

124 West Allegan Street, Suite 1000
Lansing, Michigan 48933
T (517) 482-5800 F (517) 482-0887
www.fraserlawfirm.com

Sean P. Gallagher
sgallagher@fraserlawfirm.com
(517) 377-0820

May 19, 2026

E-FILING AND EMAIL

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Highway
Lansing, Michigan 48917

RE: MPSC Docket No. U-22046

Dear Ms. Felice:

Enclosed for filing please find *Oakland County, Michigan's Petition for Leave to Intervene* and a *Proof of Service*.

If you have any questions regarding the attached, please do not hesitate to contact me.

Very truly yours,

Fraser Trebilcock Davis Dunlap & Cavanaugh, P.C.

Sean P. Gallagher

Enclosures

cc: Parties of Record

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) Case No. U-22046
and rules governing the distribution and supply)
of electric energy, and for miscellaneous)
accounting authority.)

**OAKLAND COUNTY, MICHIGAN’S
PETITION FOR LEAVE TO INTERVENE**

Oakland County, Michigan (“Oakland County” or the “County”), by and through its attorneys, Fraser Trebilcock Davis Dunlap & Cavanaugh, P.C., hereby responds as follows to the application filed by DTE Electric Company (“DTE” or the “Company”) and the notice of hearing issued by the Michigan Public Service Commission (“Commission”) and presents its petition for leave to intervene:

STATEMENT OF INTEREST

1. Over 206 years ago, effective March 28, 1820, and pursuant to the Northwest Ordinance adopted by the Confederation Congress of the United States on July 13, 1787, Michigan Territorial Governor Lewis Cass established Oakland County by issuance of a Proclamation, locating its County seat at the Town of Pontiac.¹

2. Effective January 26, 1837, by virtue of action of the United States Congress, Oakland County became part of Michigan when Michigan became a State.²

¹ <https://www.oakgov.com/home/showpublisheddocument/16026/638145599971870000>, last accessed May 13, 2026.

² <https://www.ebsco.com/research-starters/history/michigan-admitted-union>, last accessed May 13, 2026.

3. Today, pursuant to Michigan law, the County is a body politic and subdivision of the State of Michigan, governed by a Board of Commissioners, which is seated in the now-City of Pontiac (“Pontiac”) and serves the same overall governance function with the legal authority of a board of supervisors for a county as set forth in the Michigan Constitution of 1963. See MCL 46.416; see also Const 1963, art 7, § 7.

4. The County delivers governance and other public services in support of public safety, health, and welfare to the over 1.2 million Michigan citizens who reside in Oakland County in over 530,000 households and who own, operate, or work at numerous businesses.³

5. Oakland County intervenes and appears in this proceeding for and on behalf of the electric utility service rate paying Michigan citizens residing in and businesses operating in the County as well as itself as a rate payer. As will be shown herein and below, Oakland County meets the standards for intervention by right *and* for permissive intervention.

6. The interests of Oakland County’s electric utility service rate paying citizens and businesses and the County itself as a body of government related to electric utility service are public interests.

7. Oakland County is critically important to Michigan’s economy, contributing more than 22% of Michigan’s gross domestic product, making the County Michigan’s primary engine for growth.⁴

³ <https://www.census.gov/quickfacts/fact/table/oaklandcountymichigan/PST045224>, last accessed May 13, 2026.

⁴ https://lsa.umich.edu/content/dam/econ-assets/Econdocs/RSQE%20PDFs/RSQE_Oakland_Forecast_April2026.pdf, last accessed May 13, 2026.

8. Many, if not all, of the over 530,000 households in Oakland County take retail electric distribution and/or supply utility service from DTE, as do many of the County's businesses.

9. The County also owns and operates extensive facilities in Pontiac and throughout the County taking electric service from DTE under various tariff rate schedules at its facilities.

10. For a portion of its load, the County has exercised the option to take its electric supply through electric choice, doing business with two alternative electric suppliers, while still paying DTE for distribution service related to those electric choice loads.

11. The County annually spends hundreds of thousands of county taxpayer dollars on the electric utility supply and distribution services it receives from DTE.

12. This docket involves an application filed on April 28, 2026, by DTE Electric Company ("DTE") for authority to increase its electricity rates and for other relief ("Application").

