

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC  
SERVICE COMMISSION HELD IN ITS OFFICES ON JANUARY 23, 2020

Commission Chairman Sally A. Talberg called the meeting to order at 11:00 a.m.  
Executive Secretary Lisa Felice called the roll and declared there was a quorum.

**PRESENT**

Commission: Sally A. Talberg, Chairman  
Daniel C. Scripps, Commissioner  
Tremaine L. Phillips, Commissioner

Staff: Lisa Gold  
Matt Helms  
Lisa Felice  
Wendy Cadwell  
Brianna Brown  
Jill Rusnak  
Ryan Wilson  
Kevin Spence  
Eleanor Mundorf  
Josh Towslee  
Patrick Hudson  
Al Freeman  
Ryan Laruwe  
Kayla Fox  
Drew Simon  
Nate Johnson  
Kirk Forbes

Public: Donald Hazzard  
Jason Hanselman, Dykema – I&M  
Kwafo Adarkwa, ITC  
Marc Lewis, I&M  
Candace Gonzales, Consumers Energy  
Toni Noakes, Consumers Energy  
Kahryn Riley, Consumers Energy  
Suzy Westmoreland, MEGA

- I. Commissioner Scripps moved to approve today's agenda, Commissioner Phillips seconded.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The agenda was approved.

- II.** Commissioner Scripps moved to approve the minutes of the Regular Commission Meeting of December 19, 2019, Commissioner Phillips seconded.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The minutes were approved.

- III.** Commissioner Scripps moved to submit the Proposed Amendment of the Bylaws for consideration, Commissioner Phillips seconded.

Commission Staff Ryan Wilson, Regulatory Affairs Division, presented a brief synopsis of the amendment listed above. Commissioner Scripps moved that the Commission submit the Proposed Amendment of the Bylaws for consideration at its January 23, 2020 meeting, Commissioner Phillips seconded that motion.

The Proposed Amendment is attached.

Chairman Talberg thanked staff for their efforts.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The motion was approved.

#### **IV. CONSENTED ORDERS**

##### **A. COMMUNICATIONS**

1. U-16116 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN LIQUID WEB, INC. AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN (second amendment)
- U-16526 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN QWEST COMMUNICATIONS COMPANY, LLC AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN (eighth amendment)
- U-16561 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN BARAGA TELEPHONE COMPANY AND AT&T MICHIGAN (third amendment)

- U-16778 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN PENINSULA FIBER NETWORK, LLC AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN  
(sixth amendment)
- U-17112 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN CYNERGYCOMM.NET, INC. AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN  
(fifth amendment)
- U-17740 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN WIDE VOICE, LLC AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN  
(fifth amendment)
- U-18162 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN AT&T MICHIGAN AND OSIRUS COMMUNICATIONS, INC.  
(first amendment)
- U-20148 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN SPECTROTEL, INC., d/b/a ONETOUCH COMMUNICATIONS d/b/a TOUCH BASE COMMUNICATIONS AND AT&T MICHIGAN  
(first amendment)
- U-20667 IN THE MATTER OF THE REQUEST FOR COMMISSION APPROVAL OF A COMMERCIAL MOBILE RADIO SERVICES INTERCONNECTION AGREEMENT BETWEEN CENTURYTEL MIDWEST-MICHIGAN, INC. d/b/a CENTURYLINK, CENTURYTEL OF MICHIGAN, INC. d/b/a CENTURYLINK, CENTURYTEL OF NORTHERN MICHIGAN, INC. d/b/a CENTURYLINK, CENTURYTEL OF UPPER MICHIGAN, INC. d/b/a CENTURYLINK AND CSC WIRELESS d/b/a ALTICE MOBILE  
(interconnection agreement)
2. MINUTE ACTION FRONTIER MICHIGAN  
(9-1-1 wireless, U-14000, invoice nos. MI9NGMTS9110109 and MI9NZMTS9110109, dated January 9, 2020)

