

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON SEPTEMBER 8, 2022.

Commission Chair Daniel C. Scripps called the meeting to order at 1:08 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
Matt Helms
Lisa Felice
Dave Chislea
Andy Hannum
Ben Johnson
Kyle Daymon
Paul Proudfoot
Danielle Rogers
Anne Armstrong
Chris Forist
Sarah Mullkoff
Melissa Preston
Lauren Fromm
Blair Renfro
Mike Byrne
Kayla Gibbs
Lori Mayabb
Meagan Emmons
Karsten Szajner
Reka Holley-Voelker

Public: Andrew Minegar, MIRS
Valerie Brader, Rivenoak Law Group
Laura DeMarco, Fraser Trebilcock
Sean Gallagher, Fraser Trebilcock
Heidi Myers, Consumers Energy

Additional Staff & Public Attending Telephonically/Video Conferencing: 73 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 August 23, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-13525 IN THE MATTER OF THE APPLICATION OF NET EXPRESS, INC.,
d/b/a ADVENT TELECOM, FOR A LICENSE TO PROVIDE BASIC
LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF
MICHIGAN IN THE ZONE AND EXCHANGE AREAS SERVED BY
VERIZON NORTH INC., VERIZON NORTH SYSTEMS, AND
AMERITECH MICHIGAN
(request to voluntarily surrender license)
2. U-14302 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
CLEAR RATE COMMUNICATIONS, INC., AND MICHIGAN BELL
TELEPHONE COMPANY d/b/a SBC MICHIGAN
(twenty-fourth amendment)
U-16998 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION
APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN
UPPER PENINSULA TELEPHONE COMPANY AND AT&T
MICHIGAN
(fifth amendment)
3. MINUTE ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL
ACTION RECERTIFICATION FOR 2022
(U-21177)

B. ELECTRIC

1. U-20807 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2021
(proposed settlement agreement)
2. U-20811 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2021
(proposed settlement agreement)
3. U-21222 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)
4. MINUTE ACTION INDUSTRIAL ENERGY CUSTOMERS OF AMERICA, *ET AL.*
(FERC Docket No. EL22-78)
5. MINUTE ACTION BUILDING FOR THE FUTURE THROUGH ELECTRIC REGIONAL TRANSMISSION PLANNING AND COST ALLOCATION AND GENERATOR INTERCONNECTION
(FERC Docket No. RM21-17)

C. GAS

1. 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
(proposed settlement agreement)
2. U-21175 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY RELATIVE TO NEW HAVEN TOWNSHIP, MICHIGAN
(proposed settlement agreement)
3. U-21176 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR ACCOUNTING AND RATEMAKING APPROVAL OF DEPRECIATION RATES FOR GAS UTILITY PLANT

(proposed settlement agreement)

4. U-21182 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY RELATIVE TO SECTION 36 OF NEW HAVEN
TOWNSHIP, MICHIGAN
(proposed settlement agreement)
5. U-21188 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY RELATIVE TO GRATTAN TOWNSHIP, MICHIGAN
(proposed settlement agreement)
6. MINUTE ACTION NORTHERN NATURAL GAS COMPANY
(FERC Docket No. RP22-1033)

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 10 orders and 4 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-20147 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO
OPEN A DOCKET FOR CERTAIN REGULATED ELECTRIC
UTILITIES TO FILE THEIR DISTRIBUTION INVESTMENT AND
MAINTENANCE PLANS AND FOR OTHER RELATED,
UNCONTESTED MATTERS
(opportunity to comment/interim order)

Commission Staff Sarah Mullkoff, Strategic Operations Division, presented a brief
synopsis of the case listed above. Commissioner Phillips moved that the Commission
approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that
motion.

Commissioner Peretick commented:

“I would like to thank Ms. Mullkoff and our staff and stakeholders who participated in the process to
modify our distribution system planning process to improve the reliability of our electric system here in

Michigan. As we explicitly called out in the order, Michigan’s distribution system reliability and safety is inadequate and the existing plans for improvement are insufficient. We have a lot of work to do. It is my hope that the actions taken in this order today will serve to kickstart this process, but I recognize that this is not the full solution. Through the increased information and data sharing, reporting, strategic pilot proposals, and the workgroups resulting from this order, it is important that the Commission keeps a close eye on the progress being made in this arena, and that meaningful and measurable improvements to reliability and safety are made. We will be issuing another order in the near future to continue progress in this area.”

