

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
regarding the regulatory reviews, revisions,	)	
determinations, and/or approvals necessary for	)	Case No. U-20430
<b>MICHIGAN GAS UTILITIES CORPORATION</b>	)	
to fully comply with Public Act 295 of 2008,	)	
as amended by Public Act 342 of 2016.	)	
_____	)	

At the December 19, 2019 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Daniel C. Scripps, Commissioner  
Hon. Tremaine L. Phillips, Commissioner

**ORDER APPROVING AMENDED SETTLEMENT AGREEMENT**

On July 1, 2019, Michigan Gas Utilities Corporation (MGUC) filed its application, with supporting testimony and exhibits, requesting that the Commission: (1) approve its energy waste reduction (EWR) annual report and reconcile its EWR revenues and costs for the 12-month period ended December 31, 2018; (2) authorize it to implement its biennial 2020-2021 EWR plan, including alternative compliance payments; and (3) approve revised EWR surcharges. On September 26, 2019, MGUC filed revised exhibits.

On September 11, 2019, a prehearing conference was held before Administrative Law Judge Kandra K. Robbins. The Commission Staff and MGUC participated in the proceeding. On November 12, 2019, the parties submitted a settlement agreement resolving all issues in the case.

On December 5, 2019, the parties filed an amended settlement agreement, correcting “Attachment 1” to reflect the proper case number.

The Commission has reviewed the amended settlement agreement and finds that the public interest is adequately represented by the parties who entered into the amended settlement agreement. The Commission further finds that the amended settlement agreement is in the public interest, represents a fair and reasonable resolution of the proceeding, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The amended settlement agreement, attached as Exhibit A, is approved.
- B. The proposed reconciliation of 2018 energy waste reduction plan revenues and costs is approved, and the resulting net underrecovery of \$82,176, shall be reflected as the beginning balance for Michigan Gas Utility Corporation’s 2019 energy waste reduction plan reconciliation.
- C. Michigan Gas Utilities Corporation’s biennial 2020-2021 energy waste reduction plan is approved.
- D. The revised surcharges set forth in Attachment 1 to the amended settlement agreement are approved for bills rendered on and after the first billing month following the issuance of this order.
- E. Michigan Gas Utilities Corporation shall file with the Commission, within 30 days of the effective date of the surcharges approved by this order, a tariff sheet substantially similar to Attachment 1 to the amended settlement agreement.

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 [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) and to the Michigan Department of the Attorney General – Public Service Division at [pungpl@michigan.gov](mailto:pungpl@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

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Sally A. Talberg, Chairman

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Daniel C. Scripps, Commissioner

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Tremaine L. Phillips, Commissioner

By its action of December 19, 2019.

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Lisa Felice, Executive Secretary

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<b>MICHIGAN GAS UTILITIES CORPORATION</b>	)	
to fully comply with Public Act 295 of 2008,	)	
as amended by Public Act 342 of 2016.	)	
_____	)	

**AMENDED SETTLEMENT AGREEMENT**

As provided in § 78 of the Administrative Procedures Act of 1969 ("APA"), as amended, MCL 24.278, and Rule 431 of the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10431, Michigan Gas Utilities Corporation ("MGUC") and the Michigan Public Service Commission Staff ("Staff"), hereby agree as follows:

1. On July 1, 2019, MGUC filed with the Michigan Public Service Commission ("Commission") its Application, along with the testimony and exhibits of its witness Shannon L. Burzycki, seeking (i) approval of MGUC's Energy Waste Reduction ("EWR") annual report and reconciliation of its EWR costs and revenues pursuant to 2008 PA 295 ("Act 295"), as amended, for the period ended December 31, 2018, (ii) authorization to implement its biennial 2020-2021 EWR plan, including alternative compliance payments, and (iii) approval to revise EWR surcharges. On September 26, 2019, MGUC filed Revised Exhibit A-2 and Revised Exhibit A-3.

2. On August 16, 2019, the Commission's Executive Secretary issued a Notice of Hearing directing MGUC to mail a copy of the Notice of Hearing to all cities, incorporated

villages, townships, and counties in its service area, as well as to intervenors in Case Nos. U-17880 and U-18269. The Commission further directed MGUC to publish the Notice of Hearing in daily newspapers of general circulation throughout its service area. As directed, MGUC filed with the Commission the requisite proofs of publication and mailing on September 10, 2019.