**B. ELECTRIC**

1. U-20353 IN THE MATTER OF THE COMPLAINT OF CRYSTAL FLASH RENEWABLE ENERGY L.L.C. AGAINST CONSUMERS ENERGY COMPANY CONCERNING VIOLATIONS OF MCL 460.6V, THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 AND RELATED COMMISSION ORDERS  
(request for dismissal)
2. U-20366 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR DTE ELECTRIC COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008 AS AMENDED BY PUBLIC ACT 342 OF 2016  
(energy waste reduction cost reconciliation/final order)
3. U-20483 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2018  
(final order)
4. U-20489 IN THE MATTER OF THE APPLICATION OF WISCONSIN ELECTRIC POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2018  
(final order)
5. U-20701 2019 ENERGY WASTE REDUCTION RECONCILIATION AND ANNUAL REPORT FILING  
(order assigning docket numbers)  
ALPENA POWER COMPANY  
U-20702 CONSUMERS ENERGY COMPANY  
U-20703 DTE ELECTRIC COMPANY  
U-20704 INDIANA MICHIGAN POWER COMPANY  
U-20705 NORTHERN STATES POWER COMPANY  
U-20706 UPPER PENINSULA POWER COMPANY  
U-20707 UPPER MICHIGAN ENERGY RESOURCES CORPORATION  
U-20708 DTE GAS COMPANY  
U-20709 MICHIGAN GAS UTILITIES CORPORATION  
U-20710 SEMCO ENERGY, INC.  
U-18271 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR

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|         | ALGER-DELTA CO-OPERATIVE ELECTRIC ASSOCIATION<br>TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS<br>AMENDED BY PUBLIC ACT 342 OF 2016<br>(annual report filing) |
| U-18272 | BAYFIELD ELECTRIC COOPERATIVE   |
| U-18273 | CHERRYLAND ELECTRIC COOPERATIVE   |
| U-18274 | CLOVERLAND ELECTRIC COOPERATIVE   |
| U-18275 | GREAT LAKES ENERGY COOPERATIVE  |
| U-18276 | MIDWEST ENERGY COOPERATIVE  |
| U-18277 | ONTONAGON COUNTY RURAL ELECTRIFICATION<br>ASSOCIATION   |
| U-18278 | PRESQUE ISLE ELECTRIC AND GAS CO-OP   |
| U-18279 | THUMB ELECTRIC COOPERATIVE  |
| U-18280 | TRI-COUNTY ELECTRIC COOPERATIVE   |
| U-18281 | VILLAGE OF BARAGA   |
| U-18282 | CITY OF BAY CITY  |
| U-18283 | CITY OF CHARLEVOIX  |
| U-18284 | CHELSEA DEPARTMENT OF ELECTRIC AND WATER  |
| U-18285 | VILLAGE OF CLINTON  |
| U-18286 | COLDWATER BOARD OF PUBLIC UTILITIES   |
| U-18287 | CROSWELL MUNICIPAL LIGHT & POWER DEPARTMENT   |
| U-18288 | CITY OF CRYSTAL FALLS   |
| U-18289 | DAGGETT ELECTRIC DEPARTMENT   |
| U-18291 | CITY OF DOWAGIAC  |
| U-18292 | CITY OF EATON RAPIDS  |
| U-18293 | CITY OF ESCANABA  |
| U-18294 | CITY OF GLADSTONE   |
| U-18295 | GRAND HAVEN BOARD OF LIGHT AND POWER  |
| U-18296 | CITY OF HARBOR SPRINGS  |
| U-18297 | CITY OF HART HYDRO  |
| U-18298 | HILLSDALE BOARD OF PUBLIC UTILITIES   |
| U-18299 | HOLLAND BOARD OF PUBLIC WORKS   |
| U-18300 | VILLAGE OF L'ANSE   |
| U-18301 | LANSING BOARD OF WATER AND LIGHT  |
| U-18302 | LOWELL LIGHT AND POWER  |
| U-18303 | MARQUETTE BOARD OF LIGHT & POWER  |
| U-18304 | MARSHALL ELECTRIC DEPARTMENT  |
| U-18305 | NEGAUNEE DEPARTMENT OF PUBLIC WORKS   |
| U-18306 | NEWBERRY WATER AND LIGHT BOARD  |
| U-18307 | NILES UTILITY DEPARTMENT  |
| U-18308 | CITY OF NORWAY  |
| U-18309 | CITY OF PAW PAW   |
| U-18310 | CITY OF PETOSKEY  |
| U-18311 | CITY OF PORTLAND  |
| U-18312 | CITY OF SEBEWAING   |
| U-18313 | CITY OF SOUTH HAVEN   |
| U-18314 | CITY OF ST. LOUIS   |
| U-18315 | CITY OF STEPHENSON  |

