

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,)	
determination, and/or approvals necessary for)	Case No. U-18349
regulated electric providers to comply with)	
Section 61 of 2016 PA 342.)	
_____)	

In the matter, on the Commission's own motion,)	
regarding the regulatory reviews, revisions,)	
determination, and/or approvals necessary for)	Case No. U-18353
INDIANA MICHIGAN POWER COMPANY)	
to comply with Section 61 of 2016 PA 342.)	
_____)	

At the September 10, 2020 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

ORDER

Background

On December 21, 2016, Public Act 342 of 2016 (Act 342) was signed into law, which became effective on April 20, 2017. Among other things, Act 342 amends Public Act 295 of 2008, MCL 460.1001 *et seq.* (Act 295), by adding Section 61, MCL 460.1061, which requires electric providers to offer voluntary green pricing (VGP) programs to their customers. Section 61 states:

An electric provider shall offer to its customers the opportunity to participate in a voluntary green pricing program under which the customer may specify, from the

options made available by the electric provider, the amount of electricity attributable to the customer that will be renewable energy. If the electric provider's rates are regulated by the commission, the program, including the rates paid for renewable energy, must be approved by the commission. The customer is responsible for any additional costs incurred and shall accrue any additional savings realized by the electric provider as a result of the customer's participation in the program. If an electric provider has not yet fully recovered the incremental costs of compliance, both of the following apply:

(a) A customer that receives at least 50% of the customer's average monthly electricity consumption through the program is exempt from paying surcharges for incremental costs of compliance.

(b) Before entering into an agreement to participate in a commission-approved voluntary green pricing program with a customer that will not receive at least 50% of the customer's average monthly electricity consumption through the program, the electric provider shall notify the customer that the customer will be responsible for the full applicable charges for the incremental costs of compliance and for participation in the voluntary renewable energy program as provided under this section.

On July 12, 2017, in Case Nos. U-18349 *et al.* (July 12 order), the Commission directed electric providers, including I&M, to file proposed VGP programs by October 18, 2017. Additionally, the Commission stated that "VGP programs and tariffs should be revisited as needed (e.g., whenever a new program or tariff is proposed) or every two years at minimum, beginning in October 2019." July 12 order, p. 14.

On April 18, 2018, in Case Nos. U-18349 *et al.* (April 18 order), the Commission approved I&M's VGP program, along with the VGP programs for other electric providers. The Commission found that I&M's VGP program met the requirements of Section 61 of Act 342. In addition, on page 6 of the April 18 order, the Commission stated that it:

will review each of the electric provider's VGP programs as needed or at a minimum, every two years beginning in October 2019, meaning that each utility must file a VGP program proposal by October 11, 2019. If a utility seeks to amend the VGP program approved by this order, it shall file the amended VGP program in its assigned docket requesting Commission approval.

In the interim, the Commission directed electric providers, including I&M, to “file a semi-annual report in their assigned docket containing information on the number of enrollments and enrollment size in each of the programs; cost of RE [renewable energy] for each program (incremental and total); cost of marketing and administration (incremental and total); marketing methods; and the quantity, source, and costs of any RE or RECs [renewable energy credits] purchased for the program.” *Id.*

On December 30, 2019, I&M filed an application in Case No. U-18353 requesting *ex parte* approval for modifications to its VGP program and proposing three new program options for customers in the IM Green Program tariff (December 30 application). On August 12, 2020, I&M filed an amended application in Case No. U-18353, which continues to request *ex parte* approval for modifications to its VGP program but seeks approval of only two of the three program options in the IM Green Program tariff that were proposed in the December 30 application (amended application).

On January 23, 2020, the Commission issued an order in this case setting a comment period for I&M’s proposed new VGP program. No comments were received.

Indiana Michigan Power Company’s Application and Amended Application

In its December 30 application and its amended application, I&M requests Commission approval of the new Standard Program option in the IM Green Program. The company explains that the Standard Program “is available on a voluntary basis to metered customers who are in good standing, taking Standard Service from the Company who desire to purchase renewable energy certificates (RECs) sourced from the Company’s solar and wind renewable generation resources approved in its Renewable Energy Plan (REP).” I&M’s December 30 application, p. 2; I&M’s amended application, pp. 2-3. I&M states that the Standard Program option will be available

through renewable energy resources, and associated costs, contained within the company's approved REP. *Id.*, p. 3.

