

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
DTE ELECTRIC COMPANY)	
for authority to increase its rates, amend)	Case No. U-21534
its rate schedules and rules governing the)	
distribution and supply of electric energy, and)	
for miscellaneous accounting authority.)	
_____)	

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

On March 28, 2024, DTE Electric Company (DTE Electric) filed an application in this case requesting authority to increase its retail rates by approximately \$456.4 million, effective as early as January 28, 2025. DTE Electric also requested other forms of regulatory relief, including approval to amend its rate schedules and rules governing the distribution and supply of electric energy and the approval of several pilots and various accounting proposals.

On April 26, 2024, Administrative Law Judge Sally L. Wallace (ALJ) conducted a prehearing conference at which the ALJ recognized the intervention of the Michigan Department of Attorney General (Attorney General), and granted, among others, petitions to intervene filed by Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Advanced Energy United (collectively, MEIU); Michigan Municipal Association for Utility Issues (MI-MAUI); and

Great Lakes Renewable Energy Association, Inc. (GLREA). DTE Electric and the Commission Staff (Staff) also participated in the proceeding.

On June 26, 2024, the ALJ issued a scheduling memo indicating that the Commission would read the record in this proceeding.

On January 23, 2025, the Commission issued an order authorizing DTE Electric to increase its rates by \$217.38 million effective February 6, 2025, and granting other regulatory approvals (January 23 order). The Commission adopted tariff-related errata on February 4 and 18, 2025. Final tariff sheets were filed on March 25, 2025.

On January 24, 2025, MI-MAUI filed a petition for rehearing pursuant to Mich Admin Code, R 792.10437 (Rule 437) based on a claim of error of omission, and styled as a motion (MI-MAUI's petition). On February 14, 2025, DTE Electric filed a response in opposition to MI-MAUI's petition.

On February 10, 2025, MEIU filed a petition for rehearing pursuant to Rule 437 based on a claim of error of omission (MEIU's petition). On March 3, 2025, DTE Electric filed a response in opposition to MEIU's petition.

On February 21, 2025, DTE Electric filed a petition for rehearing based on a claim of unintended consequences pursuant to Rule 437 (DTE Electric's petition). On March 14, 2025, the Staff filed a response in opposition to DTE Electric's petition.

Michigan Municipal Association for Utility Issues' Petition for Rehearing

MI-MAUI states that, despite taking note of the evidence filed on this topic, the Commission failed to decide disputed issues addressing cash-only payments in the January 23 order. MI-MAUI's petition, pp. 1-2. MI-MAUI seeks a corrected order, including a determination on these issues and any necessary extension to the time for seeking rehearing or for appeal.

In response, DTE Electric contends that MI-MAUI's petition is improper under Rule 437 because the Commission implicitly rejected MI-MAUI's arguments addressing cash-only payments in the January 23 order, and because MI-MAUI fails to identify the disputed issues or provide any reason for the Commission to reach a different decision. DTE Electric's response to MI-MAUI's petition, pp. 2-3. DTE Electric avers that in the January 23 order, p. 5, the Commission indicated that only the arguments and evidence necessary for a reasoned analysis would be specifically addressed in the order. The company contends that MI-MAUI failed to present such arguments and evidence.

However, on the assumption that the Commission may decide to analyze the cash-only issues, DTE Electric contends that its cash-only payment policy and tariff language serve to curb "the escalation of arrears resulting from returned payments." *Id.*, p. 4. The company notes that Section C4.6 of its rate book is a longstanding provision that allows for cash-only payment under specific circumstances and asserts that it is compliant with the Commission's billing rules, which MI-MAUI acknowledged. *Id.* (citing 2 Tr 2396-2398 and MI-MAUI's initial brief, pp. 32, 35). Thus, DTE Electric argues, there is no prohibition on the company's cash-only practices and MI-MAUI's arguments simply come down to a desire to change the billing rules, which is an inappropriate request for a rate case. DTE Electric posits that the request for a disallowance of 1% of uncollectibles expense (UCX) is vague and does not merit consideration and was properly excluded from the January 23 order, adding that even MI-MAUI's witness called the proposal an "unsupported 'assumption.'" DTE Electric's response to MI-MAUI's petition, p. 6 (citing 6 Tr 4298) (footnote omitted).

The Commission finds that MI-MAUI's petition should be granted because the January 23 order does not contain an explicit ruling on the cash-only payment issues. Because this is an error

of omission, the Commission will consider the evidence and arguments that were presented in the underlying proceeding. The Commission further finds that MI-MAUI should be afforded an additional 30 days per Rule 437 to seek rehearing of these cash-only payment issues.

MI-MAUI states that DTE Electric's rate book provides that "Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit or debit card payment has been denied excluding financial institution error." MI-MAUI's initial brief, p. 25 (quoting DTE Electric's Rate Book for Electric Service (rate book), Section C4.6B). Thus, MI-MAUI argues, DTE Electric requires such customers to pay their monthly bills in cash for a period of one year. Exhibit MAU-5; MI-MAUI's initial brief, p. 25. MI-MAUI contends that this practice is unreasonable, unsafe, and unnecessarily increases UCX by making it harder to pay bills. *Id.*, pp. 25-39.

