

**STATE OF MICHIGAN
MICHIGAN PUBLIC SERVICE COMMISSION**

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In the matter, on the Commission’s Own)
Motion, to Commence a Collaborative to)
Consider Issues Related to)
Implementation of Effective New) Case No. U-20898
Technologies and Business Models)
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**COMMENTS SUBMITTED BY THE ECOLOGY CENTER,
THE ENVIRONMENTAL LAW & POLICY CENTER, UNION OF CONCERNED
SCIENTISTS & VOTE SOLAR**

August 26, 2022

I. Introduction

The Ecology Center, the Environmental Law & Policy Center (ELPC), Vote Solar, and the Union of Concerned Scientists (UCS), collectively the Clean Energy Organizations (CEO), appreciate this opportunity to provide comments on Staff’s proposal to implement a process for *Expedited Pilot Review for Innovative Pilots* in Case No. U-20898.¹

The CEO recognize the value of having a dedicated regulatory process to consider innovative pilots, beyond IRP and Rate Case proceedings. The CEO are supportive of expediting pilots that contribute to learnings to advance decarbonization, contribute to renewable energy growth, and solve problems faced by Michigan ratepayers related to reliability, affordability, and equitable access to clean energy technologies and services.

Staff’s proposal is motivated by the need for utilities to be able to test new technologies faster and learn how those technologies interact with grid infrastructure, and to understand how new technologies may support utility, customer, and state climate policy goals.²

However, in its current format Staff’s proposal is too narrowly focused on the potential benefits of expediting pilots, which are not guaranteed to be achieved from just implementing a faster approval process. Moreover, Staff’s proposal fails to create the necessary procedural safeguards to minimize the negative impacts that may come with such focus on speed in approval of pilots.

Staff’s proposal focuses on reducing the burden on utilities to pursue innovative pilots. The CEO’s concern is that reducing the burden on utilities may result in a process that reduces oversight, is less transparent, and which limits opportunities for stakeholder engagement.

¹ MPSC Case No. U-20898, *In the matter, on the Commission’s Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A

² MPSC, 2021, *New Technologies, Business Models, and Staff Recommendations*, Michigan Public Service Commission Staff Report at 124

As a result, the CEO do not support Staff's proposal as submitted to the Commission. In these comments, the CEO provide a series of recommendations for the Commission to improve this proposal and mitigate the lack of clarity in the proposal.

The CEO recommendations address the following topics: first, how stakeholder participation can be ensured in the various elements of the *Expedited Pilot Review for Innovative Pilots* process. Second, how the Commission can ensure the new process does not result in an unbalanced burden on *affected* stakeholder to participate across the multiple steps of the process proposed, as well as on the Commission's limited resources. Third, on how the Commission can evaluate the effectiveness of the expedited process, if implemented. Additionally, the CEO provide recommendations on specific elements included in Staff's proposal to contribute to a process that is transparent, and objective.

Through their recommendations, the CEO hope to assist the Commission in designing a process where pilots are an effective tool for turning learnings into scalable solutions that contribute to decarbonize Michigan's energy system.

II. Recommendations

In the following sections, the CEO comment and provide recommendations on the *Expedited Pilot Review for Innovative Pilots*. The comments include:

(1) recommendations on specific aspects of Staff's proposal. The CEO comments focus on the eligibility criteria, annual budget pilot cap, pilot workplan, pilot notice, and expedited review. In general, the comments track along with the sections of the Staff's Proposal in Attachment A to the Order.

(2) recommendations on aspects not included in Staff's proposal, that the Commission should consider. The CEO comments focus on adequate planning to reduce stakeholder burden, and a Commission-led assessment of the proposed process.

A. Recommendations on Issues Included in Staff’s Proposal

1. Eligibility Criteria³

The CEO provide the following comments on the Eligibility criteria in proposed by the Staff:

Staff Eligibility Criteria: Seek to leverage funding from alternative sources to minimize customer impact

CEO Comment: This criterion needs additional detail on how “seek[ing] to leverage” will be considered as part of the selection of eligible pilot proposals. For instance, will pilots that leverage alternative funding sources be prioritized by the Commission when assessing a utility pilot proposal? Or, will pilots that don’t seek to leverage alternative sources of funding be excluded from this process?

