

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON MAY 12, 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
Ryan McAnany
Chris Sherlock
Al Freeman
Mike Byrne
Ben Johnson
Kyle Daymon
Andy Hannum
Reka Voelker

Public: Arthur LeVasseur, Detroit Thermal

Additional Staff & Public Attending Telephonically/Video Conferencing: 63 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 April 25, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-12871 IN THE MATTER OF THE APPLICATION OF QUICK COMMUNICATIONS, INC. FOR THE ISSUANCE OF A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE IN AMERITECH MICHIGAN'S SERVICE AREAS IN THE LOWER PENINSULA OF THE STATE OF MICHIGAN
(request to voluntarily surrender license/final order)
2. U-15027 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN TELCOVE OPERATIONS, INC. AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN
(sixth amendment)
U-16549 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN 123.NET INC. d/b/a LOCAL EXCHANGE CARRIERS OF MICHIGAN, INC. AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN
(fourteenth amendment)
3. U-16183 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT 2009 PA 182, MCL 484.2310
(restructuring mechanism/adjustment to contribution assessment percentage)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1165 dated May 1, 2022)
5. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1166 dated April 29, 2022)
6. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1170 dated April 29, 2022)
7. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1171 dated May 1, 2022)

8. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-3063 dated May 1, 2022)

B. ELECTRIC

1. U-20880 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction/proposed settlement agreement)
2. U-21046 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2022
(proposed settlement agreement)
3. U-21058 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL OF A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2022
(proposed settlement agreement)

C. GAS

1. U-21068 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND AUTHORIZATION OF GAS COST RECOVERY FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2023
(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 and 5 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-20084 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO REQUIRE DTE ELECTRIC COMPANY AND DTE GAS COMPANY TO SHOW CAUSE WHY THESE COMPANIES SHOULD NOT BE FOUND IN VIOLATION OF THE CONSUMER STANDARDS AND BILLING PRACTICES FOR ELECTRIC AND NATURAL GAS SERVICE, R 460.101 *ET SEQ.*
(request to close docket/final order)

Case No. U-20084 involves an application filed by DTE Electric Company and DTE Gas Company to close the docket in this case. The order before you grants the application and closes the docket in Case No. U-20084. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20300 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY FOR APPROVAL OF ITS INTEGRATED RESOURCE PLAN PURSUANT TO MCL 460.6t AND FOR OTHER RELIEF
(proposed settlement agreement)

Case No. U-20300 involves an application filed by Alpena Power Company for approval of an agreement with Wolverine Power Supply Cooperative, Inc., for the extended purchase of capacity and for an amendment to the electric utility's current integrated resource plan. The order before you approves the agreement but finds the requested amendment unnecessary, as set forth in the order. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-20890 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO PROMULGATE RULES GOVERNING ELECTRIC

INTERCONNECTION AND DISTRIBUTED GENERATION AND TO
RESCIND LEGACY INTERCONNECTION AND NET METERING
RULES

(interim order)

Case No. U-20890 involves a matter, on the Commission’s own motion, to promulgate rules governing electric interconnection and distributed generation, and to rescind legacy net metering rules. The order before you grants the petition for rehearing filed by Consumers Energy Company and DTE Electric Company. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Peretick commented:

“I’d like to note that I appreciate the careful feedback we received on the interconnection ruleset and look forward to additional comments from the parties. It is important that we get this right, and I value everyone’s time and effort in continuing to work through this process.”

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

The order was adopted.

4. U-21081 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL OF ITS INTEGRATED RESOURCE PLAN PURSUANT TO MCL 460.6t AND FOR OTHER RELIEF
(proposed settlement agreement)

Commission Staff Kayla Gibbs, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“I would like to raise up a few things that Ms. Gibbs covered. First, kudos to the parties, Upper Michigan Energy Resources Corporation, Attorney General Nessel, the Citizens Utility Board, Savion, and the Michigan Public Service Commission staff for their work in reaching what I think is a forward-looking settlement proposal. It includes 100 megawatts of solar, 1.5% energy waste reduction, exclusive of Tilden and other customers who self-direct their own energy waste reduction programs.

