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 customer information and environmental notice requirements of 2000 PA 141.	))))	Case No. U-12487

At the June 5, 2001 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER REQUESTING COMMENTS

On June 19, 2000, the Commission commenced this proceeding to implement two separate provisions contained in Section 10r of Public Act 141 of 2000 (Act 141). Section 10r(1) of Act 141, MCL 460.10r(1); MSA 22.13(10r)(1), requires the Commission to establish minimum standards for the form and content of all disclosures, explanations, or sales information disseminated by a person selling electric services to the general public to ensure that customers are provided with adequate, accurate, and understandable information to enable them to make informed purchasing decisions. Section 10r(3) of Act 141, MCL 460.10r(3); MSA 22.13(10r)(3), requires the adoption of a standardized format by which electric suppliers must disclose information about the environmental characteristics of their electricity products.

To begin the implementation process, the Commission requested that interested persons submit comments on these issues by August 22, 2000. The Commission also indicated that it might rely on the record developed in Case No. U-12133.[1]

By the August 22, 2000 deadline, written comments had been filed by the Commission Staff (Staff), The Detroit Edison Company (Detroit Edison), Consumers Energy Company (Consumers), the Michigan Electric and Gas Association (MEGA), Energy Michigan, the Michigan Independent Power Producers Association (MIPPA), the Midwest Independent Power Suppliers Coordination Group (MIPSCG), Exelon Energy and Unicom Energy, Inc., (collectively, Exelon), the Michigan United Conservation Clubs and the Michigan Environmental Council (collectively, MUCC), and the Small Business Association of Michigan (SBAM).

I.

MINIMUM DISCLOSURE STANDARDS

Section 10r(1) provides:

> (1) The commission shall establish minimum standards for the form and content of all disclosures, explanations, or sales information disseminated by a person selling electric service to ensure that the person provides adequate, accurate, and understandable information about the service that enables a customer to make an informed decision relating to the source and type of electric service purchased. The standards shall be developed to do all of the following:
>
> (a) Not be unduly burdensome.
>
> (b) Not unnecessarily delay or inhibit the initiation and development of competition for electric generation service in any market.

[1]Case No. U-12133 involves the implementation of the "CHOICE" education program for electric customers, which is the subject of Section 10r(2) of Act 141.

(c) Establish different requirements for disclosures, explanations, or sales information relating to different services or similar services to different classes of customers, whenever such different requirements are appropriate to carry out the purposes of this section.

MCL 460.10r(1); MSA 22.13(10r)(1).

The comments filed by the Staff, Detroit Edison, Consumers, MEGA, and Energy Michigan discussed issues related to implementation of this section.

Several of the commentators complain that it was difficult for them to offer meaningful comments without having a draft of the proposed minimum disclosure standards. The Commission is persuaded that the most productive approach to the implementation of the minimum disclosure standards is for the Commission to address in this order the concerns raised in the August 22, 2000 comments, which it has done on a topic-by-topic basis. Thereafter, the Commission will invite all interested persons to submit additional comments on the determinations made by this order and on the proposed minimum disclosure standards drafted by the Commission, which are attached to this order as Exhibit A. After all interested parties have had an opportunity to comment on the draft standards and to submit reply comments, the Commission will issue another order adopting the final version of these standards, which will become effective January 1, 2002. Accordingly, the Commission turns to the issues raised by the comments.

Glossary

The Staff, Detroit Edison, Consumers, and MEGA suggest that the minimum disclosure standards should contain definitions of common terms. In a related issue, Energy Michigan urges use of a "terms of service" form with explanations of contract terminology.

The Commission agrees that the use of a uniform and comprehensive glossary is important to a universal understanding of the minimum disclosure standards adopted pursuant to Section 10r(1)

and to the success of the restructuring of the electric supply market. As a starting point, the Commission has created a glossary of commonly used terms that have been drawn from many sources. Interested persons are encouraged to offer revisions and additions to this glossary, which may be found on the Commission's website at http://www.cis.state.mi.us/mpsc/electric/restruct/glossary.htm .

Plain English

MEGA suggests that the Commission should require all disclosures, explanations, and sales information disseminated by a person selling electric services to the general public to be drafted in plain English. Consumers urges that the Commission require all suppliers to use clearly understandable language in all communications with residential and small commercial customers.

The Commission agrees that such materials should be clearly and concisely written. Further, the Commission finds that each electric utility and alternative electric supplier should be responsible for meeting the standards established for the content and clarity of its disclosures, explanations, and sales information. However, the Commission does not desire to restrict any person selling electric services in this state to exclusive use of the English language in the preparation and dissemination of such materials when the use of another language would be beneficial to the purpose of Section 10r(1) of Act 141. However, if any portion of a disclosure, explanation, or sales information is translated into another language, then all portions of that document must be translated into that language.

Scope of the Standards

The Staff and MEGA maintain that the minimum disclosure standards should focus on residential and small commercial customers. According to them, residential and small commercial customers are far less experienced than large commercial and industrial customers in the procurement of electric power in a competitive market. Detroit Edison suggests that the Commission develop a standardized format for communicating electricity pricing information, terms, and conditions to residential and small commercial customers. Consumers also proposes that residential and small commercial customers should be treated differently from larger customers.

Section 10r(1)(c) specifically requires the Commission to establish different requirements for disclosures, explanations, or sales information for different classes of customers if such different requirements are appropriate to carry out the purposes of the act. The Commission is persuaded that it is appropriate to distinguish between customer classes in the establishment of minimum disclosure standards. The Commission finds that more detailed disclosure standards should apply to transactions involving residential and small commercial customers. The proposed minimum disclosure standards attached to this order reflect this determination.[2]

Standardized Marketing Proposals

MEGA expresses concern over the possibility that the Commission might attempt to standardize the marketing campaigns of electric utilities and alternative electric suppliers. In MEGA's view, the standards adopted in this proceeding should not place any unnecessary constraints on its

[2]The Commission proposes to classify commercial customers taking single-phase secondary service with less than 20 kilowatts (kW) of demand as small commercial customers.

members, but should serve only as an outline of the information that must be included in marketing materials and presentations.