MI-MAUI explains that DTE Electric accepts cash payments only by use of a payment agent (which charges the customer a fee for this service) or by use of a DTE Electric kiosk (where no fee is applied). Exhibits MAU-5, MAU-6. MI-MAUI avers that kiosks are only found in five communities, all in (or bordering on) Wayne County, even though customers required to pay in cash may live anywhere in the utility's service territory. MI-MAUI's initial brief, p. 27 (citing 6 Tr 4288 and Exhibit MAU-7). MI-MAUI notes, for example, that 262 customers in Sanilac County were required to pay in cash for a year in 2023, and that the only authorized agent in the county might be 30 miles from a customer living in that county; and that the utility has removed 25 kiosks from service since 2023. *See*, 6 Tr 4288-4291; Exhibits MAU-7, MAU-8. In addition to poor access to the 13 kiosks currently operating, MI-MAUI argues that the kiosks present a safety hazard to customers because the customer is required to carry "a large amount of cash on a regular

schedule to a known location” creating a risk of robbery. 6 Tr 4291; Exhibits MAU-7, MAU-9; MI-MAUI’s initial brief, p. 28. MI-MAUI contends that thefts are common in the vicinity of the kiosks based on a review of police reports for July and August 2024. *Id.*, pp. 28-30 (citing Exhibit MAU-42). MI-MAUI maintains that DTE Electric has presented no evidence to support the assertion that the thefts are directed at the kiosks themselves and not at customers. MI-MAUI also asks that kiosks be made available “within five miles of the billing location.” 6 Tr 4298.

MI-MAUI further argues that DTE Electric’s policy of requiring customers to pay their bills in cash is not a common business practice. MI-MAUI notes that a rejected credit card or returned check is often the result of identity theft, which is a common occurrence and thus may not be an appropriate trigger for imposing this penalty on a customer. *See*, 6 Tr 4292-4293. MI-MAUI states that it analyzed published tariffs, rate books, and company websites for Consumers Energy Company and Indiana Michigan Power Company, 39 municipal electric utilities in Michigan, and 7 large investor-owned electric utilities outside Michigan, and found that none imposed a similar requirement. *See*, Exhibit MAU-11.

Moreover, MI-MAUI argues, this cash-only policy violates the Commission’s billing rules in that, while there is no explicit prohibition on imposing a cash-only requirement, there is an explicit authorization for doing so which requires more specific circumstances than those used by DTE Electric; namely, only when the customer is facing immediate shutoff per Mich Admin Code, R 460.142(4) (Rule 42(4)). MI-MAUI’s initial brief, pp. 32-33. MI-MAUI contends that whether the company’s practice actually conflicts with the billing rules “turns on a question of interpretation[.]” *Id.*, p. 32. MI-MAUI argues that Mich Admin Code, R 460.120 (Rule 20) allows for paper bills and payment by mail, and thus the billing rules assume that all customers have the right to pay by check or credit card, and only Rule 42(4) allows the utility to prohibit mail

payment or automatic forms of payment when a customer is facing immediate shutoff but has had its payment forms rejected and is in active arrears. MI-MAUI contends that the company violates Rule 42(4) by taking this action against customers who are not facing immediate shutoff.

Further, MI-MAUI contends that the remedy for preventing UCX in this type of situation is contained in Mich Admin Code, R 460.109 (Rule 9), which requires a deposit from a customer with a history of rejected payments. Noting that making a deposit requires only one trip and results in the payment of interest to the customer by the company, MI-MAUI contends that a deposit is more beneficial to customers than the practice of requiring the customer to pay a fee to use a payment agent. 6 Tr 4291-4292; MI-MAUI's initial brief, p. 33; Mich Admin Code, R 460.111(8). MI-MAUI avers that principles of statutory construction, namely the negative-implication canon, should be applied to find that DTE Electric's use of the rule language to cover a situation that is not actually covered by the rules is unlawful; that is, the restriction of cash-only payment may be applied only when the situation is the one contemplated by Rule 42(4) (when the customer is in active arrears and facing immediate shutoff).

MI-MAUI argues that the addition of a fee for customers using a payment agent constitutes an illegal rate, which is not rendered legal by the Commission's approval of the tariff language in Case No. U-17767. *See*, 6 Tr 4288, 2396. MI-MAUI concedes that Mich Admin Code, R 460.123(5) (Rule 23(5)) provides that customers may use a payment agent and the agent may charge a fee. However, MI-MAUI argues, there is no regulatory authorization for the utility to require the use of an agent. MI-MAUI's initial brief, p. 35 (citing 6 Tr 4287 and Exhibit MAU-6). MI-MAUI reports that "in 2023, there were 10,040 cash-only customers in Oakland County, 8,488 in Macomb County, 2,365 in Washtenaw County and 1,211 in Saint Clair County. DTE [Electric] currently operates no kiosks in these counties." MI-MAUI's initial brief, p. 35 (citing 6 Tr 4288

and Exhibit MAU-8). MI-MAUI asserts that all of these customers are being required to pay a fee that has not been approved by the Commission for inclusion in rates. MI-MAUI maintains that this practice violates MCL 460.6a by increasing the cost of service without receiving approval to do so.

MI-MAUI further argues that the imposition of the fee is racially discriminatory in practice because kiosks are “exclusively located in higher-poverty areas with high African-American and other non-white populations; communities of similar size and poverty rates, but a racial makeup that is more heavily white, had no such kiosks. 6 Tr 4292.” MI-MAUI’s initial brief, pp. 36-37. Thus, MI-MAUI argues, only African-American and other non-white populations have the opportunity to avoid paying the payment agent’s fee by using a kiosk. Recognizing DTE Electric’s response stating that the company selected the locations of the kiosks based simply on the locations of former customer service offices, MI-MAUI contends that while the selection may have been facially neutral, the impact has been discriminatory.

