

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JUNE 23, 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: Leah Arendt
Lisa Felice

Additional Staff & Public Attending Telephonically/Video Conferencing: 100 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 June 9, 2021, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-17225 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN PEERLESS NETWORK OF MICHIGAN,

- LLC AND VARIOUS AT&T INC. OWNED COMPANIES,
INCLUDING AT&T MICHIGAN
(third amendment)
- U-17757 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
WOLVERINE TELEPHONE COMPANY AND CHARTER
FIBERLINK - MICHIGAN, LLC
(request to withdraw application and terminate)
- U-21001 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
WOLVERINE TELEPHONE COMPANY AND TIME WARNER
CABLE INFORMATION SERVICES (MICHIGAN), LLC
(interconnection agreement)
- U-21002 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
WOLVERINE TELEPHONE COMPANY AND BRIGHT HOUSE
NETWORKS INFORMATION SERVICES (MICHIGAN), LLC
(interconnection agreement)
- U-21003 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
COMMUNICATION CORPORATION OF MICHIGAN AND
CHARTER FIBERLINK – MICHIGAN, LLC
(interconnection agreement)
- U-21004 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
COMMUNICATION CORPORATION OF MICHIGAN AND TIME
WARNER CABLE INFORMATION SERVICES (MICHIGAN), LLC
(interconnection agreement)
- U-21005 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
COMMUNICATION CORPORATION OF MICHIGAN AND BRIGHT
HOUSE NETWORKS INFORMATION SERVICES (MICHIGAN), LLC
(interconnection agreement)
- U-21039 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF THE FIRST AMENDMENT TO THE LOCAL
TRAFFIC EXCHANGE AGREEMENT BETWEEN CHARTER
FIBERLINK – MICHIGAN, LLC AND KALEVA TELEPHONE
COMPANY
(first amendment)
- U-21095 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
WOLVERINE TELEPHONE COMPANY AND CHARTER
FIBERLINK - MICHIGAN, LLC
(interconnection agreement)
2. MINUTE AT&T MICHIGAN

- ACTION (9-1-1 wireless, U-14000, invoice no. 517-R41-0001 067 9 dated June 1, 2021)
- 3. MINUTE ACTION FRONTIER NORTH INC. AND FRONTIER MIDSTATES INC. (9-1-1 wireless, U-14000, invoice nos. MI9NGMTS9110604 and MI9NZMTS9110604 dated June 4, 2021)
- 4. MINUTE ACTION PENINSULA FIBER NETWORK, LLC (9-1-1 wireless, U-14000, invoice no. 50017674 dated June 1, 2021)
- 5. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC (9-1-1 wireless, U-14000, invoice no. 50017624 dated June 1, 2021)

B. ELECTRIC

- 1. U-20973 IN THE MATTER OF THE COMPLAINT OF TODD ALLEN AGAINST CONSUMERS ENERGY COMPANY (request to withdraw complaint)

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 2 orders and 4 minute actions were adopted.

IV. OTHER ORDERS

A. COMMUNICATIONS

- 1. U-20954 IN THE MATTER OF THE APPLICATION OF STARLINK SERVICES, LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER FOR PURPOSES OF RECEIVING RURAL DIGITAL OPPORTUNITIES FUND SUPPORT (final order)

Case No. U-20954 involves an application, as amended. filed by Starlink Services, LLC, for designation as an eligible telecommunications carrier in specific geographic areas. The order before you conditionally grants the application, as amended.
Commissioner Phillips moved that the Commission approve the

order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21035 IN THE MATTER OF THE APPLICATION OF STARLINK SERVICES, LLC FOR A TEMPORARY AND PERMANENT LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE IN ALL OF THE ZONES AND EXCHANGE AREAS IN MICHIGAN (final order)

Case No. U-21035 involves an application filed by Starlink Services, LLC, for a temporary and permanent license to provide basic local exchange service in Michigan. The order before you approves the permanent license. Commissioner Phillips moved that the Commission approve the order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

B. ELECTRIC

1. U-20224 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2019 (final order)

Case No. U-20224 involves an application filed by Indiana Michigan Power Company for reconciliation of its power supply cost recovery for the 12-month period ended December 31, 2019. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20604 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENTS
(*ex parte*/proposed amendment to power purchase agreement)

Case No. U-20604 involves an *ex parte* application filed by Consumers Energy Company requesting approval of an amended power purchase agreement. The order before you approves the amended power purchase agreement. Commissioner Phillips moved that the Commission approve the order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-21015 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR FINANCING ORDER APPROVING THE SECURITIZATION OF QUALIFIED COSTS
(final order)

Commission Staff Bob Nichols, Regulated Energy Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“I would like to thank Mr. Nichols and the staff involved in this preceding, as well as the parties to this case. These cases have a mandatory 90-day statutory timeline that are inherently tight, involving a lot of moving parts in a short amount of time. I think the quality of the testimony and the briefing by the participants in this case and a well-run process by Administrative Law Judge Mack was of great benefit in highlighting the issues and allowing us to meet our statutory obligations in issuing today’s order.