Looking at this, I think the combination of resources provides valuable diversity to the Upper Peninsula’s energy mix and a hedge against increasing natural gas prices, while trying to utilize the 10 RICE units that Ms. Gibbs described. I think it adds to our resource adequacy in the Upper Peninsula and ultimately is a win, not only for the customers of UMERC but also for customers across the Upper Peninsula.

I appreciate the work of the parties involved in reaching this settlement.”

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

The order was adopted.

5. U-21117 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO COMMENCE A STAKEHOLDER PROCESS REGARDING INTERCONNECTION PROCEDURES (interim order)

Case No. U-21117 involves a matter, on the Commission’s own motion, commencing a collaborative addressing the development of electric utility interconnection procedures. The order before you cancels the May 17, 2022 stakeholder meeting, and provides that future stakeholder meetings will be announced on the MI Power Grid Interconnection Standards and Worker Safety website. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

6. U-21130 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL OF ITS LEGALLY ENFORCEABLE OBLIGATION CRITERIA, PURSUANT TO THE PUBLIC UTILITY REGULATORY POLICIES ACT, 16 USC 2601 *ET SEQ.* (proposed settlement agreement)

Case No. U-21130 involves an application filed by Upper Michigan Energy Resources Corporation to establish objective and reasonable criteria for the company’s determination of a legally enforceable obligation for qualifying facilities pursuant to the Public Utility Regulatory Policies Act of 1978, 16 USC 2601 *et seq.* The order before you approves a settlement agreement that resolves all issues in the case. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

7. U-21227 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO SEEK COMMENTS FROM RATE-REGULATED ELECTRIC, STEAM, AND NATURAL GAS UTILITIES REGARDING POTENTIAL UTILITY INFRASTRUCTURE IMPROVEMENTS IN THE STATE OF MICHIGAN FROM THE FEDERAL FUNDING AVAILABLE UNDER THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021: ALPENA POWER COMPANY, CONSUMERS ENERGY COMPANY, DETROIT THERMAL, LLC, DTE ELECTRIC COMPANY, DTE GAS COMPANY, INDIANA MICHIGAN POWER COMPANY, NORTHERN STATES POWER COMPANY, UPPER PENINSULA POWER COMPANY, UPPER MICHIGAN ENERGY RESOURCES CORPORATION, MICHIGAN GAS UTILITIES CORPORATION, AND SEMCO ENERGY GAS CORPORATION (opportunity to comment/interim order)

Case No. U-21227 involves a matter, on the Commission’s own motion, to initiate a comment period regarding the funding and assistance opportunities available to public utilities pursuant to the federal Infrastructure Investment and Jobs Act of 2021. The order before you sets deadlines for filing comments, as described in this order. Commissioner Phillips moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Phillips commented:

“The Infrastructure Investment and Jobs Act, as we all know, but I think it requires some further emphasis and reiteration, is the impetus for a historic level of federal investment in our nation’s infrastructure, and such a significant investment will require an equally historic response from state and local public agencies as well as the private sector in Michigan to not only comprehensively assess and pursue out these resources, but also ensure that when the funds are deployed, we are maximizing their potential financial and societal impacts for all residents of our great state.

The programs now being created and made available through the Department of Energy and other federal agencies will have multi-generational impacts on our environment, our climate, our built infrastructure, and our communities, so I encourage us all to keep the gravity of this opportunity in mind and we thank in advance the stakeholders and regulated entities for their thorough responses, insights, and guidance filed via comments in this docket.”

Commissioner Peretick commented:

“I’d like to thank the Attorney General and Citizens Utility Board for their joint letter bringing this opportunity to the forefront, and I look forward to seeing what is possible for infrastructure funding for our state. I’m particularly excited to hear from Kate Gordon, Senior Advisor to Energy Secretary

Jennifer Granholm, who will be presenting on the opportunities available from the Department of Energy later in this meeting.”

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

The order was adopted.

