

# CLARK HILL

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January 21, 2015

***VIA ELECTRONIC CASE FILING***

Ms. Mary Jo Kunkle  
Executive Secretary  
Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan 48917

Re: *In the matter of the application of DTE ELECTRIC COMPANY for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority.*  
MPSC Case No. U-17767

Dear Ms. Kunkle:

Enclosed for filing are the *Petition to Intervene of the Municipal Coalition* along with *Proof of Service* for same.

Sincerely,

**CLARK HILL PLC**



Leland R. Rosier

cc w/enc. Parties of Record

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

\* \* \* \* \*

In the matter of the application of DTE )	
ELECTRIC COMPANY for authority to )	
increase its rates, amend its rate schedules and )	Case No. U-17767
rules governing the distribution and supply of )	
electric energy, and for miscellaneous )	
<u>accounting authority.</u> )	

**PETITION TO INTERVENE OF**  
**THE MUNICIPAL COALITION**

The Municipal Coalition, by its attorneys, Clark Hill PLC, hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene in and become a party to the above-entitled proceedings pursuant to Rule 410 of the Michigan Administrative Hearing System Uniform Hearing Rules, MAC R 792.10410. In support of the Petition, the Municipal Coalition states as follows:

**Identification of Petitioners**

1. The Municipal Coalition consists of the Michigan Municipal League, the Michigan Townships Association, and numerous municipal units and townships located in Michigan.
2. The Municipal Coalition is headquartered at 1675 Green Road, Ann Arbor, MI 48105, 800-653-2483, and maintains an office at 208 N. Capitol Ave., 1st Floor, Lansing, MI 48933, 800-995-2674.
3. The Michigan Municipal League and several of its member municipalities belonging to the Municipal Coalition purchase electricity from DTE Electric Company (“DTE”)

for municipal pumping of water, wastewater, water treatment, municipal lighting, and general purposes.

#### **Interest of Petitioners and Grounds for Intervention**

4. The Municipal Coalition will be substantially affected by any action the Commission takes in this proceeding.

5. In deciding petitions for leave to intervene, this Commission has repeatedly applied the two-prong test for standing set forth in *Association of Data Processing Service Organizations, Inc v Camp*, 397 US 150; 90 S Ct 827; 250 L Ed 184 (1970). As set forth in *Association of Data Processing*, the two-prong test consists of a showing that: (1) the petitioner would likely suffer injury in fact (*i.e.*, its interests are endangered or at issue); and (2) the petitioner's interests that are allegedly endangered are within the zone of interests to be protected or regulated by the statute under consideration.

6. The Municipal Coalition will be directly impacted by, and has an injury in fact at stake in these proceedings because the rates available and the rates approved will be paid by the Municipalities, and as ratepayers the Municipalities are in the zone of interests to be protected by the Commission's enabling statutes. Consequently, the Municipal Coalition meets the requirements for intervention in this proceeding as of right.

7. In addition to meeting the two-prong test for standing, the Municipal Coalition is in the position to provide useful and unique information that will assist the Commission in making determinations on the significant policy issues involved, and thereby also meet the test for permissive intervention.

8. The Municipal Coalition's interests are not adequately represented by the present parties and, therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

9. Because the issues set forth above are of great significance to the Municipal Coalition and to the public, a denial of the petition would result in a miscarriage of justice.

**Position of Petitioners**

10. The Municipal Coalition will take the position that DTE's proposed costs set forth in its application are excessive and that the proposed rate changes and rate increase will represent an undue burden on its members.


11. The Municipal Coalition will take the position that DTE's proposed changes to the rate structure and terms for lighting services should not be adopted or that amendments should be made to DTE's lighting proposals.

12. The Municipal Coalition reserves the right to take other positions and/or seek other relief based on a review of the Applicant's filings, the responses to discovery, or positions taken in briefs.

WHEREFORE, the Municipal Coalition requests that the Commission grant this Petition to Intervene in and be treated as a full party hereto.

Respectfully submitted,

CLARK HILL PLC

By:   
\_\_\_\_\_  
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Attorneys For Petitioners

Date: January 21, 2015

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of DTE	)	
ELECTRIC COMPANY for authority to	)	
increase its rates, amend its rate schedules and	)	Case No. U-17767
rules governing the distribution and supply of	)	
electric energy, and for miscellaneous	)	
<u>accounting authority.</u>	)	

PROOF OF SERVICE

STATE OF MICHIGAN     )  
   ) SS.  
 COUNTY OF INGHAM     )

Janice M. Wilbrink, being first duly sworn, deposes and says that on January 21, 2015, she did cause to be served the **Petition to Intervene of the Municipal Coalition**, as well as this **Proof of Service**, in the above docket, via electronic mail, to the persons identified on the attached service list.

\_\_\_\_\_  
Janice M. Wilbrink

Subscribed and sworn to before me  
this 21st day of January, 2015.

\_\_\_\_\_  
Tema L. Crowell, Notary Public  
Gratiot County, Michigan  
Acting In Ingham County, Michigan  
My Commission expires: November 16, 2019

**SERVICE LIST**  
**MPSC Case No. U-17767**

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