

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
regarding the regulatory reviews, revisions,	)	
determinations, and/or approvals necessary for	)	
<b>MICHIGAN GAS UTILITIES CORPORATION</b>	)	
to fully comply with Public Act 295 of 2008,	)	Case No. U-21563
as amended by Public Act 342 of 2016.	)	
_____	)	

At the August 22, 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 APPROVING SETTLEMENT AGREEMENT**

On March 19, 2024, Michigan Gas Utilities Corporation (MGUC) filed an application, with supporting testimony and exhibits, requesting authority to reconcile its energy waste reduction plan revenues and costs for the 12-month period ended December 31, 2023. On April 16, 2024, MGUC filed the 2023 Efficiency United Annual Report, and on July 12, 2024, MGUC filed revised exhibits.

A prehearing conference was held on May 16, 2023, before Administrative Law Judge Jonathan F. Thoits. The Commission Staff and MGUC 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.

THEREFORE, IT IS ORDERED that:

A. The settlement agreement, attached as Exhibit A, is approved, and the revised energy waste reduction surcharges set forth in Attachment 1 to the settlement agreement shall take effect September 1, 2024.

B. Michigan Gas Utilities Corporation shall file, within 30 days of the date of this order, tariff sheets consistent with Attachment 1 to the settlement agreement. After the tariff sheets have been reviewed and accepted by the Commission Staff for inclusion in the company's tariff book, Michigan Gas Utilities Corporation shall promptly file the final tariff sheets in this docket.

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 [LARA-MPSC-Edockets@michigan.gov](mailto:LARA-MPSC-Edockets@michigan.gov) and to the Michigan Department of Attorney General - Public Service Division at [SheaC1@michigan.gov](mailto:SheaC1@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 August 22, 2024.

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Lisa Felice, Executive Secretary

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

\* \* \* \*

In the matter of the application of	)	
<b>MICHIGAN GAS UTILITIES CORPORATION</b>	)	Case No. U-21563
for authority to reconcile its 2023 energy waste reduction	)	
<u>plan costs and revenues.</u>	)	

**SETTLEMENT AGREEMENT**

As provided in § 78 of the Administrative Procedures Act of 1969 (“APA”), as amended, MCL 24.278, and Rule 431 of the Michigan Administrative Hearing System’s Administrative Hearing Rules, 2015 AC, R 792.10431, Michigan Gas Utilities Corporation (“MGUC”) and the Michigan Public Service Commission Staff (“Staff”) hereby agree as follows:

1. On March 19, 2024, MGUC filed with the Michigan Public Service Commission (“Commission”) an application, along with the testimony and exhibits of its witness Shannon L. Burzycki, to reconcile its Energy Waste Reduction (“EWR”) plan revenues and costs for the 12-month period ended December 31, 2023. On April 16, 2024, MGUC filed the 2023 Efficiency United Annual Report.

2. On April 16, 2024, the Commission’s Executive Secretary issued a Notice of Hearing directing MGUC to mail a copy of the Notice of Hearing to all cities, incorporated villages, townships, and counties in its Michigan service area, as well as to intervenors in Case Nos. U-21327 and U-21366. The Commission further directed MGUC to publish the Notice of Hearing in newspapers of general circulation throughout its service area. As directed, MGUC filed

with the Commission the requisite proofs of publication and mailing prior to the prehearing conference.

3. On May 16, 2024, Administrative Law Judge Jonathan Thoits presided over a prehearing conference in this matter. Staff entered its Appearance. There were no intervenors.

4. Staff completed a financial audit of the 2023 plan year collections and costs reconciliation. Staff tested the general ledger accounts for surcharge revenue and payments to the state-selected EWR program administrator, Efficiency United, to the numbers in the case. The Company, through the services of Efficiency United, exceeded the legislative EWR target. Staff also sampled bill copies of customers to ensure the appropriate surcharges were billed to specific customer rate classes. As part of its review Staff asked the Company to revise its interest calculation methodology. Thereafter, consistent with its discussion with Staff, the Company filed revised exhibits relating to the changed interest calculation and resulting revised surcharges.

5. After the prehearing conference, the parties have engaged in settlement discussions and, as a result, have reached agreement on all of the issues in this case. The parties to this settlement agreement agree as follows:

- a. The total 2023 payment of \$3,498,463 to the Independent Program Administrator satisfies the requirements of MCL 460.1091(1);
- b. The proposed reconciliation of 2023 EWR revenues and costs should be approved by the Commission and the resulting cumulative net under-recovery is \$358,711, inclusive of the prior period over-recovery and interest through December 31, 2023; and
- c. The 2023 EWR cumulative net under-recovery of \$358,711 shall be rolled into the beginning balance of MGUC's 2024 EWR cost and recovered in

the revised EWR surcharges set forth in Attachment 1 hereto effective September 1, 2024.

6. All of the signatories are of the opinion that this settlement agreement is reasonable, in the public interest and will aid the expeditious conclusion of this case.

7. This settlement agreement is intended to be a final disposition of this proceeding, and the parties join in respectfully requesting that the Commission grant prompt approval. The parties agree not to appeal, challenge, or contest the Commission's order accepting and approving this settlement agreement without modification. If the Commission does not accept the settlement agreement without modification, the agreement shall be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose whatsoever.

8. This settlement agreement has been made for the sole and express purpose of settling this case, and all discussions relating hereto are and shall be privileged and shall not be used in any manner or be admissible for any other purpose in connection with this proceeding or any other proceeding hereof. This settlement agreement does not constitute precedent in any other case or proceeding. Without limiting the generality of the foregoing, this settlement agreement shall not constitute *res judicata* or collateral estoppel as to any issue. Neither the parties to the settlement nor the Commission shall use this settlement agreement or the order approving it, as precedent in any case or proceeding; provided however, reference to Paragraph 5 may be made to enforce or implement the provisions thereof in subsequent EWR proceedings.