Continuing, MI-MAUI argues that imposing a cash-only payment requirement will inevitably increase uncollectible amounts by making it more difficult to pay bills, and thus UCX should be reduced by 1% to offset this increase. 6 Tr 4295.

With respect to notice requirements, MI-MAUI proposes that DTE Electric be required to both mail and e-mail notices; include in the notice that the requirement applies only to the person whose payment was returned; and describe how the requirement may be appealed. 6 Tr 4296-4297. MI-MAUI also suggests that the Commission “specify that no customer enrolled in critical care protection or medical emergency protection may be required to pay in cash.” 6 Tr 4297.

MI-MAUI urges the Commission to take action and to “find [that] the operation of the cash-only payment requirement is neither just nor reasonable, and thus cannot continue to be a part of

DTE [Electric]’s approved tariff.” MI-MAIU’s initial brief, p. 38; 6 Tr 4292-4293. MI-MAUI concludes that the Commission should find that the tariff should be amended to track the language of Rule 42; or, if the cash-only payment practice continues, the Commission should: (1) prohibit its application to certain customer groups such as critical care customers; (2) set requirements for the form and content of notices requiring cash payment; and (3) disallow 1% of UCX to compensate for the increase to UCX created by the cash-only payment practice. *Id.*, pp. 38-39.

In its reply brief, DTE Electric asserts that “the cash-only policy serves as a proactive measure to curb the escalation of arrears resulting from returned payments” and that Section C4.6 is a longstanding tariff provision. DTE Electric’s reply brief, p. 85. DTE Electric states that it complies with the billing rules and notes that MI-MAUI concedes that there is no rule that prohibits cash-only payment requirements. DTE Electric notes that the billing rules do not specify the form that payments must take. 6 Tr 2396. DTE Electric contends that it would be improper to impose a restriction that does not appear in the rules. Finally, the company contends that MI-MAUI essentially requests a rule change, which is not an appropriate request for a rate case. DTE Electric’s reply brief, p. 86.

The Commission is not persuaded to prohibit DTE Electric’s tariff-based requirement that certain customers with returned payments pay in cash for one year. As MI-MAUI states, its contentions require analysis of the governing tariff and rule language. That analysis shows that DTE Electric’s practices with respect to cash-only payments are permitted by the Consumers Standards and Billing Practices for Electric and Natural Gas Service, Mich Admin Code, R 460.101 *et seq.* (billing rules), and that the company’s tariff language and notice comply with the billing rules.

In DTE Electric’s current rate book, Sections C4.6B and C4.6C provide as follows:

B The customer may pay in any reasonable manner, including by personal check or by credit or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit or debit card payment has been denied excluding financial institution error.

C Checks, debit cards, credit cards or other forms of payment remitted by Customers as bill payments and returned or authorized prepayments not honored by banks or other financial institutions against which they are drawn shall be rebilled to Customers' accounts. A \$15.00 charge will be assessed to Customers for processing payments or authorized prepayments returned by banks or other financial institutions for reasons of insufficient funds, accounts closed, no accounts and similar situations, excluding bank or financial institution errors.

This tariff language was approved in the December 11, 2015 order in Case No. U-17767, Attachment B, p. 2.

Rule 42 governs the manner of the shutoff of electric or natural gas service. Rule 42, in pertinent part, provides:

- (1) Immediately preceding the shut off of service, an employee of the utility who is designated to perform that function may identify himself or herself to the customer or another responsible person at the premises and may announce the purpose of his or her presence.
- (2) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.
- (3) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a commission-approved collection charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.
- (4) The customer may pay in any reasonable manner, including by personal check, credit card, or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit card, or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit card or debit card payment has been denied excluding financial institution error.

Rule 42(1)-(4). The Commission observes that Section C4.6B of the rate book contains the same language as Rule 42(4), though, as MI-MAUI correctly observes, the tariff language does not require that shutoff be imminent. However, based on its plain language, the Commission finds that Rule 42(4) does not prohibit DTE Electric's imposition of the same standard where the shutoff of service is not imminent, nor does any other rule within the billing rules.

Rule 20 governs the frequency of billing and the method of delivery of bills. Rule 20(1) requires the utility to send a bill each billing month according to the approved schedules, and Rule 20(5) allows customers who use electronic billing and payment to have the same "rights and responsibilities as customers who use paper bills and payment by [U.S.] mail." Based on its plain language, the Commission finds that Rule 20 does not prohibit cash-only payments.

Rule 23 governs the payment of bills, and provides, in pertinent part:

- (5) The utility may authorize an agent to accept payments on behalf of the utility. The authorized agent shall accept payment and provide payment verification, without request, that may be used by the customer to verify payment with the utility. The payment verification shall clearly state all of the following:
 - (a) That the payment may not be credited to the customer's account for up to 2 business days.
 - (b) Any charges or fees for use of the authorized agent services.
 - (c) That to avoid shutoff, the customer must contact the utility with verification of payment made to an authorized agent.
- (6) The authorized agent shall remit payments to the utility every other business day, at a minimum, and the company shall credit those payments to customer accounts within 1 business day of receiving them from the payment agent. Authorized agent locations shall be clearly marked as "Authorized Agent for [Company]." The utility shall provide information on bills every 6 months that warns customers not to use unauthorized payment centers.

Rule 23(5) and (6) make it clear that utilities may use authorized agents, and that such agents may charge a fee which must be clearly stated on the payment verification. As MI-MAUI notes, use of the agent is voluntary and the associated fee is contemplated by Rule 23(5), which requires that the fee be reported. Based on its plain language, the Commission finds that Rule 23 does not prohibit

a cash-only payment requirement. The Commission also rejects the argument that the fee constitutes an illegal rate. However much inconvenience is associated with the use of a kiosk, payment of the fee associated with the use of an authorized agent is still voluntary, not required.

