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August 4, 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 Direct Testimony & Exhibits of James Dauphinais*** 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 for approval of amendments to Rate D11 and related relief.	))))	**Case No. U-22061**

Direct Testimony and Exhibits of

James R. Dauphinais

On behalf of

Association of Businesses Advocating Tariff Equity

August 4, 2026

BRUBAKER & ASSOCIATES, INC.

Project 12053

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of the Application of DTE ELECTRIC COMPANY for approval of amendments to Rate D11 and related relief.	))))	**Case No. U-22061**

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of the Application of DTE ELECTRIC COMPANY for approval of amendments to Rate D11 and related relief.	))))	**Case No. U-22061**

Direct Testimony of James R. Dauphinais

I. INTRODUCTION

Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140, Chesterfield, MO 63017.

Q WHAT IS YOUR OCCUPATION?

A I am a consultant in the field of public utility regulation and a Managing Principal with the firm of Brubaker & Associates, Inc. ("BAI"), energy, economic and regulatory consultants.

Q PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.

A This information is included in Appendix A to my testimony.

Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

A I am appearing on behalf of the Association of Businesses Advocating Tariff Equity ("ABATE"). ABATE consists of large usage customers that purchase substantial amounts of electric power and/or delivery service from DTE Electric

Company ("DTE" or the "Company"). They primarily take service under DTE Rate D8, Rate D11, Rider 3 and/or Rider 10.

Q HAVE YOU PRESENTED TESTIMONY IN PRIOR ELECTRIC REGULATORY PROCEEDINGS BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION ("COMMISSION")?

A Yes. Over my 29 years of employment by BAI, I have provided testimony to the Commission on several occasions regarding issues that include electric rate design, class cost of service, Power Supply Cost Recovery ("PSCR"), standby service rates, resource planning, transmission planning and transmission line routing. In recent years this has included providing testimony in the most recent general rate cases of Consumers Energy Company ("Consumers") (Case Nos. U-20963, U-21224, U-21389, U-21585 and U-21870), DTE (Case Nos. U-18014, U-18255, U-20162, U-20561, U-20836, U-21297, U-21534 and U-21860) and Indiana Michigan Power Company (Case Nos. U-18370, U-20359 and U-21461), as well as in the original Section 6w State Reliability Mechanism ("SRM") Capacity Charge proceedings of Consumers (Case No. U-18239) and DTE (Case No. U-18248). I also provided testimony in the 2020 PSCR Reconciliation cases of Consumers (Case No. U-20526) and DTE (Case No. U-20528), as well as the most recent Integrated Resource Plan ("IRP") proceedings of Consumers (Case No. U-21090), DTE (Case No. U-21193) and Indiana Michigan Power Company (Case No. U-21189). Additionally, I provided testimony in the large load addition tariff amendment cases of Consumers (Case No. U-21859) and Indiana Michigan Power Company (Case No. U-21986). Most recently, I provided testimony in the DTE Google data center load special contracts proceeding (Case No. U-22058).

Q WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A I address DTE's March 18, 2026 proposal in this proceeding to amend Rate D11 of its tariff in order to comply with the Commission's December 18, 2025 order in Case No. U-21990 which, in part, required DTE to "file an application for approval of a generally applicable large load tariff that aligns with the findings in the November 6, 2025 order in Case No. U-21859."[1] DTE's proposal would amend DTE Rate D11 to include a new "Large Load Provision" that would be applicable to all incremental load that is either: (i) greater than 100 MW at a single site, or (ii) greater than 100 MW across multiple sites in DTE's service territory, with an average site size of greater than 20 MW, which will begin taking service within five years.[2]

My silence with respect to any position taken by DTE in its application or direct testimony in this proceeding should not be interpreted as an endorsement of that position.

Q PLEASE SUMMARIZE YOUR CONCLUSIONS IN THIS PROCEEDING.

A While DTE's filed proposal provides superior protections for DTE's other customers relative to what the Commission required of Consumers in the Commission's November 6, 2025 order in Case No. U-21859 in several areas,[3] DTE's proposal falls short of what the Commission required of Consumers in Case No. U-21859 with respect

[1] Case No. U-21990, December 18, 2025 order at 45.
[2] Exhibit A-1 at 4.
[3] Examples of superior protections for DTE's other customers include what DTE has proposed with respect to the maximum ramp up length (3 years), requiring a termination fee floor (24 months of minimum billing demand multiplied by prevailing demand charges), not permitting a reduction in Contracted Capacity, and reducing DTE's Contribution in Aid of Construction ("CIAC") allowance for Large Load Provision customers to be no more than two times their annual distribution revenue. Note, however, that while DTE Witness Willis describes this allowance as two times expected annual distribution revenue, Exhibit A-1 omits the word "annual," a discrepancy I address in Section VIII of my testimony. *See* Exhibit A-1 at 4-6 and DTE Response to Data Requests AGDE-1.5h, NRDCSCDE-1.12 and STDE-2.3. A copy of all data request responses cited to in this testimony can be found in Exhibit AB-1 in alphanumeric order.

to: (i) Commission review of individual Large Load Provision customer contracts and (ii) collateral requirements. Furthermore, DTE has not proposed annual reporting on the Large Load Provision comparable to that proposed by Consumers, and ordered by the Commission, in Case No. U-21859.[4]

Also, while DTE, consistent with the Commission's November 6, 2025 order in Case No. U-21859, has structured its proposed Large Load Provision to serve the affected customers under DTE's standard large Commercial and Industrial ("C&I") rate, Rate D11, new facts in DTE's current rate proceeding in Case No. U-22046 may lead to the Commission concluding that the customers subject to the Large Load Provision should be placed in their own separate rate class or rate classes, rather into the D11 rate class. Furthermore, while DTE has proposed an applicability provision comparable to that which the Commission ordered for Consumers in Case No. U-21859, as further experience is gained with respect to large load additions, it will likely become clearer which specific types and sizes of customers should be subject to the Large Load Provision. These types and sizes could potentially just include computational loads or involve different MW applicability thresholds for computational load versus traditional manufacturing load.

Finally, several terms of DTE's proposed Large Load Provision do not ensure that the costs caused by a Large Load Provision customer will be borne by that customer. The minimum monthly charge, the termination fee and the required collateral are each derived from the prevailing Rate D11 demand charges, which are charges based on the average embedded cost to serve DTE's customers as a whole rather than a measure of the incremental cost DTE will incur to serve a new large load addition. The proposed Large Load Provision provided in Exhibit A-1 is also

[4] Case No. U-21859, November 6, 2025 Order at 120-121.

inconsistent with the direct testimony of DTE Witness Aaron Willis in several respects and contains ambiguities that should be corrected before DTE's proposed Large Load Provision is approved. I address these matters in Sections VII and VIII of my testimony.

Q PLEASE SUMMARIZE YOUR RECOMMENDATIONS TO THE COMMISSION.

A As explained in detail in my testimony herein and for the reasons summarized above, I recommend that the Commission:

- Require DTE, prior to each new customer subject to the Large Load Provision taking service, to make an *ex parte* filing in a new docket that demonstrates both compliance with the Large Load Provision tariff requirements approved by the Commission in this proceeding, and that costs caused by the interconnecting customer to be served under the Large Load Provision are not being paid for by other customers. In making the demonstration, DTE should include in its filing any modeling or cost of service studies that support that demonstration.

- Require DTE's proposed collateral provisions for its Large Load Provision to provide the same minimum protections for other customers as it required of Consumers in Case No. U-21859 by: (i) not allowing DTE to reduce the collateral requirement of a customer to less than 50% of the customer's termination fee; and (ii) not permitting the use of parent guarantees unless DTE seeks and receives approval from the Commission to do so.

- Require DTE, to the extent it proposes a collateral amount less than 50% of a new Large Load Provision customer's termination fee and/or proposes to allow the customer to use a parent guarantee, to include this information in its *ex parte* filing for service to that customer and demonstrate the reasonableness and prudence of the alternative collateral provisions.

- Require DTE to file an annual Large Load Report to the Commission identifying:
  - The number of Large Load Provision administrative fees assessed;
  - The number of Large Load Provision executed contract agreements;
  - Aggregate Large Load Provision MWs in service;
  - Aggregate Large Load Provision MWhs in service;
  - Contracted capacity increases and associated MW increases;

- Any instance in which DTE agreed to terms less protective of other customers than the Large Load Provision tariff defaults and the basis for doing so;

- Administrative fees assessed as compared to the actual cost of the studies performed; and

- Notices of termination of contract and termination fees applied.[5]

- Require DTE to demonstrate in its *ex parte* filing for each Large Load Provision customer that the proposed termination fee and collateral amount are sufficient to recover the remaining unrecovered incremental cost of the production, transmission and distribution investment DTE will make to serve that customer, and to identify any residual cost exposure that would remain with other customers.