While Section 10r(1) gives the Commission broad authority to establish minimum standards for the form and content of all disclosures, explanations, or sales information disseminated by a person selling electric services to the general public, this authority is subject to certain limitations. For example, the Commission is expressly prohibited from establishing standards that are "unduly burdensome" or that "unnecessarily delay or inhibit the initiation and development of competition for electric generation service in any market." The Commission does not interpret Section 10r(1) to require absolute uniformity in the dissemination of all disclosures, explanations, and sales information. As long as the messages disseminated by suppliers provide the general public with adequate, accurate, and understandable information in a format that permits uncomplicated comparisons, the Commission does not intend to require standardized marketing campaigns.

Standardized Pricing

MEGA recommends that the Commission require that all providers state the prices of electric power in dollars per kilowatt-hour (kWh) or dollars per kW of demand. Consumers supported requiring all providers to state prices in cents per kWh or kW. The Staff, Detroit Edison, and Energy Michigan supported the uniform pricing requirement, but they did not express a preference for a specific standard.

The Commission finds that all persons selling electric services to the general public shall uniformly state prices on a cents per kWh basis. If the price contains a demand component, it shall be stated on a monthly dollars per kW basis. In addition, the method of determining demand shall be clearly stated.

Reliance on "CHOICE" Educational Program

Section 10r(2) of Act 141 requires a funding mechanism for electric utilities and alternative electric suppliers to carry out an educational program for customers that will inform customers of the changes in the provision of electric service and provide them with information regarding the requirements relating to disclosures, explanations, and sales information. The educational program, known as the "CHOICE" program, will provide assistance to customers in understanding and using such information to make reasonably informed choices.

Energy Michigan argues that electric utilities and alternative electric suppliers should be permitted to fulfill the non-price disclosure obligations imposed by Section 10r(1) by directing customers to obtain and use the information that will be available pursuant to the CHOICE educational program. According to Energy Michigan, the massive CHOICE educational program should not be duplicated. Rather, Energy Michigan maintains that electric utilities and alternative electric suppliers should be authorized to advise their customers to obtain and use the information and materials that will be made available through the CHOICE program.

The Commission finds that Energy Michigan's proposal is flawed. The CHOICE program is limited in its duration and is focused on the general education of customers during the transition to a competitive marketplace. On the other hand, the disclosure obligation imposed on electric utilities and alternative electric suppliers by Section 10r(1) refers to each company's responsibility to ensure that its ongoing marketing efforts provide customers with adequate, accurate, and understandable information to enable them to make informed purchasing decisions. The information disseminated through the CHOICE program will be primarily generic in nature. The information covered by Section 10r(1) involves each supplier's company-specific materials.

Accordingly, the Commission finds that Energy Michigan's proposal does not serve the purpose of Section 10r(1) and must be rejected.

Model Draft Minimum Standards

In its comments, the Staff indicates that it had relied upon a variety of different sources in the development of its suggestions regarding the proposed standards. Among the information examined by the Staff were disclosure requirements from other states, including Illinois, Ohio, and Massachusetts, and reports issued by the United States Department of Energy[3] and the National Council on Competition and the Electric Industry.[4] Based on these materials, the Staff offers numerous recommendations, including the use of a standardized format for all utility tariff sheets, customer bills, and marketing information that separates all electric services and their associated rates into generation (and ancillary services), transmission, and distribution components.

With regard to distribution utility tariffs, the Staff maintains that customer tariffs should follow traditional classes of service and should be modeled after the structure of Consumers' direct access tariffs, which were approved by the November 14, 1996 order in Cases Nos. U-10685, U-10754, and U-10787.[5] The Staff suggests that customer information and utility tariffs should clearly differentiate between the delivery utility and the generation provider. Also, the Staff recommends that pricing information in customer information and tariffs should clearly identify costs assigned to both the generator and the distributer of the power.

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[3] "*Blueprint for Consumer Protection,"* October 1998.

[4] "*Synthesis Report: A Summary of Research on Information Disclosure."*

[5] The Staff says that Detroit Edison's direct access tariffs would not be suitable for this purpose.

According to the Staff, the disclosure requirements for all new and incumbent generation suppliers should include minimum standards for all marketing materials, contracts, and customer bills. Additionally, the Staff contends that all suppliers should be prohibited from suggesting to customers that they are obligated to switch to a new supplier. Further, the Staff recommends that service should not commence before a supplier receives a fully executed customer contract.

The Staff insists that each provider's marketing information should contain a breakdown of pricing details for each component of generation service offered. According to the Staff, the energy and demand components of the price should be separately disclosed along with the total price per kWh for generation and the price per kWh for delivery of the power by the local distribution utility. Further, the Staff maintains that the marketing information should also set forth other charges or costs.

The Staff also contends that customer contracts should include a standardized "electricity labeling" format. According to the Staff, the actual label or fact sheet attached to the customer contract should include standard terminology and definitions, the price of each component of every service offered, a description of the conditions of service, an explanation of the length of the contract term, the total cost of the generation components for various consumption levels, all other charges or costs, a clear delineation of all of the components of service provided by the supplier, environmental information regarding the source(s) of the power, an explanation of the right of rescission, and information regarding the applicability and operation of the statutory winter protection plan under MCL 460.10t(1) et seq.; MSA 22.13(10t)(1) et seq.

The Staff suggests that customer bills should include the per unit energy price in kWh and the per unit demand component price in kW (if applicable) for each unbundled component, an identification of the provider of each component of the power, the total kWh consumed, the total

demand component, the total cost of the power consumed on an energy and a demand basis, the generation supplier's telephone number, and the toll-free telephone numbers for the distribution utility and the Commission.

The Staff also believes that all suppliers should be required to report their current price and service offerings to the Commission, together with any changes in those prices and service offerings as they occur. Indeed, citing Section 10r(5) of Act 141, MCL 460.10r(5); MSA 22.13(10r)(5), the Staff asserts that such information must be supplied to the Commission for posting on its internet site.

Consumers and Detroit Edison urge the Commission to model the minimum disclosure standards after rules adopted by the State of Pennsylvania. According to them, sales and marketing materials distributed by an alternate electric supplier should clearly indicate that the seller is not a representative of the customer's current electric supplier. Further, they insist that such materials should also clearly indicate that an offer of savings and other representations by the seller are not associated with the customer's current electric supplier and will not become the responsibility of the customer's current supplier. Further, regardless of the form of communication, Consumers and Detroit Edison contend that a person attempting to sell electric service in this state should be required to disclose the full name of the actual seller.

