

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON MAY 23, 2024.

Commission Chair Daniel C. Scripps called the meeting to order at 1:00 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: Blair Renfro
Matt Helms
Lisa Felice
Ryan Wilson
Kevin Spence

Public: Rob Williams
Merrie Knapp
Bruce Shedd

Additional Staff & Public Attending Telephonically/Video Conferencing: 146 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 April 25, 2024, Commissioner Carreon seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-21630 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT BETWEEN BANDWIDTH.COM CLEC, LLC AND CLIMAX TELEPHONE LLC
- U-21645 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AND MUTUAL TRAFFIC EXCHANGE AGREEMENT BETWEEN BANDWIDTH.COM CLEC, LLC AND SPRINGPORT TELEPHONE COMPANY
2. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1248 dated April 22, 2024)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1249 dated April 22, 2024)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1250 dated May 1, 2024)
5. MINUTE ACTION PENINSULA FIBER NETWORK LLC
(9-1-1 wireless, U-14000, invoice no. INV-3445 dated May 1, 2024)
6. MINUTE ACTION METRO ACT
(tax credit determination report)

B. ELECTRIC

1. U-21513 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL OF DEPRECIATION RATES AND EXPENSES
(proposed settlement agreement)
2. U-21583 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO 1929 PA 69 FOR EWING TOWNSHIP, MARQUETTE COUNTY, MICHIGAN
(proposed settlement agreement)

3. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC, FILING TO REFORM RESOURCE ACCREDITATION REQUIREMENTS, COMMENTS FILED (FERC Docket No. ER24-1683-000)

C. GAS

1. U-21067 IN THE MATTER OF THE APPLICATION OF MICHIGAN GAS UTILITIES CORPORATION FOR RECONCILIATION OF ITS GAS COST RECOVERY PLAN (CASE NO. U-21066) FOR THE 12-MONTH PERIOD ENDED MARCH 31, 2023 (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 4 orders and 6 minute actions were adopted.

IV. OTHER ORDERS

A. ELECTRIC

1. U-17377 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF 2013 PA 95 (notice regarding low-income energy assistance fund/interim order)

Case No. U-17377 involves implementation of the provisions of Public Act 95 of 2013. The order before you reminds electric utilities of the need to file required Low-Income Energy Assistance Fund information no later than 5:00 p.m. (Eastern time) on July 1, 2024. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

Chair Scripps commented:

“As Mr. Renfro noted, this is the start of the process by which utilities, including investor-owned electric utilities, municipally-owned electric utilities, and cooperative electric utilities file information that helps us calculate the low-income energy assistance funding factor, which we will do in the course of our July meetings.

There is a provision by which utilities may elect to opt out of this, but I remind utilities that if they choose to do so, they are not eligible to shut off service to any residential customer from November 1st to April 15th of the respective year for non-payment of a delinquent account. Further, under Statute, the law requires the Commission, together with the Michigan Department of Health and Human Services, to ensure that all money collected from the fund from a geographic area is returned (to the extent possible) to that geographic area.

I would also caution utilities not to engage in collection practices or communications that suggest that a customer will be shut off prior to April 16th. They obviously cannot be shut off in accordance with the law. We have heard stories of utilities who have chosen not to participate in the LIEAF program from sending communications, or otherwise engaging in collection practices that would suggest to their customers who may not be aware of these protections that shut off may be imminent. I encourage those utilities not to engage in those practices.

This provides vital funding for assistance for both electricity assistance, but also for heating, whether it is through natural gas or through delivered fuel. It is a robust program. The need always outstrips the dollars available. I wanted to recognize that we are starting the process here today.”

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

The order was adopted.

2. U-21261 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 ENDED DECEMBER 31, 2023 (final order)

Case No. U-21261 involves an application filed by Indiana Michigan Power Company requesting approval to implement a power supply cost recovery plan for the 12 months ending December 31, 2023. The order before you approves the application and power supply cost recovery factor, as described in this order, accepts the company’s five-year forecast, and issues a warning under MCL 460.6j(7) that Indiana Michigan Power Company may not be authorized to recover its full costs incurred under the Ohio Valley Electric Corporation’s Intercompany Power Agreement. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

3. U-21502 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO REQUIRE CONSUMERS ENERGY COMPANY TO SHOW CAUSE WHY IT SHOULD NOT BE FOUND IN VIOLATION OF THE CONSUMER STANDARDS AND BILLING PRACTICES FOR ELECTRIC AND NATURAL GAS SERVICE, MICH ADMIN CODE, R 460.101 ET SEQ.
(proposed settlement agreement)
- 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

Commission Staff Christina Forist, Customer Assistance Division, presented a brief synopsis of the cases listed above. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

Commissioner Peretick commented:

“I want to thank you Ms. Forist, and the staff team who worked on this case, for your diligence on this investigation and bringing it to the resolution that is before us today.