- Require that any exercise of discretion by DTE under the Large Load Provision that results in terms less protective of other customers than the tariff default be disclosed in DTE's *ex parte* filing for that customer and that DTE demonstrate the reasonableness and prudence of the departure.

- Require that the minimum monthly charge, termination fee and collateral of a Large Load Provision customer be calculated using the full service Rate D11 demand charges then in effect, without regard to any subsequent change in the customer's power supply arrangement unless a change to the calculation for these amounts is explicitly approved by the Commission.

- Require the administrative fee to operate as a non-refundable minimum deposit against the actual cost of the studies performed, with any cost in excess of the fee billed to the prospective customer.

- Require the Large Load Provision to apply to any large load addition, other than those that are the subject of Case Nos. U-21990 and U-22058, that is not already taking service as of the effective date of the tariff approved in this proceeding, and clarify that the Large Load Provision establishes minimum requirements only and does not limit the case-specific conditions the Commission may impose in any pending or future proceeding involving service to an individual large load customer.

- Direct DTE to file a revised Exhibit A-1 correcting the defects and ambiguities identified in Section VIII of my testimony, including conforming the termination fee to a minimum rather than a maximum, conforming the definition of ramp period to start at the time the customer's contract is fully executed, including the word "annual" in the Contribution in Aid of Construction allowance provision, and strengthening the assignment language.

[5] Note these recommended annual reporting requirements do not include reporting on reductions in Contracted Capacity because DTE, under its proposed Large Load Provision, does not permit a reduction in Contracted Capacity by Large Load Provision customers.

In addition, I recommend that the Commission clarify that it is not, in this proceeding, making a final decision with respect to whether Large Load Provision customers shall be served under Rate D11, or instead under a separate dedicated rate class or rate classes. Finally, I recommend that the Commission periodically revisit the type and size of load additions that are subject to the Large Load Provision as better information on the actual entrance of super-scalar data center loads, the principal driver in the electric utility industry of the need for such special provisions, becomes better understood. That better understanding will likely provide much better clarity with respect to the MW size and/or type of new load additions that truly require special provisions to ensure such provisions are not applied more broadly than necessary, such that they unduly inhibit traditional economic development.

II. COMMISSION REVIEW OF INDIVIDUAL CONTRACTS

Q HAS DTE, IN ITS APPLICATION AND DIRECT TESTIMONY IN THIS PROCEEDING, PROPOSED TO FILE EACH LARGE LOAD PROVISION CUSTOMER CONTRACT WITH THE COMMISSION PRIOR TO PROVIDING SERVICE?

A No, it has not done so.

Q IN ITS NOVEMBER 6, 2025 ORDER IN CASE NO. U-21859, DID THE COMMISSION REQUIRE CONSUMERS TO FILE EACH CONSUMERS LARGE LOAD PROVISION CUSTOMER CONTRACT WITH THE COMMISSION PRIOR TO SERVICE BEING PROVIDED TO THE SUBJECT LARGE LOAD PROVISION CUSTOMER?

A Yes. Specifically, the Commission ordered the following:

> Prior to each large load customer taking service under the General Primary Demand Rate -- Rate GPD provisions approved in this order, Consumers Energy Company shall make an *ex parte* filing in a new docket that demonstrates compliance with the tariff requirements

> approved in this order, and that demonstrates that costs caused by the interconnecting large load customer to be served under the tariff are not being paid for by other customers. Consumers Energy Company shall include in the filing any modeling or cost of service studies that support this demonstration. If setting a collateral amount for a large load customer under General Primary Demand Rate—Rate GPD above or below the default provision approved in this order, Consumers Energy Company shall include this information in the application and demonstrate the reasonableness and prudence of the alternative collateral amount.[6]

Q DID THE COMMISSION, IN ITS NOVEMBER 6, 2025 ORDER, EXPLAIN WHY IT WAS IMPOSING THIS REQUIREMENT ON CONSUMERS?

A Yes. Among other things, the Commission noted:

> A core tenet of ratemaking is that customers are responsible for the costs they impose on the system and the costs required to serve them. Residential, commercial, and other industrial customers should not have to pay for investments driven solely by large load additions.
>
> … these costs should not be socialized due to their magnitude and unprecedented character, including the high load factor, 24/7/365 demand profile, and the fact that the vast majority of new generation and transmission investments will be driven by such a small number of discrete loads.
>
> … the Commission notes that much of the evidence presented in terms of the costs of serving these large load customers omitted generation resources, including the costs for these additional resources.
>
> … Without better understanding how these large new loads will be served and the costs involved in doing so, it is impossible for the Commission to understand whether existing customers will end up bearing a portion of such costs.[7]

[6] Case No. U-21859, November 6, 2025 order at 124-125.
[7] Case No. U-21859, November 6, 2025 order at 116-117.

Q ARE SIMILAR FACTS AND CIRCUMSTANCES TO THOSE IN CASE NO. U-21859 PRESENT IN THIS CURRENT PROCEEDING WITH RESPECT TO DTE AND ITS PROPOSED LARGE LOAD PROVISION?

A Yes. DTE's proposed minimum monthly charge and termination fee under its Large Load Provision are based on applying a minimum billing demand of 80% of the customer's contract capacity to the prevailing Rate D11 power supply and distribution demand charges.[8] As such, they are not based on the actual cost of the incremental production, transmission, and distribution costs DTE will incur to serve Large Load Provision customers. Furthermore, in response to discovery, DTE admitted it does not at this time know the incremental production facility costs, transmission upgrade costs, customer facility-interconnection costs, other distribution costs, or Public Act 235 compliance requirement costs that it will incur to serve Large Load Provision customers.[9] These load additions potentially provide the opportunity to collect a significant new contribution toward the utility's average embedded fixed costs to the benefit of the utility's existing customers to the extent the contracted load fully materializes, remains fully materialized, and provides non-fuel revenues greater than the utility's incremental fixed cost to serve that load. However, they also present a significant cost subsidy risk to the utility's existing customers if either: (i) the non-fuel revenues from the fully materialized load are less than the incremental fixed costs incurred by the utility to serve the load; or (ii) the load fails to fully materialize (or fails to remain fully materialized) such that the non-fuel revenues from the load fall far enough below what was projected that they no longer cover the incremental fixed costs the utility incurred to serve that new load. Central to these issues is knowing the projected incremental fixed costs that will need to be incurred by the utility to serve

[8] DTE Witness Willis Direct at AW-11 through AW-12.
[9] DTE Response to Data Request AGDE-1.12 through AGDE-1.16.

each load addition – something that cannot be known for each Large Load Provision customer until DTE actually enters into a proposed contract with that customer.

Q WHAT IS YOUR RECOMMENDATION TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A Consistent with its November 6, 2025 order in Case No. U-21859, the Commission should require DTE, prior to each new customer subject to the Large Load Provision taking service, to make an *ex parte* filing in a new docket that demonstrates both compliance with the Large Load Provision tariff requirements approved by the Commission in this proceeding, and that costs caused by the interconnecting customer to be served under the Large Load Provision are not being paid for by other customers. As in Case No. U-21859 with respect to Consumers, in making the demonstration to the Commission, DTE should include in its filing any modeling or cost of service studies that support that demonstration.

III. COLLATERAL PROVISIONS

Q PLEASE BRIEFLY SUMMARIZE DTE'S PROPOSED COLLATERAL PROVISIONS UNDER ITS PROPOSED LARGE LOAD PROVISION.

A DTE proposes the default collateral amount to be equal to 100% of the customer's termination fee, but also proposes that it be able, at its sole discretion, to lower the collateral amount based on the specific risk profile of a given customer.[10] In addition, DTE proposes, at its sole discretion and determination, to require a letter of credit, cash, parent guarantee, or a combination thereof, as collateral.[11]

[10] DTE Witness Willis at AW-13 through AW-14 and Exhibit A-1 at 6.
[11] *Id.*

Q ARE THESE PROPOSED COLLATERAL PROVISIONS SUBSTANTIVELY DIFFERENT THAN THOSE ORDERED BY THE COMMISSION FOR CONSUMERS IN CASE NO. U-21859?

