

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion to)	
review its response to the novel coronavirus)	
(COVID-19) pandemic, including the statewide state)	Case No. U-20757
of emergency, and to provide guidance and direction)	
to energy and telecommunications providers and)	
other stakeholders.)	
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At the May 18, 2023 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

ORDER

Background

In response to the unprecedented situation that faced Michigan resulting from the novel coronavirus (COVID-19) pandemic, the Commission issued orders assessing its response to the pandemic and emphasizing the need for special protections for customers to ensure access to utility services and to assist those struggling with utility bills. Specifically, on April 15, 2020, the Commission issued an order in this docket (April 15 order) describing its efforts to date to respond to the COVID-19 pandemic. *See*, April 15 order, pp. 4-8. In addition to summarizing its own actions, the April 15 order directed electric, natural gas, and telecommunications providers under the Commission's jurisdiction to complete a number of actions in the following areas:

(1) customer protections and affordability, (2) accounting treatment, (3) regulatory activities,

(4) energy assistance coordination, (5) energy waste reduction (EWR) and demand response continuity, and (6) broadband access and expansion efforts. *Id.*, p. 20.

The Commission issued a subsequent order on July 23, 2020 (July 23 order) listing the energy providers that had provided affirmations of their respective customer protections and, where applicable, their reports on customer shutoffs, disconnections, and reconnection efforts. The Commission Staff (Staff) was directed to produce a report summarizing the discussions involving affordable payment plans and other assistance, including any recommendations to improve these programs no later than December 15, 2020. *See*, July 23 order, p. 56.

On February 18, 2021, the Commission issued a third order in the instant docket (February 18 order) describing the Staff's progress in its communications with energy and telecommunication providers and stakeholders regarding COVID-19 pandemic responses and improvements to energy assistance, affordability, and customer protections. The February 18 order also summarized the Staff's December 15, 2020 report filed in this case (December 15 report), which included details of the discussions with stakeholders and recommendations for the Commission's next steps. *See*, February 18 order, pp. 9-13. As to the Staff's recommendations, the Commission adopted and directed the following:

1. The Staff's recommendation to form the Energy Affordability and Accessibility Collaborative (EAAC) for the purposes described in the December 15 report and, in recognition of the overlap of issues, directed the Staff to coordinate the EAAC with the EWR Low-Income Workgroup.
2. The Staff's recommendation to continue monthly data collection from the rate-regulated utilities regarding customer shutoffs, disconnections, and reconnection efforts using an updated reporting template and to make the data publicly available in a protected, more easily analyzable form.
3. The Staff's recommendation to work with stakeholders to improve the dissemination of energy assistance information to difficult to reach customers.

4. The Staff's recommendation to consider equity in reviewing energy assistance programs, customer protections, and policy development, and designated this task to the MI Power Grid Customer Education and Participation Workgroup as well as the EAAC.
5. The Staff's recommendation for the EAAC, in coordination with the EWR Low-Income Workgroup, to (1) study the alignment of income eligibility across energy assistance programs and customer protections and align the application processes, if beneficial to do so; (2) analyze the application, eligibility determination, and program designs for various assistance programs and utility-based credits and make recommendations for alignment and simplification; and (3) direct utilities to pilot targeted communications so that recipients of an energy assistance program will be alerted to eligibility for energy efficiency programs.
6. The Staff's recommendation to adopt a common definition of energy affordability and energy self-sufficiency with consideration of the objectives described on pages 37-38 of the December 15 report.
7. The Staff's recommendation to develop, with consideration of recommendations from the Commission's Diversity, Equity, and Inclusion (DEI) initiative, a long-term data collection and analysis strategy for shutoff and arrearage data that captures specific demographic information and energy burdens of customers.
8. The Staff's recommendation to review the efficacy of Part 7 of the Commission's billing rules, Mich Admin Code, R 460.128 *et seq.*
9. The Staff's recommendation that the Commission continue with its formal and informal collaborations as part of its COVID-19 pandemic response, to establish regular mechanisms for stakeholders to provide input, and to broaden its outreach to groups traditionally not a part of utility communications. The Commission directed this recommendation to be carried out by the EAAC in coordination with the MI Power Grid Customer Education and Participation Workgroup with a focus specifically on communication and engagement related to energy assistance.
10. Directed the Staff to file, no later than December 17, 2021, an interim report regarding the progress made in the EAAC.

