

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
DTE ENERGY COMPANY)
for approval of amendments to Rate D11)
and related relief)

Case No. U-22061

**GREAT LAKES RENEWABLE
ENERGY ASSOCIATION'S RESPONSE IN OPPOSITION TO DTE'S
MOTION TO STRIKE GLREA'S REBUTTAL TESTIMONY AND EXHIBITS
AND/OR
GLREA'S MOTION FOR OFFICIAL
JUDICIAL NOTICE OF THE REBUTTAL TESTIMONY AND EXHIBITS**

The Great Lakes Renewable Energy Association (GLREA), by its undersigned counsel, files this response in opposition to DTE's August 28, 2026 Motion to Strike GLREA Witness John Richter's Rebuttal Testimony and GLREA Exhibits 2 and 3, and/or GLREA's Motion for Official Judicial Notice of GLREA's Rebuttal Testimony and Rebuttal Exhibits 2 and 3.

**I. NO BASIS EXISTS TO STRIKE GLREA'S PROPOSED EXHIBIT 2 WHICH
COMPRISES DTE'S ANSWERS TO GLREA'S DISCOVERY REQUEST**

GLREA asserts that no valid basis exists to strike GLREA's proposed Exhibit 2 which comprises DTE's answers to GLREA's First Discovery Request. DTE has failed to assert that the answers in Exhibit GLREA-2 do not comprise the answers submitted by DTE itself in response to GLREA's questions, nor does DTE assert that its answers need to be revised or may not otherwise be considered in this case.

GLREA notes that in numerous cases discovery responses are admitted into evidence as part of cross-examination, or by stipulation of the parties in lieu of cross-examination, or to facilitate shorter cross-examination. Among the dozens of cases where this has been undertaken as accepted practice, GLREA counsel is not aware of any recent case in which the submission of

discovery responses have been excluded from the record, nor has DTE in its Motion cited any reason why this accepted practice should not continue in this case.

GLREA further notes that the discovery period in this case remains open, and that GLREA and other parties have issued discovery requests, all of which may in whole or part be subject to entry into the record during the hearings scheduled in this case, or as a means to waive or limit cross-examination. GLREA asserts that it would be unfair and discriminatory to exclude GLREA's request to enter into evidence discovery responses received from DTE, if at any time the Administrative Law Judge (ALJ) allows any other party to submit DTE discovery responses to be entered into the evidentiary record for any purpose, including as a means to facilitate a shorter or more efficient hearing process.

II. DTE'S MOTION SHOULD BE DENIED BECAUSE GLREA WITNESS RICHTER'S REBUTTAL TESTIMONY, AND HIS EXHIBITS 2 AND 3, RESPOND TO THE DIRECT TESTIMONY AND EXHIBITS FILED BY OTHER PARTIES IN THIS CASE

GLREA also asserts that DTE's motion should be denied on the basis that GLREA Witness Richter's Rebuttal Testimony, and his Exhibits 2 and 3 respond to the Direct Testimony and Exhibits filed by other parties, or to DTE's discovery responses received in this proceeding.

DTE's motion correctly states that GLREA's testimony discussed three different topics, as discussed next. Notably, for each topic, GLREA Witness Richter was responding to, or further explaining, issues raised by other parties in their direct testimony or discovery.

A. Fault Ride Through (FRT)

Referencing DTE discovery responses to another party in this case, the CEO, and to GLREA, Witness Richter's rebuttal testimony, pages 3-13, discussed the somewhat shocking revelation that DTE does not have any rules on FRT yet. Witness Richter then provided

evidence as to why this is a critical deficiency that puts the entire operation of the grid at risk, and how this has been addressed in the State of Texas.

Both Exhibit 2 (their discovery response) and Exhibit 3 (the Texas FRT rules) are related to this issue, referencing the ERCOT (Texas) rules on FRT in testimony. In discovery, and citing an article about those rules, GLREA asked DTE if its rules protected reliability. DTE's response discounted the citation as "operational experience in other jurisdictions described in a *trade publication*" (DTE's discovery response cited in Richter's rebuttal, p 6). Richter's rebuttal specifically states that it is based on the actual Texas rules (introduced as exhibit 3), not a trade publication (rebuttal p 6). So, exhibit 3 is a proper rebuttal to DTE's discovery response to both GLREA and CEO.

B. Amount of collateral

Witness Richter's rebuttal, pages 13-17 cited and responded to the testimony of Staff, AG/NRDC/SC, and ABATE, to demonstrate how their proposals sound similar, but are different in detail. Witness Richter then showed how his proposal (from testimony) offers the Commission three distinct options, unlike any of the other parties' proposals. Witness Richter thus counters the arguments of the other parties that there is only one way to address the collateral issue. Witness Richter's rebuttal states that any of the three options he proposed in testimony are "reasonable and prudent" (rebuttal p 17), but recommended the one closest to the Staff position. DTE's motion asserts this is improper because "Nor may GLREA use rebuttal to restate or refine its own previously offered alternatives without demonstrating how the testimony contradicts, explains, or disproves evidence offered by another party. (motion p 7). In contrast to DTE's argument, it is self-evident that Witness Richter's proposal presenting three distinct

reasonable and prudent options contradicts or counters the other parties' proposals that a single option should be considered for the Commission's approval.

