S T A T E O F M I C H I G A N

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion regarding the regulatory reviews, revisions, determination, and/or approvals necessary for **UPPER MICHIGAN ENERGY RESOURCES CORPORATION** to comply with Section 61 of 2016 PA 342.	)	Case No. U-18356

At the April 17, 2026 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER

Public Act 342 of 2016 (Act 342) was signed into law on December 21, 2016, which became effective on April 20, 2017. Among other things, Act 342 amended Public Act 295 of 2008, MCL 460.1001 *et seq*., by adding Section 61, MCL 460.1061, which requires electric providers to offer voluntary green pricing (VGP) programs to their customers.

On July 12, 2017, in Case Nos. U-18349 *et al*. (July 12 order), the Commission directed electric providers, including Upper Michigan Energy Resources Corporation (UMERC), to file proposed VGP programs a minimum of every two years and established guidance on criteria for VGP programs. The Commission approved UMERC's VGP program, along with other utilities' VGP programs, in the April 18, 2018 order in Case Nos. U-18349 *et al*. Subsequently, the

Commission approved biennial updates to UMERC's VGP programs. *See*, July 23, 2020 order, July 7, 2022 order and December 21, 2023 order in Case No. U-18356.

On March 19, 2025, UMERC filed an application for approval of its VGP programs in the instant case with supporting proposed tariff sheets. Subsequently, on December 1, 2025, UMERC filed an amended application with revised proposed tariff sheets. In its amended application, UMERC proposes to update one of its VGP programs called "Energy for Tomorrow" by reducing certain rates to account for the mandatory 15% renewable energy requirement to ensure that the statutory 15% renewable energy standard is considered in the customer's Energy for Tomorrow enrollment total. This would mean:

> that a customer choosing to participate at 25% of total energy usage, would have an incremental 10% of their usage supported by UMERC's VGP and 15% supported by renewable energy associated with the Renewable Energy Surcharge ("RES") to achieve a total of 25% of its usage being served by renewable energy resources, and a customer choosing to participate at 50% of total energy usage, would have an incremental 35% of their usage supported by UMERC's VGP and 15% supported by renewable energy associate with the RES to achieve a total of 50% of its usage being served by renewable energy.

Amended application, p. 4. UMERC explains that these changes result in rate decreases for customers participating in Energy for Tomorrow programs at the 10% and 35% levels but that all other VGP rates remain unchanged. *Id*.

In an effort to make its tariff more customer-friendly, UMERC proposes to remove the current provision that exempts customers who participate in the VGP program from the mandatory renewable energy surcharges from tariff sheet No. D-7.00 and instead add them to tariff sheets Nos. D-63.00, D-64.00, D-65.00, and D-136.01. *Id*., pp. 4-5. UMERC attached tariff sheets reflecting its proposed revisions to the amended application as Attachments A and B. UMERC did not propose any changes to its NatureWise VGP program.

On December 19, 2025, Tilden Mining Company L.C. (Tilden) filed objections and comments on UMERC's amended application, as well as a petition for leave to intervene in this case (Tilden's objection/petition). Citing Section 61, Tilden argues that UMERC does not have any program offerings for large general primary rate customers, such as those taking service under rates Cp2, Cp3, Cp4, Schedule A, CpLC, and special contract customers, of which Tilden is a part. Tilden also takes issue with UMERC's proposed VGP options, claiming that they do not appear to be cost-based and provide a disincentive to subscribe at higher levels as the price of renewable energy credits (RECs) appear to increase in accordance with subscription level ($0.87 per REC for a 10% subscription, $3.04 per REC for a 35% subscription, and $8.49 per REC for a 100% subscription). Instead, Tilden takes the position that the cost per REC should be consistent and that the proposed volumetric administrative expenses should decrease at higher subscription levels. Tilden urges the Commission to approve a VGP program for UMERC that encourages higher levels of participation. Lastly, Tilden objects to the proposal to eliminate the 50% subscription offering because it unlawfully restricts a customer's participation options. Thus, Tilden proposes the following changes to Rider ERER 2: (1) amend the availability clause such that the VGP rider is available to any UMERC customer; (2) set the VGP rate at no higher than $4 per REC; and (3) modify the administrative fee to be fixed rather than volumetric, thereby recommending a fee of $19.32 per customer. Tilden's objection/petition, pp. 2-4.

