

# Potomac LAW GROUP

**Potomac Law Group PLLC**

1717 Pennsylvania Avenue N.W., Suite 1025 | Washington, D.C. 20006  
T 202.204.3005 | F 202.318.7707 | [www.potomaclaw.com](http://www.potomaclaw.com)

February 10, 2025

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Highway  
P.O. Box 30221  
Lansing, MI 48909

Re: **MPSC Case No. U-21534**

Dear Ms. Felice:

Attached for electronic filing in the above-referenced matter, please find the Petition for Rehearing of the Michigan Energy Innovation Business Council, The Institute for Energy Innovation, and Advanced Energy United, together with the Proof of Service. Thank you for your assistance in this matter.

Very truly yours,

Laura A. Chappelle

LAC/srd  
Enclosure

c. All 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 and )  
rules governing the distribution and supply of )  
electric energy, and for miscellaneous )  
accounting authority. )  
\_\_\_\_\_)

Case No. U-21534

**PETITION FOR REHEARING  
OF THE  
MICHIGAN ENERGY INNOVATION BUSINESS COUNCIL,  
INSTITUTE FOR ENERGY INNOVATION  
AND  
ADVANCED ENERGY UNITED**

Michigan Energy Innovation Business Council (“Michigan EIBC”), the Institute for Energy Innovation (“IEI”) and Advanced Energy United (“United”; collectively “MEIU”)<sup>1</sup> by their attorneys, Potomac Law Group, PLLC, pursuant to Rule 437 of the Rules of Practice and Procedure of the Michigan Public Service Commission (“MPSC” or “Commission”), Michigan Administrative Code R 792.10437, and MCL 460.352 and MCL 8.6, file this Petition for Rehearing (“Petition”) relative to the Commission’s January 23, 2025 Order (“MPSC Order” or the “Order”) in this proceeding. Specifically, this Petition is based upon four claims of error relating to the Commission’s discussion and findings relating to DTE Electric Company’s (“DTE” or the “Company”) time of use (“TOU”) rates in the Order. Three of these consist of omissions of a Commission determination of evidentiary issues and recommendations raised by MEIU. The

---

<sup>1</sup> The positions expressed in this Petition for Rehearing represent those of the Michigan EIBC/IEI and United as organizations and not necessarily the views of individual members of these organizations with respect to any particular issue.

other consists of a requested correction of the Order due to the fact that the Commission perhaps unintentionally credited a position as that of MEIU's when it was, in fact, a position of the Great Lakes Renewable Energy Association ("GLREA").

MEIU therefore respectfully request that the Commission grant this Petition and issue a corrected order to address these issues, as more fully explained below.

### **STANDARD FOR REHEARING**

MPSC Rule 437(1) provides that:

A petition for rehearing based on a claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the basis of the error. A petition for rehearing based on a claim of newly discovered evidence, on facts or circumstances arising subsequent to the close of the record, or on unintended consequences resulting from compliance with the decision or order shall specifically set forth the matters relied upon.

Mich Admin Code R 792.10437(1). The Commission has stated that "[u]nless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing."<sup>2</sup>

MEIU's Petition meets the standard for rehearing due to the fact that the Order, as currently issued, is incorrect and incomplete as it contains several errors due to omissions of determinations of the evidentiary record as they relate to MEIU's positions in the proceeding.

---

<sup>2</sup> October 14, 2004 Commission Order in Case No. U-13716, p. 2.

## ARGUMENT

### **I. The Commission Failed to Rule on MEIU’s Request to Direct DTE to Develop a Secondary TOU Rate Mapped to Rate D4.**

MEIU presented evidence and briefing in this proceeding to support their recommendation that the Commission direct DTE to develop a secondary TOU rate mapped to Rate D4. Specifically, while the Commission directed DTE in its last electric rate case in Case No. U-21297 to propose new TOU rates for commercial and industrial (“C&I”) customers, DTE only proposed one TOU rate for smaller commercial/secondary customers (mapped to Rate D3.11) while failing to propose a similar TOU rate for larger commercial customers on Rate D4. MEIU, therefore, submitted expert testimony, as well as substantiating the legal necessity in briefing, to support a D4 TOU rate that is mapped to be revenue-neutral with Rate D4. MEIU witness Barnes developed such a rate for the Commission’s consideration referred to as “MEIU Schedule D4.1.”<sup>3</sup>

The Commission’s Order, however, is devoid of any mention, let alone determination, of MEIU’s requested Schedule D4.1. MEIU, therefore, claim that this omission was in error and respectfully request that the Commission issue a corrected order that provides a determination of this issue, preferably by adopting MEIU’s recommendation that DTE be directed to adopt a D4 TOU rate that mirrors MEIU’s Schedule D4.1.

