

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to )	
commence a collaborative to consider issues related )	
to mutual aid agreements and transmission )	Case No. U-20631
contingency planning. )	
_____ )	

At the April 11, 2024 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

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

**ORDER**

History of Proceedings

On September 11, 2019, the Commission issued an order opening the docket in this case (September 11 order) in response to Natural Gas Recommendation G-8 in the Commission's 2019 Statewide Energy Assessment Report<sup>1</sup> to establish a collaborative group to review and discuss the development of mutual aid agreements for all natural gas distribution utilities and how best to facilitate the development of gas transmission contingency planning. Due to differing effects on downstream customers, the Commission divided the matter into two separate phases—distribution and transmission—with expectations for each and with a report for the first phase dealing with distribution to be filed by the Commission Staff (Staff) in the docket no later than

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<sup>1</sup> See, Case No. U-20464, filing #U-20464-0063, p. 200.

March 31, 2020, and for the report for the second phase with regard to transmission to be filed no later than March 31, 2021. September 11 order, pp. 2-3.

On March 31, 2020, the Staff filed the Mutual Aid Agreements and Transmission Contingency Planning Workgroup Phase I Report (Phase I Report), and on March 31, 2021, the Staff filed the Mutual Aid Agreements and Transmission Contingency Planning Workgroup Phase II Report (Phase II Report). *See*, Case No. U-20631, filings #U-20631-0005 and -0006.

On May 13, 2021, the Commission issued an order in the case accepting the Phase I and Phase II Reports; adopting recommendations from the reports, including directing the Staff to form a separate workgroup to review and discuss the interoperability between Michigan natural gas utilities; and requiring the Staff to file a status report on the adopted recommendations, including the separate workgroup, no later than March 31, 2022.

On March 31, 2022, the Staff filed the Mutual Aid Agreements and Transmission Contingency Planning Workgroup Status Report (2022 Status Report).

On May 18, 2023, the Commission issued an order in the case (May 18 order) summarizing the 2022 Status Report, supporting the tasks discussed therein, and directing the Staff to file the next status report on the tasks described in the order no later than November 22, 2023. The May 18 order also encouraged participation by smaller Michigan natural gas utilities in the matter.

On November 27, 2023, the Staff filed the next Mutual Aid Agreements and Transmission Contingency Planning Workgroup Status Report (2023 Status Report). *See*, Case No. U-20631, filing #U-20631-0012. The 2023 Status Report is summarized and addressed below.

## Mutual Aid Agreements and Transmission Contingency Planning Workgroup Status Report (2023)

The 2023 Status Report describes seven workgroup meetings held between June 2022 and November 2023. 2023 Status Report, pp. 1-2. The 2023 Status Report then provides updates on its efforts to implement previous recommendations—broken down into those previously completed, those newly completed, and those that are ongoing. *Id.*, pp. 2-8.

For previously completed recommendation tasks, the 2023 Status Report reiterates the following tasks that the workgroup already deemed complete and as needing no further review:

(1) reviewing the American Gas Association (AGA) agreement for mutual aid best practice guidelines to Michigan utilities, (2) confirming signatories to the AGA agreement, and (3) utilizing the incident command system (ICS). *Id.*, p. 3; *see also*, 2022 Status Report, pp. 3-4, and May 18 order, pp. 2-3.

For newly completed recommendation tasks, the 2023 Status Report details the following tasks that the workgroup now also deems complete and needing no further action at this time unless additional participant dialogue is requested: (1) exploring interoperability between Michigan utilities, (2) confirming signatories to the National Mutual Aid Agreement,<sup>2</sup> (3) contemplating an electric utility template for response structures for future mutual aid events, and (4) determining the potential role for the Midwest Energy Association (MEA) in future mutual aid events. 2023 Status Report, pp. 3-4.

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<sup>2</sup> The 2023 Status Report refers to the national agreement as the National Mutual Assistance Agreement. The Commission considers National Mutual Assistance Agreement and National Mutual Aid Agreement to be interchangeable terms but uses National Mutual Aid Agreement in this order to reflect the correct name of the national agreement. For the same reason, and consistent with the May 18 order, the Commission likewise refers to the national program in this order as the National Mutual Aid Program as opposed to the National Mutual Assistance Program. *See*, <https://www.aga.org/news/news-releases/natural-gas-associations-band-together-to-expand-national-mutual-aid-program/> (accessed April 11, 2024).