This is the fourth securitization case under the 2000 Act, as Mr. Nichols mentioned, involving balances relating to retiring of power plants and the first involving costs associated with tree-trimming surge programs that are needed as part of our continuing focus on improving the reliability of the distribution system. The storms that we have saw earlier this week highlight how important those efforts are. When looking across the cases, including the order before us today, securitization has demonstrated real benefits for customers and balanced against the regulatory certainty and ability to recover prudently incurred obligations from the utilities. I think there is a lot in this order that is admirable, particularly given the tight timelines. Again, I want to thank our staff and the other participants in this case for their efforts.”

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

The order was adopted.

C. GAS

1. U-21077 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO REQUIRE REALGY, LLC, d/b/a REALGY ENERGY SERVICES TO SHOW CAUSE WHY IT SHOULD NOT BE FOUND IN VIOLATION OF PUBLIC ACT 634 OF 2002, THE COMMISSION’S GAS CUSTOMER CHOICE PROGRAM, MCL 460.9 *ET SEQ.*
(interim order)
- U-20978 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, OF THE INVESTIGATION INTO THE MARKETING AND BUSINESS PRACTICES OF REALGY, LLC, d/b/a REALGY ENERGY SERVICES
- U-15419 IN THE MATTER OF THE APPLICATION OF REALGY, LLC FOR A LICENSE AS AN ALTERNATIVE GAS SUPPLIER

Case Nos. U-21077 *et al.* involve a matter, on the Commission’s own motion, to require Realgy, LLC, d/b/a Realgy Energy Services to show cause why it should not be found in violation of Public Act 634 of 2002, the Commission’s Gas Customer Choice program, MCL 460.9 *et seq.* The order before you opens the docket in Case No. U-21077, schedules a prehearing, and directs Realgy, LLC, d/b/a Realgy Energy Services, to file testimony by July 7, 2021. Commissioner Phillips moved that the Commission approve the order at its June 23, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Glen Kowalske indicated that he wanted to provide comments in the chat feature. He was unsuccessful in conveying his comments during the Commission Meeting due to technical difficulties. Cathy Cole, Commission staff, indicated that she would provide guidance for Mr. Kowalske to submit comments to the Commission offline.

Chair Scripps announced:

“The local State of Emergency declared by the Eaton County Board of Commissioners comes to an end at 11:59 p.m. on July 1st. We have a meeting scheduled for 10:30 a.m. on Friday, July 2nd. As a

result, this July 2nd meeting will be held at the Commission's office at 7109 West Saginaw Hwy., Lansing at the Commission building. While we are excited that we are at this place in the pandemic where we believe that it is safe to reopen and some of the emergency orders are being lifted both at the county and state level. I am personally excited for the opportunity to welcome back the public in-person and perhaps move past some of these technical challenges. It is sad that the era of attending these Commission Meetings in flip flops is likely coming to a close. As we transition back to in-person meetings and meeting our commitments and obligations under the Open Meetings Act, we have learned a lot through the pandemic. I think that some of the tools that we now have in our toolbox, in terms of utilization of technology, can continue to be of use as we return to have the opportunity to use for the public to attend these meetings in-person. Particularly, using this TEAMS platform to allow folks from every corner of the state to participate in real-time in our meetings without having to drive to Lansing is a benefit. Even as we return to in-person meetings, there will also be an option to participate in the July 2nd meeting, and future meetings by telephone or by using the Microsoft TEAMS electronic platform. We encourage you to take advantage of the virtual option. It is something that I have seen the benefits of throughout the last 15+ months.

My second announcement is that we are hiring. We have an open position as a Departmental Analyst in our Compliance and Investigation Section that is housed in our Customer Assistance Division. This position will perform research and analysis related to rate recovery cases before the Commission, as well as being responsible for working with the public via telephone, mail, and email. The Departmental Analyst will act as a negotiator and mediator to resolve disputes between the utility companies or alternative energy providers and customers, as well as performing investigations as needed to address issues and assist in resolution. This is an active, open position with the Commission. It closes tomorrow at 5:00 p.m., June 24, 2021. I encourage anyone who is interested to apply.”

Commissioner Phillips announced:

“First, you can still wear sandals to our Commission Meetings held in-person. I just don't know if it is encouraged.

Secondly, I wanted to thank everyone from utility linemen, to contractors, managers, and executive teams at our major utilities in this state for the tremendous work that you did this past weekend in helping to ensure reliability of customers throughout your service territories and restoring power to the 150,000+ customers who lost power due to the 3 waves of storms that we received in I&M, Consumers, and DTE service territories. You have been working with us to increase the responsiveness and communication on the recovery process during storm events like this. It is my favorite time of year. I love being able to view and monitor these severe events, but it certainly has implications for our electricity system. You have done a tremendous job this past week to have folks restored in a timely and efficient manner. This bodes well to further events as the year proceeds. Thank you, Chair.”

A recording of the proceedings of the June 23, 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 Friday, July 2, 2021 at 10:30 a.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 1:57 p.m.

Lisa Felice
Executive Secretary