The cost for the existing VGP program is \$0.0247 per kilowatt-hour (kWh), with no credits back to customers. *See*, I&M's April 2020 Semi-annual Voluntary Green Power Program Report, Case No. U-18353, filing #U-18353-0019, p. 3. For the new Standard Program, the company proposes a surcharge of \$0.02415 and a credit of \$0.0178 per kWh based on the Commission Staff's (Staff's) transfer price schedule approved in the May 8, 2020 order in Case No. U-20485.¹ *See*, Exhibit IM-1 to the December 30 application; Exhibit BSO-2 to the amended application. I&M states that this results in a net cost of participation equal to \$0.0064 per kWh. *See*, Exhibit IM-1 to the December 30 application. I&M explains that the credit will be recovered through the company's power supply cost recovery tariff. *See*, I&M's pre-filed direct testimony of Bryan S. Owens, p. 6. In addition, I&M contends that the Standard Program revenues, net of any program management and administrative costs, will be accounted for in the company's RE reconciliation cases. *Id.*, p. 13. Finally, I&M avers that the Standard Program option is based on cost-of-service principles and is not subsidized by non-participants. *See*, I&M's amended application, pp. 3-4.

Next, I&M requests approval of a new Bring Your Own Contract option. The company states that this option will be "available to customers taking metered service under the Company's LP and CS-IRP tariffs, or multiple GS and / or LGS tariff accounts with common ownership under a single parent company that can aggregate multiple accounts to exceed 1,000 kW [kilowatts] monthly peak demand over a 12-month average." I&M's December 30 application, p. 3; I&M's amended application, p. 3. I&M explains that customers who would like to "directly purchase the

¹ The Staff's transfer price schedule for I&M is attached to this order as Exhibit A.

electrical output and all associated environmental attributes from a renewable energy generator may contract bilaterally with the Company” under this option. I&M’s December 30 application, p. 3. I&M states that accounting for the Bring Your Own Contract option will be determined on a case-by-case basis, based on the facts and circumstances known at the time contracts are executed and approved by the Commission. *See*, I&M’s December 30 application, p. 4; I&M’s amended application, p. 4.

I&M contends that customers will not be limited to the amount of RE that can be obtained under the company’s IM Green programs and states that “Renewable Energy Certificates (RECs) resulting from the generation of energy purchased through the IM Green programs will be retired by I&M on behalf of subscribed customers and will not be used for compliance under Section 28 of Act 295 or any other duplicative renewable energy compliance standard.” *Id.*, p. 3. In addition, the company states that customers who participate in the IM Green Program and receive at least 50% of their average monthly electricity consumption through I&M’s proposed VGP program will be exempt from the company’s RE surcharge (RES). *Id.* However, I&M asserts that “[c]ustomers who elect to participate in the IM Green Program for less than 50% of their use will continue paying the Company’s RES.” I&M’s December 30 application, pp. 3-4; I&M’s amended application, p. 3.

I&M also states that, in accordance with the Commission’s directive in the April 18 order, the company will continue to file semi-annual reports that contain information about the number of enrollments and enrollment size in each of the programs, the cost of RE for each program (incremental and total), and the cost of marketing and administration (incremental and total). *Id.*, p. 4. Furthermore, I&M “requests Commission approval to update the IM Green Standard

Program option surcharge, under the VGP program, at least once every two years, consistent with the Commission’s April 18, 2018 Order in Case No. U-18353.” *Id.*

I&M’s December 30 application included a third program called the Custom Program. That program framework included providing RECs from the RE program to participating customers at a market index price. *See*, I&M’s pre-filed direct testimony of David A. Lucas, p. 6. In its amended application, I&M removed the Custom Program option and provided a revision to the Standard Program tariff language for clarification purposes.

I&M asserts that *ex parte* approval of its proposed modifications to its existing VGP program and the two new program options for customers will not increase the cost of service to any customer. *Id.*

The Staff recommends Commission approval of I&M’s proposed VGP program modifications and two new program options as set forth in the company’s amended application.

Discussion

The Commission finds that the modifications to I&M’s VGP program and the two new program options, as set forth in its amended application, should be approved. The new Standard Program is billed to reflect both a surcharge related to the cost of service and a credit “representative of what a Michigan electric provider would pay had it obtained the energy and capacity (the non-renewable market price component) through a new long term power purchase agreement for traditional fossil fuel electric generation.” “Readying Michigan to Make Good Energy Decisions: Renewable Energy,” issued November 4, 2013, p. 92; Commission’s “Report on the Implementation of the P.A. 295 Renewable Energy Standard and the Cost-effectiveness of the Energy Standards,” issued February 18, 2020, p. 22; *see also*, February 13, 2015, p. 33. In

addition, the Commission finds that current customers who participate in the new Standard Program option will benefit from a lower cost and a credit to their bills.

