



May 27, 2020

Ms. Lisa Felice
Michigan Public Service Commission
7109 W. Saginaw Hwy.
P. O. Box 30221
Lansing, MI 48909

Via E-filing

RE: MPSC Case No. U-20642

Dear Ms. Felice:

The following is attached for paperless electronic filing:

Initial Brief on behalf of Citizens Utility Board of Michigan

Proof of Service

Sincerely,

Lydia Barbash-Riley
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xc: Parties to Case No. U-20642

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of **DTE GAS COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of natural gas, and for miscellaneous accounting authority.

U-20642

ALJ Martin Snider

INITIAL BRIEF
ON BEHALF OF
CITIZENS UTILITY BOARD OF MICHIGAN

May 27, 2020

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I. Introduction

DTE Gas Company (“DTE Gas” or “the Company”) is proposing a \$203.8 million rate increase to recover infrastructure-related revenue requirements, operating expense increases, and reduced gas consumption.¹ For the Residential Rate Class, the average rate increase will be 8.33% for the projected test year ending September 30, 2021.²

Citizens Utility Board of Michigan (“CUB”) submits this brief in support of DTE Gas’s proposed cost allocation. CUB also recommends an alternative to the Company’s projected End User Transportation power generation volumes. While CUB is generally in favor of continuing to use DTE’s Class Cost of Service Study (CCOSS), CUB’s silence on other issues in the Company’s application does not indicate CUB’s acceptance of them, and CUB reserves the right to address these issues in its reply brief.

II. CUB Supports DTE Gas’s Cost Allocation Proposal because it is More Reasonable than the Alternatives that Intervenors Presented

DTE Gas states that it plans to continue using the same cost allocation method in its CCOSS as the Company has since Case No. U-8812 in 1988.³ Intervenors Association of Businesses Advocating Tariff Equity (ABATE), Michigan Power Limited Partnership (MPLP), and Verso Corporation submitted testimony advocating for alternative cost allocation methods that would shift costs from larger to smaller customers. For the reasons described below, CUB supports continuing to use DTE Gas’s proposed CCOSS in this case because the Company already recovers substantial gas distribution infrastructure costs via customer charges specific to all gas that is sold

¹ Case No. U-20642, Application, p. 2.

² Case No. U-20642, Application, Attachment 2.

³ Maroun Rebuttal, 4 TR 873.

in any area on the list of DTE Gas's Customer Attachment Project Areas in its tariff book.⁴ Therefore, allocating any additional costs to customers – as ABATE and MPLP/Verso propose to do – should be rejected by the Commission as unjust and unreasonable. Instead, CUB encourages the Commission to find that the costs of distribution mains allocated in this case should be recovered through annual gas deliveries because the attachment surcharges were designed on the assumption that costs would be recovered via throughput revenues.

As described in the rebuttal testimony of witness Douglas B. Jester, CUB objects to three aspects of ABATE witness Jeffrey Pollock's criticism of DTE Gas's CCOSS: (1) that the Company should have classified at least 40% of distribution mains as customer-related costs; (2) that "DTE's CCOSS should not be used to determine how any base revenue increase is spread among customer classes"; and (3) that the Commission should adopt Mr. Pollock's recommended cost allocation method in lieu of DTE Gas's proposal.⁵ CUB also objects to five of MPLP/Verso witness Nicholas Phillips's assertions regarding DTE Gas's CCOSS, specifically: (1) that the Company's use of the average and peak (A&P) allocation method "is at odds with system design and cost causation"; (2) "that a peak day demand allocation method be used in place of DTE's proposed demand and throughput"; (3) that the Company's method for allocating the percentage of fixed delivery system investment on system throughput via the annual system load factor "is unreasonable because it allocates even more costs to these customers as the load factor increases"; (4) that allocating "75% of fixed costs on a demand basis and 25% of fixed costs on an average energy basis" is preferable

⁴ Jester Rebuttal, 4 TR 1626; DTE Gas Company Original Sheet No. C-43.00, C8.10 Customer Attachment Project Areas.

