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August 25, 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 Rebuttal Testimony of James Dauphinais** and **Proof of Service** in the above-referenced matter.

Sincerely,

CLARK HILL PLC

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SAC/lkd

cc: Parties of Record

**In the Matter of the Application of
DTE ELECTRIC COMPANY for approval of
amendments to Rate D11 and related relief.**

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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Rebuttal Testimony of James R. Dauphinais

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Rebuttal Testimony of James R. Dauphinais

I. INTRODUCTION AND SUMMARY

1
2 **Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

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

5 **Q ARE YOU THE SAME JAMES R. DAUPHINAIS WHO PREVIOUSLY FILED**
6 **TESTIMONY IN THIS PROCEEDING?**

7 A Yes. I filed Direct Testimony on behalf of the Association of Businesses Advocating
8 Tariff Equity ("ABATE") on August 4, 2026.

9 **Q WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

10 A My rebuttal testimony responds to specific positions taken in the direct testimony of:
11 (i) Michigan Public Service Commission ("MPSC" or "Commission") Staff ("Staff")
12 Witness Johnathon L. Higgins; (ii) Michigan Attorney General, Natural Resources
13 Defense Council and Sierra Club (collectively, "AG-NS") Witness Ben Havumaki;
14 (iii) The Ecology Center, the Environmental Law & Policy Center, Union of Concerned
15 Scientists and Vote Solar (collectively, the "Clean Energy Organizations" or "CEO")

1 Witness Lee Shaver; and (iv) Great Lakes Renewable Energy Association ("GLREA")

2 Witness John Richter. My rebuttal testimony is organized by witness.

3 My silence in this testimony with regard to any issue raised by these witnesses,
4 or any other witness in this proceeding, in direct testimony should not be construed as
5 an endorsement of their respective positions on that issue.

6 **Q PLEASE SUMMARIZE YOUR REBUTTAL TESTIMONY CONCLUSIONS.**

7 **A** For the reasons detailed in my testimony herein, I recommend that the Commission:

- 8 • Reject Staff Witness Higgins' contingent recommendation to add language
9 to the Large Load Provision of Rate D11 that would generically subject
10 Large Load Provision customers to priority firm load shedding.¹ To the
11 extent the Commission were to impose any priority load shedding
12 requirement on a large load addition, it should do so only on a case-by-case
13 basis, when the facts and circumstances associated with a particular large
14 load addition truly warrant it, and any such requirement should sunset once
15 the resources necessary to reliably provide firm service to that load addition
16 are fully in service;
- 17 • Reject AG-NS Witness Havumaki's proposals to: (i) aggregate sites toward
18 the 100 MW applicability threshold irrespective of when individual sites enter
19 service; and (ii) aggregate co-located sites of the same or different
20 customers, even where average site capacity is below 20 MW;²
- 21 • Reject the recommendations of CEO Witness Shaver and GLREA Witness
22 Richter to the extent those recommendations would have the Commission
23 prescribe DTE Electric Company ("DTE" or "the Company") specific,
24 generally applicable technical values for voltage ride-through and load ramp
25 rate limits,³ reject Witness Richter's proposed generally applicable
26 monitoring requirement and proposed Staff study group,⁴ and ensure that,
27 to the extent any reliability-related requirements are adopted in this
28 proceeding or applied retroactively, they are scoped to computational loads
29 and not applied to traditional industrial manufacturing loads;
- 30 • Decline to adopt any finding in this proceeding that rests on GLREA Witness
31 Richter's assumption that large load customers would generically remain
32 first in load-shed priority;⁵ and

¹ Higgins Direct at 4-5.

² Havumaki Direct at 5.

³ Shaver Direct at 12, 31; Richter Direct at 37 and 85.

⁴ Richter Direct at 37, 44, 51-52 and 85.

⁵ Richter Direct at 67-72.

- Reject GLREA Witness Richter's recommendation to remove the provision permitting load above contracted capacity,⁶ in favor of Commission review of any resulting reset of a customer's contract capacity.

II. RESPONSE TO STAFF WITNESS HIGGINS

Q WHAT POSITION OF STAFF WITNESS HIGGINS ARE YOU RESPONDING TO?