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|  | U-18316 | CITY OF STURGIS                           |
|  | U-18317 | TRAVERSE CITY LIGHT AND POWER             |
|  | U-18318 | UNION CITY ELECTRIC DEPARTMENT            |
|  | U-18319 | CITY OF WAKEFIELD                         |
|  | U-18320 | WYANDOTTE DEPARTMENT OF MUNICIPAL SERVICE |
|  | U-18321 | ZEELAND BOARD OF PUBLIC WORKS             |
6. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC., STORAGE AS A TRANSMISSION ONLY ASSET TARIFF FILING, FERC DOCKET NO. ER20-588-000

### **C. GAS**

1. U-20214 IN THE MATTER OF THE APPLICATION OF PRESQUE ISLE ELECTRIC & GAS CO-OP FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN FOR THE 12-MONTH PERIOD APRIL 2018-MARCH 2019  
(final order)
2. U-20369 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR DTE GAS COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008 AS AMENDED BY PUBLIC ACT 342 OF 2016  
(energy waste reduction cost reconciliation/final order)
3. MINUTE ACTION SOUTHWEST GAS STORAGE COMPANY, PETITION FOR DECLARATORY ORDER, DOCKET NO. RP20-233-000

Commissioner Scripps moved that the Commission approve all the orders and minutes on the consent agenda. Commissioner Phillips seconded that motion.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The 8 orders and 3 minutes were adopted.

## **V. OTHER ORDERS**

### **A. COMMUNICATIONS**

1. U-20623 IN THE MATTER OF THE NOTICE OF TALK AMERICA SERVICES, LLC, OF DISCONTINUANCE OF BASIC LOCAL EXCHANGE SERVICE AND TOLL SERVICE  
(notice of alternative providers)

Case No. U-20623 involves a notice filed by Talk America Services, LLC, of discontinuance of basic local exchange service and toll service. The order before you directs the Commission Staff to post to the Commission's website a list of alternative providers with available comparable residential voice service, including reliable access to 9-1-1 and emergency services, in Talk America Services, LLC's service territory. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Commissioner Phillips commented:

"Concerning the order in U-20623, the Commission recognizes the significant technological changes taking place in the telecommunications industry, and though the Commission has previously approved the discontinuance of basic local exchange and toll services by providers, this is the first instance where a large number of customers would be potentially impacted and lose voice and reliable access to 911 and emergency services through such a discontinuance. As a result, the Commission asked Talk America to delay its discontinuance of service while an investigation on the availability of comparable voice service providers took place. I would like to thank our Telecommunications and Customer Assistance teams for their due diligence in addressing customer comments and complaints, and for their work in conducting the necessary investigation of available service triggered by those complaints. Pending the passage of today's order, a list of alternative providers that offer comparable voice service with reliable access to 911 and emergency services access will be available on our website, and we encourage impacted customers to review that information online or contact the MPSC's customer assistance staff at 1-800-292-9555. Lastly, I would just like to comment that as a Commission, we will continue to do our best to ensure that customers and communities are not left behind during this transition."