Tilden also requests that the Commission grant its petition to intervene, arguing that it has a direct and vital interest in the issues raised in this case because it is being denied a just and reasonable VGP option by UMERC, which substantially affects what Tilden must pay for electric service in the future. Tilden recites the standards for determining whether a petition for leave to intervene should be granted and contends that it has met these standards by having a direct interest in the rates, terms, and conditions of electric service established by the Commission, and, thus, it has an interest in the zone of interests to be protected by the Commission's consideration of approvals sought by UMERC. Tilden also asserts that it meets the standards for permissive intervention. Tilden's objection/petition, pp. 5-7.

On January 13, 2026, UMERC filed a response to Tilden's objection/petition, reciting its VGP program proposal and approval history and arguing that previous VGP program filings have not included rate classes Cp2, Cp3, Cp4, Schedule A, CpLC, and special contract customers and stating that the Commission orders approving these programs indicate that the Commission found UMERC to have complied with Section 61. UMERC also responds to Tilden's assertion that UMERC's VGP options do not appear to be cost-based, stating that Tilden's singular comparison to a $4 per REC price is flawed because: (1) the comparison does not acknowledge the language in Section 61 that states that the customer is responsible for all applicable charges and the incremental cost of compliance associated with participation in the VGP program, and (2) Tilden fails to account for administrative costs as identified in UMERC's amended application. UMERC's response, pp. 1-6. UMERC adds that Tilden's assertion that UMERC's VGP programs provide a disincentive to subscribe is belied by the customer participation levels identified by UMERC in its amended application. *Id*., p. 6.

Additionally, UMERC states that Tilden's position regarding the elimination of the 50% subscription offering is a misunderstanding of UMERC's proposal and a failure to account for the July 12 order, which states that the intent of Section 61 is to provide renewable energy in addition to the 15% renewable energy mandate under Section 28. UMERC notes that the July 12 order also provides an example, that a customer wanting to source 100% of its energy from renewables would only need to subscribe for an additional 85% renewables under a VGP program, given that

15% of the providers' total generation must be from renewable resources. UMERC's response, pp. 6-7.

UMERC asserts that Tilden's participation in UMERC's VGP program is not only inconsistent with past Commission precedent because Tilden, as a special contract customer, was never eligible to participate in WEPCo's VGP tariff, but also because participation in the program would be inconsistent with the currently applicable special contract. UMERC goes on to state that the Special contract does not state that Tilden is eligible to participate in UMERC's VGP program, but it does state without exception that Tilden is subject the renewable energy charge per Section 2.1.9.2 of the special contract and that participation in the VGP program would contravene and result in a de facto amendment of the Special Contract, which only Tilden and UMERC have the legal ability to amend or modify. UMERC's response, pp. 7-8. Lastly, UMERC requests, should the Commission determine it is proper to explore Tilden's request to participate in UMERC's VGP program and avoid the renewable energy charge, that this issue be taken up in UMERC's upcoming renewable energy plan (REP), which is to be filed no later than October 15, 2026, according to the Commission's directive in the December 18, 2025 order in Case No. U-21813. UMERC's response, p. 8.

