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MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JUNE 9, 2021

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)
Tremaine L. Phillips, Commissioner (participating from Ingham County)
Katherine Peretick, Commissioner (participating from Wayne County)

Staff: Blair Renfro
Lisa Felice

Additional Staff & Public Attending Telephonically/Video Conferencing: 106 Participants

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

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

The agenda was approved.

II. Commissioner Phillips moved to approve the minutes of the Regular Commission Meeting of May 26, 2021, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-11164 IN THE MATTER OF THE APPLICATION OF SPRINT COMMUNICATIONS COMPANY L.P. FOR A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE IN THE DETROIT,

- GRAND RAPIDS, AND LANSING LATA EXCHANGES
CURRENTLY SERVED BY AMERITECH MICHIGAN AND GTE
NORTH INCORPORATED
(request to voluntarily surrender license/final order)
- U-11369 IN THE MATTER OF THE APPLICATION OF SPRINT
COMMUNICATIONS COMPANY L.P. TO AMEND ITS LICENSE TO
PROVIDE BASIC LOCAL EXCHANGE SERVICES IN ALL
MICHIGAN EXCHANGES CURRENTLY SERVED BY AMERITECH
MICHIGAN AND GTE NORTH INCORPORATED
- U-15389 IN THE MATTER OF THE APPLICATION OF SPRINT
COMMUNICATIONS COMPANY L.P. TO AMEND THE
GEOGRAPHIC SERVICE AREA OF ITS LICENSE TO PROVIDE
BASIC LOCAL EXCHANGE SERVICE
2. U-14396 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
COMCAST PHONE OF MICHIGAN, LLC AND FRONTIER NORTH
INC. AND FRONTIER MIDSTATES INC.
(fifth amendment)
- U-15175 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF A PAGING FACILITIES AGREEMENT BETWEEN
METROCALL, INC. AND AT&T MICHIGAN
(third amendment)
- U-15227 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
COMCAST PHONE OF MICHIGAN, LLC AND FRONTIER
COMMUNICATIONS OF MICHIGAN, LLC
(fourth amendment)
- U-20196 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BY AND
BETWEEN ONVOY, LLC AND FRONTIER NORTH INC. AND
FRONTIER MIDSTATES INC.
(first amendment)
- U-20273 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BY AND
BETWEEN ONVOY, LLC AND FRONTIER COMMUNICATIONS OF
MICHIGAN, INC.
(first amendment)
3. MINUTE METRO ACT
ACTION (tax credit determination report)

B. ELECTRIC

1. MINUTE ACTION NEPTUNE REGIONAL TRANSMISSION SYSTEM, LLC AND THE LONG ISLAND POWER AUTHORITY V. PJM INTERCONNECTION, L.L.C
(FERC Docket No. EL-21-39)

C. GAS

1. U-20818 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR AUTHORITY TO IMPLEMENT A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2022
(proposed settlement agreement)
2. U-20966 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR RECONCILIATION OF ITS REVENUE DECOUPLING MECHANISM FOR THE PERIOD OCTOBER 1, 2019, THROUGH SEPTEMBER 30, 2020
(proposed settlement agreement)

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

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

The 4 orders and 2 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. 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
(proposed partial settlement agreement/final order)
- U-20851 IN THE MATTER OF DTE ELECTRIC COMPANY'S APPLICATION FOR THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008

(proposed settlement agreement)

Commission Staff Cody Matthews, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“The partial settlement that we are approving today includes a number of items that are newsworthy, each in their own right. The addition of nearly 800 megawatts of renewable energy; driven not by mandates or statutory requirements, but by customer demand for participation in the voluntary green pricing program offered by DTE between now and through 2025. This speaks to the success of that program in meeting customer needs who are seeking additional amounts of renewable energy to power their homes and businesses. It is a significant step forward and I am pleased to see it happen. In addition, the work around the low-income solar pilot projects with commercial operation start dates starting next year and then one each year for the next three years. I think these are a significant step forward. I would also highlight the creation of this new low-income solar council to bring community involvement into the operation and development of these projects.

States across the country have been struggling on how better to integrate authentic community-based voices, particularly from low-income communities. I see the settlement provisions around the low-income solar council and the low-income solar pilot projects as really significant steps.