13. The Commission issued its Notice of Hearing for a prehearing conference to be held May 27, 2026.

14. The Notice of Hearing provides that a timely petition to intervene should be filed by May 19, 2026.

15. The Application proposes to add additional revenue of approximately \$474.3 million to DTE's rate base effective as early as March 1, 2027. See Case No. U-22046, Dkt. 0003, Application at 2.

16. As part of that proposed revenue increase, the Application includes a proposal to increase retail electric rate revenue recovered from the residential ratepayer class by an average of 9.7% as early as March 1, 2027. See Dkt. No. U-22046-0003, Application ("Application"), p. 6 and Attachment 2, line 10, column (3).

17. According to DTE, this will translate to an estimated monthly residential summer electric rate increase of as much as 10.82%. Application, Attachment 3, line 13, column (e).

18. The proposed residential rate increases comes on the heels of the rate increases approved by the Commission for DTE implemented on and after March 5, 2026, which increased the revenue recovered from the residential rate class by an average of 4.1%. *In re Application of DTE Electric Company*, order of the Public Service Commission, entered February 19, 2026 (Case No. U-21860) at p. 479; see also Attachment A, p. 2 of 4, line 10, column (e).

19. If approved on the timing requested by DTE, then DTE would thereby impose two (2) rate increases on Oakland County residents in less than one (1) year with a total increase in residential electric service rates of as much as 15%.⁵

20. DTE's Application raises concerns of affordability of electric utility service rates for Oakland County residents and businesses at a time when inflation and affordability of basic necessities such as food, and commodities like electricity, are critical concerns.

21. The County is not only concerned about affordability of critical services such as electric utility service for its residents and businesses, but is also concerned with sustainability of electric energy use in Oakland County, including, but not limited to, residential and business energy efficiency, low income assistance for utility service, renewable energy adoption and use, and plug-in electric vehicle ("PEV") charging station deployment and PEV adoption.

22. The County is also concerned with the increases to the rates the County pays at its various facilities, which also just received an increase in March 2026, to between an estimated

⁵ In rough math, assuming residential rate base as of March 1, 2026 equals 1.00, and multiplying that value by a 4.1% increase (0.041) with the March 5, 2026 rate increase, the equals 1.041. Multiplying the new 1.014 rate base as of March 2026 by an approximate 10% increase implemented by March 1, 2027 (1.10), equals 1.15, or a 15% increase in less than one (1) year, from March 5, 2026, to March 1, 2027.

average of 5.0% to 10.4% as soon as March 2027, based on the proposed revenues to be recovered from the non-residential rate classes. See Application, Attachment 2, line 27, column (e); line 39, column (e); and line 47, column (e).

23. The Michigan Constitution of 1963 provides counties with authority to intervene in public utility rate case proceedings such as the instant proceeding:

Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Const 1963 art 7, § 15.⁶

24. Citing Article 7, § 15, of the Michigan Constitution of 1963, the Commission has previously “**recognize[d] . . . the constitutional right of . . . counties** in the company’s service area to participate in rate case proceedings.” *In re application of Michigan Bell Tel Co*, order of the Public Service Commission, February 23, 1993 (Case No. U-10238) at p. 2 (emphasis added) (finding Michigan Bell’s failure to follow instructions of the Executive Secretary to provide notice to all cities, incorporated villages, townships, and counties in the company’s service area may constitute grounds for dismissal of a rate case application).

25. DTE is a privately owned public utility furnishing electric utility service regulated by the Commission to rate payers within Oakland County.

26. County boards of commissioners hold the legal authority of county boards of supervisors as set forth in the Michigan Constitution of 1963. MCL 46.416.

⁶ Prior to the adoption of the Michigan Constitution of 1963, counties did not have this authority. See *Wayne Co v Public Service Comm*, 343 Mich 144, 151; 72 NW2d 109 (1955).

**OAKLAND COUNTY
MEETS THE STANDARD FOR INTERVENTION BY RIGHT**

27. Based on its various interests in this proceeding, as set forth above, Oakland County qualifies as an intervenor under the standard for intervention by right.

28. Rule 410(1) states, in relevant part:

A person who is not a complainant, respondent, protestant, applicant, or staff, as defined in these rules, and who claims an interest in a proceeding may petition for leave to intervene.

R792.10410.

