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MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON NOVEMBER 18, 2021.

Commission Chair Daniel C. Scripps called the meeting to order at 1:00 p.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: Kelly Barber-Dodge  
Lisa Felice  
Barbara Kunkel  
Justin Miller  
Al Freeman  
Ryan Wilson  
Anna Stirling  
Paul Ausum  
Mike Byrne

Public:

Additional Staff & Public Attending Telephonically/Video Conferencing: 60 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 November 4, 2021, Commissioner Peretick seconded.

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

The minutes were approved.

### **III. CONSENTED ORDERS**

#### **A. COMMUNICATIONS**

1. U-21000 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN LEVEL 3 COMMUNICATIONS, LLC AND FRONTIER COMMUNICATIONS OF MICHIGAN, INC.  
(first amendment)
2. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. Cass-1 dated October 28, 2021)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. GeneseNew-1 dated October 28, 2021)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. Lapeer-1 dated November 8, 2021)
5. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. Leelanau-1 dated November 8, 2021)
6. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. Monroe-1 dated November 8, 2021)
7. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. Muskegon-1 dated October 28, 2021)
8. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice No. OtsegoNew-1 dated November 8, 2021)

## **B. ELECTRIC**

1. U-21103 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL OF AN ANNUAL REVIEW OF ITS STATE RELIABILITY MECHANISM CHARGE TO COMPLY WITH THE REQUIREMENTS OF SECTION 6w OF 2016 PA 341  
(proposed settlement agreement)
2. MINUTE ACTION BUILDING FOR THE FUTURE THROUGH ELECTRIC REGIONAL TRANSMISSION PLANNING AND COST ALLOCATION AND GENERATOR INTERCONNECTION, COMMENTS FILED (FERC Docket No. RM21-17-000)

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 8 minute actions were adopted.

## **IV. OTHER ORDERS**

### **A. COMMUNICATIONS**

1. U-21078 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO RE-ADOPT RULES REQUIRED BY MCL 484.2202(1)(c)(ii)  
(rulemaking/post-public hearing)

Case No. U-21078 involves the proposed re-adoption of rules for the provision of unbundled network elements and local interconnection services. The order before you approves the rules for forwarding to the Legislative Service Bureau and the Michigan Office of Administrative Hearings and Rules. Commissioner Phillips moved that the Commission approve the order at its November 18, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21079 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
TO PROMULGATE RULES REQUIRED BY MCL  
484.2202(1)(c)(iii)  
(rulemaking/post-public hearing)  
Case No. U-21079 involves the proposed repromulgation of rules for  
the provision of basic local exchange service customer migration.  
The order before you approves the rules for forwarding to the  
Michigan Office of Administrative Hearings and Rules and the  
Legislative Service Bureau. Commissioner Phillips moved that the  
Commission approve the order at its November 18, 2021 meeting.  
Commissioner Peretick seconded that motion.

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

The order was adopted.

**B. ELECTRIC**

1. U-15139 IN THE MATTER OF THE APPLICATION OF LIBERTY POWER  
HOLDINGS, LLC FOR A LICENSE AS AN ALTERNATIVE  
ELECTRIC SUPPLIER IN MICHIGAN (REQUEST TO  
VOLUNTARILY SURRENDER LICENSE  
(final order)  
U-15835 IN THE MATTER, ON THE COMMISSION'S OWN MOTION,  
REGARDING THE REGULATORY REVIEWS, REVISIONS,  
DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR  
LIBERTY POWER HOLDINGS LLC TO FULLY COMPLY WITH  
PUBLIC ACT 295 OF 2008

Case Nos. U-15139 *et al.* involve an application by Liberty  
Power Holdings LLC to voluntarily surrender its license as an  
alternative electric supplier. The order before you grants the  
license rescission, releases the bond requirement, and closes  
these dockets. Commissioner Phillips moved that the  
Commission approve the order at its November 18, 2021  
meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20165 IN THE MATTER OF THE APPLICATION OF CONSUMERS  
ENERGY COMPANY FOR APPROVAL OF ITS INTEGRATED

RESOURCE PLAN PURSUANT TO MCL 460.6t AND FOR OTHER  
RELIEF

(*ex parte*/proposed build transfer agreement with Washtenaw Solar  
Energy)

Case No. U-20165 involves two applications filed by Consumers  
Energy Company for approval of one build transfer agreement and  
two power purchase agreements. The order before you approves the  
applications. Commissioner Phillips moved that the Commission  
approve the order at its November 18, 2021 meeting. Commissioner  
Peretick seconded that motion.

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

The order was adopted.

3. U-20604 IN THE MATTER OF THE APPLICATION OF CONSUMERS  
ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE  
AGREEMENTS  
(*ex parte*/proposed power purchase agreement with South Christian High  
School)

Case No. U-20604 involves an application filed by Consumers  
Energy Company requesting *ex parte* approval of a power purchase  
agreement between the company and South Christian High School.  
The order before you approves the application. Commissioner  
Phillips moved that the Commission approve the order at its  
November 18, 2021 meeting. Commissioner Peretick seconded that  
motion.

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

The order was adopted.

