

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JANUARY 20, 2022.

Commission Chair Daniel C. Scripps called the meeting to order at 1:32 p.m.

Acting Executive Secretary Barbara Kunkel called the roll and declared there was a quorum.

**PRESENT**

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

Staff: Caitlin Mucci  
Barbara Kunkel  
Andy Hannum  
Kyle Daymon  
Ben Johnson  
Mike Byrne  
Pat Poli  
Bonnie Janssen  
Gary Kitts  
Dolores Midkiff-Powell  
Julie Baldwin  
Paul Proudfoot  
Paul Adams  
Paul Ausum  
Jake Thelen  
Anna Schiller  
Anne Armstrong  
Erik Hanser  
Wendy Cadwell

Public: Vicky Kitts

Additional Staff & Public Attending Telephonically/Video Conferencing: 118 Participants

Commissioner Katherine L. Peretick was not present in person for the meeting and, therefore, she did not vote on matters before the Commission. However, she did remotely observe the proceedings.

**I.** Commissioner Phillips moved to approve today's amended agenda, Chair Scripps seconded.

Vote: Yeas – Scripps, Phillips  
Nays – None

The amended agenda was approved.

**II.** Commissioner Phillips moved to approve the minutes of the Regular Commission Meeting of December 22, 2021, Chair Scripps seconded.

Vote: Yeas – Scripps, Phillips  
Nays – None

The minutes were approved.

**III. CONSENTED ORDERS**

**A. COMMUNICATIONS**

1. U-20064 IN THE MATTER OF THE APPLICATION OF AT&T MICHIGAN FOR AN ORDER CONFIRMING RELINQUISHMENT OF ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION IN SPECIFIED AREAS  
(request to withdraw/final order)
2. U-21183 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN TELEPORT COMMUNICATIONS AMERICA, LLC AND BARRY COUNTY TELEPHONE COMPANY  
(interconnection agreement/final order)
3. MINUTE ACTION FRONTIER MICHIGAN  
(9-1-1 wireless, U-14000, invoice no. MI9NGMTS9111228, dated December 28, 2021)
4. MINUTE ACTION PENINSULA FIBER NETWORK, LLC  
(9-1-1 wireless, U-14000, invoice no. 50019934, dated December 1, 2021)
5. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC  
(9-1-1 wireless, U-14000, invoice no. INV-Branch1, dated December 14, 2021)
6. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES,

- |     |               |  |
|-----|---------------|--|
|     | ACTION        | LLC<br>(9-1-1 wireless, U-14000, invoice no. INV-Gratiot1, dated December 14, 2021)  |
| 7.  | MINUTE ACTION | PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC<br>(9-1-1 wireless, U-14000, invoice no. INV-Manist1, dated December 14, 2021)   |
| 8.  | MINUTE ACTION | PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC<br>(9-1-1 wireless, U-14000, invoice no. INV-Ogemaw1, dated December 14, 2021)   |
| 9.  | MINUTE ACTION | PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC<br>(9-1-1 wireless, U-14000, invoice no. INV-StJoseph1, dated December 14, 2021) |
| 10. | MINUTE ACTION | PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC<br>(9-1-1 wireless, U-14000, invoice no. INV-VanBuren1, dated December 14, 2021) |

**B. ELECTRIC**

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|----|---------------|--|
| 1. | U-21014       | IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2020, AND FOR RELATED RELIEF<br>(proposed settlement agreement) |
| 2. | U-21029       | IN THE MATTER OF THE COMPLAINT OF ANTHONY WILLIAMS AGAINST CONSUMERS ENERGY<br>(request to withdraw/final order)   |
| 3. | MINUTE ACTION | MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC.<br>(FERC Docket No. ER22-496-000)   |
| 4. | MINUTE ACTION | REACTIVE POWER CAPABILITY COMPENSATION<br>(FERC Docket No. RM22-2-000)   |

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

Vote: Yeas – Scripps, Phillips  
Nays – None

The 4 orders and 10 minute actions were adopted.

#### **IV. OTHER ORDERS**

##### **A. COMMUNICATIONS**

1. U-21016 IN THE MATTER OF THE APPLICATION OF CENTURYLINK COMMUNICATIONS, LLC, FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF MICHIGAN  
(request to relinquish designation/final order)

Case No. U-21016 involves the application filed by CenturyLink Communications, LLC, requesting to voluntarily relinquish its eligible telecommunications carrier designation. The order before you grants the request. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

2. U-21143 IN THE MATTER OF THE APPLICATION OF CENTURYTEL BROADBAND SERVICES, LLC, d/b/a CENTURYLINK BROADBAND, FOR A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN  
(final order)

Case No. U-21143 involves an application filed by CenturyTel Broadband Services, LLC, d/b/a CenturyLink Broadband, for a temporary and permanent license to provide local exchange service throughout the state of Michigan. The order before you grants the permanent license. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

