

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON DECEMBER 9, 2022.

Commission Chair Daniel C. Scripps called the meeting to order at 1:33 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  
Matt Helms  
Lisa Felice  
Al Freeman  
Ryan Wilson  
Blair Renfro  
Elaina Braunschweig  
Paul Ausum  
Dolores Midkiff-Powell  
Nathan Brunand  
Kyle Daymon  
Andy Hannum  
Ben Johnson  
Charlie Tidwell  
Mike Byrne  
Anne Armstrong  
Dave Chislea

Public: Andrew Minegar, MIRS  
Marco Bruzzano, DTE

Additional Staff & Public Attending Telephonically/Video Conferencing: 83 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 November 18, 2022, Commissioner Peretick seconded.

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

The minutes were approved.

**III. CONSENTED ORDERS**

**A. COMMUNICATIONS**

1. U-13302 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN BULLSEYE TELECOM, INC. AND MICHIGAN BELL TELEPHONE COMPANY d/b/a SBC MICHIGAN (sixteenth amendment)
- U-13328 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN RVP FIBER GROUP, LLC AND VARIOUS SBC COMMUNICATIONS, INC. OWNED COMPANIES, INCLUDING AMERITECH MICHIGAN (sixteenth amendment)
- U-17225 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN PEERLESS NETWORK OF MICHIGAN, LLC AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN (fourth and fifth amendments)
  
2. MINUTE ACTION AT&T (9-1-1 wireless, U-14000, invoice no. 517 R41-0001 067 9, dated December 1, 2022)
  
2. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC (9-1-1 wireless, U-14000, invoice no. INV-1188, dated November 11, 2022)

**B. ELECTRIC**

1. U-20809 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2021  
(proposed settlement agreement)
2. U-21296 IN THE MATTER OF THE COMPLAINT OF MICHIGAN SUGAR COMPANY AND EAST-LIND HEAT TREAT, INC. AGAINST DTE ELECTRIC COMPANY  
(request to withdraw/final order)

**C. GAS**

1. U-21070 IN THE MATTER OF THE APPLICATION OF SEMCO ENERGY GAS COMPANY FOR AUTHORITY TO IMPLEMENT A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2023  
(proposed settlement agreement)
2. U-21253 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING OCTOBER 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 5 orders and 2 minute actions were adopted.

#### **IV. OTHER ORDERS**

##### **A. COMMUNICATIONS**

1. U-21288 IN THE MATTER OF THE APPLICATION OF UNITED WAY OF SOUTH CENTRAL MICHIGAN AND CENTRAL MICHIGAN 2-1-1 TO BE ASSIGNED THE TELEPHONE DIGITS 2-1-1 AND BE DESIGNATED AS THE COMMUNITY RESOURCE INFORMATION AND REFERRAL ANSWERING POINT FOR MONROE COUNTY (final order)

Case No. U-21288 involves an application filed by Central Michigan 2-1-1 to be assigned the telephone digits 2-1-1 and be designated as the community resource information and referral answering point for Monroe County. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

##### **B. ELECTRIC**

1. U-20526 IN THE MATTER OF THE APPLICATION OF CONSUMER ENERGY COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2020 (petition for rehearing)

Case No. U-20526 involves an application filed by Consumers Energy Company for reconciliation of power supply cost recovery expenses and revenues for calendar year 2020. The order before you denies the petition for rehearing filed by the Association of Businesses Advocating Tariff Equity. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. 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  
(petition for rehearing)

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 grants the October 7, 2022 request for additional briefing on the supplemental record. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

- REMOVED** 3. 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  
(interim order)~~
- U-20348 ~~IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO ADDRESS OUTSTANDING ISSUES REGARDING DEMAND RESPONSE AGGREGATION FOR ALTERNATIVE ELECTRIC SUPPLIER LOAD~~
- U-21032 ~~IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO REQUEST COMMENTS ON MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC.’S IMPLEMENTATION OF FEDERAL ENERGY REGULATORY COMMISSION ORDER NO. 841 REGARDING ENERGY STORAGE RESOURCES~~
- U-21225 ~~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~~
4. U-21131 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF CRITERIA FOR THE FORMATION OF A LEGALLY ENFORCEABLE OBLIGATION UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 AND FOR OTHER RELIEF  
(final order)

Case No. U-21131 involves an application filed by Consumers Energy Company for approval of criteria for the formation of a legally enforceable obligation pursuant to the Public Utility Regulatory Policies Act of 1978. The order before you approves legally enforceable obligation criteria for use by the company. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

