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MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JUNE 9, 2023.

Commission Chair Daniel C. Scripps called the meeting to order at 10:34 a.m.
Executive Secretary Lisa Felice called the roll and declared there was a quorum.

PRESENT

Commission: Daniel C. Scripps, Chair
Katherine Peretick, Commissioner

Staff: Lisa Gold
Matt Helms
Lisa Felice
Ryan Wilson
Cathy Cole
Lynn Beck
Anne Armstrong
Al Freeman
Diane Martin
Blair Renfro
Paul Ausum
Dolores Midkiff-Powell
Kyle Daymon
Ben Johnson
Andy Hannum
Teresa McKay
Mike Byrne

Public: Heidi Myers, Consumers Energy
Dawn Fleming
Ava Gardner
Betsyann Moskowitz, Mecosta County Water Protectors

Additional Staff & Public Attending Telephonically/Video Conferencing: 99 Participants

- I. Commissioner Peretick moved to approve today's agenda, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick
Nays – None

The agenda was approved.

- II.** Commissioner Peretick moved to approve the minutes of the Regular Commission Meeting of May 18, 2023, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick
Nays – None

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-17140 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE TRAFFIC EXCHANGE AGREEMENT BY AND BETWEEN CENTURYTEL OF MICHIGAN, INC., d/b/a CENTURLINK, CENTURYTEL OF MIDWEST-MICHIGAN, INC., d/b/a CENTURYTEL, CENTURYTEL OF NORTHERN MICHIGAN, INC., d/b/a CENTURYTEL, CENTURYTEL OF UPPER MICHIGAN, INC., d/b/a CENTURYTEL AND CHARTER FIBERLINK - MICHIGAN, LLC
(request to withdraw application)
- U-21452 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND MUTUAL TRAFFIC EXCHANGE AGREEMENT BETWEEN HIAWATHA TELEPHONE COMPANY AND TELEPORT COMMUNICATIONS AMERICA, LLC
(interconnection agreement)
2. U-21411 IN THE MATTER OF THE APPLICATION OF SOUTHWEST MICHIGAN COMMUNICATIONS, INC. TO EXPAND THE GEOGRAPHIC SCOPE OF ITS LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE
(interim order)
3. MINUTE ACTION METRO ACT
(amending tax credit determination report)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1214, dated May 23, 2023)

5. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1215, dated May 23, 2023)
6. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1216, dated June 1, 2023)
7. MINUTE ACTION PENINSULA FIBER NETWORK LLC
(9-1-1 wireless, U-14000, invoice no. INV-3265, dated June 1, 2023)
8. MINUTE ACTION ELIGIBLE TELECOMMUNICATIONS CARRIERS
(required filings, U-18216)

B. ELECTRIC

1. U-21255 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, 2023
(proposed settlement agreement)
2. MINUTE ACTION APPLICATIONS FOR PERMITS TO SITE INTERSTATE ELECTRIC TRANSMISSION FACILITIES, PROPOSED RULEMAKING; NOTICE OF INTERVENTION AND COMMENTS
(FERC Docket No. RM22-7)

C. GAS

1. U-21061 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21060) FOR THE 12 MONTHS ENDED OCTOBER 31, 2022
(proposed settlement agreement)
2. U-21380 IN THE MATTER OF THE APPLICATION OF SUNSEA ENERGY MI, LLC, FOR A LICENSE AS AN ALTERNATIVE GAS SUPPLIER
(request to withdraw application/final order)

Commissioner Peretick moved that the Commission approve all the orders and minute actions on the consent agenda. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick

Nays – None

The 5 orders and 7 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-15361 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR APPROVAL PURSUANT TO SEC.6j(13)(b) OF 1982 PA 304 OF CAPACITY CHARGES IN EXCESS OF SIX MONTHS ASSOCIATED WITH A POWER PURCHASE AGREEMENT WITH FOWLER RIDGE WIND FARM LLC
(*ex parte*/second amendment)

Case No. U-15361 involves an application from Indiana Michigan Power Company for *ex parte* approval of a second amendment to the Fowler Ridge Wind Renewable Energy Purchase Agreement that discounts the contract rates due to technology upgrades. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

2. U-15787 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO PROMULGATE RULES GOVERNING INTERCONNECTION AND NET METERING
(directives to Indiana Michigan Power Company/interim order)
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

