

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD VIA MICROSOFT TEAMS VIDEO CONFERENCING ON NOVEMBER 19, 2020

Commission Chair Daniel C. Scripps called the meeting to order at 1:30 p.m.
Executive Secretary Lisa Felice called the roll and declared there was a quorum.

PRESENT

Commission: Daniel C. Scripps, Chair (participating from Leelanau County)
Sally A. Talberg, Commissioner (participating from Ingham County)
Tremaine L. Phillips, Commissioner (participating from Charlevoix County)

Staff: Caitlin Mucci
Lisa Felice

Additional Staff & Public Attending Telephonically/Video Conferencing: 104 Participants

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

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

The agenda was approved.

II. Commissioner Phillips moved to approve the minutes of the Regular Commission Meeting of October 29, 2020, Commissioner Talberg seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-13690 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN AT&T MICHIGAN AND QUANTUMSHIFT COMMUNICATIONS, INC.

- (eighth amendment)
U-13710 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN AT&T MICHIGAN AND MATRIX TELECOM, LLC
(fourteenth amendment)
U-15115 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN FUSION COMMUNICATIONS, LLC f/k/a CBeyond COMMUNICATIONS, LLC AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN
(thirteenth amendment)

B. ELECTRIC

1. U-20702 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CONSUMERS ENERGY COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008
(energy waste reduction reconciliation for 2019/proposed settlement agreement)
2. U-20706 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER PENINSULA POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008
(energy waste reduction reconciliation for 2019/proposed settlement agreement)
3. U-20721 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2019
(proposed settlement agreement)
4. U-20726 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2019
(proposed settlement agreement)
5. U-20727 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCE CORPORATION TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING

FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2019
(proposed settlement agreement)

6. U-20741 IN THE MATTER OF THE COMPLAINT OF PHIL FORNER
AGAINST DTE ENERGY COMPANY
(request to withdraw complaint)

7. U-20864 2020 ENERGY WASTE REDUCTION RECONCILIATION AND
ANNUAL REPORT FILING
(order assigning dockets)
ALPENA POWER COMPANY
U-20865 CONSUMERS ENERGY COMPANY
U-20866 DTE ELECTRIC COMPANY
U-20867 INDIANA MICHIGAN POWER COMPANY
U-20868 NORTHERN STATES POWER COMPANY
U-20869 UPPER PENINSULA POWER COMPANY
U-20870 UPPER MICHIGAN ENERGY RESOURCES CORPORATION
U-18271 ALGER-DELTA CO-OPERATIVE ELECTRIC ASSOCIATION
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
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 AND 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
- 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
- C.2. U-20871 2020 ENERGY WASTE REDUCTION AND ANNUAL REPORT FILING
(order assigning docket numbers)
DTE GAS COMPANY
- U-20872 MICHIGAN GAS UTILITIES CORPORATION
- U-20873 SEMCO ENERGY, INC.
- 8. U-20874 2021 ENERGY WASTE REDUCTION BIENNIAL PLAN FILING
(order assigning dockets)
ALPENA POWER COMPANY
- U-20875 CONSUMERS ENERGY COMPANY
- U-20876 DTE ELECTRIC COMPANY
- U-20877 INDIANA MICHIGAN POWER COMPANY
- U-20878 NORTHERN STATES POWER COMPANY
- U-20879 UPPER PENINSULA POWER COMPANY
- U-20880 UPPER MICHIGAN ENERGY RESOURCES CORPORATION
- C.3. U-20881 2021 ENERGY WASTE REDUCTION BIENNIAL PLAN FILING
(order assigning dockets)
DTE GAS COMPANY
- U-20882 MICHIGAN GAS UTILITIES CORPORATION
- U-20883 SEMCO ENERGY, INC.

9. MINUTE ACTION VOLTUS, INC. v MISO
(FERC Docket No. EL21-12-000)

C. GAS

1. U-20842 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND OPERATE THE LENOX LATERAL AND L-201 WELL LINE IN THE LENOX STORAGE FIELD
(proposed settlement agreement)

Commissioner Phillips moved that the Commission approve all the orders and minute action on the consent agenda.
Commissioner Talberg seconded that motion.

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

The 12 orders and 1 minute action were adopted.

