

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the notice of	)	
<b>UPPER MICHIGAN ENERGY RESOURCES</b>	)	
<b>CORPORATION</b> for an intended three-phase service	)	Case No. U-20829
extension pursuant to Mich Admin Code, R 460.3411.	)	
_____	)	

At the April 21, 2021 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair  
Hon. Tremaine L. Phillips, Commissioner  
Hon. Katherine L. Peretick, Commissioner

**ORDER**

**History of Proceedings**

In 2019, Aquila Resources USA, Inc. (Aquila) issued a request for proposal (RFP) for three-phase electric service to an open pit mine and associated facilities development, collectively referred to as the Back Forty Mine, in Lake Township, Menominee County, in Michigan's Upper Peninsula. On April 21, 2020, Upper Michigan Energy Resources Corporation (UMERC) filed, with the Commission, a Notice of Intent to Serve (NIS) the three-phase electric needs of the Back Forty Mine pursuant to Subrule 10 of Mich Admin Code, R 460.3411 (Rule 411). UMER's bid was the lowest of two bids received in response to Aquila's RFP and was eventually accepted.

On May 6, 2020, Alger Delta Cooperative Electric Association (Alger Delta) filed a response objecting to UMER's NIS and requested a hearing before the Commission. On July 8, 2020, a prehearing conference was held before Administrative Law Judge Dennis W. Mack (ALJ), at

which Aquila was granted intervention. The Commission Staff (Staff) also participated in the proceeding.

On August 14, 2020, UMEREC filed a motion to dismiss Alger Delta's objection, in which UMEREC moved for summary disposition of the matter. On that same date, both Alger Delta and Aquila filed separate motions for summary disposition. On September 18, 2020, UMEREC and Aquila filed responses to Alger Delta's motion for summary disposition, while Alger Delta filed separate responses to UMEREC's motion to dismiss and Aquila's motion for summary disposition.

On October 14, 2020, the ALJ issued a ruling on the motions filed by the parties, which he converted to a Proposal for Decision (PFD) under Mich Admin Code, R 792.10426, and recommended that the Commission deny Alger Delta's motion for summary disposition and grant the motions filed by UMEREC and Aquila. On November 4, 2020, Alger Delta and UMEREC filed exceptions to the PFD. On November 18, 2020, the Staff, UMEREC, Aquila, and Alger Delta filed their respective replies to exceptions.

On January 21, 2021, the Commission issued an order in this case (January 21 order) denying Alger Delta's motion for summary disposition, finding that, although Aquila is an existing single-phase customer, Alger Delta is not entitled to provide three-phase service to Aquila pursuant to Rule 411. Additionally, in the January 21 order, the Commission granted UMEREC's motion to dismiss Alger Delta's objection to the NIS and granted UMEREC's motion for summary disposition, finding that: (1) the Back Forty Mine project will meet the requisite load requirement for three-phase service pursuant to Rule 411(9); (2) Alger Delta does not provide three-phase service to Aquila; (3) there are no three-phase service lines closer than one-half mile from the Back Forty Mine; and (4) Aquila may choose to receive three-phase service from any nearby utility pursuant to Rule 411. Finally, in the January 21 order, the Commission granted Aquila's

motion for summary disposition, finding that Aquila's request for three-phase service does not duplicate existing facilities and that Aquila is entitled to choose UMERL as its electric service provider for the Back Forty Mine project.

On February 19, 2021, Alger Delta filed a petition for rehearing pursuant to Mich Admin Code, R 792.10437 (Rule 437).

On March 12, 2021, the Staff and UMERL timely filed responses to Alger Delta's petition for rehearing. On March 15, 2021, Aquila filed an answer in opposition to Alger Delta's petition for rehearing out of time.