Staff Eligibility Criteria: Incorporate requirement for pilots involving non-local vendors and larger sole-sourced vendors to participate in cost-sharing for the pilot (e.g., in-kind contributions)

CEO Comment: This criterion needs additional detail on how participation in cost-sharing will be determined. For instance, will there be a minimum cost-share requirement for pilots to be considered?

Staff Eligibility Criteria: Provide estimates of net present value with considerations like new revenue sources, cost savings, reduction in GHG, contributions to State policy and regulatory goals, etc.

CEO Comment: The CEO recommend the Commission require pilots to provide detail on their contribution to the state's goal to achieve economy-wide carbon neutrality by 2050 with interim 2030 goals as set forth in the MI Healthy Climate Plan. Pilots should also focus on contributing to equitable deployment of clean energy technology and benefits as well.

Staff Eligibility Criteria: Provide information on pertinent areas of interest noted by the adopted Objective Criteria for Pilot Review, including equity and environmental justice

CEO Comment: The CEO recommend the Commission maintain the full range of objective criteria ⁴ for any pilots being considered. The Objective Criteria for Pilot Review were only recently adopted through a collaborative process and should continue to be the formal framework for assessing the merits of all pilot proposals.

Staff Eligibility Criteria: Provide the Commission, consumer advocates, and key stakeholders with reasonable data access

CEO Comment: This criterion should be expanded for pilot proposals to include detail on the categories of data the pilot will generate and what data can be accessed and what the process for data access will be, including timeframes. The Commission should require reasonable data access to include publicly available reporting of pilot learnings, including successes and failures. As Staff’s proposal is motivated to deliver pilot learnings and innovations faster. The CEO recommend that barriers for pilot data access also be removed and that utilities and any third-party organizations participating in pilots create inclusive data sharing protocols to enable stakeholder to access, and more importantly to understand the data available.

³ MPSC Case No. U-20898, *In the matter, on the Commission’s Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A at 23

⁴ Michigan Public Service Commission, Case No. U-20645, February 14, 2021, Order, *In the matter, on the Commission’s own motion, to establish MI Power Grid. Exhibit A, Proposed Definition and Objective Criteria for Utility Pilots* at 13 <https://mi-psc.force.com/sfc/servlet.shepherd/version/download/068t000000J90K1AAJ>

Staff Eligibility Criteria: Incorporate participant customer surveys or measurement and verification evaluation to measure pilot progress against success criteria and metrics

CEO Comment: The CEO recommend that this criterion require both participant customer surveys and measurement and verification evaluation. The two types of evaluation tools measure different aspects to assess pilot performance and determine success and are not interchangeable.

Suggested edited text:

“Incorporate participant customer surveys ~~or~~ **and** measurement and verification evaluation to measure pilot progress against success criteria and metrics”.

Staff Eligibility Criteria: Offer a comparable, parallel third-party pilot, either separately or within the same pilot, where feasible, in recognition of frequent third-party innovations that may result in cost savings, system benefits, and alternative business and ownership model learnings.

o For larger utilities, such third-party pilots or tariffs are envisioned to be facilitated by the utility, which develops the solicitation, selects the third-party through a competitive process, and enters into an agreement with the third party. The utility will provide the necessary data and at the needed frequency for the third-party to conduct and evaluate the pilot.

o For smaller utilities, such third-party pilots or tariffs may be facilitated and managed by a third-party, like an association, to allow multiple utilities to participate and benefit from the pilot learnings while reducing overall costs to each utility.

