

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of DTE ELECTRIC COMPANY's)	
application for the regulatory reviews, revisions,)	
determinations, and/or approvals necessary)	Case No. U-21285
to fully comply with Public Act 295 of 2008, as)	
amended.)	
_____)	

At the February 11, 2025 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

On December 10, 2024, DTE Electric Company (DTE Electric) filed an application (December 10 application), with a supporting affidavit and exhibits, pursuant to Public Act 295 of 2008, MCL 460.1001 *et seq.*, as amended, Section 6j of Public Act 304 of 1982, MCL 460.6j, and all other applicable law, requesting *ex parte* approval of DTE Electric's Cold Creek Solar Park Project (Cold Creek or the Project) and the Engineering Procurement and Construction Master Service Agreement (EPC MSA) and the Master Supply Agreement for solar panel modules (Module MSA) (collectively, the Contracts) for the Project. DTE Electric's request for relief includes a request for a Commission finding that the Project and Contracts are consistent with DTE Electric's current amended renewable energy plan (REP) approved in the May 18, 2023 order in Case No. U-21361 (May 18 order), and will reasonably and prudently fulfill demand for

the amended and restated (A&R) special contract between DTE Electric and Ford Motor Company (Ford) under DTE Electric's voluntary green pricing (VGP) program approved by the Commission in the December 19, 2024 order (December 19 order) in the instant docket.

In the June 9, 2021 order (June 9 order) in consolidated Case Nos. U-20713 and U-20851 (DTE Electric's previous VGP and REP cases, respectively), the Commission approved a partial settlement agreement that allows customers to request renewable energy projects specific to their needs. June 9 order, p. 53. Specifically, Paragraph 9 of the partial settlement agreement in Case Nos. U-20713 *et al.* established that DTE Electric will include customer-requested offerings in its VGP program, MIGreenPower, that will be implemented through the execution of individual special contracts that are filed with the Commission on an *ex parte* basis.

DTE Electric's December 10 application explains that on July 27, 2022, DTE Electric and Ford entered into a customer-requested special contract for DTE Electric to build up to 675 megawatts (MW) of dedicated solar projects. DTE Electric consulted with the Commission Staff (Staff) on April 28, 2022, to provide an overview and review of the proposed special contract with Ford, and on August 10, 2022, the company hosted an information session with intervenors from Case Nos. U-20713 *et al.* consistent with Paragraph 9.1.3.6 of the Case Nos. U-20713 *et al.* partial settlement agreement. December 10 application, p. 2.

Per DTE Electric, on September 30, 2022, the company filed for approval of the proposed special contract in the instant case. December 10 application, p. 2. In the December 21, 2022 order in this case (December 21 order), the Commission approved the special contract and ordered DTE Electric to file any amendments to the special contract in this docket. *Id.*; *see also*, December 21 order, p. 6.

The company recounts that on September 6, 2024, DTE Electric filed an application for *ex parte* approval of the A&R special contract between DTE Electric and Ford dated June 29, 2023. In the December 19 order, the Commission approved the A&R special contract and found that the updated pricing therein remains consistent with the subscription charge and associated bill credit methodology of MIGreenPower Rider 17, whereby revenue from the A&R special contract will cover the revenue requirement of the project(s) over the life of the contract. December 10 application, p. 3; *see also*, December 19 order, pp. 2-3.

DTE Electric's December 10 application seeks approval for the construction of the Cold Creek Project. As detailed in the affidavit of Michael Rivet filed in support of the December 10 application,¹ Cold Creek will be sited in Butler, Quincy, and Coldwater Townships in Branch County. The Project will interconnect into the Cold Creek substation being constructed in Coldwater Township in Branch County and is anticipated to provide 100 MW_{AC}² of renewable energy nameplate capacity. The commercial operation date of Cold Creek is expected to occur in the fourth quarter of 2026. With respect to the contracts necessary to construct Cold Creek, DTE Electric represents that it has entered into a Module MSA with New East Solar Energy (America) Inc., and an EPC MSA with Roncelli, Inc. December 10 application, pp. 3-4; Exhibit 1, p. 3.

