STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,)	
regarding the regulatory reviews, revisions,)	
determinations, and/or approvals necessary for)	Case No. U-20366
DTE ELECTRIC COMPANY to fully comply)	
with Public Act 295 of 2008, as amended by)	
Public Act 342 of 2016.)	

At the January 23, 2020 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 SETTLEMENT AGREEMENT

On May 31, 2019, DTE Electric Company (DTE Electric) filed its application, with supporting testimony and exhibits, requesting approval of its energy waste reduction (EWR) cost reconciliation for 2018, authority to implement EWR surcharge factors, and other related relief.

A prehearing conference was held on September 17, 2019, before Administrative Law Judge Sharon L. Feldman (ALJ). At the prehearing conference, the ALJ granted intervenor status to the Residential Customer Group (RCG). DTE Electric and the Commission Staff (Staff) also participated in the proceeding. Subsequently, DTE Electric and the Staff submitted a settlement agreement that resolves all issues in the case, and RCG signed the settlement agreement only to indicate its nonobjection to the settlement agreement.

The Commission has reviewed the settlement agreement and finds that the public interest is adequately represented by the parties who entered into the settlement agreement. The Commission further finds that the 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 settlement agreement, attached as Exhibit A, is approved.
- B. DTE Electric Company's reconciliation for the 2018 energy waste reduction plan year is approved, and the resulting cumulative net underrecovery of \$12.5 million shall be carried forward on a customer class basis and reflected as the beginning balance for DTE Electric Company's 2019 energy waste reduction plan reconciliation.
- C. DTE Electric Company is authorized to recover the 2018 performance incentive of \$21.3 million, to be recovered over an 11-month period beginning February 1, 2020.
- D. DTE Electric Company is authorized to implement the surcharges set forth in the tariff sheets attached as Attachment 1 to the settlement agreement.
- E. Within 10 days, DTE Electric Company shall file tariff sheets consistent with this order and the 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 and to the Michigan Department of the Attorney General - Public Service Division at pungp1@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
	Sally A. Talberg, Chairman
	Daniel C. Scripps, Commissioner
	Tremaine L. Phillips, Commissioner
By its action of January 23, 2020.	
Lisa Felice, Executive Secretary	

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion,)	
regarding the regulatory reviews, revisions,)	
determinations, and/or approvals necessary for)	Case No. U-20366
DTE ELECTRIC COMPANY)	(Paperless e-file)
to fully comply with Public Act 295 of 2008,)	,
as amended by Public Act 342 of 2016.)	
•)	

STIPULATION AND SETTLEMENT AGREEMENT

Pursuant to Section 78 of the Administrative Procedures Act of 1969 ("APA"), as amended, MCL 24.278 and Rule R 792.10431 ("Rule 431") of the Rules of Practice and Procedure before the Michigan Public Service Commission ("MPSC" or "Commission"), the undersigned parties agree as follows:

- 1. This Stipulation and Settlement Agreement ("Settlement Agreement") between DTE Electric Company ("DTE Electric" or "Company") and the Michigan Public Service Commission Staff ("Staff") (collectively, the "Parties") is intended by the Parties as a final settlement and satisfaction of all issues before the Commission in the 2018 reconciliation of DTE Electric's Energy Waste Reduction ("EWR") Plan expenses filed in Case No. U-20366.
- 2. Act 295 as amended by Act 342 requires certain electric providers and natural gas providers to file proposed EWR plans with the Commission for its review and approval. Act 295 as amended by Act 342 states that the overall goal of the EWR plan is to help a provider's customers reduce energy waste and to reduce the future costs of provider service to customers.
- 3. On February 7, 2019, the Commission issued an order in Case No. U-20366 directing DTE Electric to file the Company's 2018 EWR Plan reconciliation by July 15, 2019. As required by the Commission's Order, DTE Electric filed its EWR Plan reconciliation on May 31,

