

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JULY 7, 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  
Katherine Peretick, Commissioner

Staff: Shannon Wambaugh  
Matt Helms  
Lisa Felice  
Diane Martin  
Blair Renfro  
Ryan Wilson  
Al Freeman  
Ben Johnson  
Kyle Daymon  
Andy Hannum  
Kayla Gibbs  
Sarah Mullkoff  
Ryan Cook  
Nathan Burnand  
Mike Byrne  
Dave Chislea  
Cathy Cole  
Anna Schiller

Public: Marco Bruzzano, DTE

Additional Staff & Public Attending Telephonically/Video Conferencing: 84 Participants

**I.** Commissioner Peretick moved to amend today's agenda, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick  
Nays – None

The motion was approved.

Commissioner Peretick moved to approve today’s amended agenda, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick  
Nays – None

The amended agenda was approved.

**II.** Commissioner Peretick moved to approve the minutes of the Regular Commission Meeting of June 22, 2023, Chair Scripps seconded.

Vote: Yeas – Scripps, Peretick  
Nays – None

The minutes were approved.

**III. CONSENTED ORDERS**

**A. COMMUNICATIONS**

1. U-14033 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN PNG TELECOMMUNICATIONS, INC., d/b/a POWERNET GLOBAL COMMUNICATIONS AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN (ninth amendment)
2. MINUTE ACTION AT&T (9-1-1 wireless, U-14000, invoice no. 517 R41-0001 067 9, dated March 1, 2023)
3. MINUTE ACTION AT&T (9-1-1 wireless, U-14000, invoice no. 517 R41-0001 067 9, dated June 1, 2023)

**B. GAS**

1. U-21292 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR AN ACT 9 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A REPLACEMENT PIPELINE IN BRANCH AND CALHOUN COUNTIES, MICHIGAN (proposed settlement agreement)

2. U-21385 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE NATURAL GAS SERVICE IN SECTION 21 OF WHITEFORD TOWNSHIP, MONROE COUNTY  
(proposed settlement agreement)

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 3 orders and 2 minute actions were adopted.

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

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

1. U-21368 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO PROMULGATE RULES REQUIRED BY MCL 484.2202(1)(c)(iv) (rulemaking/public hearing announcement)

Case No. U-21368 involves re-promulgation of rules governing the obligations of providers of basic local exchange service that cease to provide the service. The order before you approves the schedule for a public hearing and the receipt of written comments on the proposed rules. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

2. U-21411 IN THE MATTER OF THE APPLICATION OF SOUTHWEST MICHIGAN COMMUNICATIONS, INC. TO EXPAND ITS LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE  
(final order)

Case No. U-21411 involves a request of Southwest Michigan Communications, Inc., d/b/a Bloomingdale Communications, Inc. for a permanent license expansion to provide basic local exchange

service. The order before you grants the license expansion. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

**B. ELECTRIC**

1. U-12270 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, OF THE INVESTIGATION INTO THE METHODS TO IMPROVE THE RELIABILITY OF ELECTRIC SERVICE IN MICHIGAN (Rule 31/annual report/interim order)

Case No. U-12270 involves a matter, on the Commission's own motion, to investigate methods to improve the quality of electric service in the state of Michigan. The order before you directs the Commission Staff to collaborate with electric utilities and cooperatives to develop a report form for use when utilities and cooperatives file their annual reports required by Mich Admin Code, R 460.731 and opens a comment period on the proposed report form. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

2. U-16048 IN THE MATTER OF THE APPLICATION FOR *EX PARTE* APPROVAL OF PROCEDURES FOR RECOVERY OF COSTS PURSUANT TO SUBSECTIONS 6a(7), (8) AND (9) OF 2008 PA 286, MCL 460.6a (proposed settlement agreement)

Case No. U-16048 involves an application filed by biomass merchant plants seeking *ex parte* approval of modifications of procedures for the recovery of costs pursuant to MCL 460.6a(9), (10), and (11). The order before you approves a settlement agreement resolving all outstanding issues in the case and dismisses as moot a duplicative joint request by the parties filed on June 23,

2023. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

3. U-17377 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF 2013 PA 95 (proposed low-income energy assistance funding factor/opportunity to comment)

Case No. U-17377 involves setting the Low-Income Energy Assistance Fund factor. The order before you establishes a deadline for the filing of comments on the proposed factor by 5:00 p.m. (Eastern time) on July 14, 2023. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

**Chair Scripps commented:**

“I would like to express my appreciation to the 29 electric utilities that indicated that they will be participating in the LIEAF program for the 2023-2024 fiscal year. Those 29 electric utilities represent record participation. We have never had more than 28 before. I am pleased to see this continue to move towards greater participation. In particular, I would like to express my thanks to the Lansing Board of Water and Light, which is participating for the first time. This brings us to 29. As Michigan’s largest municipally owned electric utility and one of the five largest electric utilities in the state, the Lansing Board of Water and Light is a leader in many respects, including in reliability and clean energy. I am pleased to see their leadership in this area as well.

