

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of )	
<b>PRESQUE ISLE ELECTRIC &amp; GAS CO-OP</b> )	
for a certificate of public convenience and necessity )	Case No. U-21167
relative to Wilson Township. )	
_____ )	

At the June 23, 2022 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**ORDER APPROVING SETTLEMENT AGREEMENT**

On November 22, 2021, Presque Isle Electric & Gas Co-op (Presque Isle) filed an application pursuant to Act 69 of 1929, as amended, MCL 460.501 *et seq.*, requesting a certificate of public convenience and necessity (CPCN) to construct a natural gas service line and to render natural gas service in Wilson Township, Alpena County, Michigan.

A prehearing conference was held on April 21, 2022, before Administrative Law Judge Christopher S. Saunders. Presque Isle and the Commission Staff participated in the proceeding. Subsequently, the parties submitted a settlement agreement resolving all issues in the case.

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.

The Commission notes that the settlement agreement also addresses compliance with the Michigan Environmental Protection Act, Part 17 of the Natural Resources and Environmental Protection Act, as amended, MCL 324.101 *et seq.* (MEPA). While the applicability of MEPA to Act 69 cases is not clear based on existing case law, to the extent MEPA does apply to the present case, the Commission finds that the settlement agreement complies with the provisions of MEPA as any environmental impairment caused by the proposed natural gas main is *de minimis* and approval of the settlement agreement is consistent with the promotion of public health, safety, and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment, or destruction.

THEREFORE, IT IS ORDERED that:

- A. The settlement agreement, attached as Attachment A, is approved.
- B. Presque Isle Electric & Gas Co-op is granted a certificate of public convenience and necessity to construct facilities and to provide natural gas service in Wilson Township, Alpena County, Michigan, as identified in Exhibit B to 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](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

By its action of June 23, 2022.

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Lisa Felice, Executive Secretary

**STATE OF MICHIGAN  
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In the matter of the Application of PRESQUE )  
 ISLE ELECTRIC & GAS CO-OP for a )  
 certificate of public convenience and necessity ) Case No. U-21167  
 relative to Wilson Township. )

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**SETTLEMENT AGREEMENT**

Pursuant to Section 78 of the Administrative Procedures Act of 1969, as amended (1969 PA 306, § 78; MCL 24.278), and Rule 431 of the Rules of Practice and Procedure before the Michigan Public Service Commission (“Commission”), R 792.10431, Presque Isle Electric & Gas Co-op (“Presque Isle”) and the Commission Staff (“Staff”) (collectively, the “Parties”) stipulate and agree as follows:

1. On November 22, 2021, in accordance with 1929 PA 69, as amended, MCL 460.501 *et seq.* (“Act 69”), Presque Isle Electric & Gas Co-op (“Presque Isle”) filed an application for a certificate of public convenience and necessity (“Certificate”) with respect to its natural gas operations in Wilson Township, Alpena County, Michigan.

2. On April 21, 2022 a prehearing conference was held before Administrative Law Judge Christopher S. Saunders (“ALJ”). Staff entered its appearance at the prehearing conference. No other party participated in the proceeding. The Application reflects that DTE Gas Company filed a letter of non-objection regarding the requested Certificate.

3. The Parties have exchanged information and discussed Presque Isle’s filing. The result of those discussions is this executed Settlement Agreement.

4. It is the opinion of the signatory Parties hereto that this Settlement Agreement is

reasonable, will promote the public interest, will aid the expeditious conclusion of this case, and will minimize the time and expense which would otherwise have to be devoted to this matter by the Commission and the Parties. This Settlement Agreement is for the purpose of final resolution of this case and all provisions of same are dependent upon all other provisions contained herein.

5. In view of the foregoing, and pursuant to Section 78 of the APA, MCL 24.278, the Parties hereby stipulate and agree as follows:

- a. Presque Isle has secured the necessary consents and franchises from Wilson Township authorizing Presque Isle to transact its natural gas business in Wilson Township. A copy of the franchise is attached hereto as **Exhibit A**.
- b. Provision of natural gas service by Presque Isle to Wilson Township will serve the public convenience and necessity.
- c. The area covered by the Certificate includes Wilson Township. The prospective customers in the area currently have no gas service. A map of the area to be served in Wilson Township is attached hereto as **Exhibit B**.
- d. Presque Isle intends to install approximately 3.1 miles of 4” main and 1.1 mile of 2” main in sections 21, 22, 23, 24, and 25 of Wilson township in order to provide approximately 95 potential accounts with natural gas service.
- e. Construction and maintenance of the system must comply with the Michigan Gas Safety Standards and applicable Commission rules, and no newly constructed lines shall cross another utility's gas mains or service lines or parallel another utility's mains or service lines within a street or right-of-way. The Parties agree that a depth of coverage of four feet should be utilized in agricultural areas.

