

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON FEBRUARY 2, 2023.

Commission Chair Daniel C. Scripps called the meeting to order at 1:02 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  
Megan Kolioupoulos  
Dolores Midkiff-Powell  
Shannon Wambaugh  
Lori Mayabb  
Blair Renfro  
Drew Simon  
Al Freeman  
Paul Ausum  
Nate Burnard  
Mike Byrne  
Kyle Daymon  
Charlie Tidwell  
Andy Hannum  
Sarah Mullkoff  
Nick Abraham

Public: Heidi Myers, Consumers Energy  
Adella Crozier, DTE

Additional Staff & Public Attending Telephonically/Video Conferencing: 201 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 January 19, 2023, Commissioner Peretick seconded.

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

The minutes were approved.

**III. CONSENTED ORDERS**

**A. COMMUNICATIONS**

- 1. U-21348 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN CLIMAX TELEPHONE LLC AND TELEPORT COMMUNICATIONS AMERICA, LLC (interconnection agreement and amendment)
- U-21362 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN PIGEON TELEPHONE COMPANY AND LEVEL 3 COMMUNICATIONS, LLC (interconnection agreement)

**B. ELECTRIC**

- 1. U-21199 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, 2021 (proposed settlement agreement)
- 2. U-21351 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022 (order assigning dockets)
- U-21352 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022
- U-21353 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY TO COMMENCE A RENEWABLE ENERGY COST

- |         |               |   |
|---------|---------------|---|
|         |               | RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022   |
| U-21354 |               | 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, 2022              |
| U-21355 |               | IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022               |
| U-21356 |               | IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022               |
| U-21357 |               | IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2022 |
| 3.      | MINUTE ACTION | APPROVAL OF ADMINISTRATIVE LAW JUDGE LESLEY C. FAIRROW  |

Commissioner Phillips moved that the Commission approve all the orders and minute action on the consent agenda.  
 Commissioner Peretick seconded that motion.

**Commissioner Phillips commented:**

“I would just like to give a warm welcome to our newest Administrative Law Judge, Judge Lesley Fairrow, and welcome you to the MPSC family. As Commissioners, we always remark that the decisions of this body are only as good as the record of evidence we deliberate upon, and this team of ALJs are absolutely critical, a truly essential part of distilling the intervenor positions and testimony in a proceeding and helping to ensure that we have the ability to issue our decisions in a timely manner. We truly can’t thank you all enough and we are happy to do our small part in adding additional capacity and acumen to this astounding team.”

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

The 3 orders and 1 minute action were adopted.

#### IV. OTHER ORDERS

##### A. ELECTRIC

1. U-20530 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2020  
(final order)

Case No. U-20530 involves an application filed by Indiana Michigan Power Company for reconciliation of its power supply cost recovery for the 12-month period ended December 31, 2020. The order before you approves the application as described in the order. Commissioner Phillips moved that the Commission approve the order at its February 2, 2023 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

2. U-20836 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR AUTHORITY TO INCREASE ITS RATES, AMEND ITS RATE SCHEDULES AND RULES GOVERNING THE DISTRIBUTION AND SUPPLY OF ELECTRIC ENERGY, AND FOR MISCELLANEOUS ACCOUNTING AUTHORITY  
(petition for rehearing)

Case No. U-20836 involves an application filed by DTE Electric Company for authority to increase its rates for the sale and distribution of electric energy. The order before you denies DTE Electric Company’s petition for rehearing. Commissioner Phillips moved that the Commission approve the order at its February 2, 2023 meeting. Commissioner Peretick seconded that motion.

**Chair Scripps commented:**

“This was a challenging case and while we ultimately did not find that the petition met the standards for rehearing, I did want to express my appreciation to the company for bringing forward a creative approach, including the offer to voluntarily refund customers any costs that were a result of the sort of mismatch on forecast. I found it a creative proposal. Ultimately, we did not get there because we did not find that it met the standard for rehearing. Should the company bring forward such a proposal in the future, I want to assure them that we will consider it, in due course. Again, I appreciate the creativity in finding a resolution to this issue.”

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

The order was adopted.

3. U-21173 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATION AND/OR APPROVALS NECESSARY FOR NORTHERN STATES POWER COMPANY, TO COMPLY WITH SECTION 61 OF 2016 PA 342  
(voluntary green pricing program proposal/biennial review)

Case No. U-21173 involves an application filed by Northern States Power Company requesting approval to continue its voluntary green pricing program. The order before you approves the company's application. Commissioner Phillips moved that the Commission approve the order at its February 2, 2023 meeting. Commissioner Peretick seconded that motion.

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

The order was adopted.

4. U-21189 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR APPROVAL OF ITS INTEGRATED RESOURCE PLAN PURSUANT TO MCL 460.6t, AVOIDED COSTS AND FOR OTHER RELIEF  
(contested settlement agreement)

Commission Staff Megan Kolioupoulos, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Phillips moved that the Commission approve the order at its February 2, 2023 meeting. Commissioner Peretick seconded that motion.