3. U-21144 IN THE MATTER OF THE APPLICATION OF CENTURYTEL BROADBAND SERVICES, LLC, d/b/a CENTURLINK BROADBAND, FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF MICHIGAN  
(final order)

Case No. U-21144 involves an application, as amended, filed by CenturyTel Broadband Services, LLC, d/b/a CenturyLink Broadband, for designation as an eligible telecommunications carrier, limited to High Cost and Lifeline support. The order before you grants the application, as amended, subject to the conditions set forth in the order. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

**B. ELECTRIC**

1. 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*/full avoided cost rates)

Case No. U-20165 involves an application from Consumers Energy Company requesting approval of its Public Utility Regulatory Policies Act of 1978 full avoided cost rates. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

2. U-20500 IN THE MATTER OF THE COMPLAINT OF SPOWER DEVELOPMENT COMPANY, LLC AGAINST CONSUMERS ENERGY COMPANY FOR VIOLATIONS OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 AND RELATED COMMISSION ORDERS  
(proposed settlement agreement)
- U-20604 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENTS  
(*ex parte*/amendments to power purchase agreements)

Case Nos. U-20500 *et al.* involve a complaint filed by sPower Development Company, LLC, against Consumers Energy Company and an application filed by Consumers Energy Company requesting approval of amended power purchase agreements with sPower Development Company, LLC. The order before you approves the amended power purchase agreements, approves a settlement agreement resolving the complaint, and dismisses the complaint with prejudice. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
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 Michigan Apple Packers Cooperative)

Case No. U-20604 involves an application filed by Consumers Energy Company requesting *ex parte* approval of a power purchase agreement with Michigan Apple Packers Cooperative, Inc. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

4. U-20802 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2021  
(final order)

Case No. U-20802 involves an application, as amended, filed by Consumers Energy Company for approval of its power supply cost recovery plan for the 12-month period ending December 31, 2021, and for acceptance of its five-year forecast. The order before you approves the plan and accepts the forecast. Commissioner Phillips moved that the Commission approve the order at its January 20 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

5. U-20876 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 plan/proposed settlement agreement)

Commission Staff Brad Banks, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

**Commissioner Phillips commented:**

“Mr. Banks already provided a detailed overview of the elements in both this settlement and the related DTE Gas EWR plan settlement we will consider in case no. U-20881, so I will use my time to my express gratitude for the hard work and thoughtful collaboration that led to the resolution of both of these cases.

Thank you to our staff, Brad Banks, Karen Gould, and many others for your continued efforts related to the establishment and convening of the EWR Low Income Workgroup – a collaborative that was kicked off in 2018 (almost 3.5 years ago) to work with stakeholders to collectively identify and address opportunities to reduce the cost of energy and lessen the energy burden on Michigan families and ratepayers. The efforts outlined in these respective EWR plans are a culmination of your genuine and consistent commitment to work with utilities and stakeholders to advance equity, customer affordability and accessibility to EWR programs and services.

I also would like to thank the interveners and stakeholders of the EWR workgroup for continuing to stick with us and stay engaged in that workgroup effort, as well as thank DTE for being

responsive to the proposals and the needs expressed by the Commission, our staff, and EWR low-income workgroup stakeholders. Thank you.”

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

6. U-20959 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO COMMENCE A COLLABORATIVE TO CONSIDER ISSUES RELATED TO FURTHER ENGAGEMENT, EDUCATION, AND PARTICIPATION OF UTILITY CUSTOMERS (interim order)

Case No. U-20959 involves a matter, on the Commission’s own motion, to establish a Customer Education and Participation workgroup. The order before you extends the deadline of the Customer Education and Participation workgroup’s report summarizing the workgroup’s efforts to date, providing recommendations for the Commission’s consideration, and identifying potential next steps, from February 25, 2022, to March 25, 2022. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

7. U-21165 IN THE MATTER OF APPLICATION OF DTE ELECTRIC COMPANY SEEKING APPROVAL TO MAKE EXPERIMENTAL DEMAND RESPONSE RESOURCE TARIFF RIDER NO. 20 AVAILABLE TO DEMAND RESPONSE TARIFFS RIDER NO. 1.1 AND RIDER NO. 1.2 CUSTOMERS (*ex parte*/final order)

Case No. U-21165 involves an application filed by DTE Electric Company seeking *ex parte* approval to make Experimental Demand Response Resource Tariff Rider No. 20 available to Demand Response Tariffs Rider No. 1.1 and Rider 1.2 customers. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips



Nays – None

The order was adopted.