A Yes. In Case No. U-21859, the default collateral amount was set at 50% of the termination fee and the default acceptable forms of collateral were limited to a standby irrevocable letter of credit or cash.[12] In addition, the Commission indicated that Consumers could not deviate either below or above these default requirements without approval from the Commission on a case-by-case basis.[13] DTE's proposal would allow DTE to lower the required collateral amount for a Large Load Provision customer below 50% of the customer's termination fee without Commission review and/or allow DTE to accept a parent guarantee for all or some of a customer's collateral amount without Commission review. This is highly problematic for DTE's other customers to the extent DTE is not being held responsible for any shortfall in a Large Load Provision customer's collateral from the unpaid amounts owed by that customer to DTE. This could result in DTE's other customers being responsible for some or all of the incremental fixed costs incurred by DTE to serve the Large Load Provision customer in the event the customer fails to pay amounts it owes to DTE under its contract with DTE.

Q HAS DTE PROVIDED ANY EVIDENCE THAT SUPPORTS IT BEING GIVEN DISCRETION WITH RESPECT TO COLLATERAL PROVISIONS THAT CONSUMERS WAS NOT GIVEN IN CASE NO. U-21859?

A No.

[12] Case No. U-21859, November 6, 2025 order at 112-113.
[13] *Id.*

Q WHAT DO YOU RECOMMEND WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission:

- Require that DTE's proposed collateral provisions for its Large Load Provision provide the same minimum protections for other customers as it required Consumers to provide in U-21859 by: (i) not allowing DTE to reduce a customer's collateral requirement to less than 50% of the customer's termination fee; and (ii) not permitting the use of parent guarantees unless DTE seeks and receives approval from the Commission to do so; and

- Require DTE, to the extent it proposes that a new Large Load Provision customer's collateral amount be less than 50% of the customer's termination fee, and/or proposes to allow the customer to use a parent guarantee, include this information in DTE's *ex parte* filing for service to that customer and demonstrate the reasonableness and prudence of the alternative collateral provisions.

IV. ANNUAL REPORTING

Q HAS DTE PROPOSED ANY ANNUAL REPORTING TO THE COMMISSION WITH RESPECT TO ITS PROPOSED LARGE LOAD PROVISION?

A No.

Q WHAT DID THE COMMISSION ORDER WITH REGARD TO ANNUAL REPORTING IN CASE NO. U-21859?

A The Commission, in its November 6, 2025 order in Case No. U-21859, required the following:

> Consumers Energy Company shall provide annual reporting in the instant docket as described in this order, which shall commence no later than 12 months from the date that Consumers Energy Company enters into a contract with a prospective General Primary Demand Rate—Rate GPD customer under the large load provisions, as described in this order.[14]

[14] Case No. U-21859, November 6, 2025 order at 124.

The annual reporting required of Consumers, which its tariff refers to as the Data Center Provision, included:

- The number of administrative fees assessed.
- The number of executed contract agreements.
- Aggregate Data Center Provision MWs in service.
- Aggregate Data Center Provision MWhs in service.
- Notices of reduction to capacity requests and associated MW reduction.
- Contracted capacity increases and associated MW increases.
- Notice of termination of contract and exit fee applied.[15]

Q HAS DTE PROVIDED ANY REASON IN ITS APPLICATION DIRECT TESTIMONY WITH RESPECT TO WHY IT SHOULD BE EXCUSED FROM SIMILAR REPORTING FOR ITS LARGE LOAD PROVISION?

A No.

Q WHAT IS YOUR RECOMMENDATION TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require DTE to file an annual Large Load Report to the Commission identifying:

- The number of Large Load Provision administrative fees assessed;
- The number of Large Load Provision executed contract agreements;
- Aggregate Large Load Provision MWs in service;
- Aggregate Large Load Provision MWhs in service;
- Contracted capacity increases and associated MW increases;

[15] Case No. U-21859, November 6, 2025 order at 120-121 and 3 Tr. 88.

- Any instance in which DTE agreed to terms less protective of other customers than the Large Load Provision tariff defaults, and the basis for doing so;
- Administrative fees assessed as compared to the actual cost of the studies performed; and
- Notices of termination of contract and termination fees applied.[16]

V. RATE D11 OR SEPARATE TARIFF RATE

Q UNDER ITS PROPOSED LARGE LOAD PROVISION, DOES DTE PROPOSE TO SERVE LARGE LOAD PROVISION CUSTOMERS UNDER ITS STANDARD COMMERCIAL AND INDUSTRIAL PRIMARY SERVICE RATE, RATE D11, OR UNDER A NEW SEPARATE TARIFF RATE?

A It has proposed to serve them under Rate D11.

Q IS THIS CONSISTENT WITH WHAT THE COMMISSION ORDERED IN CASE NO. U-21859 FOR CONSUMERS?

A It is, but it is important to note that, in that proceeding, the Commission also noted that it "acknowledges the concerns expressed by ABATE and MNSC and notes that this decision does not preclude the creation of a separate rate class at a future time in the context of a separate proceeding such as a rate case."[17] In addition, the Commission also required Consumers to file at least six class cost of service and rate design proposals prior to its next rate case proceeding that examined placing the large load addition customers into their own separate rates class and placing each large load addition customer into its own separate rate class.[18] Furthermore, the Commission has

[16] Note these recommended annual reporting requirements do not include reporting on reductions in Contracted Capacity because DTE, under its proposed Large Load Provision, does not permit a reduction in Contracted Capacity by Large Load Provision customers.

[17] Case No. U-21859, November 6, 2025 order at 105.

[18] Case No. U-21859, November 6, 2025 order at 115.

already imposed this filing requirement on DTE in the Commission's order on the Oracle data center load addition special contracts in Case No. U-21990, and DTE has submitted the required class cost of service studies and rate design proposals in its currently pending rate proceeding in Case No. U-22046.

Given this, there is a very high likelihood that the new evidence being presented and reviewed in Case No. U-22046 may lead to the conclusion that the Oracle data center load that was the subject of Case No. U-21990, the Google data center load that is the subject of Case No. U-22058, and customers served under the Large Load Provision proposed by DTE in this current proceeding should either be served together under a new rate, or that they should each be served under their own individual separate rate. Therefore, it is important for the Commission to be clear in its order in this proceeding that any decision it makes in this current proceeding with respect to whether Large Load Provision customers are served under Rate D11, under a separate rate, or each individually under a separate rate is subject to the outcome of future rate proceedings, including Case No. U-22046.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission clarify that it is not, in this proceeding, making a final decision with respect to whether Large Load Provision customers shall be served under Rate D11, or instead under a separate dedicated rate class or rate classes. Specifically, any decision it makes with respect to this issue in this proceeding is preliminary and subject to the outcome of future rate proceedings including Case No. U-22046.

VI. APPLICABILITY OF LARGE LOAD PROVISION

Q TO WHAT CUSTOMERS HAS DTE PROPOSED ITS LARGE LOAD PROVISION APPLY?

A DTE has proposed its Large Load Provision be applicable to all incremental load that is either: (i) greater than 100 MW at a single site; or (ii) greater than 100 MW across multiple sites in DTE's service territory, with an average site size of greater than 20 MW, which will begin taking service within five years.[19]

Q IS THIS CONSISTENT WITH WHAT THE COMMISSION ORDERED WITH RESPECT TO CONSUMERS IN CASE NO. U-21859?

A Yes, but it is important to consider that the issue of large load additions continues to evolve and, as a result, the applicability threshold that the Commission ordered in Case No. U-21859, and the one it adopts for DTE in this current proceeding, will likely need to evolve as well. As I have previously testified to the Commission, it is not reasonably deniable that the principal driver of additional tariff protections related to large load additions has been and continues to be the boom in proposed data center load additions, particularly super-scalar data centers.[20] These large load additions are typically extremely large (300 MW or larger)[21] and can involve greater risk of stranded assets for utilities and their existing customers than is typically presented by traditional

[19] Exhibit A-1 at 4.
[20] Case No. U-21986 at 2 Tr. 106.
[21] For my rebuttal testimony in Case No. U21859, I preformed an analysis of Consumers' then current economic development pipeline. That analysis showed that over 93% of the total MWs of proposed large load additions in Consumers' economic development pipeline were 300 MW or larger in size (Case No. U-21859, Tr. At 835). While DTE in discovery objected to providing a similar list of its large load addition inquiries (DTE Response to Data Requests AGDE-1.23a and NRDCSCDE-1.2), both of its large load additions that have come to fruition to date have been 1,000 MW or larger super-scalar data center loads and its statements in its earnings calls to investors have indicated it has other super-scalar data center loads potentially coming (*See* Ethan Howland, "DTE sees up to 8.4 GW data center opportunity," Utility Dive, May 1, 2026, https://www.utilitydive.com/news/dte-energy-data-center-earnings-reliability/819052/ (reporting on DTE Energy Q1 2026 earnings call held April 30, 2026)).

industrial customer load additions.[22] It is both appropriate and necessary to implement new protections for utilities and their existing customers for these large load additions. However, caution is necessary with respect to adding these new provisions, as there is danger with respect to potentially unduly inhibiting traditional economic development if those protections are applied to too low of a MW threshold and/or are more broadly applied than necessary (i.e., to all types of large new load additions even when that is not necessary).