A Staff Witness Higgins observes that DTE's proposed amendments to its Emergency Electrical Procedures in Section C3 of its Rate Book for Electric Service, filed in Case No. U-22059, expressly reference and would directly apply to the Large Load Provision proposed in this proceeding, and that the Commission had not approved those amendments as of the preparation of his testimony.⁷ He recommends that, if the Commission does not approve the proposed amendments in Case No. U-22059, the Commission require DTE to amend the Large Load Provision of Rate D11 to include language addressing the concerns the Commission laid out in its December 18, 2025 order in Case No. U-21990.⁸

Q HOW DO YOU RESPOND TO THIS RECOMMENDATION?

A The Commission should reject it. Witness Higgins' recommendation rests on the judgment that the concerns expressed in the Commission's December 18, 2025 order in Case No. U-21990 extend to all Large Load Provision customers. They do not. The load shedding directive in that order was expressly limited to the facility operated by Green Chile Ventures LLC ("GCV", now Oracle America Cloud Services LLC), a 1.383 GW data center load addition for which DTE indicated 1,400 MW of additional

⁶ Richter Direct at 25-26 and 84.

⁷ Higgins Direct at 3-4.

⁸ Higgins Direct at 5.

1 battery energy storage resources would be necessary to maintain resource adequacy.⁹
2 A load addition of that extraordinary magnitude clearly presented a material risk to the
3 resource adequacy of DTE's other firm customers in the event the necessary resource
4 additions were delayed in entering service. The same cannot be said of a 100 MW
5 load addition. Notably, the Commission's November 6, 2025 order in Case No.
6 U-21859, which approved large load provisions for Consumers Energy Company
7 ("Consumers") at the same 100 MW applicability threshold DTE proposes here, did not
8 address or impose any load shedding requirement at all.¹⁰

9 Generically subjecting all Large Load Provision customers to priority firm load
10 shedding would also be unduly discriminatory: it would treat one class of firm customers
11 differently than another group of firm customers even when there are sufficient
12 resources available to reliably serve both. To the extent that the Commission imposes
13 a priority load shedding requirement on a large load addition, it should do so only on a
14 case-by-case basis, when the magnitude of the large load addition, and the magnitude
15 of the resource additions required to reliably provide firm service to it, are both large
16 enough that a delay in the availability or in-service date of the necessary resources
17 would materially affect the loss of load expectation risk of the utility's other firm
18 customers. In addition, any such requirement should sunset once those resources are
19 fully in service. Witness Higgins' contingent recommendation contains neither
20 qualification.

⁹ Case No. U-21990, December 18, 2025 order at 4, 8 and 44-45.

¹⁰ Case No. U-21859, November 6, 2025 order at 103-125.

III. RESPONSE TO AG-NS WITNESS HAVUMAKI

1
2 **Q WHAT PROPOSALS OF AG-NS WITNESS HAVUMAKI ARE YOU RESPONDING**
3 **TO?**

4 A Witness Havumaki proposes that: (i) the Large Load Provision apply to any aggregation
5 of new load exceeding 100 MW with sites averaging at least 20 MW, irrespective of
6 when the individual sites enter service, rather than being limited to sites that begin
7 taking service within five years as DTE has proposed; and (ii) the Large Load Provision
8 be extended to co-located sites – whether associated with the same or different
9 customers – whose combined capacity exceeds 100 MW, even where average site
10 capacity is below 20 MW.¹¹

11 **Q HOW DO YOU RESPOND TO THE PROPOSAL TO AGGREGATE SITES**
12 **IRRESPECTIVE OF WHEN THEY ENTER SERVICE?**

13 A The Commission should reject it. DTE's five-year aggregation window ties the
14 applicability of the Large Load Provision to a planning horizon. Removing the window
15 entirely would convert the Large Load Provision into a permanent regime applicable to
16 the cumulative growth of any multi-site customer, no matter how gradual. A traditional
17 industrial manufacturer expanding across multiple sites over decades could cross
18 100 MW in the aggregate and find each incremental addition – however modest –
19 saddled with a fifteen-year minimum term, a minimum billing demand obligation, a
20 termination fee and a collateral requirement. Witness Havumaki's own illustration
21 makes the point: under his proposal, a 15 MW site added ten years after an initial site
22 would itself carry a fresh fifteen-year term.¹² Attaching protections designed for

¹¹ Havumaki Direct at 11-13.

