

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to
grant waivers from certain Interconnection and
Distributed Generation Standards for
**ALPENA POWER COMPANY, UPPER PENINSULA
POWER COMPANY, UPPER MICHIGAN ENERGY
RESOURCES CORPORATION, NORTHERN
STATES POWER COMPANY, INDIANA MICHIGAN
POWER COMPANY, CONSUMERS ENERGY
COMPANY, and DTE ELECTRIC COMPANY**
to conform to Public Act 235 of 2023.

Case No. U-21767

In the matter of the application of
**UPPER MICHIGAN ENERGY RESOURCES
CORPORATION** for *ex parte* approval of
distributed generation tariff provisions.

Case No. U-21790

In the matter of the application of
UPPER PENINSULA POWER COMPANY
for *ex parte* approval of revisions to
distributed generation tariff provisions.

Case No. U-21791

In the matter of the application of
**NORTHERN STATES POWER COMPANY-
WISCONSIN** for *ex parte* approval of revisions
to the distributed generation tariff provisions.

Case No. U-21793

In the matter of the *ex parte* application of
ALPENA POWER COMPANY for approval of
a revised distributed generation tariff consistent with
the provisions of Public Act 235 of 2023.

Case No. U-21794

In the matter of the *ex parte* application of
INDIANA MICHIGAN POWER COMPANY for
approval of its revised distributed generation tariff
consistent with Public Act 235 of 2023.

Case No. U-21795

In the matter of the application of
CONSUMERS ENERGY COMPANY for
ex parte approval of amendments to
the distributed generation program tariff.

Case No. U-21796

In the matter of the *ex parte* compliance submission
of **DTE ELECTRIC COMPANY** concerning
the Rider 18 distributed generation tariff.

Case No. U-21798

At the March 13, 2025 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 amended Public Act 295 of 2008 and Public Act 342 of 2016 (Act 342). The amendments were effective on February 27, 2024. Section 173(3) of Act 235 increased the size of Michigan’s distributed generation (DG) program from 1% of an electric utility’s or alternative electric supplier’s average in-state peak load for the preceding five calendar years to 10% of the average in-state peak load for the preceding five calendar years, and included other changes to the DG program. MCL 460.1173(3). Section 177 of Act 235 addressed metering and billing associated with the DG program.

On February 8, 2024, the Commission issued an order in Case No. U-21569 (February 8 order) seeking comment from interested persons on three aspects of the statutory changes resulting from Act 235 which are described below. February 8 order, pp. 2-5. The February 8 order set

dates for the filing of initial and reply comments on these three issues and any other relevant matters. *Id.*, p. 5.

On March 26, 2024, initial comments were filed by DTE Electric Company (DTE Electric); Consumers Energy Company (Consumers); Michigan Energy Innovation Business Council and Advanced Energy United (together, MEIU); the Ecology Center, Environmental Law & Policy Center, Union of Concerned Scientists, and Vote Solar; Great Lakes Renewable Energy Association (GLREA); Indiana Michigan Power Company (I&M); and the Michigan Electric and Gas Association (MEGA). On April 16, 2024, reply comments were filed by DTE Electric, Consumers, MEIU, GLREA, and MEGA. One public comment was filed in the Case Comments section of the docket by Adam Schaller on behalf of Lakeshore Die Cast.

On July 23, 2024, the Commission issued an order in Case Nos. U-21569 and U-21767 (July 23 order) summarizing the comments received and making the following findings:

1. There is no requirement for the use of a generation meter for certified projects under 150 kilowatts (kW), and that utilities should be allowed to make a determination as to the need for a generation meter on a case-by-case basis for certified projects larger than 150 kW and for non-certified projects larger than 20 kW. Therefore, a waiver was granted to the rate regulated electric utilities from the provisions of Mich Admin Code, R 460.1014(2) and Mich Admin Code, R 460.1014(2)(c) that require the utilization of a generation meter.
2. A DG customer's bill credit can be used to offset the total charges on the customer's bill, except that DG outflow credits cannot be used to offset securitization charges that appear on the customer's bill.
3. The size of a renewable energy system eligible for the DG program is limited to 110% of the customer's electricity consumption for the previous 12 months and the aggregate eligible generator capacity at a single site is limited to no more than 550 kW.
4. Each rate regulated electric utility should file an *ex parte* application for approval of a revised DG tariff that is compliant with the provisions of Act 235 and the July 23 order.