I was at the public hearing in Jackson when a few nearby Consumers Energy electric customers printed out their electric bills, brought them to the public hearing, and showed them to me. The print outs they brought showed their electric bills were estimated bills dating back 6 months or more – meaning the company was not billing the customers on the electricity they actually used, but on an estimate of what the company thought the customer might have used.

We hadn’t heard anything from the company about any issues with estimated billing, and our billing rules require that no more than 2 consecutive estimated bills can be issued to a customer in a row. So, I assumed there was likely a misinterpretation, or this was just a few isolated instances. If this was a broader issue, as their regulator, I certainly had expected the company to have told us about it.

Like we do for every public hearing, we had come prepared with a team of customer assistance team members who had a table set up at the entrance to the room to answer any potential questions from any members of the public attending the hearing. They talked in-depth to the customers who took the time to drive to our public hearing to show us their bills and documented what they were shown. Our excellent compliance team took the information from the customers back with them, and quickly realized it was not isolated. This was a significant problem for the Consumers Energy.

Utilities have a fundamental job – measuring the amount of electricity used and then accurately billing their customers. There was clearly a failure here, and this \$1 million fine and the corrective actions required in the settlement agreement will hopefully ensure this doesn’t happen again.

In closing, I'd like to highlight the importance of public comment and hearing directly from customers. As you can see from this fine today, we listen, and we take action on what you tell us."

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

The order was adopted.

4. U-21568 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF SECTIONS 22 THROUGH 49 AND RELATED DEFINITIONS OF PUBLIC ACT 235 OF 2023 (renewable energy plan filing requirements/final order)

Case No. U-21568 involves a matter on the Commission's own motion, to implement the provisions of Sections 22 through 49 of Public Act 235 of 2023. The order before you addresses the comments filed in response to the April 25, 2024 order in this docket and approves the amended renewable energy plan filing requirements and template attached to this order as Exhibits A and B. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

5. U-21637 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO INVESTIGATE OPPORTUNITIES FOR IMPROVING THE PROCESS BY WHICH IT REVIEWS APPLICATIONS FILED UNDER MCL 460.6a (general rate case process/order opening docket)

Case No. U-21637 involves a matter, on the Commission's own motion, to investigate opportunities for improving the process by which the Commission reviews rate case applications. The order before you opens a comment period and suggests areas for discussion. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

6. U-21638 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO CONSIDER OPTIONS TO EXPAND OPPORTUNITIES FOR PUBLIC ENGAGEMENT IN ITS DECISION-MAKING PROCESSES AND PROCEDURES
(order opening docket)

Case No. U-21638 involves a matter, on the Commission’s own motion, to hold a hearing, pursuant to the directives of Public Act 231 of 2023, to take comments regarding additional improvements the Commission may make for communicating with the public and explaining Commission activities, expanding accessibility and participation, and enhancing the transparency of Commission proceedings. In addition to the public hearing, the order before you invites any person to submit written initial and reply comments on the issues raised in this order or other relevant issues within the purview of this docket. Commissioner Peretick moved that the Commission approve the order at its May 23, 2024 meeting. Commissioner Carreon seconded that motion.

Commissioner Carreon commented:

“I have a few remarks on the significance of this proceeding which tie directly to the comments Commissioner Peretick made earlier on Case No. U-21502 et al, specifically in terms of cultivating public trust in both our investor-owned utilities and the regulatory process, and hearing and responding to customers and reflecting their needs in the Commission’s decision-making process.

As Mr. Renfro noted, this proceeding is pursuant to Public Act 231 signed into law last year, and invites comments on a few key questions that aim to address public engagement in Commission decision-making processes and procedures with respect to:

- 1) The accessibility and transparency of the commission’s decision-making processes.
- 2) Opportunities for participation in the commission’s decision-making processes, especially by low-income residential customers, residential customers that experience high energy burdens, and individuals and communities impacted by commission decisions. And,
- 3) The responsiveness of commission decisions to community needs and priorities.

We know that to make the most well-informed decisions we can to serve Michigan customers, we need to listen to and reflect the needs of a diversity of experiences and circumstances in our decision-making processes and in the directives contained within our orders. We encourage members of the public to share comments on these topics in person at a public hearing on August 28th in Flint – and this docket will have all the hearing details for anyone wishing to attend – or in writing to the Commission by September 27.

