

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON AUGUST 22, 2024.

Commission Chair Daniel C. Scripps called the meeting to order at 1:07 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: Caitlin Mucci
Matt Helms
Lisa Felice
Blair Renfro
Paul Proudfoot
Jacob Martus
Corey Osier
Chris Forist
Lucy Clay
Anne Armstrong
Ben Johnson
Kyle Daymon
Andy Hannum
Dolores Midkiff-Powell
Lynn Beck
Cathy Cole
Al Freeman
Jill Rusnak
Kuma Okoro
Mike Byrne
Paul Ausum
Dave Chislea
Sarah Mullkoff
Dan Williams

Public: Marco Bruzzano, DTE Energy
Olivia Flower, Dykema
Hannah Buzolits, Dykema
Andrew Minegar, MIRS
Heidi Myers, Consumers Energy
Kelly Hall, Consumers Energy

Additional Staff & Public Attending Telephonically/Video Conferencing: 152 Participants

I. Commissioner Peretick moved to amend today’s agenda, Commissioner Carreon seconded.

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

The amended agenda was approved.

II. Commissioner Peretick moved to approve the minutes of the Regular Commission Meeting of July 23, 2024, Commissioner Carreon seconded.

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

The minutes were approved.

III. CONSENTED ORDERS

A. COMMUNICATIONS

1. U-21777 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF THE AGREEMENT FOR LOCAL WIRELINE NETWORK INTERCONNECTION AND TRAFFIC EXCHANGE BETWEEN LENNON TELEPHONE COMPANY AND LEVEL 3 COMMUNICATIONS, LLC
(interconnection agreement)
2. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, Invoice no. INV-1258 dated August 1, 2024)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1259 dated August 13, 2024)
4. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC
(9-1-1 wireless, U-14000, invoice no. INV-1260 dated August 13, 2024)
5. MINUTE ACTION METRO ACT
(amending tax credit determination report)

B. ELECTRIC

1. U-18091 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, ESTABLISHING THE METHOD AND AVOIDED COST CALCULATION FOR DTE ELECTRIC COMPANY TO FULLY COMPLY WITH THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978, 16 USC 2601 ET SEQ.
(proposed settlement agreement)
2. U-21552 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, 2023
(proposed settlement agreement)
3. U-21556 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEW, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR ALPENA POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction reconciliation/ proposed settlement agreement)
4. U-21560 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEW, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR NORTHERN STATES POWER COMPANY TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction reconciliation/proposed settlement agreement)
5. U-21562 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEW, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction reconciliation/proposed settlement agreement)
6. U-21582 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR AUTHORITY TO SHARE A PORTION OF THE GAIN FROM THE SALE OF CERTAIN UNREGULATED ASSETS
(request to withdraw application/final order)

C. GAS

1. 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
(proposed settlement agreement)
2. 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
(proposed settlement agreement)
3. U-21563 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, REGARDING THE REGULATORY REVIEW, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR MICHIGAN GAS UTILITIES CORPORATION TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008, AS AMENDED BY PUBLIC ACT 342 OF 2016
(energy waste reduction reconciliation/proposed settlement agreement)
4. U-21576 IN THE MATTER OF THE APPLICATION OF DTE GAS COMPANY FOR RECONCILIATION OF ITS REVENUE DECOUPLING MECHANISM FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 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 11 orders and 4 minute actions were adopted.

IV. OTHER ORDERS

A. COMMUNICATIONS

1. U-20146 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO IMPLEMENT THE PROVISIONS OF SECTION 408(5) OF 2018 PA 51 (cost studies/interim order)

Case No. U-20146 involves an action, on the Commission's own motion, to permit Internet Protocol-based 9-1-1 service providers to change the manner in which cost studies are submitted to the Commission. The order before you permits these service providers the option, following discussion with the Commission Staff, to submit renewal cost studies via OneDrive. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

B. ELECTRIC

1. U-18425 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENT WITH STS HYDROPOWER, LLC (*ex parte*/final order)

Case No. U-18425 involves an application filed by Consumers Energy Company seeking *ex parte* approval of a power purchase agreement with STS Hydropower, LLC. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. U-20350 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY FOR APPROVAL OF ITS INTEGRATED RESOURCE PLAN PURSUANT TO MCL 460.6t AND FOR OTHER RELIEF