February 18 order, pp. 15-20.

As directed by the Commission, the Staff filed an interim report on December 17, 2021, in this case (December 17 report) detailing the progress made by the EAAC. On February 10, 2022, the Commission issued a fourth order in the instant docket (February 10 order) addressing the specific recommendations made by the Staff in the December 17 report including the following:

1. Accepting the Staff's recommendation for the EAAC to continue for at least two additional years.
2. Adopting the proposed structure of the collaborative and the creation of an EAAC advisory council.
3. Recommending the Staff reach out to nonprofits, community-based organizations, and neighborhood organizations to request diverse participants and to solicit advice for how to best draw in and encourage participation by these members.
4. Encouraging the Staff to review recommendations soon to be provided in the MI Power Grid Customer Education and Participation Workgroup report for further guidance and best practices on stakeholder outreach and participation. See, January 20, 2022 order in Case No. U-20959, p. 5 (extending the deadline for the Staff to file its report to March 25, 2022).
5. Supporting the hosting of one or two Low-Income Energy Policy Summits.
6. Filing a second interim report detailing the progress, and challenges posed, and any recommendations of the EAAC no later than December 16, 2022.

February 10 order, pp. 13-15.

As directed by the Commission, the EAAC advisory committee was created as the Low-Income Energy Policy Board (Board) which includes stakeholder leadership from the EAAC and EWR Low-Income Workgroup subcommittee, peer leaders in state government, related task forces, representatives with experience in energy insecurity, and Staff experts. The Board met on April 15, May 23, June 27, July 24, August 22, and October 24, 2022, with an in-person goal-setting retreat at the Commission's office on September 26, 2022.

A Low-Income Energy Policy Summit (Summit) consisting of the Board, stakeholders, and other leaders convened on November 3, 2022, with the task of developing actionable strategies for consideration by the Commission. The EAAC and the EWR Low-Income Workgroup subcommittees worked to provide foundational resources, research, data collection/analysis, and draft recommendations for the Board's review and as inputs to the Summit. On January 19, 2023,

an additional virtual stakeholder session was held to educate stakeholders on the strategies developed at the Summit and to provide the opportunity for comment on the strategies.

On March 16, 2023, the Staff filed its second interim report in this docket (March 16 report) providing an update on the Commission's collaborations and communications in response to COVID-19. The March 16 report summarizes the activities of the EAAC, collaboration with the EWR Low-Income Workgroup, and revision of the collaborative structure including the formation of the Board. It also details the work undergone by the EWR Low-Income Workgroup and the EAAC in response to the Commission's directives. For each workgroup or subcommittee, the March 16 report identifies outcomes and outlines recommendations. The March 16 report includes a compilation of recommendations at pages 70-74. The Commission recognizes that the Staff has examined system-wide issues, and thus recommendations include those for action by the Commission as well as subcommittee recommendations for groups outside of the Commission. These are briefly summarized below.

In the March 16 report, the Staff makes the following general recommendations:

- The Staff recommends, based upon the time required to fulfill directives in Case Nos. U-20940 and U-20697 to evaluate and make recommendations regarding Percentage of Income Payment Plans, that the timeline of the EAAC be extended to continue through calendar year 2024 with a reassessment for work beyond 2024.
- The Staff recommends that the Commission acknowledge: (1) the Board and associated workgroups act as an avenue for vetting low-income policy issues and ensuring that the goals are managed collaboratively, and (2) energy assistance and low-income EWR-related legislative efforts consider the collaborative work of the Board.
- The Staff recommends that the Commission adopt the EAAC subcommittee structure outlined in the report and create a Staff subcommittee to develop straw proposals for stakeholder feedback regarding data and metrics.
- The Staff recommends the creation of the Voluntary Energy Customer Experience Workgroup under the Board to engage low-income energy customers and better inform the policy decisions impacting them.

- The Staff recommends the creation of a State Administrative Workgroup under the Board including the leadership from Michigan Department of Health and Human Services (MDHHS), the Michigan Department of Treasury and the Michigan State Housing Development Authority to collaborate on policy development that is informed by the work of the EAAC, EWR Low-Income Workgroup, and the Board.
- The Staff recommends that the Commission encourage workgroups under the Board to maintain their efforts to tie together EWR Low-Income and energy assistance programs and collect data to determine and support the efficacy of these efforts.

