

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON APRIL 14, 2022.

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: Barbara Kunkel
Lisa Felice
Al Freeman
Anne Armstrong
Drew Simon
Amalia Ramirez
Ryan Wilson
Wendy Cadwell
Kyle Daymon
Ben Johnson
Andy Hannum
Matt Helms
Paul Adams
Mike Byrne

Public: Andrew Minegar, MIRS

Additional Staff & Public Attending Telephonically/Video Conferencing: 78 Participants

- I.** Commissioner Phillips moved to approve today's amended agenda, Commissioner Peretick seconded.

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

The amended agenda was approved.

- II.** Commissioner Phillips moved to approve the minutes of the Regular Commission Meeting of March 17, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-13051 IN THE MATTER OF THE APPLICATION OF UNITED COMMUNICATIONS SYSTEMS, INC., d/b/a CALL ONE, FOR A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE IN ALL OF THE EXCHANGES CURRENTLY SERVED BY AMERITECH MICHIGAN, VERIZON NORTH INC. AND CONTEL OF THE SOUTH, INC., d/b/a VERIZON NORTH SYSTEMS THROUGHOUT THE STATE OF MICHIGAN
(request to voluntarily surrender license/final order)

2. U-16505 IN THE MATTER OF THE JOINT APPLICATION FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN GRANITE TELECOMMUNICATIONS, LLC AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN
(seventh amendment)
- U-16913 IN THE MATTER OF THE JOINT APPLICATION FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN AT&T MICHIGAN AND BUCKEYE TELESYSTEM, INC.
(sixth amendment)
- U-21218 IN THE MATTER OF THE JOINT APPLICATION FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN NEW CINGULAR WIRELESS PCS, LLC AND ALLBAND COMMUNICATIONS COOPERATIVE
(interconnection agreement)

3. MINUTE ACTION PENINSULA FIBER NETWORK LLC
(9-1-1 wireless, U-14000, invoice no. INV-3049 dated April 1, 2022)

4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice No. INV-1151 dated April 1, 2022)

B. ELECTRIC

1. U-15140 IN THE MATTER OF THE APPLICATION OF LIBERTY POWER DELAWARE, LLC FOR A LICENSE AS AN ALTERNATIVE ELECTRIC SUPPLIER IN MICHIGAN
(request to voluntarily relinquish license/final order)
U-15834 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR LIBERTY POWER DELAWARE LLC TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY 2016 PA 342
2. U-21011 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, 2020
(proposed settlement agreement)
3. U-21056 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2022
(proposed settlement agreement)
4. U-21127 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY TO ESTABLISH OBJECTIVE AND REASONABLE CRITERIA FOR THE DETERMINATION OF A LEGALLY ENFORCEABLE OBLIGATION FOR QUALIFYING FACILITIES TO FULLY COMPLY WITH THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978, 16 USC 2601 *ET SEQ.*
(proposed settlement agreement)
5. U-21129 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL OF ITS LEGALLY ENFORCEABLE OBLIGATION CRITERIA, PURSUANT TO THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978, 16 USC 2601 *ET SEQ.*
(proposed settlement agreement)
6. U-21138 IN THE MATTER OF THE COMPLAINT OF KYLE AND ANDREA REENDERS AGAINST CONSUMERS ENERGY COMPANY
(request to withdraw complaint/final order)
7. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC.
(FERC Docket No. ER22-995)

C. GAS

1. U-20542 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-20541) FOR THE 12 MONTHS ENDED MARCH 31, 2021
2. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC. (FERC Docket No. PL18-1-000)
3. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC. (FERC Docket No. PL21-3-000)

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 9 orders and 5 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

~~REMOVED 1. U-20833 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENTS (ex parte/STS Hydropower, LLC/final order)~~

2. U-21089 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR AN ADMINISTRATIVE DETERMINATION REGARDING THE PROPER CLASSIFICATION OF CERTAIN FACILITIES AND TO SUBMIT FINDINGS TO THE FEDERAL ENERGY REGULATORY COMMISSION (final order)

Case No. U-21089 involves an application filed by DTE Electric Company seeking an administrative determination regarding the proper classification of a 120 kilovolt, single-circuit radial line and associated equipment, referred to as the Croswell Interconnection. The order before you finds that the Croswell Interconnection is classified, for purposes of this case, as a distribution asset.

