

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON SEPTEMBER 24, 2021.

Commission Chair Daniel C. Scripps called the meeting to order at 10:32 a.m.  
Executive Secretary Lisa Felice called the roll and declared there was a quorum.

**PRESENT**

Commission: Daniel C. Scripps, Chair  
Tremaine L. Phillips, Commissioner  
Katherine Peretick, Commissioner

Staff: Anna Stirling  
Lisa Felice  
Barb Kunkel  
Paul Ausum  
Mike Byrne  
Nate Johnson  
Anne Armstrong  
Kyle Daymon  
Ben Johnson  
Cathy Cole  
Naomi Simpson

Public: Ken Selander, Consumers Energy

Additional Staff & Public Attending Telephonically/Video Conferencing: 81 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 September 9, 2021, Commissioner Peretick seconded.

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

The minutes were approved.

### **III. CONSENTED ORDERS**

#### **A. COMMUNICATIONS**

1. U-18067 IN THE MATTER OF THE APPLICATION OF MOBILITIE MANAGEMENT FOR A LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN (request to voluntarily surrender license/final order)
2. 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 (second amendment)
3. U-21115 IN THE MATTER OF THE APPLICATION OF DMCI BROADBAND, LLC FOR A TEMPORARY AND PERMANENT LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN (interim order)
4. MINUTE ACTION PENINSULA FIBER NETWORK, LLC (9-1-1 wireless, U-14000, invoice no. 50018927 dated September 1, 2021)
5. MINUTE ACTION ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL RECERTIFICATION (U-20937)

#### **B. ELECTRIC**

1. U-20864 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR ALPENA POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016 (energy waste reduction reconciliation/proposed settlement agreement)

2. U-20866 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 reconciliation/proposed settlement agreement)
3. U-21028 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR REVIEW AND APPROVAL OF ITS STATE RELIABILITY MECHANISM CAPACITY CHARGE TO COMPLY WITH THE REQUIREMENTS OF SECTION 6w OF PUBLIC ACT 341 OF 2016 (proposed settlement agreement)

**C. GAS**

1. U-20871 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 reconciliation/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 7 orders 2 minute actions were adopted.

**IV. OTHER ORDERS**

**A. ELECTRIC**

1. U-18238 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO REVISE THE STANDARD RATE APPLICATION FILING FORMS AND INSTRUCTIONS PREVIOUSLY ADOPTED IN CASE NO. U-15895 (interim order)

Case No. U-18238 involves a matter, on the Commission’s own motion, to consider whether to re-open and revise the Commission’s

Rate Case Filing Requirements for electric, natural gas, and steam utilities. The order before you invites interested persons to submit comments on specified topics no later than 5:00 p.m. (Eastern time) on October 22, 2021, and reply comments no later than 5:00 p.m. (Eastern time) on November 5, 2021. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20222 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-20221) FOR THE 12 MONTHS ENDING DECEMBER 31, 2019 (final order)

Case No. U-20222 involves an application by DTE Electric Company for approval to reconcile its power supply costs and revenues collected pursuant to its power supply cost recovery plan for the 12-month period ended December 31, 2019. The order before you approves the company's application, as set forth in the order. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-20633 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO COMMENCE A COLLABORATIVE TO CONSIDER ISSUES RELATED TO INTEGRATED RESOURCE AND DISTRIBUTION PLANS (interim order)
- U-18461 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF SECTION 6T OF 2016 PA 341
- U-21122 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO REVIEW THE RESPONSE OF ALPENA POWER COMPANY, CONSUMERS ENERGY COMPANY, DTE ELECTRIC COMPANY, INDIANA MICHIGAN POWER COMPANY, NORTHERN STATES POWER COMPANY, UPPER MICHIGAN ENERGY RESOURCES

## CORPORATION, AND UPPER PENINSULA POWER COMPANY TO RECENT STORM DAMAGE IN THEIR SERVICE TERRITORIES

Commission Staff Naomi Simpson, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