In particular, it is important to consider that, while both data center loads and large industrial manufacturing facilities, such as automobile assembly plants, chemical plants, steel mills, and paper mills, can consume substantial amounts of electricity, they differ fundamentally in how much power they draw at a single location, how continuously they operate, and how electricity fits into their overall energy profile. For example, super-scalar data centers are generally designed around high-end information technology loads, advanced cooling systems and redundant power systems. In contrast, industrial manufacturing facilities are defined by their production processes (e.g., chemical reactions, metal melting and forming, pulping and drying, vehicle assembly, etc.). As a result, electricity is often only one of several energy inputs for the latter, alongside fuels such as natural gas, coal, coke or biomass. Industrial manufacturing facilities also tend to be less concentrated at single locations than super-scalar data centers which, as I have noted, are typically 300 MW or larger at a single site. Finally, super-scalar data center loads tend to operate at high and steady demand, while industrial manufacturing facilities, in most cases, experience cyclical

[22] The greater risk for stranded assets is driven by data center loads not necessarily having the same level of employees as a comparably sized manufacturing load and not having any significant local supply chain needs. This generally makes it easier for data center loads to either reduce their demand or exit a utility service territory than it is for manufacturing loads to do the same. This additional risk is also aggravated by the current boom nature of the data center industry, which may not ultimately be sustained at the level that is currently being projected.

demand tied to production schedules, maintenance outages and market conditions. As a result, while industrial manufacturing facilities generally have a higher load factor than residential or commercial customers, it does not generally approach the extremely high load factor that a super-scalar data center load would have.

Q ARE THERE RECENT DEVELOPMENTS THAT ILLUSTRATE HOW THIS IS EVOLVING?

A Yes. First, the North American Electric Reliability Corporation ("NERC") has decided to focus its reliability requirement efforts with respect to large load additions on computational loads rather than all large load additions. This is in line with the reality that it was a system event related to large data center loads simultaneously unexpectedly tripping offline that led to NERC's reliability concerns, not the behavior of traditional large manufacturing loads.[23] Second, on June 30, 2026, the U.S. House of Representatives Committee on Energy and Commerce ("House Energy and Commerce Committee") issued an amendment in the nature of a substitute for the pending Ratepayer Protection Act (H.R. 9340).[24] This substitute amendment, which was adopted by a 52-0 vote of the House Energy and Commerce Committee on July 21, 2026,[25] modified the Large Load Customer definition in the pending act to only apply to computational loads. Specifically, the definition in the pending act is now as follows:

> (C) LARGE-LOAD CUSTOMER DEFINED.— In this paragraph, the term 'large-load customer' means a non-residential electric consumer that, on or after the date of the enactment of this paragraph, requests to

[23] NERC *Large Load Action Plan Q2 2026 Update*, July 2026. A copy of this document is provided as Exhibit AB-2.

[24] *See* https://docs.house.gov/meetings/IF/IF00/20260720/119490/BILLS-119-HR9340-A000370-Amdt-4.pdf?source=email. A copy of this document is provided as Exhibit AB-3.

[25] *See* https://www.youtube.com/live/LTeimXXjsZo at 1:01 through 1:24.

> enter into, or enters into, a contract or other agreement pertaining to the sale of electric energy for one or more facilities that—
>
> (i) require electric energy primarily to operate information technology infrastructure and related systems pertaining to data storage and computational applications and services; and
>
> (ii) have, in the aggregate, a peak electric demand of 100 megawatts or more at a single site or campus.[26]

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission, either through generic proceedings or future utility rate case proceedings, periodically review the MW threshold and types of new load additions that are subject to large load provisions such as DTE is proposing in this proceeding, the Commission approves in Case No. U-21986 for Indiana Michigan Power Company, and the Commission approved in Case No. U-21859 for Consumers for its Rate GPD. The actual entrance of new super-scalar data center loads, the principal driver of the need for special tariff provisions for large load additions, will likely become much better understood over the next two to three years. That better understanding will likely provide much better clarity with respect to the MW size and/or load types for load additions that truly require additional tariff provisions to apply to them to ensure such provisions are not being unnecessarily applied in a manner that unduly inhibits traditional economic development.

[26] Exhibit AB-3 at 2-3.

VII. TERMS THAT DO NOT ENSURE COSTS ARE BORNE BY THE CAUSING CUSTOMER

Q DO THE FINANCIAL PROTECTIONS IN DTE'S PROPOSED LARGE LOAD PROVISION MEASURE THE COST DTE WILL INCUR TO SERVE A LARGE LOAD PROVISION CUSTOMER?

A No. The Minimum Monthly Charge ("MMC"), the termination fee and the required collateral amount are each derived from a single formula: 80% of contract capacity multiplied by the prevailing Rate D11 demand charges.[27] The prevailing Rate D11 demand charges are charges developed from the average embedded cost of serving the existing primary, sub-transmission and transmission voltage customer classes as a whole. They are not a measure of the incremental fixed production, transmission and distribution costs DTE will incur to serve a new load addition of 100 MW or more. Consequently, the amount a Large Load Provision customer is obligated to pay under the minimum monthly charge, and the amount it forfeits if it terminates service early, bear no necessary relationship to the investment DTE will have made on that customer's behalf.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A This concern reinforces the recommendation I make in Section II of my testimony. Because the tariff's financial terms are not derived from incremental cost, the *ex parte* filing I recommend in Section II is the only mechanism by which the Commission can determine whether the terms actually agreed to with a given customer recover the cost that customer causes. I therefore recommend that, in addition to the demonstration

[27] Exhibit A-1 at 5-6.

described in Section II, the Commission require DTE to demonstrate in that filing that the proposed termination fee and collateral amount are sufficient to recover the remaining unrecovered incremental cost of the production, transmission and distribution investment DTE will make to serve the customer, measured over the depreciable life of that investment, and to identify any unmitigated residual cost exposure that would remain with other customers.

Q DOES THE PROPOSED LARGE LOAD PROVISION PREVENT A CUSTOMER FROM REDUCING ITS MINIMUM OBLIGATIONS BY CHANGING ITS SUPPLY ARRANGEMENT?

A No. The MMC, the termination fee and the collateral requirement are all computed using the "prevailing D11 demand charges," which include the power supply capacity and non-capacity demand charges, as well as the distribution demand charge.[28] Rate D11 contains a separate rate structure applicable to Retail Access Service customers under which the power supply non-capacity demand charge does not apply.[29] The proposed Large Load Provision is silent with respect to what occurs if a Large Load Provision customer, during its term of service, elects retail open access or to change its tariff rate. In these circumstances, the customer's termination exposure and its required collateral could fall substantially, while the production, transmission and distribution investment DTE made on the customer's behalf has not.

[28] Exhibit A-1 at 5.
[29] Exhibit A-1 at 2.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require the Large Load Provision to provide that the MMC, the termination fee and the collateral requirement of a Large Load Provision customer shall be calculated using the full service Rate D11 demand charges then in effect, without regard to any subsequent change in the customer's power supply arrangement, unless a change to the calculation for these amounts is explicitly approved by the Commission. In addition, any election by a Large Load Provision customer of an alternative supply arrangement should require the consent of DTE and notice to the Commission.

Q IS DTE'S PROPOSED ADMINISTRATIVE FEE SUFFICIENT TO SATISFY THE COMMISSION'S DIRECTIVE IN ITS DECEMBER 18, 2025 ORDER?

A No. The Commission directed DTE to propose an administrative fee to ensure that the costs associated with any interconnection or other studies performed for prospective large load customers are not absorbed by existing customers.[30] A fixed fee of $100,000 or $250,000 does not ensure that outcome because the fee is fixed without regard to the actual cost of the studies performed. To the extent the actual cost of studying a multi-hundred megawatt or gigawatt scale request exceeds the fee, the difference is potentially absorbed by other customers, which is the result the Commission directed DTE to avoid.

[30] Case No. U-21990, December 18, 2025 order at 40 and 45 (ordering paragraph J), quoted at DTE Witness Willis Direct at AW-15.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require that the administrative fee operate as a non-refundable minimum deposit against the actual cost of the studies performed, with any cost in excess of the fee billed to the prospective customer.

Q DOES THE PROPOSED FIFTEEN YEAR MINIMUM CONTRACT TERM MATCH THE DEPRECIABLE LIFE OF THE ASSETS THAT WILL BE CONSTRUCTED TO SERVE LARGE LOAD PROVISION CUSTOMERS?

