

MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES AND AVAILABLE VIA MICROSOFT TEAMS VIDEO CONFERENCING ON JANUARY 23, 2025.

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: Leah Arendt  
Blair Renfro  
Matt Helms  
Lisa Felice  
Dan Williams  
Al Freeman  
Chris Forist  
Jill Rusnak  
Ryan Wilson  
Kevin Spence  
Kayla Gibbs  
Paul Ausum  
Stephanie Fitzgerald  
Corey Osier  
Mike Byrne  
Sarah Mullkoff  
Ben Johnson  
Andy Hannum  
Kate Daymon

Public: Karol Sanborn  
Val Wohlscheid-Brennan

Additional Staff & Public Attending Telephonically/Video Conferencing: 720 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 December 19, 2024, Commissioner Carreon seconded.

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

The minutes were approved.

**III. CONSENTED ORDERS**

**A. COMMUNICATIONS**

1. U-21641 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  
(first amendment)  
U-21838 IN THE MATTER OF THE JOINT REQUEST FOR COMMISSION APPROVAL OF AN INTERCONNECTION AGREEMENT BETWEEN THE DEERFIELD FARMERS 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-1278 dated December 30, 2024)
3. MINUTE ACTION PENINSULA FIBER NETWORK NEXT GENERATION SERVICES LLC  
(9-1-1 wireless, U-14000, invoice no. INV-1279 dated January 1, 2025)
4. MINUTE ACTION PENINSULA FIBER NETWORK  
(9-1-1 wireless, U-14000, invoice no. INV-3572 dated January 1, 2025)

**B. ELECTRIC**

1. U-21647 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY FOR RECONCILIATION OF ITS 2023 DEMAND RESPONSE PROGRAM COSTS (proposed settlement agreement)
  
2. MINUTE ACTION MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC., TARIFF FILING REGARDING QUEUE CAP PROPOSAL (Docket No. ER25-507-000)

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 2 orders and 4 minute actions were adopted.

**IV. OTHER ORDERS**

**A. COMMUNICATIONS**

1. U-21642 IN THE MATTER OF THE APPLICATION OF STRATUS NETWORKS, INC. FOR A TEMPORARY AND PERMANENT LICENSE TO PROVIDE BASIC LOCAL EXCHANGE SERVICE THROUGHOUT THE STATE OF MICHIGAN (final order)

Case No. U-21642 involves an application, as amended, filed by Stratus Networks, Inc., 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 January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. U-21663 IN THE MATTER OF THE APPLICATION OF EZEE FIBER TEXAS, LLC FOR A TEMPORARY AND PERMANENT LICENSE TO

PROVIDE BASIC LOCAL EXCHANGE SERVICE THROUGHOUT  
THE STATE OF MICHIGAN  
(final order)

Case No. U-21663 involves an application, as amended, filed by Ezee Fiber Texas, LLC, 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 January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

**B. ELECTRIC**

1. U-21467 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY FOR APPROVAL OF INTERCONNECTION PROCEDURES, FORMS, AGREEMENTS AND RELATED RELIEF (*ex parte*/motion for waiver of time/interim order)

Case No. U-21467 involves a request for an extension of the deadline for approval of interconnection procedures filed by Indiana Michigan Power Company pursuant to Mich Admin Code, R 460.910. The order before you approves the extension. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. 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 (final order)

Case No. U-21483 involves an application for approval of interconnection procedures filed by Alpena Power Company pursuant to Mich Admin Code, R 460.920. The order before you approves interconnection procedures, forms, and agreements for Alpena Power Company. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

3. U-21492 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO OPEN A DOCKET THAT WILL BE USED TO COLLABORATIVELY CONSIDER AND ADDRESS ISSUES AND CONCERNS RELATED TO THE USE AND DEPLOYMENT OF ELECTRIC VEHICLES AND CHARGING INFRASTRUCTURE IN A COMMISSION-SPONSORED TECHNICAL CONFERENCE  
(Transportation Electrification Plan Filing Requirements/interim order)

Commission Staff Al Freeman, Energy Resources Division, presented a brief synopsis of the case listed above. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

**Commissioner Carreon commented:**

“While the final TEP requirements do not need to be filed to the docket until February 6th, I wanted to highlight some of the considerations within the requirements that electric utilities and interested persons can expect.

As Mr. Freeman succinctly explained, the purpose of transportation electrification plans is to outline utilities’ long-term strategies to address transportation electrification in the companies’ service territories and their strategies to optimize EV charging load.

Therefore, my first comment is that, as an informational docket, the source, quality, and freshness of the data used in company TEPs are critical. This is relevant and important for vehicle electrification as it is a highly dynamic sector, and forecasts and media coverage or predictions can vary by outlet. Any data source that was used to inform utility EV forecast models should be included in the TEP in a way that can be analyzed and verified by intervenors.

Secondly, we recognize that variability in EV forecasts leads to variability in planning. Hence, we expect to see recognition and contemplation of differing EV adoption scenarios. In addition to the highest probability forecasts for the TEP filings, a TEP must also reflect a scenario based on the State of Michigan’s goal to build the infrastructure necessary to support two million EVs on Michigan roads and deploy 100,000 chargers by 2030. The TEPs must include the corresponding forecast of the electric

load that will be directly attributable to the EVs within the electric utility's service territory over the next five years.

Next, the TEP should be an input into the electric utility's distribution plan and explain how the impacts from transportation electrification will inform the company's distribution plan. As a reminder, the electrification of vehicles is not limited to light duty, passenger vehicles. We expect a holistic assessment of the impacts from the electrification of public transit, school buses, and medium and heavy-duty fleets as well. Utilities will need to file an annual report of progress to TEP goals, including incremental data to dimension and iteratively inform future plans.

