

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 the further engagement, education, and)	Case No. U-20959
participation of utility customers.)	
_____)	

At the April 10, 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

Background

The docket in the instant case, Case No. U-20959, was opened following the issuance of the October 17, 2019 order in Case No. U-20645 (October 17 order) that launched the MI Power Grid initiative in partnership with Governor Gretchen Whitmer. The initiative was intended to provide the Commission Staff (Staff) and other participants with a process through which to explore ways to provide utility customers with clean, reliable, affordable, safe, and accessible energy for Michigan's future energy needs. October 17 order, p. 1. The February 18, 2021 order in the instant case (February 18 order) launched the Customer Education and Participation workgroup (CE&P workgroup or workgroup), integrated the Customer Data Access section of the Data Access & Privacy workgroup into the CE&P workgroup, provided direction to the Staff and others regarding the Commission's objectives and expectations for this workgroup, and directed

workgroup participants to study and make recommendations related to the Staff's October 15, 2020 MI Power Grid Status Report. February 18 order, p. 9; *see also*, MI Power Grid Status Report, Case No. U-20645, filing #U-20645-0004.

As directed by the February 18 order and the January 20, 2022 order in the instant case, the Staff timely filed its MI Power Grid Customer Education and Participation final report in this docket on March 25, 2022 (March 25 report) that included a thorough review of its activities. The Commission issued an order in the instant case on September 8, 2022 (September 8 order) that contained a review of the March 25 report and set forth the Commission's recommendations and directives relative to the report. September 8 order, pp. 4-31.

On October 7, 2022, DTE Electric Company, DTE Gas Company (referred to later in this order, jointly, as DTE, and Consumers Energy Company (Consumers) separately filed petitions for rehearing of the September 8 order. On October 27 and 28, 2022, Michigan Electric and Gas Association (MEGA), the Staff, and Mission:data Coalition filed answers to the petitions. On April 24, 2023, the Commission issued an order in the instant case (April 24 order) granting the petitions for rehearing in the matter and requesting comments and feedback from any person on the March 25 report. The Staff was directed to file a report on the comments received by July 24, 2023. April 24 order, p. 15.

On December 21, 2023, following the submission of comments from interested persons in response to the April 24 order, the Commission issued an order in the instant case (December 21 order) directing jurisdictional utilities to prepare and submit a Fair Information Practice Principles alignment report by March 29, 2024, as well as to file an annual data disclosure report, also by March 29, 2024, and annually thereafter on the last business day of March. Additionally, the December 21 order directed jurisdictional utilities to implement a Green Button or Green Button-

like interoperable data sharing tool and to file a quarterly report in this docket regarding the utility's progress toward achieving this directive. December 21 order, pp. 34-35.

Request for Comments and Feedback

On February 20, 2025, the Staff filed recommendations in this docket (February 20 recommendations). Following receipt of numerous compliance reports from jurisdictional utilities, the Staff observed that these reports lacked consistency and details necessary to gain an acceptable level of understanding to inform relevant future decision making. February 20 recommendations, pp. 5-6. As stated by the Staff, one such discrepancy between the reports is the different interpretations of the term "affiliated companies." Examples of a lack of detail are that the reports do not specifically address the benefit to customers that the data sharing process has provided nor clearly state the business needs for data sharing, requiring numerous follow-up questions from the Staff. Additionally, the reports lack details describing all the customer data that has been shared. Finally, the Staff reports that there are formatting errors in many of the PDF versions of the Data Disclosure reports filed which again require the Staff to follow up with the companies. *Id.*, pp. 5-10. To address these issues and others, the Staff requested that the Commission provide guidance on the requirements of the annual Data Disclosure report and quarterly Green Button progress reports prior to the next report due date of March 31, 2025.

To facilitate a full understanding of these matters, the Commission requested comments and feedback on the Staff's recommendations as well as on a proposed revised draft of the template for the annual Data Disclosure report. *See*, February 27, 2025 order in Case No. U-20959 (February 27 order), pp. 3-4. To accommodate the comment period, the Commission postponed the requirement that utilities submit the annual Data Disclosure reports and the first Green Button

quarterly progress reports of 2025 by the due date of March 31, 2025, with a new due date to be announced in the instant order. February 27 order, p. 4.