B. STEAM

1. U-21194 IN THE MATTER OF THE JOINT APPLICATION OF DETROIT THERMAL, LLC AND CARTIER ENERGY, LLC FOR APPROVAL PURSUANT TO MCL 460.6q OF TRANSFER OF CONTROL OF DETROIT THERMAL, LLC
(proposed settlement agreement)

Case No. U-21194 involves a joint application filed by Detroit Thermal, LLC, and Cartier Energy, LLC, to transfer control of Detroit Thermal, LLC, to Cartier Energy, LLC. 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 May 12, 2022 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“I want to briefly thank staff and Cartier Energy, as well as Detroit Thermal for their work in reaching the settlement. It is always exciting to see new investment, both in the City of Detroit and in the state of Michigan. We welcome Cartier Energy to Michigan and look forward to seeing their success going forward.”

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

The order was adopted.

2. U-21220 IN THE MATTER OF THE APPLICATION OF DETROIT THERMAL, LLC FOR APPROVAL OF A STEAM SALES AGREEMENT
(*ex parte*/proposed steam sales agreement)

Case No. U-21220 involves an application filed by Detroit Thermal, LLC, for *ex parte* approval of a steam sales agreement for the supply of steam between Detroit Thermal, LLC, and the State of Michigan. The order before you approves the steam sales agreement. Commissioner Phillips

moved that the Commission approve the order at its May 12, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

Commission Peretick commented:

“I’d like to introduce Kate Gordon, Senior Advisor to Secretary Jennifer Granholm. Kate has spent the past two decades working at the intersection of climate change, energy policy, and economic development, and is currently spearheading efforts at the Department of Energy to implement the funding made available by the federal Infrastructure Investment and Jobs Act. Kate will describe the funding available to the State of Michigan and to the energy and telecommunication utilities that we regulate.”

V. PRESENTATION ON THE INFRASTRUCTURE INVESTMENT AND JOBS ACT BY U.S. DEPARTMENT OF ENERGY, KATE GORDON, SENIOR ADVISOR TO THE SECRETARY

Chair Scripps commented:

“That is really great Kate. I appreciate the thorough overview and the additional detail in the slides, which we will post on our website and make publicly available. It is a great resource.”

Commissioner Phillips commented:

“Thank you for the very thorough presentation. We certainly want to send this presentation out to our other colleagues and other agencies to make them aware and make sure that we are all on the same page. This is really a whole government collaborative that we are engaged in to pursue these dollars.

Just a personal comment, I was speaking with a former colleague several weeks ago about our past work (15+ years ago) with the Apollo Alliance. This was the type of investment that was discussed at that time. You were really a thought leader around in terms we need, revolutionary levels of investment, but that investment in clean energy and distributed energy systems and decarbonization needs to be joined along the goals of energy justice on equitable access. I am really proud and thankful that you are in a leadership position to be able to help to not only develop, but to dispense some of these dollars. Now we are actualizing some of those grand concepts of almost two decades ago.

Thank you for reaching out and being able to be here with us once again in this really important time. Certainly, I think we are all on call whenever you need insight from the Great Lakes state. I we are excited to get some of these dollars deployed to communities and do what we can under a really compressed timeline here.”

Chair Scripps commented:

“Thank you so much for making time to share your expertise and your passion and hopefully, some of those federal dollars with us. This is a great resource and one that I think we will be going back over and over again. I cannot wait to get back upstairs and bookmark that website.

Again, I appreciate you joining us.”

VI. PUBLIC COMMENTS

A public comment was entered in the chat feature during the previous presentation noting that an RFI for energy storage demonstrations that came out this week and a link was provided.

Chair Scripps announced:

“May is Asian American and Pacific Islander Heritage Month, which honors the arrival of the first Japanese people that migrated to the United States in 1843. It also marks the anniversary of the transcontinental railroad’s completion, which is celebrated on May 10, 1869, to honor the Chinese immigrants that laid the tracks. Asian Americans and Pacific Islanders worldwide are an integral and respected part of their communities, making meaningful contributions to academia, business, medicine, law, technology, government, science, and social justice. That is certainly true here at the Michigan Public Service Commission.

Last year on May 18th, Governor Whitmer proclaimed that day as Asian American and Pacific Islanders Day against bullying and hate. It is also the birthday of Vincent Chin, a Highland Park, Michigan resident who was the victim of a hate crime in 1982. His tragic murder inspired a National Asian American and Pacific Islander activist movement that continues to this day.

