STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to open a docket for load serving entities in Michigan to file their capacity demonstrations for the 2030/2031 planning year as required by MCL 460.6w.	)	Case No. U-22142

At the October 15, 2026 meeting of the Michigan Public Service Commission in Houghton, Michigan.

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

ORDER

Section 6w(8) of Public Act 341 of 2016 (Act 341), MCL 460.6w(8), requires each electric utility, alternative electric supplier (AES), cooperative electric utility, and municipally owned electric utility to demonstrate to the Commission, in a format determined by the Commission, that each load serving entity (LSE) owns or has contractual rights to sufficient capacity to meet its capacity obligations as set by the appropriate independent system operator (ISO), or the

Commission, as applicable.[1] This is known as the state reliability mechanism capacity demonstration.

Act 341 states that regulated electric utilities' capacity demonstration filings are due by December 1 of each year, with filings by AESs, cooperatives, and municipally owned electric utilities due by the seventh business day of February each year. MCL 460.6w(8)(a)-(b). Each year, the Commission opens a docket for the purpose of receiving those filings and sets due dates for the filings and for the Commission Staff's (Staff's) report providing an analysis of the sufficiency of each LSE's capacity demonstration.

On July 16, 2026, the Commission issued an order in this docket (July 16 order), which accepted the Staff's May 12, 2026 Capacity Demonstration Results Report and 2026 Statewide Energy Storage Target Calculation filed in Case No. U-21907 for the annual capacity demonstration for the 2029/2030 planning year (PY). July 16 order, p. 24. The July 16 order opened this docket for LSEs to file their capacity demonstration filings for the 2030/2031 PY and also directed the Staff to conduct a workgroup to discuss potential changes to the capacity demonstration process. *Id*., pp. 24-25. Specifically, the Commission tasked the workgroup with addressing: (1) the timeline for implementing MISO's direct loss of load (DLOL)-based resource adequacy construct into Michigan's capacity demonstration process, (2) the inclusion of load growth that would significantly impact an LSE's ability to serve that load in the capacity demonstration filing, (3) interpretations on whether the 5% limit on resources acquired from the

[1] MCL 460.6w(12)(a) defines the appropriate ISO as the Midcontinent Independent System Operator, Inc. (MISO). MCL 460.6w(11) also states that "[n]othing in this act shall prevent the commission from determining a generation capacity charge under the reliability assurance agreement, rate schedule FERC [Federal Energy Regulatory Commission] No. 44 of the independent system operator known as PJM Interconnection, LLC [PJM] . . . ."

planning resource auction (PRA) in the demonstration year is to be applied to each season's total or to an annual total of resources, and (4) any other topics that the Staff deemed necessary to improve upon the capacity demonstration process and to ensure alignment with ongoing changes at MISO. *Id*., pp. 22-25. The Commission also directed the Staff to file a report with any recommendations following the conclusion of the workgroup. *Id*., pp. 24-25.

Accordingly, the Staff, with notice to all LSEs required to make capacity demonstration filings, held workgroup meetings on August 27 and September 28, 2026, which included presentations from the Staff and MISO and allowed for feedback from participating LSEs. The Staff posted information regarding the meeting as well as the presentations and feedback on the Commission's website on a webpage dedicated to the Capacity Demonstration Workgroup.[2] On October 13, 2026, the Staff filed its Capacity Demonstration Workgroup 2026 Report (Workgroup Report) summarizing the discussions of the workgroup and providing recommendations for the Commission. *See*, Case No. U-22142, filing #U-22142-0002. The Workgroup Report is available for public viewing in this docket and, therefore, is only briefly summarized in this order.