C. Annual Reporting

Nothing in DTE's application addressed reporting. In direct testimony, ABATE noticed this deficiency, as annual reporting was required in U-21859. Witness Richter cited and responded to ABATE's recommendation in his rebuttal testimony (pages 17-18) agreed with ABATE "as far as it goes" (rebuttal, page 17) but asserted that ABATE omitted another important requirement (reporting customer interconnect violations), which Witness Richter added as a recommendation. Witness Richter was responding to the omission in ABATE's proposal of reporting on customer interconnect agreement violations in ABATE's proposal. Witness Richter was thus responding to an issue raised in ABATE's Direct Testimony.

D. GLREA Witness Richter's Conclusion and Recommendations

On page 18 of Witness Richter's rebuttal testimony, the witness summarizes his recommendations concerning FRT, collateral, and reporting issues. This portion of Witness Richter's rebuttal testimony is similarly appropriate and should not be stricken.

III. DTE'S CRITICISM OF GLREA'S SENDING DTE ITS FIRST DISCOVERY REQUEST 88 DAYS AFTER DTE'S APPLICATION IS UNMERITORIOUS GIVEN THE FAR LONGER PERIOD DURING WHICH DTE HAS UNDERTAKEN NEGOTIATIONS WITH DATA CENTERS, AND IN VIEW OF DTE'S OBFUSCATION OF IMPORTANT DETAILS REGARDING THE IMPACT OF ITS TRANSACTIONS WITH DATA CENTERS

In an exercise of hypocrisy, DTE criticizes GLREA for submitting its first discovery request to DTE in this case some 88 days after the filing of DTE's application. This DTE assertion has been made despite the scant testimony it has filed in this case, by one witness having questionable qualifications to provide adequate information concerning the many factors

that should be considered in fashioning as an appropriate large load tariff to be applied to large data centers.

DTE's assertion has also been made despite the fact that DTE has likely been negotiating data center deals for the last two years, and in the process has obfuscated and delayed revealing essential information concerning such proposed transactions.

For example, DTE filed an Application in U-21990 on November 3, 2025 to seek *ex parte* approval of special contracts applicable to a data center to be owned by a subsidiary of Oracle Corporation in Saline Township Michigan, which filing was accompanied by two major contracts which were heavily redacted. Without requiring any of DTE's filed statements of two DTE employees to be received under oath, the Commission on an unnecessarily expedited *ex parte* basis approved DTE's special contracts, after denying the interventions and motions for a contested case filed by numerous intervenors, including the Attorney General, ABATE, GLREA, other organizations collectively known as MNSC, and other organizations collectively identified as Clean Energy Organizations (CEO). DTE thereafter sought MPSC approval of additional contracts applicable to the development of energy storage facilities needed to service the data center, again by submitting proposed contracts which were heavily redacted. The Commission approved these contracts on an expedited *ex parte* basis without permitting any interventions or contested case proceedings.

The Commission, in another recent case, U-22058, filed another expedited case to seek approval of contract arrangements between DTE and Google Corporation (or its subsidiaries) for approval of a large data center to be located in Van Buren Township. As with the situation in U-21990, DTE's Application was accompanied by proposed contracts which were extensively redacted.

DTE commenced this case, U-22061, on March 18, 2026, with very limited supporting filings only because the Commission in its December 18, 2025 Order in U-21990, required DTE to file a large load tariff case.

DTE no doubt conducted lengthy negotiations with these large data centers, and other unrevealed data centers, spanning at least two years, starting in 2024, and certainly for many months prior to filing its Applications in U-22090 and U-22058. DTE has left unrevealed many contract provisions applicable to their data center transactions, and has sought to evade contested case hearings or to otherwise limit relevant evidentiary records in efforts to obtain expedited orders from the MPSC.

The bottom line is that neither GLREA nor any other party seeking intervention in these cases, or which have been granted intervention in this case, should be criticized because of the time needed by their experts to research and prepare discovery and expert testimony on important factors that should be considered by the Commission in developing an appropriate large load tariff. This is particularly important because the onset of large data centers will substantially increase DTE's capacity and energy requirements, and will likely result in significant impacts affecting DTE's existing customers. The public interest requires more transparency, and less obfuscation as DTE has attempted in these matters.

GLREA should not be criticized because the time needed to research and respond to this emerging situation is understandable, and because the public interest is served by greater transparency of all important details necessary to design a proper large load tariff. Additional discovery is needed, and should be considered, as part of the evidentiary record, because of the failure of DTE to fully disclose all the relevant factors in its original filing, and because of the

pattern of obfuscation undertaken by DTE in cases involving data center service connections and requirements.

