of proving that the document should continue to be protected from disclosure.

V. Retention of Documents

Protected Material remains the property of the Disclosing Party and, except as required by applicable law and State retention schedules, only remains available to the Receiving Party until the time expires for petitions for rehearing of a final MPSC order, until the MPSC has ruled on all petitions for rehearing in this case (if any), or until judicial review is completed and the time to take further appeal has expired. If the Disclosing Party seeks to have the Receiving Party return all Protected Material in the Receiving Party's possession or in the possession of its Reviewing Representatives, or certify in writing that all Protected Material has been destroyed, it is the responsibility of the Disclosing Party to contact the Receiving Party and make its request no earlier than the expiration of time for filing petitions for rehearing of a final MPSC order, until the MPSC has ruled on all petitions for rehearing in this case (if any), or until judicial review is completed and the time to take further appeal has expired. Further, for a Receiving Party that is associated with the State, the request must be consistent with the expiration of the State retention requirement.

Notwithstanding the foregoing, counsel for the Receiving Party may maintain a single confidential file of Protected Material subject to all other provisions in this Order. Should

counsel seek to refer to the Protected Material in another Commission proceeding, the Disclosing Party must be the Applicant in said proceeding and counsel must ensure there is a protective order in said proceeding which protects the Protected Material from public disclosure.

VI. Limitations and Disclosures

This Protective Order does not apply to a particular document, or portion of a document, described in Paragraph II.A if a Receiving Party can demonstrate that it has been previously disclosed by the Disclosing Party on a non-confidential basis or meets the criteria set forth in Paragraphs I.B.1 through I.B.4. A Receiving Party intending to disclose information taken directly from materials identified as Protected Material must-before actually disclosing the information-do one of the following: (i) contact the Disclosing Party's counsel of record and obtain written permission to disclose the information, or (ii) challenge the confidential nature of the Protected Material and obtain a ruling under Paragraph IV that the information is not confidential and may be disclosed in or on the public record.

VII. Remedies

If a Receiving Party violates this Protective Order by improperly disclosing or using Protected Material, the Receiving Party shall take all necessary steps to remedy the improper disclosure or use. This includes promptly notifying all Parties and the presiding hearing officer in writing. The written notice must identify the person known or reasonably suspected to have obtained the Protected Material. A Party or person that violates this Protective Order remains subject to this paragraph regardless of whether the Disclosing Party could have discovered the violation earlier than it was discovered. This paragraph applies to both inadvertent and intentional violations. Nothing in this Protective Order limits the Disclosing Party's rights and remedies, at law or in equity, against a Party or person using Protected Material in a manner not authorized by this Protective Order, including the right to obtain injunctive relief in a court of

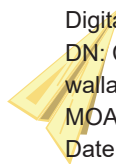
competent jurisdiction to prevent violations of this Protective Order.

VIII. Modification

Formal Addendums to this agreement may be established by an ALJ upon motion by any party and after notice and hearing.

MICHIGAN ADMINISTRATIVE HEARING SYSTEM
For the Michigan Public Service Commission

**Sally L.
Wallace**



Digitally signed by: Sally L. Wallace
DN: CN = Sally L. Wallace email =
wallaces2@michigan.gov C = US O =
MOAHR OU = MOAHR - PSC
Date: 2025.04.25 14:47:17 -04'00'

Administrative Law Judge

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)
DTE ELECTRIC COMPANY)
for authority to increase its rates, amend)
its rate schedules and rules governing the)
distribution and supply of electric energy, and)
for miscellaneous accounting authority.)

Case No. U-21860

Attachment 1

NONDISCLOSURE CERTIFICATE

By signing this Nondisclosure Certificate, I acknowledge that access to Protected Material is provided to me under the terms and restrictions of the Protective Order issue in Case No. U-21860, that I have read the Protective Order, and that I agree to be bound by the terms of the Protective Order.

Reviewing Representative:

Date: _____

Title: _____

Receiving Party: _____

Printed Name: _____

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of)
DTE ELECTRIC COMPANY)
for authority to increase its rates, amend)
its rate schedules and rules governing the)
distribution and supply of electric energy, and)
for miscellaneous accounting authority.)

Case No. U-21860

Attachment 2

NONDISCLOSURE CERTIFICATE

FOR CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION

I hereby agree and certify my understanding that access to Critical Electric Infrastructure Information (“CEII”) as defined at 16 USC Section 824o-1(a)(3) and 18 CFR Section 388.113(c) is provided to me pursuant to the terms and restriction of this CEII Nondisclosure Certificate and the Protective Order issued in Case No. U-21860, that I have been given a copy of and have read the Protective Order, and I agree to be bound by the terms of this CEII Nondisclosure Certificate and the Protective Order. I further agree that:

1. I will use CEII only for the purpose for which it was requested;
2. I will only discuss CEII with a Party and/or Reviewing Representative;
3. I will keep CEII in a secure place in a manner that prevents unauthorized access;
4. I will destroy CEII or return it to the disclosing party upon request;
5. I understand that CEII is not subject to release under the Freedom of Information Act;

6. I understand that I am obligated to protect CEII even after a designation as CEII has lapsed until a determination by the administrative law judge that the information should no longer be designated as CEII; and

7. I will report all unauthorized disclosures of CEII to the Disclosing Party.

Reviewing Representative:

Date: _____

Title: _____

Receiving Party: _____

Printed Name: _____

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 related relief

Case No. **U-22058**

PROOF OF SERVICE

Carol A. Dane says that on **April 21, 2026**, she served a copy of **Objection of Great Lakes Renewable Energy Association To DTE Electric Company’s Proposed Protective Order** upon the following parties via email:

Name/Party	E-mail Address
ADMINISTRATIVE LAW JUDGE Honorable Theresa A. G. Staley	staley1@michigan.gov
DTE ELECTRIC COMPANY Andrea E. Hayden John Janiszewski	mpscfilings@dteenergy.com andrea.hayden@dteenergy.com john.janiszewski@dteenergy.com
MICHIGAN PUBLIC SERVICE COMMISSION STAFF Daniel E. Sonneveldt Amit T. Singh Adam M. Cozort	sonneveldt@michigan.gov singha9@michigan.gov cozort1@michigan.gov
ATTORNEY GENERAL DANA NESSEL Joel King Lucas Wollenzien	Ag-enra-spec-lit@michigan.gov Kingj38@michigan.gov WollenzienL@michigan.gov
MICHIGAN ENVIRONMENTAL COUNCIL, NATURAL RESOURCES DEFENSE COUNCIL, SIERRA CLUB, CITIZENS UTILITY BOARD Christopher M. Bzdok T.J. Andrews Natasha Fowles Sue Fruchey	chris@tropospherelegal.com tjandrews@tropospherelegal.com natasha@tropospherelegal.com sue@tropospherelegal.com

The statements above are true to the best of my knowledge, information and belief.

PUBLIC LAW RESOURCE CENTER PLLC

Carol Dane

Carol A. Dane

Public Law Resource Center PLLC

University Office Place

333 Albert Avenue, Suite 425

East Lansing, MI 48823

Telephone: (517) 999-3782

E-mail: adminasst@publiclawresourcecenter.com

Dated: April 21, 2026