29. Although Rule 410 is framed in terms of leave to intervene, the Commission has indicated that it considers the ability to intervene to be one of right when a petitioner can meet the two-prong test for standing.⁷ This test requires a showing that the prospective intervenor will (1) suffer an injury in fact as a result of the outcome of the case; and (2) the interests allegedly endangered fall within the zone of interests intended to be protected or regulated by the statute or constitutional guarantee in question.⁸

30. Oakland County has direct and vital interests in the issues raised in this docket because the County, its residents, and its businesses purchase electric service from DTE under various rate schedules, including residential, secondary, general service, and other tariff rates. The increased rates proposed in the Application will cause injury in fact to the County, its residents, and its businesses and those interests endangered here fall within the zone of interests protected

⁷ The United States Supreme Court established the two-prong test for standing in *Association of Data Processing Service Organizations, Inc v Camp*, 397 US 150; 90 S Ct 827; 25 L Ed 2d 184 (1970), applied to utility matters in *Drake v The Detroit Edison Co*, 453 F Supp 1123, 1127 (WD Mich 1978), and adopted by the Commission in its November 10, 1988 Order in Case No. U-9138, p 5.

⁸ *In re application of Consumers Energy Co for authority to implement a power supply cost recovery plan*, MPSC Case No. U-17317, March 6, 2014 Order, p 4.

by Michigan law concerning the just and reasonableness of electric rates. See, e.g., MCL 460.557(4).

31. It is the position of Oakland County that the rates proposed in this proceeding by DTE, or by other parties, should be carefully examined to assure that they are just and reasonable. The Commission should adopt a reasonable rate design and should disallow any expenditures that are found to be unnecessary, imprudent, redundant, excessive, or otherwise not just and reasonable.

32. Based on the foregoing, Oakland County meets the standard for intervention by right.

**OAKLAND COUNTY
MEETS THE STANDARD FOR PERMISSIVE INTERVENTION**

33. In addition to meeting the requirements for intervention by right, Oakland County meets the Commission’s criteria for permissive intervention. As recognized in prior Commission orders, “the Commission’s discretion to grant leave to intervene is broader than the two-prong test...Unlike a court of law, an administrative agency can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor’s participation.”⁹

34. Permissive intervention has been granted where a proceeding “raises novel questions and important issues of policy” and the intervenor will “bring a unique perspective” to the case.¹⁰

35. The relief which Oakland County seeks is a final order approving only those rates, terms, and conditions as are just and reasonable, and that meet all applicable legal requirements.

⁹ *In re Michigan Consolidated Gas Co for authority to increase its rates*, MPSC Case No. U-10150, December 8, 1992 Order, p 5.

¹⁰ *In re Consumers Energy Co to fully comply with Public Act 295 of 2008*, MPSC Case No. U-17771, October 27, 2015 Order, p 6, citing *In re Mascotech Forming Technologies*, MPSC Case No. U11057, June 5, 1996 Order, pp 2-3.

36. As the economic engine of Michigan, delivering over 22% of Michigan's GDP and being home to over 1.2 million residents and over 530,000 households, Oakland County brings a unique perspective to this case and meets the Commission's criteria for permissive intervention.

37. Oakland County's interests, as set forth above, are not adequately represented by the present parties and, therefore, it would be detrimental to the public interest to deny Oakland County from participating as a full party to this proceeding. This particularly the case because all of the interests Oakland County has as a consumer of electricity as well as the public interest in its citizens and its businesses in just and reasonable electric rates.

38. Because the issues set forth above are of great significance to Oakland County and to the public, a denial of Oakland County's filing to participate as a full party to this proceeding would result in a miscarriage of justice.

39. Oakland County reserves the right to take other positions and seek other relief based on a review of the DTE's filings and discovery responses in this proceeding.

40. Oakland County requests that all notices and filings be served on:

Sean P. Gallagher
sgallagher@fraserlawfirm.com

Jared A. Roberts
jroberts@fraserlawfirm.com

Geoffrey C. Bilabaye
gbilabaye@fraserlawfirm.com

and

Joann M. Schofield, Legal Assistant
jschofield@fraserlawfirm.com

REQUESTED RELIEF

WHEREFORE, Oakland County, Michigan, hereby respectfully requests that the Administrative Law Judge and Commission grant its intervention based on the foregoing and allow the County to participate in the above-entitled proceedings as a full party of record.

Respectfully Submitted,

Fraser Trebilcock Davis Dunlap & Cavanaugh, P.C.