See, March 16 report, pp. 70-71. In addition to general recommendations, the March 16 report lists several subcommittee recommendations as follows:

- The Staff recommends that the Commission provide an updated charge for the Affordability, Alignment, and Assistance (AAA) subcommittee.
- The Staff recommends that the Commission suspend and recall the Outreach and Education subcommittee, as needed.
- The Staff recommends that the Commission encourage utilities to treat customers who self-attest to Residential Income Assistance (RIA) the same way as State Emergency Relief (SER) and Home Heating Credit (HHC) recipients are treated for outreach and services offered and provide an EWR referral where applicable.
- The Staff recommends that the Commission order all regulated utilities to work with the Staff to advertise the RIA along with other assistance offerings on their websites in a similar and consistent fashion with similar content.
- The Staff recommends that the Commission emphasize the importance of MEAP grantees and utilities reaching out to past SER, HHC, and utility credit recipients to instruct them on how to apply for assistance if needed and notify those customers that there are monthly utility assistance credits available for those who qualify.
- The Staff recommends that the Commission update the charge of the Definitions Subcommittee.
- The Staff recommends that that the Commission direct the Staff to: (1) identify potential outreach partners among local community organizations, (2) engage with community organizations that are using the Commission's materials to obtain feedback regarding the efficacy of the materials, (3) work with community organizations to identify information gaps, and (4) develop materials to help address any gaps.
- The Staff recommends that the Commission direct the Staff to identify and build relationships with community organizations which are not typically part of utility or Commission communications.

- The Staff recommends that the Commission instruct the Staff to build trust through connections.
- The Staff recommends that outreach be coordinated through the Commission's Communications Section and the Board.
- The Staff recommends that the Commission order utilities with a low-income assistance credit to file the same LIA report as DTE Electric Company was ordered to file in Case No. U-20836.
- The Staff recommends that the Commission combine the Case No. U-20757 Report and the Quarterly Report.
- The Staff recommends that the Commission require that utilities report arrearage data in the delinquency category that the balance accrued and add an additional arrearage category to the reporting template for arrearage amounts that are being written off.
- The Staff recommends that the shutoffs only be reported as the total number of customers shut off during the month as they are currently reported within the Quarterly Report.
- The Staff recommends that the occupied/unoccupied reporting metric in the Case No. U-20757 Report be removed.
- The Staff recommends that the Commission add the total number of medical emergency denials and total number of critical care denials during the month to the monthly report and update the data reporting template.
- The Staff recommends the Commission move towards collecting shutoff and arrearage data by zip code or census tract.
- The Staff recommends that the Commission add the number of customers restored within five days of being disconnected for nonpayment to the monthly report and update the form with the metric and definition.
- The Staff recommends that the Commission open a new docket to review the Medical Certification Form approved under Case No. U-18479 and adopt the new protection.
- The Staff recommends that the Commission direct its Communications Section Staff to provide updates at least annually to the Board regarding the Commission's ongoing outreach and customer education efforts.
- The Staff recommends that the Commission direct its Communications Section Staff to provide periodic updates to the members of the Outreach and Education Subcommittee.

- The Staff recommends that the Commission clarify the use of equity and centering impacted communities in energy assistance programming and analysis.
- The Staff recommends that the Commission adopt the recommended definition of “energy affordability” along with its companion document which has been ratified by the Board.
- The Staff recommends that the Commission define “weatherization” for use across departments and sectors.
- The Staff recommends that the Commission encourage utilities that are not offering “other shutoff protection plans” to explore different payment plan options similar to other industry shutoff protection plans.
- The Staff recommends that the Commission order the creation of a critical care protection collaborative to discuss possible rule changes focusing on the critical care customer journey and detailing appropriate steps for customers to seek assistance both at enrollment and at renewal periods and explore payment plan options for non-income-qualified customers prior to receiving recertification.

See, March 16 report, pp. 71-73. The Staff elevated recommendations put forth based on

subcommittee discussions in the March 16 report. These require further work and are as follows:

- The Affordability, Alignment, and Assistance Subcommittee recommends that the Staff collaborate with MDHHS in redefining crisis as it pertains to energy assistance programs and address the process of determining how critical care customers can receive assistance.
- The Affordability, Alignment, and Assistance Subcommittee recommends that additional training be provided to frontline staff to better understand the impacts of EWR on affordability.
- The Affordability, Alignment, and Assistance Subcommittee recommends the creation or identification of a central platform for scheduling, logging, and tracking EWR referrals.

