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April 22, 2026

VIA ELECTRONIC CASE FILING

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

Re: Case No. U-22061 – In the matter of the Application of DTE ELECTRIC COMPANY for approval of amendments to Rate D11 and related relief.

Dear Executive Secretary:

Enclosed for filing please find the **Association of Businesses Advocating Tariff Equity's Unopposed Petition to Intervene** and **Proof of Service** in the above-referenced matter.

Sincerely,

CLARK HILL PLC

Stephen A.
Campbell

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SAC/lkd

cc: Parties of Record

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
DTE ELECTRIC COMPANY	)	Case No. U-22061
for approval of amendments to Rate D11	)	
and related relief.	)	ALJ Katherine E. Talbot
_____	)	

UNOPPOSED PETITION TO INTERVENE OF THE
ASSOCIATION OF BUSINESSES ADVOCATING TARIFF EQUITY

The Association of Businesses Advocating Tariff Equity (“ABATE”), by and through its attorneys, Clark Hill PLC, hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in the captioned proceeding pursuant to Mich Admin Code, R 792.10410 (“Rule 410”) of the Commission’s Rules of Practice and Procedure. In support of this petition, ABATE states as follows:

1. ABATE is a voluntary association of large industrial companies that conduct business throughout the state of Michigan. The primary purpose of ABATE is to participate in state and federal regulatory proceedings to protect the interests of businesses in connection with energy and utility matters. To that end, ABATE consistently advocates for cost-of-service based energy rates, equitable terms of service, and increased access to a competitive energy market. ABATE is also interested in assuring that rates, surcharges, and conditions of service are adopted in conformance with the law and in a fair and reasonable manner.

2. Collectively, ABATE’s members employ nearly 100,000 Michiganders and spend approximately \$1.5 billion on energy and related services in Michigan each year. As the representative of such large users of electricity, natural gas, and transportation services, ABATE

is vitally interested in achieving increased economic efficiencies for the utilities that serve its members.

3. Present members of ABATE include: Amrize Cement, Inc., Cleveland Cliffs, Cargill, Inc., Charles River Laboratories, Corning, Inc., Edward C. Levy Co., Enbridge Energy, Limited Partnership, Ervin Industries Inc., Stellantis, Gerdau MacSteel INC., General Motors LLC, Graphic Packaging International, Inc., Hemlock Semiconductor Operations LLC, J. Rettenmaier USA LP, Marathon Petroleum Company LP, Martin Marietta Magnesia Specialties LLC, Metal Technologies, Inc., Occidental Chemical Corporation, Pfizer Inc., The Dow Chemical Company, Linde, Inc., United States Gypsum Company, and Zoetis LLC.

4. ABATE members are directly impacted by the issues raised in this proceeding and have a substantial interest therein because, as customers of DTE Electric Company (“DTE” or “Company”), ABATE’s members are affected by the proposals made in the Company’s application in this proceeding, including its request for approval of amendments to Rate Schedule D11 to serve new large load customers and for related relief.

5. Although Rule 410 speaks 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.¹ 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

¹ 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.

endangered fall within the zone of interests intended to be protected or regulated by the statute or constitutional guarantee in question.²

6. ABATE meets the two-prong test for standing because, as they take service from the Company, ABATE's members have a direct financial interest in the amount, rates, terms, programs, and conditions of service for the Company's customers. If authorized by the Commission, the proposals set forth in the Company's Application will have a direct impact on the rates that ABATE members pay and the terms, programs, and conditions of service to which they are subject. ABATE's interest in the adoption of reasonable and prudent utility rates, programs, and terms of service falls within the zone of interests to be protected by the Commission's consideration of the issues in this proceeding.

7. In addition to meeting the conditions for intervention by right, ABATE 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."³ Permissive intervention has also been granted where a proceeding "raises novel questions and important issues of policy" and the intervenor will "bring a unique perspective" to the case.⁴

8. ABATE has regularly participated in electric and natural gas proceedings before the Commission and federal regulatory bodies for over three decades. As in prior cases, ABATE

² *In re Consumers Energy for authority to implement a power supply cost recovery plan*, MPSC Case No. U-17317, March 6, 2014, Order, p 4 (emphasis added).

³ *In re Michigan Consolidated for authority to increase its rates*, MPSC Case No. U-10150, December 8, 1992, Order, p 5.

⁴ *In re Consumers Energy 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. U-11057, June 5, 1996, Order, pp 2-3.

will provide the Commission with useful and unique information through the testimony of its experts. ABATE will also scrutinize the reasonableness and prudence of the Company's proposals through necessary and appropriate means. These efforts will assist the Commission in making significant policy determinations in this case and will "bring helpful information to the Commission's attention that might not otherwise be available."⁵ As such, ABATE meets the test for permissive intervention.