Finally, I'll emphasize the expectation to develop plans with a focus on achieving equitable EV adoption and access to charging. The filing requirements call for TEPs to include strategies and measures for expanding transportation electrification among disadvantaged communities, low-income customers, and underserved communities."

**Commissioner Peretick commented:**

"I would like to offer big thanks to all our staff and intervenors who participated in the development of these transportation electrification filing requirements. This was a long process to get to this point, and I'm really happy with the resulting filing requirements that will be filed in a few weeks. As vehicle electrification increases, it is imperative that we are planning prudently to ensure we can maintain reliability and provide the power needed for this new load.

Michigan has been at the forefront of grid planning for EVs for over 8 years, and this is the next step to ensuring that this change in usage and load resulting from vehicle electrification benefits all customers, not just those who own EVs. The flexibility provided by these vehicles can provide more options for managing the distribution system and optimizing the load.

The filing requirements require a minimum of two outreach meetings with interested parties, to ensure all views are being represented and all positions are considered. I think this is particularly important because transportation electrification uniquely brings in many parties that are not traditional intervenors in our cases, and it is important we have these perspectives well represented.

The filing requirements themselves dictate a number of things, as outlined by Commissioner Carreon. I won't repeat them here, but I'm happy about the detail and the extent of the information that will be provided in these dockets.

After they are filed, there is then an opportunity for public comment in the docket from any interested persons which will then be considered and read by us.

I am optimistic that with proper focus and planning through these transportation electrification plans that we will continue to position Michigan at the forefront of leveraging this changing landscape to our advantage."

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

The order was adopted.

4. U-21534 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR AUTHORITY TO INCREASE ITS RATES, AMEND ITS RATE SCHEDULES AND RULES GOVERNING THE DISTRIBUTION AND SUPPLY OF ELECTRIC ENERGY, AND FOR MISCELLANEOUS ACCOUNTING AUTHORITY (final decision)

Commission Staff Jill Rusnak, Commissioner Advisor, presented a brief synopsis of the case listed above. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

**Commissioner Peretick commented:**

“First, I would like to start like I usually do in my comments from the bench, with a sincere thanks to our staff for all their work on this case. Our team of dedicated public servants here at the Michigan Public Service Commission is absolutely crucial to enabling us to make the right decisions in cases like these.

That is even more true in this case. As Ms. Rusnak noted, for this DTE Electric rate case, we read the record, which means that we did not have a proposal for decision from an administrative law judge. This substantially increased the workload for our advisors and attorneys in this case.

I just want to give a bit of color for what this process looks like:

- Dozens of hours of formal Commissioner deliberations, with dozens more hours of informal deliberations
- Digging into testimony of all 28 parties, reading transcripts, sifting through tables of data, reading explanations and justifications and arguments both for and against each of the issues
- Listening to every word of cross examination
- Asking question after question of our advising team to fully understand each of the 318 individual decisions that we had to make for this case

And our team of excellent advisors and attorneys who helped us through this process deserve dedicated thanks: Jill Rusnak, whom you heard from just now, was the one who organized and led the whole team expertly through each of the 318 different issues that we needed to decide to issue this order before us today. And working with her in the research, writing, and advising was a team of 18 more: Cathy Cole, Kayla Gibbs, Stephanie Fitzgerald, Carmen Wagner, Dan Williams, Shatina Jones, Kuma Okoro, Quinn Sharkey, Eddie Garcia, Paul Ausum, Lisa Gold, Leah Arendt, Jana Bachman, Kelly Barber-Dodge, Charlie Cavanagh, Alissa Day, Caitlin Mucci, and Shannon Wambaugh. Those are just the attorneys and advisors who helped us through this. We have an additional huge team of staff as well.

And I would also like to say thank you to my two fellow commissioners, whose unwavering dedication to serving all Michiganders is truly inspirational to me.

This was a big feat to get to where we are today, working within our statutory 10-month deadline to analyze and assess each dollar of the \$456.4 million requested by the company.

Investing in and strengthening our electric grid is more important now than ever. With the increasing reliance on electricity for ever increasing amounts of our daily life and the changing way we are producing and using electricity, it is crucial that our electric grid is sufficiently robust and reliable to stand up to these challenges.

That calls for more investment in our grid infrastructure. Investment is necessary. However, it is our job to make sure that the investments proposed by the company are the right ones, that they are reasonable and prudent, and that they are bringing value to the company's electric customers who are paying for them. As we become more reliant on electricity, affordability of that electricity also becomes more important. That is why the three of us spend so much time, energy, effort, and stress over the decisions in this order.

Focusing efforts on things that we know work and that we know deliver results is key. That's why I'm glad this decision includes approval for continuing the tree trimming surge program and continuing the grid reliability improvement basics in the Infrastructure Recovery Mechanism. Both of these programs provide a mechanism for ensuring that the dollars approved for these programs are guaranteed to be spent on these programs. These are tried and true methods for cost-effective reliability improvement and are methods that are recommended by the expert third party auditors that we conducted last year. And we're already seeing some of the benefits in the reliability performance of our utilities here in Michigan – the amount of time that Michiganders spent without power last year was significantly lower. We are definitely starting to see the improvements from all the work we've been doing, and I'm really proud of this progress.

I also appreciate the focus on making many of these investments in vulnerable communities. Measuring and reporting of investments by community and cross referencing with the MIEJScreen tool has been crucial to understanding where investment is being made and prioritizing equitable investment. In fact, 90% of the utility's projected investment on 4.8kV hardening will be spent in low-income and otherwise vulnerable communities. We have also directed the company to continue and expand this analysis, ensuring no communities are being disadvantaged.