Consumers' and Detroit Edison's comments endorse many of the Staff's suggestions, including the use of a clear and consistent format that will enable customers to make comparisons on a uniform basis. According to them, customers need accurate pricing information and a clear understanding of the terms of service. Indeed, they contend that the minimum standards should provide for written disclosure of the terms of service prior to initiation of service and immediately after any change in the terms of service.

Consumers and Detroit Edison support thorough disclosure of a supplier's terms of service. According to them, such disclosures should include a uniform statement of the pricing provisions, an explanation of any limits or conditions associated with a variable pricing mechanism, the starting and termination dates of the contract, a description of sign-up bonuses, add-ons, limited time offers, and exclusions, an explanation of the cancellation, renewal, and rescission[6] provisions, and a summary of all penalties, fees, and exceptions.

Consumers and Detroit Edison also suggest that the minimum standards should obligate suppliers to inform customers that (1) they have a right to continue taking service from a regulated utility under regulated rates, (2) the prices and charges of the electric generation supplier are not subject to regulation, and (3) the prices and charges for the physical delivery of electric service, as well as the charges for transition, implementation, and securitization costs are regulated by the Commission. Moreover, Consumers and Detroit Edison contend that customers must be notified (1) of customer contact information including the name of the supplier, the supplier's address, telephone number, internet address (if available), and Commission license number (if applicable), (2) that customers should directly contact the supplier responsible for the service in question as the initial step for inquiries and problem resolution,[7] (3) that, in the event of a power outage, customers should contact their electric utility, and (4) that information pertaining to individual customer load or usage profiles will not be released by an electric utility without the express consent of the customer.

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[6]Consumers and Detroit Edison support permitting customers a three-day rescission window following receipt of a disclosure statement.

[7]According to Consumers and Detroit Edison, if a customer mistakenly contacts the generation supplier rather than the electric utility (or vice versa), the wrongly-contacted entity should be required to promptly refer the customer to the appropriate contact.

Energy Michigan urges the Commission to adopt the approach followed by the State of Maine in devising minimum disclosure standards. According to Energy Michigan, the Commission should require all electric utilities and alternative electric suppliers to attach "Terms of Service" exhibits to each customer contract that clearly describe the price and other major terms of the contract. Energy Michigan contends that such documentation should follow a standard format for residential and small commercial customers. At a minimum, Energy Michigan recommends that each such attachment should contain (1) a clear statement of the price for the demand and energy components, (2) a description of the "firmness" of the energy provided and an explanation of the financial consequences of the different degrees of firmness, (3) the contract term, and (4) an explanation of the termination provision.

MEGA did not advocate a particular model for the Commission's consideration. Nevertheless, many of its suggestions corresponded with those proffered by the other parties. Among MEGA's recommendations for minimum disclosure standards were separately stated pricing information, identification of the actual service provider, explanations of the contract provisions regarding term, cancellation, renewal, and penalties, and how to lodge a complaint.

After reviewing the comments, as well as the approaches to disclosure in a competitive utility environment that have been adopted by other states, the Commission has prepared a set of standards that reflects ideas drawn from many sources. The Commission intends the standards to be the starting point for development of the final minimum disclosure standards. Accordingly, the Commission invites all interested persons to review and comment on these standards.

In so doing, the Commission urges those interested in this proceeding to bear in mind that the Commission is also in the process of developing anti-slamming and anti-cramming procedures

pursuant to the directive contained in Section 10a(3) of Act 141.[8] In adopting similar procedures for the telecommunications industry in Case No. U-11900, the Commission recognized that the marketplace would benefit by affording providers and customers with the flexibility, convenience, and efficiencies associated with the use of alternative methodologies for completing and verifying their transactions.

The Commission remains committed to encouraging electric suppliers and their customers to use such alternative methodologies to complete and to verify their transactions. Accordingly, the Commission requests that all interested persons comment on how the proposed standards may be structured to accomplish this goal.

Internet Posting

Section 10r(5) of Act 141 requires that all information that must be disclosed pursuant to Section 10r(1) shall also be provided to the Commission for inclusion on the Commission's internet site. To facilitate the providing and posting of this information, the Staff recommends that the Commission require such information to be provided to its Executive Secretary in a portable document format (PDF) or other electronic digital formats as prescribed by the Executive Secretary. The Commission agrees with this recommendation and has incorporated it into Exhibit A.

Remedies and Penalties

Section 10c(1) of Act 141 provides:

> (1) Except for a violation under section 10a(3) and as otherwise provided under this section, upon a complaint or on the commission's own motion, if the

[8] See the October 6, 2000 order in Case No. U-12640.

commission finds, after notice and hearing, that an electric utility or an alternative electric supplier has not complied with a provision or order issued under sections 10 through 10bb, the commission shall order such remedies and penalties as necessary to make whole a customer or other person who has suffered damages as a result of the violation, including, but not limited to, 1 or more of the following:

(a) Order the electric utility or alternative electric supplier to pay a fine for the first offense of not less than $1,000.00 or more than $20,000.00. For a second offense, the commission shall order the person to pay a fine of not less than $2,000.00 or more than $40,000.00. For a third and any subsequent offense, the commission shall order the person to pay a fine of not less than $5,000.00 or more than $50,000.00.
(b) Order a refund to the customer of any excess charges.
(c) Order any other remedies that would make whole a person harmed, including, but not limited to, payment of reasonable attorney fees.
(d) Revoke the license of the alternative electric supplier if the commission finds a pattern of violations.
(e) Issue cease and desist orders.

MCL 460.10c(1); MSA 22.13(10c)(1).

Any violation of the standards will be deemed subject to the penalties and remedies specified in the act.

II.

ENVIRONMENTAL NOTICE REQUIREMENTS

Section 10r(3) of Act 141 provides:

(3) The commission shall require that, starting January 1, 2002, all electric suppliers disclose in standardized, uniform format on the customer's bill with a bill insert, on customer contracts, or, for cooperatives, periodicals issued by an association of rural electric cooperatives, information about the environmental characteristics of electricity products purchased by the customer, including all of the following:

(a) The average fuel mix, including categories for oil, gas, coal, solar, hydroelectric, wind, biofuel, nuclear, solid waste incineration, biomass, and other fuel sources. If a source fits into the other category, the specific source must be disclosed. A regional average, determined by the commission, may be used only for that portion of the electricity purchased by the customer for which the fuel mix cannot

be discerned. For the purposes of this subdivision, "biomass" means dedicated crops grown for energy production and organic waste.