Commissioner Phillips moved that the Commission approve the order at its April 14, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-21116 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, DIRECTING CONSUMERS ENERGY COMPANY TO SHOW CAUSE WHY IT SHOULD NOT BE FOUND TO BE IN VIOLATION OF MCL 460.10ee(2), COMMISSION ORDERS AND MICH ADMIN CODE, R 460.10105
(proposed settlement agreement)

Case No. U-21116 involves an action for Consumers Energy Company to show cause why it should not be found to be in violation of MCL 460.10ee(2), Commission orders, and Mich Admin Code, R 460.10105. 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 April 14, 2022 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“This started with an issue where Consumers Energy, in May of 2019, self-reported on non-compliance issues with certain provisions of the Code of Conduct. We then initiated a formal proceeding in September of 2021. The settlement agreement approved today resolves the issues raised in that investigation and proceeding. I think this represents what settlement agreements can do in terms moving the ball forward. Both addressing some of the non-compliance issues and developing a plan for tighter controls and taking steps to obtain informed consent from customers before sharing certain data with Consumer’s affiliates, among other provisions, but also including some pieces that will not only better protect customer information but improve the customer data sharing experience.

Specifically, as part of the settlement agreement in front us today, Consumers will make Green Button Download My Data and Connect My Data available to all of their customers, both residential and business customers this year, as well as working to obtain certification for those offerings. The Green Button initiative is an industry-led effort to provide utility customers with easy and secure access to their energy usage information in a consumer-friendly and computer-friendly format. I think this represents a significant step forward; taking what was an issue of non-compliance and developing and delivering something of real benefit to customers.

I appreciate the work of our staff, the company, and all involved in getting us where we are today.”

Vote: Yeas – Scripps, Phillips, Peretick

Nays – None

The order was adopted.

4. U-21137 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR AUTHORITY TO AMEND ITS COMMERCIAL GENERAL SERVICE TARIFF TO PROVIDE EXPANDED USE OF ELECTRIC VEHICLE CHARGING STATIONS AND RELATED APPROVALS
(*ex parte*/final order)

Commission Staff Al Freeman, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its April 14, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Phillips commented:

“I would first like to thank our Staff from throughout the MPSC organization for their continued due diligence of this and other utility financial and programmatic proposals to support and serve the growing volume of electric vehicles in Michigan.

Today's order marks the first such proposal for an electric utility with service territory in the Upper Peninsula. Though this order only approves the creation of a regulatory asset and demand charge waiver and does not approve the inclusion of expenditures in customer rates, approval will allow for UPPCO, and by extension, Upper Peninsula residents, businesses, and visitors, to immediately access and benefit from the millions in public funds allocated to support EV adoption and deployment.

This includes the \$110 million over five years of EV infrastructure investment Michigan is expected to receive from the federal Infrastructure Investment and Jobs Act. The approval of UPPCO's application, and continued operation of Consumers, DTE, and I&M EV pilots, will also mean that the vast majority of communities throughout the state of Michigan will have access to some form of electric vehicle infrastructure rebate offered by their electric utility.

We still, however, realize that given the very limited EV charging infrastructure present in the Upper Peninsula today and the expected growth in EV availability and adoption over the next several years, that this application is only scratching the surface of what needs to be done. In response to that reality, this order also will require the company to file in its next rate case both an analysis of the cost and benefits of an electric vehicle pilot program for customers in UPPCO's service territory as well as an evaluation of EV charging tariff offerings that can be utilized by customers classes beyond commercial customers.”

Commissioner Peretick commented:

“I'd like to briefly highlight the work that is being done across the state for the acceleration of electric vehicle charging infrastructure, and call attention to the work that is being done across state government to support these efforts. This regulatory asset described by Mr. Freeman in UPPCO's pilot would contribute one third of the funding for the charger, with another third of the funding coming from Michigan's Department of Energy Great Lakes and Environment's EV

charger grant program, and the final third contributed by the customer. Deploying electric vehicle charging infrastructure in a fair and equitable way throughout both Michigan peninsulas needs to be an important focus.

Earlier this year, we had the opportunity to see an EV fast charger in action in the UP, in the downtown of Norway, Michigan, and I'm looking forward to seeing many more deployed throughout the UP in the future."