IV. STRONG PUBLIC INTEREST CONSIDERATIONS SUPPORT THE DENIAL OF DTE'S MOTION IN ITS ENTIRETY

GLREA asserts that strong public interest considerations support the denial of DTE's Motion in its entirety.

It is increasingly obvious that the connection of large data centers to DTE's system presents a unique and major emerging situation. The new data centers proposed for Saline Township and Van Buren Township alone will create huge new capacity and energy demands upon DTE, and raise substantial questions regarding the resulting impact of these service obligations upon DTE's existing ratepayers. Without credible and significant regulatory actions by the MPSC, DTE's existing ratepayers will be required, directly and indirectly, to subsidize the data centers (for the benefit of multi-billion dollar private corporations).

The strong public interest considerations that exist merit the acceptance into the evidentiary record of as much relevant technical information regarding the proper regulation of data centers, and the protections of existing customers, as possible. This justifies the receipt of GLREA's Rebuttal Testimony and Exhibits as comprising important information that should be available for presentation to the Commission, in contrast to DTE's efforts to limit evidentiary records and to obfuscate or eliminate needed information that must be considered by the Commission.

Importantly, DTE in its Motion does not specifically assert that it has been harmed or prejudiced by the receipt of GLREA's Rebuttal Testimony and Exhibits into the record, such as suggesting in any way that the information provided therein is incorrect, or irrelevant. Moreover, even if DTE could claim that it is procedurally disadvantaged, DTE has existing

curative remedies which can be easily undertaken, such as by participating in continued discovery, cross-examining GLREA Witness Richter, or by filing surrebuttal testimony (if there is some unrevealed point or other information that DTE may want to present). Notably, DTE has not filed a Motion to File Surrebuttal Testimony, and has not filed therewith any proposed Surrebuttal Testimony, to any of the information presented in GLREA Witness John Richter's Rebuttal Testimony, or in his Rebuttal Exhibits 2 and 3. Yet, DTE could request to do so pursuant to Commission Rule 427(3), R 792.10427(3), which states:

(3) A party shall have the right of cross-examination and shall have the right to submit rebuttal evidence. Some surrebuttal evidence may be permitted at the discretion of the presiding officer or the commission.

As a result, there appears at this juncture no basis to conclude that DTE has any substantive disagreement with GLREA's Rebuttal Testimony and Exhibits.

V. GLREA HEREBY REQUESTS THE ADMINISTRATIVE LAW JUDGE TO ALSO TAKE OFFICIAL JUDICIAL NOTICE OF GLREA'S REBUTTAL TESTIMONY, AND GLREA REBUTTAL EXHIBITS 2 AND 3

As part of this response, GLREA hereby requests the Administrative Law Judge, pursuant to Commission Rule 428, R 792.10428, to take official judicial notice of GLREA Witness John Richter's Rebuttal Testimony, and his Rebuttal Exhibits 2 and 3. Rule 428 states:

Rule 428. Except as otherwise provided by law, the commission and the presiding officer may take official notice of judicially cognizable facts and may take notice of general, technical, or scientific facts within the commission's specialized knowledge. The commission or the presiding officer shall notify the parties at the earliest practicable time of any noticed fact that pertains to a materially disputed issue that is being adjudicated and, on timely request, the parties shall be given an opportunity before the final decision to dispute the fact or its materiality. The commission may use its experience, technical competence, and specialized knowledge in the evaluation of evidence presented to it.

Wholly aside from any procedural concerns the ALJ may have, the grant of this Motion for Official Judicial Notice of the information provided in John Richter's Rebuttal Testimony and

his Rebuttal Exhibits 2 and 3, would constitute an additional means by which the information provided therein can be considered as part of the record for purposes of hearings and briefing in this case. This Motion is supported by all of the arguments made above in support of GLREA's request that DTE's Motion be denied in its entirety.

VI. CONCLUSION AND RELIEF

GLREA requests the Administrative Law Judge to deny DTE's Motion to Strike the prefiled Rebuttal Testimony of GLREA Witness John Richter, and to strike his Rebuttal Exhibits GLREA-2 and 3. GLREA also requests that the Administrative Law Judge rule that official judicial notice should be taken of John Richter's rebuttal testimony and his Exhibits 2 and 3. GLREA requests such further and consistent relief that is lawful and reasonable.

Respectfully submitted,

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Dated: September 2, 2026

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PROOF OF SERVICE

Carol A. Dane says that on September 2, 2026, she served a copy of GLREA's Response in Opposition to DTE's Motion to Strike GLREA's Rebuttal Testimony and Exhibits and/or GLREA's Motion for Official Judicial Notice of the Rebuttal Testimony and Exhibits upon the following parties via email:

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The statements above are true to the best of my knowledge, information and belief.

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Dated: September 2, 2026