- f. Applicant states that the project will be constructed within the public road rights of way and will not traverse any environmentally sensitive areas, woodlands, or water ways. The construction and operation of the pipeline is expected to create only a *de minimis* impact to the environment and there is no reasonable alternative that could further reduce that impact.
- g. Applicant will obtain all applicable environmental and other permits from applicable state and county agencies and authorities prior to the construction and operation of the pipeline.

6. The Parties respectfully request that the Commission promptly issue an order accepting and approving this Settlement Agreement. If the Commission issues an order accepting and adopting the Settlement Agreement without modification, no party will appeal, challenge, or contest the Commission's Order accepting and approving this Settlement Agreement.

7. This Settlement Agreement is not severable. Each provision of the Settlement Agreement is dependent upon all other provisions of this 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 or any provision of the Settlement Agreement, this 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 position of the Parties.

8. This Settlement Agreement has been made for the sole and express purpose of reaching compromise among the positions of the signatory Parties in Case No. U-21167 without prejudice to their rights to take new and/or different positions in other proceedings.

9. The stipulations and agreements contained in this Settlement Agreement shall constitute the record needed to support the Commission order in this case.

10. Section 81 of the APA, MCL 24.281, is hereby waived.

Michael J. Orris



2022.05.25

15:14:03 -04'00'

Dated:

XXXXXXXXXXXXXXXXXX

Assistant Attorney General  
COMMISSION STAFF  
7109 W. Saginaw, 3rd Floor  
Lansing, MI 48917  
(517) 284-8140

Dated: May 24, 2022

Richard Aaron

Digitally signed by: Richard Aaron  
DN: CN = Richard Aaron email =  
raaron@dykema.com C = US O =  
Dykema  
Date: 2022.05.24 09:29:15 -04'00'

Richard J. Aaron (P35605)  
DYKEMA GOSSETT PLLC  
Attorney for Applicant  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
(517) 374 9100



Tom Sobeck  
Presque Isle Electric & Gas Co-op  
PO Box 308  
Onaway, MI 49765

Re: Support for Presque Isle Electric & Gas Co-op to Provide Gas Service in Wilson Township

Dear Tom:

I am writing this letter in response to recent discussions we have had regarding Presque Isle Electric & Gas Co-op's ("PIE&G") plans to obtain permission to provide natural gas service to areas of Wilson Township.

As you know, many of Wilson Township's residents and businesses do not have the option of obtaining natural gas service. We understand that Presque Isle has immediate plans to expand to certain areas of Wilson Township.

We also understand that Presque Isle will need to obtain from the Michigan Public Service Commission a certificate of public convenience and necessity to provide service in Wilson Township. We believe that the Township will benefit from Presque Isle providing service within the Township. We encourage the Michigan Public Service Commission to act expeditiously in granting the necessary permission for Presque Isle to serve within our Township. We believe that Wilson Township's residents and businesses are best served if Presque Isle has the legal authority to expand if and when opportunities become available.

Sincerely,

A handwritten signature in black ink that reads "Dan Hibner". The signature is written in a cursive style with a large, sweeping initial "D".

Dan Hibner

Wilson Township Supervisor



The screenshot displays a Google My Maps interface for a project titled "Untitled map" by Greg Karsten. The map shows a proposed expansion route (yellow and blue lines) along Harrison Rd, with a "United States Postal Service" location marked. The left sidebar lists the project components: "Emerson Expansion Proposed" (checked), "Point 1", and "Line 1" through "Line 6". The Windows taskbar at the bottom shows the search bar, taskbar icons, and system tray with the date 11/17/2021 and time 11:02 AM.

# PROOF OF SERVICE

STATE OF MICHIGAN )

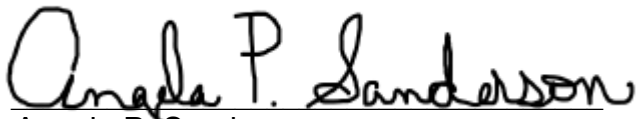
Case No. U-21167

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on June 23, 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 23<sup>rd</sup> day of June 2022.



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

**Service List for Case: U-21167**

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<b>Name</b>	<b>Email Address</b>
Christopher Saunders	saundersc4@michigan.gov
Michael J. Orris	orrism@michigan.gov
Olivia R.C.A. Flower	oflower@dykema.com
Presque Isle Electric & Gas Co-Op	tsobeck@pieg.com
Richard J. Aaron	raaron@dykema.com