See, March 16 report, p. 73. The March 16 report recommendations also include

recommendations for groups outside of the Commission, summarized as follows:

- The Affordability, Alignment, and Assistance Subcommittee recommends that additional training opportunities be pursued to provide assistance workers with a deeper understanding of how and where to direct an EWR referral.
- The Affordability, Alignment, and Assistance Subcommittee recommends the elimination of energy co-pays or re-work interdependency in co-pays in the SER application.

- The Affordability, Alignment, and Assistance Subcommittee recommends that energy assistance applications be streamlined and made more accessible.
- The Affordability, Alignment, and Assistance Subcommittee recommends that virtual energy assessments be offered as an option.
- The Affordability, Alignment, and Assistance Subcommittee recommends that inter-agency coordination takes place to assist customers with old bills or no billing history to obtain housing and new utilities at a new address.
- The Affordability, Alignment, and Assistance Subcommittee recommends that more flexibility be incorporated into assistance programs for customers with higher usage and arrears.
- The Data Analysis and Regulatory Review Subcommittee recommends that the requirement mandating customers receiving the HHC be placed on the winter protection program be modified.
- The Affordability, Alignment, and Assistance Subcommittee recommends that the copayment requirements within the MDHHS assistance approval process be modified.
- The Energy Waste Reduction Low-Income Workgroup recommends that an office to serve as a nexus for energy efficiency and weatherization be established.
- The Affordability, Alignment, and Assistance Subcommittee recommends that HHC approval be considered for MEAP eligibility.
- The Energy Waste Reduction Low-Income Workgroup recommends that opportunities to leverage federal funding regarding deferral mitigation be further explored.
- The Affordability, Alignment, and Assistance Subcommittee recommends that additional outreach be provided to assistance customers so they are aware of utility credits that may be available to them.

See, March 16 report, p. 74.

Discussion

The Commission has reviewed the March 16 report and, in light of the vast recommendations briefly summarized above, finds that an additional opportunity for interested persons to file comments regarding the Staff's second interim report and recommendations is appropriate. In particular, in some instances in the Staff report it was noted that there was dissent among parties

participating in developing the recommendations. The Commission would like to better understand the concerns from interested persons regarding the recommendations presented above. Comments may include elaboration from persons who may have dissented to any of the March 16 report recommendations as well as any comments on the Staff's recommendations included within the March 16 report.

The Commission will accept comments on the Staff's March 16 report recommendations until 5:00 p.m. (Eastern time (ET)) on June 15, 2023, and reply comments until 5:00 p.m. (ET) on June 29, 2023. 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. Any person requiring assistance prior to filing comments, may contact the Staff at (517) 241-6180. All comments should reference the above-captioned case, Case No. U-20757. All filed comments will become public information available on the Commission's website and subject to disclosure.

THEREFORE, IT IS ORDERED that any interested person may file comments regarding the Commission Staff's March 16, 2023 second interim report. Comments shall be filed no later than 5:00 p.m. (Eastern time) on June 15, 2023, and reply comments shall be filed no later than 5:00 p.m. (Eastern time) on June 29, 2023.

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 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

Katherine L. Peretick, Commissioner

By its action of May 18, 2023.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

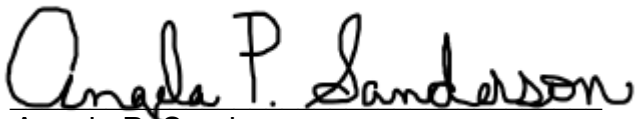
Case No. U-20757

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on May 18, 2023 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 18th day of May 2023.



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

Service List for Case: U-20757

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Spartan Renewable Energy, Inc. (Wolverine Power Marketing Corp)

Stephenson Utilities Department

Superior Energy Company

Texas Retail Energy, LLC

Thumb Electric Cooperative

Upper Michigan Energy Resources Corporation

Upper Peninsula Power Company

Upper Peninsula Power Company

Village of Baraga

Village of Clinton

Volunteer Energy Services

Wabash Valley Power

Wolverine Power

Wood, Amanda

Xcel Energy

Xcel Energy