

Midcontinent Independent System)
Operator, Inc.) Docket No. ER20-2591-000

The Michigan Public Service Commission (Michigan PSC) respectfully submits the following Motion for Leave to file this Answer to the Comments of Consumers Energy Company,¹ which are sponsored jointly by Consumers Energy Company (Consumers) and DTE Electric Company (DTE), as well as the Protest of Entergy Services, LLC (Entergy).² Consumers, DTE, and Entergy all note various elements of Midcontinent Independent System Operator, Inc.'s (MISO) current Tariffs that they believe are deficient and left unaddressed in MISO's current filing.³ While the Michigan PSC does not dispute that additional improvements can

³ Docket No. ER20-2591-000, Motion to Intervene and Comments of Consumers Energy Company (August 21, 2020), at p 4; Docket No. ER20-2591-000, Motion to Intervene and Comments of Consumers Energy Company (August 21, 2020), at pp 4–6.

and should be made, it moves to file the following Answer providing its perspective as to why the proposed Tariff revisions should be adopted.

I. To the extent required, the Michigan PSC requests leave to file this Answer.

The Michigan PSC respectfully requests that the Commission grant its motion in order to respond to the comments and protest filed on August 21, 2020 by Consumers, DTE, and Entergy in these proceedings. Although the Commission's rules do not generally permit answers to protests or answers,⁴ Rule 213(a)(2) provides that a party may answer in circumstances where the decisional authority permits the answer for good cause shown.⁵ The Commission has permitted answers that clarify the record, contribute to an understanding of the issues, and/or assist the decision-making process.⁶

⁴ 18 C.F.R. § 385.213(a)(2) (2013).

⁵ *Id.*

⁶ Although Rule 213(a)(2) provides that responses to answers are not allowed "unless otherwise ordered by the decisional authority," the Commission allows the filing of replies for various reasons demonstrating good cause. Buckeye Pipe Line Co., 45 F.E.R.C. ¶ 61,046, at 61,160 (1988). The Commission has held that good cause exists when answers or responses "will facilitate the decisional process or aid in the explication of issues," Transwestern Pipeline Co., 50 FERC ¶ 61,211, at 61,672 n.5 (1990); "clarify the issues in dispute and ... ensure a complete and accurate record," Transcontinental Gas Pipe Line Corp., 68 FERC ¶61,338 (1994)(permitting answers to protest); help resolve complex issues, Ohio Power Co., 46 FERC ¶61,180, at 61,595 (1989); "correct factual misstatements," So. Minnesota Municipal Power Agency v. No. States Power Co., 57 FERC ¶ 61,136, at 61,494 (1991); provide "useful and relevant information to the Commission which ... assist[s] in the decision-making process," Transwestern Pipeline Co., 50 FERC ¶ 61,362, at 62,090 n.19 (1990); or where the argument is not reflected in initial pleadings, Central Nebraska Public Power and Irrigation District, 52 FERC ¶ 61,339 at 62, 344 (1990).

Granting the instant motion will assist the Commission’s decision-making process by allowing the Michigan PSC to clarify the record on the assertion concerning the need for the initial Tariff revisions proposed by MISO in order to address process deficiencies. These process deficiencies currently impact state capacity demonstrations in states like Michigan in addition to planning processes at the regional transmission organization level.

II. The Commission should approve MISO’s proposed Tariff revisions and direct MISO to pursue further revisions through its stakeholder process.

As MISO stated in its initial filing,⁷ these tariff revisions are not intended to address all outstanding issues with Aggregator of Retail Customer (ARC) registration and implementation. MISO characterized the filing as preliminary level-setting with more substantive efforts to come. As the Michigan PSC noted in its initial comments,⁸ the filed tariff revisions represent a first step towards improving ARC registrations and other processes. The filing addresses issues of immediate concern to the Michigan PSC, in particular the Module E-1 Tariff revisions. Delaying implementation of these changes would leave known issues that prevent the proper operation of ARC processes unaddressed. Therefore,

⁷ Docket No. ER20-2591-000, MISO’s Filing to Clarify Registration and Processes Related to Aggregator of Retail Customers Participating in Miso Markets (July 31, 2020), at pp 1–2, 9 (“[S]hould the Commission approve this initial effort to ‘level-set’ relevant ARC Tariff provisions, the revised Tariff provisions will provide an appropriate platform for additional, more substantive ARC Tariff revisions to follow from this initial effort.”).

⁸ Docket No. ER20-2591-000, Notice of Intervention and Comments of the Michigan Public Service Commission (August 21, 2020), at pp 8–9.

MISO's proposed Tariff revisions should be approved while other efforts are made to further improve ARC processes.

The Michigan PSC finds merit in stakeholder comments suggesting that more detailed ARC registration information, clarity on Local Balancing Authority and Load Serving Entity roles, and metering requirements may be desirable.⁹ However, instead of rejecting MISO's filing outright, the Michigan PSC submits that the Commission should approve MISO's proposed Tariff revisions and order further revisions to occur through the MISO stakeholder process as indicated in MISO's filing. Such an approach would allow MISO and its stakeholders to determine what specific changes are necessary and ensure that ARCs are subject to the same requirements as other Demand Response Market Participants.

⁹ Docket No. ER20-2591-000, Motion to Intervene and Comments of Consumers Energy Company (August 21, 2020), at pp 4–5.

III. Conclusion and Recommendation

The Michigan PSC reiterates its support for MISO's proposed changes to Module E-1, Tariff section 69A.1.2.1 and the other Tariff changes proposed by MISO to the extent that the changes promote clarity and transparency regarding the ARC registration and processes. While the Michigan PSC agrees with MISO and other parties that there is more work to be done, it respectfully recommends that the Tariff revisions proposed in this proceeding be adopted and that the Commission direct MISO to evaluate and pursue further tariff revisions as indicated in its filing.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE
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