The Commission also finds that I&M's proposed amendments to the IM Green Program tariff should be approved.

Finally, the Commission finds that approval of the amended application will not increase rates or the cost of service to any customer, and thus *ex parte* approval is appropriate. MCL 460.6a(3).

THEREFORE, IT IS ORDERED that:

- A. Indiana Michigan Power Company's amended application is approved.
- B. Indiana Michigan Power Company's IM Green Program tariffs are approved.
- C. The tariff sheets filed in Case No. U-18353 on September 3, 2020, attached to this order as Exhibit B, are approved.

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 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

Daniel C. Scripps, Chair

Sally A. Talberg, Commissioner

Tremaine L. Phillips, Commissioner

By its action of September 10, 2020.

Lisa Felice, Executive Secretary

EXHIBIT A

	2018 Transfer Price Schedule	2019 Transfer Price Schedule
2019	\$66.16	\$62.23
2020	\$67.37	\$63.16
2021	\$69.19	\$64.58
2022	\$71.42	\$66.44
2023	\$73.54	\$68.82
2024	\$76.33	\$71.70
2025	\$78.00	\$73.52
2026	\$79.14	\$75.14
2027	\$80.69	\$77.31
2028	\$82.52	\$79.96
2029	\$84.49	\$83.52

EXHIBIT B

**M.P.S.C. 17 - ELECTRIC
INDIANA MICHIGAN POWER COMPANY
STATE OF MICHIGAN
(VGP PROGRAM U-18353)**

**FIRST REVISED SHEET NO. D-87.00
CANCELS ORIGINAL SHEET NO. D-87.00**

**VOLUNTARY GREEN PRICING PROGRAM
IM GREEN PROGRAM**

Availability of Service.

This program provides customers the opportunity to participate in voluntary green pricing options in accordance with 2008 PA 295 Subpart B Sec. 61

The Standard Program option is available on a voluntary basis to metered customers who are in good standing, taking Standard Service from the Company who desire to purchase renewable energy certificates (RECs) sourced from the Company's solar and wind renewable generation resources approved in its Renewable Energy Plan (REP).

Bring Your Own Contract option is available to customers taking metered service under the Company's LP and CS-IRP tariffs, or multiple GS and / or LGS tariff accounts with common ownership under a single parent company that can aggregate multiple accounts to exceed 1,000 kW monthly peak demand over a 12-month average.

Conditions of Service.

Customers who wish to attribute a specific portion of their service to renewable electricity may under the Standard Program option, purchase RECs each month as a percentage of their monthly kWh usage in 10% increments. Customers who purchase RECs through the IM Green Program have the right to claim the renewable energy generation and associated emission footprint reduction.

Upon receipt of a request from the Customer for service under the Bring Your Own Contract option, the Company will provide the Customer with a written offer containing the rates and related terms and conditions of service under which such service will be provided by the Company. If the parties reach an agreement based on the offer provided to the Customer by the Company, the Company will request Commission approval of the written contract. The contract shall provide full disclosure of all rates, terms and conditions of service under this tariff, and any and all agreements related thereto, subject to the designation of the terms and conditions of the contract as confidential, as set forth herein.

The Company will retire the RECs associated with the energy purchased by participating customers on an annual basis upon receipt of payment from the customer. All revenue collected by the Company pursuant to the IM Green Standard Program option will be reconciled annually through the Company's REP. Revenues received, excluding the portion collected for program management and administrative costs, will be credited as an offset to the costs included in the Renewable Energy Surcharge (RES) for all customers.

Customers subscribing to 50% or more of their monthly usage under the IM Green Program will have the current Renewable Energy Surcharge removed from their billing statement.

(Cont'd on Sheet No. D-88.00)

**ISSUED
TOBY L. THOMAS
PRESIDENT
FORT WAYNE, INDIANA**

**EFFECTIVE FOR ELECTRIC SERVICE RENDERED
ON AND AFTER**

**ISSUED UNDER AUTHORITY OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
DATED
IN CASE U-18353**

**M.P.S.C. 17 - ELECTRIC
INDIANA MICHIGAN POWER COMPANY
STATE OF MICHIGAN
(VGP PROGRAM U-18353)**

**FIRST REVISED SHEET NO. D-88.00
CANCELS ORIGINAL SHEET NO. D-88.00**

**VOLUNTARY GREEN PRICING PROGRAM
IM GREEN PROGRAM**

(Cont'd from Sheet No. D-87.00)

Monthly Rate.