3. Staff began a financial audit of the 2018 plan year collections and costs reconciliation on July 19, 2019. Staff tested the general ledger accounts for surcharge revenue and payments to the administrator to the numbers on the exhibits filed in the case. Staff also sampled bill copies of customers to ensure the appropriate surcharges were billed to specific customer rate classes. The Company was compliant and submitted an annual report which showed the State-Administered Company program was able to exceed the legislative 0.75% savings target by achieving 105% of this target for the program year 2018. The Company requests continued use of the State EWR Plan Administrator and submitted the required intent to participate form for program years 2020 and 2021 with this filing.

4. On September 11, 2019, Administrative Law Judge Kandra K. Robbins presided over a prehearing conference in this matter. Staff entered its Appearance. There were no intervenors.

5. On November 12, 2019, the parties filed a settlement agreement in this case. The Commission's Regulatory Affairs Division ("RAD") noted that the attachment to the filed settlement agreement was not marked "Attachment 1" and the lower right hand footer reflected a prior case number and requested an amended attachment.

6. Therefore, in order to address RAD's request, the parties are submitting the settlement agreement with an amended Attachment 1. This settlement agreement reflects that the

parties have engaged in settlement discussions and, as a result, have reached agreement on all of the issues in this case. The parties to this settlement agreement agree as follows:

- a. The Company's energy waste reduction plan meets the requirements of Act 295, as amended by Act 342, is reasonable and in the public interest, and should be approved by the Commission;
- b. The Company shall pay to the independent program administrator \$3,120,367 in equal monthly amounts for 2020, and \$2,692,546 in equal monthly amounts for 2021 (as the 2021 payment is based on estimated revenues, the total payment may change);
- c. The total 2018 payment of \$2,650,726 to the Independent Program Administrator satisfies the requirements of MCL 460.1091(1);
- d. The proposed reconciliation of 2018 EWR revenues and costs is approved; and the resulting net under-recovery of \$82,176, inclusive of interest through December 31, 2018, should be rolled into the 2019 EWR costs and reconciliation. The 2018 net under-recovery reflects the roll-in of the 2017 under-recovery of \$391,399; and
- e. The proposed revised EWR surcharges incorporated into the tariff sheet attached hereto as Attachment 1, should be approved for bills rendered on and after the first billing month following Commission approval of this settlement agreement.

7. All of the signatories are of the opinion that this settlement agreement is reasonable, in the public interest and will aid the expeditious conclusion of this case.

8. This settlement agreement is intended to be a final disposition of this proceeding, and the parties join in respectfully requesting that the Commission grant prompt approval. The parties agree not to appeal, challenge or contest the Commission's order accepting and approving this settlement agreement without modification. If the Commission does not accept the settlement agreement without modification, the agreement shall be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose whatsoever.

9. This settlement agreement has been made for the sole and express purpose of settling this case, and all discussions relating hereto are and shall be privileged and shall not be used in any manner, or be admissible for any other purpose in connection with this proceeding or any other proceeding hereof. This settlement agreement does not constitute precedent in any other case or proceeding. Without limiting the generality of the foregoing, this settlement agreement shall not constitute *res judicata* or collateral estoppel as to any issue. Neither the parties to the settlement nor the Commission shall use this settlement agreement or the order approving it, as precedent in any case or proceeding; provided however, reference to Paragraph 4 may be made to enforce or implement the provisions thereof in subsequent EWR proceedings.

10. The parties agree to waive Section 81 of the APA of 1969, as amended, MCL 24.281, as it applies to this proceeding, if the Commission approves this settlement agreement without modification.

MICHIGAN GAS UTILITIES CORPORATION

Sherri  
Wellman

Digitally signed by: Sherri  
Wellman  
DN: CN = Sherri Wellman email =  
wellmans@millercanfield.com C =  
AD O = Miller Canfield  
Date: 2019.12.04 10:44:52 -05'00'

Dated: December 4, 2019

By: \_\_\_\_\_

Its Attorney  
Sherri A. Wellman (P38989)  
MILLER, CANFIELD, PADDOCK and STONE, P.L.C.  
One Michigan Avenue, Suite 900  
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(517) 487-2070

MICHIGAN PUBLIC SERVICE COMMISSION STAFF



Monica M. Stephens  
2019.12.05 09:56:58  
-05'00'

Dated: December 4, 2019

By: \_\_\_\_\_

One of Its Attorneys  
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Heather M.S. Durian (P67587)  
Assistant Attorneys General  
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Lansing, MI 48917  
(517) 284-8140

34913238.1\131120-00085



## SECTION D RATE SCHEDULES

### D1. GENERAL TERMS AND CONDITIONS OF THE TARIFF

- (1) Controlled service.