A No. The production, transmission and distribution assets that would be constructed to serve a large load addition would have depreciable lives in excess of the fifteen-year minimum term. Based on my experience, the depreciable life for new production assets is at least 20 years and, depending on resource type, could be decades longer. Similarly, based on my experience, the depreciable life for new transmission and distribution assets is at least 35 years. A Large Load Provision customer that takes service for the full fifteen-year term and then provides three years' notice of non-renewal departs without paying any termination fee at all,[31] leaving whatever investment remains undepreciated to be recovered from DTE's other customers. This is another reason why the Commission should require the incremental cost demonstration I have described above.

[31] Exhibit A-1 at 5.

Q WOULD THE LARGE LOAD PROVISION APPLY TO THE LARGE LOAD ADDITIONS DTE STATES ARE CURRENTLY IN ITS PIPELINE?

A Not necessarily. DTE Witness Willis states that the Large Load Provision does not apply to existing load contracted for or served before the effective date of the Large Load Provision.[32] At the same time, DTE states in its Application that it has a number of requests for electric service from prospective large load customers in its pipeline, and it offers that pipeline as a principal reason for expedited approval.[33] As drafted, any contract DTE executes between now and the effective date of the tariff would fall outside the Large Load Provision entirely. That would leave outside the tariff's protections the very set of prospective customers whose presence DTE offers as the reason for approving the tariff on an expedited basis.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require the Large Load Provision to apply to any large load addition, other than those that are the subject of Case Nos. U-21990 and U-22058, that is not already taking service as of the effective date of the tariff approved in this proceeding. I further recommend that the Commission state in its order that the Large Load Provision establishes minimum requirements only and does not limit the case-specific conditions the Commission may impose in any pending or future proceeding involving service to an individual large load customer.

[32] DTE Witness Willis Direct at AW-6 through AW-7.
[33] DTE Application at 5, paragraph 12.

VIII. DEFECTS AND AMBIGUITIES IN EXHIBIT A-1

Q WHAT IS THE SUBJECT OF THIS SECTION OF YOUR TESTIMONY?

A In this section, I identify a number of respects in which the tariff language DTE has proposed in Exhibit A-1 is either inconsistent with the description of the Large Load Provision in the direct testimony of DTE Witness Willis, or ambiguous in a manner that could operate to the detriment of DTE's other customers. Because the language in Exhibit A-1, rather than the direct testimony, would become the operative tariff, these matters should be corrected before the Large Load Provision is approved. I do not understand any of them to be intentional, and I expect DTE to be generally amenable to addressing them.

Q DOES EXHIBIT A-1 ESTABLISH THE FIFTEEN YEAR TERMINATION FEE AS A MINIMUM OR AS A MAXIMUM?

A As a maximum. Exhibit A-1 provides that the applicable termination fee "will be up to fifteen years of minimum billing demand (plus applicable ramp)."[34] DTE Witness Willis describes the same term in the opposite way, referring to an initial termination fee of fifteen years of MBD and stating that the fee is subject to negotiation and "may exceed the minimum of fifteen years of MBD."[35] The tariff as drafted establishes a maximum and no minimum. If approved as written, it would both bar DTE from negotiating a longer termination fee where the incremental investment warranted one and arguably permit DTE to agree to a termination fee of less than fifteen years of MBD.

[34] Exhibit A-1 at 5.
[35] DTE Witness Willis Direct at AW-12.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require the language in Exhibit A-1 be revised to provide that the applicable termination fee will be not less than fifteen years of MBD plus applicable ramp. That revision conforms the tariff to DTE Witness Willis's testimony and to DTE's characterization of the Large Load Provision as a set of minimum terms.

Q HOW DOES EXHIBIT A-1 DEFINE THE RAMP PERIOD, AND IS THAT DEFINITION CONSISTENT WITH DTE WITNESS WILLIS'S TESTIMONY?

A It is not consistent. Exhibit A-1 provides that the ramp period "is the time between the Company providing initial service and the customer reaching their maximum contracted capacity" and that it "may not exceed three years."[36] DTE Witness Willis instead describes a load ramp period of no more than three years from the time the contract is fully executed.[37] The difference is material. For a large load addition requiring new interconnection facilities, the interval between contract execution and initial service can itself be a period of years, during which DTE may be committing capital, procuring capacity and incurring compliance obligations under 2023 PA 235. Under the tariff definition, the three-year ramp does not begin to run until service commences, so the total period during which the customer is billed below its maximum contracted capacity could substantially exceed three years.

[36] Exhibit A-1 at 4.
[37] DTE Witness Willis Direct at AW-10.

Q DOES THIS UNDERMINE DTE'S STATED RATIONALE FOR THE THREE YEAR LIMIT?

A Yes. DTE Witness Willis explains that a longer ramp period could result in the Company essentially holding capacity without the associated load and could potentially affect the Company's ability to expeditiously connect other customers.[38] That concern is not addressed by a limit that does not begin to run until service has already commenced.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require the language in Exhibit A-1 be revised to define the ramp period as beginning on the date the contract is fully executed, consistent with DTE Witness Willis's testimony.

Q IS THE CONTRIBUTION IN AID OF CONSTRUCTION PROVISION IN EXHIBIT A-1 CONSISTENT WITH DTE WITNESS WILLIS'S TESTIMONY?

A No. DTE Witness Willis describes an allowance of up to twice the customer's expected *annual* distribution revenue.[39] Exhibit A-1 omits the word annual, providing instead for allowances "up to two times their expected distribution revenue based on the contracted demand and prevailing rates."[40] Read literally against a fifteen-year minimum contract term, the tariff language would produce an allowance equal to thirty years of expected distribution revenue. That would be far larger than the standard

[38] DTE Witness Willis Direct at AW-10.
[39] DTE Witness Willis Direct at AW-14 (emphasis added).
[40] Exhibit A-1 at 6.

allowance the provision is intended to replace, and the opposite of the protection DTE describes itself as providing.

Q WHAT DO YOU RECOMMEND TO THE COMMISSION WITH RESPECT TO THIS ISSUE?

A I recommend that the Commission require the language in Exhibit A-1 be revised to refer to two times the customer's expected annual distribution revenue, consistent with DTE Witness Willis's testimony.

Q DOES THE ASSIGNMENT PROVISION IN EXHIBIT A-1 ADEQUATELY PROTECT OTHER CUSTOMERS?

A Not as drafted. Exhibit A-1 provides that the customer "shall not assign, transfer, or otherwise convey any portion of Contract Capacity to another party without prior written consent of the Company."[41] It states no standard governing that consent. It does not require that an assignee assume all of the obligations of the assignor, satisfy the same creditworthiness assessment, or post collateral at least equal to that posted by the assignor. I recommend that the Commission require the tariff to condition consent on each of those requirements, and require any assignment to be reported in the annual Large Load Report I recommend in Section IV of my testimony.

Q ARE THERE FURTHER INCONSISTENCIES AMONG THE APPLICATION, THE DIRECT TESTIMONY AND EXHIBIT A-1?

A Yes. DTE's Application and Exhibit A-1 describe the single-site applicability threshold as incremental load exceeding, or greater than, 100 MW, while DTE Witness Willis

[41] Exhibit A-1 at 4.

describes the same threshold as 100 MW or more.[42] The Application likewise describes the minimum term as fifteen years following a three-year ramp period, while Exhibit A-1 provides that the ramp period may not exceed three years and may be shorter.[43] These discrepancies are not large individually, but taken together with the more significant conflicts described above, they indicate that Exhibit A-1 has not been reconciled against the testimony it is offered to support.

Q WHAT IS YOUR OVERALL RECOMMENDATION WITH RESPECT TO EXHIBIT A-1?

A I recommend that the Commission direct DTE to file a revised Exhibit A-1 that reconciles the proposed tariff language to the record in this proceeding and incorporates the corrections described in this section, and to provide that revised exhibit in redline form so that the parties and the Commission can readily confirm the changes made.

Q DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A Yes, it does.

[42] DTE Application at 3; Exhibit A-1 at 4; DTE Witness Willis Direct at AW-9.
[43] DTE Application at 3; Exhibit A-1 at 4.

Qualifications of James R. Dauphinais

Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A James R. Dauphinais. My business address is 16690 Swingley Ridge Road, Suite 140, Chesterfield, MO 63017, USA.

Q PLEASE STATE YOUR OCCUPATION.

A I am a consultant in the field of public utility regulation and a Managing Principal with the firm of Brubaker & Associates, Inc. ("BAI"), energy, economic and regulatory consultants.

Q PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE.

A I graduated from Hartford State Technical College in 1983 with an Associate's Degree in Electrical Engineering Technology. Subsequent to graduation, I was employed by the Transmission Planning Department of the Northeast Utilities Service Company[1] as an Engineering Technician.