In addition, the agreement to solicit 100 megawatts of small scale solar built to transfer projects from projects with pending interconnection applications, I think provides a meaningful path for the project development for developers who have been languishing in the queue, some cases for several years and provides a light at the end of the tunnel. I think a significant and solid way of resolving some of these contentious issues. Authorizing DTE to use tax equity financing, I think provides another tool in the financial toolbox that helps level the playing field and provide access to capital in a way that ultimately results in lower costs for projects for customers. Outside of the provisions included in settlement agreement, the order that we are approving today, as Mr. Matthews noted, authorizes DTE to apply a financial incentive to power purchase agreements included in their voluntary green pricing program based on expected customer savings.

The use of financial incentives was authorized by the Legislature back in 2016 as part of their bipartisan legislative reforms as a way of helping to level the playing field between utility-owned projects and those developed by third parties. In order to reduce costs to customers trying to find ways to align the utilities’ business interests with customer’s interests in a meaningful way and this savings-based approach approved by the Commission today, I think goes a long way in encouraging DTE to select lower cost generation resources that result in savings to their customers.

I am pleased to support the order before us. I want to thank the utility, the many intervenors in the case, our staff, for a good result and in a number of meaningful ways moves the ball forward. I want to also thank Administrative Law Judge Snider. This was not an easy or straight-forward case. It was two cases that ultimately were merged, resulting in a partial contested settlement in

one issue yet to be resolved and in another read the record case before the case. His handling of the case and this proceeding through those challenges was instrumental in getting us to the place where we are today. I am encouraged to support this order.”

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

The order was adopted.

2. U-20735 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO AMEND THE RULES GOVERNING THE PRESERVATION OF RECORDS FOR ELECTRIC, GAS AND STEAM UTILITIES (rulemaking/interim order)

Case No. U-20735 involves an action, on the Commission’s own motion, to amend the rules that govern the preservation of records for electric, gas, and steam utilities. The order before you approves the proposed rules and authorizes their submission to the Legislative Service Bureau and the Michigan Office of Administrative Hearings and Rules for formal approvals. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-21043 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF CHANGES TO THE RESIDENTIAL INCOME ASSISTANCE AND LOW-INCOME ASSISTANCE TARIFFS (*ex parte*/final order)

Case No. U-21043 involves an *ex parte* application filed by Consumers Energy Company requesting approval of changes to the Residential Income Assistance and Low-Income Assistance provisions of its residential rate service tariffs. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

B. GAS

1. U-20975 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR APPROVAL OF A TEMPORARY WAIVER OF RULE 460.2351a FOR APPROVAL OF ALTERNATIVE DIAPHRAGM METER INSPECTION AND TESTING PROCEDURES
(*ex parte*/final order)

Case No. U-20975 involves an *ex parte* application by DTE Gas Company requesting a temporary waiver of Mich Admin Code, R 460.2351 and approval of an alternative statistical quality sampling program for in-service diaphragm meters under Mich Admin Code, R 460.2351a(3), which is part of the Commission’s Technical Standards for Gas Service. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21024 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR APPROVAL OF A TEMPORARY WAIVER OF RULE 460.2345 REQUIRING IMPLEMENTATION OF THE AMERICAN PETROLEUM INSTITUTE STANDARD 1164
(*ex parte*/final order)

Case No. U-21024 involves an application filed by DTE Gas Company requesting *ex parte* approval of a waiver from compliance with American Petroleum Institute Standard 1164 (2nd edition), under Mich Admin Code, R 460.2345, until year end 2024. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

Commissioner Peretick commented:

“I’d like to comment on the issue of gas pipeline safety and thank the MPSC staff for their thorough work in reviewing DTE Gas’s compliance with this more stringent and comprehensive API standard for pipeline security. Cybersecurity of critical infrastructure is at the front of many minds, and the Commission takes our duty of ensuring a safe and reliable energy system very seriously.

DTE Gas is currently working to implement the new API best practices and guidelines, and by the end of this year will be compliant with 11 out of 16 of the requirements, with the remainder to be completed progressively through 2024. DTE Gas will be fully compliant with the standards set forth in the Business Continuity Planning section and with the Application Database Standard by 2022. Alignment with the System Security Audit and Review Standards will be completed by 2023, and compliance with the Field Device Technology standards will occur by 2024.