#### Alger Delta Cooperative Electric Association's Petition for Rehearing

In its petition for rehearing, Alger Delta notes that, in the January 21 order, the Commission agreed with the ALJ's finding that Aquila is a "prospective industrial customer" pursuant to Rule 411(9) and that "any right under Rule 411(11) Alger Delta possessed to serve [Aquila's] entire load is effectively extinguished under the exception" in Rule 411(9). Alger Delta's petition for rehearing, p. 3, quoting the January 21 order, p. 8. However, Alger Delta contends that, in the January 21 order, the Commission stated that it was unable to determine whether Alger Delta held an initial right to serve Aquila under Rule 411 because of an absence of additional facts. Alger Delta states "that failing to address this issue is outcome-determinative and that the oversight is a material error that requires a rehearing to address." *Id.*

Alger Delta first argues that the Michigan Court of Appeals addressed nearly identical circumstances in *Consumers Energy Co v Pub Serv Comm*, 255 Mich App 496; 660 NW2d 785 (2002) (*Consumers*). According to Alger Delta, the Commission should have applied *Consumers* to the facts of this case and found that Alger Delta is entitled to serve Aquila's entire load. Alger Delta contends that, pursuant to *Consumers*, an existing single-phase customer remains an

“existing customer” pursuant to Rule 411(2) and does not become a “prospective customer” pursuant to Rule 411(8) by switching to three-phase service.

Alger Delta notes that, in the January 21 order, the Commission found “Alger Delta’s reliance on *Consumers* misplaced.” *Id.*, p. 4, quoting the January 21 order, p. 15. Alger Delta disagrees, asserting that *Consumers* is directly applicable to the present case because:

In Case No. U-12316, Meijer’s [sic] “tailored its land purchases’ [sic] so that none of the acquired property was being serviced by [the incumbent utility] and Meijer could purport to choose its utility.” *Id.* at 503. The Court of Appeals held that the incumbent utility was entitled to serve the entire premises, curtailing Meijer’s attempt to end-run around Rule 411. *Id.*

Alger Delta’s petition for rehearing, p. 4. Alger Delta states that, in *Consumers*, the Court of Appeals did not analyze the different types of customers serviced; rather, Alger Delta claims that the Court of Appeals found that “once a utility serves a customer on the premises, the utility is entitled to continue to serve those premises, regardless of the difference between single-phase and three-phase service.” *Id.*, p. 5. Accordingly, Alger Delta argues that, in this case, Aquila’s Back Forty Mine project is an existing customer because Alger Delta is providing single-phase electric service through 12 meters on Aquila’s other premises.

In addition, Alger Delta disputes the Commission’s determination in the January 21 order that the facts in *Consumers* may be distinguished from the facts in the immediate case. Alger Delta notes that, in the January 21 order, the Commission found that, unlike Aquila’s Back Forty Mine project, the entity seeking service in *Consumers*—Meijer, Inc.—was not a large industrial customer that met the requirements of Rule 411(9). Furthermore, Alger Delta notes, the Commission found that the Court of Appeals in *Consumers* did not address the exception set forth in Rule 411(9). Alger Delta disagrees with the Commission’s conclusion and asserts that, “[b]y creating a carve out for ‘large industrial customers’ to dismiss the *Consumers* case as irrelevant

ignores the express language of Rule 411(9) and impermissibly rewrites the Rules by way of interpretation and not by way of rulemaking.” *Id.*, p. 6. Alger Delta avers that a rehearing is necessary to ensure that it is treated in the same manner as the incumbent electric provider in *Consumers*.

Alger Delta also argues that Aquila’s Back Forty Mine project does not qualify as a “prospective industrial customer” pursuant to the exception in Rule 411(9) and is not a “new customer” pursuant to Rule 411(14). Alger Delta asserts that the exception in Rule 411(9) that allows a “prospective industrial customer” to choose service from any nearby utility does not apply to all industrial customers; rather, it applies to a very specific type of industrial customer. Alger Delta explains that the Commission “chose to limit the exception in a way that minimized the duplication of facilities and maximized customer choice where possible.” *Id.*, p. 7.

Next, Alger Delta asserts that the purpose of Rule 411 and MCL 460.502 *et seq.* is to avoid duplicative electric lines crisscrossing the state of Michigan. Alger Delta explains that, in *Great Wolf Lodge of Traverse City, LLC v Pub Serv Comm*, 489 Mich 27, 39-41; 799 NW2d 155 (2011), the Michigan Supreme Court found that, to avoid duplication of electric facilities, the right of first entitlement to serve a customer attaches the moment the first utility begins serving the customer and applies to the entire premises upon which the customer’s buildings and facilities are located. Alger Delta states that, along with avoiding duplication of facilities, the public policy behind this reasoning is to prevent utilities from “skim[ming] the cream off the local market.” Alger Delta’s petition for rehearing, p. 8, quoting *Panhandle E Pipe Line Co v Pub Serv Comm*, 328 Mich 650, 664; 44 NW2d 324 (1950). Alger Delta argues that, if the Commission’s interpretation of Rule 411 in the January 21 order is not corrected, it could result in the duplication of existing electric facilities and non-incumbent utilities will be incentivized to poach the most lucrative customers,

thus increasing costs for ordinary customers. Alger Delta contends that this is an unintended consequence of the January 21 order.