9. The parties agree to waive Section 81 of the APA of 1969, as amended, MCL 24.281, as it applies to this proceeding, if the Commission approves this settlement agreement without modification.

MICHIGAN GAS UTILITIES CORPORATION

Dated: August 7, 2024


By: **Sherri A. Wellman**  
Digitally signed by: Sherri A. Wellman  
DN: CN = Sherri A. Wellman email =  
wellmans@millercanfield.com C = US O = Miller Canfield  
Date: 2024.08.07 11:34:18 -04'00'

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(517) 487-2070

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: August 7, 2024

By:  **Monica M. Stephens**  
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Assistant Attorney General  
Public Service Division  
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Lansing, Michigan 48917  
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**Attachment 1  
to Settlement Agreement**

**(Case No.: U-21563)**



Continued from Sheet No. D-1.00

## SECTION D RATE SCHEDULES

### D2. SUPPLEMENTAL CHARGES (contd.)

Customer Class	EWR Surcharge (per Mcf)		Distribution Charge + Gas Supply Acquisition Charge (per Mcf)*		Total Distribution Charge (per Mcf)	
RESIDENTIAL SERVICE	<del>\$0.1512</del> \$0.1933	+	\$2.8239	=	<del>\$2.9751</del> \$3.0172	per Mcf
CHOICE RESIDENTIAL GEN SERVICE	<del>\$0.1512</del> \$0.1933	+	\$2.7848	=	<del>\$2.936</del> \$2.9781	per Mcf
TR - Res	<del>\$0.1512</del> \$0.1933	+	\$2.7848	=	<del>\$2.936</del> \$2.9781	per Mcf
Customer Class	EWR Surcharge (per meter, daily)		Fixed Customer Charge (daily)		Total Customer Charge (daily)	
SMALL GENERAL SERVICE	<del>\$0.1200</del> \$0.1798	+	\$1.1507	=	<del>\$1.2707</del> \$1.3305	per customer
MEDIUM GENERAL SERVICE	<del>\$1.0054</del> \$0.4922	+	\$1.6438	=	<del>\$2.6492</del> \$2.1360	per customer
LARGE GENERAL SERVICE	<del>\$4.847</del> \$3.4757	+	\$13.9726	=	<del>\$18.8196</del> \$17.4483	per customer
STREET LIGHTS	<del>\$0.1253</del> \$0.1591	+	\$1.1507	=	<del>\$1.276</del> \$1.3098	per contract
Customer Class	EWR Surcharge (per month)		Fixed Customer Charge (monthly)		Total Customer Charge (monthly)	
TRANSPORTATION						
TR-1	<del>\$38.91</del> \$49.98	+	\$925	=	<del>\$963.91</del> \$974.98	per meter
TR-2	<del>\$211.34</del> \$186.66	+	\$2,525	=	<del>\$2,736.34</del> \$2,711.66	per meter
TR-3	<del>\$918.93</del> \$758.06	+	\$3,205	=	<del>\$4123.93</del> \$3,963.06	per meter
TR - GS**	<del>\$3.65</del> \$5.47	+	\$35	=	<del>\$38.65</del> \$40.47	per meter
TR - GM**	<del>\$30.58</del> \$14.97	+	\$50	=	<del>\$80.58</del> \$64.97	per meter
TR - GL**	<del>\$147.43</del> \$105.72	+	\$425	=	<del>\$572.43</del> \$530.72	per meter
SPECIAL CONTRACTS	<del>\$136.39</del> \$169.69					per meter

\*Gas Supply Acquisition Charge is not applicable to Gas Choice customers or Aggregated Transportation accounts.

Continued on Sheet No. D-1.02

Issued: **December 12, 2023**

By: Theodore Eidukas  
 VP - Regulatory Affairs  
 Milwaukee, Wisconsin

Effective for service rendered  
 On and After: **January 1, 2024**  
 Issued Under Authority of the  
 Michigan Public Service Commission  
 Order Dated: **August 30, 2023 In Case No.**  
**U-21366**, February 10, 2022, in Case No.  
**U-20882**, December 17, 2020, in Case No.  
**U-20922**


# PROOF OF SERVICE

STATE OF MICHIGAN )

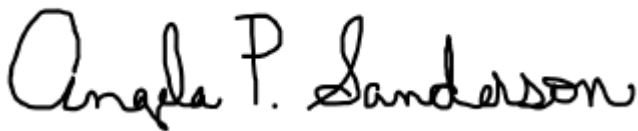
Case No. U-21563

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on August 22, 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 22<sup>nd</sup> day of August 2024.



Angela P. Sanderson  
Notary Public, Shiawassee County, Michigan  
As acting in Eaton County  
My Commission Expires: May 21, 2030

**Service List for Case: U-21563**

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Monica M. Stephens	MPSC Staff	stephensm11@michigan.gov
Sherri A. Wellman	Michigan Gas Utilities Corporation (MGUC)	wellmans@millercanfield.com

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Calpine Energy Solutions  
Chappelle, Laura  
Cherryland Electric Cooperative  
Citizens Gas Fuel Company  
City of Crystal Falls  
City of Escanaba  
City of Gladstone  
City of Marshall  
City of Portland  
Cloverland  
Cloverland  
CMS Energy  
Consumers Energy Company  
Consumers Energy Company  
Consumers Energy Company  
Consumers Energy Company  
Consumers Energy Company  
Constellation Energy  
Constellation Energy  
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Presque Isle Electric & Gas Cooperative, INC

Presque Isle Electric & Gas Cooperative, INC

Realgy Corp.

Realgy Energy Services

Santana Energy

Santana Energy

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 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