

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY**

**Federal Power Act Section
202(c) Emergency Order:
Midcontinent Independent
System Operator (MISO)**

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Order No. 202-25-3

**MOTION TO INTERVENE AND COMMENTS OF
MICHIGAN PUBLIC POWER AGENCY**

Pursuant to the Department of Energy’s (“DOE” or the “Department”) DOE 202(c) Order Rehearing Procedures,¹ Michigan Public Power Agency (“MPPA”) respectfully submits this timely motion to intervene and comments in this proceeding. This proceeding was initiated on May 23, 2025, through the issuance of DOE Order No. 202-25-3 which directed Consumers Energy Company (“Consumers Energy”) to continue operating the J.H. Campbell Plant (“Campbell Plant”) beyond the planned May 31, 2025 retirement date until August 21, 2025.² On June 18, 2025, a coalition of environmental organizations (collectively, the “Public Interest Organizations” or “PIOs”) filed a motion for rehearing of DOE Order No. 202-25-3, as did the Michigan Attorney General.

I. MOTION TO INTERVENE AND COMMENTS

The DOE 202(c) Order Rehearing Procedures provide that a movant “must state the movant's interest in sufficient factual detail to demonstrate that the movant has or represents an interest which may be directly and substantially affected by the outcome of the proceeding.”³

¹ Department of Energy, DOE 202(c) Order Rehearing Procedures (Accessed June 19, 2025) (available at: <https://www.energy.gov/ceser/doe-202c-order-rehearing-procedures>) (“DOE 202(c) Order Rehearing Procedures”).

² DOE Order No. 202-25-3 (May 23, 2025) (“DOE Order”).

³ DOE 202(c) Order Rehearing Procedures. In addition, the procedures specify that the motion to intervene must be filed within 30 days after the issuance of the section 202(c) order. It further provides that filing dates that fall on a weekend are extended to the next business day. *Id.* In this case, DOE issued its order on May 23, 2025. Thirty days

Consumers Energy is the majority owner and operator of the Campbell Plant. MPPA owns 4.80% of Unit No. 3 of the Campbell Plant and is responsible for its proportionate share of Unit No. 3's operations and maintenance costs. MPPA must have the ability to recover any costs it incurs resulting from the Campbell Plant owners' compliance with DOE Order No. 202-25-3. Accordingly, MPPA may be affected by DOE's actions, including actions on the motion for rehearing. Should the DOE grant the motion for rehearing or take any action that alters its original directive, MPPA respectfully requests that the DOE affirm that the plant owners are authorized to recover the costs they incurred, net of market revenues, as a result of complying with DOE Order No. 202-25-3, and operating the plant beyond the planned retirement date of May 31, 2025.

MPPA is an intervenor in Consumers Energy's complaint proceeding at the Federal Energy Regulatory Commission ("FERC") in FERC Docket No. EL25-90-000 ("Complaint"), in which Consumers Energy has requested that FERC approve a cost-recovery mechanism under the Midcontinent Independent System Operator, Inc.'s ("MISO") Open Access Transmission, Energy and Operating Reserve Markets Tariff ("Tariff").⁴ The proposed mechanism would provide for the Campbell Plant owners' recovery of actual costs, net of revenues, that are incurred as a result of complying with DOE Order No. 202-25-3.⁵ MPPA supports that Complaint.

MPPA has a direct and substantial interest in the outcome of this proceeding which cannot be adequately represented by any other party. MPPA respectfully requests that the Department grant MPPA party status by issuing an order no later than July 23, 2025, consistent with the DOE 202(c) Order Rehearing Procedures.⁶

from that date is Sunday, June 22, 2025, so a motion to intervene is due on June 23, 2025. Thus, MPPA's submission is timely.

⁴ *Consumers Energy Company v. Midcontinent Independent System Operator, Inc.*, Complaint, FERC Docket No. EL25-90-000 (June 6, 2025) (FERC Accession No. 20250606-5231).

⁵ See MPPA, Comments, FERC Docket No. EL25-90-000 (June 20, 2025) (FERC Accession No. 20250620-5338).

⁶ DOE 202(c) Order Rehearing Procedures.

II. CONCLUSION

WHEREFORE, for the foregoing reasons, MPPA respectfully requests that the Department of Energy grant its motion to intervene and comments by order issued no later than July 23, 2025.

Respectfully submitted,

//s// Debra D. Roby

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Dated: June 23, 2025.

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing motion by emailing AskCR@hq.doe.gov. Consistent with the DOE 202(c) Order Rehearing Procedures, service to all parties to this proceeding will be effectuated when the Department of Energy posts this motion on its website. In addition, I have e-mailed a copy of the foregoing document to counsel for the Public Interest Organizations, the Michigan Attorney General, and Consumers Energy.

Dated at Washington, D.C. this 23rd day of June, 2025.

//s// *Jessika Dziechciowska*

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