Similarly, Alger Delta argues that the Commission erred in finding that Aquila is entitled to choose UMERL as its three-phase service provider. Alger Delta asserts that Rule 411(2) prohibits existing customers from transferring “from one utility to another.” Alger Delta states that Rule 411 “provide[s] a rule of first entitlement in favor of the incumbent utility to serve an existing customer’s ‘entire electric load.’ R 460.3411(11), (14).” *Id.*, p. 10.

Alger Delta notes that, in Rule 411(14), there is an exception permitting duplication of service, however Alger Delta contends that it is limited to service provided to a “new customer.” *Id.*, p. 12, quoting Rule 411(14). Alger Delta asserts that the January 21 order erroneously concludes that Aquila’s Back Forty Mine project is a “new customer” because the project requires three-phase service and Alger Delta does not currently provide three-phase service to Aquila’s Back Forty Mine project. Alger Delta states that “[t]here is no indication in Rule 411 that the question of whether someone is a new customer hinges on the type of service they currently receive. Rather, it depends on whether they already receive service from an incumbent utility.” *Id.*, p. 13.

Alger Delta requests that the Commission grant a rehearing to restore the original purpose of Rule 411(9), which is to avoid duplicative infrastructure. In Alger Delta’s opinion, the January 21 order “create[s] two ‘customers’ within a single property with one being the existing single-phase customer and the other being a ‘prospective’ three-phase customer.” *Id.*, p. 11. Alger Delta argues that the January 21 order provides a “novel interpretation” of Rule 411 and does not explain how a single customer can become two customers by upgrading the service it currently receives. *Id.*

Alger Delta also notes that, in the January 21 order, the Commission found that there were insufficient facts to determine whether Alger Delta held the initial right to serve Aquila. However, Alger Delta states that, “[w]hile the ‘premises’ test and the definition of ‘customer’ in this case are two separate issues, the body of facts upon which conclusions can be drawn are similar enough to allow for the Commission to reach a conclusion regarding an initial right to service the project.” *Id.*, pp. 8-9. Accordingly, Alger Delta asserts that the Commission should grant rehearing so that it may consider these material facts.

Alger Delta also argues that the Commission erroneously broadened the scope of Rule 411 and misapplied the exception in Rule 411(9). Alger Delta notes that, in the January 21 order, the Commission found that “Rule 411(9) ‘does not state that [it] only applies to Rule 411(6)-(8).’” *Id.*, p. 9, quoting January 21 order, p. 15. Alger Delta disagrees, asserting that Subrule 9 of Rule 411 clearly follows Subrules (6)-(8), to which it is the exception. In Alger Delta’s opinion, “[t]o give Rule 411(9) any other meaning is to remove the rule from the context of its surrounding rules, bucking well-recognized and often utilized rules of construction.” *Id.*

In conclusion, Alger Delta argues that its petition meets the Rule 437 standard for rehearing because the Commission’s decision is based on erroneous conclusions of law and results in unintended consequences.

#### Responses to Alger Delta Cooperative Electric Association’s Petition for Rehearing

The Staff asserts that, in the January 21 order, the Commission properly considered and rejected the same arguments that are set forth in Alger Delta’s petition for rehearing. In response to Alger Delta’s claim that the facts of *Consumers* are analogous to the present case, the Staff asserts that *Consumers* did not address Subrules (9) and (14) of Rule 411, which “are specifically at issue in this case.” Staff’s answer to Alger Delta’s petition for rehearing, p. 4. The Staff notes

that, in the January 21 order, the Commission found that, unlike Aquila's Back Forty Mine project, the entity requesting service in *Consumers* "was not a large industrial customer meeting the specific requirements under Rule 411(9). Thus, neither the Commission nor the Court of Appeals addressed the exception in Rule 411(9) in that proceeding." *Id.*, quoting the January 21 order, p. 15.

