

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON FEBRUARY 10, 2022.

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
Tremaine L. Phillips, Commissioner
Katherine Peretick, Commissioner

Staff: Leah Arendt
Lisa Felice
Barbara Kunkel
Kyle Daymon
Ben Johnson
Al Freeman
Ryan Wilson
Chris Forist
Lacy Clay
Anne Armstrong
Ryan Laruwe
Mike Byrne
Paul Adams
Andy Hannum
Blair Renfro

Public: Robert O'Meara, ITC

Additional Staff & Public Attending Telephonically/Video Conferencing: 88 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 January 20, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-14018 IN THE MATTER OF THE APPLICATION OF SPECTROTEL, INC., FOR A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN IN THE ZONE AND EXCHANGE AREAS SERVED BY VERIZON NORTH INCORPORATED, CONTEL OF THE SOUTH, INC., d/b/a VERIZON NORTH SYSTEMS, AND SBC MICHIGAN
(request to voluntarily surrender license/final order)
U-17935 IN THE MATTER OF THE APPLICATION OF SPECTROTEL, INC., d/b/a ONETOUCH COMMUNICATIONS, d/b/a TOUCH BASE COMMUNICATIONS, TO AMEND THE GEOGRAPHIC SERVICE AREA OF ITS LICENSE TO PROVIDE LOCAL EXCHANGE SERVICES
(request to voluntarily surrender license/final order)
2. U-14553 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE SEVENTH AMENDMENT TO THE INTERCONNECTION AGREEMENT BY AND BETWEEN AT&T MICHIGAN AND METROPOLITAN TELECOMMUNICATIONS OF MICHIGAN, INC.
(seventh amendment)
U-16505 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE SIXTH AMENDMENT TO THE INTERCONNECTION AGREEMENT BY AND BETWEEN AT&T MICHIGAN AND GRANITE TELECOMMUNICATIONS, LLC
(sixth amendment)
U-17110 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE SECOND AMENDMENT TO THE INTERCONNECTION AGREEMENT BY AND BETWEEN AT&T MICHIGAN AND KEPS TECHNOLOGIES, INC., f/k/a ACD TELECOM, INC.
(second amendment)
U-17119 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE EIGHTH AMENDMENT TO THE INTERCONNECTION AGREEMENT BY AND BETWEEN AT&T MICHIGAN AND TELNET WORLDWIDE, INC.

- U-17220 (eighth amendment)
IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE SECOND AMENDMENT TO THE AT&T MICHIGAN AND LYNX NETWORK GROUP, INC. INTERCONNECTION AGREEMENT
- U-17662 (second amendment)
IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE FIRST AMENDMENT TO THE INTERCONNECTION AGREEMENT BY AND BETWEEN AT&T MICHIGAN AND RCLEC, INC. (first amendment)
3. MINUTE ACTION PENINSULA FIBER NETWORK, LLC
(9-1-1 wireless, U-14000, invoice no. INV-2956, dated January 6, 2022)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. 1138, dated January 2, 2022)
- B. ELECTRIC**
1. U-21044 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR RECONCILIATION OF ITS 2020 DEMAND RESPONSE PROGRAM COSTS
(proposed settlement agreement)
2. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC.
(FERC Docket No. ER22-495-000)
- C. GAS**
1. U-20863 IN THE MATTER OF THE APPLICATION OF SUNWAVE USA HOLDINGS INC. FOR AN ALTERNATIVE GAS SUPPLIER
(request to voluntarily relinquish license/final order)
2. U-20882 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR MICHIGAN GAS UTILITIES CORPORATION TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction plan/proposed settlement)

3. U-21155 IN THE MATTER OF THE COMPLAINT OF CENTRAL MANUFACTURING SERVICES, INC. AGAINST REALGY LLC, d/b/a REALGY ENERGY SERVICES
(request to withdraw complaint/final order)

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 6 orders and 3 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-20220 IN THE MATTER OF THE APPLICATION OF CONSUMER ENERGY COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-20219) FOR THE TWELVE MONTHS ENDING DECEMBER 31, 2019
(petitions for rehearing/motion to reopen)

Case No. U-20220 involves an application filed by Consumers Energy Company for reconciliation of power supply cost recovery expenses and revenues for calendar year 2019. The order before you grants the petition for rehearing filed by Consumers Energy Company and denies the requested relief and the associated motion to reopen, and denies the petition for rehearing filed by the Residential Customer Group. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20757 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO REVIEW ITS RESPONSE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC, INCLUDING THE STATEWIDE STATE OF EMERGENCY, AND TO PROVIDE GUIDANCE AND DIRECTION TO ENERGY AND TELECOMMUNICATIONS PROVIDERS AND OTHER STAKEHOLDERS

(interim order)

Commission Staff Anne Armstrong, Customer Assistance Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Phillips commented:

“I would like to thank Ms. Armstrong, the staff, and team members that you worked with, as well as the stakeholders who you engaged with throughout the convening of the EAAC collaborative. I would like to note a couple of thoughts that were particularly innovative regarding the collaborative. Your working relationship with other staff in the EWR low-income working group was an occasion where there could have been egos and fights over turf regarding a lot of this affordability and access work, but all of you really took a genuine look at where your mutual efforts could build upon one another. I think the result of this work has really improved regulatory efforts here at the Commission and improved access to services for customers in need all across the state. I really want to thank you for that and the genuine relationship that all of you have built with stakeholders who have participated in the EAAC collaborative. Not only are those stakeholders brought to the table to provide input to all of you, but during that process you all also provided the opportunity for those stakeholders to ask questions, present urgent needs that they had with families that they were assisting through their mutual organizations and allowed for those stakeholders to have those questions answered are those problems addressed during those collaborative meetings. Again, you really built that genuine responsive relationship that I think is a model for other collaboratives and work groups that we may convene in the future.

