

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to)
seek comments from rate-regulated electric, steam,)
and natural gas utilities regarding potential utility)
infrastructure improvements in the state of Michigan)
from the federal funding available under the)
Infrastructure Investment and Jobs Act of 2021:)
ALPENA POWER COMPANY, CONSUMERS)
ENERGY COMPANY, DETROIT THERMAL, LLC,)
DTE ELECTRIC COMPANY, DTE GAS COMPANY,)
INDIANA MICHIGAN POWER COMPANY,)
NORTHERN STATES POWER COMPANY, UPPER)
PENINSULA POWER COMPANY, UPPER)
MICHIGAN ENERGY RESOURCES)
CORPORATION, MICHIGAN GAS UTILITIES)
CORPORATION, and SEMCO ENERGY GAS)
CORPORATION.)
_____)

Case No. U-21227

At the May 12, 2022 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

On November 15, 2021, President Joseph R. Biden Jr. signed into law the Infrastructure Investment and Jobs Act of 2021 (IIJA), PL 117–58, 135 Stat 429. Among other things, the IIJA provides approximately \$550 billion in federal funding for infrastructure improvements including public utility infrastructure such as generation, clean energy transmission and deployment, electric vehicle (EV) infrastructure, grid reliability, energy efficiency, and cyber security. The following

represents a non-exhaustive list of grants, loan programs, federal funding, and assistance available under the IIJA:

1. A grant program for the strategic deployment of accessible EV infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure (IIJA, Section 11401).
2. A grant program made available for efforts to enhance electric grid resiliency and decrease outages (IIJA, Section 40101).
3. Funds made available to facilitate the construction of electric power transmission lines and related facilities (IIJA, Section 40106).
4. Appropriation of additional funds to carry out the Smart Grid Investment Matching Grant Program to deploy Smart Grid technologies for the enhancement of grid flexibility (IIJA, Section 40107).
5. Assistance to state regulatory authorities, industry stakeholders, and electric utilities with cyber security efforts, as well as providing incentives for cyber security technology investments (IIJA, Sections 40121-40127).
6. Financial incentives to be made available to qualifying hydroelectric facilities pursuant to the Energy Policy Act of 2005, 42 USC 15881 *et seq.*, and pumped storage hydropower (IIJA, Sections 40331-40334).
7. Appropriation of funds for qualifying energy storage demonstration projects, nuclear reactor demonstration projects, hydropower and marine energy projects, and renewable energy projects (IIJA, Sections 41001, 41002, 41006, and 41007).

On March 1, 2022, the Commission received a request from Michigan Attorney General Dana Nessel and the Citizens Utility Board of Michigan (CUB) asking the Commission to issue an order asking the utilities and interested persons to file comments on available federal programs as they pertain to Michigan's regulated utilities.

In its review of the IIJA, the Commission agrees with Attorney General Nessel and CUB that there are numerous opportunities available under the new legislation for Michigan energy providers to take advantage of in their efforts to improve utility infrastructure that will in turn benefit ratepayers and the public interest as a whole. The Commission is interested in ensuring

that the opportunities provided in the IIJA are realized and the benefits of this federal funding are maximized for utility customers in Michigan. As such, the Commission directs the above-captioned rate-regulated utilities to file comments that demonstrate how rate-regulated utilities are, or should be, considering and taking advantage of the various grants, loan programs, funds, and assistance available under the IIJA. The Commission invites other interested persons to file comments on opportunities available under the IIJA as well.

Specifically, the Commission is interested in comments regarding the following topics:

1. Identification of all federal programs, private-public partnerships, grants, loans, contract opportunities, and funding available to public utilities pursuant to the IIJA, as well as an explanation of the actions or processes public utilities must complete to access those opportunities. Comments may also identify additional funding and assistance opportunities available under other new or existing federal programs.
2. Identification of any entity or federal or state agency with which coordination may be necessary to access the funding and assistance opportunities available in the IIJA.
3. A description of the actions taken or anticipated to be taken by rate-regulated utilities to access the grants, loans, contract opportunities, funding, and other benefits identified as being available to public utilities pursuant to the IIJA.
4. An explanation of any actions or considerations the Commission should take to facilitate the state's public utilities in taking advantage of the funding and assistance opportunities available under the IIJA.
5. Identification of any actions or considerations required of the Commission by the IIJA, as well as any impact on the Commission's regulatory authority.¹
6. A description of any other impacts of the IIJA relative to the delivery of safe, reliable, and affordable energy as well as investments in and improvements to public utility infrastructure.

¹ For example, Section 40104 of the IIJA entitled Utility Demand Response amends Section 111(d) of the Public Utility Regulatory Policies Act of 1978, 16 USC 2621(d), and directs each state regulatory authority to consider establishing rate mechanisms to allow electric utilities to recover the costs of promoting demand response and demand flexibility practices.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. (Eastern time (ET)) on June 2, 2022. Written comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-Dockets website, or for those persons without an E-Dockets account, via e-mail to mpscedockets@michigan.gov. Comments will be posted to the Commission's E-Dockets system. Any person requiring assistance prior to filing comments, may contact the Commission Staff at (517) 241-6180. All comments should reference Case No. U-21227. All filed comments will become public information available on the Commission's website and subject to disclosure.

THEREFORE, IT IS ORDERED that the above-captioned rate-regulated utilities shall file responsive comments as described in this order in Case No. U-21227, no later than 5:00 p.m. (Eastern time) on June 2, 2022. Interested persons may also file comments, as described in this order.

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 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

Tremaine L. Phillips, Commissioner

Katherine L. Peretick, Commissioner

By its action of May 12, 2022.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

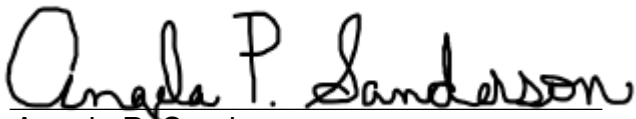
Case No. U-21227

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on May 12, 2022 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 12th day of May 2022.



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

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