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

## **B. ELECTRIC**

1. U-18361 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
TO PROMULGATE RULES REQUIRED BY MCL 460.10ee(1)  
(opportunity to comment/interim order)
- U-10150 IN THE MATTER OF THE APPLICATION OF MICHIGAN  
CONSOLIDATED GAS COMPANY FOR AUTHORITY TO  
INCREASE ITS RATES AND FOR OTHER RELIEF  
(closing docket)
- U-11916 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
TO CONSIDER CHANGES TO ITS GUIDELINES FOR  
TRANSACTIONS BETWEEN AFFILIATES

- (closing docket)  
U-12134 IN THE MATTER OF THE APPROVAL OF A CODE OF CONDUCT FOR CONSUMERS ENERGY COMPANY AND THE DETROIT EDISON COMPANY
- (closing docket)  
U-13502 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO CONSIDER GUIDELINES OR STANDARDS TO GOVERN TRANSACTIONS BETWEEN THE DETROIT EDISON COMPANY AND ITS AFFILIATES
- (closing docket)  
U-15325 IN THE MATTER OF THE JOINT APPLICATION OF WISCONSIN PUBLIC SERVICE CORPORATION, UPPER PENINSULA POWER COMPANY, AND MICHIGAN GAS UTILITIES CORPORATION FOR WAIVERS FROM, AND/OR DECLARATIONS REGARDING THE APPLICABILITY OF, THE CODE OF CONDUCT AND AFFILIATE TRANSACTION GUIDELINES AND RELATED APPROVALS TO SUPPORT SERVICES PROVIDED BY INTEGRYS BUSINESS SUPPORT, LLC
- (closing docket)  
U-18326 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO OPEN A DOCKET TO IMPLEMENT THE PROVISIONS OF SECTION 10ee OF 2016 PA 341
- (closing docket)  
U-18485 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO PROCESS DATA PRIVACY TARIFFS FILED IN COMPLIANCE WITH MICH ADMIN CODE, R 460.153 FOR APPROVAL
- (interim order)  
U-20674 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CONSUMERS ENERGY COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20675 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR DTE ELECTRIC COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20676 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR DTE GAS COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*



- (opening docket)  
U-20677 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR SEMCO ENERGY GAS COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20678 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR INDIANA MICHIGAN POWER COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20679 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER MICHIGAN ENERGY RESOURCES CORP. TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.* (opening docket)
- U-20680 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER PENINSULA POWER COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20681 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR NORTHERN STATE POWER COMPANY, A WISCONSIN CORPORATION, TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20682 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR ALPENA POWER COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20683 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR MICHIGAN GAS UTILITIES CORPORATION TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*

- (opening docket)  
U-20684 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
ALGER DELTA COOPERATIVE ELECTRIC ASSOCIATION TO  
FULLY COMPLY WITH THE CODE OF CONDUCT, MICH  
ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20685 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
THUMB ELECTRIC COOPERATIVE TO FULLY COMPLY  
WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R  
460.10101 *ET SEQ.*
- (opening docket)  
U-20686 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
GREAT LAKES ENERGY COOPERATIVE TO FULLY COMPLY  
WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R  
460.10101 *ET SEQ.*
- (opening docket)  
U-20687 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
ONTONAGON COUNTY RURAL ELECTRIC COOPERATIVE  
TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH  
ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20688 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
CLOVERLAND ELECTRIC COOPERATIVE TO FULLY  
COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN  
CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20689 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
HOMEWORKS TRI-COUNTY ELECTRIC COOPERATIVE TO  
FULLY COMPLY WITH THE CODE OF CONDUCT, MICH  
ADMIN CODE, R 460.10101 *ET SEQ.*
- (opening docket)  
U-20690 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY FILINGS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
MIDWEST ENERGY COOPERATIVE TO FULLY COMPLY

- WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)
- U-20691 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR PRESQUE ISLE ELECTRIC & GAS CO-OP TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)
- U-20692 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CHERRYLAND ELECTRIC COOPERATIVE TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)
- U-20693 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CITIZENS GAS FUEL COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)
- U-20694 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR SUPERIOR ENERGY COMPANY TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)
- U-20695 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY FILINGS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR BAYFIELD ELECTRIC COOPERATIVE, INC., TO FULLY COMPLY WITH THE CODE OF CONDUCT, MICH ADMIN CODE, R 460.10101 *ET SEQ.*  
(opening docket)

Commission Staff Kirk Forbes, Regulated Energy Division, presented a brief synopsis of the case listed above. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Chairman Talberg thanked staff for their efforts.