The importance of a robust, well-developed record for each issue cannot be overstated. We need to be able to understand exactly how customer dollars will be spent to be comfortable approving any rate increases. There are many places in this order where the justification was not sufficient for us to be comfortable approving spending. One of these places is in the undergrounding pilots. I continue to see value in undergrounding electrical infrastructure in targeted areas where it is shown to be the best option, but I continue to have concerns over the company's support for these pilots. The company contracted for a cost-benefit analysis to support their investment, but this cost-benefit analysis did not include any benefits related to safety, resilience for catastrophic events, or the size of any of these benefits, which the company itself claimed drives the highest reduction in emergent reactive costs, cyclical program costs, and customer outages when compared to other investment options. For a cost per customer of almost \$38,000 for one of the pilots, I need to see a well-

justified, thorough explanation of what customer benefits are to approve test year costs. That was not on the record in this case.

Examples where the company did fully justify the costs for investment and show how they benefit customers include their tree trimming programs, substation expansion and rebuilding cable in Detroit, pole and pole top maintenance programs, and many other investments targeted at improving reliability.

I am also looking forward to getting new rates in place in future cases – optional time of use rates for commercial and industrial customers, and an optional DC fast charging rate for EV fast chargers. These will provide additional choice for customers and use our electrical infrastructure more efficiently.

The resulting approvals in this case give me confidence that we are able to improve the reliability of our electrical system keeping customer affordability forefront. The testimony provided by our staff and the many diverse intervenors is the reason we were able to get us to this spot today, and I'm encouraged by the interest and input provided by all."

**Commissioner Carreon commented:**

"I want to begin by thanking the intervenors in this proceeding who, as Ms. Rusnak comprehensively noted, represented 28 parties and built a case record containing testimony from 92 witnesses. Among the intervenors, I would in turn like to echo Commissioner Peretick's comments and thank our advising team and our Staff, whose expertise helps in setting a high and exacting standard of technical rigor for case records. And I'd also like to offer special thanks to the DTE Electric customers who served as witnesses for and filed testimony in this case. These customers contributed meaningfully to the case record through their engagement with the intervenors among the Detroit Area Advocacy Organizations. The voices of customers with lived experience in the case record provide invaluable accounts into the real-world impact of utility investments. While public comments provide critical insights for rate cases, by statute, it is the evidence placed on the record that must ultimately inform our decisions. Because public participation can help shape the decisions we make to fulfill our mission, I would like to acknowledge the ongoing and complementary work around enhancing public engagement that the MPSC has been implementing and continues to implement, including the work resulting from the passage of our 2023 Clean Energy Laws, such as opening the docket on opportunities to improve accessibility in Commission proceedings in Case No. U-21638, and the docket on opportunities to improve the rate case process in Case No. U-21637.

While customers with lived experience took the time to engage with this proceeding and provided evidence for the case record through intervenor testimony, the burden of proof for cost recovery requests remains with the Company. The Commission will continue to scrutinize spending proposals to ensure benefits to customers by relentlessly reviewing record evidence to discern for reasonableness and prudence, issue by issue, in the manner Commissioner Peretick so eloquently described.

Ms. Rusnak already did an excellent job reviewing highlights of DTE's numerous investment proposals to improve system safety and reliability, so I'd like to emphasize a few key aspects and communicate a few reminders:

- First, the order is clear and intentional in reminding DTE to provide thorough and complete reports to the Commission where requested, including for pilot programs as Commissioner Peretick explained, thereby ensuring that lessons learned from pilot initiatives are well documented before proposing certain pilots convert to permanent programs. These reporting requirements provide transparency in how new programs ensure that investments deliver measurable benefits to customers.
- Second, we remain vigilant in examining the Company’s capitalization policies. While necessary investments are crucial for reliability and grid modernization, the Commission is mindful of ensuring capital expenditures are justified and do not go unchecked in lieu of ongoing and needed operations and maintenance. With the recent Liberty audit results from the company’s distribution system now available, we anticipate issuing further guidance on capitalization practices in a future proceeding.
- Next, equity in investment remains a central theme of our decision-making. We recognize the progress DTE has made in prioritizing infrastructure upgrades in vulnerable communities, with the majority of planned hardening investments directed to these areas, as we heard. However, DTE must go further by integrating demographic and reliability data into its distribution planning process, including an evaluation of changing demographics over time. These requirements will help ensure that investments are distributed equitably and do not perpetuate disparities in service quality.
- Finally, I’d like to caution against any misuse of key terms like “affordability” and “vulnerable customers.” The Commission has established a definition for “affordability” to guide related impact analyses and expects DTE to adhere to it. Similarly, while we support the company’s attention to customers facing heightened risks during outages, these efforts must be aligned with the broader goal of preventing outages in the first place, and the Commission’s Consumer Standards and Billing Practices for Electric and Natural Gas Service can serve as a benchmark for compatible considerations when identifying potentially vulnerable customers.”

**Chair Scripps commented:**

“Today’s order approves just north of \$217 million in additional revenue to support investments made by DTE Electric Company to boost reliability and modernize DTE’s aging grid. Over the past several years, we have been obsessively focused – and I don’t think obsessive is too strong a word here – on reducing the number and duration of customer outages, as well as the number of customers experiencing multiple outages over the course of the year. The \$217 million approved in additional revenue in this case brings us several important steps closer to where we need to be in terms of improving the company’s reliability performance.