### **II. The Commission Failed to Rule on MEIU’s Requested Implementation Schedule for TOU Rate D14.**

MEIU provided evidentiary support and briefing opposing DTE’s proposed 11-month delay after the order issued in this proceeding to implement its proposed new C&I TOU rates. In part, MEIU pointed out that the Company has demonstrated itself able to implement more (and more complicated) TOU rates than the two C&I rates proposed in this proceeding. Similarly, Consumers

---

<sup>3</sup> MEIU Initial Br, pp. 46-50, 52, 55, 57, 62; MEIU Reply Br, p. 13.

Energy Company has implemented TOU rates on a normal implementation schedule (i.e., within one month of Commission approval). For these reasons (and more), MEIU recommended that the Commission require DTE to implement the proposed TOU rates within a *minimum* of three months of a Commission order in this proceeding.<sup>4</sup>

While the Commission discussed these TOU implementation issues,<sup>5</sup> its findings were confined only to that regarding Rate Schedule D3.11. Thus, the Commission stated that:

The Commission finds that MEIU and GLREA both advocate reasonable changes to DTE Electric's proposed Rate Schedule D3.11. Because Rate D3.11 was designed to be revenue neutral, the Commission finds a cap to be unnecessary and agrees with GLREA that the peak rate period in TOU rates can be adjusted in future cases as appropriate. Given the timeline of this rate case, DTE Electric has had a significant amount of time to begin developing D3.11; however, the Commission finds three months for implementation of the rate to be insufficient given DTE Electric's assertion regarding the necessary design, development, and testing activities needed to be completed. DTE Electric's initial brief, p. 320. The Commission directs DTE Electric to complete the implementation of the revised Rate Schedule D3.11 as described in this order no later than June 1, 2025, to allow it to be available to customers during the summer peak period of 2025. . .<sup>6</sup>

The Commission's Order, however, lacks any determination as to MEIU's requested implementation schedule for Rate D14.

MEIU, therefore, claim that this omission was in error and respectfully request that the Commission issue a corrected order that provides an implementation schedule for TOU Rate D14 that is either MEIU's recommended three-month schedule or one that is commensurate with that approved for Rate Schedule D3.11.

---

<sup>4</sup> MEIU Initial Br, pp. 56-59; MEIU Reply Br, p. 12-13.

<sup>5</sup> MPSC Order, pp. 416-420.

<sup>6</sup> MPSC Order, p. 421 (emphasis added).

### **III. The Commission Failed to Address MEIU's Requested TOU Rate Comparison Reports for C&I Customers.**

MEIU presented expert testimony and briefing in this proceeding to support its recommendation that the Commission require DTE to make rate comparison reports for TOU rates available to C&I customers as soon as possible upon the availability of the C&I TOU rate options. Along these lines, MEIU witness Barnes developed a proposed rate comparison report, introduced as Exhibit MEIU-31, that would better enable DTE's customers to evaluate whether one of the TOU rates might be beneficial.<sup>7</sup>

The Commission's Order, however, only briefly references MEIU's requested development of rate comparison tools,<sup>8</sup> and neither discusses nor makes any findings regarding that recommendation. MEIU, therefore, claim that this omission was in error and respectfully request that the Commission issue a corrected order that adopts MEIU's position and requires DTE to provide TOU rate comparison reports to those C&I customers potentially interested in switching to a TOU rate.

### **IV. The Commission's Order Inadvertently Attributes a Position of GLREA's as that of MEIU's.**

While MEIU would not ordinarily raise this issue on its own, to the extent that the Commission corrects the Order in this proceeding, a correction to the Order should be made by appropriately attributing to GLREA, not MEIU, the view described in the following passage:

“Witness Willis also stated that acceptance of ~~MEIU's~~ [GLREA's] proposal of recovering all capacity costs during on-peak periods would create “extraordinarily high summer on-peak rates.” DTE Electric's reply brief, p. ~~138~~ [135](citing 6 Tr 2642) (internal citations omitted). In highlighting why DTE Electric also disputes ~~MEIU and~~ GLREA's arguments, the company states that the TOU rates should be optional, and that, “[i]t would be exceptionally premature to begin any discussion of requiring these rates” such that, as GLREA concedes, discussion “should wait

---

<sup>7</sup> MEIU Initial Br, pp. 59-60; MEIU Reply Br, p. 13.

<sup>8</sup> MPSC Order, p. 420.

for a future rate case.” DTE Electric’s reply brief, p. 136 (citing GLREA’s initial brief, p. 11).” MPSC Order, p. 428 (emphasis added for purposes of correction).