There are a number of events taking place throughout the state in celebration of Asian American and Pacific Islander month and would specifically highlight a virtual celebration taking place this evening from 6:30 – 8:30 p.m. It will feature remarks from Governor Gretchen Whitmer and keynote speeches from national leaders. There is an opportunity to register. You can search Asian Pacific American Heritage Month Day celebration and there is a link there.

May is also Mental Health Awareness Month, which has been observed in May in the United States since 1949. It was started by the Mental Health America organization, which was then known as the National Association for Mental Health. Each year, in mid-March, Mental Health America releases a toolkit of materials to guide preparation for outreach activities during Mental Health Awareness Month. During the month of May, Mental Health American and its affiliates and other organizations interested in mental health, conduct a number of activities which are based on a different theme each year. This year’s theme is Back to Basics. It was chosen for 2022 with a goal of providing foundational knowledge about mental health and information about what people can do if their mental health is cause for concern.

Our final announcement is that earlier today we celebrated our Employee Recognition Awards. It is an annual opportunity to celebrate the many contributions of our staff. We start by celebrating those folks who have five years of service to the State and that included, among our staff, Nick Abraham, Erik Hanser, Kristen Kenyon, Ethyan Kramer, Karen Krueger, and Ryan Wilson. For ten years of service in the State, we recognized Anne Armstrong, Kelly Barber-Dodge, Lynn Beck, Taylor Becker, Stephanie Haney, David Isakson, Amber McGrath, Bob Nichols, Naomi Simpson, Tim Witt, and Tim Wolf. Celebrating fifteen years of service with the State were Linda Brauker, Cathy Cole, Roger Doherty, Karen Gould, Jesse Harlow, Jim LaPan, Teresa McMillan-Sepkoski, Dolores

Midkiff-Powell, Mark Pung, Chuck Putman, Nyrhe Royal, Jill Rusnak, Barbara Kunkel, and Staci Sova.

We also, as Commissioner Phillips mentioned earlier in the meeting, provided some Special Recognition awards, including Kayla Gibbs, Resource Optimization and Certification Section, within the Energy Resources Division, Erik Hanser, Energy Market Section, within the Strategic Operations Division, Barry Harmon, Rates and Financial Analysis Section, Telecommunications Division, and Drew Simon, Compliance and Investigation Section, Customer Assistance Division. We also issued our Employee of the Year/Outstanding Service Award to Kasey Patrick, Executive Business Section, Regulatory Affairs Division for her work as a database administrator for E-Dockets, designing and creating the new database for the gas pipeline safety work, and orchestrating the migration to MILogin for the Customer Assistance Division and the Telecommunications Division around customer complaints and inquiries.

Finally, because we also like to have a little fun with this, we had our first-ever auction where we auctioned off homemade bread and jam, honey from a backyard apiary, a hand-drawn likeness of Michigan Public Service Commission's Chief Operating Officer Mike Byrne. You really have to see it to believe it. Homemade mittens made from old sweaters with a fleece lining from Executive Secretary, Lisa Felice, which she noted were fleece lined and Felice made. All told, we raised more than \$500 which will be contributed to one of the Michigan Energy Assistance program grantees that provide energy assistance to low-income Michiganders. My cheeks hurt from smiling and laughing so much. It is a wonderful organization with a great, great staff that works everyday for the benefit of Michiganders. We try to celebrate them every day, but we certainly want to make sure that we do it on an annual basis."

Commissioner Phillips announced:

"Thank you Chair for recognizing Asian American and Pacific Islander Month and just say that as a Commission body, as well as an organization, we recognize the increased anxieties that many withing the Asian American and Pacific Islander population currently are experiencing in relation to increased discrimination and violence that has been experienced for individuals of that community, particularly, since the beginning of the COVID-19 pandemic. We want to say that we recognize that. We are certainly taking steps to better understand how and address instances of discrimination within the Asian American and Pacific Islander community within our organization and ensure that we are creating an environment that is inclusive of all populations and all ethnicities here at the Commission. I just wanted to make sure that particular note given this time period of increased tensions, and unfortunately, violence towards the Asian American and Pacific Islander community.

A recording of the proceedings of the May 12, 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 Thursday, May 26, 2022 at 1:00 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 1:50 p.m.

Lisa Felice
Executive Secretary