⁵ Jester Rebuttal, 4 TR 1617.

to the Company's proposed A&P method; and (5) that DTE Gas's large volume transportation rates should be decreased.⁶

A. The Commission should reject ABATE's Proposed CCOSS and Related Cost Reallocation Proposals

In lieu of DTE Gas's CCOSS, ABATE witness Pollock proposes a structure that removes gas deliveries to direct-served transmission customers from the allocation of distribution mains and other distribution plant costs and allocates the cost of low- and high-pressure distribution mains only to the classes they directly serve.⁷ As noted above, he also proposes classifying at least 40% of distribution mains as a customer-related cost.⁸ Mr. Pollock asserts that this structure "is consistent with the physical realities of a gas delivery system and is an accepted practice in the majority of state regulatory commissions that have opined on the issue."⁹ Mr. Pollock's CCOSS proposal is critically flawed because it fails to consider how DTE Gas actually recovers costs from its customers. By ignoring the Company's existing gas cost recovery construct described in DTE Gas's tariff book section C8 – Customer Attachment Program, the resulting cost reallocation inequitably and unreasonably burdens residential and small business customers. Specific to Mr. Pollock's recommendation to classify at least 40% of distribution mains as customer-related costs, CUB witness Jester explained that these costs are already included in DTE Gas's tariffs as fixed monthly surcharges.¹⁰ Therefore, "all required revenue associated with the extension of mains and

⁶ Phillips Direct, 4 TR 1570.

⁷ Pollock Direct, 4 TR 1634-5.

⁸ Pollock Direct, 4 TR 1635.

⁹ Pollock Direct, 4 TR 1635.

¹⁰ Jester Rebuttal, 4 TR 1618. See also DTE Gas Company Original Sheet No. C-41.00:

C8.6 Fixed Monthly Surcharge

A Fixed Monthly Surcharge (Surcharge) will be calculated for each Customer Attachment Project (Project). The Surcharge will recover the Revenue Deficiency anticipated from the proposed Project. The Surcharge is calculated such that the present value of the anticipated

subject to recovery through this proceeding is based on expected throughput and each customer has or is paying a substantial per-customer charge in order to be attached to DTE's gas distribution system."¹¹ This reasoning regarding initial extension of mains would also apply to the cost of any rolling mains replacement that if ABATE recommends allocating to customers.¹²

Mr. Pollock's CCOSS proposal is also premised on the incorrect assumption that the cost of distribution mains should be attributed based on linear extent instead of size¹³ and "allocated based on the number of customers taking distribution level gas delivery service."¹⁴ In his view, the CCOSS should attribute more of the costs of mains to customers because "[a]pplying the Predominant Size method would result in classifying approximately 80% of distribution mains as a customer-related cost."¹⁵ As noted above, Mr. Pollock recommends classifying 40% of this distribution cost as customer-related cost, with the remainder allocated on the basis of demand.¹⁶

This approach should be rejected for at least two reasons.

Surcharges collected from the Project will equal the net present value Revenue Deficiency. The Surcharge will be recoverable over a predetermined time period, not to exceed ten years. The Company will be responsible for determining the appropriate Surcharge time period. The Surcharge will be a fixed dollar amount for all customers within the Project and will expire on the same date for all customers within the Project, regardless of when the Surcharge was initially assessed to the customer. The Surcharge will not be subject to adjustment, reconciliation or refund. A customer who attaches to a Project after the Surcharge period has expired or a customer whose proposed attachment was beyond the scope of the original Project, will be treated as a separate Project.

C8.7 Customer Attachment Program

A Project may consist of a single customer, requiring only the installation of a service line and meter, or may consist of numerous customers requiring the installation of mains, service lines and meters. A Project will generally be defined as a customer or group of customers that may be served from the contiguous expansion of new distribution facilities.

¹¹ Jester Rebuttal, 4 TR 1618.

¹² Jester Rebuttal, 4 TR 1618.

¹³ Jester Rebuttal, 4 TR 1619.

¹⁴ Pollock Direct, 4 TR 1652.

¹⁵ Pollock Direct, 4 TR 1652.

¹⁶ Pollock Direct, 4 TR 1652.