CEO Comment: The CEO support the importance of offering comparable third-party pilots, particularly when a pilot will be testing services and technologies to deliver behind the meter distributed energy resources. This criterion emerged in Vermont’s Innovation Pilots program in response to concerns of utilities expanding their monopoly to behind the meter applications where competitive offers exist, which would result in unfair advantages for utilities over third parties offering behind the meter services and technologies.⁵ Similarly, this concern emerged in Connecticut’s Innovative Energy Solutions stakeholder process.⁶

The CEO recognize that utility participation in behind the meter technologies and services may be beneficial to increase access to distributed energy resources in underserved communities and reduce existing inequities on affordability and reliability. Considering this, the CEO recommend the Commission require both utility and third-party pilots include a focus on equitable access to technologies and services and include a carve out for low- and moderate- income customers. The CEO will have additional comments on the topic of third-party ownership, which will be submitted in this docket in late September.

⁵ Green Mountain Power: Multi-Year Regulation Plan 2020-2022 June 7, 2019 (Amended Sept 3, 2020) at 38 https://puc.vermont.gov/sites/psbnew/files/doc_library/green-mountain-power-multi-year-regulation-plan.pdf

⁶ Docket No 17-12-03RE05 Attachment A PURA Innovation Framework: Regulatory Sandbox Strategic Vision at 10

[https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/e7cd668707943a8385258752007990f8/\\$FILE/122220%20REO5%20Attachment%20A%20-%20Strategic%20Vision%20Document.docx](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/e7cd668707943a8385258752007990f8/$FILE/122220%20REO5%20Attachment%20A%20-%20Strategic%20Vision%20Document.docx); see

also Sunrun comments on Docket No. 17-12-03RE05; PURA Investigation into Distribution System Planning of the Electric Distribution Companies – Innovative Technology Applications and Programs – Comments on PURA Innovation Framework: Regulatory Sandbox Strategic Vision at 2

[https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/2540e5f59d3ec3a78525875200799134/\\$FILE/17-12-03RE05%20Sunrun%20Comments%20on%20Strategic%20Vision%20Doc.pdf](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/2540e5f59d3ec3a78525875200799134/$FILE/17-12-03RE05%20Sunrun%20Comments%20on%20Strategic%20Vision%20Doc.pdf)

2. Annual Budget Pilot Cap⁷

The CEO provide the following comments on the Annual Budget Pilot Cap in Staff's proposal:

Staff Eligibility Criteria: Eligible pilots at each utility have a combined total annual cap of \$3 million and requests in excess require Commission approval. Pilots conducted across multiple utility service territories will be considered, especially if cost savings and broader learnings can be obtained.

CEO Comment: The CEO recommend the Commission raise the total annual cap to \$5 million. The Commission should note that other jurisdictions have set higher caps on their expedited pilot processes. For instance, Hawaii's program included a cap of \$10 million,⁸ and Connecticut's program included a cap of \$5 million.⁹ The CEO believe that a higher cap encourages utilities and third-party companies to propose more integrated proposals, rather than multiple, smaller, disjointed proposals, designed to get under the threshold.

The CEO also recommend the Commission consider a budget cap adder, for collaborative pilots in which multiple utilities or utilities and third parties are working together. This type of collaborative pilot can be valuable in accessing a larger pool of customers and to test pilot proposals across different utility systems. Moreover, collaborative pilots bringing together multiple utilities and third parties add value as they can result in opportunities for learning and using pilot outcomes to transform the Michigan energy system at a larger scale than one utility service territory, one pilot at the time. For instance, identifying similar pilot areas across utilities workplans may be an effective way to select areas of collaboration suitable for multi-utility or utility and third-party projects. Pursuing collaboration across utilities and including also third parties may contribute to speed up much of the transformation and adaption motivating the proposed Expedited Pilot Review process. Any collaboration between multiple utilities must also include interested and affected stakeholders.

The Commission should clarify if the total annual cap of \$3 million per utility includes the external sources of funding pilots should seek to leverage as indicated in the Staff's proposed *Eligibility Criteria*. The CEO recommend the total annual cap be considered including the external sources of funding. Pilots above the cap should continue to be approved via existing IRP and Rate Case processes.