- 2019. The Company subsequently filed its Evaluation, Measurement and Verification Report on July 11, 2019.
- 4. Staff began a financial audit of the Company's program on August 12, 2019. Staff requested screen shots of specific accounts to match to exhibits filed by the Company and found them to be compliant. Staff also tested the Company's short term interest rate and researched customer bill copies to ensure the appropriate surcharges were applied to customers' bills. All financial aspects of the Company's filing were found to be compliant.
- 5. A prehearing conference was conducted before Administrative Law Judge Sharon L. Feldman on September 17, 2019 at which a procedural schedule was adopted and RCG was granted intervention. In an attempt to efficiently resolve the matter, the Parties have agreed to enter into a full settlement of this case and recommend approval by the Commission of DTE Electric's EWR Plan reconciliation as outlined below.
- 6. The Company confirms that the 2018 EWR Plan reconciliation is in accordance with the settlement agreement approved by the Commission in its April 12, 2018 Order in Case No. U-18262.
- 7. The Parties acknowledge that during 2018, DTE Electric implemented and operated its approved EWR Plan, which includes: (1) energy savings targets established by Act 295 as amended by Act 342; (2) offerings for each customer class including low income residential; (3) specific funding levels; (4) cost recovery mechanisms allowing recovery of EWR plan costs; (5) EWR programs, excluding program offerings to low income residential customers, that are cost-effective; and (6) practical and effective administration of the programs. Staff has audited DTE Electric's books and records and finds the results of the audit warrant agreement with the reconciliation numbers filed in DTE Electric's Application as further supported by the associated testimony and exhibits.

- 8. The Parties agree that DTE Electric's EWR Plan implemented during 2018 achieved compliance with the requirements of Act 295 as amended by Act 342 of a utility system resource cost test ("USRCT") score of greater than one and the legislated energy savings of 1.00% of 2017 annual retail sales equating to 471 GWh. The Parties acknowledge that DTE Electric actually exceeded these requirements by accomplishing a USRCT score of 4.78 and by achieving 710 GWh of verified net energy savings. This achievement is inclusive of a reduction made to the Home Energy Reports ("HER") component of the Behavior program. The reduction that was applied was derived from Staff Witness Walker's Exhibit S-1 accompanying his direct testimony.
- 9. The Parties agree that the 2018 planned EWR program spend was \$105.2 million and the actual EWR program spend was \$106.6 million. Further, based on the operation of the surcharge during 2018, DTE Electric had a net under recovery of \$12.5 million and that it is appropriate for the calculated cumulative under recovery for 2018 to be carried forward into 2019 on a customer class basis and used as beginning balances for the 2019 reconciliation.
- 10. The Parties agree DTE Electric earned the performance incentive calculated by using the method included in DTE Electric's Commission-approved 2018 EWR Plan. The Parties agree that after the Commission issues an order approving the Settlement Agreement, DTE Electric may recover the 2018 performance incentive of \$21.3 million, which will be recovered over an eleven month period beginning effective February 1, 2020, assuming an order in this case is issued in January 2020.
- 11. The Parties agree that the Company's method of calculating the EWR credits available for substitution as Renewable Energy Credits ("RECs") is accurate and the number of EWR credits is 2,871.
- 12. The Parties request that the Commission enter an order approving DTE Electric's 2018 EWR Plan reconciliation and approve the attached Tariff Sheet (Attachment 1) implementing

the revision to the EWR Plan surcharge as discussed above, and any over or under recovery resulting from the issuance of the surcharges will be reflected in DTE Electric's next EWR Plan reconciliation proceeding beginning balance.

- 13. This Settlement Agreement is entered into for the sole and express purpose of reaching a compromise among the Parties. All offers of settlement and discussions relating to this Settlement Agreement are considered privileged under MRE 408. If the Commission approves this Settlement Agreement without modification, then neither the Parties to this settlement nor the Commission shall make any reference to, or use this Settlement Agreement or the order approving it, as a reason, authority, rationale, or example for taking any action or position or making any subsequent decision in any other case or proceeding; provided however, such references may be made to enforce or implement the terms of the Settlement Agreement and the order approving it.
- 14. This Settlement Agreement is not severable. Each provision of this Settlement Agreement and Settlement and Settlement Agreement. Failure to comply with any provision of this Settlement Agreement constitutes failure to comply with the entire Settlement Agreement. If the Commission rejects or modifies this Settlement Agreement, then this Settlement Agreement shall be deemed to be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose and shall not operate to prejudice the pre-negotiation positions of any party.
- 15. This Settlement Agreement is reasonable and in the public interest, and will reduce the time and expense of the Commission, its Staff, and the Parties.
- 16. The Parties agree to waive Section 81 of 1969 PA 306 (MCL 24.281) as it applies to the issues in this proceeding if the Commission approves this Settlement Agreement without modification.

17. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By:		Dated: January, 2020
	Amit T. Singh	
	Spencer A. Sattler	
	Assistant Attorney General	
	7109 West Saginaw Hwy, 3rd Fl	
	Lansing, MI 48917	
	(517) 241-6680	
Signi	ng only as a Non-Objecting Party	
RES	IDENTIAL CUSTOMER GROUP	
By:		Dated: January, 2020
	Don L. Keskey	
	University Office Place	
	333 Albert Avenue, Suite 425	
	East Lansing, MI 48823	

17. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

Ву:	David S. Maquera Megan E. Irving DTE Electric Company One Energy Plaza, 1635 WCB Detroit, MI 48226 (313) 235-3813	Dated: January, 2020
MIC	HIGAN PUBLIC SERVICE COMMIS	SSION STAFF
By:	Digitally signed by Amit Singh Date: 2020.01.09 08:04:30 -05'00'	Dated: January, 2020
	Amit T. Singh Spencer A. Sattler Assistant Attorney General 7109 West Saginaw Hwy, 3rd Fl Lansing, MI 48917 (517) 241-6680	
Signi	ng only as a Non-Objecting Party	
RESI	DENTIAL CUSTOMER GROUP	
Ву:	Don L. Keskey University Office Place 333 Albert Avenue, Suite 425 East Lansing MI 48823	Dated: January, 2020

17. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

	Dated: January, 2020
David S. Maquera	
Megan E. Irving	
DTE Electric Company	
One Energy Plaza, 1635 WCB	
Detroit, MI 48226	
(313) 235-3813	

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: January, 2020

Signing only as a Non-Objecting Party

RESIDENTIAL CUSTOMER GROUP

Dated: January 8, 2020
· ·

Attachment 1

Customers With

(Continued from Sheet No. C-67.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE (Contd.)

C9.6 Energy Waste Reduction Surcharge (EWRS)

On June 2, 2009, in Case No. U-15806, the MPSC authorized the implementation of an Energy Optimization Surcharge (EOS) for electric customers in accordance with the Clean, Renewable, and Energy Efficiency Act, PA295 of 2008. In compliance with PA 342 of 2016, the surcharge has been renamed as the Energy Waste Reduction (EWR) Surcharge. The EWR will be used to fund energy efficiency programs for DTE Electric customers. The EWR rates approved by the MPSC on ______, 2020 in Case No. U-20366 will be effective beginning with bills rendered in February 2020. The total EWRS for all residential customers is \$0.004565 per kWh. The EWRS for all metered Commercial, Industrial, and Governmental customers is a per meter, per month charge which is based on the total monthly energy consumption by rate as shown in the table below.

Customers Without

		Self Directed Plans	Self Directed Plans
		Energy Wast Reduction	Energy Waste Reduction
<u>Voltage</u>	Monthly Consumption	<u>Surcharge</u>	Surcharge
Secondary	0 – 850 kWh	\$1.52/meter/month	\$0.12/meter/month
Secondary	851 – 1,650 kWh	\$9.08 /meter/month	\$0.70/meter/month
Secondary	Above 1,650 kWh	\$37.85 /meter/month	\$3.09/meter/month
Primary	0 – 11,500 kWh	\$38.43 /meter/month	\$5.45/meter/month
Primary	Above 11,500 kWh	\$402.58 /meter/month	\$54.77/meter/month

C9.7.6 HOLD FOR FUTURE USE

(Continued on Sheet No. C-69.00)

Issued ______, 2020 C. Serno Vice President Regulatory Affairs Effective for bills rendered on and after February 1, 2020

Issued under authority of the Michigan Public Service Commission dated ______, 2020 in Case No. U-20366

Detroit, Michigan

(Continued from Sheet No. C-69.00)

SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE: (Contd.) **C**9

C9.8 Summary of Surcharges and Credits: Summary of surcharges and credits, pursuant to sub-rules C9.1, C9.2, C9.6, C9.7.9, C9.7.10, C9.7.11, C9.7.12 and C9.7.13. Cents per kilowatthour or percent of base bill, unless otherwise noted.