We, as has been mentioned, were supportive of a number of investments specifically tied to improving reliability performance, including \$87 million in additional funding for the tree trim surge program, which brings the five year total that we’ve approved under this program to just under \$500 million - \$496.5 million – and by the end of the year will result in the trimming or removal of 31,000 miles of trees on DTE’s system, with real results in terms of improved reliability for customers.

We also improved investments in upgrades to DTE’s legacy 4.8 kilovolt system to improve reliability and, just as importantly, the safety of that system; approved the replacement of breakers to reduce the duration of outages; and a whole number of additional specific investments that were outlined earlier.

Importantly, we're seeing the results of that investment, seeing improvement in the overall reliability, a reduction in the number of minutes that customers are without power, and a reduction in the number of customers experiencing repeated outages over the course of the year.

I'd also mention the role of the first-of-its-kind, independent, third-party audit that we initiated a couple years ago and ultimately received the results of this past fall in driving strategy and the appropriate level of investment in the future. It also showed up in a number of places in this case, including extending the IRM for one year while we work to refine that strategy and wanting to see a pretty close tie between the results of the audit and the overall strategy in terms of building in those investments for appropriate inclusion in the IRM. In addition, there were a number of capital investments that were disputed by the parties, and while we ultimately found the estimates provided by DTE did not reflect double counting of inflation, the evidence ultimately showed that while these spending levels were volatile, these expense groups hadn't shown increases in the trend lines, making DTE's proposed approach unwarranted. This doesn't foreclose using such an approach in the future, but it will require – as my colleagues have noted – greater evidentiary support than what we had on the record in this case. Again, I think the audit can drive an understanding of exactly what's needed in terms of the level of investment to reach the reliability results that we're all committed to achieving.

I also want to note that while we were broadly supporting of maintaining existing credit metrics, including the current return on common equity and the company's position on short-term and long-term debt rates, there were a number of places where we made reductions, including – as we have repeatedly done – disallowing incentive compensation that was tied to financial metrics, while allowing incentive compensation for operational metrics capped at 100% of those metrics. I think this is still an area where we need greater clarity on how weighting takes place and how these calculations are made, but the operational metrics seemed valid, and we ultimately allowed for recovery of the dollars associated with incentive compensation for that purpose. We also made adjustments to test year expenses, again proposed by Staff, reflecting some degree of uncertainty of the estimates, as we have in previous cases. And finally, particularly in this dynamic inflationary environment, found the need to use the most up-to-date numbers in trying to identify the spending level that should be included in future test years. This issue cut both ways in this case, but ultimately resulted in some adjustments to rate base and net operating income based on the use of 2023 numbers provided by Staff, instead of the 2022 numbers as originally filed by the company.

Finally, we cannot do this alone. And the company cannot. I think there is increased alignment on strategy. My hope is that the audit will help ensure that there is broad agreement on where we're going, what's needed to get there, and how to do it in the most cost-effective manner possible.

I want to echo my colleagues thanks to our Staff, to our advisors and attorneys, and to the company and the intervening parties for the work that's gone in to today in meeting a strenuous ten-month statutory deadline. And finally, to express my appreciation, as you did Commissioner Peretick, for my colleagues. It is a joy to work with these individuals, even and perhaps especially on the hardest cases and most difficult issues, and I think the order in front of us reflects a spirit of collegiality and collaboration that represents the best of the Commission's work.”

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

The order was adopted.

5. U-21571 IN THE MATTER, ON THE COMMISSION’S OWN MOTION, TO CLARIFY SECTIONS 101 AND 103 OF PUBLIC ACT 235 OF 2023 AND TO CONDUCT A STUDY ON LONG-DURATION ENERGY STORAGE SYSTEMS AND MULTIDAY ENERGY STORAGE SYSTEMS  
(final order)

Case No. U-21571 is a matter, on the Commission’s own motion, to commence a proceeding pursuant to Sections 101 and 103 of Public Act 235 of 2023. The order before you adopts a calculation methodology to determine an electric provider’s proportional share of the minimum statewide energy storage target and provides details on the implementation and enforcement mechanisms necessary to achieve compliance with Public Act 235 of 2023. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

6. U-21643 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY FOR PARTIAL WAIVERS OF CERTAIN SERVICE QUALITY AND RELIABILITY STANDARDS FOR ELECTRICAL DISTRIBUTION SERVICE PURSUANT TO R 460.751 AND RELATED RELIEF  
(request to withdraw application/final order)

Case No. U-21643 involves a request filed by DTE Electric Company to withdraw its application for permanent partial waivers of certain Service Quality and Reliability Standards for Electric Distribution Systems as applied to advanced metering infrastructure opt-out customers. The order before you grants the request and dismisses the application without prejudice. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

7. U-21828 IN THE MATTER OF THE APPLICATION OF ALPENA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024  
(order assigning dockets)
- U-21829 IN THE MATTER OF THE APPLICATION OF CONSUMERS ENERGY COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024
- U-21830 IN THE MATTER OF THE APPLICATION OF DTE ELECTRIC COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024
- U-21831 IN THE MATTER OF THE APPLICATION OF INDIANA MICHIGAN POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024
- U-21832 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, 2024
- U-21833 IN THE MATTER OF THE APPLICATION OF UPPER PENINSULA POWER COMPANY TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024
- U-21834 IN THE MATTER OF THE APPLICATION OF UPPER MICHIGAN ENERGY RESOURCES CORPORATION TO COMMENCE A RENEWABLE ENERGY COST RECONCILIATION PROCEEDING FOR THE 12-MONTH PERIOD ENDED DECEMBER 31, 2024