**Chair Scripps commented:**

“I would like to add a few comments because I think it is important, given the contested nature of this settlement and ultimately, the resolution that we are approving today to be clear about what is, and maybe as importantly what is not being approved today. As Ms. Kolioupoulos walked us through, what is being approved is 2,160 megawatts from expanded carbon-free resources, a 750 megawatt capacity need when the Rockport units retire in 2028, an increase in the annual energy waste reduction savings targets incrementally over the next five years to get to two percent by the end of 2027, with benchmarks and accountability. In the meantime, a commitment to increase energy waste reduction spending on low-income customers to twelve percent of the company total program budget by the 2025 plan year. Again, with interim targets, recovery of the Rockport II coal

cost that had been previously approved for recovery in a different case, and then the conservation voltage reduction program, including costs to be incurred in the next three years.

That is a lot. I think that represents a really significant step forward in the addition of carbon-free resources, the increase in energy waste reduction, and the commitment to spend more on low-income energy waste reduction customers. What is not being approved today are the specifics of exactly how that 750 megawatt need will be addressed. That will be litigated in a future certificate of necessity proceeding under 460.6(s), including updated pricing and a full range of alternatives, or approval of the inter-company power agreement with the Ohio Valley Electric Corporation, or any costs associated with that agreement. We will continue to review those costs, including the reasonableness and prudence of those costs in our power supply cost recovery and reconciliation cases, as we did earlier in this agenda.

I would like to thank the many parties, both who signed the settlement agreement and those who did not, for providing us with a truly robust record on which we can base our decision. Ultimately, I think this represents a significant step forward for Indiana Michigan Power Company and for its customers.”

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

The order was adopted.

## V. PUBLIC COMMENTS

Mindy Mills, Gladwin, Michigan, addressed her concerns regarding Consumers Energy’s price increases of electricity since 2020.

Anonymous, questioned the Commission about when DTE and Consumers will install kiosks that will accept money order payments and the associated fees.

### **Chair Scripps announced:**

“We are excited to welcome a new administrative law judge, but we are also giving a bittersweet farewell to a leaving administrative law judge. Martin Snider is retiring tomorrow and the Commission thanks Judge Snider for his many years of service to the Commission and the State of Michigan. As Commissioner Phillips said earlier, it is difficult to overstate the importance of our administrative law judges to the work of the Commission. Judge Snider certainly has been a tremendous asset to the Commission and has left a significant mark on our work and we wish him the very best in retirement.

We are excited to welcome a new attorney to the Commission, Shannon Wambaugh, who is here with us today. She joined us from the Department of Health and Human Services. We are excited to have her on board.

We also had to say goodbye to Nick Abraham. He was previously our manager of our Energy Market Section and recently departed for a role in the private sector. Nick has been a tremendous leader in the organization of MISO states. We certainly wish him well on his next adventures.

I want to recognize that February is Black History Month. We celebrate the achievements of black Americans, and particularly the contributions made by African Americans to the Commission and the State of Michigan. We have, for generations, reaped the benefits of African American leadership at the Commission.

Before Otis Smith became the first African American Justice of the Supreme Court and indeed, the first African American elected to a statewide post since reconstruction. He made a name for himself in setting fair rates and eliminating graft as Chair of the PSC from 1957-1959. He is a really interesting guy. Something about killing Santa Claus, if you Google him. He was followed by Commissioner George Washington (an interesting name), appointed as Chair of Commission by Governor Romney, former U of M football standout and roommate to future President, Gerald Ford, Willis Ward, who served. Wilma May King, who was appointed by Governor Milliken in 1977. Commissioner Edwyna Anderson, who served from 1980-1988. Ron Russell, who followed Commissioner Anderson and served until 1995. Orji Isiogu (the first Chairman who I personally got to know), who served from 2007-2013, and was Chair from 2007-2011. Also, former Commissioner Rachael Eubanks, who served from 2016-2018, before being named our State Treasurer. Of course, Commissioner Phillips, a truly national leader in how own right in telecommunications, energy, mobility, and who has at critical and repeated times, shown real leadership during his time at the Commission.

Of course, it has not just been the contributions of the Commissioner level, but in staff roles throughout the Commission where African Americans have contributed in so many ways. It is certainly fitting, particularly during Black History Month, but indeed during every month to take a moment and celebrate these many contributions and commit ourselves to building a more equitable, more inclusive Commission as we look to the future.”

**Commissioner Philips announced:**

“I would like to thank you for those comments, Chair. Thank you for taking the time to reflect on what is really a rich history of African American leadership here at the Commission. Thank you.”

**Commissioner Peretick announced:**

“I want to thank Judge Martin Snider for his service and wish him a happy retirement and welcome our new Administrative Law Judge Lesley Fairrow to the team, and the new administrative law specialist Shannon Wambaugh.

I also wanted to note that in the most recent State Energy Efficiency Scorecard put forth by the American Council for an Energy Efficient Economy in Dec of last year, Michigan ranked #3 in the country for utility energy efficiency, up from 7th place the previous year. Michigan trailed only California and Massachusetts, and the report named Michigan one of six “States to Watch,” citing the MPSC’s MI Power Grid effort. This is based on a state’s incremental savings from electric, natural gas and fuels efficiency programs, spending on electric and natural gas efficiency programs, energy efficiency resource standards, support of low-income energy efficiency programs and other factors. I

wanted to specifically thank our Michigan utilities and our Energy Waste Reduction team at the MPSC for their great work getting us to this point, especially Karen Gould, Brad Banks, Shannon Hartman, Katie Smith, Fawzon Tiwana, and Dave Walker.”

A recording of the proceedings of the February 2, 2023 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 Thursday, February 23, 2023 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 1:28 p.m.

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Lisa Felice  
Executive Secretary