Case Nos. U-15787 *et al.* involve dockets opened on the Commission's own motion to promulgate rules governing interconnection, net metering, and distributed generation. The order before you addresses a notice from Indiana Michigan Power Company regarding the company reaching the size limitation set out in MCL 460.1173(3) for its distributed generation Level 1 customers, directs electric providers and alternative electric suppliers

to file future annual interconnection and net metering (or distributed generation) reports in Case No. U-20890 instead of Case No. U-15787, and closes the docket in Case No. U-15787. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Chair Scripps commented:

“As Ms. Gold noted, we did receive a notice from Indiana Michigan Power Company, indicating that it was choosing to no longer accept new customers into its distributed generation program. Current law allows, but notably does not require, utilities to cap participation from residential customers at one half of one percent of that utilities’ total system load. As noted, it was on that basis, that Indiana Michigan Power Company is choosing to no longer accept additional customers into its distributed generation program. Today’s filing requires Indiana Michigan to file additional information with the customer to inform customers on what other options are available. The larger question of whether to maintain the cap at the current level is a consideration for the Legislature. This is the first time that a utility has chosen to enforce this limitation and not to voluntarily increase the program to allow for additional participation. That suggests to me that this issue has renewed urgency behind it. I encourage the Legislature’s continued deliberations on this matter.”

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

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.
(opportunity to file comments/Staff’s report)

Case No. U-21099 involves a docket opened on the Commission’s own motion for the receipt of capacity demonstration filings required by MCL 460.6w. The order before you invites comments regarding the Commission Staff’s proposed capacity demonstration process and requirements document. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

4. U-21232 IN THE MATTER OF THE COMPLAINT OF PHIL FORNER AGAINST CONSUMERS ENERGY COMPANY
(final order)

Case No. U-21232 involves a complaint filed by Phil Forner against Consumers Energy Company. The order before you dismisses the complaint with prejudice. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

- 5. U-21421 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, 2024
(order assigning case numbers)
- U-21422 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. 21421) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- U-21423 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21424 IN THE MATTER OF THE APPLICATION OF CONSUMER ENERGY COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21423) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- U-21425 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21426 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21425) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- U-21427 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21428 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21427) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024

- U-21429 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21430 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21429) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- U-21431 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21432 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21431) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- U-21433 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL TO IMPLEMENT A POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDING DECEMBER 31, 2024
- U-21434 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN (CASE NO. U-21433) FOR THE 12 MONTHS ENDED DECEMBER 31, 2024
- B. 4.** U-21435 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, 2024
(order assigning case numbers)
- U-21436 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21435) FOR THE 12 MONTHS ENDED OCTOBER 31, 2024
- U-21437 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
- U-21438 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21437) FOR THE 12 MONTHS ENDED MARCH 31, 2025
- U-21439 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
- U-21440 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN

- (CASE NO. U-21439) FOR THE 12 MONTHS ENDED MARCH 31, 2025
- U-21441 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
 - U-21442 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21441) FOR THE 12 MONTHS ENDED MARCH 31, 2025
 - U-21443 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
 - U-21444 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21443) FOR THE 12 MONTHS ENDED MARCH 31, 2025
 - U-21445 IN THE MATTER OF THE APPLICATION OF SEMCO ENERGY GAS COMPANY FOR APPROVAL OF A GAS COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
 - U-21446 IN THE MATTER OF THE APPLICATION OF SEMCO ENERGY GAS COMPANY FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21445) FOR THE 12 MONTHS ENDED MARCH 31, 2025
 - C. 1. U-21447 IN THE MATTER OF THE APPLICATION OF DETROIT THERMAL, LLC FOR APPROVAL OF A STEAM SUPPLY COST RECOVERY PLAN AND FACTORS FOR THE 12 MONTHS ENDING MARCH 31, 2025
 - U-21448 (order assigning case numbers)
IN THE MATTER OF THE APPLICATION OF DETROIT THERMAL, LLC FOR RECONCILIATION OF ITS STEAM SUPPLY COST RECOVERY PLAN (CASE NO. U-21447) FOR THE 12 MONTHS ENDED MARCH 31, 2025

Case Nos. U-21421 *et al.* involve a proceeding to assign case numbers consistent with the Commission’s e-docket filing system. The order before you assigns docket numbers for 2024, and 2024-2025 power supply cost recovery plans, gas cost recovery plans, steam supply cost recovery plans, power supply cost recovery reconciliations, gas cost recovery reconciliations, and steam supply cost recovery reconciliations for all rate-regulated electric, gas, and steam utilities. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

