

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter on the Commission's own motion	)	
to implement the provisions of 2013 PA 95, as	)	
amended.	)	Case No. U-17377
_____	)	

At the April 24, 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**

Section 9t of Public Act 95 of 2013 (Act 95) created the Low-Income Energy Assistance Fund (LIEAF) within the Michigan State Treasury. MCL 460.9t. Public Act 168 of 2024 and Public Act 169 of 2024 (Act 169) amended Section 9t of Act 95 and provide that the Commission may, “after an opportunity to comment, annually approve a low-income energy assistance funding factor no later than May 1 of each year for the subsequent fiscal year.” MCL 460.9t(8).<sup>1</sup>

The low-income energy assistance funding factor (funding factor) is a nonbypassable surcharge to be added to each retail billing meter (but not charged on more than one residential meter per residential site), payable monthly by every customer that receives retail distribution service from an electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out of the funding factor, regardless of the identity of the customer's electric

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<sup>1</sup> As a result of amendments to the statute, all statutory references within this order reflect the statute as amended.

generation supplier. MCL 460.9t(15)(b). The funding factor must be the same across all customer classes, must appear as a separate line item on each customer's bill, and may increase to \$1.25 per month in 2025, with up to a \$0.25 increase each year thereafter up to a maximum cap of \$2.00 per month, subject to adjustments beginning in 2029.<sup>2</sup> MCL 460.9t(8). MCL 460.9t(5) requires the Commission, together with the Michigan Department of Health and Human Services, to:

ensure that all money collected for the [LIEAF] from a geographic area is returned, to the extent possible, to that geographic area and ensure the fund is administered to promote all of the following:

- (a) Statewide access to the Michigan energy assistance program [MEAP] established in section 3 of the Michigan energy assistance act, 2012 PA 615, MCL 400.1233, ensuring that funds collected from a specific geographic area are, to the extent possible, returned to eligible low-income customers in that specific geographic area.
- (b) Collaboration between the department of health and human services, the commission, energy providers, and entities that administer assistance programs to ensure that, to the extent possible, eligible low-income customers in a geographic area are receiving funds proportional to what customers in that geographic area are being assessed.
- (c) For energy providers and entities that administer assistance programs, education and outreach on availability of the assistance programs and funding.

Section 9 of Act 169 provides that electric utilities, including municipally owned and cooperative electric utilities, with fewer than 45,000 residential electric customers may elect to opt out of the funding factor by annually filing a notice with the Commission by April 1 (opt out

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<sup>2</sup> "Beginning in 2029, and each year thereafter, the commission shall adjust the cap on the low-income energy assistance funding factor by the percentage increase in the United States Consumer Price Index for the immediately preceding calendar year." MCL 460.9t(8). MCL 460.9t(15)(c) defines the United States Consumer Price Index as the "United States Consumer Price Index for all urban consumers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics."

notice).<sup>3</sup> MCL 460.9t(9). An electric utility that opts out of the funding factor under MCL 460.9t(9) is required to:

establish and fund an energy assistance program for its residential customers that provides assistance to its residential customers for both their electric and home heating needs consistent with the eligibility requirements of the Michigan energy assistance program established in section 3 of the Michigan energy assistance act, 2012 PA 615, MCL 400.1233. An electric utility, municipally owned utility, or cooperative electric utility shall ensure that the funds available for energy assistance programs established under this subsection are sufficient to provide assistance to all eligible customers who apply, but the utility is not required to spend more for an energy assistance program than what the utility would have collected from the low-income energy assistance funding factor if the utility did not opt out under subsection (9). Beginning October 1, 2025, and annually thereafter, an electric utility, municipally owned utility, or cooperative electric utility that opts out under subsection (9) shall provide notice to its residential customers of available energy assistance provided by the utility. The notice must include a description of the program, eligibility guidelines, application information, and a statement that the utility's assistance program is offered instead of collecting the low-income energy assistance factor. The utility shall include information regarding the assistance program on its website.

MCL 460.9t(10).

Electric utilities, including municipally owned and cooperative electric utilities, that have 45,000 or more residential electric customers or have less than 45,000 residential electric customers but did not opt out of the funding factor by April 1 of each year, are required to “annually provide to the commission by April 1 the number of retail billing meters it serves in th[e] state [of Michigan] that are subject to the low-income energy assistance funding factor.”