Comments

Consumers, DTE, and MEGA filed comments in response to the February 27 order

1. Definition of “Affiliate”

Consumers states that it supports the adoption of the definition of “affiliate” set forth in the Code of Conduct, Mich Admin Code, R 460.10102(1)(a) (Rule 102(1)(a)). Consumers’ comments, p. 2.

DTE does not oppose the adoption of the definition of “affiliate” set forth in the Code of Conduct, Rule 102(1)(a), as the definition for use in data disclosure reporting and states that it would provide “consistency with existing law.” DTE’s comments, p. 2.

MEGA supports the Staff’s definition of affiliated companies but adds that, “should revisions to the definitions be made for the annual reports, additional time be allowed for the smaller utilities that make up the MEGA membership, which would be helpful in complying with any order.” MEGA’s comments, p. 3.

2. Addition of Benefit to Customers Column to the Annual Data Disclosure Report

Turning to the Staff’s suggestion that a new column be added to the annual Data Disclosure report to list information on the benefit to customers of specific data sharing, Consumers questions how the information to be provided in the Benefit to Customers column is different from that provided in the Business Need column. Consumers asserts that the information provided in the Primary Purpose column essentially states the benefit to customers and thus, recommends that the Commission not adopt this recommendation. Consumers’ comments, p. 2.

DTE also questions the need for the addition of a Benefit to Customers column due to the apparent redundancy of information being requested and lack of clarity as to what information is needed other than that which is already being provided. DTE opposes this request. DTE's comments, pp. 2-3.

MEGA comments that additional clarity is needed regarding the types of information to be listed in a Benefit to Customers column on the Data Disclosure report, stating that "[a] comprehensive definition of all columns included within the Customer Data Disclosure Document around benefits may be needed to protect customer information from unauthorized disclosure and use." MEGA's comments, p. 3.

3. Requirement to List All Customer Data Being Shared on the Data Disclosure Report

Consumers supports companies providing in the Data Disclosure report the specific types of customer data that have been disclosed. Consumers' comments, p. 2

DTE does not object to the provision of specific types of data for each business need but recommends that:

[f]or clarity, the Commission should revise the wording of Staff's recommendation to indicate that the template requires utilities to individually list all data categories being shared. This would clarify that the template is not requesting the customer-specific data itself. This is consistent with the approach [DTE] used when assembling its initial data disclosure report.

DTE's comments, p. 3.

MEGA comments that the Commission should "revis[e] the recommendation to require utilities to individually list all data categories being shared for each specific business need. This provides clarity that the request is not for the customer-specific data itself." MEGA's comments, p. 4.

4. Navigable Version of the Data Disclosure Report

Regarding the Staff's suggestion that companies send a navigable version of the Data Disclosure report, Consumers supports "emailing an Excel version of the report." Consumers' comments, p. 3. DTE comments that it does not oppose the provision of a navigable file provided contractor names can be redacted. DTE's comments, p. 3. MEGA has no comment on this issue. MEGA's comments, p. 4.

5. Exemption From Implementation of Green Button Compatible Technology For Companies Without Advanced Metering Infrastructure and Automatic Meter Reading

MEGA agrees that companies without advanced metering infrastructure (AMI) or automatic meter reading (AMR) should be exempt from the adoption of Green Button or Green Button-like technology but adds that AMR with its monthly readings does not provide the same interval data as AMI. In support of its comment, MEGA points out the Staff's statement that "[w]ithout the detailed usage data collected by AMI or other smart meters, the full benefits of Green Button or a Green Button-like solution will probably not be realized, and therefore, is likely not a prudent investment for utilities that don't have this technology." MEGA's comments, p. 4, quoting Staff's recommendations, p. 8.

MEGA further comments that:

the exemption [should] include those [utilities] with AMR or other data metering devices that lack the detailed interval data.

MEGA would also submit that it would be beneficial to utilities that are still required to file to have to file only an annual report which still provides the Commission and Staff with an update of the utility's latest report on progress towards implementation but reduces the staff time and cost at each utility to produce the report.