Standard Program option

In addition to the monthly charges determined according to the Company's rate schedule under which the customer takes service, the customer shall also pay the following surcharge rate for the renewable energy purchase and receive the following credit, based on the customer's elected participation level. The customer can elect a percentage of monthly usage, in 10% increments, to be dedicated to the IM Green Standard Program option. The surcharge and credit will be applied to the customer's bill as a separate line item. The surcharge is a per kWh charge which recovers all costs associated with the renewable energy being provided pursuant to this tariff and program management and administrative costs. The credit is a per kWh credit based on the MPSC Transfer Price Schedule approved by the Commission in Case No. U-15800.

IM Green Surcharge: \$0.02415 for each kWh

IM Green Credit: \$0.0178 for each kWh

The Company will submit an ex-parte' filing with the Commission in November each year, to update the IM Green credit based on the associated MPSC Transfer Price Schedule rate effective for the subsequent year.

Bring Your Own Contract option

Charges for service under the Bring Your Own Contract option of this Tariff will be set forth in the written agreement between the Company and the Customer and will reflect a combination of the firm service rates otherwise available to the Customer and the cost of the renewable energy resource being directly contracted for by the Customer.

(Cont'd on Sheet No. D-88.10)

**ISSUED
TOBY L. THOMAS
PRESIDENT
FORT WAYNE, INDIANA**

**EFFECTIVE FOR ELECTRIC SERVICE RENDERED
ON AND AFTER**

**ISSUED UNDER AUTHORITY OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
DATED
IN CASE U-18353**

**M.P.S.C. 17 - ELECTRIC
INDIANA MICHIGAN POWER COMPANY
STATE OF MICHIGAN
(VGP PROGRAM U-18353)**

ORIGINAL SHEET NO. D-88.10

**VOLUNTARY GREEN PRICING PROGRAM
IM GREEN PROGRAM**

(Cont'd from Sheet No. D-88.00)

Term.

This is a voluntary program.

Customers eligible for this program may participate by applying to the Company for service under this tariff. Once approved for service under this tariff, service will begin within a minimum of fifteen (15) days of the customer's regular scheduled meter reading date. Customers under the Standard Program option must continue receiving service under this tariff for a minimum of three (3) consecutive months, after which Customers under the Standard Program Option may terminate service under this tariff by notifying the Company with at least thirty (30) day notice prior to the customer's regular scheduled meter reading date.

Under the Bring Your Own Contract option, the term of the agreement will be determined in the written agreement between the Company and the Customer.

Confidentiality

All terms and conditions of any written contract under this schedule shall be protected from disclosure as confidential, proprietary trade secrets if either the Customer or the Company requests a Commission determination of confidentiality, and the Commission finds that the party requesting such protection has shown good cause for protecting the terms and conditions of the contract.

Special Terms and Conditions.

RECs resulting from the generation of the energy purchased through this tariff will be ineligible to be used by the Company to comply with Public Act 295 of 2008, the Michigan Clean, Renewable and Efficient Energy Act, or similar act or law.

This program is subject to the Company's Terms and Conditions of Service and all provisions of the standard rate schedule under which the customer takes service, including all payment provisions.

Service under this program provides for the generation of renewable energy by the Company, but not for actual physical delivery to customers receiving service under this tariff.

**ISSUED
TOBY L. THOMAS
PRESIDENT
FORT WAYNE, INDIANA**

**EFFECTIVE FOR ELECTRIC SERVICE RENDERED
ON AND AFTER**

**ISSUED UNDER AUTHORITY OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
DATED
IN CASE U-18353**


PROOF OF SERVICE

STATE OF MICHIGAN)

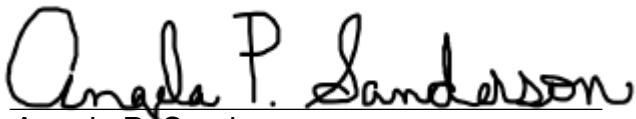
Case No. U-18349 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on September 10, 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 10th day of September 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-18353

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Indiana Michigan Power Company 2 of 3	msmckenzie@aep.com
Indiana Michigan Power Company 3 of 3	mgobrien@aep.com
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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
First Energy
My Choice Energy
Calpine Energy Solutions
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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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American Transmission Company

American Transmission Company

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Phil Forner