### **Chair Scripps commented:**

“I would like to thank Ms. Simpson and the many individuals and organizations who have lent their time, talents, and expertise to the discussions around how to better integrate resource transmission and distribution planning. This really was an all-hands-on-deck approach as a number of MIPower Grid Initiative workgroups are. This one in particular, not only included Ms. Simpson to lead the efforts, but Roger Doherty, Jesse Harlow, Zach Heidemann, Patrick Hudson, and Sarah Mulkhoff, and a number of others who contributed. We were able to bring in a number of outside organizations, including every grid lab, MISO, the Regulatory Assistance Project, and 3 national labs - Lawrence Berkley, the National Renewable Energy Lab, and Pacific Northwest National Lab to leverage their expertise and, of course, utilities both from Michigan (in this case) and around the country, as well as other active stakeholders around Michigan.

We have also benefited for the last several years by inclusion in the Taskforce for Comprehensive Electricity Planning. It was a joint effort of our national association, NARUC, and the national and statewide energy officials, NASEO. Former Chairman Sally Talberg and Mike Byrne participated in the initial meetings and Cathy Cole, Naomi Simpson, and I participated in the later meetings, leading up to the blueprints released in February of this year. Robert Jackson from the State Energy Office was also involved throughout. This was a robust process – 8 separate meetings from September to March, resulting in 2 reports plus a straw proposal developed in response to Governor Whitmer’s announcement of the MIHealthy Climate Plan, which took place a year ago this week. That staked out a clear goal of achieving economy wide net zero greenhouse gas emissions by 2050 with an interim target in 2025 consistent with the Paris Climate Agreement.

This served as an organizing focus for the first parts of this effort and formed the guidance we issued in February of this year on how to incorporate these goals of the utility planning. Particularly, the additional modeling for utilities filing IRPs before we finalized the updates to the Michigan IRP planning parameters and filing requirements. That is the focus of Phase III of this work.

That was not the only topic covered. The workgroups also dove into a number of other reports and today’s order also includes discussion of these issues, including forecasting, transmission planning, value of generation diversity, and emissions reduction and environmental justice considerations.

Looking at this holistically, I think that this represents the very best of our stakeholder base process that is at the heart of this MIPOWER Grid Initiative. Committed local stakeholders, leveraging national expertise and perspectives, and a broad cross-section of our staff that approached the task with their characteristic curiosity, diligence, and commitment. That is really emblematic of the culture here at the Commission. The result, combined with the other workstreams from distribution planning, to the ongoing reliability work and efforts in other areas, gives us a better set of tools to

ensure our regulatory framework continues to keep up with the changes taking place in the energy industry.

Again, I thank the many participants in their involvement.”

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

The order was adopted.

4. U-20766 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR RECONCILIATION OF ITS 2019 DEMAND RESPONSE PROGRAM COSTS (final order)

Case No. U-20766 involves an application filed by Consumers Energy Company requesting authority to reconcile its 2019 demand response program costs. The order before you approves the reconciliation and financial incentive, as specified in the order, for recovery in the company’s next electric rate case, and provides additional directives for the company’s future demand response reconciliation proceedings. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

5. U-21038 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR *EX PARTE* APPROVAL

Case No. U-21038 involves an application by Consumers Energy Company seeking *ex parte* approval of changes to specified demand response tariffs, pursuant to the October 29, 2020 order in Case Nos. U-20628 *et al.* The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

## **B. GAS**

1. U-21092 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY  
FOR *EX PARTE* APPROVAL CONTRACT FOR CERTAIN  
TRANSPORTATION AND STORAGE RIGHTS  
(final order)

Case No. U-21092 involves an application filed by DTE Gas Company requesting *ex parte* approval of an amended special contract with Constellation NewEnergy – Gas Division, LLC for certain transportation and storage rights. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its September 24, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

## **V. PUBLIC COMMENTS**

Jaclyn, Zeeland provided comments on her FOIA request to the MPSC in which she sought letters of release from Consumers Energy. Chair Scripps provided guidance on where to locate addition assistance and information.