The Michigan Energy Assurance Program (MEAP) that is funded by the low-income energy assistance fund plays a critical role in the fabric of assistance programs available to those struggling financially. Last year MEAP provided energy assistance and self-sufficiency services to more than 56,000 qualifying households across the state. We appreciate our network of grantees that work with individuals and families seeking assistance, our partnership in administering this program, the Department of Health and Human Services, and the utilities that participate in the program.

Finally, I want to specifically thank Wanda Clavon-Jones and her team in the MEAP Section of the Commission for their diligent work.”

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

4. U-17473 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR A FINANCING ORDER APPROVING THE SECURITIZATION OF QUALIFIED COSTS (proposed adjustment to securitization charges)

Case No. U-17473 involves an application filed by Consumers Energy Company for approval of new securitization charges for the period of August 2023 through July 2024. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

5. U-20932 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF A ONE-TIME VOLUNTARY REFUND OF REVENUE (final order)

Case No. U-20932 involves an application filed by Consumers Energy Company seeking *ex parte* approval of the company's proposal to issue bill credits to its natural gas customers to refund approximately \$1.6 million from an approved 2020 voluntary refund and to donate a remaining balance of \$30,167 to a charity of the company's choosing. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

6. U-21251 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO ESTABLISH A WORKGROUP TO CONDUCT AN ELECTRIC GRID INTEGRATION STUDY AND TO MAKE RECOMMENDATIONS TO IMPROVE THE READINESS OF THE DISTRIBUTION SYSTEM FOR BOTH DISTRIBUTED ENERGY RESOURCES AND ELECTRIC VEHICLE INFRASTRUCTURE IN RESPONSE TO SENATE RESOLUTION 143 (final order)

Commission Staff Kayla Gibbs, Commissioner Advisor, presented a brief synopsis of the case listed above. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

**Commissioner Peretick commented:**

“I want to thank everyone who participated in the research and writing of the report just described by Ms. Gibbs, including NREL and all the parties that submitted comments to improve the report and recommendations. This was a huge effort, initially begun and primarily shepherded by former Commissioner Tremaine Phillips, and resulted in an important document that lays out recommendations and next steps to address impacts of increased electricity demand and distributed energy resources. In particular, I would like to thank Kayla Gibbs, Joy Wang, Cody Matthews, Erik Hanser, Nick Evans, Al Freeman, Anna Schiller, Josh Towslee, Jesse Harlow, Cathy Cole, Paul Proudfoot, and Julie Baldwin, and all other staff members who contributed to the report.

As growth in demand for electricity increases due to adoption of electric vehicles and other electrification, and as increased distributed energy resources come online in our state, we need to ensure that we are prepared to handle these changes. The recommendations, as described by Ms. Gibbs, will increase benefits to customers, improve system reliability, ease the interconnection process, allow for growth of DERs, and ensure that the correct changes in grid design and operation are being made to prepare for the future.”

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

8. U-21407 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF AMENDMENT NO. 3 OF THE POWER PURCHASE AGREEMENT WITH T.E.S. FILER CITY STATION LIMITED PARTNERSHIP  
(*ex parte*/proposed amendment to purchase agreement)

Case No. U-21407 involves an application filed by Consumers Energy Company for *ex parte* approval of Amendment No. 3 to the power purchase agreement with T.E.S. Filer City Station Limited Partnership. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

9. U-21414 IN THE MATTER OF THE REQUEST OF ALGER DELTA COOPERATIVE ELECTRIC ASSOCIATION, CHERRYLAND ELECTRIC COOPERATIVE, CLOVERLAND ELECTRIC COOPERATIVE, GREAT LAKES ENERGY COOPERATIVE, HOMEWORKS TRI-COUNTY ELECTRIC COOPERATIVE, MIDWEST ENERGY & COMMUNICATIONS, ONTONAGON COUNTY REA, PRESQUE ISLE ELECTRIC & GAS CO-OP, AND THUMB ELECTRIC COOPERATIVE, INDIVIDUALLY AND COLLECTIVELY, FOR A DECLARATORY RULING (final order)

Case No. U-21414 involves a request for a declaratory ruling filed by nine member-regulated cooperatives. The order before you grants the request for declaratory ruling and finds that Mich Admin Code, R 460.744 does not apply to the nine member-regulated cooperatives. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

**Chair Scripps commented:**

“I would like to express my thanks to the nine member-regulated cooperatives for bringing this to us. We take steps to stay in our lane to regulate the utilities that we regulate, but not to regulate those that we do not. This was an important clarification that I think reflects the intent of the legislature and certainly our intent in moving forward but provides clarity all around in terms of the applicability of some of the recent rule updates to these member-regulated cooperatives.

Again, I would like to express my appreciation to the nine cooperative electric utilities that brought this to us.”