First, allocating the cost of distribution mains on a linear extent basis fails to account for variation in settlement density and thus the actual length of main per customer.¹⁷ Customers are unfairly burdened when the distribution main costs are allocated to the entire customer base instead of by project area. Staff witness Kevin S. Krause similarly notes in rebuttal to Mr. Pollock that the number of customers is only tangentially related to the Company's investment in distribution mains and that geography has a greater impact.¹⁸ Mr. Krause also argues, and CUB agrees, that Predominant Size is not an appropriate methodology for determining the classification of distribution mains because it is a customer-related classification.¹⁹ Further, as Attorney General witness Coppola argues, the physical structure of the gas distribution system that does not segregate between customer types makes it virtually impossible to reasonably allocate the costs for distribution mains.²⁰

Second, Mr. Pollock's method allocates both the cost of service by Predominant Size mains and the costs of mains exceeding the Predominant Size to small customers.²¹ Not only does this result in smaller customers bearing a disproportionate cost burden, it is contrary to Mr. Pollock's

¹⁷ Jester Rebuttal, 4 TR 1619.

¹⁸ Krause Rebuttal, 4 TR 1116-7.

¹⁹ Krause Rebuttal, 4 TR 1120. Mr. Krause also correctly notes that classifying distribution mains as a customer-related cost would be inconsistent with the Commission's decision in DTE Gas's most recent rate case, Case No. U-18999. Krause Rebuttal, 4 TR 1119.

²⁰ Coppola Rebuttal, 4 TR 1531.

²¹ In a stark illustration of the inequitable impact of Mr. Pollock's proposal, Mr. Coppola concluded that an additional \$37 million of revenue requirement would be allocated to residential customers. This would result in higher rates to residential customers, on top of whatever rate increase the Company is granted by the Commission. This would be a permanent rate increase for residential customers. The beneficiaries of this revenue shift primarily would be large volume transportation customers, who would see their rates decline by \$18 million, and commercial sales customers, who would see a reduction of \$14 million.

Coppola Rebuttal, 4 TR 1533.

own recommendation that high-pressure customers should not be allocated the cost of low-pressure distribution mains.²²

In the alternative, Mr. Pollock proposes that DTE Gas classify all distribution mains to demand²³ and “allocate distribution mains entirely on peak day design.”²⁴ Similar to his preferred approach, this proposal does not account for the fact that the costs he seeks to reallocate are already accounted for in the Company’s rate design. As Mr. Jester explained, pursuant to the Company’s customer attachment policy, much of this cost is “already net of a per-customer project area surcharge and the remaining costs that are included in the Company rates were premised on anticipated throughput charges.”²⁵ These “project area surcharges were developed in light of the actual mains sizes installed in the project area and thus already account for any demand costs not embedded in prevailing throughput and demand rates.”²⁶

In summary, CUB encourages the Commission to reject ABATE’s CCOSS proposal because it ignores the large amounts already being paid by customers to extend the gas distribution system.

B. The Commission should also Reject MPLP/Verso’s Proposed CCOSS and Related Cost Reallocation Proposals

MPLP/Verso witness Phillips presents multiple proposals that, if adopted, would “bias cost allocation in favor of energy-intensive industry.”²⁷ The Commission should reject his recommendations for the following reasons:

²² Jester Rebuttal, 4 TR 1620; Pollock Direct, 4 TR 1643.

²³ Pollock Direct, 4 TR 1635.

²⁴ Pollock Direct, 4 TR 1666.

²⁵ Jester Rebuttal, 4 TR 1620.

²⁶ Jester Rebuttal, 4 TR 1620.

²⁷ Jester Rebuttal, 4 TR 1626.

First, Mr. Phillips proposes that all costs of the Company's gas system be allocated based only on peak demand instead of continuing to use the A&P method on the grounds that "peak day demand is the main driver in the planning activities for system design. . . ." ²⁸ He also argues that high load factor customers bear a disproportionate cost by being allocated "fixed delivery system cost on annual throughput" because, in his view, low load factor customers are essentially free riding when they use gas during peak load times. ²⁹ Mr. Phillips's argument ignores that distribution system costs are driven more by linear extent than by peak throughput capacity. ³⁰ He presents a hypothetical situation in which DTE would be unable to meet peak winter demand through a system "designed to meet average throughput." ³¹ But this hypothetical does not, as Mr. Jester notes, "support an argument that all costs of the system should be based on peak demand." ³² Instead, it "only supports an argument that the incremental cost of making system components larger to meet peak demand should be allocated to peak demand." ³³

CUB also supports aspects of Staff's reasoning in support of its proposal for the Company to continue using the A&P allocation method and reject MPLP/Verso's recommendation. In addition to a long history of acceptance by the Commission, including in the most recent DTE Gas Rate Case, ³⁴ the A&P method more equitably allocates costs to high and low load factor customers than Mr. Phillips's method would. As Mr. Krause notes, "[h]igh and low load factor customers use

²⁸ Phillips Direct, 4 TR 1578-79.