Case Nos. U-21828 *et al.* involve proceedings for all rate-regulated electric providers in this state to conduct annual renewable energy cost reconciliations in compliance with Public Act 295 of 2008, as amended by Public Act 342 of 2016, and Public Act 235 of 2023. The order before you establishes docket numbers and filing dates for these cases. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

**C. GAS**

1. U-21807 IN THE MATTER OF THE APPLICATION OF THINK NATURAL GAS, LLC FOR AN ALTERNATIVE GAS SUPPLIER LICENSE (final order)

Case No. U-21807 involves an application by Think Natural Gas, LLC, to become a licensed alternative gas supplier. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

2. U-21820 IN THE MATTER OF THE APPLICATION OF NATIONAL GAS & ELECTRIC, LLC FOR AN ALTERNATIVE GAS SUPPLIER LICENSE (final order)

Case No. U-21820 involves an application filed by National Gas & Electric, LLC, to become a licensed alternative gas supplier. The order before you approves the application. Commissioner Peretick moved that the Commission approve the order at its January 23, 2025 meeting. Commissioner Carreon seconded that motion.

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

The order was adopted.

**V. PUBLIC COMMENTS**

Val Wohlscheid-Brennan provided comments and Exhibit VWB-14 (attached) regarding Case No. U-21471.

Karol Sanborn addressed her concerns regarding Case No. U-21471.

**Chair Scripps announced:**

- “Reliability performance

As we noted in our comments on the DTE order, the focus on reliability and the investments behind them approved in rate case orders like the one we issued earlier this afternoon are starting to show results, and I’m pleased to say that we start 2025 with some good news from both DTE and Consumers Energy on that front.

Earlier this month Consumers Energy announced that the average customer experienced 21 fewer power outage minutes compared to last year, and over 93% of customers saw their power restored in less than 24 hours when they did have an outage. That power restoration percentage is up from 87% in 2023, while the reduction in outage minutes was the largest improvement over the past decade.

For DTE, the company announced yesterday that ongoing efforts in tree trimming, and other reliability investments resulted in DTE customers experiencing a nearly 70% improvement in time spent without power between 2023 and 2024.

Now DTE’s release was quick to note that more work is needed, and the improvement was due both to the impact of enhanced work and increased investment in the electric grid, coupled with less extreme weather in 2024. But it’s also clear that this focus on improving reliability is having a positive effect, and we look forward to continued improvement in 2025 and beyond.

- DOE Loan Programs Office Loans

Second, I wanted to note that both DTE and Consumers were both announced last week as winning conditional commitments for loans guarantees from the U.S. Department of Energy’s Loan Programs Office, with DTE Energy receiving a conditional commitment of up to \$1.64 billion to DTE Gas Company and up to \$7.17 billion for DTE Electric Company. For the gas company, this loan guarantee will help accelerate the updating of natural gas main and service distribution lines and move metering infrastructure outdoors, while the guarantee to DTE Electric is expected to help finance significant generation and battery storage projects.

On the Consumers side, Consumers received a conditional commitment for a guarantee of up to \$5.23 billion. This project will consist of proposed investments in solar generation, wind generation, battery storage, virtual power plants projects, and – on the gas side – replacement of legacy natural gas pipelines as well.

These projects are largely baked into their integrated resource plans and the long-term gas main replacement programs that have been approved over the last several years, so the funding – assuming these conditional commitments are ultimately closed – will result in tens of millions of dollars in savings to Michigan customers for both DTE and Consumers. And so, my hope is that, even as there’s a review going on, these worthy programs that ultimately will happen regardless of whether the support is there – but will cost more if it’s not – will move forward.

- RE-EIED Grants

Third, we issued a request for proposals earlier this month for nearly \$5 million in Renewable Energy and Electrification grants. The RFP is specifically for \$4.875 million in Renewable Energy and Electrification Infrastructure Enhancement and Development grants under Public Act 121 of 2024, under which the Legislature directed the Commission to develop the grant program.

The RFP is open for businesses, nonprofit organizations, units of local and state government, and Tribal governments to fund planning, developing, designing, acquiring, or constructing of renewable energy and electrification infrastructure projects in Michigan.

The deadline to submit proposals is March 20, 2025. We have a couple of information sessions and the dates and times for those sessions as well as additional information and the RFP itself is available on our website.

- MEAP Updates

Next, I want to highlight and express my thanks to the Legislature – including sponsors Senator Singh, Senator Outman, Senator Klinefelt, and Representative Scott – the Governor, utilities, advocates, our MEAP partners and grantees, and our Staff – and particularly Reka Holley-Voelker, Mary Wilkins, and Anne Armstrong – for their work in seeing through amendments to the Michigan Energy Assistance Program that were included in Public Acts 168, 169, 170, and 198 of 2024. Together, these statutory reforms will remove the previous statutory cap on the total amount that can be collected for assistance under the MEAP program and expand eligibility for the customers who can participate, among other elements. These reforms represent a significant improvement in our ability to provide energy assistance to those struggling with their energy bills and I want to thank all involved who worked to make it happen.

- Winter weather

Finally, I don't think it's news to anybody that it's cold outside. With the cold comes significant dangers. We've been promoting tips on how to stay safe in this winter weather through our social media channels and other forums, and I encourage you to drive home safe – the roads are not great today – and to continue to stay safe. It looks like it's beginning to warm up, but winter is here and I encourage you to stay safe as we work our way through it.”

A recording of the proceedings of the January 23, 2025 meeting is archived at:  
<https://www.youtube.com/watch?v=8bRN5r-9b60> .

Chair Scripps announced that the next regularly scheduled Commission Meeting will be held on Tuesday, February 11, 2025 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 1:55 p.m.