C. GAS

1. U-21293 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE DEVELOPMENT OF GUIDELINES AND IMPLEMENTATION OF AN APPLICATION PROCESS FOR THE LOW CARBON ENERGY INFRASTRUCTURE ENHANCEMENT AND DEVELOPMENT GRANT PROGRAM UNDER PUBLIC ACTS 53 AND 166 OF 2022
(final order)

Commission Staff Lynn Beck, Assistant to Chief Operating Officer, presented a brief synopsis of the case listed above. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Commissioner Peretick commented:

“I want to sincerely thank you, Ms. Beck, and all the staff who contributed for the huge amount of work that went into issuing these grants today: Julie Baldwin, Joy Wang, Alex Morese, Paul Proudfoot, Karen Gould, Dave Chislea, Virginia Halloran, Anne Armstrong, Wanda Jones, Jamie Curtis, Mary Wilkins, Dave Walker, Fawzon Tiwana, Reka Holley-Voelker, and Ethyan Kramer.

There was not only significant amount of work that went into the evaluation of the grant applications that we received, but also work that went into setting the parameters for the grants, writing the request for proposals, working with the State of Michigan Administrative Board, and clarifying the proposals to get the best solutions for our state. This took a lot of dedication and time, and it wouldn’t have happened without all the time and effort put in by the fantastic MPSC staff.

I also want to thank all the applicants. The quality of project that was submitted was high, and the range was diverse. We are awarding grants today to support new solar installations, battery storage projects, renewable natural gas, and a bioenergy facility. There are also awards to a host of planning grants, that ranged from city renewable energy planning, electric vehicle charging infrastructure, community solar planning, tribal low carbon infrastructure and enhancement development, and carbon capture and sequestration planning.

And importantly, the impact that these projects will have on the state of Michigan is impressive. The estimated impact on reducing greenhouse gas emissions from these grants is well over 500,000 tons of CO₂/year.”

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

2. U-21369 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO PROMULGATE RULES GOVERNING GAS SAFETY (rulemaking/public hearing announcement)

Case No. U-21369 involves proposed amendments to the rules governing gas safety. The order before you approves the schedule for a public hearing and the receipt of written comments on the proposed amendments to the rule set. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

3. U-21396 IN THE MATTER OF THE APPLICATION OF TOMORROW ENERGY CORP. FOR A LICENSE AS AN ALTERNATIVE GAS SUPPLIER (final order)

Case No. U-21396 involves an amended application filed by Tomorrow Energy Corp to become a licensed alternative gas supplier. The order before you approves the amended application. Commissioner Peretick moved that the Commission approve the order at its June 9, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick
Nays – None

The order was adopted.

V. PUBLIC COMMENTS

Nichole Biber, Moses Biber, Pearl Biber, Dawn Fleming, Marie Reolo, Ross Fisher, Anna Stuntz, Betsyann Moskowitz, Bill Latka, Sean McBrearty, Carol Burns, and Steven Kraft provided comments regarding MPSC Case No. U-20763 and Enbridge Energy, Limited Partnership's application regarding Line 5.

Lissa Spitz provided written comments regarding MPSC Case No. U-20763 and Enbridge Energy, Limited Partnership’s application regarding Line 5, which are posted in the comments section of the docket file in Case No. U-20763.

Chair Scripps announced:

“June is Pride Month. It is certainly something that we celebrate here at the Commission. We are grateful for the many contributions of our LGBTQ+ employees and the folks from those communities that we serve as Michiganders. There is a lot to celebrate this June, while also acknowledging more work to do in celebrating Pride Month.

June is also National Caribbean-American Heritage Month. I want to acknowledge that as well.

Finally, earlier this week we issued our Summer Energy Outlook. This found slightly lower gasoline prices, slightly higher electricity prices, but lower electricity demand. Overall, we believe that Michiganders should pay less in energy this summer when compared to next summer. There is a lot in the report on electricity, including demand and some additional projections, natural gas, gasoline, and desolate fuels like diesel.”

A recording of the proceedings of the June 9, 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, June 22, 2023 at 1:00 p.m.

Commissioner Peretick moved that the Commission adjourn, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick
Nays – None

The motion was approved.

The meeting adjourned at 11:37 a.m.

Lisa Felice
Executive Secretary