Rule 9 governs deposit requirements for residential customers. Rule 9(1)(f) provides that the utility may require a deposit “as a condition of providing, restoring, or continuing residential service to an applicant or customer” if:

[t]he utility has had 1 or more checks issued from the customer’s account returned from a financial institution for insufficient funds or no account or has had 1 or more payments from the customer’s debit or credit card or other form of payment denied within the last 12 months, excluding financial institution error.

Thus, the utility has the option of requiring the customer to make a deposit simply to continue service under the defined circumstances. However, as DTE Electric points out, the requirement of a deposit does not address the problem of insufficient funds because it does not change the method of payment, but only changes the conditions of service. 6 Tr 2397. Additionally, the Commission notes that, while lawful, the requirement of a deposit on top of the outstanding arrears that resulted from the failed payment can create additional burdens for customers. The Commission further notes that broad issues relating to affordability are currently being addressed in the Affordability, Alignment, and Assistance Subcommittee of the Energy Affordability and Accessibility Collaborative.

Mich Admin Code, R 460.139-460.140 (Rules 39 and 40) govern notice of shutoff. MI-MAUI has presented no evidence showing that any aspect of those rules has been violated as a result of the company’s cash-only approved tariff language, which tracks the language of Rule 42(4). MI-MAUI also failed to present evidence demonstrating that DTE Electric’s current notification policies are non-compliant with the billing rules. Exhibit MAU-5 shows the form of notice provided to a customer who becomes subject to the cash requirement, and Exhibit MAU-6

shows the information provided by the company on its website regarding “Ways to Pay.” The Commission does not find that these forms of notice are deficient or non-compliant with any of the billing rules.

MI-MAUI contends that the kiosks are dangerous, and that there is a need for more kiosks. The Commission observes that MI-MAUI does not offer any citation to legal support authorizing the Commission to direct the company to manage the kiosks in a different manner. As MI-MAUI notes, the kiosks are in locations that used to be occupied by customer service centers. As the company testified:

The DTE Kiosks were historically placed in or near customer offices where customers made payments for their DTE bill in person, providing a self-service option for customers who did not need to speak to someone about their payment. These offices have since closed and the ability to make payments in the vicinity was replaced by the kiosks. Geographic distribution, size of the community, poverty rates, and the racial makeup of communities are not factors in determining the location of kiosks.

6 Tr 2328. DTE Electric explained that its understanding is that the kiosks themselves were the target of thefts that occurred in 2023 and not the customers using the kiosks. 6 Tr 2327-2328. The Commission finds this testimony to be somewhat indeterminate, but is unable to review MI-MAUI’s compilation of crime data related to the kiosks because MI-MAUI’s official exhibit filing, dated September 16, 2024, is missing Exhibits MAU-42 through MAU-47, despite those exhibits having been entered into evidence at 6 Tr 4366. *See*, filing #U-21534-0479.¹

The Commission notes that both the tariff (Sections C4.6B and C4.6C) and the billing rules (Rules 9 and 42(4)) make clear that financial institution error cannot trigger the cash-only payment requirement. It is certainly true that credit and debit card fraud have become too common for

¹ The e-docket contains the official record for this case (and all Commission cases), and is the record that is transmitted to the Court of Appeals in the event of an appeal.

those events to provide a reasonable excuse to impose the cash-only requirement. 6 Tr 4294-4295; Exhibit MAU-12. The Commission also notes that “financial institution error” is not a defined term in either the billing rules or the tariff, and thus directs the Staff, in the next revision of the billing rules, to include a definition for this term that makes clear that financial institution error includes credit and debit card fraud resulting from identity theft and that defines the party responsible for identifying and validating a financial institution error.

The Commission also finds that MI-MAUI’s proposal for a disallowance lacks evidentiary support. MI-MAUI made no attempt to demonstrate that the cash-only policy actually increases UCX, let alone that a 1% disallowance equates to the amount of that increase. Regarding how it came up with its 1% disallowance proposal, MI-MAUI states that:

DTE does not keep data that would allow us to determine the degree to which customers required to pay in cash for a year default compared to customers not required to do so. Therefore, the 1% number is a reasonable assumption that this practice has driven up uncollectibles, but also recognizes that the default rate from approximately 70,000 customers is likely to make up a small percentage of overall revenue.

6 Tr 4298. The Commission does not find this evidence sufficiently convincing to support adoption of the proposed disallowance.

DTE Electric provided the following testimony in response to MI-MAUI’s criticisms of the cash-only payment requirement:

In recognizing the diversity of customer circumstances, the Company carefully considers those with current balances, inadvertent errors, and instances of identity theft. To elucidate the cash-only restriction process:

- Second Chance Provision: Customers who are either not in arrears or have arrears of \$100 or less at the time of payment will not activate the cash-only restriction, thus receiving a second opportunity. This policy allows customers sufficient time to rectify the issue of the returned payment and maintain access to various payment methods.

- Automatic Payment Plan Consideration: Customers enrolled in the automatic payment plan who inadvertently enter incorrect payment information are permitted up to two returned payments before the cash-only restriction is applied.

The Company is committed to continuous improvement and actively reviews both internal feedback from the contact center and external customer complaints. This ongoing evaluation process ensures that our policies remain effective and fair, and we remain open to further refinements to effectively reduce the incidence of uncollectibles.

