

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of **DTE
Electric Company** for approval of its
Integrated Resource Plan pursuant to
MCL 460.6t, and for other relief. /

Case No. **U-20471**
(e-file paperless)

**STAFF'S EXCEPTIONS TO
THE PROPOSAL FOR DECISION**

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Dated: January 9, 2020

I. Introduction

Staff submits its exceptions to the proposal for decision (PFD) in this case. Staff appreciates the PFD, which is well written with numerous insights on a complicated integrated resource plan submitted by DTE Electric Company.

Especially given the volume, the Staff's failure to opine on a particular element of the PFD, however, should be not be viewed as a concession. Staff continues to rely on its original briefs, testimony, exhibits and positions in this case.

II. Statutory Framework

A. **MCL 460.6t(9) requires that the statutory process of recommended changes and revisions be followed if the plan is denied in whole or part.**

The ALJ appears to advocate for the Commission denying the IRP in its entirety, abandoning the statutory procedure set in Act 341 and requiring that the Company refile its IRP within 30 months. Staff takes exception to these recommendations. As stated in Staff's initial brief, Act 341 sets specific Commission, party and utility deadlines and actions, if the Commission recommends changes or a denial. MCL 460.6t.

The deadlines include the following:

If the Commission's 300-day order recommends changes:

- 15 days later party comments are due, and 30 days later the utility may respond to any changes and/or submit a revised IRP, incorporating 1 or more changes. *Id.*

If the Commission’s 300-day order recommends denial:

- 60 days after any denial, the utility may revise the plan, and the Commission must hold an expedited contested case. MCL 460.6t(9).
- 90 days after the utility files its revised plan the Commission will issue an order “approving or denying, with recommendations, the revised integrated resource plan,” if the changes are not substantial. *Id.*
- 150 days after the utility files its revised plan the Commission will issue an order, if the utility’s changes are substantial. *Id.*

360 days after filing the original IRP, the Commission must approve or deny any revised plan; this order is appealable to the Court of Appeals. *Id.* At the 360-day order point, if the Commission denies the revised plan, the utility can proceed with its plan without any cost preapprovals provided in the statute. MCL 460.6t(10).

Staff submits that the strictures of the statute, as enacted by the Legislature, must be followed, and the process could result in some changes that would be positive for the Commission, ratepayers and other stakeholders, as the plan becomes further refined and fine-tuned, through the various stages of the process. EWR can also be ramped up now, and other costs pre-approved, subject to later review, that will help further important IRP related goals. If the plan is approved Staff believes it should be resubmitted within 36 months.

III. Energy waste reduction should be ramped up earlier than 24-30 months.

A. A level of 1.75% in 2020 and 2% in 2021 would benefit customers and potentially enhance the next IRP.

Staff recommends that the Commission go beyond the PFD's recommendation requiring the Company to file updates within 24-30 months, and that the Commission require DTE to ramp up EWR as soon as an order is issued in this case. After the ALJ correctly concluded that DTE erred in many of its assumptions and analysis regarding the benefits of increased levels of EWR, the PFD curiously recommends that the Company "update its EWR analysis in its next IRP consistent with the discussions in the PFD." The ALJ recommends this next update take place in the next 24-30 months after a final order is issued in this case. Staff finds 2 years or longer to be lost opportunity for the Company's customers and its system's reliability. By ramping up its EWR programs to the level of 2% by 2021, the customers would realize benefits over the next 2 years.

The Company should not be allowed to put off these cost-effective savings benefits for both their customers and their grid reliability. Increased levels of EWR of 1.75% in 2020, and 2. % in 2021 would also have considerable impacts on the next IRP update. Those impacts could save utility customers now and into the future. Thus, Staff recommends that the Commission order the Company to begin ramping up its EWR effective with an order in this case.

B. By failing to ramp up EWR when it can, the Company underestimates the value of EWR, as stated in the PFD.

On page 146 of the PFD, the ALJ finds persuasive the argument made by Michigan Environmental Council (MEC) regarding the fact that the Company “should have incorporated long-term benefits in an end effects assessment of EWR,” and that “failure to do so results in an understated benefit-cost ratio for EWR.” The ALJ also finds on page 147, that the Company is “unconvincing when contend[ing] that even with end effects included, the results of the EWR optimization are unchanged.” The ALJ continues by stating, “adding this error with respect to the end effects to additional oversights in the Company’s approach to EWR modeling leads to results that call into question the Company’s claim that a 1.75% level of EWR is most reasonable and cost-effective.” Staff agrees.