July 23 order, pp. 3-22.

Subsequently, and in compliance with the July 23 order, the rate-regulated utilities filed respective applications for *ex parte* approval of their revised DG tariffs as follows: Alpena Power Company (Alpena) filed on September 20, 2024, in Case No. U-21794; Consumers filed on September 20, 2024, in Case No. U-21796; DTE Electric filed on September 20, 2024, in Case No. U-21798; Indiana Michigan Power Company (I&M) filed on September 20, 2024, in Case No. U-21795; Northern States Power Company (NSP) filed on September 17, 2024, in Case No. U-21793; Upper Michigan Energy Resources Corporation (UMERC) filed on September 18, 2024, in Case No. U-21790; and Upper Peninsula Power Company (UPPCo) filed on September 19, 2024, in Case No. U-21791.

The Commission Staff (Staff) reviewed each of the utilities' applications and accompanying revised DG tariffs and made revisions as necessary to ensure that each DG tariff aligned with the provisions of Act 235 and the July 23 order. The Staff worked with each rate-regulated utility to reach an agreement on the proposed revisions. The above-captioned utilities then filed amended applications in their respective dockets with updated DG tariff sheets to include any revisions proposed by the Staff, with Alpena filing on November 8, 2024; Consumers filing on December 13, 2024; DTE Electric filing on November 1, 2024; I&M filing on October 28, 2024; NSP filing on December 2, 2024; UMERCo filing on December 2, 2024; and UPPCo filing on December 17, 2024.

The edits proposed by the Staff vary depending upon each rate-regulated utility's initially filed DG tariff, but the Staff's changes encompassed the following general issues:

- Defining the Category sizes within the program.
 - Category 1 includes projects of 20 kW or smaller.
 - Category 2 includes projects greater than 20kW but not more than 550 kW
 - References to Category 3 and methane digesters were removed, as they are no longer relevant given the changes in Act 235.

- Correctly addressing the allocations of available program space as not less than 50% reserved for Category 1 projects and not more than 50% for Category 2 projects.
- Appropriately addressing the application of customer outflow credits and the accrual of any unused credit carried to be carried forward to the next billing cycle.
- Updating the definitions for “renewable energy resources” to reflect the language in Act 235.

Having reviewed the updated tariffs filed in response to the collaboration with the Staff, the Commission finds that the updated tariffs filed by Alpena, Consumers, DTE Electric, I&M, UMERG, and UPPCo are compliant with the requirements of Act 235 and the July 23 order and should be approved.

With respect to NSP’s initial application and amended application, the Commission notes that NSP included requests for approvals of its tariff sheets D-47.50 and D-47.70. NSP also filed updated DG tariff sheets in Case No. U-21455, a docket pertaining to interconnection procedures pursuant to the Interconnection and Distributed Generation Standards, Mich Admin Code, R 460.901a *et seq.* NSP has also filed an application in Case No. U-21819, a docket pertaining to NSP’s compliance with the Public Utility Regulatory Policies Act of 1978, PL 95–617; 92 Stat 3117, and included in that application changes to the D-47.50 and D-47.70 tariff sheets that are not consistent with the changes the utility requested in the instant docket. Due to the discrepancy between the requested changes in this docket and those in Case No. U-21455 and Case No. U-21819, the Commission finds that approval of NSP’s updated DG tariff sheets, except for tariff sheets D-47.50 and D-47.70, is appropriate in this case. Approval of tariff sheets D-47.50 and D-47.70 will be addressed in Case No. U-21819. Therefore, the Commission finds that NSP’s amended application filed on December 2, 2024 in Case No. U-21793, should be approved in part and denied in part.