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Lisa Felice  
Executive Secretary

# **Exhibit VWB-14**

## **Prioritizing Existing Transmission Routes**

Valerie Wohlscheid-Brennan

January 15, 2025

**Reference:** MISO. (2022). *MTEP21 REPORT ADDENDUM: LONG RANGE TRANSMISSION PLANNING TRANCHE 1 EXECUTIVE SUMMARY.*

<https://cdn.misoenergy.org/MTEP21%20Addendum-LRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf>

Page 1:

Further, reflecting the portfolio's urgency, the LRTP Tranche 1 portfolio makes use of existing routes, where possible, to reduce the need to acquire additional greenfield right-of-way, which lowers costs and allows a shorter time to implementation. Construction of new transmission

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The LRTP Tranche 1 Portfolio makes use of existing routes, where possible, to reduce the need to acquire additional greenfield right-of-way which lowers costs and allows a shorter time to implementation. Construction of new transmission routes across navigable waterways, protected areas and high value property faces extensive cost and regulatory risks that impede progress in meeting future reliability needs. Co-locating new facilities with existing transmission assets

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enables more efficient development of transmission projects and minimizes the environment and societal impacts of infrastructure investment needed to achieve the needs identified in MISO's Future 1.

The LRTP Tranche 1 Portfolio gives more flexibility to better support diverse policy needs. The proactive long-range approach to planning of regional transmission provides regulators greater confidence in achieving their policy goals by reducing uncertainty around the future resource expansion plans. Elimination of much of the high transmission cost barriers allows resource planners to assume less risk in making resource investment decisions.

*REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE*

*COMMERCE.* 16 U.S.C. 824p. Siting of interstate electric transmission facilities (a)(4)(G)(i)

“maximizes existing rights-of-way.” <https://www.govinfo.gov/content/pkg/USCODE-2023-title16/pdf/USCODE-2023-title16-chap12-subchapII-sec824p.pdf>

§ 824p

TITLE 16—CONSERVATION

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**§ 824p. Siting of interstate electric transmission facilities**

**(a) Designation of national interest electric transmission corridors**

(1) Not later than 1 year after August 8, 2005, and every 3 years thereafter, the Secretary of Energy (referred to in this section as the “Secretary”), in consultation with affected States and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

(2) Not less frequently than once every 3 years, the Secretary, after considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States and Indian Tribes), shall issue a report, based on the study under paragraph (1) or other information relating to electric transmission capacity constraints and congestion, which may designate as a national interest electric transmission corridor any geographic area that—

(i)<sup>1</sup> is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

(ii)<sup>2</sup> is expected to experience such energy transmission capacity constraints or congestion.

(3) Not less frequently than once every 3 years, the Secretary, in conducting the study under paragraph (1) and issuing the report under paragraph (2), shall consult with any appropriate regional entity referred to in section 824o of this title.

(4) In determining whether to designate a national interest electric transmission corridor under paragraph (2), the Secretary may consider whether—

(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

(ii) a diversification of supply is warranted;

(C) the energy independence or energy security of the United States would be served by the designation;

(D) the designation would be in the interest of national energy policy;

(E) the designation would enhance national defense and homeland security;

(F) the designation would enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

(G) the designation—

(i) maximizes existing rights-of-way; and

(ii) avoids and minimizes, to the maximum extent practicable, and offsets to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

(H) the designation would result in a reduction in the cost to purchase electric energy for consumers.

<sup>1</sup> So in original. Probably should be “(A)”.

<sup>2</sup> So in original. Probably should be “(B)”.

**(b) Construction permit**

Except as provided in subsection (i), the Commission may, after notice and an opportunity for hearing, issue one or more permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

(i) approve the siting of the facilities; or

(ii) consider the interstate benefits or interregional benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

(B) the applicant for a permit is a transmitting utility under this chapter but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

(C) a State commission or other entity that has authority to approve the siting of the facilities—

(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the later of—

(I) the date on which the application was filed; and

(II) the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a);

(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

(iii) has denied an application seeking approval pursuant to applicable law;

(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

(3) the proposed construction or modification is consistent with the public interest;

(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers;

(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence; and

(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.

**(c) Permit applications**

(1) Permit applications under subsection (b) shall be made in writing to the Commission.

(2) The Commission shall issue rules specifying—

(A) the form of the application;

(B) the information to be contained in the application; and

**Reference:** U.S. Department of Energy. (2023, October). *National Transmission Needs Study*. [https://www.energy.gov/sites/default/files/2023-12/National%20Transmission%20Needs%20Study%20-%20Final\\_2023.12.1.pdf](https://www.energy.gov/sites/default/files/2023-12/National%20Transmission%20Needs%20Study%20-%20Final_2023.12.1.pdf)

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### Co-location of transmission corridors is possible in some cases

Several studies (FERC 2020; Xu et al. 2021; Blaug and Nichols 2023; NGI Consulting et al. 2022) suggest co-locating transmission in transportation corridors could help mitigate some siting and land acquisition issues. Use of existing rights-of-way can limit the amount of greenfield development, keeping new development in areas that have already been disturbed (Blaug and Nichols 2023). Co-location of transmission along highways specifically has the added benefit of enabling electric vehicle charging stations, which will be necessary in high electrification scenarios (NGI Consulting et al. 2023). Several states have moved forward with co-location strategies for transmission lines (FERC 2020; NGI Consulting et al. 2022).

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Lastly, NEMA advocates strongly for siting authorities on the federal, state, and local levels to encourage the use of existing rights-of-ways along railroads, highways, brownfields, and other corridors for transmission development.

