

DTE ENERGY CO
Form 8-K
December 08, 2009

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): December 2, 2009

DTE Energy Company

(Exact name of registrant as specified in its charter)

Michigan

(State or other Jurisdiction of
Incorporation)

1-11607

(Commission File Number)

38-3217752

(IRS Employer Identification No.)

2000 2nd Avenue Detroit, Michigan

(Address of Principal Executive Offices)

48226-1279

(Zip Code)

Registrant's telephone number, including area code: **313-235-4000**

(Former name or former address if changed since last report.)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 5.02. Departure of Directors or Principal Officers; Election of Directors; Appointment of Principal Officers; Compensatory Arrangements of Certain Officers

Executive Supplemental Retirement Plan Amendment

On December 2, 2009, the Organization and Compensation Committee of the DTE Energy Company (Company) Board of Directors adopted an amendment to the DTE Energy Company Executive Supplemental Retirement Plan (Amended and Restated Effective January 1, 2005) (the ESRP). The ESRP provides additional retirement benefits to Company executives beyond the benefits provided by the Company s qualified retirement plan. Under the terms of the amendment, an executive participant s benefits accrued after December 31, 2009 under the ESRP would be forfeited if the executive violates any covenant pursuant to the Confidentiality and Non-Competition Agreement or the Confidentiality and Non-Solicitation Agreement between the Company and the executive participants expected to be entered into in 2010. The amendment to the ESRP is attached as Exhibit 10.1 to this report.

In accordance with General Instruction B.2 of Form 8-K, the information in this Current Report on Form 8-K, including Exhibit 99.1, shall not be deemed filed for the purposes of Section 18 of the Securities Exchange Act of 1934, as amended, or otherwise subject to the liabilities of that section, nor shall it be deemed incorporated by reference in any filing under the Securities Act of 1933, as amended, except as shall be expressly set forth in such a filing.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits

10.1	First Amendment to the DTE Energy Company Executive Supplemental Retirement Plan (Amended and Restated Effective January 1, 2005) dated as of December 2, 2009.
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SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: December 8, 2009

DTE ENERGY COMPANY

(Registrant)

/s/ Larry E. Steward
Larry E. Steward
Vice President

EXHIBIT INDEX

Exhibit Number	Description
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