5. 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 accepts Cloverland Electric Cooperative's updated capacity demonstration filing in Case No. U-21099, and closes the docket in Case No. U-21250. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

6. U-21332 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A ONE-TIME VOLUNTARY REFUND OF REVENUE  
(interim order)

Case No. U-21332 involves an application, filed by Consumers Energy Company, requesting approval of a one-time voluntary refund to the company's utility customers and authorization to implement accounting procedures consistent with the refund. The order before you approves the application with conditions as set forth in this order. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

**C. GAS**

1. U-20544 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN FOR THE 12 MONTHS ENDED MARCH 31, 2021 (final order)

Case No. U-20544 involves an application filed by DTE Gas Company seeking authority to reconcile the costs and revenues associated with its gas cost recovery plan for the 12 months ended March 31, 2021. The order before you approves the application. Commissioner Phillips moved that the Commission approve the order at its December 9, 2022 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-21331 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR APPROVAL OF A ONE-TIME VOLUNTARY REFUND OF REVENUE (interim order)

Case No. U-21331 involves an application, filed by DTE Gas Company, requesting approval of a one-time voluntary refund to the company's utility customers and authorization to implement accounting procedures consistent with the refund. The order before you approves the application. Commissioner Phillips moved that the

Commission approve the order at its December 9, 2022 meeting.  
Commissioner Peretick seconded that motion.

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

The order was adopted.

## V. PUBLIC COMMENTS

Edith Lee Payne commented on her MPSC staff’s response to her inquiry regarding her utility bills and line clearance at her property. Chair Scripps indicated that there is a process to file a formal complaint if she desired to elevate this matter.

### **Commissioner Phillips announced:**

“Several weeks ago, the FCC released the long awaited and anticipated national broadband map. What is important to note is that there is a challenge function associated with the mapping tool, and the FCC as well as the Michigan High-Speed Internet Office is encouraging Michigan residents and businesses to utilize the challenge function to ensure that the FCC’s map accurately reflects the availability of broadband at the location of your home or business.

Each successful challenge will result in additional federal broadband infrastructure funding to the state of Michigan. To ensure an accurate map is used for funding decisions, all challenges must be submitted by January 13, 2023. The broadband map can be accessed at [www.broadbandmap.fcc.gov](http://www.broadbandmap.fcc.gov) .”

### **Chair Scripps announced:**

“Between the consent and regular agenda today, we took action on five matters relating to power supply cost recovery and natural gas cost recovery. Each year, billions of dollars flow through fuel price recovery mechanisms in Michigan. The importance of scrutinizing the evidence submitted in these cases cannot be understated. I want to take a moment to appreciate the work, both by the companies, our staff, and the intervening parties to ensure that we give those cases the diligence that they deserve, and only reasonable and prudent fuel costs are recovered from customers.

I also want to take this opportunity to highlight some of our staff has done related to fuel prices outside of the specific orders. We are aware that fuel and commodity prices are this year, impacting affordability for customers. I want to thank the Energy Security Section and team who contributed to the recent release of our Annual Winter Energy Appraisal, which provides an outlook on supply demand and prices. With the projections of continued high prices this winter, we are continuing to find ways to highlight the availability of energy assistance. I want to provide my thanks to the collaboration between our Communications and Customer Assistance staff who recently launched a new website at [www.michigan.gov/mpsc/gethelp](http://www.michigan.gov/mpsc/gethelp) . This new dedicated website brings together, in one place, information and links to State and utility company programs that offer energy bill assistance to income qualified households, including State emergency relief, Michigan Energy Assistance Program (MEAP), and the Annual Home Heating Credit.



As part of the continued outreach around energy assistance, we recently have been hosting a series of energy assistance fairs across state and have rescheduled one for Melvindale to December 15<sup>th</sup> from 4:00 – 7:00 p.m. at the Kessey Field House, 4300 South Dearborn Street. We had scheduled it earlier (a couple of weeks ago) but needed to reschedule due to early winter weather. Our staff and representatives from other local and state agencies, including utilities and True North Community Services will be on hand. The energy fair will provide information about assistance for utility customers and give them an opportunity to provide input on issues, energy affordability, accessibility, and the availability of energy assistance programs, as well as the opportunity to learn about available energy assistance programs, payment plans, connect with local organizations providing energy assistance, and more.

Finally, we have been working on a set of organizational changes over the last couple of months to attempt to better align our work and the structure of the Commission with the changes that are taking place in the energy and telecommunications industries. Today I want to announce a number of the changes that have been taken.