⁷ MPSC Case No. U-20898, *In the matter, on the Commission's Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A at 23

⁸ The State Of Hawaii, In The Matter Of Public Utilities Commission Instituting A Proceeding To Investigate Performance-Based Regulation. Docket No. 2018-0088, Decision And Order No. 37507 at 174
<https://dms.puc.hawaii.gov/dms/DocumentViewer?pid=A1001001A20L23B12153B01118>

⁹ State of Connecticut Public Utilities Regulatory Authority, Pura Investigation Into Distribution Planning Of The Electric Distribution Companies – Innovative Technology Applications And Programs (Innovation Pilots), Docket No. 17-12-03RE05 Attachment B, Final Decision, Innovative Energy Solutions Program Design Document at 63
[https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/\\$FILE/171203RE05-Attachment%20B-033022.pdf](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/$FILE/171203RE05-Attachment%20B-033022.pdf)

3. Pilot Workplan¹⁰

The CEO provide the following comments on the Pilot Workplan in Staff's proposal:

Staff Eligibility Criteria: Utilities must work with the Commission and interested stakeholders in developing a pilot workplan detailing 5-10 pilot areas to be explored within a near-term period (like within the next one or two years). Sufficient time should be allotted to the stakeholder process to allow meaningful and substantive engagement and feedback. The pilot workplan must be submitted to Commission for review and feedback prior to implementation phase, where the utilities provide pilot notice to the Commission.

CEO Comment: The CEO recommend that the Commission establish a workplan development process that includes the necessary time, facilitation, and stakeholder outreach.

The CEO also recommend the Commission implement a process that ensures collaborative workplan development. Staff's proposal embraces innovation but remains utility centric and too focused on expediting pilots. Workplans for each service territory will benefit from incentivizing a broader range of stakeholders to identify needs, problems, opportunities, and propose solutions.

The CEO recommend expanding the scope of stakeholder outreach to move beyond interested stakeholders to *affected* stakeholders, as a requirement. This may for instance include representative customer groups to be included in the discussions and identification of areas to be explored.

The CEO recommend the Commission be more ambitious in its consideration of pilot proponents, than the utility centric Staff proposal and implement a workplan development process that also considers third party companies as important stakeholders and potential proponents of pilots. This would create opportunities for collaboration between third party companies and utilities and contribute to pilots that leverage synergies from diverse proponents.

As a reference, the Commission should consider Connecticut's Innovative Energy Solutions program, approved in March 2022, which includes three participation pathways to create opportunities for a wide range of pilot projects to be proposed, including: (1) third party companies to develop pilots, (2) utilities to develop pilots, and (3) third party companies and utilities to develop pilots collaboratively.¹¹

(continued)

¹⁰ MPSC Case No. U-20898, *In the matter, on the Commission's Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A at 23

¹¹ State of Connecticut Public Utilities Regulatory Authority, Pura Investigation Into Distribution Planning Of The Electric Distribution Companies – Innovative Technology Applications And Programs (Innovation Pilots), Docket No. 17-12-03RE05 Attachment B, Final Decision, Innovative Energy Solutions Program Design Document at 8 [https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/\\$FILE/171203RE05-Attachment%20B-033022.pdf](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/$FILE/171203RE05-Attachment%20B-033022.pdf)

Pathway 1: Developer-Led Projects	Pathway 2: EDC-Led Projects	Pathway 3: Collaborative Projects
<ul style="list-style-type: none"> + Focus on innovative mechanisms for deploying hardware and/or software solutions + E.g., innovative solutions that help maximize grid and end-use flexibility 	<ul style="list-style-type: none"> + Focus on innovative tariff structures + E.g., critical peak pricing for commercial & industrial customers; bring your own device (BYOD) programs that may enhance demand-side flexibility 	<ul style="list-style-type: none"> + Focus on deploying hardware and/or software, paired with innovative tariff structures + E.g., smart thermostat demand response program that pays out directly to customer bills

Figure 1. Connecticut Innovative Energy Solutions participation pathway options.¹²

The workplans need to be developed extensively in stakeholder forums with a structured approach for inputs and review by the utility and Commission. Once a workplan for a utility and service territory is complete, the CEO see value in fast tracking pilots so they can proceed to implementation, learning, improvements, or new offerings, etc. But this workplan development and consensus on the pilot areas included is an aspect that must be founded on an inclusive and transparent process.