In the Workgroup Report, the Staff states that three topics enumerated in the July 16 order were discussed as well as a proposal for a process to account for customers moving from an AES back to the utility, which was suggested by Energy Michigan. Beginning with the 5% PRA limitation, the Staff recalls that most of the workgroup participants supported the Staff's seasonal interpretation of the limit, noting its alignment with the seasonal risk identified by MISO and the possibility that an annual interpretation could lead to decreased reliability because LSEs would

[2] The webpage for the Capacity Demonstration Workgroup is located at: https://www.michigan.gov/mpsc/commission/workgroups/2016-energy-legislation/capacity-demonstration (last accessed October 14, 2026).

be financially incentivized to stack the PRA allowance on the season that is projected to have the most expensive capacity. Applying an annual 5% would likely allow 10% to 15% of a specific season to be covered by the PRA. Workgroup Report, pp. 3-5.

As to MISO's DLOL, the Staff recalls that on October 25, 2024,[3] FERC issued an order approving MISO's DLOL-based resource adequacy construct tariff revisions, which covered both resource accreditation and calculation of the system-wide planning reserve margin requirement (PRMR) using the DLOL methodology. With a three-year implementation timeframe, full implementation begins in the 2028/2029 PY. At the August 27 workgroup meeting, MISO gave a presentation explaining why DLOL reforms are needed, what changes are expected, and the ongoing work at MISO to address PRMR allocation tariff changes. The Staff also gave a presentation regarding the implementation timing for related changes in the capacity demonstration process. The Staff reports that a key theme that arose was the variability of projected accreditation and accreditation under DLOL, and, in response to the Staff's request for feedback, most participants supported implementation that aligned with MISO's implementation timing in the 2028/2029 PY. Per the Workgroup Report, most participants: (1) agreed that a transition year and parallel reporting would not be useful and would be burdensome, (2) found that prompt year data should continue to be used in the capacity demonstration, and (3) agreed to continue using MISO-published data sources. Workgroup Report, pp. 5-7.

As to the inclusion of load growth in the capacity demonstration process, the Staff presented information at the August 27 workgroup meeting regarding regional and national load growth projections and discussed how the current capacity demonstration process considers load growth.

[3] In the July 16 order, the Commission mistakenly listed the date of FERC's approval as October 24, 2025. *See*, July 16 order, p. 11. The correct date is October 25, 2024.

In response to feedback specific to the load growth questions, the Workgroup Report states that the participants provided a variety of responses, with some entities supporting the inclusion of all load growth, the majority of which supported inclusion for only substantive new additions. Other participants contended that load growth should not be included and should be addressed in other Commission proceedings. If the Commission were to require load growth inclusion, most participants agreed that it should apply to load growth supported by an executed agreement with regulatory approval and a forecast analyzed by the Commission. Workgroup Report, pp. 7-9.

The Workgroup Report notes that other topics of interest included: (1) a request for more information on the treatment of internal demand response programs in the capacity demonstration process, which the Staff discussed and clarified; (2) the need to ensure that any changes to the capacity demonstration process recognize the difference in regional transmission organizations' requirements (namely, between MISO and PJM); and (3) the affidavit process to account for load switching from an AES to a utility. *Id*., pp. 9-10. As to the load switching affidavit, at the September 28, 2026 workgroup meeting, Energy Michigan presented a straw proposal outlining several aspects of the affidavit process, which the Staff adopted in its recommendations. *Id*., p. 10.

The following are the Staff's recommendations included in the Workgroup Report:

> 1. The Commission should clarify that the 5% PRA limitation is on a seasonal basis.
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> 2. The Commission should direct MISO LSEs to continue to use prompt-year MISO resource adequacy construct in the capacity demonstration process, which would include the current construct for the upcoming 2027/2028 PY capacity demonstration in the instant docket and the DLOL-based construct in the 2028/2029 PY and beyond.
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> 3. The Commission should require the inclusion of load growth in the capacity demonstration process for new large loads under the circumstances listed below and should require that the increased capacity obligation and resource needed to meet the capacity obligation be included in all subsequent capacity demonstrations after the

agreement to serve the large load is finalized:

a. When load growth is the result of one (or more) large load addition(s):

i. For rate-regulated LSEs that have a large load customer defined in the company's rate book, customers that fall under this designation, or a special contract for a customer of equivalent (or larger size) to a large load customer.

ii. For all other LSEs with customers that represent at least a 10% increase or more than 50 megawatt increase in the LSE's previous capacity obligation (in any season).

b. When there is an executed service contract (or other binding agreement) between the customer and the LSE.