Lastly, I will just say that through the last two years of this effort, it is clear through some of the data that we have been collecting on arrearages and shut offs, your work has really helped in easing the financial stress for allowing for homeowners and families across the state to be more comfortable during the winter months throughout these last two years. I applaud you for those efforts connected to this docket, but also the efforts of your team and staff members throughout what has been a really difficult last two years. I know that this has been a lot of work getting to this point. We are really proud of the recommendations that have been put forth here. Again, I applaud this work and encourage the ongoing nature of this collaborative going forward. Thank you.”

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

The order was adopted.

3. U-21161 IN THE MATTER OF THE APPLICATION OF THUMB ELECTRIC COOPERATIVE OF MICHIGAN d/b/a TEC FIBER FOR A WAIVER FROM CERTAIN PROVISIONS OF THE CODE OF CONDUCT APPROVED BY THE COMMISSION IN CASE NO. U-18361, IF REQUIRED, TO FACILITATE THE PROVISION OF HIGH SPEED

BROADBAND IN UNSERVED AND UNDERSERVED PORTIONS
OF RURAL MICHIGAN
(final order)

Case No. U-21161 involves a request by Thumb Electric Cooperative of Michigan, d/b/a TEC Fiber, for a waiver of certain Code of Conduct provisions. The order before you grants in part, and denies in part, the request. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

4. U-21196 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
(order assigning case numbers)
- U-21197 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
- U-21198 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
- U-21199 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
- U-21200 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
- U-21201 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
- U-21202 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, 2021

Case Nos. U-21196 *et al.* involve renewable energy cost reconciliation proceedings for the year ended 2021. The order before you establishes docket numbers and sets filing deadlines for each rate-regulated electric provider in Michigan subject to MCL 460.1049(1). Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

B. GAS

1. U-21021 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A PERCENT OF INCOME PAYMENT PLAN PILOT
(*ex parte*/final order)

Case No. U-21021 involves a request by Consumers Energy Company for *ex parte* approval of a percent of income payment plan pilot relative to both electric and natural gas service. The order before you approves the company's amended application, as set forth in the order. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21141 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A VOLUNTARY CARBON OFFSET PROGRAM
(*ex parte*/final order)

Case No. U-21141 involves an application filed by Consumers Energy Company for *ex parte* approval of a new voluntary carbon offset program. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-21162 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY RELATIVE TO FAIRPLAIN TOWNSHIP, MICHIGAN (*ex parte*/final order)

Case No. U-21162 involves an application filed by DTE Gas Company for approval of a certificate of public convenience and necessity pursuant to Public Act 69 of 1929, as amended, MCL 460.501 *et seq.* to render natural gas service for a commercial customer located at 7691 Russel Road in Section 14 of Fairplain Township in Montcalm County, Michigan. The order before you approves issuing the certificate of public convenience and necessity. Commissioner Phillips moved that the Commission approve the order at its February 10, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Alyssa Hayes commented on the carbon offset program, her concerns about climate change, and keeping the current nuclear power plants open in Michigan.

Chair Scripps announced:

“It is report season at the Michigan Public Service Commission. Earlier this month on February 1st, as required by Statute, we submitted to the Legislature a report on the Status of Competition for Video Services in Michigan, as well as a Status of Electric Competition report. Both of those press releases and the accompanying reports are available on our website at www.michigan.gov/mpsc. In the coming weeks we will also be releasing reports on Renewable Energy in Michigan, our Energy Waste Reduction Plan, as well as the Commission’s Annual Report. I am probably missing some, but we will make these publicly available, as well sending them to our partners in the Legislature for full transparency of the work of the Commission. I encourage you to take a look at those as well.

On February 1st, we celebrated the Lunar New Year, also known as the Chinese New Year. February 1st also kicks off Black History Month where we celebrate the many contributions of black Michiganders throughout the month. It is always a good thing to mark, remember, and celebrate.

Finally, there has been a lot of focus on energy affordability and assistance today between the order and the presentation in U-20757 around the EAAC, as well the Percentage of Income Pilot Program in U-21021. A reminder, if there are folks who are tuning in who are struggling with their bills and need to be connected with assistance partners across the state of Michigan, you can do that through our website at www.michigan.gov/mpsc , or by calling 2-1-1, or going to www.MI211.org . We can connect you with partners who are there to help those who are struggling, particularly in these cold winter months.”

Commissioner Peretick announced:

“I would like to offer an acknowledgement and a congratulations to Shatina Jones who was recently hired as the MPSC’s first ever Diversity, Equity, and Inclusion Officer. Ms. Jones has worked for the MPSC since 2008 and was Chair of the efforts to refocus its work addressing diversity, equity, and inclusion matters. She will continue that important work in the new leadership role. Please welcome and congratulate Ms. Jones as you are able.”

A recording of the proceedings of the February 10, 2022 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 March 3, 2022 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 2:05 p.m.

Lisa Felice
Executive Secretary