²⁹ Phillips Direct, 4 TR 1577.

³⁰ Jester Direct, 4 TR 1622.

³¹ Phillips Direct, 4 TR 1570.

³² Jester Direct, 4 TR 1622.

³³ Jester Direct, 4 TR 1622.

³⁴ Krause Rebuttal, 4 TR 1122; see also Case No. U-18999, September 13, 2018, Order, p. 100.

the distribution system differently, so it is not fair to allocate the costs for using that system as if it were used for a single purpose: to meet designed peak demand.”³⁵

Second, and relatedly, a peak day demand allocation method should not be used in lieu of DTE’s proposed demand and throughput because demand-driven cost “should be considered by system component, perhaps most appropriately by the customer attachment project areas through which DTE’s system has grown.”³⁶ Staff witness Krause also highlighted a Commission order in which the Commission favorably quoted Staff witness William Aldrich’s argument that, under cost causation principles, the entire cost of a gas plant could not be allocated to peak day service product users merely “because the whole plant is needed to produce that product.”³⁷

Third, Mr. Phillips provides no concrete justification for his assertion that DTE Gas’s use of “the annual system load factor to determine the percentage of fixed delivery system investment allocated on system throughput. . . is unreasonable because it allocates even more costs to [large manufacturing customers] as the load factor increases.”³⁸ As Mr. Jester explained, there are many potential ways in which the load factor increase could occur, none of which Mr. Phillips addresses.³⁹ Staff witness Krause presented a similar argument that “Mr. Phillips’ unsupported estimate also fails to contemplate the cause of the hypothetical system load factor increase” and could just as likely be impacted by transportation customers as by sales customers.⁴⁰ In essence, Mr. Phillips focuses entirely on the result instead of the cause of DTE Gas’s cost allocation and does not present any evidence to support his proposed departure from DTE’s proposal.

³⁵ Krause Rebuttal, 4 TR 1125.

³⁶ Jester Rebuttal, 4 TR 1622-23.

³⁷ Krause Rebuttal, 4 TR 1127 (quoting Case No. U-10150, Order, October 28, 1993, p. 96).

³⁸ Phillips Direct, 4 TR 1570.

³⁹ Jester Rebuttal, 4 TR 1623.

⁴⁰ Krause Rebuttal, 4 TR 1129.

Fourth, Mr. Phillip's proposed 75/25 method is, like much of his analysis, based on his mistaken assertion that the A&P method places insufficient emphasis on peak day demand.⁴¹ As Staff witness Krause points out, the A&P "method correctly accounts for the total use of the system" by "calculat[ing] the weighting of average demand and peak demand by total system load factor[.]"⁴² Mr. Jester also notes that if 80% of the distribution main cost were in fact "driven by their linear extent at the Predominant Size and not by demand," a 20/80 method would be more appropriate than Mr. Phillip's proposed 75/25 method.⁴³ Further, the Commission rejected ABATE's effort to propose the 75/25 as an alternative remedy in DTE Gas's last rate case.⁴⁴ Identically to MPLP/Verso in this case, ABATE argued that the 75/25 method would "remove the current bias against system efficiency[.]"⁴⁵ The Commission found that "ABATE provided no convincing evidence disputing the Staff's reasoning[.]" and should do so again with regard to MPLP/Verso's recommendations in this case.⁴⁶

Finally, CUB objects to Mr. Phillip's proposal to decrease DTE Gas's large volume transportation rates because it is a regressive policy. Michigan follows cost of service principles and Commission ratemaking is not beholden to "the goal of making Michigan more attractive to energy-intensive customers with competitive rates."⁴⁷ Additionally, the Company presents the availability of discounts for large volume transportation rates as necessary to disincentivize bypass,

⁴¹ Jester Rebuttal, 4 TR 1624.