THEREFORE, IT IS ORDERED that:

A. The amended applications filed by Alpena Power Company, Consumers Electric Company, DTE Electric Company, Indiana Michigan Power Company, Upper Michigan Energy Resources Corporation, and Upper Peninsula Power Company requesting *ex parte* approval of their respective updated distributed generation tariffs are approved, as described in this order.

B. The amended application filed by Northern States Power Company requesting *ex parte* approval of its updated distributed generation tariff is approved in part, and denied in part, as described in this order.

C. Within 30 days from the date of this order, each above-captioned rate-regulated utility shall file in its assigned docket its respective tariff sheets substantially similar to those included with its amended application and as approved in this order. After the tariff sheets have been reviewed and accepted by Commission Staff for inclusion in the companies' tariff books, each rate-regulated utility shall promptly file the final tariff sheets in its assigned docket and serve all parties.

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 March 13, 2025.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

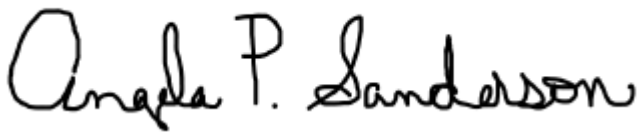
Case No. U-21767 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on March 13, 2025 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 13th day of March 2025.



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

Service List for Case: U-21767

Name	On Behalf Of	Email Address
Alpena Power Company	Alpena Power Company	kd@alpenapower.com
Upper Peninsula Power Company (UPPCO)	Upper Peninsula Power Company (UPPCO)	jlarsen@uppcoco.com

Service List for Case: U-21790

Name	On Behalf Of	Email Address
Richard F. Stasik	Upper Michigan Energy Resources Corporation (UMERC)	richard.stasik@wecenergygroup.com
Sherri A. Wellman	Upper Michigan Energy Resources Corporation (UMERC)	wellmans@millercanfield.com
Upper Michigan Energy Resources Corporation (UMERC)	Upper Michigan Energy Resources Corporation (UMERC)	colleen.sipiorski@wecenergygroup.com

Service List for Case: U-21791

Name	On Behalf Of	Email Address
Sherri A. Wellman	Upper Peninsula Power Company (UPPCO)	wellmans@millercanfield.com
Upper Peninsula Power Company (UPPCO)	Upper Peninsula Power Company (UPPCO)	jlarsen@uppc.com

Service List for Case: U-21793

Name	On Behalf Of	Email Address
Northern States Power Company	Northern States Power Company	nspw.regulatory@xcelenergy.com
Sherri A. Wellman	Northern States Power Company	wellmans@millercanfield.com

Service List for Case: U-21794

Name	On Behalf Of	Email Address
Alpena Power Company	Alpena Power Company	kd@alpenapower.com
Timothy M. Gulden	Alpena Power Company	tmgulden@bfwlawfirm.com

Service List for Case: U-21795

Name	On Behalf Of	Email Address
Indiana Michigan Power Company (1 of 3)	Indiana Michigan Power Company	ajwilliamson@aep.com
Indiana Michigan Power Company (2 of 3)	Indiana Michigan Power Company	msmckenzie@aep.com
Indiana Michigan Power Company (3 of 3)	Indiana Michigan Power Company	mgobrien@aep.com
Theresa A.G. Staley	Indiana Michigan Power Company	tastaley@dykema.com

Service List for Case: U-21796

Name	On Behalf Of	Email Address
Consumers Energy Company (1 of 2)	Consumers Energy Company	mpsc.filings@cmsenergy.com
Consumers Energy Company (2 of 2)	Consumers Energy Company	kelly.hall@cmsenergy.com
Gary A. Gensch Jr.	Consumers Energy Company	gary.genschjr@cmsenergy.com

Service List for Case: U-21798

Name	On Behalf Of	Email Address
DTE Electric Company Jon P. Christinidis	DTE Electric Company DTE Electric Company	mpscfilings_account@dteenergy.com jon.christinidis@dteenergy.com