Responding to Alger Delta's claim that the exception in Rule 411(9) does not apply because Aquila is an existing customer, the Staff asserts that the Commission considered this argument in the January 21 order. The Staff notes that, in the January 21 order, the Commission determined that the Back Forty Mine currently has no buildings or facilities at the project, the Back Forty Mine is an industrial customer that will require three-phase service, and, currently, Alger Delta is only providing single-phase service to Aquila. As a result, the Commission found that Rule 411(9) permits Aquila to select its provider and that "Rule 411(14) supports the same conclusion." *Id.*, p. 6, quoting the January 21 order, p. 15.

The Staff also objects to Alger Delta's claims that the Commission's interpretation of Rule 411 will result in the duplication of infrastructure, that "it will encourage utilities to 'skim the cream off the local market,' and that the unintended consequences of this order will drive up costs for ordinary customers." *Id.*, quoting Alger Delta's petition for rehearing, pp. 8-9. In the Staff's opinion, these concerns are unlikely and speculative. The Staff asserts that the Commission specifically applied Subrules (9) and (14) of Rule 411 to the facts of this case and, contrary to Alger Delta's contention, it does not "[fling] open the doors to customers to select whatever provider they choose . . . ." *Id.*

In response to Alger Delta's request for a rehearing because the Commission failed to determine whether Alger Delta had the initial right to serve Aquila under Rule 411, the Staff notes



that the Commission found that “such determination is immaterial to the ultimate recommendation of the ALJ.” *Id.*, p. 5 (emphasis in original), quoting the January 21 order, p. 14. According to the Staff, the Commission agreed with the ALJ’s determination that “any right Alger Delta may have to serve the Back Forty Mine was extinguished when the undisputed facts established that the Back Forty Mine was an industrial customer seeking 3-phase service and that the requested load exceeded 500 kW [kilowatts].” *Id.*, quoting January 21 order, p. 14. The Staff asserts that the Commission correctly determined that Aquila is a large industrial customer and, therefore, the exception in Rule 411(9) applies.

Finally, the Staff disagrees with Alger Delta’s argument that Subrule (9) of Rule 411 is only applicable to Subrules (6)-(8) of Rule 411 because of its placement in the ruleset. The Staff asserts that the language of Rule 411(9) is “plain and unambiguous” and it “supersedes any other subrule.” *Id.*, p. 8, citing *People v Mattoon*, 271 Mich App 275, 278; 721 NW2d 269 (2006).

In conclusion, the Staff contends that Alger Delta’s petition for rehearing largely reargues the issues considered and adjudicated by the Commission in the January 21 order. Additionally, the Staff argues that Alger Delta failed to demonstrate that the January 21 order resulted in error or unintended consequences. Therefore, the Staff requests that the Commission deny Alger Delta’s request for rehearing.

In its answer, UMERB asserts that the claims set forth in Alger Delta’s petition for rehearing do not satisfy the criteria for rehearing pursuant to Rule 437. According to UMERB, Alger Delta argues that the Commission improperly applied Rule 411(9) to the facts of this case and failed to properly consider precedent in *Consumers*. UMERB disagrees, asserting that “Alger Delta would prefer for the Commission to ignore that Rule 411(9) stands as an exception to all other sections of Rule 411 and applies to prospective industrial customers requiring 3-phase service.” UMERB’s

answer to Alger Delta's petition for rehearing, p. 4. UMERC contends that the Commission considered and rejected this same argument and that Alger Delta's position "is nothing more than an expression of disagreement with the Commission's decision and should be rejected." *Id.*

In response to Alger Delta's claim that the Back Forty Mine is not a prospective or new customer because Alger Delta is already providing single-phase service to Aquila, UMERC argues that:

this pretense is a renewed effort by Alger Delta to conflate customer and premises. Obfuscation of the difference between the terms has been a leading theme of Alger Delta's pleadings and is wholly without merit as it ignores precedent which holds that "customer" is distinct from "premises", and that "customer" means the buildings and facilities served. *City of Holland v Consumers Energy Co*, 308 Mich App 675, 697-98 (2015).

UMERC's answer to Alger Delta's petition for rehearing, p. 4. UMERC asserts that the Commission considered and rejected this same argument in the January 21 order.