Commissioner Phillips commented:

“The process required the Commission and Staff to strike a delicate balance between ensuring customer privacy and data protection and facilitating the competitiveness and innovation that will fuel many of the State and Commission’s priorities. This includes accelerating the objectives outlined in the MI Power Grid initiative.

The tension between these priorities will continue, but I am encouraged by the talent and expertise we have working on this issue at the Commission, as well as by the increased availability of third party services such as Green Button, which will allow customers to more easily access and consent to sharing their energy consumption data.”

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

2. U-18349 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION, AND/OR APPROVALS NECESSARY FOR REGULATED ELECTRIC PROVIDERS TO COMPLY WITH SECTION 61 OF 2016 PA 342  
(voluntary green pricing program/interim order)
- U-18350 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION, AND/OR APPROVALS NECESSARY FOR ALPENA POWER COMPANY TO COMPLY WITH SECTION 61 OF 2016 PA 342
- U-18353 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION, AND/OR APPROVALS NECESSARY FOR INDIANA MICHIGAN POWER COMPANY TO COMPLY WITH SECTION 61 OF 2016 PA 342
- U-18356 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION, AND/OR APPROVALS NECESSARY FOR UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO COMPLY WITH SECTION 61 OF 2016 PA 342
- U-20638 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY, A WISCONSIN CORPORATION, SEEKING *EX PARTE* APPROVAL TO ESTABLISH RENEWABLE\*CONNECT, AN OPTIONAL VOLUNTARY GREEN PRICING PROGRAM
- U-20649 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF VOLUNTARY GREEN PRICING PROGRAMS PURSUANT TO SECTION 61 OF 2016 PA 342
- U-20652 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION AND/OR APPROVALS NECESSARY FOR

UPPER PENINSULA POWER COMPANY TO COMPLY WITH SECTION 61 OF 2016 PA 342, AND REVIEW OF VOLUNTARY GREEN PRICING PROGRAM.

U-20713 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS AND/OR APPROVALS NECESSARY FOR DTE ELECTRIC COMPANY TO COMPLY WITH SECTION 61 OF 2016 PA 342

Case No. U-18349 *et al.*, involve matters, on the Commission's own motion, regarding the implementation of Section 61 of 2016 PA 342, MCL 460.1061. The order before you provides deadlines for the filing of Section 61 voluntary green pricing program proposals, as well as for comments and reply comments regarding the voluntary green pricing program proposals, and orders a contested case in Case No. U-20649 Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

3. U-20359 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR AUTHORITY TO INCREASE ITS RATES FOR THE SALE OF ELECTRIC ENERGY AND FOR APPROVAL OF DEPRECIATION RATES AND OTHER RELATED MATTERS  
(final order)

Commission Staff Ryan Laruwe, Strategic Operations Division, presented a brief synopsis of the case listed above. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Chairman Talberg commented that the three Commissioners attended a public hearing last year in Benton Harbor for Indiana Michigan Power's Integrated Resource Plan case. A majority of the public comments related to Case No. U-20359 and the proposed rate increase. The number of intervenors and variety of interests that were represented in the settlement agreement (that was unanimous) is encouraging. The Chairman also encouraged I&M to continue to focus on reliability.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

## C. GAS

1. U-20233 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND AUTHORIZATION OF GAS COST RECOVERY FACTORS FOR THE 12-MONTH PERIOD APRIL 2019-MARCH 2020  
(final order)