The workplan development process and its iterations should have a public record of the multiple iterations with opportunities for affected stakeholders to comment on pilot areas. When pilot areas recommended by stakeholders are not included in the final workplan, an explanation on the rationale should be included.

The Commission should clarify the approval process for workplans. Staff recommends that pilot workplans be submitted to the Commission for review and feedback. An approval process must also be outlined and the possible outcomes and timings for review of the workplan should be included. The CEO urge the Commission to include opportunities for stakeholder inputs both during the workplan development phase and during the final workplan review phase. Staff proposed that the Commission would review and provide feedback prior to the implementation phase. This review should be expanded to include affected stakeholders to comment on the final workplans presented prior to the Commission.

It is important that the Commission focus on developing a thorough workplan development and review process. The CEO see the workplan as akin to a local energy system innovation roadmap for each utility service territory. The potential for innovation, transformation, and benefits for customers and Michigan’s clean energy transition is significant. However, such a roadmap will ultimately identify the winning pilot areas, and stakeholder engagement is important for pilot areas to be aligned across affected stakeholders.

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¹² State of Connecticut Public Utilities Regulatory Authority, Pura Investigation Into Distribution Planning Of The Electric Distribution Companies – Innovative Technology Applications And Programs (Innovation Pilots), Docket No. 17-12-03RE05 Attachment B, Final Decision, Innovative Energy Solutions Program Design Document at 22 [https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/\\$FILE/171203RE05-Attachment%20B-033022.pdf](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/$FILE/171203RE05-Attachment%20B-033022.pdf)

Moreover, the CEO recommend the Commission implement a workplan development process founded on guiding principles to provide framework for the types of technologies, ownership structures, and business models that should be implemented through pilots. Guiding principles should be built collaboratively with stakeholders to enable the final workplan pilot areas to be shared among the stakeholders, including the utilities, regulators, customers, community representatives, technology providers and third parties partnering with the utility, and public interest organizations.

Examples of pilot innovation programs built on guiding principles are seen in Connecticut and Hawaii.

In Connecticut the Innovative Energy Solutions Program is an example of a program to accelerate innovation built on guiding principles¹³ including: (1) economic viability and equity, (2) transparency, (3) diversity and market gaps, (4) scalability, and (5) continuous learning.

Hawaii’s Innovation Pilot Framework,¹⁴ which largely shaped the Staff’s proposal to the Commission, is also an example of a principles-driven pilot innovation process, including: (1) innovation, (2) flexibility, (3) iteration, (4) collaboration, (5) prioritize learning, (6) customer focused, (7) speed, and (8) ownership.

The Commission should consider Staff’s recommendations on guidance for just rates as a starting point to guide the principles that should be included in the workplan, which include:

- Safety,
- Reliability,
- Resiliency,
- Environmental sustainability,
- Equity, including intergenerational equity,
- Environmental justice,
- Disproportionate impacts to vulnerable populations, and
- Economic impacts of utility investments.¹⁵

(continued)

¹³ State of Connecticut Public Utilities Regulatory Authority, Pura Investigation Into Distribution Planning Of The Electric Distribution Companies – Innovative Technology Applications And Programs (Innovation Pilots), Docket No. 17-12-03RE05 Attachment B, Final Decision, Innovative Energy Solutions Program Design Document at 5. [https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/\\$FILE/171203RE05-Attachment%20B-033022.pdf](https://www.dpuc.state.ct.us/2nddockcurr.nsf/8e6fc37a54110e3e852576190052b64d/da52e606ad2c1efe85258815005aa04f/$FILE/171203RE05-Attachment%20B-033022.pdf)

¹⁴ State Of Hawaii In The Matter Of Public Utilities Commission Instituting A Proceeding To Investigate Performance-Based Regulation. Docket No. 2018-0088, Hawaiian Electric Companies’ Proposed Pilot Process Exhibit 1 <https://dms.puc.hawaii.gov/dms/DocumentViewer?pid=A1001001A21E03A82253C00010> at 18

¹⁵ MPSC, 2021, New Technologies, Business Models, and Staff Recommendations, Michigan Public Service Commission Staff Report at 118-119