Commissioner Phillips commented:

“It has been a long and emotional last two weeks. I know that more than a few of us have had some sleepless nights because of the tragic episodes that occurred after the recent severe weather events, especially in southeast Michigan, last week. I would like to thank staff, especially Commissioner Peretick, for your quick work improving this order in response to, not only the implications of the storms last week, but the ongoing stress of severe weather events on the reliability of our distribution system. Thank you for again for being very responsive and improving this order in reflection of the tragic episodes that happened last week.”

Chair Scripps commented:

“I echo those comments and particularly echoes of thanks for your leadership on this work. You know that we have the distribution system that we have today and also the distribution system that we need for the future. It is clear that we have significant work to do on both fronts. There are too many outages. They last too long. They happen too often to the same subset of customers and wire downs clearly remain a significant safety issue. I think the work that is outlined in this order, includes greater transparency, additional planning, significant improvement on metrics around which to plan that will move us in the right direction. I look forward to active partnership with the many stakeholders involved in this effort.”

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

The order was adopted.

2. U-20645 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO
ESTABLISH MI POWER GRID
(interim order)

Case No. U-20645 involves the establishment, on the Commission’s own motion, of the MI Power Grid initiative. The order before you extends the date for the filing of the final MI Power Grid report to April 3, 2023. Commissioner Phillips moved that the Commission approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

3. U-20879 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER PENINSULA POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction plan)

Case No. U-20879 involves the application of Upper Peninsula Power Company, to approve its energy waste reduction plan for the 24-month period ending December 31, 2023. The order before you reopens the record to receive testimony, exhibits, and rebuttal evidence as set forth in the order. Commissioner Phillips moved that the Commission approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

4. 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)

Commission Staff Danielle Rogers, Customer Assistance Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Phillips commented:

“I would first like to thank and express my appreciation to all staff, both past and present at the Commission, who worked to convene the Customer Education and Participation workgroup and stakeholder meetings as well as compile the extensive research and recommendations which are the basis for the order before us today. In particular, I would like to thank:

- Team Leads Kayla Gibbs and Danielle Rogers
- Staff Sponsors and Co-Sponsors Anne Armstrong, Reka Holley-Voelker, and of course Pat Hudson

- And the many other staff experts who supported this work throughout the past two years; Christine Adams, Jennifer Callahan, Al Freeman, Lauren Fromm, Ryan Laruwe, Amy Rittenhouse, Drew Simon, Karsten Szajner, and Jake Thelen

I understand that the actions within this order today are just a start and do not fully encapsulate all of the concerns and needs of stakeholders.

But when coupled with the recent creation of a data access, privacy, and IT section at Commission, I believe the data accessibility directives and guidance within this order put our state on the path to being a leader in energy data transparency and usability, thereby creating a more open marketplace for energy contractors and businesses looking to continue or expand their operations in Michigan.

The actions here will also allow for customers to have greater ownership of their energy data, which is critical in a time when ratepayers are increasingly interested in becoming valued resources to the larger energy system as opposed to just passive recipients and consumers of energy.

Furthermore, the customer education and participation directives in this order will reinforce the customer engagement work outlined in the Commission’s most recent strategic plan and reinforce the enhanced customer communications and outreach efforts already well underway and lead by our Communications team.”

Commissioner Peretick commented:

“I would like to thank Commissioner Phillips for your leadership on this and for the really excellent results that came out of this order and all of the work that happened over the past two and a half years. I am really excited to see where we are able to use this data going forward.”

Chair Scripps commented:

“I would echo Commissioner Peretick’s comments, and this would not have happened without both your leadership and that of staff. I want to echo those thanks. It think that it is a significant step forward today, in terms of a new paradigm of centering the energy system around the customer. I really appreciate your leadership and that of staff as well.”

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

The order was adopted.

B. GAS

1. U-20763 IN THE MATTER OF THE APPLICATION FOR THE AUTHORITY TO REPLACE AND RELOCATE THE SEGMENT OF LINE 5 CROSSING THE STRAITS OF MACKINAC INTO A TUNNEL BENEATH THE STRAITS OF MACKINAC, IF APPROVAL IS REQUIRED PURSUANT TO 1929 PA 16; MCL 483.1 *ET SEQ.* AND RULE 447 OF THE COMMISSION’S RULES OF PRACTICE AND

PROCEDURE, R 792.10447, OR THE GRANT OF OTHER
APPROPRIATE RELIEF
(petition for rehearing to allow for briefing)