(b) The average emissions, in pounds per megawatt hour, [of] sulfur dioxide, carbon dioxide, and oxides of nitrogen. An emissions default, determined by the commission, may be used if the regional average fuel mix is being disclosed.

(c) The average of the high-level nuclear waste generated in pounds per megawatt hour.

(d) The regional average fuel mix and emissions profile as referenced in subsection (3)(a), (b), and (c).

(4) The information required by subsection (3) shall be provided no more than twice annually, and be based on a rolling annual average. Emissions factors will be based on annual publicly available data by generation source.

MCL 460.10r(3); MSA 22.13(10r)(3).

Comments on the environmental notice requirements were received from the Staff, Detroit Edison, Consumers, MEGA, Energy Michigan, MIPPA, MIPSCG, Exelon, MUCC, and SBAM. These comments cover a wide variety of issues, which the Commission will address on a topic-by-topic basis. However, before doing so, the Commission finds that it should clarify certain distinctions in the types of notifications required by Section 10r(3), which the Legislature divided into three forms of disclosure.

The first form of notification obligates investor-owned utilities and alternative electric suppliers to provide environmental notifications directly on a customer's bill or through use of a billing insert, which will be addressed at greater length in this order. The second form of notification specified for investor-owned utilities and alternative electric suppliers requires them to place environmental notifications on customer contracts. The Commission is persuaded that the Legislature intended for the environmental notifications associated with customer contracts to be attached to, or be part of, the blank contract form that is provided to customers before the execution of the contract by the customer. Third, while rural electric cooperatives are not required

to provide customers with bill inserts or contract attachments, they are obligated to provide similar information in periodicals that are issued by an association of rural electric cooperatives.

Frequency of Environmental Notifications

The Legislature provided in Section 10r(4) that the environmental notification "shall be provided no more than twice annually." Consumers, Detroit Edison, the MIPSCG, and Energy Michigan urge the Commission to limit the fuel mix and emissions disclosures to once a year. They maintain that more frequent reporting does not result in a better informed public because of the consistency of the data from month to month.

Exelon questions the value of providing an environmental notification through use of a billing insert on a semi-annual or annual basis, which it claims would be a hardship for suppliers and distribution companies doing consolidated billings. Exelon would prefer that the notification requirement be interpreted to mean that beyond an initial notification contained in a supplier's marketing materials, a customer would have to affirmatively request any further disclosures.

The Commission finds that investor-owned utilities and alternative electric suppliers should be required to provide the fuel mix and emissions disclosures to their customers in the form of bill announcements or billing inserts twice a year. Because the initial environmental notifications are required to commence January 1, 2002, investor-owned utilities and alternative electric suppliers should be prepared to commence delivery of the required bill announcements or billing inserts with their January 2002 bills.

The Commission finds that the rural electric cooperatives, which are not obligated to provide a copy of the required disclosures through billing announcements or with customer contracts, should also be obligated to publish their fuel mix and emissions information in their periodicals twice a

year. Because the initial environmental notifications are required to commence January 1, 2002, all rural electric cooperatives should be prepared to commence delivery of the required notification to their customers with the January 2002 periodical.

After the initial notification, the Commission is willing to consider proposals calling for use of an alternative reporting date if the data are more readily available or otherwise easier to prepare. However, until modified by a subsequent Commission order, all suppliers shall adhere to a January and July schedule for provision of the disclosure notifications required by Section 10r(3).

Finally, the Commission concludes that Exelon's proposal to exempt it from the task of providing all customers with periodic fuel mix and emissions disclosures is not well taken. The clear intent of Section 10r(3) is to require suppliers to provide such information to their customers on a regular basis to ensure that customers have adequate, accurate, and understandable information to enable them to make informed purchasing decisions. Accordingly, Exelon's proposal to make environmental information available only upon request is rejected.

Posting Information on a Website

Exelon contends that the disclosure could be done more economically by allowing suppliers to post such information on their websites. While the Commission does not want to discourage suppliers from making such information available to the public in this manner, the Commission cannot rewrite Section 10r(3).

Alternative Notification Due to Lack of Space on Bills and Billing Inserts

MEGA maintains that Edison Sault Electric Company's (Edison Sault) use of a post card billing system presents a problem because Section 10r(3) requires notification to occur "on the customer's bills with a bill insert." According to MEGA, the Commission should clarify that

Edison Sault and any other similarly situated companies may fulfill the environmental notification requirement through use of a separate periodic mailing to their customers.

The Commission cannot rewrite Section 10r(3), but finds the implementation proposed by MEGA to be reasonable and consistent with the intent of the Legislature.

Definition of the Region

In several places in Section 10r(3), the Legislature referred to a "regional average fuel mix" without specifying the geographic territory that should be included in the region. The Staff suggests that the Commission should utilize data from the states of Michigan, Illinois, Indiana, Ohio, and Wisconsin to develop the default regional average fuel mix. Consumers concurs with the Staff's recommendation.

MEGA encourages the Commission to recognize that Michigan is served by three different electric reliability regions and that selecting data from only one of these regions may not be appropriate. MEGA suggests that the Commission should use readily available data from Michigan and nearby states to develop a regional average fuel mix and an emissions profile.

The MUCC maintains that the Commission should limit the region to the state of Michigan.

The Commission finds that the appropriate region should be defined as including the states of Michigan, Illinois, Indiana, Ohio, and Wisconsin as proposed by the Staff. The Commission finds that the use of data from these five states is reasonable and consistent with comparisons made in other contexts.

Source of the Information

Consumers contends that the information upon which all suppliers should base the disclosure of the fuel mix of their electricity products should come from a common source. According to

Consumers, the Energy Information Administration (EIA), which is a statistical agency within the U. S. Department of Energy with authority to survey energy companies throughout the United States, should be designated by the Commission as the sole source of information for the preparation of fuel mix disclosures. Detroit Edison agrees, but suggests that the source of information concerning emissions of sulfur dioxide and oxides of nitrogen should be the Environmental Protection Agency (EPA).

The MUCC suggests that disclosures should be based on information reported to and verified by the regional transmission organization (RTO) to which the utility belongs. According to the MUCC, data should be based on actual generation, not capacity or anticipated generation. The MUCC maintains that total emissions data should be based on annual reporting and compilations from continuous emissions monitoring systems. Further, the MUCC states that the EPA's emissions and generation resource database could be another source of information. However, the MUCC maintains that the Commission should consult with the Michigan Department of Environmental Quality's Air Quality Division to verify the reported emissions data.