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

The order was adopted.

B. GAS

1. U-21213 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND OPERATE LATERAL 67E AND C-994, C-995, AND C-996 WELL LINES IN THE CRANBERRY STORAGE FIELD
(*ex parte*/final order)

Case No. U-21213 involves an application filed by Consumers Energy Company for *ex parte* approval to construct and operate the proposed C-994, C-995, and C-996 Well Lines and a proposed extension and reroute of the existing Lateral 67E in the Cranberry Storage Field in the Townships of Winterfield and Summerfield in Clare County. The order before you approves the application and makes the required agency findings regarding the pipelines' environmental impact. Commissioner Phillips moved that the Commission approve the order at its April 14, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Michael Murray, Mission Data Coalition, indicated that the organization supports customers being able to exchange their energy data that is held by utilities with energy efficiency and energy management companies to help them save on their bills. Mr. Murray also thanked the Commission for the approval of the settlement agreement today.

Chair Scripps announced:

“April seems to be a month where we celebrate a lot. I think it is a part of turning to spring. It is both Scottish-American Heritage Month and National Arab-American History Month. I have a close time to Scotland. I am not Scottish in any way, but I did marry somebody of Scottish descent. My wife Jamie is a Hunter. I grew up in Alma, which is know as Scotland USA. I attended Alma College where I was part of the Kiltie Marching Band. I even had the opportunity to spend a couple years in Scotland; between college and law school, including helping on an election to the first Scottish Parliament since 1707. I am excited to celebrate Scottish-American Heritage month here in Michigan.

I am also excited about the many contributions that we celebrate connected to the National Arab-American History month. It is really the cultural fabric of our state. In 2019, Michigan Representatives Debbie Dingell and Rashida Tlaib issued a Congressional Resolution for National Arab-American History month to be recognized nationwide. The U.S. is home to over 3.5 million Arab-Americans and the greater Detroit area, of course, is home to one of the largest, oldest and most diverse Arab-American communities in the United States, with Arab-Americans first immigrating to Detroit in the late 1880’s of Syrian and Lebanese descent.

On March 31st, we also celebrated International Transgender Day of Visibility. This annual celebration takes place each year of March 31st. The day was founded in 2009 by Rachael Crandall – a transgender activist and Michigan native. She founded the day to celebrate and recognize the accomplishments and resilience of transgender non-binary other gender non-conforming individuals, while raising awareness to the burden of discrimination the transgender community still faces in society.

April is Safe Digging Month. We, together with Governor Whitmer and the MISS DIG organization, issued a press release yesterday. As the weather warms up and the sun comes out, I think a lot of people start thinking about the projects they want to do in their yards. Of the 60% of American households who are planning a home improvement project involving digging in the next twelve months, a recent study found that nearly half of them will not call 8-1-1 ahead of time. It is important to do. It is also the law. The call to MISS DIG 8-1-1 is free and ensures buried gas, electric, water and sewer, phone and other underground utilities are clearly marked before digging projects begin. This can help avoid damage to those facilities, but also dangerous and potentially deadly consequences. This is also true for relatively small excavation projects. Please call 8-1-1 or go to: www.missdig811.org at least three days before a project starts so that utilities can come out and mark their underground facilities and that we can keep all of us safe in so doing.”

Commissioner Peretick announced:

“On April 18th from 3:00 p.m. to 8:00 p.m., the MPSC will be hosting an energy assistance fair in Gaylord, Michigan at the United Way. The event will provide customers an opportunity to work with local and state agencies on site to apply for home energy assistance. Participants also may provide input during a listening session that’s part of the MPSC’s Energy Affordability and Accessibility Collaborative. MPSC Staff is seeking comments and concerns related to energy affordability.

The EAAC was launched in early 2021 in response to the COVID-19 pandemic to seek ‘broad and diverse input from residents, non-profits, utilities, and state agencies to address the affordability of energy, access to low-income energy assistance, customer protections and low-income energy waste reduction services.’ More information about the energy assistance fair is available at the event’s webpage. Additional information may be found at the MPSC’s Energy Affordability and Accessibility Collaborative webpage.”

A recording of the proceedings of the April 14, 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 Monday, April 25, 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 1:25 p.m.

Lisa Felice
Executive Secretary