

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
UPPER PENINSULA POWER COMPANY	)	
requesting approval of an amended renewable	)	Case No. U-21811
energy plan to comply with Public Act 235 of 2023.	)	
_____	)	

At the December 19, 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

On November 28, 2023, Governor Gretchen Whitmer signed into law Public Act 235 of 2023 (Act 235), which, among other things, increases the renewable portfolio standards (RPS) for electric providers and requires electric providers to file their respective amended renewable energy plans (REPs) with the Commission within one year of the effective date of Act 235. Act 235 took effect on February 27, 2024.

On November 28, 2023, Governor Gretchen Whitmer also signed into law Public Act 231 of 2023 (Act 231), which, among other things, requires the electric utility company to include an analysis of how the company's integrated resource plan (IRP) complies with the RPS established in Act 235. Act 231 took effect on February 13, 2024.

On February 8, 2024, the Commission issued an order in Case No. U-21568 (February 8 order) that directed Upper Peninsula Power Company (UPPCo) to file its amended REP no later

than January 17, 2025. February 8 order, p. 2. On November 21, 2024, the Commission issued an order in Case No. U-21809 (November 21 order) that extended the filing date for UPPCo's next IRP to February 6, 2025. November 21 order, p. 3.

On December 6, 2024, UPPCo filed a motion for *ex parte* approval in Case No. U-21811 (December 6 motion) to extend the deadline for filing its amended REP to February 6, 2025, and to consolidate Case No. U-21811 with Case No. U-21809. Mich Admin Code, R 792.10415(6) (Rule 415(6)), provides the Commission with the authority to “order proceedings consolidated for hearing on any or all matters at issue in the proceedings . . . if consolidation . . . will promote the just, economical, and expeditious determination of the issues presented.” MCR 2.505(A) also permits the consolidation of actions “[w]hen actions involving a substantial and controlling common question of law or fact are pending before the court[.]”

UPPCo represents that its “amended [REP] filed pursuant to Act 235 and IRP filed pursuant to Act 231 are likely to raise similar issues of both law and fact concerning load forecasting, generation resource planning, and related costs.” December 6 motion, p. 3. UPPCo provides that its “upcoming REP case [Case No. U-21811] and IRP case [Case No. U-21809] involve a ‘substantial and controlling common question of law or fact’ [as required by MCR 2.505(A) because] both [cases] involve the consideration of generation diversity and renewable resource planning to meet the requirements of the IRP statute and RPS target requirements.” *Id.*, pp. 3-4. UPPCo provides that “[c]onsolidation of UPPCo’s [REP] case and IRP case will also promote the just, economical, and expeditious determination of the issues presented as required by Rule 415(6) . . . [by] prevent[ing] a multiplicity of proceedings, avoid[ing] possible inconsistent decisions, provid[ing] convenience for witnesses, and reduc[ing] the time and expense to the Commission and the parties involved in processing these cases.” *Id.*, p. 4. Therefore, UPPCo

“requests that the Commission extend the time for the Company to file its REP to February 6, 2025, and consolidate the REP docket, Case No. U-21811, with the Company’s IRP docket, Case No. U-21809, to ensure consistency and accuracy between the two cases.” *Id.*, p. 4.

The Commission notes that extending the deadline for filing UPPCo’s amended REP to February 6, 2025, is still compliant with the statutory deadline in Section 22(3) of Act 235. MCL 460.1022(3). The Commission, having considered UPPCo’s December 6 motion, finds that approval of the requested extension is reasonable and promotes the efficient use of company resources, and should be approved. The Commission also finds that *ex parte* review and approval of the requested extension are appropriate because approval of the extension will not affect rates or rate schedules resulting in an increase in the cost of service. *See*, MCL 460.6a(3). Accordingly, the Commission approves UPPCo’s request to extend its deadline for filing its amended REP from January 17, 2025 to February 6, 2025. While the Commission finds UPPCo’s description of the benefits of consolidating Case No. U-21811 with Case No. U-21809 compelling, the Commission declines to approve the consolidation of the two matters without the benefit of reviewing the applications in the two matters, which have not yet been filed. Upon filing the two applications in Case Nos. U-21811 and U-21809, UPPCo may file a request to consolidate with the Administrative Law Judge assigned to the matters.

THEREFORE, IT IS ORDERED that:

A. Upper Peninsula Power Company’s *ex parte* request for an extension of time to file its amended renewable energy plan is granted.

B. Upper Peninsula Power Company shall file its amended renewable energy plan with the Commission on or before February 6, 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, 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 and to the Michigan Department of Attorney General - Public Service Division at sheacl@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

Alessandra R. Carreon, Commissioner

By its action of December 19, 2024.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

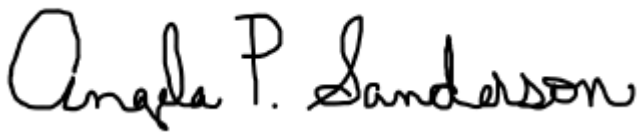
Case No. U-21811

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on December 19, 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 19th day of December 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-21811

Name	On Behalf Of	Email Address
Paul M. Collins	Upper Peninsula Power Company (UPPCO)	collinsp@millercanfield.com
Upper Peninsula Power Company (UPPCO)	Upper Peninsula Power Company (UPPCO)	jlarsen@uppcoco.com