IV. OTHER ORDERS

A. COMMUNICATIONS

1. U-16940 IN THE MATTER OF THE APPLICATION OF Q LINK WIRELESS LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF MICHIGAN
(request to expand service area/final order)

Case No. U-16940 involves an application filed by Q Link Wireless LLC for a license to expand its service territory to provide Lifeline and Link-up service to qualifying Michigan residents (Low-Income Lifeline). The order before you approves the application.
Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

2. U-20926 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO ADOPT AN EMERGENCY RULE REGARDING TRAINING AND CONTINUING EDUCATION REQUIREMENTS UNDER MICH ADMIN CODE, R 484.803, R 484.804, AND R 484.805 (9-1-1 training requirements/order commencing emergency rulemaking)

Case No. U-20926 involves an emergency rulemaking regarding the suspension of training and continuing education requirements for 9-1-1 telecommunicators due to the COVID-19 pandemic, until January 2, 2021. The order before you approves the proposed emergency rule and transmits the rule to Governor Gretchen Whitmer for her concurrence. Upon the Governor's concurrence, the proposed emergency rule shall be submitted to the Michigan Office of Administrative Hearings and Rules and to the Legislative Service Bureau for their approvals. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

Commissioner Phillips commented:

"The emergency rule up for our consideration this afternoon is in response to frequent discussions the MPSC has had with the State 911 Committee throughout COVID-19 pandemic, and specifically responds to a request by the State 911 Office that the Commission suspend training requirements for 911 telecommunicators and trainee telecommunicators through January 1st of 2021.

Doing so would avoid placing a time consuming and unnecessary administrative burden on state 911 centers during a global pandemic and would also prevent up to five hundred 911 dispatchers from becoming undesignated between now and the end of the year. If supported by the Commission this afternoon, the emergency rule will be sent to Governor for her signature and to the Michigan Office of Administrative Hearings and Rules and the Legislative Service Bureau for their approvals.

Before we move to a vote, I would like to also thank Wendy Thelen and Ryan McAnany from our Telecommunications Division, Reka Holley, our MPSC Legislative Liaison and Ryan Wilson, Director of our Regulatory Affairs Division. The MPSC and the State of Michigan is thankful for your continued attention to detail and timeliness in assisting the Commission in responding to the State 911 Committee's concerns."

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

The order was adopted.

B. ELECTRIC

1. 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
(*ex parte*/final order)

Case No. U-20652 involves an application filed by Upper Peninsula Power Company requesting Commission approval of its voluntary green pricing program. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

Chair Scripps commented:

“Before we vote on this order, I want to highlight that, as we did in previous voluntary green pricing program approvals for Alpena Power Company, Northern States Power Company, and the Upper Michigan Energy Resources Corporation, today’s order approving UPPCO’s voluntary green pricing program continues to stress the importance of additionality – that the participation of customers in the voluntary utility programs ultimately leads to the development of additional renewable energy resources over and above those required by Michigan’s renewable portfolio standard or included in utility integrated resource plans. When customers voluntarily choose to enroll in these programs, they are making a choice – and paying a cost premium – for a level of renewable energy beyond the utility’s standard resource mix, and it only makes sense that such participation adds to the level of renewable energy resources on the system.

I appreciate that, given the approval of a settlement agreement in UPPCO’s first IRP earlier this year, UPPCO is in the process of a significant transition in the electricity it generates and purchases under contract, and acknowledge that given these changes, we’ll have a better sense of how best to ensure this concept of additionality is fully reflected in its next voluntary green pricing program filed next October.”

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

The order was adopted.

2. U-20843 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR SUNWAVE USA HOLDINGS, INC. TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(renewable energy plan/final order)

Case No. U-20843 involves a renewable energy plan filed by Sunwave USA Holdings Inc. The order before you approves the plan. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

3. U-20901 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR AUTHORITY TO APPLY THE REMAINING BALANCES OF ITS UNPROTECTED EXCESS DEFERRED INCOME TAX AND GRANT ACCOUNTING APPROVAL IN LIEU OF ELECTRIC RATE RELIEF IN 2021 (*ex parte*/final order)

Case No. U-20901 involves an *ex parte* application filed by Northern States Power Company for authority to apply the remaining balances of its unprotected excess deferred income tax and the granting of accounting approval in lieu of electric rate relief in 2021. The order before you approves the request. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

4. U-20902 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR *EX PARTE* APPROVAL OF A REVISED ECONOMIC DEVELOPMENT RIDER APPLICABLE TO TARIFFS GS, LGS, AND LP (final order)

Case No. U-20902 involves an application filed by Indiana Michigan Power Company for *ex parte* approval to revise the company's economic development rider. The order before you approves the request. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

C. GAS

1. U-20429 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/performance incentive mechanism/final order)

Case No. U-20429 involves an application by DTE Gas Company requesting approval of its energy waste reduction plan and authority to implement energy waste reduction surcharges. The order before you authorizes DTE Gas Company to apply a performance incentive mechanism to reasonable and prudent energy waste reduction costs, excluding capitalized costs, as described in the order. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

2. U-20618 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND OPERATE THE 36-INCH MID-MICHIGAN PIPELINE (final order)

Commission Staff David Chislea, Energy Operations Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

Commissioner Phillips commented:

“As expressed in the proposed order this afternoon, I would just continue to urge the company to work with affected property owners to mitigate the potential physical and economic impacts of the project, and going forward, I would strongly encourage that the company seek and exhaust all alternative routes prior to pursuing the enhanced resilience and reliability of the state’s natural gas system through the submittal of any subsequent Act 9 application.”