The Commission finds that the suggestion to base all of the required environmental notifications on common sources of readily available and verifiable public information should be adopted. Accordingly, the Commission finds that all suppliers required to calculate and disclose supplier-specific information shall use data as reported to the EIA for preparation of fuel mix data. Suppliers shall use data as reported to the EPA for reporting emissions of sulfur dioxide and oxides of nitrogen. Carbon dioxide emissions data for all fuel categories shall be taken from data available from the Department of Energy.

In the event that a specified source of information is no longer available or undergoes a change that adversely affects the availability, consistency, or reliability of the data, then the supplier shall

notify the Staff of the situation and propose an alternative source of information. A supplier may rely on its proposed alternative source until such time as the Commission determines a new common source for that information. In any event, if a supplier changes the underlying source of information, then its next environmental notification shall clearly and prominently disclose the use of a different source.

Calendar Year Data

Consumers recommends that the Commission forego reliance on calendar year data for environmental notifications. Citing the impossibility of using calender year 2001 data for notifications that will be included with customers' January 2002 bills, Consumers suggests that a more practical time period would be from October 1, 2000 to September 30, 2001.

The MUCC states that the required disclosures should be based on the most recent data available.

The Commission finds that MUCC's proposal should be adopted. Because environmental notifications are to commence on January 1, 2002, it would not be practical to require use of calendar year data. Rather, suppliers shall use the most recent data that are available for their annual disclosures.

Preparation and Availability of Regional Data

Consumers maintains that regional average fuel mix data, which Section 10r(3) allows as a proxy for actual supplier data under certain circumstances, should be prepared by the Staff and provided to all suppliers at least 30 days prior to the time that the suppliers must distribute the information to their customers. Energy Michigan also contends that the Commission should make such information available on an annual basis and suggests that the Commission utilize the same

approach employed by the State of California, which is displayed on that state's website at **http://www.energy.ca.gov/sb1305/documents/** .

The Commission is persuaded that the task of preparing and disseminating regional average fuel mix and emissions default data should be the responsibility of the Staff. Because the environmental notification program must be commenced on January 1, 2002 and because the Commission agrees that the required regional average fuel mix and emissions default data should be made available to suppliers not less than 30 days before the commencement of the environmental notification program, the Commission establishes November 30, 2001 as the deadline for the Staff to complete its work. For future reporting periods, the Staff shall provide all required information to suppliers on a regular business day that occurs not less than 30 days before the environmental notification is to be provided to customers.

The development of the regional average fuel mix and emissions default data should be subject to public input. As soon as possible following issuance of this order, the Staff shall formulate a methodology for calculation of these values and shall serve the methodology on all known suppliers and other interested persons and post it on the Commission's website. The methodology shall involve use of data from sources that are readily accessible and easily verifiable.[9] The Staff shall clearly identify each source of information upon which it intends to rely. Any interested person may contact the Staff before August 31, 2001 to suggest a refinement in either the methodology or the addition or deletion of a source. The Staff may adopt or reject such proposed refinements as it deems appropriate, but it shall clearly identify any changes and disclose them to

[9]In the case of the emissions default, Section 10r(3)(b) specifically requires the Commission to rely on "annual publicly available data by generation source."

the public by September 30, 2001. After September 30, 2001, the Staff shall not revise the methodology or substitute a source of data without approval from the Commission.

The regional average fuel mix and emissions default to be prepared for use beginning January 1, 2002 shall be based on the most recent 12 months data that is available. The Staff shall ensure that, to the extent practical, the methodology, the period of time over which the data are obtained, and the sources of the data remain consistent.

Format – Tables versus Pie Charts

Consumers favors the format used in Illinois, in which information is displayed in a tabular format. Consumers suggests that footnotes could be used to clarify certain questions. For example, Consumers would define "biofuel" to mean crop byproducts used for fuel, such as wood chips. Likewise, Consumers contends that electricity produced from the combustion of landfill gas should be classified as "biomass," because it is an example of organic waste. Detroit Edison also urges adoption of the Illinois format.

Energy Michigan supports a tabular format developed for use in California. According to Energy Michigan, the California model provides customers with simple, easy to understand information. While acknowledging that the California approach would need to be revised to fulfill the requirements of Section 10r(3), Energy Michigan insisted that its use would prove to be beneficial to customers and cost efficient for suppliers. Energy Michigan also suggests that the Commission could install a standardized template for the required disclosures on its website so that providers could simply fill in the required information.

Exelon, which supports the dissemination of information via the internet, urges adoption of a format that is user- and printer-friendly.

MEGA recommends use of a simple tabular format and attached examples of tables that would be appropriate for the disclosure of fuel mix and emissions data.

The Commission is persuaded that the starting point for the selection of a standardized format by which all electric suppliers must disclose information about the environmental characteristics of their electricity products should be a tabular format, an example of which is attached to this order as Exhibit B.[10] Interested persons may suggest revisions to Exhibit B in their comments. The Commission is also interested in whether the information should be presented in a graphic format as well, such as a pie chart, and would welcome suggestions regarding how this approach could be implemented. Further, the Staff should file comments on Energy Michigan's proposal to allow suppliers to provide environmental disclosures through use of the internet.

High-Level Nuclear Waste

Consumers and Detroit Edison recommend that suppliers report average high-level nuclear waste in pounds per megawatt-hour (lbs/MWh) based upon the total amount of high-level radioactive waste generated at nuclear facilities under the supplier's control divided by the total generation under the supplier's control. According to them, the amount of high-level waste generated should be based on the amount of fresh fuel inserted into the reactor at the beginning of each operating cycle. Specifically, they maintain that the amount of waste generated each month should be calculated by dividing the total mass of the fresh fuel by the number of months in the operating cycle. Further, they would calculate the annual average rate of waste generation by summing the amount of waste generated monthly over the 12-month reporting period and dividing

[10]The Commission does not intend Exhibit B to constrain interested persons from proposing the use of a format that is different in size or arrangement.

that sum by the total generation under the supplier's control to arrive at the reported values. Finally, they suggest that the definition of high-level nuclear waste be clarified for environmental disclosure purposes to be identical to the definition in 10 CFR 60.2.[11]

MEGA agrees with Consumers and Detroit Edison that the definition in 10 CFR 60.2 should be used and that the methodology for calculation of high-level nuclear waste needs clarification.

