

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 Sections 6t(1)	)	
of Public Act 231 of 2023.	)	Case No. U-21867
_____	)	

In the matter, on the Commission’s own motion,	)	
to implement the provisions of Sections 6t(1), (5), (7),	)	
(8), (12), and (15) of Public Act 231 of 2023 and	)	Case No. U-21570
Sections 3, 5, 7, 22, 28, 51, 101, and 103 of	)	
Public Act 235 of 2023.	)	
_____	)	

At the May 14, 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

Background

On November 28, 2023, Governor Gretchen Whitmer signed into law Public Act 231 of 2023 (Act 231), which, in part, amended Section 6t of Public Act 341 of 2016 (Act 341). The amendments in Act 231 became effective as of February 13, 2024. Act 231 includes several updates to the IRP statute, including updates to the planning parameters, plan filing requirements, and considerations the Commission must review in its evaluation of the plan. MCL 460.6t(1) and (2). Under MCL 460.6t(3), the Commission is required to “issue an order establishing filing requirements, including application forms and instructions, and filing deadlines for an integrated

resource plan [IRP] filed by an electric utility whose rates are regulated by the commission.”
MCL 460.6t(3).

On February 8, 2024, the Commission issued an order in Case No. U-21570 (February 8 order) to begin implementing IRP-related provisions in Public Act 231. The February 8 order also directed the Commission Staff (Staff) to provide a redline version of the Michigan Integrated Resource Planning Parameters (MIRPP) and IRP Filing Requirements that will be updated pursuant to the requirements of Act 231 and Public Act 235 of 2023 (Act 235). February 8 order, p. 6. The February 8 order further directed the Staff to provide a draft of clean energy plan (CEP) filing requirements for the various electric providers in Michigan consistent with clean energy standards established in Act 235; MCL 460.1001 *et seq.* February 8 order, p. 6.

On December 18, 2025, the Commission issued a final order in this proceeding (December 18 order) approving updated MIRPP and updated IRP Filing Requirements along with CEP Filing Requirements for Rate Regulated Utilities, CEP Filing Requirements for Michigan Municipalities, and CEP Filing Requirements for Michigan Electric Cooperatives and Alternative Electric Suppliers (AESs). The updated IRP Filing Requirements include a provision that states:

Transparency and the use of data that can be shared with the Commission, the Staff, and intervenors is encouraged. Proprietary, confidential, and other nonpublic materials used in the development of the forecasts, scenarios, or other aspects of the IRP shall be presented in such a way that the proprietary and confidential nature of the materials is preserved. The use of publicly available data and materials is encouraged in lieu of proprietary and confidential materials and claims that information is proprietary or confidential should be justified by the utility. Inclusion of specific materials in the IRP filing may be contingent upon appropriate confidentiality agreements and protective orders. Proprietary, confidential, and other nonpublic materials filed as part of the IRP shall be clearly designated by the utility as confidential.

December 18 order, Exhibit B-IRP Filing Requirements, p. 7.

No such provision was included in any of the CEP Filing Requirements. Although Energy Michigan requested similar protections for CEP Filing Requirements in its comments, the Commission determined that:

the [Commission] Staff did not recommend a change to the language in the Staff[’s] proposal as contracts are not explicitly required to be filed with the CEP. Utilities are expected to file a description of how the resource transition will take place, key milestones for construction, and implementation of the plan. Additionally, confidential information is protected through non-disclosure agreements that are signed by parties in IRP cases, and therefore, extend to CEPs filed along with the IRP. The Commission declines to adopt Energy Michigan’s request to add additional specifications for filing confidential information at this time, however, the Commission notes it is open to future proposals to ensure that the confidentiality of sensitive information is maintained.

December 18 order, p. 47.