### **Chair Scripps announced:**

“Nate Johnson, Customer Assistance Division, is here today. Unfortunately, today is his last day at the Commission. I want to recognize Nate and thank him for his many contributions, and I would like to wish him all the best on his next phase of his career.”

### **Commissioner Phillips announced:**

“This week Governor Whitmer and the MPSC joined states and agencies across the country in participating in Lifeline Awareness Week. This is an annual opportunity to inform and urge eligible households to take advantage of federal and state Lifeline programs. The Lifeline program, which is available through dozens of telecommunication providers in Michigan, provides eligible customers, including seniors, veterans, and low-income households with monthly discounts on telephone and broadband service. Currently there are over 250,000 Michiganders who are subscribers in the Lifeline program. Telephone and broadband customers seeking additional questions about program eligibility, as well as information on participating providers, are encouraged to access the Lifeline Consumer Tip Sheets, which is on the MPSC website and in the comments of this meeting today or you can contact the Commission by phone at 1-800-292-9555. In addition to the Lifeline program, the Commission is also using this opportunity to again inform Michiganders of opportunity to seek

additional resources through the Emergency Broadband Benefit program. The program provides between \$50 - \$75 monthly discounts on broadband bills, as well as one-time \$100 discounts towards laptops, desktop computers or tablets purchased through eligible broadband providers. For this program, we have more than 195,000 households in Michigan that are receiving this assistance. For customers who are looking for additional information, we encourage them to go to the FCC's website at: [www.getemergencybroadband.org](http://www.getemergencybroadband.org) . Through that website they can apply and find participating providers near them.

Lastly, the Commission wants to provide customers with notice that the time is quickly approaching for telephone users in Michigan's 616, 810, 906, and 989 area codes, to include an area code with every phone call – known as 10-digit dialing, in preparation of the rollout of the National Suicide Prevention Lifeline. In just one month, beginning on October 24<sup>th</sup>, all telephone customers within the affected Michigan area codes above, must dial 10-digits for all local calls. Important safety and security equipment, such as medical alert devices, and alarm and security systems, may still use 7-digit dialing. These systems must be programmed to use 10-digit dialing before October 24<sup>th</sup>. For those seeking additional information on this 10-digit dialing conversion, you may visit the website of the North American Number Plan Administrator or email NANPA at: [988@somos.com](mailto:988@somos.com) . Additionally, I believe that we have a Consumers Tip Sheet on the Commission's website and posting it on the comments for this Commission Meeting for customers to access. Thank you."

**Commissioner Peretick announced:**

"I wanted to note that the Commission is hosting a technical conference on emergency preparedness, distribution reliability, and storm response virtually on October 22 as ordered during the August 25 commission meeting in Order U-21122. This was originally planned as a single, full-day in-person technical conference with a virtual option for the 22nd, but as guidance has changed since that order, we have adjusted to have the technical conference as virtual only. As a result, we will now be hosting the conference over the course of 2 days in an attempt to prevent fatigue. Day 1 of the virtual technical conference will still be held on October 22, and the date for the second day of the conference will be posted to the docket in Case No. U-21122 in the near future. Information on how to participate will also be made available in the same docket no later than October 4.

We expect this two-part conference to update and inform the commissioners, commission staff, and interested stakeholders on the current state of emergency preparedness, distribution reliability, and storm response, discuss the scale and degree of improvements required, and explore ideas for how to achieve these improvements all while maintaining a focus on environmental justice, equity, and cost.

We encourage the public to join and look forward to the event."

A recording of the proceedings of the September 24, 2021 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) .

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on Wednesday, October 13, 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 10:59 a.m.

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Lisa Felice  
Executive Secretary