For newly completed recommendation tasks, the 2023 Status Report provides an update relating to the migration of discussions on the interoperability between Michigan utilities from the workgroup to the Michigan Operator Qualifications (MI OQ) Consortium, which the Commission supported in the May 18 order:

The Consortium participants have been placed into groups to tackle their identified objectives. Group A has been tasked with developing a list of operator qualifications that will be mutual for all natural gas companies. Thus far, Group A has identified qualifications that pertain to shutting off natural gas meters, natural gas relights, and the like as being the primary tasks that are most likely to be objectives of a mutual aid response. Group B has been tasked with developing a structure for a mutual aid shared document. The objective of such a document is to put together all of the individual operator qualification pieces to create one unified standard which can be utilized in a mutual aid event. Group C, when ready, will be tasked with developing tabletop exercises and processes to test the products of Groups A and B.

*Id.*, p. 3.

Next, with regard to signatories to the National Mutual Aid Agreement, the 2023 Status Report reiterates that the National Mutual Aid Program, effective January 1, 2021 through December 31, 2025, supersedes the pre-existing AGA and Northeast Gas Association and Southern Gas Association mutual aid agreements and indicates that the following Michigan natural gas utilities are now all signatories to the national agreement: Consumers Energy Company (Consumers), DTE Gas Company (DTE Gas), Michigan Gas Utilities Corporation (MGUC), and SEMCO Energy Gas Company (SEMCO). The 2023 Status Report further provides, “as the National Mutual [Aid] Agreement is the prevailing mutual aid program, all recommendation tasks for this workgroup, past, present, and future, which required a review of the AGA Agreement will henceforth be discussed with a review of the National Mutual [Aid] Agreement.” *Id.*, p. 4.

On the electric utility template task, the 2023 Status Report recalls the prior joint presentation by Consumers and DTE Gas in 2022 wherein the utilities identified opportunities to leverage

elements of their respective electric ICS storm response structures for possible utilization for future natural gas mutual aid events. The 2023 Status Report notes that the workgroup brought this topic up again at subsequent workgroup meetings to see if there were any further questions for Consumers and DTE Gas, but no utility raised additional questions. *Id.*

With the MEA task, the 2023 Status Report states that, given resource constraints affecting the association's suitability to facilitate future mutual aid events, Michigan utilities will coordinate directly with each other for intrastate mutual aid events. In addition, with AGA serving as the primary coordination point when interstate mutual aid events occur, the utilities will serve in a supporting role for these interstate events. *Id.*

For ongoing recommendation tasks that have no finite date of completion due to the scope and nature of the related work, the 2023 Status Report lists the following tasks: (1) proposing new interconnections, (2) involving interstate pipeline suppliers,<sup>3</sup> (3) periodically testing emergency management processes, and (4) hosting recurring workgroup meetings. *Id.*, pp. 4-6.

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<sup>3</sup> Notably, as further described in the 2022 Status Report:

Through workgroup discussions, it was identified that Consumers Energy, DTE Gas, MGU, and SEMCO Energy all attempt to work with their interstate pipeline suppliers to discuss contingency planning and the diversification of supply. Some interstate pipeline suppliers are more cooperative to work with than others, but the natural gas utilities who have been active members of this workgroup do have contingencies in place with their interstate pipeline suppliers to deal with supply issues. . . . The natural gas utilities plan to continue to routinely attempt [to] communicate with their interstate pipeline suppliers and, therefore, the workgroup has identified this recommendation task as having no finite date of completion. Additionally, as the natural gas utilities will continue to have routine communication with their interstate pipeline suppliers to discuss contingency planning and the diversification of supply, the workgroup deems this recommendation task to warrant no further review at this time.

Providing further details on these ongoing recommendation tasks, the 2023 Status Report first discusses a new interconnection between MGUC and DTE Gas to replace a portion of natural gas supplied by Panhandle Eastern Pipe Line Company, LP, for the Monroe County, Michigan region beginning December 1, 2023. The 2023 Status Report next addresses the periodic testing of emergency management processes task and states that Consumers, DTE Gas, MGUC, and SEMCO have all conducted tabletop exercises to test their emergency management processes; a summary of these activities is included in Appendix A to the report. The 2023 Status Report then discusses recurring workgroup meetings and states that the workgroup has decided that annual meetings are not yet appropriate for the workgroup considering current recommendation tasks to discuss and address. Thus, beginning in 2024, the workgroup tentatively plans to meet in January, with semi-annual meetings thereafter until the workgroup is ready to transition to annual meetings. 2023 Status Report, pp. 5-6.

For ongoing recommendation tasks that are currently incomplete but will have a finite end-date at some point in time, the 2023 Status Report lists the following tasks: (1) addressing intrastate utility review for aid provided during border closures in the AGA agreement, (2) evaluating the recovery of mutual aid costs in rate cases, and (3) reviewing the National Mutual Aid Program.<sup>4</sup> *Id.*, pp. 6-8.