6 Tr 2397-2398. Per Rule 20(3), bills must be mailed or delivered at least 21 days before the due date. Thus, the Second Chance Provision described above adds to the customer's payment time by at least 21 days.

MI-MAUI also suggests that the Commission "specify that no customer enrolled in critical care protection or medical emergency protection may be required to pay in cash." 6 Tr 4297. MI-MAUI's evidence in support of this request is the testimony of its witness, Mr. Bunch, where he states that "customers who have medical conditions that compromise their immune systems or render them homebound may find the requirement to pay in cash imposes unreasonable logistical or personal safety risks when trying to deliver cash payments." 6 Tr 4292. MI-MAUI also suggests that "customers should be afforded an appeal process allowing them to present evidence of undue hardship or unreasonable burden" associated with paying in cash. 6 Tr 4297.

A critical care customer is defined as follows:

"Critical care customer" means any customer that requires, or has a household member who requires, home medical equipment or a life support system, and that, on an annual basis, provides a commission-approved medical certification form from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life-threatening.

Mich Admin Code, R 460.102(n) (Rule 2(n)). A medical emergency is defined as follows:

"Medical emergency" means an existing medical condition of the customer or a member of the

customer's household, as defined and certified by a physician or public health official on a commission-approved medical certification form, that will be aggravated by the lack of utility service.” Rule 2a(i). Mich Admin Code, R 460.130 (Rule 30) provides specific protections from shutoff of service in the event of a medical emergency, and Mich Admin Code, R 460.130a (Rule 30a) provides specific protections from shutoff of service for critical care customers. Rule 30(6) provides for an extension of the due date for shutoff (for whatever reason, including non-payment of a bill) for up to 126 days in the event of a medical emergency. Rule 30a(1) provides that a utility shall “refrain from shutting off utility service to a critical care customer due to an inability to pay a utility bill where an interruption of service would be immediately life threatening.” In addition to the billing rules governing the procedures for shutoff of service (Mich Admin Code, R 460.136 through R 460.144), the billing rules also govern customer relations and require the utility to provide information on the rights and responsibilities of residential customers, including how to make a complaint (Mich Admin Code, R 460.148 and R 460.150). Customers may also take advantage of the billing rules that govern disputes, hearings, and appeals (Mich Admin Code, R 460.154 through R 460.169), which detail the hearing and appeal process available to all customers who have a complaint or dispute with the utility. The Commission finds that these rules adequately protect critical care customers and customers experiencing a medical emergency.

Despite finding that the company's current form of notice is compliant with the billing rules, the Commission finds MI-MAUT's proposals regarding notice to be reasonable, and suggests that DTE Electric ensure that customers subject to the cash-only payment requirement receive both mail and email notices of imposition of the requirement after it has been triggered; that the notice state that the cash-only payment requirement applies only to the person whose payment was

returned; and that the notice include information on how the cash-only payment requirement may be appealed through the processes available in the billing rules.

The Commission observes that MI-MAUI's requests are essentially disputes with the current language of the billing rules. The billing rules are subject to periodic updates and MI-MAUI may be interested in participating in the next revision to those rules. Such language changes cannot be accomplished in a rate case. If MI-MAUI wishes to pursue its request for a disallowance of UCX associated with the cash-only payment requirement in a future rate case, it will need to present evidence demonstrating that the cash-only requirement results in an increase to UCX along with evidence showing the amount of that increase.

Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Advanced Energy United's Petition for Rehearing

MEIU states that the Commission failed to decide three issues related to time-of-use (TOU) rates in the January 23 order, and erred in crediting a position to MEIU that was actually taken by GLREA. MEIU's petition, pp. 3-5. MEIU seeks an amended order.

MEIU describes three errors of omission. First, MEIU states that the Commission failed to rule on MEIU's request to direct DTE Electric to develop a secondary TOU rate mapped to Rate D4. MEIU argues that in the December 1, 2023 order in Case No. U-21297 (December 1 order), p. 372, the Commission required DTE Electric to propose new TOU rates for commercial and industrial (C&I) customers. MEIU argues that, while DTE Electric did propose some new TOU rates for C&I customers in the instant case, the company failed to propose a new TOU rate for larger commercial customers on Rate D4. MEIU argues that DTE Electric should be required to submit a proposed rate that is mapped to be revenue neutral with Rate D4. MEIU's petition, p. 3. MEIU notes that its witness proposed such a rate, labeled MEIU Schedule D4.1.

Second, MEIU states that the Commission failed to rule on MEIU's requested implementation schedule for the new TOU Rate D14 of three months rather than the eleven months proposed by the company. MEIU posits that DTE Electric has shown the ability to implement new rates more quickly than proposed, including within thirty days of a Commission order. MEIU avers that in the January 23 order, p. 421, the Commission discussed the implementation of only Rate D3.11 but failed to make a determination regarding the implementation schedule for Rate D14. MEIU's petition, p. 4. MEIU seeks a corrected order that provides for TOU Rate D14 to be implemented within three months or that is commensurate with what was approved for Rate D3.11.

Third, MEIU states that the Commission failed to rule on MEIU's request that DTE Electric be directed to provide rate comparison reports for C&I customers who may be interested in switching to a TOU rate. MEIU's petition, p. 5; *see*, Exhibit MEIU-31; January 23 order, p. 420.