Staff also supports the ALJ’s finding that while the Company’s “setting a certain percentage of EWR program spending aside for non-program costs was a reasonable approach when Act 295 was first implemented, DTE now has over a decade of experience in implementing these programs and should see more stability in non-program costs.” (PFD, p 148.)

Finally, Staff supports the ALJ’s finding that it’s reasonable to assume that DTE missed savings opportunities by assuming in its plan that EWR ramps up and stays at the same level throughout the study period. *Id.* at 152. The ALJ states:

In response to DTE’s query as to why it would ever do this (significantly increase EWR savings in early years then decrease to 1.5% savings later), the answer is, “why not?” In addition to being a less costly option than DTE’s proposal, on an NPVRR basis, MEC/NRDC/SC’s suggestion to ramp EWR savings up in early years, then back down later, could also address some of the concerns that the company expresses about

saturation, and the implied reduction in “low-hanging fruit” as EWR programs mature.

Larger savings earlier in the program can only be viewed as a positive. Staff agrees with the PFD and asks that, in contrast to the ALJ’s more mild suggestion, that the Commission hold DTE accountable now for its failure to adequately address EWR in this plan.

IV. Staff recommends specific cost preapprovals.

A. Contrary to the PFD, Staff recommends preapproval of energy waste reduction (EWR) costs in the context of the IRP.

As stated in its initial brief, Staff submits that the Commission should approve the \$103 million requested capital costs for EWR. Staff also requests that the Commission also order that Staff will review and make recommendations related to EWR programs in the context of annual EWR plans. (7 TR 3217.)

B. Pre-approval for CVR/VVO and DR should be handled in the context of the integrated resource plan (IRP).

Staff disagrees with the PFD’s recommendation at page 183 to the extent it implies that cost preapproval for the Conservation Voltage Reduction and Volt-Var Optimization (CVR/VVO) pilots be postponed to the Company’s pending rate case.

Rather, the preapprovals for the CVR/VVO pilot should be handled now in this IRP. (PFD, p. 183.) DTE requests \$.7 million pre-approval for the Company’s proposed CVR-VVO pilot investment and resources through 2020. Staff recommends preapproval of the CVR/VVO pilot in this IRP. (7 TR 3375.)

Although Staff continues to have concerns with the CVR/VVO pilot program (*Id.*), Staff believes that the Company will not allow stumbling blocks to stand in the way of the program's success. If Staff's concerns are not alleviated and the benefit cost analysis is not what was expected through the pilot program, the CVR/VVO program could be discontinued as part of the flexible PCA and future IRP filing(s). Staff provided recommendations, which it requests that the Commission adopt and DTE implement to alleviate Staff's concerns with the CVR/VVO pilot program. (7 TR 3367-77.) Ultimately, cost recovery would be evaluated in the next rate case.

C. Staff wishes to clarify that costs regarding preapproval of certain demand response (DR) costs, as adjusted, should be made in in this IRP.

Staff recommends that the Commission explicitly approve certain proposed DR costs be pre-approved in this IRP rather than postponed to a later date. (7 TR 3333.) Staff witness David W. Isakson recommends "that the Commission not pre-approve any capital spending for other DR pilots, save for the on-going Bring-Your-Own-Device (BYOD) pilot and Electric Power Research Institute Transportation Program pilot (EPRI pilot)." Staff believes that the PFD agrees with Staff regarding the preapproval, albeit, it does not explicitly state that the costs for the programs should be preapproved.

The PFD states at page 159 that it "recommends that the Commission find the DR elements of the IRP reasonable and prudent, albeit with changes proposed by the Staff" and that the other DR costs not be preapproved. In accordance with the

Commission-approved three-phase DR framework, capital costs for DR must be approved in IRP cases so that they may be recovered in rate cases and reconciled annually. (7 TR 3331-3332; Staff's Initial Brief, p. 70.) Staff, therefore, recommends that the Commission explicitly approve costs for the BYOD and EPRI proposals in this IRP.

V. Starting point resources should be addressed in the Company's next IRP, and Staff found that the additional modeling it requested did not significantly change the least cost build plan for the Belle River replacement.

The ALJ in her PFD, at page 114, disagrees with the Company and Staff, that after the additional modeling, the least-cost build plan results essentially remain the same. The PFD incorrectly surmises:

The company contends that, after additional modeling requested by the Staff, the least-cost build results remain essentially the same. The PFD disagrees, noting that Mr. Doherty's testimony indicates that the results of the modeling without the additional resources forced in were inconclusive and dependent on the assumptions used.

