

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of CONSUMERS	)	
ENERGY COMPANY for authority to increase its	)	
rates for the generation and distribution of	)	Case No. U-20134
electricity and for other relief.	)	
_____	)	

At the May 19, 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 AMENDED SETTLEMENT AGREEMENT

On May 14, 2018, Consumers Energy Company (Consumers) filed an application seeking authority to increase its rates for the generation and distribution of electricity and requesting other regulatory approvals.

Administrative Law Judge Sharon L. Feldman held a prehearing conference on June 1, 2018, at which she granted petitions to intervene filed by the Michigan Department of Attorney General (Attorney General); the Association of Businesses Advocating Tariff Equity; the Michigan Environmental Council; the Natural Resources Defense Council; Sierra Club; the Kroger Company; Hemlock Semiconductor Operations LLC; the Michigan Cable Telecommunications Association; Energy Michigan, Inc.; the Michigan Energy Innovation Business Council; the Michigan State Utility Workers Council; ChargePoint, Inc.; the Residential Customer Group (RCG); Wal-Mart Stores East, LP and Sam's East, Inc. (Wal-Mart); the Environmental Law &

Policy Center; the Ecology Center; and Midland Cogeneration Venture Limited Partnership (MCV). The Commission Staff (Staff) also participated. Late petitions to intervene were filed by the City of Flint and the City of Grand Rapids and were granted.

On December 18, 2018, the parties, with the exception of MCV and RCG, filed an executed settlement agreement (December 18 settlement agreement); and Wal-Mart and the Attorney General filed their non-objections to the settlement agreement that day as well. On December 19, 2018, MCV and RCG filed their non-objections to the settlement agreement.

On January 9, 2019, the Commission issued an order approving the December 18 settlement agreement. On January 9, 2019, the Commission also issued an order approving regulatory asset treatment of electric vehicle pilot program costs. The two orders resolved all issues in the case.

Paragraph 6 of the December 18 settlement agreement required Consumers to transition all of its residential customers, except its non-transmitting meter customers, to the company's new summer "on-peak and all-other hours rates" beginning in January 2020. Consumers transitioned all affected customers to this new rate structure on January 1, 2020, consistent with the December 18 settlement agreement; however, Consumers has not yet billed any residential customers for the on-peak portion of the rate, which is set to begin for the first time on June 1, 2020.

Since March 23, 2020, the public and private responses to the COVID-19 pandemic have resulted in virtually all residential customers on Consumers' electric system being sequestered at home continuously throughout the daytime hours, when a significant portion of the population would have ordinarily been outside the home for work and other activities. It is unclear how long home sequestration, remote working, and social distancing measures will remain in effect.

The impact of the residential summer on-peak rates on customers will occur in circumstances in which their options to control their residential electric consumption may be different than

anticipated at the time of the settlement agreement. Given the significant changes in customer behavior to prevent the spread of COVID-19, the potential impacts on customers and the company have not been fully evaluated. On April 30, 2020, the parties filed an executed amended settlement agreement based on the extraordinary facts and circumstances arising from the COVID-19 pandemic occurring subsequent to the Commission's previous orders.

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. Within 30 days of the date of this order, Consumers Energy Company shall file tariff sheets substantially similar to those contained in 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 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 May 19, 2020.

Lisa Felice, Executive Secretary

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CONSUMERS ENERGY COMPANY	)	
for authority to increase its rates for	)	Case No. U-20134
the generation and distribution of	)	
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_____	)	

AMENDED SETTLEMENT AGREEMENT

WHEREAS, Consumers Energy Company ("Consumers Energy" or "the Company") filed an electric rate case on May 14, 2018, which was resolved (except for one issue) by a settlement agreement among the parties¹ dated December 18, 2018 and a Michigan Public Service Commission ("MPSC" or "the Commission") Order approving the parties' settlement agreement dated January 9, 2019.

WHEREAS, paragraph 6 of the settlement agreement required Consumers Energy to transition all of its residential customers, except its non-transmitting meter customers, to the Company's new summer "on-peak and all-other hours rates" (hereafter referred to as residential summer Time of Use or "TOU" rates) beginning in January 2020. Consumers Energy's residential summer TOU rates consist, in part, of a volumetric charge for power supply of (i) \$0.096781 per kilowatt-hour for all consumption between October 1 and May 31 and during off-peak hours during the remainder of the year and (ii) \$0.143752 per kilowatt-hour for all consumption during