The CEO recommend the Commission should consider including the following principles for pilot workplans:

- **End energy inequality:** Utilities have access to a wealth of data and infrastructure that can contribute to a better understanding of how customers and communities interact differently with energy and move differently towards sustainable energy technologies. The CEO recommend that the Commission pursue pilots that center equity and include low- and moderate-income carve outs and specific learning goals as a cross cutting aspect in all pilot areas, whenever possible, with a need for the pilot area to specify why it may not be possible to address equity. This principle would be a good source of learnings on how to address energy poverty and high energy burdens through pilots.
- **Collaboration:** Innovation pilots are built to be collaborative and should strive to include multiple utilities, local scientists, academics, community representatives, and technology providers. This can contribute to a wider dissemination of knowledge after pilot projects are completed and allow for knowledge transfer between pilot partners. This principle can contribute to pilots that bring change across utility service territories when engaging multiple utilities as well as to pilots that leverage multiple partners.
- **Leveraging available technology:** This can contribute to faster learning and to more efficient use of pilot funding. Some pilots require technology deployment, but in cases where the pilot proposal can tap into existing technology (*e.g.*, customers that already have solar panels, battery storage, or electric vehicles) pilots should strive to have a sign-up component for customers to participate in the pilot.

4. Pilot Notice¹⁶

The CEO provide the following comments on the Pilot Notice in Staff’s proposal:

<p>Pilot Notice:</p> <p><i>Staff Eligibility Criteria: Notice will be provided to the Commission 45 days prior to the commencement of any eligible pilots. This notice shall include:</i></p> <ul style="list-style-type: none">• <i>Narrative of pilot project and expected pilot outcomes</i>• <i>How it meets eligibility criteria,</i>• <i>Funding leveraged from alternative sources and any cost-sharing,</i>• <i>Number of customers served and selection process,</i>• <i>Estimated net present value with considerations like new revenue sources, cost savings, reduction in GHG, contributions to State policy and regulatory goals, etc.,</i>• <i>Information on pertinent areas of interest noted by the adopted Objective Criteria for Pilot Review,</i>• <i>Any areas of potential overlap with other existing project(s)/program(s) and how overlap will be addressed by the pilot, and 8</i>• <i>Comparable, parallel third-party pilot, either separately or within the same pilot, where feasible.</i>
<p>CEO Comment: The CEO recommend the Commission maintain the full range of objective criteria in Pilot Notices. The goal to expedite innovation and foster utilities adaptation should continue to be guided by the objective criteria recently approved by the Commission.¹⁷</p> <p>The pilot notice should also describe how the expected learnings from the pilot being proposed contribute to utility goals, state policy goals, and consumer service, and detail how the pilot advances electrification and decarbonization. The Commission must obtain a forward-looking perspective from the Utility on the proposed pilot to be able to understand the role of the pilot in long-term goals and potential for large-scale implementation. We recommend the pilot notice include answers to the following questions:</p> <ul style="list-style-type: none">• How will the pilot and its learnings contribute to a long-term goal or increase the possibility of large-scale implementation?• What is the expected actionable business transformation outcome to be obtained from the pilot and how does it support decarbonization and electrification? <p>The pilot notice should also describe how the pilot being proposed meets the workplan guiding principles.</p>

¹⁶ MPSC Case No. U-20898, *In the matter, on the Commission’s Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A at 24

¹⁷ Michigan Public Service Commission, Case No. U-20645, February 14, 2021, Order, *In the matter, on the Commission’s own motion, to establish MI Power Grid. Exhibit A, Proposed Definition and Objective Criteria for Utility Pilots* at 13 <https://mi-psc.force.com/sfc/servlet.shepherd/version/download/068t000000J90K1AAJ>

5. Expedited Review¹⁸

The CEO provide the following comments on the Expedited Review in Staff’s proposal:

Staff Eligibility Criteria: Expedited pilot review will involve:

- 45-day Commission review of pilot implementation plan for pilot approval. If pilot notice is rejected by the Commission, formal notice will be provided to the utility.
- 30-day Commission review of any proposed changes to the pilot scope, such as pricing, terms, or conditions. Affected participating customers must also be informed of any such changes. Commission approval must be received before the pilot may commence. However, in the case of proposed pilot changes, should the utility not hear back from the Commission by the end of the 30-day period to review of any proposed pilot changes, it may assume such changes are automatically approved.

