

MINUTES OF THE REGULAR COMMISSION CON MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON OCTOBER 27, 2022.

Commission Chair Daniel C. Scripps called the meeting to order at 1:35 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: Lisa Gold
Matt Helms
Lisa Felice
Andy Hannum
Ben Johnson
Charlie Tidwell
Kyle Daymon
Naomi Simpson
Jon DeCooman
Virginia Mundorf
Jake Thelen
Al Freeman
Sarah Mullkoff
Kayla Gibbs
Paul Ausum
Mike Byrne

Public: Andrew Minegar, MIRS
Raj Telang, DTE

Additional Staff & Public Attending Telephonically/Video Conferencing: 206 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 October 5, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-12941 IN THE MATTER OF THE APPLICATION OF RACC ENTERPRISES, LLC, FOR A LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE THROUGHOUT MICHIGAN IN THE ZONE AND EXCHANGE AREAS SERVED BY AMERITECH, VERIZON NORTH & CENTURYTEL *ET AL.*
(request to voluntarily surrender license/final order)
2. U-13710 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN AT&T MICHIGAN AND LINGO TELECOM, LLC
(fifteenth amendment)
U-15115 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN FUSION COMMUNICATIONS, LLC f/k/a CBeyond COMMUNICATIONS, LLC AND MICHIGAN BELL TELEPHONE COMPANY d/b/a AT&T MICHIGAN
(fourteenth and fifteenth amendments)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1180 dated October 1, 2022)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES, LLC
(9-1-1 wireless, U-14000, invoice no. INV-1181 dated October 13, 2022)
5. MINUTE ACTION PENINSULA FIBER NETWORK, LLC
(9-1-1 wireless, U-14000, invoice no. INV-3142 dated October 1, 2022)

B. ELECTRIC

1. U-21205 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CONSUMERS ENERGY COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction reconciliation/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 3 orders and 3 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-18461 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF SECTION 6t OF 2016 PA 341 (filing requirements and instructions/final order)
- A.6. U-21219 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF SECTION 6t(1) OF 2016 PA 341 (Michigan Integrated Resource Planning Parameters/final order)

Commission Staff Jon DeCooman, Energy Resources Division, presented a brief synopsis of the cases listed above. Commissioner Phillips moved that the Commission approve the orders at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

Commissioner Phillips commented:

“I imagine my other Commissioners can attest to the fact that when we are speaking with our fellow PUC colleagues nationally, many remark and are envious of our state’s statutorily created Integrated Resource Planning process, thereby granting the Commission the authority to ensure residents have access to safe and reliable energy services through our review and approval of the short and long range plans for how our regulated electric utilities plan to meet the energy needs of their customers. The statute also allows for the Commission, through input and comments from the public, to improve on this review and approval process.

And through the many hours, and I mean countless, hours of commitment and diligence from our Staff and participation from numerous stakeholders, the updated filing requirements and planning parameters for our approval today will further improve upon this review and approval process, and allow us to more acutely assess rapidly emerging trends that are confronting our state and regions energy system, including the acceleration of climate change, the increased focus on energy equity and environmental justice, the further development of private and public decarbonization goals, and the heightened importance of resource capacity and generation diversity.

So again, I sincerely thank all of the Staff at the MPSC as well as the many stakeholders who participated in the countless hours necessary to thoughtfully update the Commission’s integrated resource planning filing requirements and planning parameters.”

Commissioner Peretick commented:

“I want to offer sincere thanks to all of our staff who worked on both the MIRPP and Filing Requirements. This has been a very intense and long process and has been particularly expertly shepherded by Naomi Simpson all the way back from the Phase II work that set us up for these Phase III results. This is hugely important work for the State of Michigan.

Integrated resource plans get to the heart of the future of energy for our state, planning long-range forecasts for reliable electric generation over the next 20 years and impact almost everything from resiliency, affordability, equity, environmental impact, and resource mix. I appreciate all the input that we’ve received and incorporated from stakeholders as a part of this process as well.