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that the focus should be on a rapid transition away from all fossil fuel resources and suggest that degraded landscapes like Superfund sites, brownfields, landfills, abandoned mine areas, and contaminated or abandoned agricultural lands are more suitable for large-scale renewable energy projects. The Center concludes that additional renewable energy and necessary transmission should be built with appropriate community input on degraded lands or lands with existing rights-of-way like highway or railway corridors, which would streamline the review process and minimize conflicts, delays, and adverse impacts on the environment.

**Reference:** U.S. Department of the Interior. (2010, January). *Energy Transport Corridor Siting for Tribal Planners Guidance Manual*. Bureau of Indian Affairs. <https://www.bia.gov/sites/default/files/dup/assets/as-ia/ieed/ieed/pdf/idc1-021629.pdf>

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#### 2.3.4 Availability of Existing ROWs

The development of a preliminary energy corridor should identify the presence of existing utility and transportation ROWs (such as existing transmission lines, highways, and rail lines) in the vicinity of the unrestricted corridor. Existing ROWs should be examined for possible use in locating the energy transport corridor. Consideration of existing ROWs can expedite the siting and designation of energy transport projects, because for many of these ROWs, project-specific impact analyses may have already been completed (especially on non-tribal lands). Where possible and allowable, the location of an unrestricted energy transport route or network paths should be adjusted to align with existing ROWs (Figure 2.6). By collocating new energy transport facilities with existing infrastructure, the development of “greenfield” (undeveloped) locations may be avoided or minimized, thereby reducing the potential level of project-related impacts to valued natural and cultural resources.

Reference: Wisconsin State Legislature. (2003, December 17). *2003 Wisconsin act 89*.

Wisconsin Legislative Documents. <https://docs.legis.wisconsin.gov/2003/related/acts/89>

## State of Wisconsin



2003 Senate Bill 300

Date of enactment: December 3, 2003  
Date of publication\*: December 17, 2003

# 2003 WISCONSIN ACT 89

AN ACT to repeal 196.491 (3) (g) 1m.; to renumber 85.02 and 196.491 (3) (h); to renumber and amend 30.025 (1), 196.491 (3) (g) 1. and 196.491 (4) (c); to amend 15.795 (1), 16.969 (4), 30.02 (1), 30.02 (2), 30.025 (title), 30.025 (2), 30.025 (3) (intro.), 30.025 (4), 66.0119 (1) (a), 79.04 (7) (c) 1m., 91.75 (4), 196.025 (2) (intro.), 196.491 (3) (a) 1., 196.491 (3) (a) 3. a., 196.491 (3) (b), 196.491 (3) (d) (intro.), 196.491 (3) (e), 196.491 (3) (gm) and 196.491 (3) (j); and to create 1.12 (6), 23.09 (2m), 30.025 (1b), 30.025 (1e), 30.025 (1m), 30.025 (1s) (title), 30.025 (1s) (b), 30.025 (2g), 30.025 (2s), 30.025 (3m), 30.206 (1m), 32.03 (5) (c), 79.04 (6) (c) 3., 79.04 (7) (d), 85.02 (2), 196.02 (5m), 196.025 (1m), 196.025 (2m), 196.20 (7), 196.49 (4), 196.491 (3) (d) 8., 196.491 (3b), 196.491 (4) (c) 2., 196.491 (4) (c) 3. and 196.491 (6) (title) of the statutes; relating to: construction of certain public utility facilities, utility aid payments, utility condemnations, and granting rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 1.12 (6) of the statutes is created to read:  
1.12 (6) SITING OF ELECTRIC TRANSMISSION FACILITIES.  
In the siting of new electric transmission facilities, including high-voltage transmission lines, as defined in s. 196.491 (1) (f), it is the policy of this state that, to the greatest extent feasible that is consistent with economic and engineering considerations, reliability of the electric system, and protection of the environment, the following corridors should be utilized in the following order of priority:

- Existing utility corridors.
- Highway and railroad corridors.
- Recreational trails, to the extent that the facilities may be constructed below ground and that the facilities do not significantly impact environmentally sensitive areas.
- New corridors.

**SECTION 2.** 15.795 (1) of the statutes is amended to read:

15.795 (1) OFFICE OF THE COMMISSIONER OF RAILROADS. There is created an office of the commissioner of railroads which is attached to the public service commission under s. 15.03, provided that s. 85.02 (1) does not apply to the office of the commissioner of railroads. The commissioner of railroads shall have expertise in railroad issues and may not have a financial interest in a railroad, as defined in s. 195.02 (1). The commissioner may not serve on or under any committee of a political party. The commissioner shall hold office until a successor is appointed and qualified.

**SECTION 3.** 16.969 (4) of the statutes is amended to read:

16.969 (4) A county, town, village, or city that receives a distribution under sub. (3) (b) may use the distribution only for park, conservancy, wetland or other similar environmental programs, unless the commission approves a different use under this subsection. A county

\* Section 991.11, WISCONSIN STATUTES 2001-02: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**Reference:** State of Minnesota. (2024, September 25). *Sf 4942*. Minnesota

Legislature. [https://www.revisor.mn.gov/bills/text.php?number=SF4942&version=latest&session=ls93&session\\_year=2024&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=SF4942&version=latest&session=ls93&session_year=2024&session_number=0)

150.3                    (e) When applicable, the commission must make a specific finding that the commission  
150.4                    considered locating a route for a high-voltage transmission line on an existing high-voltage  
150.5                    transmission route and using parallel existing highway right-of-way. To the extent an existing  
150.6                    high-voltage transmission route or parallel existing right-of-way is not used for the route,  
150.7                    the commission must state the reasons.