	<u>NS</u> ¢/kWh	EWRS ¢/kWh	Total Delivery Surcharges ¢/kWh	LIEAF Facto \$/Billing Meter
Residential				
D1 Residential	0.0827	0.4565	0.5392	\$0.92
D1.1 Int. Space Conditioning	0.0827	0.4565	0.5392	N/A
D1.2 Time of Day	0.0827	0.4565	0.5392	\$0.92
D1.6 Special Low Income Pilot	0.0827	0.4565	0.5392	\$0.92
D1.7 Geothermal Time-of-Day	0.0827	0.4565	0.5392	N/A
D1.8 Dynamic Peak Pricing	0.0827	0.4565	0.5392	\$0.92
D1.9 Electric Vehicle	0.0827	0.4565	0.5392	N/A
D2 Space Heating	0.0827	0.4565	0.5392	\$0.92
D5 Wtr Htg	0.0827	0.4565	0.5392	N/A
D9 Outdoor Lighting	0.0827	0.4565	0.5392	N/A
Commercial				
D1.1 Int. Space Conditioning	0.0827	See C9.6		\$0.92
D1.7 Geothermal Time -of- day	0.0827	See C9.6		\$0.92
D1.8 Dynamic Peak Pricing	0.0827	See C9.6		\$0.92
D1.9 Electric Vehicle	0.0827	See C9.6		\$0.92
D3 General Service	0.0827	See C9.6		\$0.92
D3.1 Unmetered	0.0827	See C9.6		N/A
D3.2 Educ. Inst.	0.0827	See C9.6		\$0.92
D3.3 Interruptible	0.0827	See C9.6		\$0.92
D4 Large General Service	0.0827	See C9.6		\$0.92
D5 Wtr Htg	0.0827	See C9.6		\$0.92
D9 Outdoor Lighting	0.0827	See C9.6		N/A
R3 Standby Secondary	0.0827	See C9.6		\$0.92
R7 Greenhouse Lighting R8 Space Conditioning	0.0827	See C9.6		\$0.92
No Space Conditioning	0.0827	See C9.6		\$0.92
Industrial				
D6.2 Educ. Inst.	0.0827	See C9.6		\$0.92
D8 Interruptible Primary	0.0827	See C9.6		\$0.92
D10 Schools	0.0827	See C9.6		\$0.92
D11 Primary Supply	0.0827	See C9.6		\$0.92
R1.1 Metal Melting	0.0827	See C9.6		\$0.92
R1.2 Electric Process Heating	0.0827	See C9.6		\$0.92
R3 Standby Primary	0.0827	See C9.6		\$0.92
R10 Interruptible Supply	0.0827	See C9.6		\$0.92

(Continued on Sheet No. C-71.00)

Issued , 2020 C. Serna Vice President

Regulatory Affairs

Detroit, Michigan

Effective for bills rendered on and after February 1, 2020

Issued under authority of the Michigan Public Service Commission dated , 2020 in Case No. U-20366

(Continued from Sheet No. C-70.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE: (Contd.)

C9.8 Summary of Surcharges and Credits (Contd.):

	<u>NS</u> ¢/kWh	<u>EWRS</u> ¢/kWh	LIEAF Factor S/Billing Meter
Governmental			
E1 Streetlighting Option I	0.0827	See C9.6	N/A
E1 Streetlighting Option II & III	0.0827	See C9.6	N/A
E1.1 Energy Only	0.0827	See C9.6	\$0.92
E2 Traffic Lights	0.0827	See C9.6	N/A
Electric Choice			
EC2 D1.1 Int. Space Conditioning	0.0827	See C9.6	\$0.92
EC2 D1.7 Geothermal Time of Day	0.0827	See C9.6	\$0.92
EC2 D1.9 Electric Service	0.0827	See C9.6	\$0.92
EC2 D3 General Service	0.0827	See C9.6	\$0.92
EC2 D3.2 Educ. Inst.	0.0827	See C9.6	\$0.92
EC2 D3.3 Interruptible	0.0827	See C9.6	\$0.92
EC2 D4 Large General Service	0.0827	See C9.6	\$0.92
EC2 D5 Water Heating	0.0827	See C9.6	\$0.92
EC2 R7 Greenhouse Ltg	0.0827	See C9.6	\$0.92
EC2 R8 Space Conditioning	0.0827	See C9.6	\$0.92
EC2 D6.2 Educ. Inst.	0.0827	See C9.6	\$0.92
EC2 D8 Int. Primary	0.0827	See C9.6	\$0.92
EC2 D10 Schools	0.0827	See C9.6	\$0.92
EC2 D11 Primary Supply	0.0827	See C9.6	\$0.92
EC2 R1.1 Metal Melting	0.0827	See C9.6	\$0.92
EC2 R1.2 Elec. Proc. Htg	0.0827	See C9.6	\$0.92
EC2 R10 Int. Supply	0.0827	See C9.6	\$0.92

(Continued on Sheet No. C-72.00)

Issued _____, 2020

C. Serna

Vice President Regulatory Affairs

Detroit, Michigan

Effective for bills rendered on and after February 1, 2020

Issued under authority of the Michigan Public Service Commission dated _____, 2020 in Case No. U-20366

PROOF OF SERVICE

STATE OF MICHIGAN)	
		Case No. U-20366
County of Ingham)	

Brianna Brown being duly sworn, deposes and says that on January 23, 2020 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 23rd day of January 2020.

Angela P. Sanderson

Notary Public, Shiawassee County, Michigan

As acting in Eaton County

My Commission Expires: May 21, 2024

Service List for Case: U-20366

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