I am thrilled to be in the place today to be able to vote on these final planning parameters and filing requirements, because it is critically important that we have an effective planning and filing process to set ourselves up for success in the future of Michigan’s energy landscape.”

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

The order in Case No. U-18461 was adopted.

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

The order in Case No. U-21219 was adopted.

- 2. U-20528 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2020 (final order)

Case No. U-20528 involves an application filed by DTE Electric Company for approval to reconcile its power supply costs and revenues for 2020 metered jurisdictional sales of electricity. The order before you approves the reconciliation as amended by this

order. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

Vote: Yeas – Scripps, Phillips, Peretick
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*/Byrne Solar, LLC, *et al.*)

Case No. U-20604 involves an application filed by Consumers Energy Company requesting *ex parte* approval of amended and new power purchase agreements. The order before you approves the power purchase agreements. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

4. U-20604 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENTS
(*ex parte*/Allegheny Solar, LLC, *et al.*)

Case No. U-20604 involves an application filed by Consumers Energy Company seeking *ex parte* approval of amended power purchase agreements between Consumers Energy Company and Allegheny Solar, LLC; Aluminum Solar, LLC; Hogan Solar, LLC; Johnsfield Solar, LLC; Surbrook Solar, LLC; and Topanga Solar, LLC. The order before you approves the amended power purchase agreements. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

5. U-20851 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
(*ex parte*/renewable energy projects)

Case No. U-20851 involves an application filed by DTE Electric Company for *ex parte* approval of two master supply agreements and two engineering, procurement, and construction contracts. The order before you approves the agreements and contracts. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

7. U-21250 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, DIRECTING SPARTAN RENEWABLE ENERGY, INC., TO SHOW CAUSE WHY IT SHOULD NOT BE FOUND TO BE IN VIOLATION OF MCL 460.6w
(final order)
- U-21099 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO OPEN A DOCKET FOR LOAD SERVING ENTITIES IN MICHIGAN TO FILE THEIR CAPACITY DEMONSTRATIONS AS REQUIRED BY MCL 460.6w

Case No. U-21250 involves a matter, on the Commission's own motion, initiating an action to require Spartan Renewable Energy, Inc., to show cause why it should not be found in violation of MCL 460.6w(8). Case No. U-21099 is a docket opened for the purpose of receiving capacity demonstration filings for the 2025/2026 planning year. The order before you finds Spartan Renewable Energy, Inc.'s capacity demonstration filed in Case No. U-21099 to be deficient, and directs Cloverland Electric Cooperative to supplement its capacity demonstration filed in Case No. U-21099 within 30 days of the date of this order. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“First, under Michigan statutory changes that were adopted in 2016 and created this capacity demonstration process, as well as the orders that the Commission has issued going back to 2017 implementing the law, the regulatory framework followed by the Commission under these capacity demonstrations, requires a finding that Spartan’s capacity demonstration is deficient. This finding, however, simply conforms to the statutory framework embodied in 6w in the Commission’s orders. The Commission is not persuaded that the State Reliability Mechanism charge should be automatically imposed upon the finding of deficiency. Rather, as we know in the order before us, the Commission finds merit in the approved process of commencing show cause proceedings. As this case so aptly illustrates, the show cause process allows for a case-by-case determination regarding the finding of deficiency, the assessment of the SRM charge, and the allocation and timing of the SRM charge.

The Commission does not currently find it necessary to rule on the remaining issues in a case where those rulings are unlikely to be carried out as the record contains references to the fact that Cloverland Electric Cooperative and the customer are in negotiations. As such, the Commission finds it prudent to require Cloverland to supplement its most recent capacity demonstration within 30 days of the date of this order.

If there are additional issues after that filing, the Commission will revisit this order and issue an additional order on December 9, 2022 resolving any outstanding issues.”

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

The order was adopted.