Our Staff has fully reviewed the implications of the partial compliance delay and is comfortable with the balance that DTE Gas has made between the risk to the system versus the timing of the compliance upgrades and the associated customer impact through increased rates. It is notable that the recent pipeline cyberattacks in the news were carried out via the IT systems, whereas these compliance requirements are focused on Operational Technology.

Furthermore, Staff is working on two programs currently, which support cybersecurity review. First, Gas Safety Engineer Derrick Schimming is actively participating in a multistate program with the Pipeline and Hazardous Materials Safety Administration to audit utility control room procedures. And second, energy security analyst Brian Sheldon is scheduling meetings with Michigan's utilities to discuss their cybersecurity protocols, similar to the existing Extreme Weather Preparedness meetings that are ongoing.

Cybersecurity continues to remain front of mind for the Commission to ensure we are serving Michigan's residents through safe, reliable, and accessible energy services."

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

The order was adopted.

3. U-21033 IN THE MATTER OF THE APPLICATION OF GREENLIGHT
ENERGY INC. FOR A LICENSE TO OPERATE AS AN
ALTERNATIVE NATURAL GAS SUPPLIER
(final order)

Case No. U-21033 involves an application by Greenlight Energy Inc. to become a licensed alternative gas supplier. The order before you grants the license. Commissioner Phillips moved that the Commission approve the order at its June 9, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

V. TELECOMMUNICATIONS DIVISION UPDATE ON THE STATUS OF TELECOMMUNICATIONS LICENSES AND ON ETC APPLICATIONS RELATED TO THE FCC'S RURAL DIGITAL OPPORTUNITY FUND (RDOF)

Barry Harmon, Telecommunications Division, presented a brief update on the status listed above.

Commissioner Phillips commented:

“Thank you, Barry, for your work as well as the efforts of the entire telecommunications and regulatory affairs divisions on helping to pave the way for an additional almost quarter million households in Michigan to be connected to high-speed broadband over the next 10 years. Along with the launch of the FCC’s emergency broadband benefit program in May and the Governor’s announcement last week on the establishment of a Michigan Office for High-Speed Internet and creation of a Chief Connectivity Officer position, your work has laid the foundation for the future of broadband connectivity in Michigan for decades to come. I want to keep things fairly short this afternoon, but it’s important as an institution to take time to celebrate and memorialize our successes, so I thank you, Barry, once again for the excellent presentation and to our staff’s continued work in this area. Thank you Chair.”

VI. PUBLIC COMMENTS

There were no public comments.

Chair Scripps announced:

“The PSC is celebrating Pride Month this June. The purpose of this month-long celebration is to recognize the impact that LGBTQ+ individuals have had on history - locally, nationally, and internationally, and certainly here at the Commission, as well. As the New York Times described it this morning, *‘Pride is an assertion of self. The taking up of public space that has been historically unsafe.’* For members, the LGBTQ+ community, that sadly remains too often the case, even today in 2021. This month the Commission is joining others across State government for a series of events focused on celebrating the contributions of the LGBTQ+ community, as well as how we can create a more affirming State government, ultimately allowing us to better serve the people of Michigan through a more inclusive and effective workforce. For all of those celebrating, we wish you well and join you in wishing you a Happy Pride Month.

The Commission will soon be posting a number of position openings to join the Commission team, including a Departmental Analyst Trainee in the Technical Support Section of the Administrative Services Division, focusing on the use of software throughout of the Commission. A Departmental Analyst Trainee position in the Compliance and Investigation Section of the Customer Assistance Division, supporting the Call Center, as a Regulation Officer. As Trainee positions, these first two opportunities will only be open to current State employees. We have a third position, a Departmental Analyst, also in the Compliance and Investigation Section of the Customer Assistance Division. This individual will serve in the Call Center as a Regulation Officer. This position is open to external applicants, as well as current State employees. We will be posting these positions

shortly and they will be highlighted on our website. I would say that the Commission is a great place to work. It is a talented, energetic, and inclusive team of approximately 175 professionals with expertise in engineering, law, economics, finance, accounting, and technical and administrative services that help us do our work. We encourage all those who are eligible to consider applying.”

A recording of the proceedings of the June 9, 2021 meeting is archived at:
https://www.michigan.gov/mpsc/0,9535,7-395-93307_93316_93317_93875---Y,00.html .

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on Wednesday, June 23, 2021 at 1:30 p.m.

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

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

The motion was approved.

The meeting adjourned at 2:07 p.m.

Lisa Felice
Executive Secretary