MEGA's comments, p. 5; *see also, id.*, pp. 4-5.

Discussion

The Commission thanks Consumers, DTE, and MEGA for their thoughtful comments.

As there was no opposition in comments to the adoption of the definition of “affiliate” set forth in the Code of Conduct, Rule 102(1)(a), as the definition to be employed in data disclosure reporting, the Commission therefore adopts the definition for use in the Data Disclosure report. As another recommendation having no objections expressed in comments, the Commission adopts the requirement that companies submit a navigable version of the Data Disclosure report to the Staff concurrently with their regular Data Disclosure report.

With respect to the Staff’s recommendation to require utilities to individually list all data categories being shared, the Commission adopts DTE’s suggestion that the wording of the template should be revised to indicate that the template requires utilities to individually list all data categories being shared and not to share customer-specific data itself.

Regarding the addition of a Benefit to Customers column in the annual Data Disclosure report, the Commission clarifies that the information to be listed in this column differs from the Business Need and Primary Purpose information in that instead of simply stating what type of business the contractor is involved in and where that fits within the primary purpose definition, the Benefit to Customers column will provide a clear explanation to customers of the Contractor’s and Business Need’s customer-driven purpose. While the effect a business need has on a customer may be self-explanatory in some instances, such as “payment processing,” the customer benefit derived from other business needs may not be as obvious, such as from the business needs of “Aerial Services” or “Website Analytics.” Customer benefits information may include an explanation of the business need and how it applies to customers. An example for the Benefit to Customers column may be “provides helicopter services to monitor tree trimming progress to improve customer reliability” or “generates customer surveys to improve website user satisfaction.” The Commission finds that this information adds valuable details and transparency to the report and,

thus, the Staff's recommendation to add a Benefit to Customers column to the annual Data Disclosure report is adopted. Information is to be listed in that column in accordance with the explanation set forth above.

Turning to the proposed exemptions from implementation of Green Button or Green Button-like technology for companies that do not have AMI or AMR, the Commission is persuaded that this is reasonable and adopts this proposal. Further, the Commission is persuaded that the adoption of Green Button or Green Button-like technology may not be a prudent investment for companies that have AMR, considering that detailed interval data is not available through AMR. Accordingly, utilities that utilize AMR instead of AMI are also exempted from implementing Green Button or Green Button-like technology at this time.

However, the Commission is not persuaded that companies with AMI should be exempt from the filing of quarterly Green Button progress reports and declines to adopt MEGA's request to file only annual reports. Annual Green Button progress reports would not provide the Commission with the up-to-date information that it requires to stay abreast of companies' progress on this important technology.

As stated above, the March 31, 2025 due date for the initial Green Button progress reports and annual Data Disclosure reports was postponed in the February 27 order. Those reports are now due no later than 5:00 p.m., Eastern time, May 30, 2025.

THEREFORE, IT IS ORDERED that:

A. The March 31, 2025 quarterly Green Button progress reports and annual Data Disclosure reports are now due no later than 5:00 p.m., Eastern time, on May 30, 2025

B. The term “affiliate” in Data Disclosure reports shall be interpreted in accordance with the definition set forth in the Code of Conduct, Mich Admin Code, R 460.10102(1)(a), effective the date of issuance of this order.

C. The Data Disclosure report shall individually list all data categories being shared, effective the date of issuance of this order. Sharing individual customer data in the Data Disclosure report is not required.

D. Companies that are required to submit a Data Disclosure report shall also submit a navigable version of the report concurrently with the Data Disclosure report, effective the date of issuance of this order.

E. Companies that do not have advanced metering infrastructure are exempt at this time from the requirement to implement Green Button or Green Button-like technology.

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 April 10, 2025.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

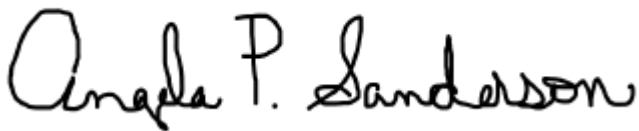
Case No. U-20959

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on April 10, 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 10th day of April 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-20959

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