8. U-21283 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR AUTHORITY TO SHARE A PORTION OF THE GAIN FROM THE SALE OF CERTAIN COMMUNICATION EQUIPMENT ASSETS
(*ex parte*/final order)

Case No. U-21283 involves an application by Consumers Energy Company requesting Commission approval of a one-time voluntary gain sharing with the company’s customers and authorization to implement accounting procedures, as set forth in the application, consistent with the gain sharing. The order before you approves the company’s gain sharing proposal and accounting entries. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

B. GAS

1. U-20816 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN FOR THE 12 MONTHS ENDING MARCH 31, 2022
(final order)

Case No. U-20816 involves an application filed by DTE Gas Company seeking approval of its gas cost recovery plan for the 12 months ending March 31, 2022. The order before you approves the application and accepts the 5-year forecast. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21170 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO CONDUCT A RENEWABLE NATURAL GAS STUDY PURSUANT TO SEC. 1002 OF ARTICLE 9 OF PUBLIC ACT 87 OF 2021
(final order)

Commission Staff Virginia Halloran, Gas Safety & Operations Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its October 27, 2022 meeting. Commissioner Peretick seconded that motion.

Chair Scripps commented:

“I want to thank our consultant ICF, the many stakeholders who participated, our staff, and particularly Ms. Halloran. There was a lot of work that was put into this on a tight legislative time frame. I appreciate what I think is a really important report that ultimately came out of this legislative directive. I think it gives us more information and also gives more information to the legislature, to the public, and to our stakeholders, as we consider how best to manage the ongoing energy transition and gives us one more tool in the toolbox to think about as we look at the resources that may assist in that.

Again, thanks for all who were involved in this and excited to have this filed and returned to the legislature.”

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

The order was adopted.

V. PUBLIC COMMENTS

Edith Lee Payne, Detroit addressed her concerns about DTE's power outages, inadequate vegetation management, and its service drops.

Professor Lawrence Conn, Tulane Law School, New Orleans, discussed the Utility Vegetation Management program initiative.

Chair Scripps announced:

“First, we have a pair of energy assistance fairs coming up. These are great opportunities to understand the assistance programs offered through the Commission and our partners, and also to get information from utility providers and community partners, in terms of available energy assistance programs, payment plans, and to connect with local organizations providing energy assistance, and to sign up for financial assistance on site for those who need it. The first of these is happening on Thursday, November 10th from 4:00-7:00 p.m. at the West Michigan Works office in Grand Rapids, 215 Straight Ave NW, Grand Rapids. A week later we will be down river in Melvindale on Thursday, November 17th from 4:00-7:00 p.m. at the Kessey Fieldhouse, Melvindale. There is more information available on our website and more that will be coming out in the next couple of days in advance of these energy assistance fairs. These listening sessions are part of the Commission's Energy Affordability and Accessibility Collaborative. The EAAC was launched in response to the COVID-19 pandemic, with the Commission directing our staff to convene the EAAC as a means to seek broad and diverse input from residents, non-profits, and State agencies to address the affordability of energy, access to low-income energy assistance, customer protections, and low-income energy waste reduction services. There is a great deal of information provided these. We hope that the public is able to attend.

Because it is Michigan versus Michigan State week, I think I speak for a majority, but maybe not a consensus of the Commission (certainly not a majority of our staff) is Go Blue.”

Commissioner Peretick announced:

“I would like to note there is a public meeting on the Bipartisan Infrastructure Law Preventing Outages and Enhancing the Resilience of the Elect Grid Grant hosted by the Dept of Env Great Lakes and Energy State Energy Program on November 10th at 1:00 p.m.

I would also like to recognize that October is National Disability Employment Awareness month, devoted to recognizing and celebrating the many contributions of America's workers with disabilities throughout history and showcases supportive, inclusive employment policies and practices for a diverse workforce.”

A recording of the proceedings of the October 27,2022 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 Friday, November 18, 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 2:19 p.m.

Lisa Felice
Executive Secretary