¹² Havumaki Direct at 11-12.

1 super-scalar data center additions to a load one-twentieth their typical 300 MW or larger
2 size¹³ would unduly inhibit traditional economic development.

3 Witness Havumaki's proposal also runs directly against the evidence already in
4 the record regarding the direction in which this issue is evolving: the North American
5 Electric Reliability Corporation ("NERC") has focused its large load reliability efforts on
6 computational loads rather than all large load additions,¹⁴ and the substitute
7 amendment to the Ratepayer Protection Act (H.R. 9340), adopted 52-0 by the House
8 Energy and Commerce Committee on July 21, 2026, narrowed the definition of
9 "large-load customer" to computational facilities with aggregate peak demand of
10 100 MW or more at a single site or campus.¹⁵ Both developments narrow the scope of
11 large load provisions; Witness Havumaki would broaden it. He identifies no
12 development running in the opposite direction.

13 **Q HOW DO YOU RESPOND TO THE PROPOSAL TO AGGREGATE CO-LOCATED**
14 **SITES OF THE SAME OR DIFFERENT CUSTOMERS?**

15 **A** The Commission should reject this proposal as well. Aggregating unrelated customers
16 by geographic proximity alone would sever the Large Load Provision from its
17 cost-causation rationale. Separate customers have no common contract, no common
18 creditworthiness and no common termination exposure, so none of the tariff's financial
19 protections – i.e., the minimum monthly charge, the termination fee or the collateral
20 requirement – can operate sensibly across them. The proposal would also reach small
21 tenants of industrial parks, sub-20 MW loads that no party contends present stranded
22 asset risk, and Witness Havumaki does not define what would qualify as "co-located."

¹³ Dauphinais Direct at 16.

¹⁴ Exhibit AB-2 (NERC Large Loads Action Plan Q2 2026 Update, July 2026).

¹⁵ Exhibit AB-3.

1 Finally, to the extent Witness Havumaki's concern is that a single enterprise might
2 structure itself into multiple nominal customers to evade the threshold, his proposal is
3 not tailored to that concern: the construct the Commission approved in Case
4 No. U-21859 already addresses it by aggregating sites that share a common owner
5 where each site is 20 MW or more,¹⁶ without aggregating unaffiliated customers.

6 **IV. RESPONSE TO CEO WITNESS SHAVER**

7 **Q WHAT RECOMMENDATIONS OF CEO WITNESS SHAVER ARE YOU**
8 **RESPONDING TO?**

9 A Witness Shaver recommends, among other things, that DTE be required in this docket
10 to provide its specific, detailed minimum interconnection requirements for large loads,
11 including draft operating parameters showing generally applicable ramp rate and
12 voltage ride-through terms, and that once NERC and Midcontinent Independent
13 System Operator, Inc. ("MISO") standards are implemented, the Commission evaluate
14 whether they should be applied retroactively to existing, planned or under-construction
15 large loads.¹⁷ I respond to the recommendation, insofar as it would lead the
16 Commission to prescribe or require DTE-specific, generally applicable technical
17 requirements in this proceeding, and to the scope of any retroactive application. I do
18 not address, and take no position in this testimony on, Witness Shaver's
19 recommendation for interim per-docket filing of finalized operating parameters and
20 study results.

¹⁶ Case No. U-21859, November 6, 2025 order at 105-106.

¹⁷ Shaver Direct at 4-5, 31-32.

1 Q YOU RESPONDED TO SIMILAR CEO RECOMMENDATIONS IN CASE
2 NO. U-21986. WHY DO YOU CONTINUE TO OPPOSE
3 COMMISSION-PRESCRIBED, GENERALLY APPLICABLE TECHNICAL
4 REQUIREMENTS?