Case No. U-20233 involves an application filed by Consumers Energy Company for approval of the utility's gas cost recovery plan for the 12-month period of April 2019 through March 2020, authorization of GCR recovery factors for the same time period, and approval of a five-year forecast. The order before you approves the plan and factors with amendments and accepts the five-year forecast. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

2. U-20569 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO REQUIRE CONSUMERS ENERGY COMPANY TO SHOW CAUSE WHY IT SHOULD NOT BE FOUND IN VIOLATION OF PUBLIC ACT 174 OF 2013, THE MISS DIG UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY ACT, MCL 460.721 *ET SEQ.*  
(final order)

Commission Staff Eleanor Mundorf, Energy Operations Division, presented a brief synopsis of the case listed above. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Chairman Talberg thanked staff for their efforts. She indicated that it is critical for this system to work to keep activity in the state going forward for roadwork and excavation activities and encouraged all players in the system to be responsive and carry out their responsibilities.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

3. U-20608 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
TO AMEND THE RULES GOVERNING THE TECHNICAL  
STANDARDS FOR GAS SERVICE  
(rulemaking/after comment period)

Commission Staff Kevin Spence, Energy Operations Division, presented a brief synopsis of the case listed above. Commissioner Scripps moved that the Commission approve the order at its January 23, 2020 meeting. Commissioner Phillips seconded that motion.

Chairman Talberg thanked staff for their efforts. She also indicated that the Commission will do whatever it takes, within their power, to protect critical infrastructure and cyber risks.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The order was adopted.

## **VI. PUBLIC COMMENTS**

There were no public comments.

## **VII. ANNOUNCEMENT OF 2020 REGULAR COMMISSION MEETING SCHEDULE**

Chairman Talberg announced that the schedule of the 2020 Regular Commission Meetings will be posted on the Commission's website this afternoon  
<https://adms.apps.lara.state.mi.us/Mpsc/ViewScheduleAgendaDocument/388> .

Chairman Talberg announced that Katie Trachsel will be leaving the Public Service Commission to explore other opportunities.

Chairman Talberg announced that the next regularly scheduled Commission Meeting will be held on February 6, 2020 at 1:30 p.m.

A recording of the proceedings of the January 23, 2020 meeting is archived at:  
[https://www.michigan.gov/mpsc/0,9535,7-395-93307\\_93316\\_93317\\_93875---Y,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93307_93316_93317_93875---Y,00.html) .

Commissioner Scripps moved that the Commission adjourn, Commissioner Phillips seconded.

Vote: Yeas – Talberg, Scripps, Phillips  
Nays – None

The motion was approved.

The meeting adjourned at 11:32 a.m.

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Lisa Felice  
Executive Secretary



# BYLAWS OF THE MICHIGAN PUBLIC SERVICE COMMISSION

These Bylaws were adopted at a meeting of the Commission on February, 2020, effective immediately.

## ARTICLE I – THE COMMISSION

Section 1. Seal of the Commission. The Commission may adopt an official seal and may use the seal to authenticate official documents and records. The seal shall bear the name of the Commission and be in such form as shall be determined by the Commission.

Section 2. Office of the Commission. The offices of the Commission shall be in Lansing, and all Regular or Special Meetings shall be held in these offices unless otherwise specified by the Commission. The Commission may maintain satellite offices for staff members in order to effectively perform its statutory duties.

## ARTICLE II – OFFICERS

Section 1. Chairman. The Chairman of the Commission shall be the member of the Commission designated by the Governor under MCL 460.2. The Chairman shall preside at meetings of the Commission and shall be the chief administrative officer of the Commission, having general supervision over the business and affairs of the Commission. The policy of the Commission shall be set by the Commission.

Section 2. Vice-Chairman. The Commission may elect a member to serve as Vice-Chairman. If elected, the Vice-Chairman shall serve until replaced or his or her term ends and shall perform the duties of the Chairman when the Chairman is unavailable, except as otherwise provided by law.