While employed as an Engineering Technician, I completed undergraduate studies at the University of Hartford. I graduated in 1990 with a Bachelor's Degree in Electrical Engineering. Subsequent to graduation, I was promoted to the position of Associate Engineer. Between 1993 and 1994, I completed graduate level courses in the study of power system analysis, power system transients and power system protection through the Engineering Outreach Program of the University of Idaho. By 1996 I had been promoted to the position of Senior Engineer.

[1] In 2015, Northeast Utilities changed its name to Eversource Energy.

In the employment of the Northeast Utilities Service Company, I was responsible for conducting thermal, voltage and stability analyses of the Northeast Utilities' transmission system to support planning and operating decisions. This involved the use of load flow, power system stability and production cost computer simulations. It also involved examination of potential solutions to operational and planning problems including, but not limited to, transmission line solutions and the routes that might be utilized by such transmission line solutions. Among the most notable achievements I had in this area include the solution of a transient stability problem near Millstone Nuclear Power Station, and the solution of a small signal (or dynamic) stability problem near Seabrook Nuclear Power Station. In 1993 I was awarded the Chairman's Award, Northeast Utilities' highest employee award, for my work involving stability analysis in the vicinity of Millstone Nuclear Power Station.

From 1990 to 1996, I represented Northeast Utilities on the New England Power Pool Stability Task Force. I also represented Northeast Utilities on several other technical working groups within the New England Power Pool ("NEPOOL") and the Northeast Power Coordinating Council ("NPCC"), including the 1992-1996 New York-New England Transmission Working Group, the Southeastern Massachusetts/Rhode Island Transmission Working Group, the NPCC CPSS-2 Working Group on Extreme Disturbances and the NPCC SS-38 Working Group on Interarea Dynamic Analysis. This latter working group also included participation from a number of ECAR, PJM and VACAR utilities.

From 1990 to 1995, I also acted as an internal consultant to the Nuclear Electrical Engineering Department of Northeast Utilities. This included interactions with the electrical engineering personnel of the Connecticut Yankee,

Millstone and Seabrook nuclear generation stations and inspectors from the Nuclear Regulatory Commission (“NRC”).

In addition to my technical responsibilities, from 1995 to 1997, I was also responsible for oversight of the day-to-day administration of Northeast Utilities' Open Access Transmission Tariff. This included the creation of Northeast Utilities' pre-FERC Order No. 889 transmission electronic bulletin board and the coordination of Northeast Utilities' transmission tariff filings prior to and after the issuance of Federal Energy Regulatory Commission (“FERC” or “Commission”) FERC Order No. 888. I was also responsible for spearheading the implementation of Northeast Utilities' Open Access Same-Time Information System and Northeast Utilities’ Standard of Conduct under FERC Order No. 889. During this time, I represented Northeast Utilities on the Federal Energy Regulatory Commission's "What" Working Group on Real-Time Information Networks. Later I served as Vice Chairman of the NEPOOL OASIS Working Group and Co-Chair of the Joint Transmission Services Information Network Functional Process Committee. I also served for a brief time on the Electric Power Research Institute facilitated "How" Working Group on OASIS and the North American Electric Reliability Council facilitated Commercial Practices Working Group.

In 1997 I joined the firm of Brubaker & Associates, Inc. The firm includes consultants with backgrounds in accounting, engineering, economics, mathematics, computer science and business. Since my employment with the firm, I have filed or presented testimony before the Federal Energy Regulatory Commission in Consumers Energy Company, Docket No. OA96-77-000; Midwest Independent Transmission System Operator, Inc., Docket No. ER98-1438-000; Montana Power Company, Docket No. ER98-2382-000; Inquiry Concerning the Commission’s Policy on Independent System Operators, Docket No. PL98-5-003; SkyGen Energy LLC v. Southern

Company Services, Inc., Docket No. EL00-77-000; Alliance Companies, et al., Docket No. EL02-65-000, et al.; Entergy Services, Inc., Docket No. ER01-2201-000; Remedying Undue Discrimination through Open Access Transmission Service, Standard Electricity Market Design, Docket No. RM01-12-000; Midwest Independent Transmission System Operator, Inc., Docket No. ER10-1791-000; NorthWestern Corporation, Docket No. ER10-1138-001, et al.; Illinois Industrial Energy Consumers v. Midcontinent Independent System Operator, Inc., Docket No. EL15-82-000; Midcontinent Independent System Operator, Inc., Docket No. ER16-833-000; Midcontinent Independent System Operator, Inc., Docket No. ER17-284-000; Midcontinent Independent System Operator, Inc. and Ameren Services Company Docket No. ER18-463-000; and PJM Interconnection, L.L.C., Docket No. ER26-1479-000. I have also filed or presented testimony before the Alberta Utilities Commission, the California Public Utilities Commission, the Colorado Public Utilities Commission, the Connecticut Department of Public Utility Control, the Florida Public Service Commission, the Idaho Public Service Commission, the Illinois Commerce Commission, the Indiana Utility Regulatory Commission, the Iowa Utilities Board, the Kentucky Public Service Commission, the Louisiana Public Service Commission, the Michigan Public Service Commission, the Missouri Public Service Commission, the Montana Public Service Commission, the Nevada Public Utilities Commission, the New Mexico Public Regulation Commission, the Council of the City of New Orleans, the New York Public Service Commission, the Oklahoma Corporation Commission, the Public Utility Commission of Texas, the Public Service Commission of Utah, the Virginia State Corporation Commission, the Wisconsin Public Service Commission, the Wyoming Public Service Commission, Federal District Court and various committees of the Illinois, Missouri and South Carolina state legislatures. This testimony has been given

regarding a wide variety of issues including, but not limited to, ancillary service rates, avoided cost calculations, certification of public convenience and necessity, class cost of service, cost allocation, fuel adjustment clauses, fuel costs, generation interconnection, interruptible rates, market power, market structure, off-system sales, prudency, purchased power costs, resource adequacy, resource planning, rate design, retail open access, standby rates, transmission losses, transmission planning, transmission rates and transmission line routing.

I have also participated on behalf of clients in the Southwest Power Pool Congestion Management System Working Group, the Alliance Market Development Advisory Group and several committees and working groups of the Midcontinent Independent System Operator, Inc. ("MISO"), including the Congestion Management Working Group; Economic Planning Users Group; Loss of Load Expectation Working Group; Market Subcommittee; Michigan Transmission Studies Task Force; Planning Subcommittee; Regional Expansion, Criteria and Benefits Working Group; Resource Adequacy Subcommittee (formerly the Supply Adequacy Working Group); and Reliability Subcommittee. I am currently a member of the MISO Advisory Committee in the end-use customer sector on behalf of industrial customer groups in Illinois, Louisiana, Michigan and Texas. I am also the past Chairman of the Issues/Solutions Subgroup of the MISO Revenue Sufficiency Guarantee ("RSG") Task Force.

In 2009, I completed the University of Wisconsin-Madison High Voltage Direct Current ("HVDC") Transmission course for Planners that was sponsored by MISO. I am a member of the Power and Energy Society ("PES") of the Institute of Electrical and Electronics Engineers ("IEEE").

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.5h

Respondent: A. Willis

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Question: 5. Referring to the Company's Application and supporting testimony and exhibits, please provide all empirical analyses, studies, and other documents supporting the following proposed tariff provisions:
h. Any expected treatment for requested reductions in customer contract capacity;

Answer: The Company has not proposed to allow reductions in contract capacity under the proposed large load tariff provisions.

Attachment: *None*

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.12

Respondent: A. Willis

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Question: 12. Identify any estimates or projections for incremental generation investment costs the Company expects to incur to serve Large Load Customer load, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load. Further produce the Company's analyses and calculations on which it based any such estimates or projections and explain the inputs and assumptions behind any such analyses and calculations.

Answer: The Company objects to the question on the basis that the request to "identify any estimates or projections for incremental generation investment costs the Company expects to incur to serve Large Load Customer load" is not relevant to the Large Load Provision tariff changes presented in the Company's Application and is beyond the scope of the current proceeding. Subject to and without waiving the foregoing objection, the Company states that it has not prepared estimates or projections of hypothetical future resource requirements from as yet unknown customers taking service on yet to be determined contractual terms. Individual large load customers will be offered service consistent with the large load provisions proposed to be included in D11, and the Company will plan future generation resources to reliably serve the system.

Attachment: *None*

Co-respondent: Legal

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.13

Respondent: A. Willis

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Question: 13. Identify any estimates or projections for transmission upgrade costs associated with generation resource development the Company expects to incur to serve Large Load Customer load, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load. Further produce the Company's analyses and calculations on which it based any such estimates or projections and explain the inputs and assumptions behind any such analyses and calculations.