First, we have created a new Distribution Planning Section focused on improving reliability and the planning necessary to accommodate the growth in electric vehicles and other distributed energy resources. This section will be lead, as of Monday, by Dr. Joy Wang, public utilities engineer who has spearheaded a number of MI Power Grid workgroups and served as an expert witness on distribution related issues.

In addition, we have reorganized a new Resource Adequacy and Forecasting Section, which will continue to focus on capacity demonstrations and demand response planning, while also pulling disparate forecasting responsibilities from throughout the Commission into one section. Starting Monday, this will be led by Roger Doherty, a public utilities engineer, who has led the Commission efforts on forecasting and demand response and served on the Commission's modeling team.

We also have a new Data Access Privacy and Information Technology Section, which will lead the Commission's efforts on customer data accessibility and privacy and will continue to review it and Smart Grid spending and rate cases, while assisting in review of customer experience spending requests, as well. This section will be led by Lauren Fromm, a public utilities engineer who has served as an expert witness in IT and smart meter issues in a range of Commission proceedings.

We also have a new Interconnection and Distributed Energy Resources Section, focused on interconnection rules and procedures and the operations of distributed energy resources, reflecting the growth in rooftop solar batteries, demand response, and other resources. This section is led by Jesse Harlow, a public utilities engineer, who previously managed the Resource Adequacy and Retail Choice Section and worked (for a number of years) in the former Renewable Energy Section.

We have also merged the functions relating to energy choice, licensing, and utility code of conduct compliance into a new Competition Licensing and Analytical Support Section, which will administer gas and electric choice programs, evaluate issues of competition between regulated and unregulated energy services and help to monitor and track utility pilot programs. This section is led by Kirk Forbes, who served as manager of the previous Analytical Support Section for a number of years.

We have also created a standalone Gas Safety and Operations Division, reflecting the importance of ensuring the safety of natural gas infrastructure in Michigan. This new division (which was previously housed within the larger Energy Operations Division) will continue to be led by Dave Chislea, a public utilities manager with deep experience in gas safety and operations, including prior Services Chair as the National Association of Regulatory Utility Commission staff subcommittee on pipeline safety.

We have consolidated the responsibilities within the Telecommunications Division, as that industry also continues to evolve, including the expiration of the State's 10-year Access Restructuring Mechanism that was discussed at the last meeting and the division's role in facilitating historic levels of funding for Broadband build out and accessibility.

In addition, as part of this reorganizational effort, we have updated responsibilities with several existing sections to better streamline regulatory responsibilities. The Resource Optimization and Certification Section, under the continued leadership of Naomi Simpson, will maintain focus on integrated resource planning and transmission citing, while taking on responsibilities related to utility renewable energy and voluntary green pricing programs.

The Energy Security Section, under the continued leadership of Alex Morese, will take on responsibilities related to carbon mitigation, in addition to existing energy security and emergency planning and management responsibilities.

The Energy Cost Recovery and Generation Operations Section, previously known as the Acts 304 and Sales Forecasting Section, under the continued leadership of Nora Quilico, will maintain a focus on cost recovery proceedings (conducted under Act 304 of 1982) and will take on review of electric generation, capital expenditures, and rate cases moving forward.

Finally, the Energy Cost Recovery Reconciliation Section, previously known as the Act 304 Reconciliation Section, under the continued leadership of Dolores Midkiff-Powell, will be housed with other staff accountants and auditors in the Regulated Energy Division and will maintain responsibility for truing up actual costs with revenues in Act 304 proceedings.

Today's announcements reflect our commitment to keeping pace with the changes taking place in the energy and telecommunications industries that we regulate. We are seeing a historic shift in the growth of distributed energy resources and the role of the customer as an active participant in the energy transition. Today's announcements will help ensure that we have the data, planning, and operational oversight necessary to continue as effective regulators.

There is a lot in there and a lot to celebrate, including a number of folks who are stepping into new Managerial responsibilities and appreciate the continued good work of folks from literally every corner of Commission to ensure that we are doing the best job that we possibly can in fulfilling our mission.”

**Commissioner Peretick announced:**

“I would like to thank staff for all they do, and say that I look forward to what we can accomplish with our new organizational format, reflecting more customer-centric energy system and implementation of our strategic plan, looking into our energy and telecom future.”

A recording of the proceedings of the December 9, 2022 meeting is archived at:  
[https://www.michigan.gov/mpsc/0,9535,7-395-93307\\_93316\\_93317\\_93875---Y,00.html](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 Wednesday, December 21, 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 2:00 p.m.

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Lisa Felice  
Executive Secretary