Exelon states that the reporting of high-level nuclear waste poses a burden because a supplier may not have access to such information from a generation or a wholesale broker. Further, Exelon contends that this provision appears to discriminate against nuclear generation. Accordingly, Exelon suggests that the Commission limit the required information for environmental disclosures to fuel mix and air emissions, as is done in New Jersey and Massachusetts.

The MUCC suggests that the generation of nuclear waste should be disclosed in accordance with the reporting requirements of the 42 USC 10101 et seq., which would produce data that are verifiable by the Nuclear Regulatory Commission.

The Commission finds that the suggestions made by Consumers, Detroit Edison, and MEGA should be followed by a supplier in calculating its average high-level nuclear waste. As recognized by their comments, the high-level radioactive waste that results from the production of electricity in a nuclear plant cannot be readily quantified from moment to moment. Rather, it is necessary to calculate the amount of high-level radioactive waste on the basis of the plant's operating cycle. The methodology suggested by Consumers and Detroit Edison appears to be

[11] High-level radioactive waste is defined in 10 CFR 60.2 as meaning (1) irradiated reactor fuel, (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (3) solids into which such liquid wastes have been converted.

reasonable and should be used to determine the values required to be disclosed pursuant to Section 10r(3)(c). Further, the Commission finds that adoption of the definition of high-level radioactive waste from 10 CFR 60.2 is appropriate.

The Commission does not agree with Exelon's position that it should exempt suppliers from disclosing high-level nuclear waste production. The Commission cannot rewrite the statute. Section 10r(3)(c) requires that these disclosures be made.

Calculation of Emissions Disclosures

Detroit Edison recommends that suppliers report the average emissions for sulfur dioxide, carbon dioxide, and oxides of nitrogen in lbs/MWh annually based on previous calendar year data for all sources of generation in the supplier's portfolio.

The MUCC contends that a supplier's emissions and nuclear waste data should be reported in lbs/MWh on the basis of the actual total weight of emissions generated in the previous year divided by the actual generation in MWh for the same period.

As noted earlier in this order, the use of calendar year data is not practical given that the disclosure program must begin on January 1, 2002. However, aside from the timing of the source data, the Commission finds that the proposals made by Detroit Edison and the MUCC should be followed by suppliers in calculating their average emissions and nuclear waste data.

Opportunity for Additional Comment

Detroit Edison states that suppliers should be afforded an opportunity to use available space on bills or billing inserts to address matters that may enhance their customers' comprehension of environmental issues. For example, Detroit Edison indicates that it could inform customers that there is presently no available control technology for carbon dioxide emissions from any fossil

fuel-based generation. According to Detroit Edison, it should be permitted to provide such additional information to more accurately inform its customers of the environmental effects of its generation capabilities. MEGA also supports allowing suppliers to expound on the information contained in the disclosure tables through footnotes and additional comments.

It is well established that a public utility owns the extra space on its bills and in its billing envelopes[12] and has a First Amendment right to use such space to communicate its opinion to its customers.[13] Section 10r(3) only requires that environmental notifications must be in a "standard-ized, uniform format." Accordingly, as long as a supplier adheres to the standardized, uniform format approved by the Commission and does not intentionally mislead or disseminate inaccurate information to customers, the supplier may add additional information.

Actual or Projected Data

Implicit in the approaches proffered by Consumers and Detroit Edison is the use of actual data from the most recent historical period available to calculate environmental disclosures. The MUCC agrees with the use of historical data.

Energy Michigan urges the use of projected data accompanied by an annual historical report of actual deliveries.

The Commission finds that the use of historic data is the preferable approach because it obviates the need to verify the accuracy of a supplier's projections. A supplier may rely on data

[12]Pacific Gas & Electric Company v Public Utilities Commission of California, 475 US 1; 106 S Ct 903; 89 L Ed 2d 1 (1986).

[13]Consolidated Edison Company of New York v Public Service Commission of New York, 447 US 530; 100 S Ct 2326; 65 L Ed 2d 319 (1980), and Central Hudson Gas & Electric Corporation v Public Service Commission of New York, 447 US 557; 100 S Ct 2343; 65 L Ed 2d 341 (1980).

regarding the sources of supply applicable to electricity obtained pursuant to a contract with a wholesale supplier. However, the Commission recognizes that a supplier may not have any historical basis for the disclosure of its fuel mix, emissions, and high-level nuclear waste. In such case, a supplier should report its environmental disclosures based on reasonable projections until it has at least 12 months of actual data upon which to base its calculations. A supplier that bases its environmental disclosures upon projections shall clearly disclose that fact to its customers and shall annually submit a report to the Commission regarding the accuracy of its projections.

Environmental Disclosure Requirements and Specific Claims

Energy Michigan suggests that each electricity product could be separately labeled for its environmental characteristics. However, Energy Michigan also contends that, unless a supplier makes a specific claim about the fuel mix characteristics of its products, the supplier should only be required to disclose the generic fuel mix.

The MIPSCG argues that it is neither practical nor cost efficient for the Commission to require that the actual fuel source of electricity be disclosed to customers unless the supplier has made a specific representation regarding the source of the power it markets.

Detroit Edison maintains that if a supplier does not purport to dedicate a specific fuel source to a specific customer, then the supplier should only be required to disclose an average emissions calculation net of any capacity that may be sold as a dedicated, environmentally-friendly source.

Exelon asserts that there should be two standards for disclosure: one for electricity about which the supplier makes an environmental claim related to a generation source, and one for power that the supplier sells without such claims. Exelon also maintains that suppliers that make environmental claims regarding their generation sources should be required to provide documenta-

tion in support of such claims. According to Exelon, a supplier must be able to support the veracity of its marketing claims with proof that the fuel mix attributable to its power is consistent with the actual fuel mix of the generator of its power.

The MUCC states that problems have arisen in other states that permit suppliers to "dedicate" certain assets, usually environmentally-friendly generation resources, to certain buyers. According to the MUCC, the dedication of such assets must be accompanied by a verification program that ensures that the supplier's claims are not misleading or fraudulent. The MUCC contends that, absent a verification program, an unscrupulous supplier might attempt to oversubscribe sales of its environmentally-friendly generation resources.