(*ex parte*/ Copper Country Power/power purchase agreement/final order)

Case No. U-20350 involves an application filed by Upper Peninsula Power Company requesting *ex parte* approval of a power purchase agreement between Upper Peninsula Power Company and Copper Country Power I LLC. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

3. U-20805 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR A POWER SUPPLY COST RECOVERY RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2021
(petition for rehearing)

Case No. U-20805 involves an application filed by Indiana Michigan Power Company for authority to reconcile its power supply cost recovery plan costs and revenues for the 12-month period ended December 31, 2021. The order before you denies the petition for rehearing filed by Indiana Michigan Power Company. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

4. U-20889 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR A FINANCING ORDER APPROVING THE SECURITIZATION OF QUALIFIED COSTS
(proposed true-up adjustment to securitization charge/interim order)

Case No. U-20889 involves an application filed by Consumers Energy Company for a financing order approving the securitization of qualified costs. The order before you approves the routine true-up of the securitization charges. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

5. U-21090 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR APPROVAL OF AN INTEGRATED RESOURCE PLAN UNDER MCL 460.6t, CERTAIN ACCOUNTING APPROVALS, AND FOR OTHER RELIEF
(*ex parte*/Century Oaks Energy/power purchase agreement/final order)

Case No. U-21090 involves an application filed by Consumers Energy Company seeking *ex parte* approval of a power purchase agreement with Century Oaks Energy Storage, LLC. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

- DELETE** 6. ~~U-21193~~ ~~IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR APPROVAL OF POWER PURCHASE AGREEMENTS AND OTHER RELIEF~~
(~~*ex parte*/Cedar Fields Solar/final order~~)

7. U-21373 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO AMEND THE RULES GOVERNING ELECTRICAL SUPPLY AND COMMUNICATION LINES AND ASSOCIATED EQUIPMENT (rulemaking/public hearing announcement)

Case No. U-21373 involves the proposed amendment of Mich Admin Code, R 460.813, within the Commission's rules governing Electrical Supply and Communication Lines and Associated Equipment, to update the rule to adopt by reference the most current version of the National Electrical Safety Code, being the 2023 edition. The order before you approves the schedule for a public hearing and for the filing of written comments on the proposed amendment to the rule. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

Vote: Yeas – Scripps, Peretick, Carreon

Nays – None

The order was adopted.

8. U-21374 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, REVISIONS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR CONSUMERS ENERGY COMPANY TO COMPLY WITH SECTION 61 OF 2016 PA 342
(voluntary green pricing program/renewable energy plan/final order)

Case No. U-21374 involves a matter, on the Commission’s own motion, regarding the regulatory reviews, revisions, determinations, and/or approvals necessary for Consumers Energy Company to comply with Section 61 of Public Act 342 of 2016. The order before you approves Consumers Energy Company’s application for its voluntary green pricing program and directs the utility to conduct an outreach session regarding the purchase of renewable energy credits from distributed generation customers, as discussed in this order. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

9. U-21393 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO OPEN A DOCKET FOR LOAD SERVING ENTITIES IN MICHIGAN TO FILE THEIR CAPACITY DEMONSTRATIONS FOR THE 2027/2028 PLANNING YEAR AS REQUIRED BY MCL 460.6w
(final order)
- U-21775 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO OPEN A DOCKET FOR LOAD SERVING ENTITIES IN MICHIGAN TO FILE THEIR CAPACITY DEMONSTRATIONS FOR THE 2028/2029 PLANNING YEAR AS REQUIRED BY MCL 460.6w
(opening dockets)

Case Nos. U-21393 *et al.* involve a 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. The order before you accepts the Commission Staff’s March 24, 2023 Capacity Demonstration Results Report, closes the docket in Case No. U-21393, opens the docket in Case No. U-21775 for the purpose of receiving capacity demonstrations for the 2028/2029

planning year, and adopts the Commission Staff’s revisions to the Capacity Demonstration Filing Process and Requirements document attached to the order as Exhibit B. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

Chair Scripps commented:

“I want to note that these capacity demonstrations and the work in evaluating the capacity demonstrations are an important element of the resource adequacy framework that we have here at the Commission. The capacity demonstration process was established under the 2016 energy laws and provides additional transparency and visibility into some of the changes that are taking place in the electric sector that help us to responsibly manage the ongoing energy transition.