GEMOTION DISTRIBUTION SERVICE LIST

kabraham@mpower.org
mkuchera@AEPENERGY.COM
mfurmanski@algerdelta.com
akellen@wppienergy.org
kd@alpenapower.com
dgreen@alpenapower.com
VSTRetailReg@VistraCorp.com
kerdmann@atcllc.com
acotter@atcllc.com
john.calhoun@ardentnaturalgas.com
awebster@baycitymi.gov
sara.anderson@bayfieldelectric.com
rbishop@BISHOPENERGY.COM
braukerL@MICHIGAN.GOV
cherie.fuller@bp.com
christine.hughey@bp.com
greg.bass@calpinesolutions.com
lchappelle@potomaclaw.com
manderson@wpsci.com
mengels@wpsci.com
cdrys@wpsci.com
ljohnson@wpsci.com
rjohnson@cherrylandelectric.coop
frucheyb@DTEENERGY.COM
crystalfallsmgr@HOTMAIL.COM
gpirkola@escanaba.org
jolson@gladstonemi.gov
kmaynard@cityofmarshall.com
tdavlin@portland-michigan.org
cwilson@cloverland.com
mheise@cloverland.com
todd.mortimer@CMSENERGY.COM
Kenneth.Johnston@cmsenergy.com
Yong.Keyes@cmsenergy.com
chibuzo.obikwelu@cmsenergy.com
sarah.jorgensen@cmsenergy.com
Michael.torrey@cmsenergy.com
CANDACE.GONZALES@cmsenergy.com
mpsc.filings@CMSENERGY.COM
mpsc.filings@CMSENERGY.COM
david.fein@CONSTELLATION.COM
kate.stanley@CONSTELLATION.COM
kate.fleche@CONSTELLATION.COM

Abraham,Katie - MMEA
AEP Energy
Alger Delta Cooperative
Alger Delta Cooperative
Alpena Power
Alpena Power
Ambit Midwest, LLC
American Transmission Company
American Transmission Company
Ardent Natural Gas, LLC
Bay City Electric Light & Power
Bayfield Electric
Bishop Energy
Brauker, Linda
BP Energy Retail Company, LLC
BP Energy Retail Company LLC
Calpine Energy Solutions
Chappelle, Laura
Cherryland Electric
Cherryland Electric
Cherryland Electric
Cherryland Electric
Cherryland Electric Cooperative
Citizens Gas Fuel Company
City of Crystal Falls
City of Escanaba
City of Gladstone
City of Marshall
City of Portland
Cloverland Electric
Cloverland Electric
CMS Energy
Consumers Energy
Consumers Energy
Consumers Energy
Consumers Energy Company
Consumers Energy Company
Consumers Energy Company
Consumers Energy Company
Consumers Energy Company
Constellation Energy
Constellation Energy
Constellation New Energy

GEMOTION DISTRIBUTION SERVICE LIST

choicecompliance@constellation.com
lpage@dickinsonwright.com
shaundillon@dillonenergy.com
info@dillonpower.com
Neal.fitch@nrg.com
Kara.briggs@nrg.com
Ryan.harwell@nrg.com
bryce.mckenney@nrg.com
stephen.lindeman@dteenergy.com
karl.lieverse@dteenergy.com
konstantin.korolyov@dteenergy.com
mpscfilings@DTEENERGY.COM
joyce.leslie@dteenergy.com
karen.vucinaj@dteenergy.com
customerservice@eligoenergy.com
regulatory@eligoenergy.com
frank.travaglione@vistracorp.com
rfawaz@energyintl.com
sejackinchuk@varnumlaw.com
michael.reiss@engie.com
customercare@plymouthenergy.com
VSTRetailReg@VistraCorp.com
felice@MICHIGAN.GOV
bgorman@FIRSTENERGYCORP.COM
phil@allendaleheating.com
dburks@glenergy.com
manderson@wpsci.com
mengels@wpsci.com
cdrys@wpsci.com
ljohnson@wpsci.com
slamp@glenergy.com
sculver@glenergy.com
johnm@gogreenlightenergy.com
lrgustafson@CMSENERGY.COM
jhammel@hillsdalebpu.com
coneill@homeworks.org
psimmer@HOMEWORKS.ORG
bmcbride@aep.com
mgobrien@aep.com
dan@megautilities.org
daustin@IGSENERGY.COM
michael.nugent@igs.com
general@itctransco.com
kadarkwa@itctransco.com
apascaris@itctransco.com