⁴² Krause Rebuttal, 4 TR 1128.

⁴³ Jester Rebuttal, 4 TR 1624.

⁴⁴ Case No. U-18999, September 13, 2018, Order, pp. 99-101.

⁴⁵ Case No. U-18999, September 13, 2018, Order, p. 99; see also Phillips Direct, 4 TR 1570.

⁴⁶ Case No. U-18999, September 13, 2018, Order, p. 101.

⁴⁷ MCL 460.6a(1); Phillips Direct, 4 TR 1576.

not because DTE Gas's rates for that customer class are not competitive.⁴⁸ These discounts are case-specific, but even so, the table on Page 15 of Mr. Jester's testimony demonstrates that Michigan's industrial rates are similar to other states in the Midwest.⁴⁹

For the reasons described above, MPLP/Verso has presented no reason to depart from the Commission's longstanding use of the A&P cost allocation method, particularly because their proposed alternatives would harm small ratepayers through rates that are not based in cost causation principles.

III. DTE Gas Should Consistently Use the 3-Year Average for Predicting Test Year Volumes

DTE Gas proposes to use a historical 5-year average of 49.5 Bcf to project the Company's End User Transportation (EUT) power generation volumes.⁵⁰ DTE Gas witness Henry J. Decker asserts that the historical five-year average reasonable because most of these customers are gas peaking plants that run on extreme weather days in lieu of base load plants.⁵¹ Due to this operational variability, Mr. Decker argues, a five-year average is appropriate for forecasting power generation volumes.⁵² He also notes that the Commission supported the Company's use of the 5-year average volume projection methodology in Case No. U-1899 because it "best represents the Company's average power generation gas use."⁵³

CUB disagrees that the 49.5 Bcf 5-year (2014-2018) average is appropriate in this instance and recommends that the Company use a 56.5 Bcf 3-year (2016-2018) average instead. CUB's

⁴⁸ Jester Rebuttal, 4 TR 1625.

⁴⁹ Jester Rebuttal, 4 TR 1625.

⁵⁰ Jester Rebuttal, 4 TR 1620.

⁵¹ Decker Direct, 4 TR 622.

⁵² Decker Direct, 4 TR 622.

⁵³ Decker Direct, 4 TR 623.

proposed change would result in a downward revenue adjustment of \$1,766,813 due to a 7 MMcf transportation volume reduction.⁵⁴ As CUB witness Ram Veerapaneni presented in his direct testimony, DTE Gas does not consistently use a 5-year average throughout its supporting testimony in this case. Instead, “[t]he company seems to use 3 year or 5-year averages for predicting test year volumes for various items depending on when the numbers are advantageous to support higher rates.”⁵⁵ For example, Mr. Decker uses a 3-year average for predicting Park and Loan revenue,⁵⁶ Off-System Transportation revenue,⁵⁷ and Exchange revenue,⁵⁸ as well as for projecting GIK collections from Contract Storage service use by off-system customers.⁵⁹ Mr. Decker states that the Company uses a three-year instead of a five-year average to calculate Park and Loan revenue because increases in production at the Marcellus/Utica shale regions and new pipelines transporting gas to the Michigan market mean that “the last three years are a better indicator of future performance than looking at any historical period prior to that.”⁶⁰ He provides the same justification for using a three-year average for Exchange revenue,⁶¹ and no specific reason for using the three-year average for the Off-System Transportation or Contract Storage revenues.

DTE Gas also uses a 3-year average for producing other estimates, such as projecting uncollectible expenses.⁶² Company witness Tamara Johnson indicated that “[t]he intent of using a

⁵⁴ Veerapaneni Direct, 4 TR 1608.

⁵⁵ Veerapaneni Direct, 4 TR 1607.

⁵⁶ Decker Direct, 4 TR 645.

⁵⁷ Decker Direct, 4 TR 648.

⁵⁸ Decker Direct, 4 TR 649.

⁵⁹ Decker Direct, 4 TR 643.

⁶⁰ Decker Direct, 4 TR 645.

⁶¹ Decker Direct, 4 TR 650.