UMERC notes that Alger Delta also alleges that the Commission erred in the January 21 order because the Commission stated that it could not determine, without additional facts, whether Alger Delta held an initial right to serve Aquila under Rule 411. UMERC states that:

To be sure, because the January 21 Order addressed a motion for summary disposition, if Alger Delta had believed that there were disputed material issues of fact, it was incumbent upon Alger Delta to raise the argument in its pleadings before the ALJ. It did not, and, having failed to do so at the appropriate time, the defense is now waived. Moreover, notwithstanding its procedural error, such "additional facts", as acknowledged by the Commission, are indeed ***not material***; the Commission's decision is firmly based on Rule 411(9), which serves as an exception to all other provisions of Rule 411 (January 21 Order, p 14). Therefore, it matters not.

*Id.*, pp. 3-4 (emphasis in original) (footnotes omitted).

Next, UMERC responds to Alger Delta's claim that the Commission inappropriately broadened the scope of Rule 411(14), which "result[ed] in the unintended consequence of creating

a ‘new third customer’.” *Id.*, p. 5. UMERC asserts that, in making this argument, Alger Delta relies on dicta in the January 21 order:

The Commission finds that the ALJ correctly determined that Rule 411(9) creates an exception which allows a specific type of customer – an industrial customer requiring 3-phase service – the right to select its provider.

*The Commission finds that Rule 411(14) supports the same conclusion. This subrule provides, in part that “[t]hree-phase service does not duplicate single-phase service when extended to serve a 3-phase customer.”* (Emphasis added.) (January 21 Order, p 15)[.]

UMERC’s answer to Alger Delta’s petition for rehearing, p. 5 (emphasis in original). UMERC argues that because the emphasized language is dicta and not necessary to the Commission’s interpretation of Rule 411(9), it cannot reasonably be used as precedent. Therefore, UMERC asserts that the January 21 order did not result in error or unintended consequences.

Finally, UMERC disagrees with Alger Delta’s claim that the Commission’s determination in the January 21 order permits duplication of infrastructure. UMERC states that:

It is undisputed that none of the buildings or facilities that will comprise the Back Forty Mine has been constructed and therefore, the Back Forty Mine is not a customer of Alger Delta (January 21 Order, p 15), Alger Delta only provides single-phase service to Aquila (January 21 Order, 14), and “UMERC providing 3-phase service to the Back Forty Mine does not duplicate Alger Delta’s single-phase service to Aquila.”

*Id.*, p. 6, quoting the January 21 order, pp. 14-15.

UMERC asserts that because Alger Delta’s petition for rehearing merely reargues and expresses disagreement with issues decided in the January 21 order, Alger Delta’s request for rehearing should be denied.

Similarly, Aquila argues that Alger Delta is rearguing the same positions that were considered and rejected by the Commission in the January 21 order. First, Aquila notes that the Commission determined that *Consumers* does not apply to the facts of this case because it does not address

Subrules (9) and (14) of Rule 411. Second, Aquila asserts that the Commission considered and rejected Alger Delta's claim that, because Aquila is an existing single-phase customer, Aquila's Back Forty Mine cannot be a prospective three-phase customer. Third, Aquila contends that the Commission found unpersuasive Alger Delta's argument that Rule 411(9) only applies to the distance requirements in Subrules (6)-(8) of Rule 411. Fourth, Aquila notes that the Commission "rejected Alger Delta's assertion that Rule 411(14) somehow creates two different customers within a single property . . . ." Aquila's answer in opposition to Alger Delta's petition for rehearing, p. 3. Finally, Aquila contends that the Commission considered and rejected Alger Delta's claims that the January 21 order will encourage utilities to poach customers, duplicate infrastructure, and increase costs for other customers. Therefore, Aquila requests that the Commission deny Alger Delta's request for rehearing.

### Discussion

Rule 437(1) addresses petitions for rehearing and provides as follows:

A petition for rehearing based on a claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the basis of the error. A petition for rehearing based on a claim of newly discovered evidence, on facts or circumstances arising subsequent to the close of the record, or on unintended consequences resulting from compliance with the decision or order shall specifically set forth the matters relied upon.

The Commission has repeatedly found that "[a]n application for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing." January 31, 2017 order in Case No. U-17691, p. 8.