The PFD's reliance on Staff witness Doherty's testimony is misplaced. Staff testified to whether there is any benefit or detriment to including the forced starting point resources.

Staff does not take issue with the starting point resources in this case provided the Company completes a more thorough analysis of these resources, in the Company's next IRP, prior to their procurement. (7 TR 3301-02.) Staff agrees with the Company that the additional modeling, excluding the starting point renewables resulted in essentially the same least cost build plans for the replacement of Belle River.

Staff witness Doherty's testimony about the results being inconclusive is referring to whether there is a value or a cost to the inclusion of the forced in resources in the build plan. In other words, the additional modeling done by the company provided inconclusive results as to the cost-benefit of these extra renewables. Some of the scenarios showed a higher cost when forcing in the renewables and some showed a lower cost, compared to not including them.

A lower cost was possible even though it was compared to an optimized plan because in this case the build included these superfluous, or unneeded in terms of capacity, units that, depending on market conditions, could be profitable or not. All of the margins were comparatively small. Thus, it is inconclusive if the starting point resources make any significant difference at all in cost either direction or the amount of the difference. (7 TR 3300.) Staff witness Doherty states that the starting point resources, not needed from a capacity standpoint, depending on the scenario range "from a savings of \$44 million to a cost of \$105 million." (*Id.*) The least cost plans in each scenario, irrespective of the starting point renewables inclusion or exclusion, remain relatively unchanged.

The ALJ contrasting the Staff's statements that the starting point's value is inconclusive with the Company saying the least cost plan does not change regardless of the forced in resources, is not the right comparison. The Staff's statements are not in contrast to the Company's assertions in this instance. The Company's optimized analysis is at its heart only looking at the replacement of the Belle River plant. DTE maintains correctly that the least cost plan to replace Belle

River is basically the same regardless of if DTE implements the starting point resources or not. Staff was able to verify this, given the additional modeling.

Staff submits that DTE needs a certain amount of resources when Belle River retires whether or not renewables are forced in and the model picks the same resources in the least cost plan with or without those forced in resources. Thus, using the starting point resources is not a reason to reject this plan, as additional modeling shows that the PCA and IRP are the least cost-option, irrespective of the inclusion of the starting point. Therefore, Staff recommends approval of the PCA and IRP.

VI. While the ALJ is correct that the peaker fleet analysis was incomplete, the Belle River analysis was regarding long term plans and, therefore, sufficiently granular.

Staff agrees with the ALJ on her position regarding the failure to include an analysis of the Company's peaker fleet, as required per MCL 460.6t(5)(k) in accordance with the testimony of Staff witness Anna Schiller. (7 TR 3281-82.)

Staff, however, would like to clarify its position on the Belle River retirement. The earliest proposed retirement date by DTE for the Belle River units is in 2025. Staff maintains that since this date is not within the defined near-term portion of the plan, the retirement should be studied in future IRPs.

The lack of a more robust retirement analysis of the Belle River units should not be used as a basis to reject the Company's IRP, as the ALJ recommends at page 189 of the PFD. The Company analyzed the units as specified by the filing requirements. Additionally, the ALJ does not consider reliability issues and

transmission studies that may need to be completed by the transmission operator, Midcontinent Independent System Operator (MISO), before Belle River retirement. Further analysis of the Belle River retirement should be considered in future IRPs but should not be considered a reason to deny DTE's IRP application.

VII. The Proposal for Decision's analysis of River Rouge 3 (RR3) needs clarification.

In addition, Staff recommends that the issue of the River Rouge 3 conversion should be handled in an integrated resource plan proceeding, in contrast to the ALJ's ruling. (PFD, p. 120.) Although Staff agrees with the ALJ that the affiliate transactions discussed in witness Schiller's testimony (7 TR 3287-89) should be more fully examined in a more appropriate proceeding such as a PSCR case, Staff believes that decisions on resource commitment should be made in the IRP proceedings.

Additionally, DTE is not requesting cost approval in this case. The Commission should decide whether the conversion itself is appropriate in this IRP proceeding based on the evidentiary record presented.

The conversion of RR3 as stated by DTE in this case will last two years and will support the company's capacity position until the Blue Water Energy Center (BWEC) natural gas plant comes online in 2022. DTE witness Matthew Paul states that the unit will be used to support reliability and the Company's capacity position. (5 TR 1118-20.)

