

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
CASE NO. U-21797**

The Michigan Public Service Commission will consider the complaint of Vassar Acquisitions LLC against DTE Electric Company.

- A pre-hearing in this matter will be held:

DATE/TIME: Tuesday, November 26, 2024 at 10:00 AM

BEFORE: Administrative Law Judge Sally L. Wallace

LOCATION: Video/Teleconference

Phone Number:

1 (248) 509-0316

Phone Conference ID: 883 397 259

URL: <https://tinyurl.com/4fk8kvdz>

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate or who are seeking access to the video/teleconference should contact the Administrative Law Judge's secretary at (517) 284-8130 or by email at LARA-MOAH-R-PSC@michigan.gov in advance of the hearing.

On September 25, 2024, Attorney Sean P. Gallagher filed a formal amended complaint with the Michigan Public Service Commission (Commission) on behalf of his client, Vassar Acquisitions LLC (Complainant), against DTE Electric Company (DTE Electric). Complainant requests the Commission to: 1) find that Complainants have stated a prima facie case that under the circumstances, the \$905,826.23 in electrical service and fees, and the contracts and agreements executed by the Complainants are unjust, unlawful, and/or unreasonable and DTE Electric's conduct, practices, and omissions have been unjust and unreasonable in that they violate MCL 462.25; 2) find that DTE Electric has violated MCL 462.25 because of its unlawful, unjust, and unreasonable business practices as to Complainant; 3) find that DTE Electric's application of the D11 rate to Complainant is unjust and unreasonable in violation of MCL 462.25 because the Complainant is paying for power it will never use based on DTE Electric's malfeasance and imposition of a minimum demand requirements found in the tariff; 4) open an investigation into DTE Electric's unjust, unreasonable, and unlawful practices and acts in requiring infrastructure improvements of customers where no improvement is necessary and imposing D11 tariff rate term minimum demand requirements beyond which the customer will meet; 5) order that DTE Electric comply with MCL 462.25; 6) adjust the terms of Rate D11 to bring them into conformity with a just and reasonable rate moving forward; 7) initiate an investigation to DTE Electric's violations of Rules 501, 502, and/or 503; 8) find that DTE Electric violated Rules 501, 502, and/or 503; 9) order that DTE Electric comply with Rules 501, 502, and/or 503; 10) order that before resolution of this dispute, brought in good faith and after concerted efforts by the Complainants to resolve this matter without filing a formal complaint, DTE Electric may not interrupt service to the Subject Property owned by the Complainants based on non-payment by the Complainants; and 11) grant Complainants other relief as the Commission finds just and proper.

On October 29, 2024, the Commission served the complaint upon DTE Electric Company, directing a response on or before November 19, 2024.

The complaint may be dismissed if the Complainant fails to attend the hearing (remotely if telehearing) without requesting an adjournment pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. The same complaint may not be refiled at a later time unless a compelling reason is provided for not appearing or requesting another hearing. Requests for further information on adjournment should be directed to (517) 284-8130.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Administrative Hearing Rules of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106(2), (3), (4), (5), (6), and (7); R 792.10121; and R 792.10401 through R 792.10448.

MICHIGAN PUBLIC SERVICE COMMISSION

Lisa Felice
Executive Secretary

November 14, 2024

R 792.10422 Adjournments.

Rule 422

(1) Unless the presiding officer allows otherwise, a request for adjournment shall be by motion or stipulation made orally at a hearing or in writing and shall be based on good cause.

(2) A motion or stipulation for adjournment shall state the party who is requesting the adjournment and the reason for the adjournment.

(3) An adjournment may be granted for good cause and shall be in writing or on the record.

(4) In granting an adjournment, the presiding officer, administrative law manager assigned by the hearing system to the commission, or commission may impose reasonable conditions.

R 792.10432 Motion practice.

Rule 432

(1) In a pending proceeding, a request to the commission or presiding officer for a ruling or order, other than a final order, shall be by motion. Unless made during a hearing, a motion shall be in compliance with all of the following provisions:

(a) Be in writing.

(b) State with particularity the grounds and authority on which the motion is based.

(c) State the relief or order sought.

(d) Be signed by the party or the party's attorney.

(2) Unless a different time is set by the commission or presiding officer or unless the motion is one that may be heard ex parte, a written motion, notice of the hearing on the motion, and any supporting brief or affidavits shall be served as follows:

(a) Not less than 9 days before the hearing, if served electronically or by mail.

(b) Not less than 7 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(3) Unless a different time is set by the commission or presiding officer, any response to a motion, including a brief or an affidavit, shall be served as follows:

(a) Not less than 5 days before the hearing, if served electronically or by mail.

(b) Not less than 3 days before the hearing, if served electronically or by delivery to the attorney or party under Michigan court rule 2.107(c)(1) or (2).

(4) Motions shall be noticed for hearing at the time designated by the commission or presiding officer.

(5) When a motion is based on facts not appearing on the record, the commission or presiding officer may hear the motion on affidavits presented by the parties or may direct that the motion be heard wholly or partly as oral testimony or deposition.

(6) The commission or presiding officer may limit oral arguments on motions and may require the parties to file briefs in support of, and in opposition to, a motion. The commission may dispense with oral argument on matters brought before the commission.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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U-21797

In the matter of the Complaint of Vassar)
Acquisitions LLC against DTE Electric)
Company)

PROOF OF SERVICE

STATE OF MICHIGAN)
)
County of Eaton)

Angela Pearl Sanderson being duly sworn, deposes and says that on **November 14, 2024**, she served a copy of the attached **Notice of Hearing** by e-mail; or by mailing copies thereof in a sealed envelope by first class mail, with postage prepaid, to the persons as shown on the below service list.

Angela P. Sanderson
Angela P. Sanderson

Subscribed and sworn to before me
this 14th day of November, 2024.

Lisa Felice
Notary Public, Eaton County, Michigan
My Commission Expires: April 15, 2028

Service List - Case No. U-21797

Name	On Behalf of	Email Address
DTE Electric Company	DTE Electric Company	mpscfilings_account@dteenergy.com
Joshua L. Zeman	DTE Electric Company	zeman@bwst-law.com
Michael R. Turco	DTE Electric Company	turco@bwst-law.com
Paula Johnson-Bacon	DTE Electric Company	paula.bacon@dteenergy.com
Sally L. Wallace	ALJs - MPSC	wallaces2@michigan.gov
Sean P. Gallagher	Vassar Acquisitions LLC	sgallagher@fraserlawfirm.com
Attorney General	Michigan Department of Attorney General – Public Service Division	7109 West Saginaw Highway Lansing, MI 48917