Answer: The Company objects to the question on the basis that the request to "identify any estimates or projections for transmission upgrade costs associated with generation resource development the Company expects to incur to serve Large Load Customer load" is not relevant to the Large Load Provision tariff changes presented in the Company's Application and is beyond the scope of the present proceeding. Subject to and without waiving the foregoing objection, the Company states that it has not prepared estimates or projections of hypothetical future transmission requirements or costs from as yet unknown customers taking service on yet to be determined contractual terms utilizing resources that have not yet been identified. Individual large load customers will be offered service consistent with the large load provisions proposed to be included in D11.

Attachment: *None*

Co-respondent: Legal

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.14a

Respondent: A. Willis

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Question: 14. Please produce estimates for all customer facility-interconnection costs (or range of such costs) the Company expects to incur to serve Large Load Customers, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load, including:
a. All distribution interconnection costs, such as the costs of additional transformer substations to serve the customer;

Answer: The Company objects to the question on the basis that the request to "produce estimates for all customer facility-interconnection costs (or range of such costs) the Company expects to incur to serve Large Load Customers" is not relevant to the Large Load Provision tariff changes presented in the Company's Application and is beyond the scope of the present proceeding. Subject to and without waiving the foregoing objection, the Company states that it has not prepared estimates of hypothetical future facility interconnection requirements or costs from as yet unknown customers taking service on yet to be determined contractual terms. Individual large load customers will be offered service consistent with the large load provisions proposed to be included in D11.

Attachment: *None*

Co-respondent: Legal

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.14b

Respondent: A. Willis

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Question: 14. Please produce estimates for all customer facility-interconnection costs (or range of such costs) the Company expects to incur to serve Large Load Customers, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load, including:
b. The cost of transmission investments necessary to interconnect such a customer;

Answer: See AGDE-1.13 and AGDE 1.14a

Attachment: *None*

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.14c

Respondent: A. Willis

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Question: 14. Please produce estimates for all customer facility-interconnection costs (or range of such costs) the Company expects to incur to serve Large Load Customers, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load, including:
c. Any other categories of costs not captured within Sub-Questions No. 14.a-b above.

Answer: See AGDE-1.13 and AGDE 1.14a

Attachment: *None*

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.14d

Respondent: A. Willis

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Question: 14. Please produce estimates for all customer facility-interconnection costs (or range of such costs) the Company expects to incur to serve Large Load Customers, either/both on a hypothetical individual customer basis, based on a certain MW incremental customer load (e.g., for each 50 MW of incremental load), or as to any aggregate incremental load, including:
d. Produce any analysis and calculations supporting your responses to the preceding Sub-Questions No. 14.a-c, along with all inputs and assumptions.

Answer: See AGDE-1.13 and AGDE-1.14a

Attachment: *None*

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.15a

Respondent: A. Willis

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Question: 15. For any other categories of distribution costs not otherwise captured in response to the preceding questions that the Company expects to incur to serve Large Load Customers:

a. Please describe and identify the range of any other distribution costs not otherwise captured in response to the preceding questions that the Company expects to incur to serve Large Load Customers.

Answer: The Company objects to the question on the basis that the request for "any other categories of distribution costs . . . that the Company expects to incur to serve Large Load Customers" is not relevant to the Large Load Provision tariff changes presented in the Company's Application and is beyond the scope of the present proceeding. Subject to and without waiving the foregoing objection, the Company states that it has not prepared estimates of hypothetical future distribution requirements or costs from as yet unknown customers taking service on yet to be determined contractual terms. Individual large load customers will be offered service consistent with the large load provisions proposed to be included in D11.

Attachment: *None*

Co-respondent: Legal

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.15b

Respondent: A. Willis

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Question: 15. For any other categories of distribution costs not otherwise captured in response to the preceding questions that the Company expects to incur to serve Large Load Customers:

b. Please further produce any analysis and calculations supporting your responses to the preceding Sub-Question No. 15.a, along with all inputs and assumptions.

Answer: See AGDE-1.15a

Attachment: *None*

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.16

Respondent: A. Willis

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Question: 16. Has the Company modelled the impact of any projected increase from Large Load Customers on its PA 235 compliance requirements and associated costs? If so, provide all such modelling, along with all analyses and calculations used in that modelling along with all inputs and assumptions. To the extent any such modelling was performed or produced as part of prior MPSC cases, please indi,cate at which material in such cases such modelling was performed or produced (e.g. by identifying exhibits, discovery responses, testimony, etc.).

Answer: The Company objects to the question on the basis that it is not relevant to the Large Load Provision tariff changes presented in the Company's Application and is beyond the scope of the present proceeding. Subject to and without waiving the foregoing objection, the Company states that it has not completed any generic modeling of hypothetical future large load customers, which may have VGP contracts or other agreements which influence "compliance requirements and associated costs".

Attachment: *None*

Co-respondent: Legal

MPSC Case No: U-22061

Requester: AG

Question No.: AGDE-1.23a

Respondent: Legal

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Question: 23. Please provide a list of all requests to serve new Large Load Customers in DTE's service territory the Company has received over the last 12 months, including for each customer:
a. Location of the proposed customer's operations in DTE's service territory;

Answer: The Company objects to the question on the basis that it requests confidential and highly commercially sensitive prospective customer information which is not relevant to and exceeds the scope of this proceeding. The Company's filing in this proceeding is responsive to the December 2025 Commission order in Case No. U-21990 requiring the Company to propose "a generally applicable large load customer tariff". The basis for this filing is invariant to specific customer contracts or any ongoing discussions with prospective large load customers that may be occurring. Any future contracts will adhere to the approved terms of this proceeding to the extent they are applicable.

Attachment: *None*

MPSC Case No: U-22061

Requester: NRDCSC

Question No.: NRDCSCDE-1.2

Respondent: Legal

Page: 1 of 1

Question: 2. Please refer to the Direct Testimony of Aaron Willis, p. 5 lines 21-23. Identify the total number of pending requests for electric service from large load customers at levels of 100 MW or greater.

Answer: DTE Electric objects to this request on the grounds that it seeks information that is not relevant to the issues presented in this proceeding. The cited testimony solely pertains to the Company's request for an expedited procedural schedule, which was not adopted by the Commission. The parties ultimately stipulated to the schedule adopted by the Administrative Law Judge in this case. Moreover, the number of prospective large load customers or pending service requests does not bear on the reasonableness and prudence of the Large Load Provision proposed for approval in this case. The Company further objects to the extent the request seeks commercially sensitive information concerning prospective customers and service requests.

Attachment: *None*

MPSC Case No: U-22061

Requester: NRDCSC

Question No.: NRDCSCDE-1.12

Respondent: A. Willis

Page: 1 of 1

Question: 12. Please explain whether customers taking service under the Large Load Provision and Rate D11 will be able to reduce their Contracted Capacity during their contract term.

Answer: No, customers on the large load provision cannot reduce their contract capacity during the contract term.

Attachment: *None*

MPSC Case No: U-22061

Requester: Staff

Question No.: STDE-2.3

Respondent: A. Willis

Page: 1 of 1

Question: 3. Concerning contract capacity, will any reductions to contract capacity be allowed under the Company's proposed Large Load Provision tariff? If so, how much?

Answer: No. The Company does not intend to allow reductions to contract capacity.

Attachment: *None*

LLAP
Large Loads Action Plan

Large Loads Action Plan Q2 2026 Update

Past, Current, and Future Actions to Address an Emerging Risk
July 2026

Watch the Video on NERC's Large Loads Action Plan

Second Quarter Actions

Level 3 Essential Action Alert Issued

On May 4, NERC released a Level 3 Essential Action Alert, Computational Load Modeling, Studies, Instrumentation, Commissioning, Operations, Protection, and Control, which outlined seven actions registered entities must implement to address immediate risks posed by computational loads interfacing with the BPS. The Level 3 alert was issued as NERC observed customer-initiated large load reductions and significant oscillations that occur in seconds, leaving little or no room for real-time responses and posing a threat to BPS reliability. The deadline for registered entities to submit their responses is **August 3, 2026.**

An informational webinar is scheduled on July 8 to share frequently asked questions and answer inquiries.

Reliability Guideline Published

On May 1, NERC published a Reliability Guideline: Risk Mitigation for Emerging Large Loads, recommending actions for traditional utilities and grid operators, and the companies behind these emerging large loads including equipment manufacturers. The goal is to ensure that as more industrial-scale consumers connect to the grid, they actively participate in practices that protect grid stability. These steps highlight that proactive planning and participation can enable even more of these facilities to come online reliably and quickly. Although non-binding, NERC strongly urges all relevant entities to adopt the recommended risk mitigation strategies outlined in the Reliability Guideline.