3. U-20804 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN  
POWER COMPANY FOR APPROVAL TO IMPLEMENT A POWER  
SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING  
DECEMBER 31, 2021  
(final order)

Case No. U-20804 involves an application filed by Indiana  
Michigan Power Company for approval to implement a power  
supply cost recovery plan for the 2021 plan year. The order before  
you approves the plan, as set forth in the order, and accepts the

company's five-year forecast. The order also includes a warning under MCL 460.6j(7) that on the basis of present evidence, the Commission is unlikely to permit the utility to recover specified costs from customers in rates, rate schedules, or power supply cost recovery factors unless justified in its 2021 power supply cost recovery reconciliation proceeding. Commissioner Phillips moved that the Commission approve the order at its November 18, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

## **C. GAS**

1. U-20822 IN THE MATTER OF THE APPLICATION OF SEMCO ENERGY GAS COMPANY FOR AUTHORITY TO IMPLEMENT A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12-MONTH PERIOD FROM APRIL 2021 THROUGH MARCH 2022 AND FOR RELATED APPROVALS  
(proposed settlement agreement)

Case No. U-20822 involves an application filed by SEMCO Energy Gas Company for approval of a gas cost recovery plan and authorization of gas cost recovery factors for the 12 months ending March 31, 2022. The order before you approves a settlement agreement resolving all issues in the case. Commissioner Phillips moved that the Commission approve the order at its November 18, 2021 meeting. Commissioner Peretick seconded that motion.

### **Chair Scripps commented:**

“Before we move to the vote on this matter, I want to note that that the Commission recognizes that the increased gas cost recovery factor included in the settlement agreement before us will result in higher bills for Michigan families and businesses, which is – of course – a particular concern as we head into the winter months. This reflects the increase in the underlying commodity cost of natural gas, which has gotten a fair amount of attention recently.

We will continue to focus on this issue, including reviewing utility gas procurement practices, to encourage efforts to mitigate these increasing natural gas prices. Some of the strategies already in use include utilizing Michigan's unique geological features to store gas – allowing utilities to purchase the gas when it is less expensive in a way that provides savings to customers – as well as using First Of Month pricing secured just prior to the start of the month to lock in the index price premium at specific locations at the beginning of the month providing additional stability and protection from real time price volatility.

But that doesn't change the fact that gas bills are going up.

In the meantime, for those struggling with energy bills this winter, we encourage you to reach out to your provider to see what options are available in the form of affordable payment plans. In addition, you can learn about available assistance programs by calling 2-1-1, visiting MI211.org, or going to the Commission's website at [www.Michigan.gov/mpsc](http://www.Michigan.gov/mpsc) to learn more and be connected with assistance providers in your community."

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

The order was adopted.

2. U-21113 IN THE MATTER OF THE APPLICATION OF SEMCO ENERGY GAS COMPANY FOR THE APPROVAL OF SPECIAL NATURAL GAS TRANSPORTATION CONTRACTS WITH WESTROCK CALIFORNIA, INC., AND POST FOODS, LLC PURSUANT TO R 460.2031(1) AND MCL 460.6a(7)  
(*ex parte*/final order)

Case No. U-21113 involves an application filed by SEMCO Energy Gas Company for the approval of amended special natural gas contracts with WestRock California, Inc., and Post Foods, LLC, pursuant to Mich Admin Code, R 460.2031(1) and MCL 460.6a(7). The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its November 18, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-21114 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR A WAIVER OF RULE 460.2351 AND ADOPTION OF RULE 460.2351a(3) FOR TESTING DIAPHRAGM METERS AND RELATED RELIEF  
(*ex parte*/final order)

Case No. U-21114 involves an application filed by Michigan Gas Utilities Corporation for authority to waive Rule 51 of the Commission's Technical Standards for Gas Service for testing diaphragm meters and, pursuant to Rule 51a of the Technical Standards, to permit the implementation of statistical sampling and

quality control for testing used by the American National Standards Institute/American Society for Quality Control. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its November 18, 2021 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

## **V. PUBLIC COMMENTS**

There were no public comments.

### **Chair Scripps announced:**

“Before we close, I want to note that we have scheduled a public hearing to gather input on the integrated resource plan submitted by the Upper Michigan Energy Resources Corporation, which operates in parts of the Upper Peninsula. That hearing will take place on Tuesday, January 11, 2022, at Bay College – West Campus in Iron Mountain. We will have additional details on the public hearing shortly after the Thanksgiving holiday.”

### **Commissioner Phillips announced:**

“As many have heard, Michigan has the unfortunate distinction, once again, of having some of the most significant increases in COVID-19 cases nationwide just ahead of the holidays. I am asking the Commission, family, as well as others in the community to stay vigilant, become vaccinated or receive the booster shot, if you are so inclined. Make sure to take care of yourselves and your families over the holidays.”

### **Commissioner Peretick announced:**

“Thank you to staff and stakeholders who participated in our technical conferences on electric reliability and storm response. I thought they were very successful, and I look forward to implementing some of the recommendations and ideas that were generated.”

A recording of the proceedings of the November 18, 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 Thursday, December 9, 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 1:16 p.m.

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Lisa Felice  
Executive Secretary