4. The Commission should adopt the amended Capacity Demonstrations Process and Requirements document and the General Affidavit, reflective of the Staff's recommendations, and attached to the Workgroup Report as Appendix B and Appendix C, respectively.

5. The Commission should clarify the amount of capacity an LSE must show for sufficiency in situations where the LSE voluntarily includes load growth (beyond the load growth required to be included from the prompt year obligation and any load growth addition) in its capacity demonstration requirement by agreeing that voluntarily included load growth does not increase the LSE's capacity obligation.

6. The Commission should adopt the AES-to-Utility process and associated affidavit, attached to the Workgroup Report as Appendix D, reflective of the following process proposed by Energy Michigan:

Eligibility. The process applies only where the customer itself has made an irrevocable or binding commitment to take utility full service for all or an identified portion of its load during the applicable planning year.

Customer initiation. The customer must submit the utility's required return notice and execute the affidavit. The AES may transmit the affidavit package to the utility, but the customer remains the affiant and the source of the service election.

Utility acknowledgment. The utility should acknowledge receipt and state whether the requested return is accepted under its tariff, the effective date, the applicable pricing treatment, and any minimum-stay period. Silence would not constitute acceptance.

Filing window. For a return known before the utility capacity demonstration filing, the customer/AES should provide the affidavit early enough for the utility to include the load in its capacity demonstration filing. (Perhaps January 1

through 14 calendar days before the utility filing deadline as the preferred window). A later affidavit may be filed with the AES demonstration in March if the return became known after the utility's cutoff, subject to utility acknowledgment and Staff reconciliation.

Load identification. The affidavit should identify the customer, service territory, account or meter identifiers in a confidential attachment, affected seasonal peak load contribution values or the best available proxy, planned return date, planning year, and whether the return covers all or part of the customer load.

AES treatment. The AES may exclude only the acknowledged returning load and must demonstrate that its remaining obligation is fully covered.

Utility treatment. The utility should include the returning load in its demonstration or file a short supplemental notice if its demonstration has already been submitted.

Commission Staff review. The Staff may request supporting records and reject the adjustment if the return is not sufficiently definite, conflicts with tariff requirements, or creates a gap in demonstrated responsibility.

Failure to return. If the customer does not return as represented, the AES may not rely on the affidavit for subsequent filings, and Staff may require a cure or other prospective compliance measure. The process should not impose duplicative capacity procurement where the load was in fact served and covered by another LSE.

7. The Commission should allow an opportunity for interested parties to provide formal comments in this docket regarding the proposed changes described in the Workgroup Report.

See, Workgroup Report, pp. 10-12.

To begin, the Commission appreciates the work of the Staff and the workgroup participants for their time and effort in providing feedback and recommendations for clarity, necessary changes, and improvements to the capacity demonstration process. The Commission agrees with the Staff's recommendation to allow interested persons to comment on the recommendations contained in the Workgroup Report.

Therefore, any person may submit comments on the enumerated recommendations described in the Workgroup Report and this order. All comments should be paginated and must reference

Case No. U-22142. Comments must be received no later than 5:00 p.m. (Eastern time) on November 13, 2026. 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 email to LARA-MPSC-Edockets@michigan.gov, or via the Submit Comment option located within the E-Docket file for the case. 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 (either under the Filings or Case Comments section) and will be subject to disclosure.

THEREFORE, IT IS ORDERED that interested parties may file comments regarding the recommendations described in the Commission Staff's Capacity Demonstration Workgroup 2026 Report. Comments must be received no later than 5:00 p.m. (Eastern time) on November 13, 2026, as described in 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 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 October 15, 2026.

Lisa Felice, Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-22142

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on October 15, 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 15th day of October 2026.

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

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