¹ Parties to the settlement agreement included Consumers Energy; MPSC Staff; the Association of Businesses Advocating Tariff Equity; Hemlock Semiconductor Operations, LLC; the Kroger Company; Energy Michigan, Inc.; ChargePoint, Inc.; the Michigan Energy Innovation Business Council; Environmental Law & Policy Center; the Ecology Center; Michigan Environmental Council; the Natural Resources Defense Council; Sierra Club; Michigan Cable Telecommunications Association; Michigan State Utility Workers Council, Utility Workers Union of America, AFL-CIO; the City of Grand Rapids, and the City of Flint. The Attorney General of the State of Michigan; Wal-Mart Stores East LP and Sam's East Inc.; Midland Cogeneration Venture Limited Partnership; and the Residential Customer Group all filed statements of non-objection.

on-peak hours between June 1 and September 30. Consumers Energy transitioned all affected customers to this new rate structure on January 1, 2020 consistent with the settlement agreement. Consumers Energy has not yet billed any residential customers for the on-peak portion of the rate, which is set to begin for the first time on June 1, 2020.

WHEREAS, the public and private responses to the COVID-19 pandemic, particularly Governor Gretchen Whitmer's March 23, 2020 "Stay Home, Stay Safe" executive order (EO 2020-21), have resulted in virtually all residential customers on Consumers Energy's electric system being sequestered at home continuously throughout the daytime hours, when a significant portion of the population would have ordinarily been outside the home for work and other activities. It is unclear how long home sequestration, remote working, and/or "social distancing" measures will remain in effect; however, it is reasonable to expect continued disruption of work and public activities beyond June 1, 2020.

WHEREAS, Consumers Energy and the undersigned parties are concerned about the impact of the residential summer on-peak rates on customers in circumstances in which their options to control their residential electric consumption may be different than anticipated at the time of the settlement agreement in this case. Important education, communications, and outreach efforts to prepare residential customers for the upcoming peak rates and facilitate appropriate planning may also be drowned out by the prolific media coverage of COVID-19 related issues. Furthermore, the measures taken to prevent the spread of COVID-19 are resulting in widespread unemployment and other financial hardship. Given the significant changes in customer behavior to prevent the spread of COVID-19, the potential impacts of the rate on customers and the utility have not been fully evaluated.

NOW THEREFORE, the undersigned parties agree that the December 18, 2018 settlement agreement in this case should be amended as follows:

1. The requirement for Consumers Energy to begin charging an on-peak/off-peak rate differential to residential customers on the summer TOU rate starting on June 1, 2020, which is set forth in paragraph 6 of the December 18, 2018 settlement agreement, should be revised to allow the Company to implement a revenue-neutral, uniform on-peak/off-peak power supply charge for customers on that rate schedule throughout the June 1 to September 30, 2020 period. The parties agree that the new uniform on-peak/off-peak power supply charge should be set at \$0.104085 per kilowatt-hour. The proposed tariff sheet showing this change is attached to this Amended Settlement Agreement as Attachment 1.

2. The parties further agree that the residential summer TOU rate should revert to a differential on-peak/off-peak rate structure from June 1 to September 30 of each year beginning in June 2021. The differential on-peak/off-peak power supply charge for the 2021 calendar year and subsequent years should be \$0.096781 per kilowatt-hour for off-peak consumption and \$0.143752 per kilowatt-hour for on-peak consumption during the period from June 1 to September 30 each year unless those charges are modified by subsequent Commission order in the Company's pending electric rate case, MPSC Case No. U-20697, or other appropriate proceedings.

3. Except as specifically modified in this Amended Settlement Agreement, the parties agree that the December 18, 2018 settlement agreement remains unchanged and in full force and effect. The Commission should not adopt any further changes in the parties' original settlement agreement in this case as a result of this Amended Settlement Agreement.

4. The parties agree that the tariff sheet included as Attachment 1 to this Settlement Agreement is consistent with the foregoing provisions of this Settlement Agreement and should be approved by the Commission for the remainder of calendar year 2020.

5. All offers of settlement and discussions relating to this Amended Settlement Agreement are, and shall be considered, privileged under MRE 408. If the Commission approves this Amended Settlement Agreement without modification, neither the parties to this Amended Settlement Agreement nor the Commission shall make any reference to, or use, this Amended 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 provisions of this Amended Settlement Agreement and the order approving it.

6. This Amended Settlement Agreement is based on the extraordinary facts and circumstances arising after the final Commission Order was entered in this case and is intended solely for the reasons set forth herein. So long as the Commission approves this Amended Settlement Agreement without any modification, the parties agree not to appeal, challenge, or otherwise contest the Commission order approving this Amended Settlement Agreement. Except as otherwise set forth herein, the parties agree and understand that this Amended Settlement Agreement does not limit any party's right to take new and/or different positions on similar issues in other administrative proceedings or appeals related thereto.