The report from the staff (after considering the resource adequacy demonstrations by load serving entities and alternative electric suppliers) finds that we have adequate generation supplies to meet expected customer needs in the capacity demonstration timeline. I appreciate the work of the companies in filing these demonstrations and the work of the staff in reviewing them. It is, again, an important piece of the framework that we have to ensure that we are able to maintain reliability going forward.”

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

The order was adopted.

- 10. U-21650 IN THE MATTER OF THE APPLICATION OF AMERICAN RURAL COOPERATIVE POWER, INC. FOR A LICENSE AS AN ALTERNATIVE ELECTRIC SUPPLIER (final order)
- U-21776 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, REGARDING THE REGULATORY REVIEWS, DETERMINATIONS, AND/OR APPROVALS NECESSARY FOR AMERICAN RURAL COOPERATIVE POWER, INC., TO FULLY COMPLY WITH PUBLIC ACT 295 OF 2008

Case Nos. U-21650 *et al.*, involve an application filed by American Rural Cooperative Power, Inc., for a license as an alternative electric supplier. The order before you approves the AES license and opens the docket in Case No. U-21776 for American Rural Cooperative Power, Inc., to file its initial renewable energy plan. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

11. U-21653 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY AND DTE GAS COMPANY FOR APPROVAL OF AN EXPEDITED PILOT REVIEW WORKPLAN (interim order)
- U-20898 IN THE MATTER, ON THE COMMISSION'S OWN MOTION, TO COMMENCE A COLLABORATIVE TO CONSIDER ISSUES RELATED TO NEW TECHNOLOGIES AND BUSINESS MODELS

Case Nos. U-21653 *et al.* involve the application of DTE Electric Company requesting *ex parte* approval of its Expedited Pilot Review Workplan. The order before you clarifies the Commission's February 23, 2023 order in Case No. U-20898 and sets a deadline for interested persons to file comments regarding DTE Electric Company's proposed workplan in Case No. U-21653. Commissioner Peretick moved that the Commission approve the order at its August 22, 2024 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

V. PUBLIC COMMENTS

Dee Woods, Detroit, commented about electric outages and DTE rate hikes.

Angelita Gonzales, Detroit, commented about the DTE 2024 rate hikes.

Heidi Drumheller commented on Case No. U-21472. She provided an update on the case and indicated that MLive is doing a story on the marsh located near her home regarding the EMR habitat and the eastern massasauga rattlesnake, which is protected.

Chair Scripps announced:

“We have a number of positions posted on our website: www.michigan.gov/mpsc where we are hiring. I believe that we have six open positions at this point. We have a number of public utility engineers, analysts in a number of different sections (Gas Operations), some related to the new siting law. I encourage any who are interested to check that out and apply if you are interested. We would love to add you to the team as we grow out to meet the responsibilities asked of us by the Legislature in last year's energy legislation.

Earlier today, the draft Sound Report Guidelines-Appendix I was filed to the docket in the siting case, which is U-21547. The purpose of the Sound Report is to provide the Commission with information necessary to access whether the facility meets the noise limits defined in the energy

laws enacted last year. We are in the process (it is noted in the docket as well) of seeking comment of the draft report on sound modeling guidance. Staff intends to hold a public meeting to review the modeling guidance on Wednesday, September 4th at 3:00 p.m. Comments on the draft sound modeling guidance are requested to the docket by September 11th. Those are a couple of dates for the calendar as we continue the implementation of the new energy laws, particularly the elements around siting of renewable energy generation projects.

Finally, I want to congratulate Commissioner Peretick on being named Vice Chair of the Advisory Committee to the Electric Power Research Institute. We have gotten a lot out of our engagement with EPRI, particularly your participation and leadership in that organization. I am glad to see that reflected in a formal leadership role going forward.”

A recording of the proceedings of the August 22, 2024 meeting is archived at:
<https://www.youtube.com/watch?v=2fp3Jhni5zs> .

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on Thursday, September 5, 2024 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 1:31 p.m.

Lisa Felice
Executive Secretary