The Commission has reviewed UMERC's amended application, Tilden's objection and comments to the amended application and petition to intervene, as well as UMERC's response, and finds that Tilden has met the standards for intervention in this particular instance and that this proceeding should thus be converted into a contested case. *See*, Mich Admin Code, R 792.10410. However, the Commission also finds that this matter should be deferred to and consolidated with UMERC's upcoming amended REP case, which is scheduled to be filed no later than October 15, 2026. Given the substantive nature of the question as to whether Tilden, a special contract customer, should be provided with a VGP option and the direct impact any decision will have on UMERC's amended REP, the Commission finds that this issue is best addressed in a contested proceeding in the context of UMERC's upcoming amended REP. Thus, the Commission directs UMERC's upcoming amended REP proceeding to be consolidated with the instant case, Case No. U-18356. All future filings shall be double-captioned with the instant docket, Case No. U-18356, and the docket number that is assigned to UMERC's future amended REP filing. Case No. U-18356 shall remain open for UMERC to continue to file its semi-annual VGP reports and for UMERC to file its future VGP biennial review applications (the next one to be filed in 2027).

THEREFORE, IT IS ORDERED that:

A. The petition for leave to intervene filed by Tilden Mining Company, L.C. is granted.

B. This matter is converted to a contested proceeding and shall be consolidated with Upper Michigan Energy Resources Corporation's amended renewable energy plan case, which is scheduled to be filed no later than October 15, 2026.

C. Upper Michigan Energy Resources Corporation shall continue to file semi-annual reports in this docket containing information on the number of enrollments and enrollment size in its program; cost of renewable energy for the program (incremental and total); cost of marketing and administration (incremental and total); marketing methods; and the quantity, source, and costs of any renewable energy credits purchased for the program. The semi-annual reports will continue to be due on April 1 and October 1 of every year until further order by the Commission.

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 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

Shaquila Myers, Commissioner

By its action of April 17, 2026.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-18356

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on April 17, 2026 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 17th day of April 2026.

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

Service List for Case: U-18356

Name	On Behalf Of	Email Address
Paul M. Collins	Upper Michigan Energy Resources Corporation	collinsp@millercanfield.com
Sherri A. Wellman	Upper Michigan Energy Resources Corporation	wellmans@millercanfield.com
Upper Michigan Energy Resources Corporation	Upper Michigan Energy Resources Corporation	colleen.sipiorski@wecenergygroup.com

GEMOTION DISTRIBUTION SERVICE LIST

kabraham@mpower.org	Abraham,Katie - MMEA
mkuchera@AEPENERGY.COM	AEP Energy
mfurmanski@algerdelta.com	Alger Delta Cooperative
akellen@wppienergy.org	Alger Delta Cooperative
kd@alpenapower.com	Alpena Power
dgreen@alpenapower.com	Alpena Power
VSTRetailReg@VistraCorp.com	Ambit Midwest, LLC
kerdmann@atcllc.com	American Transmission Company
acotter@atcllc.com	American Transmission Company
john.calhoun@ardentnaturalgas.com	Ardent Natural Gas, LLC
awebster@baycitymi.gov	Bay City Electric Light & Power
sara.anderson@bayfieldelectric.com	Bayfield Electric
rbishop@BISHOPENERGY.COM	Bishop Energy
braukerL@MICHIGAN.GOV	Brauker, Linda
cherie.fuller@bp.com	BP Energy Retail Company, LLC
christine.hughey@bp.com	BP Energy Retail Company LLC
greg.bass@calpinesolutions.com	Calpine Energy Solutions
lachappelle@varnumlaw.com	Chappelle, Laura
manderson@wpsci.com	Cherryland Electric
mengels@wpsci.com	Cherryland Electric
cdrys@wpsci.com	Cherryland Electric
ljohnson@wpsci.com	Cherryland Electric
rjohnson@cherrylandelectric.coop	Cherryland Electric Cooperative
frucheyb@DTEENERGY.COM	Citizens Gas Fuel Company
crystalfallsmgr@HOTMAIL.COM	City of Crystal Falls
gpirkola@escanaba.org	City of Escanaba
jolson@gladstonemi.gov	City of Gladstone
kmaynard@cityofmarshall.com	City of Marshall
tdavlin@portland-michigan.org	City of Portland
cwilson@cloverland.com	Cloverland Electric
mheise@cloverland.com	Cloverland Electric
todd.mortimer@CMSENERGY.COM	CMS Energy
Kenneth.Johnston@cmsenergy.com	Consumers Energy
Yong.Keyes@cmsenergy.com	Consumers Energy
chibuzo.obikwelu@cmsenergy.com	Consumers Energy
sarah.jorgensen@cmsenergy.com	Consumers Energy Company
Michael.torrey@cmsenergy.com	Consumers Energy Company
CANDACE.GONZALES@cmsenergy.com	Consumers Energy Company
mpsc.filings@CMSENERGY.COM	Consumers Energy Company
mpsc.filings@CMSENERGY.COM	Consumers Energy Company
david.fein@CONSTELLATION.COM	Constellation Energy
kate.stanley@CONSTELLATION.COM	Constellation Energy
kate.fleche@CONSTELLATION.COM	Constellation New Energy

