

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)	
to establish a process for addressing the)	
Midcontinent Independent System Operator, Inc.'s)	Case No. U-21902
proposed Expedited Resource Addition Study tariff.)	
_____)	

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

On March 17, 2025, the Midcontinent Independent System Operator, Inc. (MISO) filed a request with the Federal Energy Regulatory Commission (FERC) to revise MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff (tariff), effective May 17, 2025. *See, Midcontinent Independent System Operator, Inc.*, Docket No. ER25-1674-000, Revisions to the Open Access Transmission, Energy and Operating Reserve Tariff Expedited Resource Addition Study Filing (MISO filing).¹ MISO seeks to amend its generator interconnection procedures (GIP) in order to establish the Expedited Resource Addition Study (ERAS) process. MISO asserts that the ERAS process will provide a framework for the accelerated study of generation projects that

¹ The MISO filing may be viewed at: https://cdn.misoenergy.org/2025-03-17_Docket%20No.%20ER25-1674-000685943.pdf (accessed April 14, 2025).

can address resource adequacy and reliability needs within the MISO footprint in the near term.

MISO filing, pp. 1-2. In proposing the ERAS process, MISO states that it:

recognizes that Illinois and part of the state of Michigan are the only retail choice jurisdictions in MISO and require a different ERAS process than other jurisdictions. MISO commits to continuing to work with Illinois and Michigan to develop processes and Tariff provisions that will permit the ERAS process to function effectively in retail choice jurisdictions. To that end, once the appropriate processes and Tariff revisions are identified, MISO plans to file a separate Tariff filing for ERAS to address these retail choice jurisdictions.

Id., p. 2. MISO has not yet proposed a separate tariff for retail choice footprints; thus, the Commission will address the tariff change requested in the March 17, 2025 filing, in order to ensure that a review process is in place prior to the proposed June 2, 2025 ERAS Quarterly Study Period, should FERC approve MISO's proposal. *See*, MISO filing, p. 2. The proposed ERAS tariff would sunset by the end of 2028. MISO filing, p. 4.

MISO states that the ERAS process "recognizes that the responsibility for providing grid reliability and resource adequacy in the MISO region is shared by Load Serving Entities ('LSEs'), the states, and MISO." *Id.*, pp 3-4. In order to address resource adequacy and/or reliability needs, MISO explains that projects that enter the ERAS process would be studied serially each quarter and, if they meet the eligibility criteria, would be granted an expedited generator interconnection agreement within 90 days.

Under the proposed ERAS process, an interconnection customer would have to meet several criteria including demonstrating 100% site control for the interconnection facilities, establishing commercial operation dates that meet specific criteria, making a non-refundable deposit of \$100,000 and a \$24,000 per megawatt milestone payment, and agreeing to pay for all necessary network upgrades per the executed generator interconnection agreement. MISO filing, p. 4. Additionally, the interconnection customer would have to provide a determination from the

relevant electric retail regulatory authority (RERRA) indicating that the application should be considered for the ERAS process. The relevant proposed ERAS tariff language states as follows:

A request for processing through the Expedited Resource Addition Study made by an Interconnection Customer must meet the requirements listed in Section 3.3.1 above, plus the following requirements:

1. The Interconnection Request shall be accompanied by a written notification from the RERRA (or its documented representative) where the load to be served by the Generating Facility is located and, subject to the procedures the RERRA requires, which certifies or determines (or any other method consistent with the RERRA's procedures) that the generation facility should be considered for the ERAS process in order to meet a resource adequacy and/or reliability need that the RERRA, Load Serving Entity, or Interconnection Customer has claimed. The RERRA may provide such written notification which may be triggered by, in whole or in part, but is not limited to:
 - a. Commencement of a state proceeding;
 - b. Review of a RERRA, LSE, or other state resource plan or document, which may include, but is not limited to: integrated resource plans [IRPs], procurement plans, or other plan or study types;
 - c. Response to a Request for Proposals (RFP); or
 - d. Other process, or delegation of authority, as determined by the RERRA or RERRA regulations (including in restructured states).

A RERRA's written notification is not intended to constitute or provide evidence of any final determination of need or suitability of the project for any purpose by the issuing entity beyond requesting that the Transmission Provider apply the ERAS process for such project. and [sic]

2. An executed agreement evidencing that the projects submitted for ERAS processing is [sic] intended to be used by the entity with the claimed resource adequacy and/or reliability need. Such agreement shall take one of the following forms:
 - a. A Load Serving Entity acknowledgement to self-supply;
 - b. A Power Purchase Agreement (PPA) between the Interconnection Customer submitting the project for ERAs [sic] consideration and the entity with the load to be served and/or its Load Serving Entity;
 - c. An agreement that calls for the Interconnection Customer to develop the Generating Facility described in the Interconnection Request and subsequently transfer ownership or control of such Generating Facility to the LSE or entity with the load to be served (Build-Own-Transfer Agreement); or
 - d. Other agreement between the entity submitting the Interconnection Request, including the RERRA acknowledgment letter, and the entity with the load to be served, or its Load Serving

Entity, stating that the ERAS project will be used to meet an identified resource adequacy and/or reliability need.