**Reference:** State of Colorado. (2021). *SENATE BILL 21-072 Colorado Electric Transmission Authority Act*. [https://leg.colorado.gov/sites/default/files/2021a\\_072\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_072_signed.pdf)

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(t) MAKE DETERMINATIONS ABOUT THE EFFICIENT USE OF EXISTING RIGHTS-OF-WAY ON PROJECTS IT PROPOSES TO DEVELOP AS A PRECONDITION TO PIONEERING NEW RIGHTS-OF-WAY FOR SUCH PROJECTS;

**Reference:** Kentucky Legislative Research Commission. (2007, November 8). *Siting of Electric Transmission Lines*. State of Kentucky.gov.

<https://apps.legislature.ky.gov/lrc/publications/ResearchReports/RR348.pdf>

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In 1952, the Kentucky Court of Appeals—at that time the highest court in Kentucky—set out the elements required to grant a CPCN to construct electric transmission lines in *Kentucky Utilities Company v. Public Service Commission* (252 S.W. 2d 885, Ky. 1952).

The first element required is "need" for the new lines. Need involves the following considerations:

- a showing of substantial inadequacy of existing service, and
- a consumer market sufficiently large to make it economically feasible for the new line(s) to be constructed and operated.

The second element required is the "absence of wasteful duplication" resulting from the construction of the new transmission lines. Duplication involves the following considerations:

- an excess of capacity over need;
- an excessive investment in relation to productivity or efficiency; and
- an unnecessary multiplicity of physical properties, such as rights-of-way, poles and wires.
  - An unnecessary multiplicity involves "inconvenience to the public generally, and economic loss through interference with normal uses of the land, that may result from multiple sets of rights-of-way and a cluttering of the land with poles and wires."

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**Clarifying the Wasteful Duplication Element for Granting a CPCN**

Transmission line siting cases that came before PSC following the 2004 amendment to KRS 278.020 saw a gradual refinement in the meaning of the element of absence of wasteful duplication. In general, the need element was clearly understood. In initial cases, PSC denied some lines because the applicants had failed to demonstrate that the proposed lines did not involve a wasteful duplication of existing facilities. Gradually, PSC and the utilities worked out a process for demonstrating this element.

To demonstrate an absence of wasteful duplication, an applicant for a transmission line CPCN must establish two factors:

- it has conducted a thorough review of all reasonable alternatives, and
- its choice of the proposed route was reasonable (PSC Case No. 2005-00207, Oct. 31, 2005).

To do this, the applicant must show that it comprehensively considered the use of existing utility corridors and other rights-of-way (PSC Case No. 2005-00089, Aug. 19, 2005).

**Reference:** North Dakota Legislative Branch. (2022, January 1). 69-06-08-02

*Transmission Facility Corridor and Route Criteria.* <https://ndlegis.gov/prod/acdata/pdf/69-06-08.pdf>

4. **Policy criteria.** The commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits. The benefits to be considered include:
  - a. Location and design.
  - b. Training and utilization of available labor in this state for the general and specialized skills required.
  - c. Economies of construction and operation.
  - d. Use of citizen coordinating committees.
  - e. A commitment of a portion of the transmitted product for use in this state.
  - f. Labor relations.
  - g. The coordination of facilities.
  - h. Monitoring of impacts.
  - i. Utilization of existing and proposed rights of way and corridors.
  - j. Other existing or proposed transmission facilities.

**Reference:** Public Utility Commission of Texas. (2022, December 20). *CHAPTER 25.*

*SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE*

*PROVIDERS.* <https://ftp.puc.texas.gov/public/puct-info/agency/ruleslaws/subrules/electric/25.101/25.101.pdf>

- (B) **Routing:** An application for a new transmission line must address the criteria in PURA §37.056(c) and considering those criteria, engineering constraints, and costs, the line must be routed to the extent reasonable to moderate the impact on the affected community and landowners unless grid reliability and security dictate otherwise. The following factors must be considered in the selection of the utility's alternative routes unless a route is agreed to by the utility, the landowners whose property is crossed by the proposed line, and owners of land that contains a habitable structure within 300 feet of the centerline of a transmission project of 230 kV or less, or within 500 feet of the centerline of a transmission project greater than 230 kV, and otherwise conforms to the criteria in PURA §37.056(c):
- (i) whether the routes parallel or utilize existing compatible rights-of-way for electric facilities, including the use of vacant positions on existing multiple-circuit transmission lines;
  - (ii) whether the routes parallel or utilize other existing compatible rights-of-way, including roads, highways, railroads, or telephone utility rights-of-way;
  - (iii) whether the routes parallel property lines or other natural or cultural features; and
  - (iv) whether the routes conform with the policy of prudent avoidance.

**Reference:** Georgia General Assembly. (n.d.). *House Bill*

1148. <https://www.legis.ga.gov/api/legislation/document/20132014/143504>

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LC 36 2557

26     ~~(a)~~(b)(1) On and after July 1, 2004, but prior to the effective date of this Code section,  
27     before exercising the right of eminent domain for purposes of constructing or expanding  
28     an electric transmission line described in subsection (a) of Code Section 22-3-160.1, the  
29     utility shall select a practical and feasible route for the location of the electric  
30     transmission line. In selecting the route for the location of the electric transmission line,  
31     the utility shall consider existing land uses in the geographic area where the line is to be  
32     located, existing corridors, existing environmental conditions in the area, engineering  
33     practices related to the construction and operation of the line, and costs related to the  
34     construction, operation, and maintenance of the line.