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<sup>3</sup> Electric utilities that opt out of the funding factor by April 1 of each year are required to include in the filing of their opt out notice, “the total number of retail billing meters the [electric] utility serves in th[e] state [of Michigan] that would be subject to the low-income energy assistance funding factor if the [electric] utility were not opting out.” MCL 460.9t(9). Specifically, “[t]he [electric] utility shall provide the number of retail billing meters to the commission as . . . a total of retail billing meters in the [electric] utility’s service territory[,] . . . a total of billing meters by county[,]” and a total of billing meters broken down by customer class. *Id.*

MCL 460.9t(9). Specifically, “[t]he [electric] utility shall provide the number of retail billing meters to the commission as . . . a total of retail billing meters in the [electric] utility’s service territory[,] . . . a total of billing meters by county[,]” and a total of billing meters broken down by customer class.<sup>4</sup> MCL 460.9t(13). The Commission thereafter determines the funding factor by May 1, after providing an opportunity for comments on a proposed factor. *See*, MCL 460.9t(8).

The Commission issued an order in this case on February 11, 2025 (February 11 order), proposing a funding factor of \$1.25 for the billing months of September 2025 through August 2026 and providing for the filing of comments through March 4, 2025. The Commission did not receive any comments regarding the amount of the proposed funding factor.

The Commission finds that the LIEAF funding factor shall be \$1.25 per meter per month for the September 2025 through August 2026 billing months. An electric utility, municipally owned electric utility, or cooperative electric utility that collects money under MCL 460.9t shall remit that money to the Michigan State Treasurer for deposit in the LIEAF on a monthly basis no later than 30 days after the last day of each calendar month. MCL 460.9t(8). Utilities that have elected to participate and need further assistance on how to arrange for remittances to the LIEAF may contact Wanda Clavon-Jones of the Commission’s MEAP Section at [jonesw1@michigan.gov](mailto:jonesw1@michigan.gov) or (517) 643-2669. The Commission notes, however, that the required meter count reporting is for LIEAF surcharge and fund estimate calculations only. The Commission clarifies that the number of meters reported by utilities in this docket will likely differ from the actual number of retail meters billed in the program year. All actual retail billing meters meeting the requirements must

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<sup>4</sup> To verify that the electric utility, municipally owned electric utility, or cooperative electric utility is not charging the funding factor on more than one residential meter per residential site, the Commission is requiring the electric utilities that do not opt out of the funding factor to provide the Commission with the total number of retail billing meters by customer class. *See*, MCL 460.9t(15)(b).

be subjected to the nonbypassable LIEAF surcharge for electric utilities that do not opt out of the MEAP, and participating utilities are required to remit the actual LIEAF amounts collected each month.

The Commission also finds that the following electric utilities eligible to opt out of the funding factor under MCL 460.9t(9) filed their opt out notice and respective meter counts in broad accordance with the February 11 order:<sup>5</sup>

- Bayfield Electric Cooperative, Inc. (Bayfield);<sup>6</sup>
- City of Harbor Springs;
- City of Wakefield;
- Coldwater Board of Public Utilities;
- Grand Haven Board of Light & Power;
- Lowell Light & Power;
- Wyandotte Department of Municipal Service; and
- Zeeland Board of Public Works.

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<sup>5</sup> On April 1, 2025, the City of Ann Arbor filed a Notice Regarding Opt Out of Funding Factor. In the notice, the City of Ann Arbor reports that it expects to shortly create a new supplemental Sustainable Energy Utility (A2SEU). As of the date of that filing, that entity did not exist. Within that context, the City of Ann Arbor reports that it opts out of the funding factor and has no meters. For purposes of this order, the Commission confirms that the forthcoming A2SEU should not charge the LIEAF funding factor nor fulfill obligations of an opt-out entity under MCL 460.9t for this program year.

<sup>6</sup> While the Commission accepted Bayfield's late filing of its opt out notice for this order, the opt out notice Bayfield filed does not comply with MCL 460.9t. As a result, Bayfield must provide an updated opt out notice that complies with MCL 460.9t and the February 11 order within 30 days of the date of this order. Bayfield is also put on notice that failure to timely file an opt out notice under MCL 460.9t(9) in the future will result in Bayfield opting in by default to the funding factor for that year.