MISO tariff, Section 3.9.1; MISO filing, pp. 17-18, 37-38, 125-126, and Attachment X, GIP, 169.0.0. The RERRA is defined as “[a]n entity that has jurisdiction over and establishes prices and/or policies for providers of retail electric service to end-customers, such as the city council for a municipal utility, the governing board of a cooperative utility, the state public utility commission or any other such entity.” MISO filing, pp. 1-2, note 4 (citing FERC Electric Tariff, Module A, § 1.R (72.0.0)), 70, and Attachment X, GIP, 169.0.0. Thus, if approved, the Commission would be the RERRA for rate-regulated utilities, alternative electric suppliers (AESs), and their associated loads in Michigan. The Commission opens this docket in order to establish a process for providing the written notification with recommendation for ERAS consideration should FERC approve MISO’s proposal.

MISO indicates that the ERAS process would be open to all interconnection customers, including LSEs such as investor-owned utilities (IOUs) and AESs, and also independent power producers (IPPs). MISO filing, pp. 26, 29, and Tab C, Testimony of Andrew Witmeier, p. 19-25 (MISO filing, pp. 900-906). Mr. Witmeier (the Director of Resource Utilization for MISO) testifies that, as a result of input from interested persons during the development process:

[MISO] recognized that the vast majority of the Interconnection Requests, including those that would be submitted through ERAS, may not be initially submitted by the LSE that ultimately used the resource to serve their load, but rather an Independent Power Producer (“IPP”) that would eventually transfer the resource over to an LSE via an offtake agreement. Given the importance of maintaining the inclusivity and open-access aspects of ERAS, MISO updated the eligibility requirements accordingly to ensure that any project developer can apply to participate in ERAS as long as the project meets all of the ERAS eligibility requirements.

Witmeier testimony, p. 19.

As an initial matter, the Commission notes that it has jurisdiction over resource adequacy for all retail electric load in Michigan as outlined in MCL 460.6w and as reserved to the states in the Federal Power Act, 16 USC 824. The Commission observes that recent capacity demonstration reports have indicated that supply is tightening due to plant retirements and that new projects have experienced delays. *See*, Case No. U-21393, May 10, 2024 Staff Report on Capacity Demonstration Results, p. 20; Case No. U-21225, March 24, 2023 Staff Report on Capacity Demonstration Results, p. 16; and Case No. U-21099, March 25, 2022 Staff Report on Capacity Demonstration Results, pp. 8-10. While the Commission has concerns with the ERAS process as proposed, the Commission finds it prudent to develop a process for evaluating qualified projects for inclusion in the ERAS process should FERC approve MISO's application. *See*, Notice of Intervention and Limited Protest of Michigan Public Service Commission, April 7, 2025, FERC Docket No. ER25-1674-000. Thus, the Commission proposes the following process to address submitted requests for a written notification with recommendation from a RERRA:

1. Requests from interconnection customers for inclusion in ERAS may come from entities regulated by the Commission including IOUs and AESs licensed in Michigan, or from an IPP, subject to the restrictions described herein. The Commission directs the Commission Staff (Staff) to approve requests on behalf of the Commission that meet the following specific criteria in an expeditious manner:
 - a. Requests received from IOUs: the project is aligned with a Commission-approved IRP, clean energy plan, renewable energy plan (REP), or certificate of need (CON), and is the winning bidder of an RFP that meets the guidelines outlined in the Commission-approved competitive bidding guidelines adopted in the September 9, 2021 order in Case No. U-20852. If the Staff determines that the project qualifies

for ERAS treatment, the Staff shall issue a letter to the interconnection customer indicating that the project is approved by the Commission for inclusion in ERAS and citing to the prior approval of the project by the Commission. No order or minute action will be issued.

- b. Requests received from AESs: the project is aligned with a Commission-approved REP or with the AES's capacity demonstration filing, and the Staff has reviewed the unredacted signed contract. If the Staff determines that the project qualifies for ERAS treatment, the Staff shall issue a letter to the interconnection customer indicating that the project is approved by the Commission for inclusion in ERAS, and citing to the order approving the AES's REP or accepting the AES's capacity demonstration as part of the annual capacity demonstration order. No order or minute action will be issued.
- c. Requests received from IPPs: the project is aligned with a Commission-approved project as outlined in (a) or (b) above. If the Staff determines that the project qualifies for ERAS treatment, the Staff shall issue a letter to the interconnection customer indicating that the project is approved by the Commission for inclusion in ERAS, and citing to the prior approval of the associated project from the Commission. No order or minute action will be issued.