**CONCLUSION**

For the reasons stated herein and presented in MEIU’s testimony, rebuttal testimony, exhibits and Initial and Reply Brief, MEIU respectfully requests that the Commission grant MEIU’s Petition for Rehearing and amend its January 21 Order in order to review the record evidence and provide determinations or corrections on: (1) MEIU’s request to direct DTE to develop a secondary TOU rate mapped to Rate D4; (2) MEIU’s requested implementation schedule for TOU Rate D14; (3) MEIU’s requested TOU rate comparison reports for C&I customers; and (4) MEIU’s requested correction of the party reference on page 428 of the Order.

Respectfully submitted,

Potomac Law Group, PLLC  
Attorneys for the Michigan Energy Innovation  
Business Council, the Institute for Energy  
Innovation and Advanced Energy United

February 10, 2025

By: \_\_\_\_\_  
Laura A. Chappelle (P42052)  
Justin K. Ooms (P82065)  
Potomac Law Group, PLLC  
120 N. Washington Square, Ste. 300  
Lansing, MI 48933  
(517) 281-1515

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

\*\*\*\*\*

In the matter of the Application of )  
**DTE ELECTRIC COMPANY** )  
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-21534**

**PROOF OF SERVICE**

STATE OF SOUTH CAROLINA )  
 ) ss.  
COUNTY OF BERKELEY )

Summer R. Dukes, the undersigned, being first duly sworn, deposes and says that she is a Paralegal at Potomac Law Group PLLC and that on the 10<sup>th</sup> day of February, 2025 she served a copy of the Petition for Rehearing of the Michigan Energy Innovation Business Council, The Institute for Energy Innovation, and Advanced Energy United, via email, upon those individuals listed on the attached Service List via email.

---

Summer R. Dukes

<p><b><u>Administrative Law Judge</u></b>  Honorable Sally L. Wallace  <a href="mailto:Wallaces2@michigan.gov">Wallaces2@michigan.gov</a></p> <p><b><u>The City of Ann Arbor</u></b>  Valerie Jackson  Valerie J.M. Brader  <a href="mailto:vjackson@a2gov.org">vjackson@a2gov.org</a>  <a href="mailto:valerie@rivenoaklaw.com">valerie@rivenoaklaw.com</a></p> <p><b><u>Attorney General Dana Nessel</u></b>  Joel B. King  <a href="mailto:Kingj38@michigan.gov">Kingj38@michigan.gov</a>  <a href="mailto:ag-enra-spec-lit@michigan.gov">ag-enra-spec-lit@michigan.gov</a></p> <p><b><u>DTE Electric Company</u></b>  Jon P. Christinidis  Andrea E. Hayden  Paula Johnson-Bacon  Breanne K. Reitzel  <a href="mailto:Jon.christinidis@dteenergy.com">Jon.christinidis@dteenergy.com</a>  <a href="mailto:Andrea.hayden@dteenergy.com">Andrea.hayden@dteenergy.com</a>  <a href="mailto:Paula.bacon@dteenergy.com">Paula.bacon@dteenergy.com</a>  <a href="mailto:Breanne.reitzel@dteenergy.com">Breanne.reitzel@dteenergy.com</a>  <a href="mailto:mpscfilings@dteenergy.com">mpscfilings@dteenergy.com</a></p> <p><b><u>Michigan Environmental Council (MEC)</u></b>  <b><u>Natural Resources Defense Council (NRDC)</u></b>  Christopher M. Bzdok  Tracy Jane Andrews  Holly L. Hillyer  <a href="mailto:chris@tropospherelegal.com">chris@tropospherelegal.com</a>  <a href="mailto:tjandrews@tropospherelegal.com">tjandrews@tropospherelegal.com</a>  <a href="mailto:holly@tropospherelegal.com">holly@tropospherelegal.com</a></p> <p><b><u>Great Lakes Renewable Energy Association</u></b>  Don L. Keskey  Brian W. Coyer  <a href="mailto:donkeskey@publiclawresourcecenter.com">donkeskey@publiclawresourcecenter.com</a>  <a href="mailto:bwcoyer@publiclawresourcecenter.com">bwcoyer@publiclawresourcecenter.com</a></p>	<p><b><u>MPSC Staff</u></b>  Amit T. Singh  Heather M.S. Durian  Michael J. Orris  Monica M. Stephens  Lori Mayabb  <a href="mailto:Singha9@michigan.gov">Singha9@michigan.gov</a>  <a href="mailto:durianh@michigan.gov">durianh@michigan.gov</a>  <a href="mailto:orrism@michigan.gov">orrism@michigan.gov</a>  <a href="mailto:stephensm11@michigan.gov">stephensm11@michigan.gov</a>  <a href="mailto:mayabbl@michigan.gov">mayabbl@michigan.gov</a></p> <p><b><u>Michigan Energy Innovation Business Council</u></b>  <b><u>Institute for Energy Innovation</u></b>  <b><u>Advanced Energy United</u></b>  <b><u>The Foundry Association of Michigan</u></b>  <b><u>Energy Michigan, Inc.</u></b>  Laura A. Chappelle  Timothy J. Lundgren  Justin K. Ooms  <a href="mailto:lchappelle@potomaclaw.com">lchappelle@potomaclaw.com</a>  <a href="mailto:tlundgren@potomaclaw.com">tlundgren@potomaclaw.com</a>  <a href="mailto:jooms@potomaclaw.com">jooms@potomaclaw.com</a></p> <p><b><u>PROTEC</u></b>  Michael J. Watza  <a href="mailto:Mike.watza@kitch.com">Mike.watza@kitch.com</a></p> <p><b><u>Walmart, Inc.</u></b>  Melissa M. Horne  <a href="mailto:mhorne@hcc-law.com">mhorne@hcc-law.com</a></p> <p><b><u>UWUA Local 223</u></b>  Benjamin King  <a href="mailto:bking@michworkerlaw.com">bking@michworkerlaw.com</a></p> <p><b><u>The Kroger Co.</u></b>  Kurt J. Boehm  Jody Kyler Cohn  Justin Bieber  <a href="mailto:kboehm@bkllawfirm.com">kboehm@bkllawfirm.com</a>  <a href="mailto:jkylercohn@bkllawfirm.com">jkylercohn@bkllawfirm.com</a>  <a href="mailto:jbieber@energystrat.com">jbieber@energystrat.com</a></p>
---	--