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

10. U-21458 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO REQUIRE CONSUMERS ENERGY COMPANY TO INVESTIGATE AND SUBMIT A REPORT TO THE COMMISSION STAFF REGARDING THE COMPANY’S ESTIMATED BILLING PRACTICES, METER MALFUNCTIONS, AND NEW SERVICE DELAYS (interim order)

Case No. U-21458 involves an investigation into Consumers Energy Company’s meter malfunctions, estimated billing practices, and delay in new service issues. The order before you opens the investigation and directs Consumers Energy



Company to file a report by August 4, 2023, and the Commission Staff to submit its analysis of the company's report and recommendations by September 29, 2023. Commissioner Peretick moved that the Commission approve the order at its July 7, 2023 meeting. Chair Scripps seconded that motion.

Vote: Yeas – Scripps, Peretick  
Nays – None

The order was adopted.

## V. PUBLIC COMMENTS

There were no public comments.

### **Chair Scripps announced:**

“First, I am excited to welcome the appointment of Alessandra Carreon who was appointed by Governor Whitmer last Friday. She will start on the 24<sup>th</sup> of this month and serve the remainder of former Commissioner Tremaine Phillips’ term until July 2025. As noted in Governor Whitmer’s announcement, Ms. Carreon joins the Commission from her current role as Manager in the Carbon-Free Transportation program at RMI. Prior to RMI, she managed the Responsible Material Sourcing team at Ford Motor Company and also worked with Ford’s Global Sustainability team on ESG and corporate sustainability programs. In addition to these “day jobs”, she is also the co-founder and co-owner of PizzaPlexLC3, a Triple Bottom Line business in Detroit that serves authentic Neapolitan pizza. We are excited to welcome her for many reasons. She is engineer. She earned a Bachelor Science degree in Chemical Engineering (with a focus on Environmental Engineering) from Rice University and a Master of Business Administration from the University of Michigan-Stephen M. Ross School of Business. I know that this is the chagrin of many of our employees that you have an entirely U of M Commission at this point. Again, her first day will be July 24<sup>th</sup>. She will be the first Asian-American member of the Commission. We are excited to welcome Alessandra Carreon in the next couple of weeks.

I want to express my thanks to the Legislature. They recently wrapped up the budget, including ours. It is always a nice chance to say thank you. Notably, relating to the Commission, we received authorization for additional employees related to gas safety activities under authorization delegated by the U.S. Department of Transportation. We received \$21.3 million for renewable energy and electrification infrastructure enhancement and development grants program that received some additional guidance in terms of eligible criteria. I look forward to putting that program together and making some funds available, \$5.5 million to support the activities of Michigan Saves. I would notice in part that Michigan Saves this summer is celebrating \$500 million in loans that have been made under the program since they were created by the Commission in 2008 or 2009. Congratulations to them. There was also direction from the Legislature for the Commission to continue our outreach and public engagement activities we have worked hard over that last couple

of years to step up our activities in that area. I am excited by the Legislature’s encouragement and direction for us to continue.”

**Commissioner Peretick announced:**

“The Commission is hosting a virtual energy storage technical conference on July 25th from 1-5:00 p.m. There is additional information is on our website, and the agenda will be posted to the docket for Case No. U-21399 early next week.

Yesterday, the Department of Energy Grid Deployment Office announced the award of \$14.9 million for Michigan’s Grid Resilience State Grant. This is supported by the Bipartisan Infrastructure Law, Section 40101(D), these two-year grants will help modernize the electric grid to reduce the impacts of climate-driven extreme weather and natural disasters while ensuring power sector reliability. We look forward to continued collaboration with the Dept of Environment Great Lakes and Energy on the planning and execution of these dollars as subgrants to eligible entities. More information including Michigan’s objectives and criteria for subgranting may be found on EGLE’s Funding Opportunities webpage titled, “Grid Resiliency”.

**Chair Scripps announced:**

“The annual meeting of the Mid-America Regulatory Conference (MARC) is taking place in Grand Rapids on August 6<sup>th</sup> – August 9<sup>th</sup>. We are excited to host that conference. A ton of staff work has gone into it, going back all the way to 2020 when we were originally supposed to hold it. Obviously, it postponed because of the pandemic. A special thanks to Amy Rittenhouse and Sarah Mullkoff for their leadership in putting this together, but it has been the work of many hands. I note that we will have more than 100 speakers, 22 or 23 different sessions (plenary sessions, main stage keynotes, or breakouts) covering a full range of topics from water to energy (electricity and natural gas), telecommunications, and transportation. You name it. If it is a regulated industry, we are covering it. There are also eight workshops and tours. They really highlight all that we have to showcase in Grand Rapids, and indeed Pure Michigan. We are excited for that and are looking forward to welcoming our regulators from across the Midwest to Grand Rapids next month.”

A recording of the proceedings of the June 22, 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 Wednesday July 26, 2023 at 10:30 a.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 1:28 p.m.

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Lisa Felice  
Executive Secretary