On January 16, 2026, Energy Michigan filed a petition for rehearing pursuant to Mich Admin Code, R 792.10437 (Rule 437), pointing out that AESs and municipally owned utilities, unlike rate-regulated utilities, do not file IRPs and thus are not afforded the same protections for confidential information as rate-regulated utilities that are statutorily required to file their CEPs with their IRPs. Energy Michigan’s petition, p. 2. Energy Michigan argues that the December 18 order “creates the unintended consequence of favoring the confidential information of one set of electric providers over that of another.” *Id.*

Discussion

Rule 437(1) of the Commission’s Rules of Practice and Procedure states that:

[a] petition for rehearing after a decision or order of the commission shall be filed with the Commission within 30 days after service of the decision or order of the commission unless otherwise specified by statute. A petition for rehearing based on a claim of error shall specify all findings of fact or conclusions of law claimed to be erroneous with a brief statement of the basis of the error. A petition for rehearing based . . . on unintended consequences resulting from compliance with the decision or order shall specifically set forth the matters relied upon.

The Commission has interpreted this provision to mean that:

[a]n application 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.

February 23, 2023 order in Case No. U-21099, p. 14 (citing January 31, 2017 order in Case No. U-17691, p. 8).

The Commission agrees with Energy Michigan that the Commission did not fully address the different statutory schemes for filing CEPs. Electric providers whose rates are regulated by the Commission file their CEPs according to the requirements and timelines provided in MCL 460.1051(2). The statute further provides that rate-regulated utilities need not duplicate information contained within the IRP. AESs and cooperative electric utilities that have elected to become member-regulated, however, file their CEPs according to the requirements and timelines provided for in MCL 460.1051(3). Municipalities file their CEPs according to the requirements and timelines provided in MCL 460.1051(4). Municipalities, AESs, and member-regulated electric cooperatives do not file IRPs with the Commission.

Accordingly, the Commission agrees with Energy Michigan that the Commission's December 18 order creates the unintended consequence of favoring the confidential information of one set of electric providers over that of another. In order to be consistent across all providers, the Commission therefore directs the Staff to update the Clean Energy Plan Filing Requirements for Rate-Regulated Utilities (attached as Exhibit C to the December 18 order), the Clean Energy Plan Filing Requirements for Michigan Municipalities (attached as Exhibit D to the December 18 order), and the Clean Energy Plan Filing Requirements for Michigan Electric Cooperatives and

Alternative Energy Suppliers (attached as Exhibit E to the December 18 order), by adding the following provision:

Confidential Information

Transparency and the use of data that can be shared with the Commission, the Staff, and intervenors is encouraged. Proprietary, confidential, and other nonpublic materials used in the development of an electric providers' CEP shall be presented in such a way that the proprietary and confidential nature of the materials is preserved. The use of publicly available data and materials is encouraged in lieu of proprietary and confidential materials and claims that information is proprietary or confidential should be justified by the utility. Inclusion of specific materials in the CEP filing may be contingent upon appropriate confidentiality agreements and protective orders. Proprietary, confidential, and other nonpublic materials filed as part of the CEP shall be clearly designated by the utility as confidential.

THEREFORE, IT IS ORDERED that:

- A. Energy Michigan's petition for rehearing is granted.
- B. The Clean Energy Plan Filing Requirements for Rate-Regulated Electric Utilities, the Clean Energy Plan Filing Requirements for Municipalities, and the Clean Energy Plan Filing Requirements for Electric Cooperatives and Alternative Energy Suppliers shall be updated to include the confidential information provision as set forth in this order.
- C. The Commission Staff is directed to file the updated filing requirements in this docket within 30 days from the date of this order.

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

Shaquila Myers, Commissioner

By its action of May 14, 2026.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

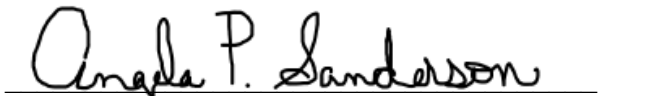
Case No. U-21867 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on May 14, 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 14th day of May 2026.


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

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RPA Energy d/b/a Green Choice Energy
Santana Energy
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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
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Texas Retail Energy, LLC
Tital Gas, LLC d/b/a CleanSkyEnergy
Thumb Electric Cooperative
Tomorrow Energy Corporation
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Tri-County Electric
Tri-County Electric
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