All rates are subject to all provisions in Rule C2. of the Rules and Regulations of the Company which are applicable to priority of service hereunder.

- (2) Territory served.

All rates apply in the territory served by the Company, comprising the cities, villages and townships in all Districts in the applicable Rules and Regulations of the Company except where specifically noted.

### D2. SUPPLEMENTAL CHARGES

Each Rate Schedule may be subject to supplemental charges under Rule C11, Customer Attachment Program, a Reservation Charge and Energy Waste Reduction ("EWR") surcharges required by Public Act 295, as detailed below:

Reservation Charge – this charge allows for the recovery of costs related to the assets necessary to provide peak-day coverage and for the utility to serve as the "supplier of last resort" from Gas Customer Choice program customers, as required by the Commission in Case No. U-15929. For GCR purposes, the Reservation Charge is a component of the Base GCR Factor.

Reservation Charge  
(As set forth on Sheet No. D-2.00)

ENERGY WASTE REDUCTION Surcharge – this charge permits, pursuant to Section 91(4) of 2008 PA 295, the adjustment of rates, to allow for recovery of the payments made by the Company in compliance with Section 91(1) of 2008 PA 295.

<u>Customer Class</u>	<u>EWR Surcharge</u>
Residential	\$ <b>0.1537</b> per Mcf
Small General Service	\$ <b>4.56</b> per meter, per month
Large General Service	\$ <b>156.40</b> per meter, per month
Commercial Lighting	\$ <b>3.06</b> per contract, per month
Special Contracts	\$ <b>128.93</b> per month
Transportation -	
TR-1	\$ <b>41.33</b> per meter, per month
TR-2	\$ <b>154.78</b> per meter, per month
TR-3	\$ <b>1,013.65</b> per meter, per month

**Continued on Sheet No. D-1.01**

Issued:  
By Theodore Eidukas  
VP - Regulatory Affairs  
Milwaukee, Wisconsin  
Order Dated:

Effective for bills rendered  
On and After:  
Issued Under Authority of the  
Michigan Public Service Commission  
In Case No: U-**20430**


# PROOF OF SERVICE

STATE OF MICHIGAN )

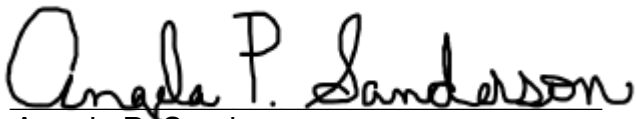
Case No. U-20430

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on December 19, 2019 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 19<sup>th</sup> day of December 2019.



Angela P. Sanderson  
Notary Public, Shiawassee County, Michigan  
As acting in Eaton County  
My Commission Expires: May 21, 2024

**Service List for Case: U-20430**

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Tri-County Electric Co-Op  
Tri-County Electric Co-Op  
Citizens Gas Fuel Company  
Consumers Energy Company  
SEMCO Energy Gas Company  
Superior Energy Company  
WEC Energy Group  
Upper Peninsula Power Company  
Midwest Energy Coop  
Midwest Energy Coop  
Alger Delta Cooperative  
Cherryland Electric Cooperative  
Great Lakes Energy Cooperative  
Great Lakes Energy Cooperative  
Stephenson Utilities Department  
Ontonagon County Rural Elec  
Presque Isle Electric & Gas Cooperative, INC  
Thumb Electric  
Bishop Energy  
AEP Energy  
CMS Energy  
Just Energy Solutions  
Constellation Energy  
Constellation Energy  
Constellation New Energy  
DTE Energy  
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Calpine Energy Solutions  
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Lisa Gustafson

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Thomas Krichel

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Lansing Board of Water and Light

Marquette Board of Light & Power

Premier Energy Marketing LLC

City of Marshall

Doug Motley

Marc Pauley

City of Portland

Alpena Power

Liberty Power

Wabash Valley Power

Wolverine Power

Lowell S.

Realgy Energy Services

Volunteer Energy Services

Hillsdale Board of Public Utilities

Michigan Gas Utilities/Upper Penn Power/Wisconsin

Direct Energy

Direct Energy

Direct Energy

Direct Energy

Realgy Corp.

Katie Abraham, MMEA

Indiana Michigan Power Company

Santana Energy

MEGA

MEGA

ITC Holdings

Dickinson Wright

Xcel Energy

Matthew Peck

Consumers Energy

MidAmerican Energy Services, LLC

MidAmerican Energy Services, LLC

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Northern States Power

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Xcel Energy

Great Lakes Energy

Michigan Public Power Agency

American Transmission Company

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Phil Forner