5 A In my rebuttal testimony in Case No. U-21986, I recommended the Commission reject
6 CEO's recommendations that Indiana Michigan Power Company be directed to
7 implement voltage ride-through requirements and operational ramp rate limits, because
8 those are transmission system reliability issues properly addressed at the Regional
9 Transmission Organization ("RTO") level, and it was premature to develop utility tariff
10 language before the requirements at the NERC and RTO level were established and
11 known.¹⁸ The developments Witness Shaver himself documents in this proceeding
12 confirm, rather than undermine, that conclusion. As his testimony describes: on
13 June 18, 2026, the Federal Energy Regulatory Commission ("FERC") issued a show
14 cause order to MISO in Docket No. EL26-70-000 concerning the absence of large load
15 operational requirements, including ramp rate and ride-through requirements, in
16 MISO's tariff; on July 16, 2026, in Docket No. RD26-7-000, FERC converted NERC's
17 standards development timeline into a mandated one, with Phase I reliability standards
18 addressing computational load risks to be filed by the end of 2026; and on
19 June 29, 2026, MISO's Large Load Working Group presented draft tariff changes
20 establishing operational ramp rate, telemetry and ride-through requirements targeted
21 for effectiveness in December 2026.¹⁹ The development of these requirements at the
22 NERC and RTO level is therefore no longer prospective; it is mandated, on a defined
23 timeline, and imminent. Commission-prescribed, DTE-specific, generally applicable

¹⁸ Case No. U-21986, Dauphinais Rebuttal at 7.

¹⁹ Shaver Direct at 17-20.

1 technical values adopted in this docket would be established only weeks or months
2 before the mandatory NERC standards and MISO tariff requirements with which they
3 would then need to be reconciled. Witness Shaver's own evidence thus establishes
4 that the appropriate source of generally applicable technical values is the NERC and
5 MISO processes now underway, not this proceeding. Given all the foregoing, the
6 Commission should reject Witness Shaver's recommendation to the extent that it would
7 require DTE, at this time in this docket, to generically provide its specific, detailed
8 minimum interconnection requirements for large loads, including operating parameters
9 showing generally applicable ramp rate and voltage ride-through terms.

10 **Q HOW DO YOU RESPOND TO WITNESS SHAVER'S RETROACTIVITY**
11 **RECOMMENDATION?**

12 A Any Commission evaluation of retroactive application of eventual NERC and MISO
13 requirements should be limited in scope to computational loads. The reliability events
14 underlying Witness Shaver's testimony – including the July 2024 and July 2026 Virginia
15 disturbances he describes – were simultaneous, unexpected trips of large data center
16 loads, and NERC has correspondingly focused its large load reliability efforts on
17 computational loads.²⁰ Nothing in Witness Shaver's testimony supports applying such
18 requirements retroactively to traditional industrial manufacturing loads, which have
19 operated on utility systems for decades under existing interconnection and power
20 quality requirements and whose behavior did not give rise to the reliability events at
21 issue.

²⁰ Shaver Direct at 10-11; Exhibit AB-2.

V. RESPONSE TO GLREA WITNESS RICHTER

A. Priority Load Shedding Assumption

Q WHAT POSITION OF GLREA WITNESS RICHTER ARE YOU RESPONDING TO FIRST?

A In describing the capacity supply and demand response options he proposes be made available to large load customers, Witness Richter repeatedly assumes that large load customers would remain “first in load-shed priority” whenever drawing power from the grid.²¹

Q HOW DO YOU RESPOND?

A That assumption treats the GCV-specific condition from Case No. U-21990 as an accepted, generally applicable baseline for all large load customers. It is not. As explained in my response to Staff Witness Higgins above, the Case No. U-21990 condition arose from an extraordinary 1.383 GW load addition and the resource adequacy risk it presented, and no order of the Commission has extended it generically to 100 MW load additions. The Commission should not adopt any finding in this proceeding that rests on Witness Richter’s assumption.

B. Reliability-Related Recommendations

Q WHAT RELIABILITY-RELATED RECOMMENDATIONS OF WITNESS RICHTER ARE YOU RESPONDING TO?