Registration Criteria for Computational Loads

NERC will define which entities, based on specific physical and electrical criteria, would be required to register with NERC and comply with its Reliability Standards to address risks associated with large computational loads. To achieve this, NERC is revising its Rules of Procedure, Appendix 5B Statement of Compliance Registry Criteria, to account for Computational Load Entities. An initial draft was posted for a stakeholder 45-day comment period on April 1, 2026, on the Proposed Changes to Rules of Procedure web page. The initial comments on the proposed revisions included meaningful insights that NERC will review and incorporate into the next comment period, anticipated in August 2026.

An informational webinar is scheduled on July 13 to provide updates on the progress of this development effort and share information about the registration process for entities that may fall under these new criteria.

Reliability Standards

NERC will revise and adopt new Reliability Standards to define computational loads and establish measurable requirements for newly registered entities. NERC posted a Standard Authorization Request (SAR) for comment in April that included new definitions for use in standards for computational loads and a foundational standard. Initial comments were reviewed, and the Standards Committee approved a final SAR and authorized the drafting of a Reliability Standard in May. The proposed Reliability Standards will be issued in August for a 45-day comment period, with an additional comment period to follow in the fourth quarter. The Reliability Standard is targeted for final Board approval and adoption in December.

Actions Taken by NERC to Address Large Loads on the Grid

Q2 2026

- Posted a draft registry criteria for comments (April)
- Posted a Standards Authorization Request for comments (April)
- Published a Reliability Guideline: Risk Mitigation for Large Loads (May)
- Issued a Level 3 Alert for Essential Actions (May)
- Initiated a standards drafting (May)

Q1 2026

- Published Incident Review: Voltage-Sensitive Crypto Load Reductions (January)
- Hosted Emerging Large Loads Technical Conference (February)
- Published Assessment of Gaps in Existing Practices, Requirements, and Reliability Standards for Emerging Large Loads (March)
- Published Aggregated Report on NERC Level 2 Alert (March)
- Appointed Standards Drafting Team (March)
- Hosted a webinar on the Large Load Action Plan (March)
- Submitted a supplemental letter to FERC detailing an accelerated action plan (March)

2025

- Published an Incident Review: Considering Simultaneous Voltage-Sensitive Load Reductions (January)
- Hosted two workshops on mitigating risks from emerging large loads (June/July)
- Published Characteristics and Risks of Emerging Loads (July)
- Hosted a Large Loads panel at NERC's Technical Session (August)
- Published a Level 2 NERC Alert urging industry participants to take specific actions. (September)
- Hosted a Load Modeling Workshop (October)
- Published a draft Reliability Guideline for comments (November)
- Submitted comments to the Federal Energy Regulatory Commission's Advance Notice of Proposed Rulemaking (ANOPR) addressing the reliable interconnection of large loads (November).

Upcoming Engagement Opportunities

Large Loads Working Group

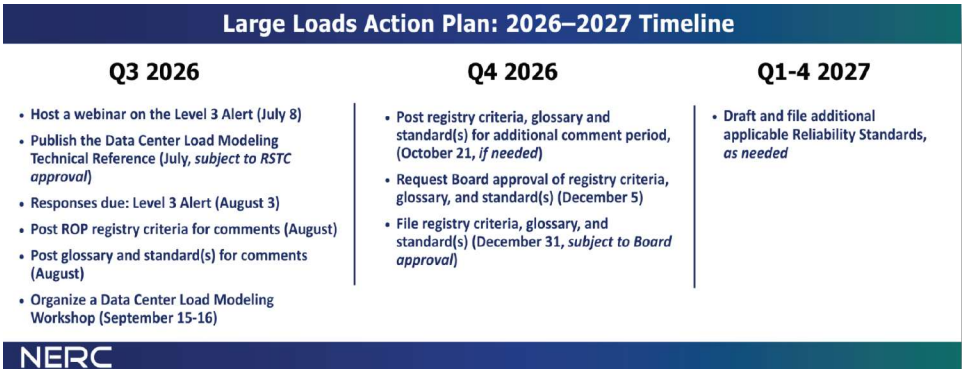
The Large Loads Working Group (LLWG) focuses on understanding the reliability impacts associated with emerging large loads. This includes identifying gaps in existing processes and recommending enhancements to planning and operations. The group will meet on July 16 and October 1. To join the LLWG, please contact Evan Mickelson.

Load Modeling Working Group

The Load Modeling Working Group (LMWG) actively engages stakeholders through technical presentations and discussions focused on modeling loads. The next LMWG meeting is scheduled for July 14 and the agenda includes approval for the Data Center Load Modeling Technical Reference, and the endorsement of the PERC2 model specification. Additionally, a two-day workshop is scheduled for September 15–16. To join the working group, please fill this form.

Background: Addressing Large Loads on the Grid

An increasing number of large commercial and industrial loads are rapidly connecting to the BPS. Computational loads, such as data centers (including cryptocurrency and artificial intelligence), present unique challenges in forecasting and planning for increased demand. To begin understanding large loads and identifying effective pathways for their integration, NERC established the Large Loads Task Force in August 2024, now the Large Loads Working Group (LLWG), and developed a work plan. Through extensive analysis, report development, and engagement conducted to date, NERC has determined that it must act now to mitigate the risks associated with large computational loads.



Large Loads Resources

RELIABILITY | RESILIENCE | SECURITY

POWERING TODAY. PROTECTING TOMORROW.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 9340

OFFERED BY M__. _____

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ratepayer Protection Act''.

SEC. 2. FEDERAL STANDARD RELATING TO LARGE-LOAD CUSTOMERS.

(a) FEDERAL STANDARD RELATING TO LARGE-LOAD CUSTOMERS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(22) STANDARDS FOR LARGE-LOAD CUSTOMERS.—

''(A) RECOVERY OF FULL, INCREMENTAL COST OF UPGRADES.—A rate charged, or entered into, by an electric utility for providing electric service to a large-load customer shall be designed to recover from the large-load customer the full, incremental cost of any generation, transmission, or distribution upgrade nec-

essary to serve the load of such large-load customer, including in the event of such large-load customer terminating a contract or other agreement with the electric utility pertaining to the sale of electric energy, or otherwise ceasing the purchase of electric energy from the electric utility.

"(B) FINANCIAL ASSURANCES AND CONTRIBUTIONS.—Before making any generation, transmission, or distribution upgrade that is necessary to serve the load of a large-load customer, an electric utility shall require the large-load customer provide to the electric utility financial assurances or contributions to cover the cost of such upgrade.

"(C) LARGE-LOAD CUSTOMER DEFINED.—In this paragraph, the term 'large-load customer' means a non-residential electric consumer that, on or after the date of the enactment of this paragraph, requests to enter into, or enters into, a contract or other agreement pertaining to the sale of electric energy for one or more facilities that—

"(i) require electric energy primarily to operate information technology infra-

structure and related systems pertaining to data storage and computational applications and services; and

"(ii) have, in the aggregate, a peak electric demand of 100 megawatts or more at a single site or campus.".

(b) CONFORMING AMENDMENTS.—

(1) OBLIGATIONS TO CONSIDER AND DETERMINE.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended—

(A) in subsection (b), by adding at the end the following:

"(9)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (22) of section 111(d).

"(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall complete the con-

sideration and make the determination under section 111 with respect to the standard established by paragraph (22) of section 111(d).'';

(B) in subsection (c)—

(i) by striking ''subsection (b)(2)'' and inserting ''subsection (b)''; and

(ii) by inserting ''In the case of the standard established by paragraph (22) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (22).'' after ''paragraph (21).''; and

(C) by adding at the end the following:

''(i) OTHER PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (22) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

''(1) the State has implemented for the electric utility the standard (or a comparable standard);

''(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation

of the standard (or a comparable standard) for the electric utility; or

"(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.".

(2) PRIOR AND PENDING PROCEEDINGS.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended by adding at the end the following: "In the case of the standard established by paragraph (22) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (22).".

☒

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
	)	

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

Stephen A. Campbell, being first duly sworn, deposes and says that on August 4, 2026, he did cause to be served the ***Association of Businesses Advocating Tariff Equity's Direct Testimony & Exhibits of James Dauphinais***, as well as this ***Proof of Service***, in the above docket, via electronic mail, to the persons identified on the attached service list.

Stephen A. Campbell

Digitally signed by: Stephen A. Campbell
DN: CN = Stephen A. Campbell email = SCampbell@clarkhill.com C = US O = Clark Hill PLC
Date: 2026.08.04 15:15:51 -04'00'

Stephen A. Campbell

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MPSC Case No. U-22061

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