DTE Electric states that it issued a request for proposals (RFP) on November 11, 2023, in which the company sought 525 MW of renewable capacity for customer-requested special contracts. The company explains that the RFP followed the Commission's Competitive Procurement Guidelines as identified in the July 2, 2024 order approving the partial settlement

¹ The affidavit of Michael Rivet is attached to the December 10 application as Exhibit 1.

² "MW_{AC}" stands for MW alternating current.

agreement in Case No. U-21172.³ Cold Creek was selected to be incorporated into the portfolio of resources used to fulfill the A&R special contract between DTE Electric and Ford. DTE Electric asserts that the capacity of the Project is within the VGP program MW prespecified in the partial settlement agreement in Case Nos. U-20713 *et al.* December 10 application, p. 4.

DTE Electric's December 10 application indicates that Cold Creek's estimated installed cost is \$1,944 per kilowatt and the estimated price is expected to be \$65 per megawatt-hour (MWh), which blends with Ford's traditional MIGreenPower enrollment to satisfy the \$62 per MWh in the A&R special contract. DTE Electric contends that the Project will be eligible for the 30% federal Investment Tax Credit (ITC), and it is expected to qualify for the additional 10% ITC value assuming the Energy Community bonus. The nominal ITC value for the Project is approximately \$78 million. December 10 application, p. 4.

DTE Electric also notes that it consulted with the Staff on December 3, 2024, to provide an overview and review of the Project and related Module MSA and EPC MSA. *Id.*, p. 5.

The Commission has reviewed DTE Electric's December 10 application, the supporting affidavit and exhibit, the applicable statutory language and Commission orders, as well as the partial settlement agreements in Case Nos. U-20713 *et al.* and Case No. U-21172, and finds that the Cold Creek Project and related Contracts should be approved. The Commission finds that the

³ DTE Electric notes that in the partial settlement agreement in Case No. U-21172 approved by the Commission in the July 2, 2024 order (July 2 order), DTE Electric and other parties agreed to updated terms governing the acquisition of resources to satisfy special contracts. The partial settlement agreement states that, "(the Company) will target the acquisition of a minimum of 50% of the capacity required to fulfill each Special Contract through build transfer agreements ('BTAs') with unaffiliated third parties ('50% Requirement'). The Company shall not be required to issue more than one RFP per Special Contract." December 10 application, Exhibit 1, p. 3 (quoting July 2 order, Exhibit A, p. 2 (applying pagination in natural order)). The company states that the RFP sought 525 MW of renewable capacity for Customer Requested Special Contracts, and thereby fulfilled the "50% Requirement." Currently, no projects have been contracted from the BTA RFP. December 10 application, p. 3.

Project and Contracts are consistent with DTE Electric's current amended REP approved in the May 18 order, and the requirements set forth in the December 21 order, December 19 order, and the partial settlement agreements in Case Nos. U-20713 *et al.* and Case No. U-21172.

As to cost recovery, the Commission shall review for reasonableness and prudence the final cost for the Project in the appropriate renewable energy plan reconciliation proceeding following the Project's commercial operation. The Commission further finds that *ex parte* review and approval are appropriate because approval of the Project and Contracts will not affect rates or rate schedules resulting in an increase in the cost of service to customers. *See*, MCL 460.6a(3).

THEREFORE, IT IS ORDERED that the December 10, 2024 application filed by DTE Electric Company seeking *ex parte* approval of the Cold Creek Solar Park Project, including the Engineering Procurement and Construction Master Service Agreement and Master Supply Agreement for solar panel modules, and related relief is approved.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of February 11, 2025.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

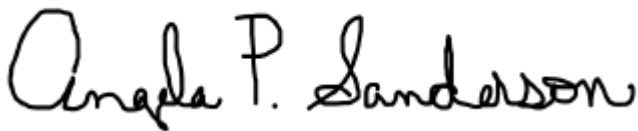
Case No. U-21285

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on February 11, 2025 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 11th day of February 2025.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21285

Name	On Behalf Of	Email Address
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