⁶² Johnson Direct, 3 TR 138.

three-year average is to smooth temporary spikes or reductions in uncollectible expense.”⁶³ As further evidence that DTE Gas views three years as enough time to establish a reliable measurement, the Company’s performance share measure used in the 2019 Long-Term Incentive Plan uses “the total return to DTE Energy shareholders (i.e., capital appreciation and dividends) relative to a group of peer companies over the next three years” because “[t]his three-year focus is designed to motivate decisions and actions that produce sustainable benefits rather than short-term actions that may entail long-term risks.”⁶⁴ DTE Gas has not provided persuasive justification why three years is sufficient time to provide “a longer-term emphasis that encourages sustained performance” for its return on equity but not for power generation volume.⁶⁵

Mr. Veerapaneni also notes that the Company’s actual data from 2019 supports using a 56.5 Bcf average instead of DTE Gas’s proposed 49.5 Bcf average.⁶⁶ At 60.6 Bcf, the 2019 actual power generation EUT volume is closer to CUB’s recommendation than the Company’s proposal.⁶⁷ Attorney General witness Sebastian Coppola similarly recommends a 55.1 Bcf average, which is based on a five-year average and slightly lower than Mr. Veerapaneni’s recommendation but still significantly higher than DTE Gas’s proposal.⁶⁸ Mr. Coppola explains that the higher volume he recommends is “likely more reflective of the gas deliveries to this customer group during the future test period”⁶⁹ He also demonstrates that comparing the forecast transportation volumes with the actual volumes delivered in the last three rate cases shows

⁶³ Johnson Direct, 3 TR 138.

⁶⁴ Cooper Direct, 4 TR 565.

⁶⁵ Cooper Direct, 4 TR 566.

⁶⁶ Veerapaneni Direct, 4 TR 1607.

⁶⁷ Veerapaneni Direct, 4 TR 1607.

⁶⁸ Coppola Direct, 4 TR 1470.

⁶⁹ Coppola Direct, 4 TR 1470.

that DTE Gas has the tendency to underestimate its gas delivery volume forecasts.⁷⁰ Both Mr. Veerapaneni and Mr. Coppola agree that the EUT revenues should be adjusted to account for impact of the higher gas transportation deliveries than the Company forecasted.⁷¹

Mr. Decker's objections to CUB's recommendation to use a historical 3-year average are not persuasive. He disagrees with Mr. Veerapaneni's suggestion that the Company chose a five-year term because it supports a higher rate increase, but provides no evidence to the contrary.⁷² Mr. Decker also disputes that the fact that the 2019 volume consumed by DTE Gas's power generation customers exceeds Mr. Veerapaneni's proposed 3-year average supports using a lower average, but does not explain why the 2019 gas volume should not be taken into account when it is the most current data point.⁷³ Finally, as in his direct testimony, Mr. Decker's argument for a five-year average relies heavily on his assertion that five years is necessary to "represent the wide variability provided in the Company's EUT power generation volume forecast."⁷⁴ Yet the Company has still failed to explain why three years is sufficient for almost all of its metrics except for EUT.

IV. Conclusion and Request for Relief

For the reasons discussed above, CUB respectfully requests that the Commission approve DTE Gas's Cost Allocation Proposal and require DTE gas to adopt a 3-year average to project the Company's EUT power generation volumes. However, CUB's support for DTE Gas's cost allocation does not indicate its support for the Company's proposed rate increase. Additionally,

⁷⁰ Coppola Direct, 4 TR 1470, 1473.

⁷¹ Veerapaneni Direct, 4 TR 1608; Coppola Direct, 4 TR 1473.

⁷² Decker Rebuttal, 4 TR 699.

⁷³ Decker Rebuttal, 4 TR 699.

⁷⁴ Decker Rebuttal, 4 TR 699.

CUB reserves the right to address other issues regarding the Company's revenue requirement in response to the initial briefs of DTE Gas and other parties.

OLSON, BZDOK & HOWARD, PC
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Date: May 27, 2020

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STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the Application of **DTE GAS COMPANY** for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of natural gas, and for miscellaneous accounting authority.

U-20642

ALJ Martin Snider

PROOF OF SERVICE

On the date below, an electronic copy of **Initial Brief on behalf of Citizens Utility Board of Michigan** was served on the following:

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

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