

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**  
**NOTICE OF HEARING**  
**CASE NO. U-20897**

The Michigan Public Service Commission will consider the complaint of Michigan Agriculture Commodities, Inc. against DTE Electric Company.

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

DATE/TIME: **Tuesday, December 8, 2020 at 9:00 AM**

LOCATION: Video/Teleconferencing

BEFORE: **Administrative Law Judge Martin Snider**

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) in advance of the hearing.

On September 23, 2020, Attorney Aaron M. Phelps filed a formal complaint on behalf of his client, Michigan Agriculture Commodities, Inc. (MAC) against DTE Electric Company (DTE) requesting the Michigan Public Service Commission (Commission) to: 1) require DTE to review and investigate MAC's meter and, if necessary, repair or replace the meter, and imposing such sanctions on DTE as the Commission may deem lawful and appropriate for DTE's failure to comply with Mich Admin R 460.115(1); 2) require DTE to provide adjustments to its past inaccurate bills in accordance with the requirements and procedures of DTE's tariff, and imposing such sanctions on DTE as the Commission deems lawful and appropriate for DTE's violation of Section C6.6 of its tariff. 3) require DTE to provide adjustments to its past inaccurate bills in accordance with the requirements and procedures outlined in Mich Admin R 460.115(2) & (3) and R 460.3309, and imposing such sanctions on DTE as the Commission may deem lawful and appropriate for DTE's failure to comply with such rules; 4) require DTE to adjust such bills in accordance with such accurate actual meter data to the extent that any of the inexplicably high bills issued during the period addressed in this complaint are "estimated bills" and accurate actual meter data becomes available; 5) require DTE to revise such bills in accordance with MAC's past service records, which demonstrate a usage far below that which is reflected in such estimated bills to the extent that any of the inexplicably high bills issued during the period addressed in this complaint are "estimated bills" and accurate actual meter data does not become available because of the meter errors described in this complaint; 6) impose such sanctions on DTE as the Commission deems lawful and appropriate for DTE's violation of Section C4.5 of its tariff; 7) require DTE to repair or replace the malfunctioning equipment that has caused or contributed to meter reading equipment failure and imposing such sanctions on DTE as the Commission deems lawful and appropriate for DTE's having issued more than 2 estimated bills, contrary to the prescriptions in Mich Admin R 460.113(5); 8) impose such sanctions on DTE as the Commission deems lawful and appropriate for DTE's violation of R. 460.113(9); 9) require DTE to adjust MAC's past bills to ensure that all rates and charges imposed under such bills comply with the rates and charges approved by the Commission and impose such sanctions on DTE as it deems lawful and appropriate for DTE's violation of its tariff and MCL 460.6a; and 10) grant such other and further relief.

On November 10, 2020, the Commission served the complaint upon DTE Electric Company, directing a response on or before December 1, 2020.

The complaint may be dismissed if the Complainant fails to attend the hearing 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.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

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 Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

MICHIGAN PUBLIC SERVICE COMMISSION

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Lisa Felice  
Executive Secretary

November 25, 2020

**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.

\* \* \* \* \*

In the matter of the Complaint of Aaron M. Phelps against DTE Electric Company

## PROOF OF SERVICE

[illegible]

Angela Pearl Sanderson being duly sworn, deposes and says that on **November 25, 2020**, 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 25th day of November, 2020.

Lisa Felice  
Notary Public, Eaton County, Michigan  
My Commission Expires: April 15, 2021

## Service List - Case No. U-20897

Name	Email Address
Aaron M. Phelps	<a href="mailto:amphelps@varnumlaw.com">amphelps@varnumlaw.com</a>
DTE Energy Company	<a href="mailto:mpscfilings@dteenergy.com">mpscfilings@dteenergy.com</a>
Martin Snider	<a href="mailto:sniderm@michigan.gov">sniderm@michigan.gov</a>
Michael J. Orris	<a href="mailto:orrism@michigan.gov">orrism@michigan.gov</a>
Michigan Agricultural Commodities Inc. (MAC)	<a href="mailto:bsutherland@michag.com">bsutherland@michag.com</a>

### **Attorney General**

Michigan Attorney General –  
Public Service Division  
7109 West Saginaw Highway  
Lansing MI 48917