Dated: May 19, 2026

By: _____
Sean P. Gallagher (P73108)
Jared A. Roberts (P55182)
Geofrey Bilabaye (P83397)
124 West Allegan Street, Suite 1000
Lansing, Michigan 48933
Telephone: (517) 482-5800
Facsimile: (517) 482-0887
sgallagher@fraserlawfirm.com
jroberts@fraserlawfirm.com
gbilabaye@fraserlawfirm.com
Attorneys for Oakland County, Michigan

**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-22046

PROOF OF SERVICE

Joann M. Schofield hereby certifies that on May 19, 2026, she caused to be filed in the above-referenced electronic docket the *Appearances of Sean P. Gallagher, Jared A. Roberts, and Geoffrey C. Bilabaye; Oakland County, Michigan's Petition for Leave to Intervene*; and this *Proof of Service* and to be delivered to the persons identified on the attached service list by electronic mail.

/s/ Joann M. Schofield
Joann M. Schofield

Service List U-22046

Hon. Theresa A.G. Staley	ALJs – MPSC	staley1@michigan.gov
Lori Mayabb	Case Coordinator	mayabbl@michigan.gov
Jon P. Christinidis	DTE Electric Company	jon.christinidis@dteenergy.com
Andrea E. Hayden	DTE Electric Company	Andrea.hayden@dteenergy.com
DTE Service Email	DTE Electric Company	mpscfilings@dteenergy.com
Daniel E. Sonneveldt	MPSC Staff Counsel	SonneveldtD@michigan.gov
Nicholas Q. Taylor	MPSC Staff Counsel	taylorn10@michigan.gov
Amit T. Singh	MPSC Staff Counsel	singha9@michigan.gov
Anna B. Stirling	MPSC Staff Counsel	stirling1@michigan.gov
Christopher M. Bzdok	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	chris@tropospherelegal.com
Tracy Jane Andrews	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	tjandrews@tropospherelegal.com
Holly L. Hillyer	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	holly@tropospherelegal.com
Sean C. Clark	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	sean@tropospherelegal.com
Natasha Fowles	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	natasha@tropospherelegal.com
Sue Fruchey	Michigan Environmental Counsel, Citizens Utility Board of Michigan, and Natural Resources Defense Council	sue@tropospherelegal.com
Timothy J. Lundgren	Michigan Energy Innovation Business Council, Institute for Energy Innovation, Advanced Energy United, Energy Michigan, and Foundry Association of Michigan	tjlundgren@varnumlaw.com

Service List U-22046

Laura A. Chappelle	Michigan Energy Innovation Business Council, Institute for Energy Innovation, Advanced Energy United, Energy Michigan, and Foundry Association of Michigan	lachappelle@varnumlaw.com
Justin K. Ooms	Michigan Energy Innovation Business Council, Institute for Energy Innovation, Advanced Energy United, Energy Michigan, and Foundry Association of Michigan	jkooms@varnumlaw.com
Haylee N. Skank	Michigan Energy Innovation Business Council, Institute for Energy Innovation, Advanced Energy United, Energy Michigan, and Foundry Association of Michigan	knskank@varnumlaw.com
Jennifer U. Heston	Gerdau MacSteel, Inc.	jheston@potomaclaw.com
Amanda Urban	We Want Green, Too and Soulardarity	aurbanlaw@gmail.com
Alexandria C. Miskho	We Want Green, Too and Soulardarity	amiskho@uchicago.edu
Mark N. Templeton	We Want Green, Too and Soulardarity	templeton@uchicago.edu
Emma Young	We Want Green, Too and Soulardarity	aelc_mpsc@lawclinic.uchicago.edu
Kurt J. Boehm	The Kroger Co.	KBoehm@BKLawfirm.com
Michael L. Kurtz	The Kroger Co.	mkurtz@BKLawfirm.com
Jody Kyler Cohn	The Kroger Co.	JKylerCohn@BKLawfirm.com
Justin Bieber	The Kroger Co.	jbieber@energystrat.com
Valerie Jackson	The City of Ann Arbor	vjackson@a2gov.org
Michael J. Watza	PROTEC (The Michigan Coalition to Protect the Public Rights of Way) and MI-MAUI (Michigan Municipal Association for Utility Issues)	mike@bloomsluggett.com

Service List U-22046

Nathan D. Inks	PROTEC (The Michigan Coalition to Protect the Public Rights of Way) and MI-MAUI (Michigan Municipal Association for Utility Issues)	nathan@bloomsfluggett.com
Melissa M. Horne	Walmart, Inc.	mhorne@hcc-law.com