GEMOTION DISTRIBUTION SERVICE LIST

choicecompliance@constellation.com	Constellation New Energy Inc
lpage@dickinsonwright.com	Dickinson Wright
shaundillon@dillonenergy.com	Dillon Energy Services
info@dillonpower.com	Dillon Power, LLC
Neal.fitch@nrg.com	Direct Energy
Kara.briggs@nrg.com	Direct Energy
Ryan.harwell@nrg.com	Direct Energy
bryce.mckenney@nrg.com	Direct Energy
stephen.lindeman@dteenergy.com	DTE Energy
karl.lievense@dteenergy.com	DTE Energy
konstantin.korolyov@dteenergy.com	DTE Energy
mpscfilings@DTEENERGY.COM	DTE Energy
joyce.leslie@dteenergy.com	DTE Energy
karen.vucinaj@dteenergy.com	DTE Energy
customerservice@eligoenergy.com	Eligo Energy MI, LLC
regulatory@eligoenergy.com	Eligo Energy MI, LLC
frank.travaglione@vistracorp.com	Energy Harbor
rfawaz@energyintl.com	Energy International Power Marketing d/b/a PowerOne
sejackinchuk@varnumlaw.com	Energy Michigan
michael.reiss@engie.com	Engie Gas & Power LLC
customercare@plymouthenergy.com	ENGIE Gas & Power f/k/a Plymouth Energy
VSTRetailReg@VistraCorp.com	Everyday Energy, LLC d/b/a Energy Rewards
felicel@MICHIGAN.GOV	Felice, Lisa
bgorman@FIRSTENERGYCORP.COM	First Energy
phil@allendaleheating.com	Forner, Phil
dburks@glenergy.com	Great Lakes Energy
manderson@wpsci.com	Great Lakes Energy
mengels@wpsci.com	Great Lakes Energy
cdrys@wpsci.com	Great Lakes Energy
ljohnson@wpsci.com	Great Lakes Energy
slamp@glenergy.com	Great Lakes Energy Cooperative
sculver@glenergy.com	Great Lakes Energy Cooperative
johnm@gogreenlightenergy.com	Greenlight Energy Inc.
lrgustafson@CMSENERGY.COM	Gustafson, Lisa
jhammel@hillsdalebpu.com	Hillsdale Board of Public Utilities
coneill@homeworks.org	HomeWorks Tri-County Electric Cooperative
psimmer@HOMEWORKS.ORG	HomeWorks Tri-County Electric Cooperative
bmcbride@aep.com	Indiana Michigan Power
mgobrien@aep.com	Indiana Michigan Power Company
dan@megautilities.org	Integrys Group
daustin@IGSENERGY.COM	Interstate Gas Supply Inc
michael.nugent@igs.com	Interstate Gas Supply d/b/a IGS Energy
general@itctransco.com	ITC Holdings
cmarshall@itctransco.com	ITC Holdings
apascaris@itctransco.com	ITC Holdings