## ARTICLE III – MEETINGS

Section 1. Open Meetings Act. The Commission shall conduct meetings under these Bylaws in accordance with the Open Meetings Act, MCL 15.261 *et seq.* The Commission is exempt from the Open Meetings Act when deliberating the merits of a case, as set forth in MCL 15.263(7)(d).

Section 2. Meetings. Official actions shall be taken only at a meeting conducted in accordance with these Bylaws. The Commission shall conduct meetings as follows:

- (a) Organizational Meeting. Within 60 days after the appointment of any new member to the Commission, the Commission shall conduct an Organizational Meeting, at which the Commission shall either reaffirm the Bylaws or entertain a motion to amend the Bylaws. If a member of the Commission moves to amend the Bylaws, he or she shall submit the proposed amendment for consideration in accordance with Article IV of these Bylaws.

Public notice of an Organizational Meeting shall be given in the same manner as a Special Meeting under the Open Meetings Act.

An Organizational Meeting may be conducted concurrently with a scheduled or re-scheduled Regular Meeting, if public notice is given in accordance with the preceding sentence.

(b) First Regular Meeting of Year. At the first Regular Meeting of the year, the Commission shall announce its schedule of dates and times for remaining regular meetings for the calendar year and shall post public notice of the schedule within ten days. Public notice of the first Regular Meeting shall be given in the same manner as a Special Meeting under the Open Meetings Act. MCL 15.265(4).

(c) Regular Meetings. The Commission shall meet in regular session as set forth in the schedule of meetings adopted under Section 2(b).

(d) Rescheduled Regular Meetings. The Commission may announce revisions to the schedule of regular meetings at any prior meeting or may post revisions to the schedule on the Commission's website that is fully accessible to the public.

A Rescheduled Regular Meeting shall substitute for the originally scheduled Regular Meeting for purposes of these Bylaws, and all official actions taken shall have the same force and effect as those taken at a Regular Meeting.

(e) Special Meetings. The Commission shall, upon the request of any member of the Commission, call a Special Meeting. The Special Meeting shall be scheduled on any working day, giving due regard to the availability of all members to participate, but subject to any statutory deadline that requires disposition of items placed on the agenda of the Special Meeting.

All official actions taken at a Special Meeting shall have the same force and effect as those taken at a Regular Meeting of the Commission.

(f) Emergency Meetings. If severe and imminent threat to the health, safety, or welfare of the public exists and at least two members of Commission determine that a delay in Commission action would be detrimental to efforts to lessen or respond to that threat, the Commission may meet in an Emergency Session without giving public notice of that session as provided in MCL 15.265(5).

Section 3. Public Notice. Public notice of meetings shall be given as provided in the Open Meetings Act. The Executive Secretary of the Commission is designated as the person to give public notice.

Section 4. Agenda. The Commission may post a proposed agenda prior to or during the business day immediately preceding the meeting.

Section 5. Quorum. A majority of the duly appointed members of the Commission shall constitute a quorum as provided in MCL 460.2 and not less than a majority of such members may take any official action.

## Section 6. Order and Conduct of Business at Meeting.

- (a) Call to Order. The Chairman shall call a meeting to order and may lead those present in the Pledge of Allegiance.
- (b) Declaration of Quorum. The Executive Secretary shall call the roll and declare whether there is a quorum. Telephonic or video participation under Section 7 is sufficient to establish any member's attendance for purposes of this section.
- (c) Approval of Agenda. The Commission may amend and shall adopt an agenda by majority vote. Items may be added or deleted by amendment.
- (d) Approval of Minutes. At a Regular Meeting, the minutes of the previous Regular and any other prior meeting since the last Regular Meeting shall be corrected, if necessary, and approved by the Commission.
- (e) Manner of Voting. The Chairman or any member of the Commission may call for a vote at any time in a Regular or Special Meeting. In the normal course of business at a Regular or Special Meeting, each item designated for voting on the agenda (except items on the consent portion of the agenda) shall be announced, a member of the staff shall read a brief description of the proposed action, and such vote shall be held if the proposed action is moved and seconded. If the proposed action provides for the adjudication of an application, complaint, or other request within the Commission's statutory discretion or other disposition of, or direction of further proceedings on, a matter pending for decision before the Commission in accordance with law, it shall be presented in the form of an order or, in appropriate cases, a minute action. The voting shall be by voice call with the yeas and nays entered in the minutes of such meeting. If the proposed action receives the affirmative vote of a majority of the Commission, it shall issue as an official action of the Commission in accordance with the procedures set forth in subsection (f).