Constellation New Energy Inc
Dickinson Wright
Dillon Energy Services
Dillon Power, LLC
Direct Energy
Direct Energy
Direct Energy
Direct Energy
DTE Energy
DTE Energy
DTE Energy
DTE Energy
DTE Energy
DTE Energy
Eligo Energy MI, LLC
Eligo Energy MI, LLC
Energy Harbor
Energy International Power Marketing d/b/a PowerOne
Energy Michigan
Engie Gas & Power LLC
ENGIE Gas & Power f/k/a Plymouth Energy
Everyday Energy, LLC d/b/a Energy Rewards
Felice, Lisa
First Energy
Forner, Phil
Great Lakes Energy
Great Lakes Energy
Great Lakes Energy
Great Lakes Energy
Great Lakes Energy
Great Lakes Energy Cooperative
Great Lakes Energy Cooperative
Greenlight Energy Inc.
Gustafson, Lisa
Hillsdale Board of Public Utilities
HomeWorks Tri-County Electric Cooperative
HomeWorks Tri-County Electric Cooperative
Indiana Michigan Power
Indiana Michigan Power Company
Integrus Group
Interstate Gas Supply Inc
Interstate Gas Supply d/b/a IGS Energy
ITC Holdings
ITC Holdings
ITC Holdings

GEMOTION DISTRIBUTION SERVICE LIST

vanesetti@justenergy.com	Just Energy of Michigan Corporation
igoodman@commerceenergy.com	Just Energy Solutions
krichel@DLIB.INFO	Krichel, Thomas
dbodine@LIBERTYPOWERCORP.COM	Liberty Power
ham557@GMAIL.COM	Lowell S.
tlundgren@potomacclaw.com	Lundgren, Timothy
tcarpenter@mblp.org	Marquette Board of Light & Power
regulatory@medianenergy.com	Median Energy Corporation
suzy@megautilities.org	MEGA
dan@megautilities.org	MEGA
mmann@USGANDE.COM	Michigan Gas & Electric
VSTRetailReg@VistraCorp.com	Michigan Gas & Electric (US Gas & Electric)
shannon.burzycki@wecenergygroup.com	Michigan Gas Utilities Corporation
mrzwiwers@INTEGRYSGROUP.COM	Michigan Gas Utilities/Upper Penn Power/Wisconsin
kabraham@mpower.org	Michigan Public Power Agency
info@michigannaturalgasllc.com	Michigan Natural Gas, LLC
JHDillavou@midamericanenergyservices.com	MidAmerican Energy Services, LLC
JCAltmayer@midamericanenergyservices.com	MidAmerican Energy Services, LLC
LMLann@midamericanenergyservices.com	MidAmerican Energy Services, LLC
manderson@wpsci.com	Midwest Energy
mengels@wpsci.com	Midwest Energy
cdrys@wpsci.com	Midwest Energy
ljohnson@wpsci.com	Midwest Energy
dave.allen@TEAMMIDWEST.COM	Midwest Energy Cooperative
terry.rubenthaler@teammidwest.com	Midwest Energy Cooperative
kerri.wade@teammidwest.com	Midwest Energy Cooperative
Marie-Rose.Gatete@teammidwest.com	Midwest Energy Cooperative
meghan.tarver@teammidwest.com	Midwest Energy Cooperative
d.motley@COMCAST.NET	Motley, Doug
rarchiba@FOSTEROIL.COM	My Choice Energy
customerservice@nordicenergy-us.com	Nordic Energy Services, LLC
regulatory@nordicenergy-us.com	Nordic Energy Services, LLC
karl.j.hoesly@xcelenergy.com	Northern States Power
sarah.m.frazee@xcelenergy.com	Northern States Xcel
kbeattie@ntherm.com	nTherm, LLC
daho@ontorea.com	Ontonagon County Rural
esoumis@ontorea.com	Ontonagon County Rural Electric
regulatory@indraenergy.com	PALMco Energy MI, LLC d/b/a Indra Energy
mpauley@GRANGER.NET	Pauley, Marc
mmpeck@fischerfranklin.com	Peck, Matthew
bschlansker@PREMIERENERGYLLC.COM	Premier Energy Marketing LLC
manderson@wpsci.com	Presque Isle