A representation of diverse voices, perspectives, and, importantly, direct knowledge of and experience with impacts resulting from Commission decisions is imperative to ensure our regulatory processes are not only responsive to real needs that protect Michigan utility customers but help foster a just and equitable outcome across our state’s communities. We are making concerted efforts to improve our

outreach to community at the Commission, and I want to thank our Staff who work tirelessly to reach as many people through as many modes and avenues for which the MPSC has capacity. I also thank all members of the public for the time and energy they plan and will contribute to responding to our request for comments and invite the public to connect with the MPSC if you need help or more information on how to ensure your voice is included in this proceeding.

And, finally, I want to acknowledge and express appreciation for the work of community-based organizations across the State who already serve as great champions for increasing public participation in regulatory matters on an ongoing basis. These organizations and individuals are also excellent resources to members of the public wishing to learn more about our work thanks to their involvement in our work groups, initiatives, and cases across the MPSC.

We look forward to receiving, and, most importantly, implementing improvements that enable greater participation from the public in our decision-making process.”

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

The order was adopted.

V. PUBLIC COMMENTS

Robert Williams commented on several issues regarding ITC’s proposed power transmission lines running directly across an airport and presented a 2024 Aeronautical Chart.

Bruce Shedd, Tekonsha, commented on Case No. U-21472 – Helix/Hipple transmission line application.

Merrie Knapp commented on Case No. U-21472 – Helix/Hipple transmission line application.

Joe Best, Airport Manager, Branch County Memorial Airport, Coldwater, commented on ITC’s initial proposed route and their re-routing of the line.

Chair Scripps announced:

“First, as Commissioner Carreon noted, the public hearing for the public participation docket, U-21638, will take place on Wednesday, August 28th in Flint. Specifically, it will take place that evening from 6:00-8:00 p.m. at the Riverfront Center, located at One Riverfront Plaza, Flint. We are looking forward to being back in Flint. Details will be filed in the docket shortly.

As part of our ongoing efforts to increase public participation, transparency, and to get to other parts of the state, we are scheduling our next Regular Commission Meeting in Grand Rapids. We will be meeting at 1:00 p.m. on June 6, 2024, two weeks from today at the L.V. Eberhard Center downtown, 301 Fulton Street West, Grand Valley State University.

Commissioner Carreon announced:

“I wanted to highlight some of the ongoing events and efforts to advance diversity, equity, and inclusion at the State.

First, earlier this month Governor Whitmer proclaimed May as Mental Health Awareness Month to raise awareness and reduce stigma about discussing mental health. As the Governor shared in her proclamation, mental health includes our emotional, psychological, and social well-being; it affects how we think, feel, and act; it also affects how we handle stress, relate to others, and make choices. The State prioritizes mental health and safety by investing in resources to help people respond to mental health challenges in order to build strong workplaces and strong communities. The State of Michigan launched a Mental Health in the Workplace hub to share resources and strategies to help both employees and employers address mental health in the workplace, so I encourage those interested to check out these resources and find what might be useful or helpful to you.

Second, while we are still in May, I wanted to wish everyone a happy Asian American Pacific Islander or AAPI Heritage Month! I heard there is a food sampling in Lansing later this month that has already reached max registration, which I know is cruel of me to mention without any hope of registering if you haven't already, but don't worry – because State of Michigan employees and contractors who are interested in celebrating are invited to a virtual event on May 28th called “The Significance of Food in AAPI Cultures: Food as a Link to the Past and an Anchor for the Future.” It will include an introduction to the geography of Asia and the role that food plays in AAPI culture. There will be an exciting panel and registration is required – so please check out the State of Michigan Learning Center to sign up so you don't miss this, even if it means a solo potluck at home while you participate. As a Filipina-identifying Asian American person myself I can say I am very thrilled and not at all surprised about all these food-centric AAPI celebrations.

And on a final note, I want to emphasize the special and important role that Employee resource groups play in the success of achieving Diverse and Inclusive organizations. LARA currently has a Latinx, LGBTQIA, African American and Black, & Veterans Group that anyone interested can join. If you'd like to propose other groups, feel free to reach out to Peter Clark at LARA or Shatina Jones, our equity officer at the MPSC.”

A recording of the proceedings of the May 23, 2024 meeting is archived at:
<https://www.youtube.com/watch?v=bq88rO0SMWc> .

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on June 6, 2024, in Grand Rapids, Michigan 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 1:38 p.m.

Lisa Felice
Executive Secretary