

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON SEPTEMBER 28, 2023.

Commission Chair Daniel C. Scripps called the meeting to order at 1:04 p.m.
Executive Secretary Lisa Felice called the roll and declared there was a quorum.

PRESENT

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

Staff: Kelly Barber-Dodge
Matt Helms
Lisa Felice
Blair Renfro
Ryan Wilson
Al Freeman
Melissa Siemen
Teresa McKay
Sarah Mullkoff
Jill Rusnak
Andy Hannum
Charlie Tidwell
Ben Johnson
Anne Armstrong
Cathy Cole
Mike Byrne
Dolores Midkiff-Powell

Public: Heidi Myers, Consumers Energy
Kelly Hall, Consumers Energy

Additional Staff & Public Attending Telephonically/Video Conferencing: 118 Participants

I. Commissioner Peretick moved to approve today's agenda, Commissioner Carreon seconded.

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

The agenda was approved.

II. Commissioner Peretick moved to approve the minutes of the Regular Commission Meeting of August 30, 2023, Commissioner Carreon seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-18049 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF A MULTI-STATE INTERCONNECTION AGREEMENT BETWEEN FIRST COMMUNICATIONS, LLC AND VARIOUS AT&T INC. OWNED COMPANIES, INCLUDING AT&T MICHIGAN
(tenth amendment)
U-21487 IN THE MATTER OF THE ADOPTION OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN BANDWIDTH.COM CLEC LLC AND BARRY COUNTY TELEPHONE COMPANY
(interconnection agreement)
2. MINUTE ACTION AT&T MICHIGAN
(9-1-1 wireless, U-14000, invoice no. 517 R41-0001 067 9, dated September 1, 2023)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1222, dated September 1, 2023)
4. MINUTE ACTION PENINSULA FIBER NETWORK LLC
(9-1-1 wireless, U-14000, invoice no. INV-3301, dated September 1, 2023)
5. MINUTE ACTION ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL RECERTIFICATION FOR 2023
(U-21345)

B. ELECTRIC

1. U-21055 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR RECONCILIATION OF ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12 MONTHS ENDED DECEMBER 31, 2022
(proposed settlement agreement)
2. U-21314 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR INDIANA MICHIGAN POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(proposed settlement agreement)
3. U-21409 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF THE BUILD TRANSFER AGREEMENT FOR THE SUNFISH SOLAR 2 PROJECT AS A VOLUNTARY GREEN PRICING RESOURCE
(proposed settlement agreement)

C. GAS

1. U-21301 IN THE MATTER OF THE APPLICATION OF CITIZENS GAS FUEL COMPANY FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AND OPERATE AN 8-INCH-HIGH PRESSURE DISTRIBUTION PIPELINE IN ADRIAN TOWNSHIP, LENAWEE COUNTY, MICHIGAN
(proposed settlement agreement)

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

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

The 5 orders and 4 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/interim order)

Case No. U-21368 involves 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 rules for submission to the Michigan Office of Administrative Hearings and Rules and the Legislative Service Bureau for formal approval. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. U-21382 IN THE MATTER OF THE APPLICATION OF DISH WIRELESS L.L.C. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER FOR THE STATE OF MICHIGAN (final order)

Case No. U-21382 involves an application filed by DISH Wireless L.L.C., for eligible telecommunications carrier designation in specific areas in Michigan. The order before you approves the application, as modified by this order. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

3. U-21417 IN THE MATTER OF THE APPLICATION OF EARTHGRID PBC dba EARTHGRID CORPORATION FOR A TEMPORARY AND PERMANENT LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN IN THE ZONES AND EXCHANGES SERVED BY FRONTIER NORTH INC.,

FRONTIER MIDSTATES INC. AND AT&T MICHIGAN
(final order)

Case No. U-21417 involves an application filed by EarthGrid PBC, d/b/a EarthGrid Corporation, for a permanent license to provide basic local exchange service. The order before you grants the license. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

4. U-21449 IN THE MATTER OF THE APPLICATION OF CINCINNATI BELL EXTENDED TERRITORIES LLC d/b/a ALTA FIBER CONNECTED SERVICES FOR A LICENSE TO PROVIDE LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN IN THE ZONES AND EXCHANGES SERVED BY FRONTIER NORTH INC., FRONTIER MIDSTATES INC., AND AT&T MICHIGAN
(final order)

Case No. U-21449 involves an application filed by Cincinnati Bell Extended Territories LLC, d/b/a altafiber connected services, for a permanent license to provide basic local exchange service. The order before you grants the license. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

B. ELECTRIC

1. U-20629 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO ESTABLISH A WORKGROUP TO REVIEW THE SERVICE QUALITY AND RELIABILITY STANDARDS FOR ELECTRIC DISTRIBUTION SYSTEMS AND TO RECOMMEND POTENTIAL IMPROVEMENTS TO THE STANDARDS
(adjusted bill credit/final order)