9. ABATE will carefully examine the reasonableness and prudence of the Company's requests and proposals.

10. ABATE will take the position that the Company's Application, including but not limited to the proposal(s) described above, should be carefully scrutinized and any unjustified, unsubstantiated, imprudent, unreasonable, or unlawful deficiencies, costs, proposals, or mechanisms should be disallowed.

11. ABATE will seek an order in this proceeding approving rates, terms, programs, and conditions of service which are just, fair, reasonable, and lawful.

12. Under Rule 410 "[a] petition for leave to intervene that is not filed in a timely manner may be granted upon a showing of good cause and a showing that a grant of the petition will not delay the proceeding or unduly prejudice any party to the proceeding."

13. The Commission has previously held that "the requisite 'good cause' can be met based upon a party being unaware of the proceedings, or their prospective interest in the matter, until after the deadline, as well as demonstrating a unique perspective or interest in the case." *In the matter, on the Commission's own motion*, MPSC Case No. U-18091, February 21, 2019 Order

⁵ *In the Matter, on the Commission's own motion*, MPSC Case No. U-18091, February 21, 2019, Order, p 9.

p 8;⁶ see also *In the matter on the application of DTE Gas Company*, MPSC Case No. U-17691, November 22, 2016 Order p 7 (“the Commission would benefit from [the prospective intervenor’s] unique perspective and information supplied in this case . . . This constitutes good cause”);⁷ *In the matter of the application of ITC*, MPSC Case No. U-16200, May 15, 2013 Order p 6 (“The Commission is persuaded that there is good cause for the [intervenor] to be afforded the opportunity to offer evidence regarding the issue remanded to the Commission by the court, and no other party will adequately represent the [intervenor]’s interests in this matter”); *In the matter of the application of ITC*, MPSC Case No. U-14933, May 17, 2007 Order p 9-10 (granting Consumers Energy’s late petition to intervene after determining that “Consumers may also see its costs increase” which “suggests that . . . Consumers may have interests in the proceedings that will not be protected by any of the other existing parties”).⁸

14. For the reasons set forth above, there is good cause to grant ABATE’s Unopposed Petition to Intervene. Specifically, due to its membership and the interests to be affected in this proceeding, as well as its history and experience in electric and natural gas proceedings before the

⁶ The Commission in this case found in part “that the prospective intervenors offer a unique perspective that will assist the Commission in reaching a reasonable and prudent final decision in this case” and granted late intervention over DTE Electric Company’s argument that good cause did not exist because the prospective intervenors “did not ‘deny knowledge of the existence of this proceeding’ and that such knowledge ‘precludes the possibility for good cause for late intervention.’” *In the Matter, on the Commission’s own motion*, MPSC Case No. U-18091, February 21, 2019 Order p 7-8.

⁷ Again, in this case the Commission granted late intervention over DTE Gas Company’s argument that “there is no good cause because there was no defective notice of hearing or other procedural irregularity that would warrant late intervention.” *In the matter on the application of DTE Gas Company*, MPSC Case No. U-17691, November 22, 2016 Order p 3.

⁸ See also Case No. U-20429, 1 Tr 20-22, where although the presiding ALJ stated that “I don’t believe that I am setting any precedent that can be followed in the future,” the ALJ also stated that “I do not believe that a defective notice or procedural irregularity is required for good cause, and I believe that for a small delay where there are no real claims of prejudice arising from the delay, we can be flexible and consider the myriad competing demands on the parties.”

Commission and federal regulatory bodies, ABATE provides a unique and unrepresented perspective and interest in this case which will assist the Commission in reaching a reasonable and prudent final decision.

15. Furthermore, ABATE's intervention will not delay the proceeding or unduly prejudice any party to the proceeding. The prehearing for this proceeding has not occurred and no schedule has been established.

16. ABATE contacted the additional parties to this proceeding prior to filing this petition, including the Company and Commission Staff, and did not receive any objection to ABATE's intervention.

17. The interests of ABATE and its members are not adequately represented by the present parties and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

18. ABATE reserves the right to take other positions and/or seek other relief based on a review of the various filings, the responses to discovery, or positions taken in briefs.

WHEREFORE, ABATE requests that the Commission grant ABATE's Unopposed Petition to Intervene in and be treated as a full party hereto. ABATE further requests that the parties serve copies of all pleadings and correspondence in these proceedings to the offices of its counsel listed below and to its consultant(s):

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Respectfully submitted,

CLARK HILL PLC

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Date: April 22, 2026

* * * * *

ALJ Katherine E. Talbot

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