Elaborating on these tasks, the 2023 Status Report notes that it does not appear as though aid provided during border closures is incorporated into the AGA interstate National Mutual Aid

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<sup>4</sup> The Commission notes the detailed description of this task provided in the 2023 Status Report, including within Appendix B to the report, and is thus unclear what work is outstanding on this task moving forward. The Commission, nevertheless, supports the task to the extent ongoing review is necessary.

Program. The 2023 Status Report states that the workgroup, however, believes that a workable approach has been identified as follows:

In the event that a mutual aid event requiring interstate aid coincides with a border closure event the natural gas utilities will coordinate with the [Commission] Staff, State Emergency Operations Centers (EOC), for necessary interstate border crossings, and the Federal Department of Homeland Security, for necessary international border crossings, for an exception, or authorization, to cross borders. The process would be handled similarly to historic processes for requesting an exception to Frost Laws to respond to an incident. The workgroup has ended current discussions regarding this topic with the question as to which utility is to initiate coordination to facilitate an exception or authorization to cross borders, the utility providing aid or the utility requesting aid. This question, as well as others that may arise, will continue to be discussed during future workgroup meetings.

*Id.*, p. 6.

The 2023 Status Report next addresses the topic of mutual aid costs to be recovered in rate cases and states that two sides of a mutual aid event were discussed with regard to cost recovery—(1) costs for the responding utility and (2) costs for the requesting utility. In this regard, the 2023 Status Report states:

The workgroup participants generally agreed that the costs incurred by a Responding Utility are not an issue and would not be included in natural gas rate cases, as costs incurred by providing aid would be recovered directly from the Requesting Utility. In contrast, the workgroup participants generally agreed that there would be incremental operating and maintenance expenses incurred by the Requesting Utility which have not typically been incorporated into base rates in natural gas rate cases. Workgroup participants from Consumers Energy conferred with employees from the company's electric operations to discuss how mutual aid costs may have historically been included in electric rate cases before the Commission. Through that consultation, it was determined that if the company's electric operations request mutual aid from another utility the costs are considered a cost of restoration and rolled into the overall service restoration costs included for recovery through electric rate cases. Consumers Energy noted that while mutual aid costs have not been specifically itemized as such in electric rate cases they, nevertheless, have been included. Consumers Energy added that, presumably, mutual aid costs for a natural gas incident would be similarly handled in natural gas rate cases. This will continue to be an ongoing topic of discussion until such a time as the workgroup agrees upon how mutual aid costs should be incorporated into natural gas rate cases, or until such a time as it becomes evident that the Commission has provided clear direction in this matter.

*Id.*, p. 7.

For the National Mutual Aid Program review task, the 2023 Status Report states that the workgroup has determined that the national agreement largely incorporates the AGA agreement into its framework, and a side-by-side comparison can be viewed in Appendix B to the report. And lastly, on the topic of small natural gas utility workgroup participation, the 2023 Status Report notes that Presque Isle Electric & Gas Co-op attended the November 2022 workgroup meeting and continues to be an active participant in the matter. *Id.*, p. 8. This addition represents one incremental small natural gas utility participant to the workgroup compared to the findings of the 2022 Status Report, which stated little to no active participation in the workgroup by Michigan's smaller natural gas utilities.

### Discussion

The Commission once again thanks the Staff and the other workgroup participants for their continued time and effort in this matter. Considering the value of the work and communication that has resulted and continues to result from this docket and the ongoing recommendation tasks and topics discussed in the 2023 Status Report, which the Commission continues to support, the Commission finds it appropriate for the Staff to file another status report providing an update on these items no later than February 14, 2025.

THEREFORE, IT IS ORDERED that the Commission Staff shall file, in this docket, the next status report on the ongoing recommendation tasks and topics discussed in this order no later than February 14, 2025.

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 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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Katherine L. Peretick, Commissioner

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Alessandra R. Carreon, Commissioner

By its action of April 11, 2024.

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Lisa Felice, Executive Secretary


# PROOF OF SERVICE

STATE OF MICHIGAN )

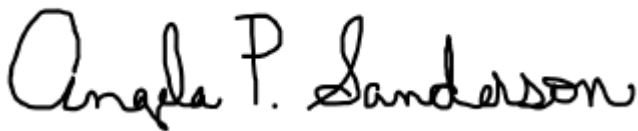
Case No. U-20631

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on April 11, 2024 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 11<sup>th</sup> day of April 2024.



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

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