Case No. U-20629 involves the amendment of the rules governing the service quality and reliability standards for electric distribution systems. The order before you adopts a revised customer accommodation amount as required under those rules. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. U-20803 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, 2021
(final order)

Case No. U-20803 involves an application filed by Consumers Energy Company for reconciliation of power supply cost recovery expenses and revenues for calendar year 2021. The order before you approves the application, as modified by the order. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

3. U-21232 IN THE MATTER OF THE COMPLAINT OF PHIL FORNER AGAINST CONSUMERS ENERGY COMPANY
(petition for rehearing)

Case No. U-21232 involves a petition for rehearing filed by Phil Forner following the Commission’s dismissal of his complaint against Consumers Energy Company. The order before you denies Mr. Forner’s petition for rehearing. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

Vote: Yeas – Scripps, Peretick, Carreon

Nays – None

The order was adopted.

4. U-21310 IN THE MATTER OF THE *EX PARTE* APPLICATION OF CONSUMERS ENERGY COMPANY AND DTE ELECTRIC COMPANY FOR COST DEFERRAL ACCOUNTING AND A REGULATORY ASSET FOR THE COSTS TO RESTORE DEFECTIVE WORK PERFORMED BY TOSHIBA ON THE LUDINGTON PUMPED STORAGE PLANT
(joint motion to revise filing date/interim order)

Case No. U-21310 involves an application filed by Consumers Energy Company and DTE Electric Company seeking *ex parte* approval of deferred cost accounting for costs incurred in restoring allegedly defective work performed by Toshiba America Energy Systems Corporation at the Ludington Pumped Storage Plant. The order before you grants a motion filed by Consumers Energy Company, DTE Electric Company, and the Commission Staff and revises the filing date for annual reporting on the matter to February 28 of each year in which the regulatory asset remains on the utilities' books. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

5. U-21455 IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES PURSUANT TO R 460.920
(opportunity to comment/interim order)
- U-21467 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES, FORMS, AGREEMENTS AND RELATED RELIEF
- U-21477 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES PURSUANT TO R 460.920
- U-21479 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR APPROVAL OF INTERCONNECTION PROCEDURES PURSUANT TO R 460.920

- U-21480 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES AND FORMS
- U-21481 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 APPROVAL OF INTERCONNECTION PROCEDURES, FORMS, FEES AND RELATED RELIEF
- U-21482 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES AND WAIVERS FROM INTERCONNECTION AND DISTRIBUTED GENERATION STANDARDS R 460.901a *ET. SEQ.*
- U-21483 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY, FOR APPROVAL OF ITS PROPOSED INTERCONNECTION PROCEDURES AND FORMS, SUBMITTED PURSUANT TO THE COMMISSION'S OWN MOTION, COMMENCING A COLLABORATIVE FOR THE DEVELOPMENT OF ELECTRIC UTILITY INTERCONNECTION PROCEDURES

Case Nos. U-21455 *et al.* involve interconnection procedures filed by rate-regulated electric utilities and member-regulated electric cooperatives pursuant to Mich Admin Code, R 460.920, and requests for waivers filed pursuant to Mich Admin Code, R 460.910. The order before you solicits comments on the proposed interconnection procedures and associated waivers requested in the captioned dockets. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

Commissioner Peretick commented:

“I would like to highlight this opportunity for comment on the procedures for the interconnection process. The new rule set has been approved and is in place, but the procedures that detail the specifics around the distribution interconnection are not yet finalized. Utilities have submitted their proposed procedures and waiver requests, and we would like to get a full and robust record of comments on the quality of these procedures and any needed changes.”

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

The order was adopted.

C. GAS

1. U-21406 IN THE MATTER OF DTM MICHIGAN GATHERING COMPANY’S APPLICATION REQUESTING *EX PARTE* APPROVAL OF A FIRM SERVICE FOR TRANSPORTATION ON THE ANTRIM EXPANSION PROJECT
(final order)

Case No. U-21406 involves an application filed by DTM Michigan Gathering Company for *ex parte* approval of a firm service for transportation on the Antrim Expansion Project. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its September 28, 2023 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

There were no public comments.

Chair Scripps announced:

“I will be participating in a town hall with Congresswoman Debbie Dingle next Thursday, October 5th in Washtenaw County at Washtenaw County Community College to hear from Washtenaw County residents on some of the service quality challenges that they have experienced in recent months. We will have additional information on that shortly and encourage folks to attend and share their perspectives.”

A recording of the proceedings of the September 28, 2023 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 October 12, 2023 at 1:00 p.m.

Commissioner Peretick moved that the Commission adjourn, Commissioner Carreon seconded.

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

The motion was approved.

The meeting adjourned at 1:16 p.m.

Lisa Felice
Executive Secretary