8. U-21140 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY FOR APPROVAL TO AMEND ITS RENEWABLE ENERGY PLAN APPROVED IN CASE NO. U-18230

Case No. U-21140 involves an application filed by Alpena Power Company requesting approval of an agreement to purchase renewable energy certificates from Eagle Creek Development Holdings, LLC, and an amendment to its renewable energy plan. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

**C. GAS**

1. U-20881 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 plan/proposed settlement agreement)

Case No. U-20881 involves the application of DTE Gas Company for authority to enact its 2022-2023 energy waste reduction plan. 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 January 20, 2022 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Phillips  
Nays – None

The order was adopted.

## V. ANNOUNCEMENT OF 2022 REGULAR COMMISSION MEETING SCHEDULE

Pursuant to the Commission's Bylaws, Chair Scripps outlined the 2022 Regular Commission Meeting Schedule and its posting of the full list of meetings to the Commission's website.

## VI. PUBLIC COMMENTS

Jaelyn Hulst asked the Commission to consider a change to Administrative Rule MCL 460.3411(12) regarding customer choice.

### **Chair Scripps announced:**

"I want to draw your attention to the fact that last Friday, the Michigan Department of Environment, Great Lakes, and Energy submitted the draft MI Healthy Climate Plan to Governor Whitmer, built on the work of the Council on Climate Solutions over the last year. Particularly, I want to recognize Commissioner Peretick for her leadership in co-chairing the Energy Production, Transmission, Distribution, and Storage workgroup. Karen Gould, who is manager of our Energy Waste Reduction Section, for her leadership in co-chairing the Buildings & Housing workgroup – 2 of the 6 workgroups of the council. Commissioner Phillips, I know your work through the Michigan Council on Future Mobility and Electrification, played an important role in helping to form the recommendations from that council that were considered by the Council on Climate Solutions. Particularly, in relation to our transportation work. This is now available on-line at: [www.Michigan.gov/climate](http://www.Michigan.gov/climate) .

Again, it is a draft plan. The plan now is to take input from the public. There are 2 public listening sessions. The first being held on January 26<sup>th</sup> from 10:00 a.m. to noon. The second on February 8<sup>th</sup> from 6:00 p.m. to 8:00 p.m. All times are Eastern time. There is more information on how to participate in those listening sessions on the website at [www.michigan.gov/climate](http://www.michigan.gov/climate) .

We have our next Council on Climate Solutions meeting on February 22<sup>nd</sup> from 1:00 p.m. to 3:00 p.m. That is open to the public for observation. The idea is collecting comments from the public listening sessions and also comments that can be submitted by email. More information on how to do so is on the website at: [www.michigan.gov/climate](http://www.michigan.gov/climate) . The final plan is to be submitted to Governor Whitmer in March and then go to implementation. A fair amount of work has gone in and a lot of staff who participated in the workgroups and other council activities. Now is the opportunity for the public to have their say. We would love to hear from you.

I also wanted to note that the Commission has hired Shatina Jones to be our first-ever Equity and Inclusion Officer. Shatina ably chaired the effort over the last year and a half as we started to stand up as staff-driven effort and focus on diversity, equity, and inclusion. In addition, to a whole host of folks from across the Commission and her leadership really gave us confidence that she was the right person to help take our efforts in this regard, both internally as an organization and externally as a regulator of critical infrastructure that too often bares the scars of historic injustice to the next level. We are excited to have Shatina Jones in place. She started at the beginning of this year and look forward to working closely with her."

**Commissioner Phillips announced:**

“On behalf of the entire MPSC organization, I would just like to give our condolences and well wishes to the family of Amy Butler, who passed away earlier this month.

I along with many here at the Commission had the pleasure to work with Ms. Butler during her time at the Michigan Energy Office. Over the past 3+ years as the first Sustainability Director at Michigan State University, Ms. Butler’s leadership and genuine passion for collaborating with students, colleagues and the surrounding community helped the University continue to emerge as a national leader in campus sustainability, both throughout the University’s energy, water, and transportation infrastructure as well as in the classroom.

I know that we will all, individually and collectively as an organization, continue to build upon Ms. Butler’s long list of contributions to Michigan’s energy and sustainability future through our continued work that we do at the Commission every single day.

Thank you, Chair for allowing me the opportunity to give our condolences.”

**Chair Scripps announced:**

“After we have adjourned today’s meeting, there will be two presentations honoring retiring, long time members of the Commission’s staff. We will keep the telephone line open for those interested in listening. There is also going to be an opportunity to speak in recognition of these retirees.”

A recording of the proceedings of the January 20, 2022 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 February 3, 2022 at 2:30 p.m.

Commissioner Phillips moved that the Commission adjourn, Chair Scripps seconded.

Vote: Yeas – Scripps, Phillips  
Nays – None

The motion was approved.

The meeting adjourned at 2:04 p.m.

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Lisa Felice  
Executive Secretary