The unit would run less frequently than it does now and only to support generation in times of capacity shortfall. Staff is generally supportive of the conversion for this reason. Any approval of this conversion in the IRP would not exempt the unit from other economic analysis or deny the Commission the opportunity to review all costs associated with the conversion and operation of this unit to determine the reasonableness of costs in other proceedings.

The PFD states that River Rouge 3 should be further analyzed in other proceedings. Staff notes that if River Rouge 3 were to retire earlier than 2022, as proposed by other parties, MISO would need to study that from a reliability standpoint to determine if there are reliability concerns with that change. DTE had planned to retire River Rouge in 2020 but determined that it was needed as a capacity resource to maintain the grid pursuant to MISO's Attachment Y study. DTE testified, through its witness Matthew T. Paul that "MISO Attachment Y determined 2020 retirement may require firm load shed in certain grid conditions." (5 TR 1118-19.) Witness Paul testified for the need for River Rouge to be recognized as a significant capacity resource, supporting grid stability. (5 TR 1197.) It has a "net demonstrated capacity rating of 272 MW." (5 TR 1111.)

There has not yet been an attachment Y submission with respect to retiring River Rouge in 2022; thus, such an eventuality could have an unknown impact on reliability. (5 TR 1197.) Thus, while the River Rouge conversion particulars may require further evaluation in other proceedings, its continuing to run through 2022

should be approved in this IRP as a needed capacity resource, and any earlier retirement would require further analysis by MISO.

VIII. Staff is not convinced that DTE has a capacity need or position at this time; thus, it did not need to file a request for proposal (RFP) prior to this IRP filing.

Staff still does not agree with the PFD's holding at page 189 that "DTE does appear to have a capacity need within the next five years, although the amount of the shortfall is unclear." Staff believes that DTE does not have a capacity need for the next five years. Staff witness Cody Matthews testified:

Staff also recommended, in Case No. U-18091, that DTE include a PURPA review in its next IRP filing. DTE forecasts no capacity need for the planning period included in the IRP. If DTE is found to have a capacity need, an interim PURPA review can be ordered. If not, the next IRP filed by DTE should include a PURPA review. [7 TR 3365.]

It follows that due to the lack of capacity need over the next 5 years, there was no need to file a request for proposal prior to this integrated resource plan filing, contrary to the PFD's holding at page 189, recommendation 2.

IX. Staff believes that DTE's utility ownership issues, distributed generation (DG) and voluntary green pricing (VGP) programs merit further analysis, noting DTE's progress with respect to ownership issues.

Staff would like to clarify the ALJ's request that DTE's ownership analysis be rejected (PFD, p. 189, recommendation 3.) Staff and other parties testified that ownership issues needed further analysis. After the filing of this application, DTE recently conducted an RFP that is all source and includes PPAs. Thus, it appears

DTE is taking to heart some of the recommendations in this case made by Staff and other parties.

Staff agrees with the PFD's recommendations that DTE should update its solar inputs in its next IRP (p. 189, recommendation 8), that DTE should take a more complete analysis of DG resources in its next IRP (pp. 144, 189), and that VGP programs should be addressed in DTE's next VGP review (p. 145.) While Staff believes the IRP should be approved, Staff submits there is room for improvement.

X. Transmission

At page 171, the PFD states that the IRP did not include a proper analysis of transmission options as required by MCL 460.6t(5)(h). Staff maintains that DTE followed the statute, filing requirements, and guidance from Case No. U-18419. MISO is conducting a more thorough transmission analysis, though the outcome of that analysis is subject to confidentiality provisions regarding CEII, and a stakeholder process has been initiated as a Statewide Energy Assessment (SEA) recommendation with utility participants including DTE Electric Company. Staff, therefore, takes exception to the ALJ's conclusion that the transmission analysis conducted by the Company was incomplete, considering the circumstances of this case. (PFD, p. 190.)

A. Staff excepts to the PFD finding that the MISO projection of Capacity Import Limit (CIL) and the ITC Transmission (ITC) Report should have triggered an analysis by DTE of potential imports from outside of Zone 7.

The PFD held that DTE's transmission analysis was insufficient, in part, due to not providing a CIL analysis. (PFD, p. 190, recommendation number 13.) The Staff respectfully disagrees based on the context of this case and an analysis of the statutory language involved.