7. This Amended Settlement Agreement is not severable. Each provision of the Amended Settlement Agreement is dependent upon all other provisions of this Amended Settlement Agreement. Failure to comply with any provision of this Amended Settlement Agreement constitutes failure to comply with the entire Amended Settlement Agreement. If the

Commission rejects or modifies this Amended Settlement Agreement or any provision of the Amended Settlement Agreement, this Amended Settlement Agreement shall be deemed to be withdrawn, shall not constitute any part of the record in this proceeding or be used for any other purpose, and shall be without prejudice to the pre-negotiation positions of the parties.

8. The parties agree that approval of this Amended Settlement Agreement by the Commission would be reasonable and in the public interest.

WHEREFORE, the undersigned parties respectfully request the Commission to approve this Amended Settlement Agreement on an expeditious basis and to make it effective in accordance with its terms by final order.

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

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MICHIGAN STATE UTILITY WORKERS COUNCIL, UTILITY WORKERS UNION OF AMERICA, AFL-CIO

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MIDLAND COGENERATION VENTURE LIMITED PARTNERSHIP

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Date: April 23, 2020

ATTACHMENT 1

RESIDENTIAL SUMMER ON-PEAK BASIC RATE RSP

Availability:

Subject to any restrictions, this rate is available to any Full Service Customer desiring electric service for any usual residential use in: (i) private family dwellings; (ii) tourist homes, rooming houses, dormitories, nursing homes and other similarly occupied buildings containing sleeping accommodations for up to six persons; or (iii) existing multifamily dwellings containing up to four households served through a single meter. Service for single-phase or three-phase equipment may be included under this rate, provided the individual capacity of such equipment does not exceed 3 hp or 3 kW, nor does the total connected load of the home exceed 10 kW, without the specific consent of the Company.

The Residential Summer On-Peak Basic Rate Pilot will commence by June 1, 2019. Customer eligibility to participate in the Pilot is determined solely by the Company. Selected customers must remain in the pilot through December 31, 2019.

This rate is not available for: (i) resale purposes; (ii) multifamily dwellings containing more than four living units served through a single meter; (iii) tourist homes, rooming houses, dormitories, nursing homes and similarly occupied buildings containing sleeping accommodations for more than six persons; (iv) any other Non-Residential usage; or (v) Rule C5.5 - Non-Transmitting Meter Provision participants.

Residences in conjunction with commercial or industrial enterprises and mobile home parks may take service on this rate only under the Rules and Regulations contained in the Company's Electric Rate Book.

Nature of Service:

Service under this rate shall be alternating current, 60-Hertz, single-phase or three-phase (at the Company's option) Secondary Voltage service. The Company will determine the particular nature of the voltage in each case.

Monthly Rate:

Power Supply Charges: These charges are applicable to Full Service Customers.

Energy Charge:

Non-Capacity	Capacity	Total	
\$ 0.065734	\$ 0.038351	\$0.104085	per kWh for Off-Peak kWh between June 1 and September 30
\$0.061121	\$0.035660	\$0.096781	
\$ 0.065734	\$ 0.038351	\$0.104085	per kWh for On-Peak kWh between June 1 and September 30
\$0.090785	\$0.052967	\$0.143752	
\$0.061121	\$ 0.035660	\$0.096781	per kWh for all kWh between October 1 and May 31

This rate is subject to the Power Supply Cost Recovery (PSCR) Factor shown on Sheet No. D-6.00.

Delivery Charges: These charges are applicable to Full Service Customers.

System Access Charge:	\$7.50	per customer per month
Distribution Charge:	\$0.047054	per kWh for all kWh

This rate is subject to the Surcharges shown on Sheet Nos. D-2.00 through D-5.00 and the Power Plant Securitization Charges shown on Sheet No. D-7.00.

(Continued on Sheet No. D-15.00)

Issued XXXXXX XX, 2020 by
Patti Poppe,
President and Chief Executive Officer,
Jackson, Michigan

Effective for service rendered on
and after June 1, 2020

Issued under authority of the
Michigan Public Service Commission
dated XXXXXX XX, 2020
in Case No. U-20134

PROOF OF SERVICE

STATE OF MICHIGAN)

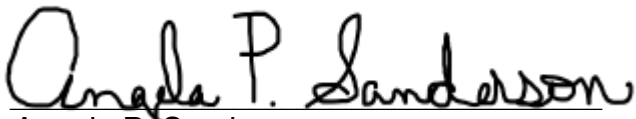
Case No. U-20134

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on May 19, 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 19th day of May 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-20134

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