Fourth, MEIU states that the Commission mistakenly attributed a position of GLREA's to MEIU in the January 23 order, p. 428. MEIU's petition, p. 5. DTE Electric argues that the misattribution does not fall under Rule 437 because it is not an error affecting a finding of fact or conclusion of law. DTE Electric's response to MEIU's petition, p. 7. The Commission acknowledges the error but does not find it necessary to issue an erratum.²

In its response, DTE Electric contends that MEIU's petition is improper under Rule 437 because the Commission implicitly rejected MEIU's arguments addressing TOU rates in the January 23 order, and because MEIU fails to identify the disputed issues or provide any reason for the Commission to reach a different decision. DTE Electric's response to MEIU's petition, pp. 2-

² The Commission also acknowledges that Mr. Boratha Tan's testimony was mistakenly attributed to the wrong party in the January 23 order, p. 442. His testimony was actually on behalf of the Environmental Law and Policy Center of the Midwest, Ecology Center, Inc., Union of Concerned Scientists, and Vote Solar (collectively, the Clean Energy Organizations or CEOs).

4. DTE Electric avers that in the January 23 order, p. 5, the Commission indicated that only the arguments and evidence necessary for a reasoned analysis would be specifically addressed in the order. The company argues that MEIU failed to present such arguments and evidence.

However, on the assumption that the Commission may decide to analyze these TOU rate issues, DTE Electric contends that the Commission did not err. Beginning with MEIU's proposed Schedule D4.1, DTE Electric argues that the Commission, in fact, considered this evidence and implicitly rejected it in the January 23 order, pp. 429-430, 469. Regarding MEIU's proposed implementation schedule, DTE Electric contends that this proposal was expressly rejected, where the Commission stated:

that "the Commission finds three months for implementation of the rate to be insufficient given DTE Electric's assertion regarding the necessary design, development, and testing activities needed to be completed. DTE Electric's initial brief, p. 320. The Commission directs DTE Electric to complete the implementation of the revised Rate Schedule D3.11 as described in this order no later than June 1, 2025, to allow it to be available to customers during the summer peak period of 2025" (January 23 Order, p 422. See also, p 468).

DTE Electric's response to MEIU's petition, p. 5 (quoting the January 23 order, p. 422). DTE Electric notes that Rate Schedule D14 was the subject of an erratum but the effective date of December 31, 2025, did not change. Regarding the rate comparison tools, DTE Electric also argues that this proposal was acknowledged by the Commission and implicitly rejected in the January 23 order, p. 420. The company posits that this proposal was related to the timing proposal, and both were rejected. DTE Electric's response to MEIU's petition, p. 6 (citing 6 Tr 4160). DTE Electric avers that it demonstrated that three months is not enough time for the necessary design, development, and testing effort.

The Commission finds that MEIU's petition should be granted because the January 23 order does not contain an explicit ruling on all of these TOU rate issues. Because this is an error of

omission, the Commission will consider the evidence and arguments that were presented in the underlying proceeding. The Commission further finds that MEIU should be afforded an additional 30 days per Rule 437 to seek rehearing on these TOU issues. The three TOU rate issues are discussed below.

Secondary Time-of-Use Rate Mapped to Rate D4

In Case No. U-21297, MEIU argued that DTE Electric should be directed to establish two optional TOU rates for C&I customers, and the Commission agreed. December 1 order, pp. 328-331. In its initial brief, MEIU states that, in response to these directives DTE Electric proposed Rates D3.11 and D14, but failed to propose a new TOU offering mapped to Rate D4, which is designated as the Large General Service rate, and which tends to be more attractive to customers with larger loads. MEIU's initial brief, pp. 46-47 (citing 6 Tr 4139-4140). MEIU argues that this leaves Rate D4 customers without a TOU rate option. MEIU argues that:

[s]ince the average volumetric rate under Rate D3 (8.48 cents/kWh [kilowatt-hour]) is higher than that under Rate D4 (7.87 cents/kWh), this means that by switching to a TOU rate schedule, a D4 customer would automatically sign up for a rate with a higher average volumetric rate/kWh from day one and would be left to dig out of that hole each month before seeing any cost savings from adopting a TOU rate. It is hard to see why any D4 customer would see this as an improvement or opt to take service under such a rate. As such, that customer would likely be left without an economical TOU rate.

MEIU's initial brief, pp. 47-48 (citing 6 Tr 4141) (emphasis omitted). Thus, MEIU contends, DTE Electric should be required to develop a third C&I rate mapped to Rate D4 such as MEIU's proposed MEIU Schedule D4.1. MEIU notes that DTE Electric's witness stated that a customer looking for a rate that is better than Rate D3 "would be driven 'to something between the current D3 and D4 average power supply rates.'" MEIU's initial brief, p. 49 (quoting 6 Tr 2634). MEIU contends that this is a concession by the company, which shows that Rate D4 customers who

would like to have a TOU rate would prefer MEIU Schedule D4.1 over Rate D3.11. MEIU concludes that:

[w]itness Willis' [DTE Electric's witness] alternative proposal for D4 customers, the new rate D14, requires customers to take service at least at primary voltage. Although witness Willis in discovery indicated that approximately 250 D4 customers are served at a primary voltage on rate D4, this is a small proportion (~2.5%) of the approximately 10,000 customers identified as taking service on rate D4. And although witness Willis did not provide a definitive estimate of costs to upgrade a customer from secondary to primary service, his answer indicated that it would require not insubstantial work, including the replacement of lines running from the customer to the primary. This alternative is thus unlikely to be a real option for any but the most uniquely situated D4 customers.

MEIU's initial brief, pp. 49-50 (citations omitted). Thus, MEIU recommends the adoption of MEIU Schedule D4.1.