GEMOTION DISTRIBUTION SERVICE LIST

mengels@wpsci.com
cdrys@wpsci.com
ljohnson@wpsci.com
MVanschoten@pieg.com
aberg@pieg.com
yesterdae@getprovision.com
johnbistranin@realgy.com
BusinessOffice@REALGY.COM
akeilson@genieretail.com
btrombino@rpaenergy.com
mvorabout@ses4energy.com
rabaey@SES4ENERGY.COM
ttynes@ses4energy.com
trish.mcfadin@southstarenergy.com
kejoseph@sparkenergy.com
cborr@WPSCI.COM

jbelec@stephenson-mi.org
kay8643990@YAHOO.COM
legal@symmetryenergy.com
regulatory@texasretailenergy.com
agilbert@cleanskyenergy.com
bessenmacher@tecmi.coop
president@tomorrowenergy.com
manderson@wpsci.com
mengels@wpsci.com
cdrys@wpsci.com
ljohnson@wpsci.com
mlindsay@uetllc.com
colleen.sipiorski@wecenergygroup.com
djmier@integrysgroup.com
James.Beyer@wecenergygroup.com
Richard.Stasik@wecenergygroup.com
nbell@upppo.com
jformol@upppo.com
ghaehnel@upppo.com
estocking@upppo.com
manager@villageofbaraga.org
Villagemanager@villageofclinton.org
VSTRetailReg@VistraCorp.com
jeinstein@volunteerenergy.com
leew@WVPA.COM
melissa.schauer@wecenergygroup.com
andrew.miller1@wecenergygroup.com
melissa.schauer@wecenergygroup.com

Presque Isle
Presque Isle
Presque Isle
Presque Isle Electric & Gas Cooperative, INC
Presque Isle Electric & Gas Cooperative, INC
Provision Power & Gas, LLC
Realgy Corp.
Realgy Energy Services
Residents Energy LLC
RPA Energy d/b/a Green Choice Energy
Santana Energy
Santana Energy
Santanna Natural Gas Corporation
SouthStar d/b/a Grand Rapids Energy
Spark Energy Gas, LP
Spartan Renewable Energy, Inc. (Wolverine Power Marketing Corp)
Stephenson Utilities Department
Superior Energy Company
Symmetry Energy Solutions, LLC
Texas Retail Energy, LLC
Tital Gas, LLC d/b/a CleanSkyEnergy
Thumb Electric Cooperative
Tomorrow Energy Corporation
Tri-County Electric
Tri-County Electric
Tri-County Electric
Tri-County Electric
United Energy Trading d/b/a Kratos Gas & Power
Upper Michigan Energy Resources Corporation
Upper Michigan Energy Resources Corporation
Upper Michigan Energy Resources Corporation
Upper Michigan Energy Resources Corporation
Upper Peninsula Power Company
Upper Peninsula Power Company
Upper Peninsula Power Company
Upper Peninsula Power Company
Village of Baraga
Village of Clinton
Viridian Energy PA, LLC
Volunteer Energy Services
Wabash Valley Power
We Energies
We Energies
Wisconsin Public Service

GEMOTION DISTRIBUTION SERVICE LIST

andrew.miller1@wecenergygroup.com
tking@WPSCI.COM
jbaumann@wpsci.com
cborr@wpsci.com
ddecouer@wpsci.com
bvalice@wpsci.com
Amanda@misostates.org
Deborah.e.erwin@xcelenergy.com
Michelle.Schlosser@xcelenergy.com
bryce.mckenney@nrg.com

Wisconsin Public Service
Wolverine Power
Wolverine Power
Wolverine Power
Wolverine Power
Wolverine Power
Wood, Amanda
Xcel Energy
Xcel Energy
Xoom Energy Michigan, LLC d/b/a Xoom Energy