Chair Scripps commented:

“Today’s approval gives a green light to a much-needed improvement to Michigan’s energy infrastructure, addressing corrosion and safety concerns on a 56-mile stretch of the 100A pipeline that is now more than 70 years old, and adding needed redundancy to the system to ensure reliability, flexibility, and resilience into the future. This project addresses some of the most critical concerns coming out of the 2019 Polar Vortex as captured in the Commission’s Statewide Energy Assessment.

While the landowner concerns in this case are important, I think the resolution in today’s order – allowing the pipeline replacement to move forward while directing Consumers to work with affected landowners to issues on a case-by-case basis and allowing for minor changes in the pipeline route that do not impact other landowners – is the right one, and it is my hope that these issues can be resolved to the satisfaction of all involved.

Finally, it is important to note that this proceeding, and the order in this case, does not pre-approve costs, make any determinations on whether the projected costs are reasonable and prudent, make a determination on undepreciated amounts for the plant in service, or impose a cost cap for construction. Any costs associated with this project will instead be fully reviewed in subsequent rate cases. I want to the MPSC Staff and other parties to the case for their involvement. I’m excited to see this project move forward.”

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

The order was adopted.

3. U-20863 IN THE MATTER OF THE APPLICATION OF SUNWAVE USA HOLDINGS INC. FOR AN ALTERNATIVE GAS SUPPLIER (final order)

Case No. U-20863 involves an application by Sunwave USA Holdings Inc. to become a licensed alternative gas supplier. The order before you approves the license. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

D. STEAM

1. U-18420 IN THE MATTER OF THE APPLICATION OF DETROIT THERMAL, LLC FOR APPROVAL OF A STEAM SALES AGREEMENT
(*ex parte*/proposed first amendment/final order)

Case No. U-18420 involves the *ex parte* application of Detroit Thermal, LLC, for approval of an amendment to the steam purchase agreement between the company and the Detroit Regional Convention Facility Authority. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its November 19, 2020 meeting. Commissioner Talberg seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Mr. Jackson Koeppel, Executive Director, Soulardarity, presented comments on behalf of the Highland Park COVID-19 Just Recovery Task Force. His comments referred to the struggles of Highland Park residents during COVID-19 and Case No. U-20921.

Mr. Ken Zebarah, Harvest Solar, commented on Consumers Energy’s DG tariffs case before the Commission.

Mr. Jalen Hardy, City of Ann Arbor, Office of Sustainability, Innovations Department, commented on Case No. U-20921.

Ms. Michelle Jones, Highland Park, commented on DTE’s power outages and reliability.

Chair Scripps commented:

“First, this week is Utility Scams Awareness Week, and we’re joining with Attorney General Dana Nessel and with utilities, government agencies and other advocates across the country in working to educate the public about common tactics swindlers posing as utility companies use to defraud people of money.

Utility Scam Awareness Week happens each year around this time, and is sponsored by [Utilities United Against Scams](#), an organization of U.S. and Canadian utilities and trade organizations formed to help combat fraud and inform and protect customers.

The MPSC typically sees a rise in complaints this time of year from Michiganders on the receiving end of calls in which scammers threaten to shut off service if customers don't take immediate actions that include making payments by gift cards, Bitcoin or other forms of payment. The increase in complaints also includes instances where callers manipulate caller ID to make it appear as if a utility company is making the call — commonly referred to as caller ID spoofing.

So today – and indeed all week and every week – we are urging customers to be mindful about providing their account numbers or personal information such as name, address, date of birth or Social Security number. Utility customers who have mistakenly provided bank account information to someone they suspect might have been an impostor should call their bank and local police department. They also may file a complaint with the Attorney General's Consumer Protection Division at: www.michigan.gov/agcomplaints and the Federal Trade Commission at 877-382-4357.

Second, it's clear that COVID cases in Michigan and across the country continue to move in the wrong direction. While the recent news involving successful progress in the development of an effective coronavirus vaccine offers a light at the end of the tunnel, the reality is that the next several months could be the most difficult of the pandemic. I want to remind everyone that help – in the form of assistance programs and utility flexible payment options – continues to be available for those struggling. Those seeking help should contact their utility provider and can also dial 2-1-1 or visit MI211.org.”

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on December 9, 2020 at 1:30 p.m.

A recording of the proceedings of the November 19, 2020 meeting is archived at: https://www.michigan.gov/mpsc/0,9535,7-395-93307_93316_93317_93875---Y,00.html .

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

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

The motion was approved.

The meeting adjourned at 2:17 p.m.

Lisa Felice
Executive Secretary