Before the voting, the Chairman shall recognize any member who wishes to make a brief verbal statement regarding the proposed action. After the voting, the Chairman shall also recognize any member who wishes to make a brief verbal explanation of his or her vote or abstention and afford the opportunity to do so before moving to other items of business.

- (f) Issuance of Orders and Minute Actions. Each member shall sign the order or minute action in accordance with his or her vote. A signature without explanation indicates that member's unqualified assent to the order or minute action. In other cases, the signature shall be accompanied by an acknowledgement or brief explanation of the vote (e.g., concurrence, dissent, abstention). A member may also attach a separate, signed opinion explaining the basis for a concurrence or dissent. The Executive Secretary shall authenticate the order or minute action by his or her signature.

At the discretion of the Commission, the entry of orders, minute actions, and other documents memorializing official actions, including the affixing of signatures, may be completed electronically, without the issuance of a paper copy. Ministerial acts required under

this subsection to formalize issuance and release the order or minute action to the public shall be completed by the end of the business day of the meeting.

(g) Public Meetings. Meetings of the Commission are public meetings and individuals shall have a reasonable opportunity to be heard.

At the time provided in the agenda, the Chairman or other presiding officer may recognize and extend an opportunity to speak to any person desiring to address the Commission.

The Commission may limit the period of time during which the public may address it and the Commission may also limit the portion of that period of time allocated to each individual desiring to address the Commission. The Commission may require individuals desiring to address the Commission to identify themselves.

The Chairman may warn any person or curtail an opportunity to speak for failure to be germane, for vulgarity, for redundancy, for speaking in excess of the allotted time, or for failure to address remarks to the Commission.

Section 7. Telephonic and Video Participation. Any member of the Commission who is unable to be present in person at a meeting may participate and vote by telephone or similar audio or video connection and may sign orders, separate opinions, and minute actions electronically.

Section 8. Minutes. Minutes of all the meetings including votes on all official actions taken at those meetings shall be kept by the Executive Secretary of the Commission. Approved minutes shall be available for public inspection not later than five days after the meeting at which the minutes were approved.

Section 9. Procedures. Robert's Rules of Order, Newly Revised, as modified by these Bylaws, shall be observed by the Commission in the conduct of its business.

#### ARTICLE IV – AMENDMENTS

These Bylaws may be amended in accordance with the following procedure: The proposed amendment or amendments shall be submitted in writing at a Regular or Organizational Meeting and shall lay on the table between that meeting and the next Regular Meeting, at which time such amendment or amendments must be voted upon. The proposed amendment or amendments may only be adopted by the affirmative vote of a majority of the members of the Commission at the Regular Meeting following the meeting at which such amendment or amendments were submitted.

#### ARTICLE V – SUSPENSION OF BYLAWS

Any of the provisions of the Bylaws may be suspended at any Regular, Special, Emergency, or Organizational Meeting by a unanimous vote of the members of the Commission if permitted by law.

## ARTICLE VI – NONDISCRIMINATION

The Commission does not discriminate on the basis of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, or weight in the administration of any of its programs or activities, and does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in or oppose actions protected by applicable laws and regulations, or for the purpose of interfering with such rights, and claims of intimidation and retaliation will be handled promptly if they occur.

PROPOSED