GEMOTION DISTRIBUTION SERVICE LIST

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

GEMOTION DISTRIBUTION SERVICE LIST

mengels@wpsci.com	Presque Isle
cdrys@wpsci.com	Presque Isle
ljohnson@wpsci.com	Presque Isle
MVanschoten@pieg.com	Presque Isle Electric & Gas Cooperative, INC
aberg@pieg.com	Presque Isle Electric & Gas Cooperative, INC
yesterdae@getprovision.com	Provision Power & Gas, LLC
johnbistranin@realgy.com	Realgy Corp.
BusinessOffice@REALGY.COM	Realgy Energy Services
akeilson@genieretail.com	Residents Energy LLC
btrombino@rpaenergy.com	RPA Energy d/b/a Green Choice Energy
mvorabouth@ses4energy.com	Santana Energy
rabaey@SES4ENERGY.COM	Santana Energy
ttynes@ses4energy.com	Santanna Natural Gas Corporation
trish.mcfadin@southstarenergy.com	SouthStar d/b/a Grand Rapids Energy
kejoseph@sparkenergy.com	Spark Energy Gas, LP
cborr@WPSCI.COM	Spartan Renewable Energy, Inc. (Wolverine Power Marketing Corp)
jbelec@stephenson-mi.org	Stephenson Utilities Department
kay8643990@YAHOO.COM	Superior Energy Company
legal@symmetryenergy.com	Symmetry Energy Solutions, LLC
regulatory@texasretailenergy.com	Texas Retail Energy, LLC
agilbert@cleanskyenergy.com	Tital Gas, LLC d/b/a CleanSkyEnergy
bessenmacher@tecmi.coop	Thumb Electric Cooperative
president@tomorrowenergy.com	Tomorrow Energy Corporation
manderson@wpsci.com	Tri-County Electric
mengels@wpsci.com	Tri-County Electric
cdrys@wpsci.com	Tri-County Electric
ljohnson@wpsci.com	Tri-County Electric
mlindsay@uetllc.com	United Energy Trading d/b/a Kratos Gas & Power
colleen.sipiorski@wecenergygroup.com	Upper Michigan Energy Resources Corporation
djmier@integrysgroup.com	Upper Michigan Energy Resources Corporation
James.Beyer@wecenergygroup.com	Upper Michigan Energy Resources Corporation
Richard.Stasik@wecenergygroup.com	Upper Michigan Energy Resources Corporation
nbell@uppco.com	Upper Peninsula Power Company
jformol@uppco.com	Upper Peninsula Power Company
ghaehnel@uppco.com	Upper Peninsula Power Company
estocking@uppco.com	Upper Peninsula Power Company
manager@villageofbaraga.org	Village of Baraga
Villagemanager@villageofclinton.org	Village of Clinton
VSTRetailReg@VistraCorp.com	Viridian Energy PA, LLC
jeinstein@volunteerenergy.com	Volunteer Energy Services
leew@WVPA.COM	Wabash Valley Power
melissa.schauer@wecenergygroup.com	We Energies
andrew.miller1@wecenergygroup.com	We Energies
melissa.schauer@wecenergygroup.com	Wisconsin Public Service

GEMOTION DISTRIBUTION SERVICE LIST

andrew.miller1@wecenergygroup.com	Wisconsin Public Service
tking@WPSCI.COM	Wolverine Power
jbaumann@wpsci.com	Wolverine Power
cborr@wpsci.com	Wolverine Power
ddecouer@wpsci.com	Wolverine Power
bvalice@wpsci.com	Wolverine Power
Amanda@misostates.org	Wood, Amanda
Deborah.e.erwin@xcelenergy.com	Xcel Energy
Michelle.Schlosser@xcelenergy.com	Xcel Energy
bryce.mckenney@nrg.com	Xoom Energy Michigan, LLC d/b/a Xoom Energy