The MUCC maintains that there are two possible solutions to its concerns. First, the MUCC asserts that the Commission could prohibit the dedication of generation assets and require that suppliers provide environmental notifications on the basis of their total portfolio of resources. Second, the MUCC contends that if the Commission allows a supplier to offer its environmentally-friendly generation resources through a subscription program, then the Commission must ensure that the supplier's other customers receive environmental notifications that are based exclusively on a portfolio mix that excludes the dedicated resources from the calculations.[14] The MUCC also contends that the supplier should be required to disclose the extent of existing renewable energy

[14]The MUCC notes that Section 10r(6) of Act 141 requires the Commission to establish the Michigan renewables energy program to inform customers of the availability and value of using renewable energy generation, to promote the use of existing renewable energy sources, and to encourage the development of new facilities. The MUCC is concerned that these goals may not be met if suppliers are allowed to bifurcate their resource portfolios between environmentally-friendly generation resources and non-environmentally-friendly generation resources.

versus new renewable energy sources included in its mix, and the supplier's total portfolio mix for all customers.

The MIPPA contends that if the power from a specific generator is marketed for its attributes, then the fuel mix and emissions data from that power should be removed from the supplier's system-wide fuel mix and emissions averages.

The SBAM contends that only "certified" and "tagged" renewable energy resources should be included in a supplier's average fuel mix. Further, the SBAM contends that the Commission should specifically adopt the certification and tagging standards established by the National Association of Attorneys General and the Environmental Resources Trust, Inc. According to the SBAM, absent some system of verification, customers will not be certain that the supplier's claims regarding the use of renewable fuels are fact or fiction.

The origin of a kilowatt-hour that is delivered to a specific customer cannot be ascertained with any degree of certainty. Nevertheless, the Commission is well aware that some customers desire an opportunity to purchase environmentally-friendly electric products. Indeed, the premise underlying the adoption of Section 10r(3) is a belief that at least some customers who are informed of the environmental characteristics of various electricity products will make their purchases on the basis of those characteristics.

Section 10r(3)(a) obligates each electric supplier to disclose information about the environmental characteristics of electricity products "purchased by the customer." In light of the overall focus of Section 10r(3), the Commission finds that a supplier's obligation to disclose information should be consistent with its declarations. In other words, if a supplier does not purport to sell power from a specific source to a specific customer, then the supplier should be obligated to disclose only its average environmental characteristics. However, if a supplier leads a specific

customer to believe that the power purchased by the customer has distinctive characteristics due to use of a specific fuel or due to specific emissions characteristics, then the supplier must report the environmental characteristics of its products in a manner so as to avoid misleading or fraudulent representations. Specifically, such a supplier's calculations of the average environmental characteristics of power sold without regard to specific environmental claims must be net of any power marketed as a dedicated environmentally-friendly source. Further, the Commission agrees that suppliers that make specific product claims should be required to annually report all such claims to the Commission.

Margin of Error

Exelon states that the Commission should adopt a "margin of error" with regard to the supplier's duty to accurately report its fuel mix and average emissions levels. According to Exelon, suppliers should be given an opportunity to correct minor or incidental violations and only significant violations of the notification requirements should be met with sanctions.

The Commission does not agree that a supplier's obligation to accurately report its fuel mix and emissions levels should be reduced through the adoption of a margin of error. Rather, the Commission is persuaded that suppliers are required to accurately calculate their fuel mix and emissions levels.

Use of Default Generation Mix

Exelon contends that as the wholesale market becomes more liquid, suppliers may not be able to determine the source of the power purchased in a particular transaction. According to Exelon, it is unlikely that a supplier will be able to recreate the contract path after completion of a spot market transaction. For that reason, Exelon suggests that suppliers will need to rely on general

information about the source of power generated in a given region as garnered from governmental publications.

MEGA also stresses that the underlying fuel mix and emissions data are generally not known for purchased power. Accordingly, MEGA maintains that in such situations, suppliers should be allowed to base their disclosures on the regional average fuel mix and the emissions default.

The Legislature specifically provided that a supplier may resort to reporting the regional average fuel mix determined by the Commission "only for that portion of the electricity purchased by the customer for which the fuel mix cannot be discerned." Section 10r(3)(a). Likewise, the emissions default may be used only "if the regional average fuel mix is being disclosed." Section 10r(3)(a). These provisions indicate that a supplier has an obligation to attempt to discern the fuel mix and emissions of all power delivered to its customers. The Commission recognizes that increases in market fluidity will complicate a supplier's ability to report the fuel mix and emissions data of purchased power. However, Section 10r(3)(a) requires that a supplier must undertake this endeavor. Moreover, the Commission is persuaded that suppliers that make specific claims about the environmental characteristics of their power have a heightened responsibility in this regard.

In the event that a supplier acquires a portion of its total power requirements through whole-sale purchases and after a good faith effort cannot discern the actual fuel mix of some or all the power so purchased, then the supplier shall factor into the calculation of its fuel mix the regional average fuel mix as calculated by the Staff for that portion of its power requirements that were purchased from another source for which the actual fuel mix could not be discerned. Further, immediately below the fuel mix disclosure table the supplier shall prominently display the following disclaimer in bold type:

> The fuel mix data for the electricity supplied to you by [supplier's name] that appears in this table includes regional average fuel mix data from Michigan, Illinois, Indiana, Ohio, and Wisconsin as a proxy for the actual fuel mix of certain electricity purchased by [supplier's name] because the actual fuel mix characteristics of that purchased electricity could not be discerned. Purchased electricity accounted for [fill in the percentage] % of the electricity supplied by [supplier's name] during the relevant period.

In the event that a supplier acquires all of its power requirements through wholesale purchases and cannot discern the actual fuel mix of any of that power, then the supplier shall use the regional average fuel mix as calculated by the Staff for its average fuel mix. Further, immediately below the fuel mix disclosure table the supplier shall prominently display the following disclaimer in bold type:

> All of the electricity supplied to you during the relevant period was acquired by [supplier's name] through purchases from other suppliers. The actual fuel mix data for your electricity could not be discerned. Therefore, the fuel mix data in this report is based entirely on regional average fuel mix data from Michigan, Illinois, Indiana, Ohio, and Wisconsin.

"Other" Fuel Sources

Section 10r(3)(a) states that a supplier's average fuel mix should include categories for oil, gas, coal, solar, hydroelectric, wind, biofuel, nuclear, solid waste incineration, biomass, and "other fuel sources." Further, if a supplier's notification indicates that some of its power is attributable to "other fuel sources," then the supplier is obligated to disclose, but not necessarily quantify, the specific fuel sources in that category.