In accordance with MCL 460.6t(5)(h), an integrated resource plan shall include “[a]n analysis of potential new or upgraded electric transmission options for the electric utility.” A transmission solution is only an adequate solution so long as there is generation on the other end. This is reinforced by MCL 460.6t(5)(j) that states that an IRP should include “[p]lans for meeting current and future capacity needs with the cost estimates for all proposed construction and major investments, including any transmission or distribution infrastructure that would be required to support the proposed construction or investment, and power purchase agreements.” The statute implies that there is generation available to serve load through some transmission tie “required to support” the generation needed to serve load. Thus, it is essential to know where the ties are, which MISO is the best situated to analyze; otherwise, the transmission will not support the generation, as the statute intends.

While there may be abundant resources outside of Zone 7, it is not reasonable for the utility, in this case DTE, to know whether and which of the external resources are available and deliverable to meet Michigan Zone 7 needs. Staff believes that it is unreasonable for a regulated utility to be responsible to solicit a

response from every power provider across the country to determine availability and then determine, in consultation with the transmission owner, the cost of transmission to ensure deliverability.

Rather, Staff points out that MCL 460.6t(6) allows for alternate proposals to be submitted and evaluated. This provision not only allows for alternatives to be evaluated but would also allow for entities wishing to forward proposals to work with the transmission owner to include an evaluation of transmission upgrade costs, allowing it to be compared with in-state resources on a level playing field

However, significantly, no alternative proposals were submitted during the course of this IRP. Thus, DTE did not fail to adequately analyze transmission in this case, and the transmission analysis submitted by DTE was sufficient to justify approval of the PCA and IRP.

B. Staff takes exception to the ALJ's finding that DTE should have included ITC's proposal to install static VAR compensators (SVCs¹) at Fermi as part of its transmission analysis.

The ITC SVC proposal was a MISO Transmission Expansion Plan (MTEP) project designed to alleviate a reliability problem. (7 TR 3351.) The MTEP process is primarily concerned with reliability. It was an added bonus that the SVC project would have potentially increased the CIL. As witness Marshall states, DTE eventually changed the operational parameters at Fermi. This operational change resolved the reliability concern, absent installation of an SVC. (7 TR 2247.) The

¹ SVCs regulate and control line voltages. [https://new.abb.com/facts/static-var-compensation-\(svc\)](https://new.abb.com/facts/static-var-compensation-(svc))

reliability concern was resolved with an operational change, which was the least cost method for resolving the that concern; therefore, the potential increase in the CIL that was offered by the SVC project is no longer a viable or appropriate option.

Within MISO the MTEP process is not focused on implementing policy objectives, it is focused on ensuring there is an affordable, safe and reliable transmission system. For these reasons Staff maintains that the proper place to discuss the CIL and capacity export limit (CEL) are the stakeholder processes that are the outcome of the SEA recommendations ² and reiterates that a transmission solution must be tied to a generation component to serve load in a mutually supportive relationship.

C. The utility should not be expected to conduct a granular analysis of long-term CIL and CEL into Zone 7, which is within the purview of MISO.

While MCL 460.6t(5)(h) does require that the utility provide “[a]n analysis of potential new or upgraded electric transmission options of the electric utility.” Even if conducted with the aid of the transmission owner, the utility will never be able to produce a transmission study that is as granular and simultaneously wide in scope as a transmission study performed by MISO.

MISO is in the unique position of possessing a great deal of information across a wide region that includes multiple transmission owners. Much of this information is market sensitive so, as a neutral third-party, MISO may be able to

² Michigan Statewide Energy Assessment Final Report, dated September 11, 2019, Case No. U-20464, Docket Entry No. 63, pp. 192-193.

produce results that maintain the confidentiality of market sensitive data while incorporating the effects where others would not. Thus, it is up to MISO, not DTE to conduct a long-term CIL and CEL analysis that may inform future IRPs.

XI. Conclusion

Thus, Staff recommends that the plan be approved subject to the caveats stated in its initial and reply briefs. Staff submits that even if the plan is modified or rejected, the strictures of the statute must be followed at MCL 460.6t.

Respectively submitted,

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PROOF OF SERVICE

STATE OF MICHIGAN)
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De Ann Payne, being first duly sworn, deposes and says that on **January 9, 2020**, she served a true copy of **Michigan Public Service Commission Staff's Exceptions to the Proposal for Decision** upon the following parties **via email only**:

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De Ann Payne

Subscribed and sworn to before me
this 9th day of January 2020.

Cherie A. Richie, Notary Public
State of Michigan, County of Ingham
Acting in the County of Eaton
My Commission Expires April 13, 2022