**EVgo Services, LLC**

Nikhil Vijaykar  
David Nacht  
Alicia Zaloga  
Lindsey Stegall  
Michael G. Oliva  
[nvijaykar@keyesfox.com](mailto:nvijaykar@keyesfox.com)  
[dnacht@nachtlaw.com](mailto:dnacht@nachtlaw.com)  
[azaloga@keyesfox.com](mailto:azaloga@keyesfox.com)  
[lindsey.stegall@evgo.com](mailto:lindsey.stegall@evgo.com)  
[moliva@fosterswift.com](mailto:moliva@fosterswift.com)

**Association of Businesses Advocating Tariff**

**Equity (ABATE)**

Stephen A. Campbell  
Michael J. Pattwell  
[scampbell@clarkhill.com](mailto:scampbell@clarkhill.com)  
[mpattwell@clarkhill.com](mailto:mpattwell@clarkhill.com)

**Environmental Law & Policy Center (ELPC)**

**Union of Concerned Scientists, Inc.**

**Vote Solar**

**The Ecology Center**

Nicholas N. Wallace  
Daniel Abrams  
Alonda Estrada  
[nwallace@elpc.org](mailto:nwallace@elpc.org)  
[dabrams@elpc.org](mailto:dabrams@elpc.org)  
[aestrada@elpc.org](mailto:aestrada@elpc.org)

**Soulardarity**

**We Want Green, Too**

Amanda Urban  
Mark N. Templeton  
Jacob R. Schuhardt  
D. Samuel Heppell  
Madison S. Wilson  
[t-9aurba@lawclinic.uchicago.edu](mailto:t-9aurba@lawclinic.uchicago.edu)  
[templeton@uchicago.edu](mailto:templeton@uchicago.edu)  
[jschuhardt@uchicago.edu](mailto:jschuhardt@uchicago.edu)  
[heppel@uchicago.edu](mailto:heppel@uchicago.edu)  
[madisonwilson@uchicago.edu](mailto:madisonwilson@uchicago.edu)

**Electrify America, LLC**

Jennifer Morante  
Stephen Bright  
Krystal D. Hermiz  
[jmorante@grsm.com](mailto:jmorante@grsm.com)  
[steve.bright@electrifyamerica.com](mailto:steve.bright@electrifyamerica.com)  
[khermiz@grsm.com](mailto:khermiz@grsm.com)

**Michigan Cable Telecommunications**

**Association**

Sean P. Gallagher  
[sgallagher@fraserlawfirm.com](mailto:sgallagher@fraserlawfirm.com)

**International Transmission Company**

Richard J. Aaron  
Olivia R.C.A. Flower  
Hannah E. Buzolits  
Courtney F. Kissel  
[raaron@dykema.com](mailto:raaron@dykema.com)  
[oflower@dykema.com](mailto:oflower@dykema.com)  
[hbuzolits@dykema.com](mailto:hbuzolits@dykema.com)  
[ckissel@dykema.com](mailto:ckissel@dykema.com)

**Intervenor EVgo Services LLC**

Michael G. Oliva  
[moliva@fosterswift.com](mailto:moliva@fosterswift.com)