The Commission also finds that the following electric utilities required to and/or opting in to collect the funding factor under MCL 460.9t filed their respective meter counts in broad accordance with the February 11 order:

- Alpena Power Company;
- Alger-Delta Co-Operative Electric Association;
- Chelsea Department of Electric & Water;
- Cherryland Electric Cooperative;
- City of Bay City;
- City of Charlevoix;
- City of Crystal Falls;
- City of Dowagiac;
- City of Eaton Rapids;
- City of Escanaba;
- City of Gladstone;
- City of Hart;
- City of Norway;
- City of Petoskey;
- City of Portland;
- City of Sebewaing;
- City of South Haven;
- City of St. Louis;
- City of Stephenson;
- City of Sturgis;

- Cloverland Electric Co-Operative;
- Consumers Energy Company;
- Croswell Municipal Light & Power Department;
- Daggett Electric Department;
- DTE Energy Company;
- Great Lakes Energy Cooperative;
- Hillsdale Board of Public Utilities;
- Holland Board of Public Works;
- Homeworks Tri-County Electric Cooperative;
- Indiana Michigan Power Company;
- Lansing Board of Water & Light;
- Marquette Board of Light & Power;
- Marshall Electric Department;
- Midwest Energy Cooperative;
- Negaunee Department of Public Works;
- Newberry Water and Light Board;
- Niles Utilities Department;
- Northern States Power Company;
- Presque Isle Electric & Co-Op (Presque Isle);<sup>7</sup>

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<sup>7</sup> The Commission notes that the meter count Presque Isle filed does not comply with MCL 460.9t. As a result, Presque Isle must provide an updated meter count that complies with MCL 460.9t and the February 11 order within 30 days of the date of this order. The Commission also notes that Presque Isle, while eligible to do so, did not file an opt out notice pursuant to MCL 460.9t(9) and the February 11 order and has thus opted in to the funding factor by default for the upcoming program year.

- The Ontonagon County Rural Electrification Association;
- Thumb Electric Cooperative of Michigan;
- Traverse City Light & Power;
- Union City Electric Department;
- Upper Michigan Energy Resources Corporation;
- Upper Peninsula Power Company;
- Village of Baraga;
- Village of Clinton;
- Village of L'anse; and
- Village of Paw Paw.

Based on the information reported, and subject to the accuracy of the reporting, the LIEAF surcharge is estimated to collect \$75,323,070 from opt-in utility retail metered customers for the September 2025 through August 2026 billing months.

For all future filings, electric utilities are directed to report their meter counts in a manner consistent with Consumers Energy Company's March 31, 2025 filing in this docket.<sup>8</sup> *See*, Case No. U-17377, filing # U-17377-0243; *see also*, February 11 order, p. 3, n. 3.

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<sup>8</sup> The funding factor "must not be charged on more than 1 residential meter per residential site." MCL 460.9t(15)(b). The "Multiple Meters" column referred to in Consumers Energy Company's March 31, 2025 filing in this docket covers residential meters exceeding one residential meter per residential site.



THEREFORE, IT IS ORDERED that:

A. The Low-Income Energy Assistance Fund funding factor is \$1.25 per meter per month for the September 2025 through August 2026 billing months. Electric utilities with 45,000 or more residential electric customers or fewer than 45,000 residential electric customers that did not opt out of the funding factor shall begin collecting the nonbypassable surcharge in the September 2025 billing month. Within 30 days of the date of this order, the electric utilities collecting the nonbypassable surcharge shall file a tariff sheet with the Commission reflecting the surcharge.

B. Electric utilities with fewer than 45,000 residential electric customers that opted out of the funding factor by filing a notice with the Commission pursuant to MCL 460.9t(9) shall establish and fund an energy assistance program consistent with the Michigan energy assistance program year October 1, 2025 through September 30, 2026, for their eligible residential customers that provides assistance to their residential customers for both their electric and home heating needs consistent with the eligibility requirements of the Michigan energy assistance program established under MCL 400.1233.

C. For all future filings, electric utilities are directed to report their meter counts in a manner consistent with Consumers Energy Company's March 31, 2025 filing in this docket.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at [LARA-MPSC-Edockets@michigan.gov](mailto:LARA-MPSC-Edockets@michigan.gov) and to the Michigan Department of Attorney General - Public Service Division at [sheacl@michigan.gov](mailto: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

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Daniel C. Scripps, Chair

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Katherine L. Peretick, Commissioner

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Alessandra R. Carreon, Commissioner

By its action of April 24, 2025.

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Lisa Felice, Executive Secretary


# PROOF OF SERVICE

STATE OF MICHIGAN )

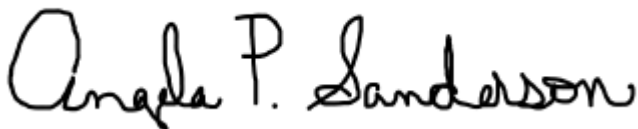
Case No. U-17377

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on April 24, 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 24<sup>th</sup> 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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American Transmission Company  
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DTE Energy  
Eligo Energy MI, LLC  
Eligo Energy MI, LLC  
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