- 2. In instances where the Staff is unable to verify that the project has already received another form of approval from the Commission as specified above, the Staff is directed to issue a letter to the interconnection customer indicating that the Staff is unable to approve the request and notifying the interconnection customer that the Commission will consider the matter for approval upon the filing of a petition for approval by the interconnection

customer. In such cases, the requestor may petition the Commission within 30 days of receipt of the Staff's letter by including the request within an application for an expedited amended IRP, an expedited amended REP, or a CON; or by inclusion with a request to approve a contract that is aligned with a Commission-approved IRP or REP. The Commission acknowledges that AESs are not required to file IRPs and AES contracts are not subject to Commission approval. The Commission will review requests received from IPPs for inclusion in ERAS to meet the resource adequacy needs of AESs utilizing the Staff's assessments provided in annual capacity demonstration cases, coupled with additional evidence provided by the interconnection customer, if any, detailing the purported resource adequacy or reliability need and the remedies that will be made available through inclusion of the project in ERAS. The Commission may require the Staff to view an unredacted signed contract between the IPP and a Michigan IOU or an AES licensed to serve customers in Michigan, and may require an amended capacity demonstration filing or other information prior to approval for inclusion in ERAS. In such cases, an order or minute action will be issued.

Turning to the interconnection customer's application process to request a written notification with recommendation from a RERRA, the Commission proposes to consider all applications submitted by interconnection customers for inclusion in ERAS on a case-by-case basis. Under the proposed process, the interconnection customer may request approval from the Commission by including the request in an associated IRP, amended REP, CON, or contract approval application, or by filing the application in a new stand-alone docket. The interconnection customer may request *ex parte* treatment; however, there may be instances when a full contested case may be required, such as an amended IRP case, a CON case, an amended REP case, a contract approval

request, or other case as determined by the Commission. The Commission may require amended capacity demonstration filings and may also require the Staff to review unredacted executed contracts or to audit the results of an RFP prior to issuing its approval for inclusion in ERAS.

Any person may submit written comments on the Commission's proposed procedure to issue a written notification with recommendation for an interconnection customer participating in the ERAS process. All comments should be paginated and must reference Case No. U-21902. Comments must be received no later than 5:00 p.m. (Eastern time) on May 15, 2025. Written comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-Dockets website or, for those persons without an E-Dockets account, via e-mail to mpscedockets@michigan.gov. Any person requiring assistance prior to filing comments may contact the Staff at (517) 284-8090. All filed comments will become public information available on the Commission's E-dockets website and will be subject to disclosure.

Turning to the issue of timing, should FERC approve MISO's ERAS proposal, the Commission anticipates issuing an order establishing its final procedure on June 12, 2025. The approved procedure would be applicable to interconnection customers wishing to apply during the second round of MISO's ERAS process which would take place June 1, 2025, to August 31, 2025. For the first round that would take place in the period between May 17, 2025, and June 1, 2025, the Commission will consider applications for projects to be considered for ERAS treatment only in cases where the project has already received Commission approval via an order, such as through a contract approval, IRP, rate case, or CON order. Should FERC approve MISO's proposal, the Commission will apply the process described in the instant order until such time as a follow-up order is issued. Finally, the Commission notes that discussions with MISO on potential tariff

language pertaining to Michigan’s retail open access market remain ongoing, and that should FERC approve MISO’s proposal, MISO intends to file language shortly thereafter that would “build[] upon the ERAS construct . . . to ensure that the scope of the ERAS procedures will more effectively work for retail choice jurisdictions given their unique regulatory structure.” Motion for Leave to Answer and Answer of the Midcontinent Independent System Operator, Inc., to Comments and Protests, FERC Docket No. ER25-1674-000, March 27, 2025, p. 22. The Commission expects that this additional tariff language may also inform the process by which it evaluates proposals from AESs or IPPs participating in Michigan’s retail open access market.

THEREFORE, IT IS ORDERED that any person may file written comments in this docket on the proposed process for addressing requests filed pursuant to the Midcontinent Independent System Operator, Inc.’s Expedited Resource Addition Study tariff, which must be received no later than 5:00 p.m. (Eastern time) on May 15, 2025.

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

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

Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of April 24, 2025.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

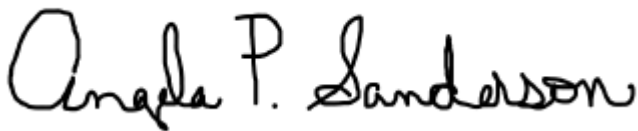
Case No. U-21902

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 24th 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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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
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