The MIPPA contends that the fuel source categories contained in Section 10r(3)(a) should be expanded by the Commission. According to the MIPPA, amplification of the fuel source categories will lessen the chance that customers may misinterpret the actual source of the fuel. The SBAM maintains that energy produced through use of fuel cell technology should be listed in a separate category, not in the "other fuel sources" category.

The Commission disagrees. The Legislature enumerated the fuel mix categories in Section 10r(3)(a). The Commission cannot add to the categories established by the Legislature.

The MIPPA also suggests that the fuels in the "other" category should be quantified if the individual fuel constitutes more that 1% of the total.

While Section 10r(3)(a) requires that the total amount of power generated through use of the fuels contained in the "other" category should be quantified, there is no indication that the Legislature intended to impose such a requirement on the individual components accounted for in the "other" fuels category. If a supplier desires to quantify the fuel sources in the "other" fuels category, it may do so, but the Commission does not intend to impose such a requirement on all suppliers. The Commission encourages suppliers to advertise their particular fuel mix if it would provide the supplier with some benefit in the marketplace.

Measurement of Emissions Data

The SBAM contends that emissions information should be described in units that directly and easily relate to emissions credits. The Commission finds that the Legislature has specifically determined that emissions data should be reported in lbs/MWh. In a previous section of this order, the Commission addressed how such calculations should be made. Therefore, to the extent that the SBAM's suggestion is inconsistent with the requirements of Section 10r(3)(c) and the Commission's prior determinations, it is rejected.

Penalty Provisions

The MUCC maintains that the Commission should establish a penalty provision to ensure compliance with the environmental notification provisions of Act 141.

The Commission finds that it is not necessary do to so. Section 10c of Act 141 authorizes the Commission to assess fines, issue cease and desist orders, revoke licenses, and impose other remedies upon any electric utility or alternate electric supplier that fails to comply with either Section 10r(3) or any order issued by the Commission pursuant to Section 10r(3).

Clarifications

The MUCC and the MIPPA insist that the Commission should clarify the understanding of certain terms:

a. Hydroelectric power

According to the MUCC, a supplier should not be permitted to claim power generated by a pumped storage facility as hydroelectric power unless it reports the power produced in this matter in terms of net generation (the electricity generated less the electricity used to produce it).

The Commission agrees with the MUCC that power from a pumped storage facility should not be categorized as hydroelectric power. Therefore, the Commission finds that power produced from a pumped storage facility should be reported under the "other" category.

b. Biomass

According to the MUCC, biomass should include crops grown for energy production and organic waste, but not municipal solid waste incineration, which must be reported separately. The MIPPA states that the Commission should clarify the definition of organic waste to be included in this category.

The Commission finds that the final sentence of Section 10r(3)(a) clarifies that, for purposes of a supplier's duty to report the environmental characteristics of its power, the biomass category includes only dedicated crops grown for energy production and energy produced through the use of

organic waste. Indeed, the Legislature clearly differentiated between municipal solid waste and biomass.

The definition of organic waste does not appear in the statute. Therefore, the Commission will rely on the EPA's understanding of that concept. As defined by the EPA, organic matter means "carbonaceous waste contained in plant or animal matter and originating from domestic or industrial sources."[15] Accordingly, the Commission finds that suppliers should be guided by this definition.

c. Biofuel

According to the MUCC, biofuel should include landfill gas and ethanol.

The Legislature did not provide a precise definition of this term. Accordingly, the Commission turns to a definition from a well recognized source for guidance. On its website, the Office of Energy Efficiency and Renewable Energy in the U.S. Department of Energy explains that biofuels include "[a] variety of fuels can be made from biomass resources including the liquid fuels ethanol, methanol, biodiesel, Fischer-Tropsch diesel, and gaseous fuels such as hydrogen and methane."[16]

Geographic Origin of the Power

The MIPPA contends that the Commission should require suppliers to disclose the percentage of their power that is generated within the boundaries of the state of Michigan because the location

[15] This definition appears at http://www.epa.gov/OCEPAterms/oterms.html .

[16] See http://www.eren.doe.gov/RE/bio_fuels.htm .

of the environmental benefits associated with a product may be a significant factor in the willingness of a customer to pay a premium for the product. The Commission disagrees.

Section 10r(3) is silent with regard to a supplier's duty to disclose the geographic origin of the power. While the Commission will not preclude a supplier from volunteering such information as part of its marketing strategy, the statute does not require all suppliers to disclose the location of generation facilities. Therefore, the Commission finds that the standard disclosure format should not contain information regarding the percentage of power generated within Michigan.

III.

SUBMISSION OF COMMENTS

All comments filed in this case may be submitted as traditional filings or through the electronic case filings program. Persons submitting comments through the electronic case filing program must file an original and four paper copies and an electronic copy in the portable document format (PDF). Requirements for filing electronic documents can be found in the Commission's Electronic Case Filings Users Manual at http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf . Contact the Staff at 800.292.9555, 517.241.6170, or by e-mail at cases.efile.mpsc@cis.state.mi.us prior to filing to obtain access privileges and with any questions. Persons submitting comments as traditional filings must file an original and 15 copies with the Commission's Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. All comments should reference Case No. U-12487.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; MSA 22.151 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACS, R 460.17101 et seq.

b. Interested persons should have an opportunity to comment on the attached proposals to implement the customer information and environmental notice requirements of 2000 PA 141.

THEREFORE, IT IS ORDERED that:

A. Interested persons shall have until July 13, 2001 to file their initial comments regarding the Commission's proposed standards for the disclosure of information by electric service providers to their customers, which are attached to this order as Exhibit A. Reply comments shall be filed no later than July 27, 2001.

B. Interested persons shall have until July 13, 2001 to file their initial comments regarding the Commission's proposal by which electric service providers must inform their customers about the environmental characteristics of their electricity products, which is attached to this order as Exhibit B. Reply comments shall be filed no later than July 27, 2001.

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

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of June 5, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

_____

Chairman

_____

Commissioner

_____

Commissioner

By its action of June 5, 2001.

_____

Its Executive Secretary

In the matter, on the Commission's own motion, to implement the customer information and environmental notice requirements of 2000 PA 141.	))))	Case No. U-12487

Suggested Minute:

"Adopt and issue order dated June 5, 2001 requesting the submission of comments on standards for the disclosure of certain information by suppliers of retail electric service to their customers and further requesting the submission of comments on standards by which electric service suppliers must inform their customers about the environmental characteristics of their electricity products, as set forth in the order."