In its initial brief, DTE Electric argues that MEIU's proposed Rate D4.1 is not necessary and would end up being cost-inefficient:

because the average effective rate on any rate schedule is driven primarily by the efficiency of the usage on the rate. All else being equal, a cost-of-service class with a higher load factor will have a lower average rate than one with a lower load factor. Rate Schedules D3 and D4 are in different cost-of-service classes, and D4 has a higher average load factor and thus lower average rates. D4 rate design, which utilizes demand charges, reinforces this self-selection for higher load factor customers. If the Company offered a TOU rate using a D4 revenue-neutral design, the "lower rate" would be a fleeting reality due to customers shifting rates, which would affect costs, which would get incorporated back into the rates. D3 is also the "mass market" analog with approximately 200,000 customers, in contrast to D4 with less than 10,000 customers (Willis, 6T 2633-34).

DTE Electric's initial brief, p. 319.

In its reply brief, DTE Electric contends that the argument that customers would be digging out of a hole each month is misleading in that there is no evidence on the record "regarding what the average rate of individual D4 customers would be on the Company's proposed D3.11 Rate Schedule." DTE Electric's reply brief, p. 130. The company further argues that allowing customers to pay less than cost-based rates conflicts with rate design principles. *Id.* DTE Electric

points to the testimony of its witness showing that customers switching to the proposed MEIU Schedule D4.1 would eventually drive the rate up by changing their load factor characteristics, and argues that the proposed rate “would embed inappropriate rate arbitrage opportunities” and “potential structural drivers of under-recovery.” *Id.*, p. 131 (quoting 6 Tr 2638).

The Commission finds that MEIU has not demonstrated that a TOU rate mapped to Rate D4 is necessary or desirable. The Commission observes that the purpose of designing a new rate is not simply to lower bills, but rather to ensure that similar customers are grouped together in order to achieve economic efficiencies, allow for rate design based on cost of service, and to prohibit excessive rate switching, which undermines the ability to set fair rates. MEIU has not demonstrated that its proposed Schedule D4.1 is not duplicative or incapable of disrupting the efficiency of the TOU C&I rate groupings. *See*, 6 Tr 2633-2634. Additionally, in Case No. U-21297, MEIU sought “mass-market-appropriate” TOU C&I rates, and Rate D3 has about 20 times the number of customers as Rate D4. *See*, December 1 order, p. 328 (citing 6 Tr 4236 in Case No. U-21297); 6 Tr 2634. The Commission finds that the concerns raised by DTE Electric are reasonable and rejects the proposed MEIU Schedule D4.1.

The Timing of the Implementation of New Time-of-Use Rates

In its initial brief, MEIU argues that DTE Electric is dragging its feet on implementation of the new TOU rates by proposing an 11-month delay. MEIU contends that the timing is simply a question of the company’s priorities and reflects the fact that DTE Electric opposes the use of these rates. MEIU’s initial brief, pp. 56-59. MEIU argues that many new rates are implemented within 30 days of their approval in a rate case, and that DTE Electric implemented six new rates for the Advanced Customer Pricing Pilot within six months. MEIU contends that DTE Electric has been on notice since December 2023 that these new rates would need to be implemented, and

that the company has offered no explanation for the lengthy delay. MEIU maintains that DTE Electric's witness said simply that more than three months would be necessary. *Id.*, p. 58 (citing 6 Tr 2327).

In its initial brief, DTE Electric states that three months is not enough time "for all of the necessary design, development, and testing activities" and adds that implementation will require modifications to the Customer Relationship and Billing (CR&B) systems. DTE Electric's initial brief, p. 320 (citing 6 Tr 2326-2327).

In reply, MEIU notes that the company concedes that it will abide by whatever timeline the Commission requires, and argues that DTE Electric simply gives this work a low priority. MEIU's reply brief, p. 12.

In the January 23 order, the Commission found that Rate D3.11 should be implemented no later than June 1, 2025, and Rate D14 should be implemented no later than December 31, 2025. January 23 order, pp. 422, 428-430; and Attachment B, p. 79. The Commission continues to find that these implementation dates are reasonable. DTE Electric provided testimony indicating the potential number of modifications that may be required, depending on what new tariffs the company may have been directed to implement. 6 Tr 2327. The Commission is not persuaded that any error exists in the January 23 order related to this issue.

Rate Comparison Reports

MEIU argues that detailed rate comparison reports are necessary in order for customers to evaluate whether it will be beneficial to switch to a new rate, and only the utility can provide such reports. MEIU notes that load shifting can produce cost savings, but states that the company's Bill Simulator tool does not provide enough information. MEIU's initial brief, p. 60. MEIU argues that a useful comparison report must contain:

(a) the customer's billing determinants, the applicable rates for each charge (including distribution and riders), and the total monthly charges under each rate schedule within the comparison for a 12-month period; and (b) a summation of the monthly charges over a 12-month period. The rate schedules included in each report should reflect all of [the] main rate schedules for which a customer is eligible.

Id. (quoting 6 Tr 4159). MEIU offers an example of such a report in Exhibit MEIU-31. MEIU states that such reports should be made available as soon as possible after the new TOU C&I rates become available. MEIU adds that "DTE did not raise much resistance to this proposal on rebuttal." MEIU's initial brief, p. 60 (citing 6 Tr 2326-2327). MEIU requests that the Commission direct the company to provide a rate comparison tool similar to Exhibit MEIU-31.

In its initial brief, DTE Electric calls the proposal unreasonable. DTE Electric's initial brief, p. 320. DTE Electric's testimony on this issue does not actually respond to the request for rate comparison information. Neither party addressed this issue in reply briefing.