The Commission agrees with the Staff, UMER, and Aquila that Alger Delta's requested relief in its petition for rehearing should be denied. The Commission notes that, in its petition for

rehearing, Alger Delta reargues that Aquila is an existing customer and, as a result, Alger Delta has the right to serve Aquila's entire premises pursuant to Rule 411 and *Consumers*. See, Alger Delta's petition for rehearing, pp. 3-6. This claim was considered and rejected by the ALJ and the Commission. See, Alger Delta's motion for summary disposition, pp. 8-9; Alger Delta's response to UMER's motion to dismiss, pp. 2-4; Alger Delta's response to Aquila's motion for summary disposition, pp. 2-6; PFD, pp. 12-13; Alger Delta's exceptions, p. 5; January 21 order, pp. 14-15.

Next, in its petition for rehearing, Alger Delta restates that Aquila is not a "prospective industrial customer" pursuant to Rule 411(9) and is not a "new customer" pursuant to Rule 411(14). In addition, Alger Delta reargues that the ALJ's determination creates two customers within a single property—one single-phase customer and one three-phase customer. See, Alger Delta's petition for rehearing, pp. 7-9, 11-12. These claims were considered and rejected by the ALJ and the Commission. See, Alger Delta's response to UMER's motion to dismiss, pp. 2-6; Alger Delta's response to Aquila's motion for summary disposition, pp. 2-6; PFD, pp. 12-13; Alger Delta's exceptions, pp. 6-7; January 21 order, pp. 14-15.

Alger Delta also argues that, in the January 21 order, the Commission impermissibly broadened the scope of Rule 411 and, consequently, the Commission's decision will result in the duplication of infrastructure, the poaching of lucrative customers by non-incumbent utilities, and increased costs for ordinary customers. See, Alger Delta's petition for rehearing, pp. 9-14. This claim was considered and rejected by the ALJ and the Commission. See, Alger Delta's motion for summary disposition, p. 12; Alger Delta's response to UMER's motion to dismiss, pp. 8-10; Alger Delta's response to Aquila's motion for summary disposition, pp. 6-7; PFD, pp. 12-13; Alger Delta's exceptions, pp. 7-9; January 21 order, pp. 14-15.

Finally, Alger Delta requests a rehearing to correct an alleged error in the January 21 order. Alger Delta asserts that the Commission failed to consider material facts in this case and should grant rehearing to determine whether Alger Delta held the initial right to serve Aquila. The Commission disagrees. As noted by the Staff and UMER, in the January 21 order, the Commission agreed with the ALJ that “any right Alger Delta may have to serve the Back Forty Mine was extinguished when the undisputed facts established that the Back Forty Mine was an industrial customer seeking 3-phase service and that the requested load exceeded 500 kW.” January 21 order, p. 14. Thus, there was no oversight error in the January 21 order. Rather, in the January 21 order, the Commission found that any facts that may demonstrate Alger Delta’s initial right to serve Aquila are immaterial to the Commission’s determination that the Back Forty Mine is a “prospective industrial customer” and that the exception in Rule 411(9) applies.

In addition, the Commission finds that Alger Delta largely repeats the same presentation that was set forth in its motions and exceptions and states a preference for a different interpretation of Rule 411. As discussed above, these claims and requests were considered and rejected by the ALJ and the Commission. Thus, the Commission finds that Alger Delta’s petition for rehearing should be granted, but the requested relief should be denied.

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Alger Delta Cooperative Electric Association is granted, but the requested relief is denied.

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, under 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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Daniel C. Scripps, Chair

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Tremaine L. Phillips, Commissioner

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Katherine L. Peretick, Commissioner

By its action of April 21, 2021.

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Lisa Felice, Executive Secretary


# PROOF OF SERVICE

STATE OF MICHIGAN )

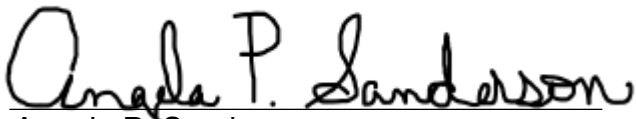
Case No. U-20829

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on April 21, 2021 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 21<sup>st</sup> day of April 2021.



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



**Service List for Case: U-20829**

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