A Witness Richter recommends: (i) tariff limits on customer up-ramp and down-ramp rates expressed in MW per minute, verified by monitoring equipment installed at customer expense; (ii) power quality monitoring at customer expense directed at

²¹ Richter Direct at 71-72.

1 harmonics; and (iii) that the Commission direct Staff to urgently convene a study group
2 on the simultaneous uninterruptible power supply trip issue.²²

3 **Q HOW DO YOU RESPOND?**

4 A With respect to prescribed MW-per-minute ramp limits, my response to CEO Witness
5 Shaver above applies equally: the generally applicable technical values should come
6 from the mandated NERC standards and the MISO tariff requirements now in active
7 development, not from utility-specific prescriptions adopted in this docket on the eve of
8 those requirements. With respect to monitoring, Witness Richter's recommendation
9 does not account for the evidence in this record that DTE has confirmed all large loads
10 will be subject to per-customer operating parameters that contemplate load ramping,
11 ride-through and harmonics, among other terms;²³ his proposal for a new generally
12 applicable monitoring requirement is accordingly premature on this record. With
13 respect to the proposed study group, CEO made a similar working group
14 recommendation in Case No. U-21859, and the Commission declined to adopt it.²⁴ The
15 considerations that supported that outcome apply with greater force now that the
16 underlying issues – including the uninterruptible power supply trip issue Witness
17 Richter describes – are being actively addressed at NERC, FERC and MISO on a
18 mandated timeline.

19 Finally, to the extent the Commission adopts any of Witness Richter's
20 reliability-related recommendations, they should be scoped to computational loads. I
21 note that Witness Richter relies on NERC's large load white paper discussion that

²² Richter Direct at 37, 44, 51-52 and 85.

²³ Shaver Direct at 14 and 25 (describing DTE discovery responses and Confidential Exhibit CEO-6).

²⁴ Case No. U-21859, November 6, 2025 order at 76 and 121.

places data centers alongside electric arc furnaces as sources of voltage fluctuation.²⁵ That reliance should not be read as support for applying data-center-driven requirements to traditional industrial processes: the reliability events and the NERC, FERC and MISO responses Witness Richter and Witness Shaver describe all concern computational loads, and electric arc furnaces and similar industrial processes have operated on utility systems for decades under existing interconnection and power quality requirements without giving rise to those events.

C. Load Above Contracted Capacity

Q WHAT PROPOSAL OF WITNESS RICHTER ARE YOU RESPONDING TO ON THIS ISSUE?

A DTE's proposed Large Load Provision would permit a customer to exceed its contract capacity by up to 5% for no more than three months in any twelve-month period, with meter readings above contract capacity resetting the customer's contract capacity. Witness Richter recommends the provision be removed or, alternatively, capped at the lesser of 5% or 50 MW and restricted to the nine non-summer months as defined in MISO capacity auctions.²⁶

Q HOW DO YOU RESPOND?

A Witness Richter's underlying observation – that for the largest customers, the 5% allowance can itself amount to a load addition of Large Load Provision scale, with the reset of contract capacity occurring without any review – is well taken. His proposed remedy of outright removal, however, goes further than his own evidence supports. His

²⁵ Richter Direct at 82.

²⁶ Richter Direct at 25-26, 84.

1 concern is with the magnitude and the absence of review, not with the existence of
2 modest operational headroom for typical customers. The remedy proportionate to the
3 concern he has identified is Commission review. Specifically, any reset of a Large
4 Load Provision customer's contract capacity resulting from operation above contract
5 capacity should be disclosed to and subject to review by the Commission, rather than
6 occurring automatically. This would directly address the unreviewed-expansion
7 problem Witness Richter identifies while preserving the operational flexibility the
8 provision affords customers whose excursions are small in absolute terms. His
9 alternative of capping the allowance at the lesser of 5% or 50 MW would likewise
10 address the magnitude concern for the largest customers.

11 **Q DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

12 **A** Yes, it does.

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* * * * *

ALJ Katherine E. Talbot

SERVICE LIST
MPSC Case No. U-22061

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