Case No. U-20763 involves an application by Enbridge Energy, Limited Partnership, pursuant to Public Act 16 of 1929, requesting approval of the Straits Line 5 Replacement Segment project. The order before you grants the August 5, 2022 joint request for additional briefing on the supplemental record. Commissioner Phillips moved that the Commission approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21248 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY
FOR ACCOUNTING APPROVAL TO ACCELERATE
AMORTIZATION OF THE TAX CUTS AND JOBS ACT
REGULATORY LIABILITY FOR NON-PLANT RELATED
ACCUMULATED DEFERRED INCOME TAXES
(request to withdraw application)

Case No. U-21248 involves the *ex parte* application filed by DTE Gas Company for accounting approval to accelerate amortization of the regulatory liability for non-plant-related accumulated deferred income taxes resulting from the federal Tax Cuts and Jobs Act of 2017. The order before you grants DTE Gas Company's request to withdraw its application and closes the docket. Commissioner Phillips moved that the Commission approve the order at its September 8, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Natalie Stewart, Vice President of Government and Public Affairs, Switch, Ltd., encouraged the Commission to advance both cost-effective and sustainable energy in its decisions in Case No. U-21224.

Chair Scripps announced:

“The Commission, at the end of last month, lost a dear, dear friend and colleague, Judge Dennis Mack passed away at the age of 63 on August 29th. He had worked with the State of Michigan and as an Administrative Law Judge for 27 years in his career. In addition to the work that he did with the Commission, he regularly volunteered his time with the Michigan State University College of Law Moot Court Program. He was a great mentor there, as well as here. He was a dedicated and true public servant and pillar of the community and was just a wonderful, wonderful person. He had a sense of humor that was combined with incredibly intellectual mind. It really made him one of the most likable people that anyone had the pleasure of meeting. I will say that it was certainly true for me.

From his obituary, it noted that he enjoyed swimming regularly with his wife, watching sports with friends, tropical vacations, music of the 60’s and 70’s, Michigan-grown strawberries (which is a nice touch) and chocolate malts. To his children, he imparted his guiding values of honesty, justice, and perseverance. To us at the Commission, we also benefited from those lessons and values. I know that is true for his fellow administrative law judges and others within the Michigan Office of Administrative Hearings and Rules.

He was brilliant, witty, collegial, humble, and warm. A combination you do not find often in the same person. At the same time, he was a judge’s judge with an unflappable judicial temperament, as anybody who appeared as a party in front of him would be quick to note.

Again, he was a mentor and dear friend to many of us. We express our thoughts to his wife Rebecca, his daughters Elizabeth and Kara, his four siblings, and his large extended family of close relatives, as well as his family here at the Commission and at MOAHR that he leaves behind. He certainly will not be forgotten.”

Commissioner Phillips announced:

“Thank you, Chair. I concur with your comments. Judge Mack certainly had a presence about him. Not only in terms of his stature (I always have to recognize folks who are taller than me at the Commission), but also in terms of his legal acumen, his kindness and calmness about his character. From what I have learned over the last week, a presence about him in terms of the legal profession and his mentorship, guidance, and commitment to improving the lives and abilities of others within the profession. The halls of our third floor of our building will not be the same, but we certainly continue to honor him in our work that we do here at the Commission going forward.”

Commissioner Peretick announced:

“I would like to also express my deep sadness for the heartbreaking news of Judge Dennis Mack’s passing. I am thankful that I was able to spend the time with him that I did, witnessing his expertly run hearings and sometimes spending hours at a time with him while traveling for public hearings. Judge Mack is truly missed by all here at the MPSC, and we would appreciate it if you would Judge Mack’s family, friends, and colleagues in your thoughts.

I would also like to express my sincere condolences to the families and friends and communities of the children who have been killed and injured by downed wires in the last month. This is an absolutely

devastating result of the severe storms and inadequate infrastructure, and the Commission will be continuing work on improvements to downed wire safety in an upcoming order. Please take this opportunity to remind children to stay far away from any downed power lines and reinforce the danger that they pose.”

Chair Scripps announced:

“Please note that our previously scheduled September 29th Regular Commission Meeting has been rescheduled to October 5, 2022. The next Regular Commission Meeting is Wednesday, October 5, 2022 at 1:00 p.m. We are also canceling our October 10, 2022 Regular Commission Meeting. It had been held for a case with a statutory deadline and that case settled earlier this year.”

A recording of the proceedings of the September 8, 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 October 5, 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 1:49 p.m.

Lisa Felice
Executive Secretary