The Commission finds that MEIU's request is reasonable and directs DTE Electric to provide a rate comparison report substantially similar to Exhibit MEIU-31 as soon as possible when new TOU C&I rates become available.

DTE Electric Company's Petition

In its petition for rehearing, DTE Electric contends that the Commission erred in its decision on UCX in the January 23 order, pp. 233-235, because UCX should include power supply cost recovery (PSCR) revenue. DTE Electric notes that the Commission agreed with the Staff and approved \$41 million for UCX based on a three-year average of actual UCX for 2021-2023 using projected revenue at current rates and excluding PSCR revenue. DTE Electric's petition, p. 1 (citing 6 Tr 4991-4992). DTE Electric notes that the company ultimately agreed with the Attorney General's methodology and number, but the Commission adopted the Staff's calculation. The

company contends that the exclusion of PSCR revenue results in a \$2.73 million decrease to UCX which the company has no way to recover because it cannot be recovered in a PSCR reconciliation proceeding. DTE Electric asserts that this is an unintended consequence of the January 23 order which needs to be rectified. DTE Electric's petition, pp. 1-3.

DTE Electric argues that the Commission's decision is based on the mistaken assumption that the company did not include PSCR revenue in its exhibits. *See*, January 23 order, p. 235. DTE Electric states that, in fact, PSCR revenue was included in Exhibit A-13, Schedule C5.8, in projected UCX. DTE Electric argues that the Staff only referred to Exhibit A-16, Schedule F2, which shows only base rate revenues, in contending that the information was not available. The company argues that this exhibit is not relevant because DTE Electric did not rely on that Exhibit A-16, Schedule F2, to calculate UCX. DTE Electric's petition, p. 3. The company states that:

Exhibit A-13, Schedule C5.8 provides the Company's UCX calculation and that exhibit includes PSCR revenue as shown in Exhibit A-41, Schedule FF1-2. Schedule FF1-2 explains that the difference between the total revenues shown on Exhibit A-13, Schedule C5.8 and total revenues shown on Exhibit A-16 Schedule F2 is attributable to PSCR revenue (it also provides an updated estimate of PSCR factor revenue). The total projected test year revenues shown on Exhibit A-41 schedule FF1-2 include PSCR and equal \$6,399,006. Both the Company and the [Attorney General] used this number in their UCX calculations (Sparks, 6T 2383; Exhibit A-41, Schedule FF1, page 2, line 7; Exhibit AG-41, line 5).

DTE Electric's petition, p. 3. DTE Electric refers to its constitutional protections and asserts that the Commission may not prohibit recovery of a significant portion of UCX. The company notes that UCX is tied to both the distribution and the commodity portions of a customer's bill and should be recovered in base rates, as has been historically done. DTE Electric contends that UCX should be increased by \$2.73 million and that, if this recovery is intended to be shifted to another process "this should be done with adequate notice to allow such costs to be moved to another regulatory proceeding without a gap in recovery." *Id.*, p. 4.

In reply, the Staff argues that the PSCR revenue should be excluded from the UCX because it was not present in the company's exhibits and was not audited by the Staff. Staff's response, p. 2 (citing 6 Tr 4991; Staff's initial brief, p. 95). The Staff contends that the Commission was aware of DTE Electric's arguments on this issue and agreed with the Staff based on the record.

Rule 437 provides that a petition for rehearing may be based on claims of error, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences resulting from compliance with the order. A petition for rehearing is not merely another opportunity for a party to argue a position or to express disagreement with the Commission's decision. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, or unintended consequences of the decision, the Commission will not grant a rehearing.

The Commission finds no unintended consequences in the January 23 order associated with this issue. In that order, the Commission stated that it:

finds that the Staff correctly removed PSCR revenue from the UCX calculation because it is not listed on the company's exhibit and correctly determined that "any effort to adjust the expense level to reflect the projected revenue requirement is iterative [to the cost-of-service study] and should be avoided." December 1 order, p. 210 (citing PFD, pp. 522- 523); *see also*, 6 Tr 4991.

January 23 order, p. 235. Nothing in DTE Electric's petition for rehearing indicates that the PSCR revenue that the company wishes to include in UCX was available in Exhibit A-16, Schedule F2, or that the amount was audited by the Staff. 6 Tr 4991. The Staff also disagreed with DTE Electric's method of using proposed revenue, arguing that:

Staff recommends using the total current revenue projected by test year billing determinants at the current known rates, as shown in Exhibit A-16, Schedule F2, page 2, col b, ln 49. Projected revenue at the current known rates results in a more reasonable UCX projection that is not iterative regarding the Cost-of-Service study. (6 TR 4991.)

Staff's initial brief, p. 95. The Commission agreed and adopted the Staff's position on this issue. The Commission does not find any error or unintended consequence from its finding.

THEREFORE, IT IS ORDERED that:

A. Michigan Municipal Association for Utility Issues' petition for rehearing is granted in part and denied in part, as described in this order.

B. Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Advanced Energy United's petition for rehearing is granted in part and denied in part, as described in this order.

C. DTE Electric Company's petition for rehearing is denied.

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 LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General – Public Service Division at 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

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)

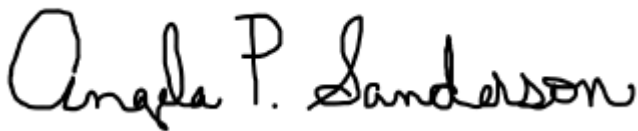
Case No. U-21534

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

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