CEO Comment: The CEO recommend that the Commission include an opportunity for affected stakeholders to comment on the *Expedited Review* of the specific pilot notices submitted by utilities or utilities and third parties. This is important because the *Pilot Workplan* may include a level of detail that may not be sufficient to assess the merits of a proposal further developed in a *Pilot Notice*. This recommendation is motivated by the CEO concerns that a process to expedite innovative pilots should not come at the cost of stakeholder participation in the process and transparency. Including stakeholder comment in the *Expedited Review* may require the review timeline to be extended. This should be considered by the Commission as a positive trade-off to implement a process that is more transparent and open to stakeholder inputs. The Commission should allow for stakeholder comments to be submitted for consideration prior to Commission approval.

B. Recommendations on Issues Not Included in Staff’s Proposal

1. A Process to Protect *Affected* Stakeholders and the Commission’s Limited Resources From the Potential Workflow Resulting From This Process

In its current format, Staff’s proposal does not describe how this process will protect *affected* stakeholders who may be faced with multiple processes to engage in the development of Pilot Workplans and Pilot Notices that can occur in parallel. This same issue may also affect the Commission’s ability to manage, evaluate, and make decisions on multiple process occurring in parallel.

To mitigate this, the CEO recommend the Commission implement a schedule to manage workflow resulting from the *Pilot Workplan development, and from the Pilot Notices and Expedited Reviews*. To manage *Pilot Workplan* development the CEO recommend the Commission issue a call for Pilot Workplans and considering the interest from utilities and third-party companies, distribute the

¹⁸ MPSC Case No. U-20898, *In the matter, on the Commission’s Own Motion, to Commence a Collaborative to Consider Issues Related to Implementation of Effective New Technologies and Business Models*, Attachment A at 24

process over time for each utility to avoid overlaps as these may reduce the ability of stakeholders to participate in the identification of pilot areas across processes from different utilities. Following our recommendation above for the Commission to incentivize collaborative pilots, the Commission should consider the possibility of joint pilot workplans, which would result in collaborative pilots involving multiple utilities or utilities and third- party companies.

To manage *Pilot Notices* and *Expedited Reviews*, we recommend the Commission consider a quarterly call for pilot notices under the proposed scheme, and possibly a cap on the number of applications that may be considered in each quarter. This would contribute to distributing the effort required to engage in this process from affected stakeholders and the Commission over time.

2. A Commission-led Assessment of the Expedited Pilot Review for Innovative Pilots

When considering Staff's proposal, the CEO recommend the Commission should include an evaluation component to assess the proposed process and how it supports innovation and if it is an effective mechanism to advance decarbonization and electrification. This evaluation should occur once a year after implementation of the Expedited Pilots Framework. This evaluation does not aim to repeat the Pilot Reporting included in Staff's proposal which relates to individual pilots. This evaluation should take an integrated view at this new regulatory process. It should include an overview of progress made on Pilot Workplans, quality of Pilot Notices and Pilot Reporting. Such an assessment would allow the Commission to determine if the *Expedited Pilot Review for Innovative Pilots* is contributing to Michigan's clean energy goals.

The evaluation should engage stakeholders including an assessment from the Commission, utilities, project partners, customers, community and consumer advocates, affected stakeholders, and public interest organizations. This assessment should include an opportunity for improvements to be made as needed or for the program to be discontinued if necessary. A formal assessment by the

Commission and stakeholders will contribute to identifying successes, limitations, and for identifying improvements.

III. Conclusion

The CEO view the *Expedited Pilot Review for Innovative Pilots* proposal as a step in the right direction. The proposal is positive both for its intent to create space for innovation and learning to advance decarbonization and electrification in Michigan and to create a regulatory space dedicated to the identification, prioritization, and implementation of pilots. However, the CEO recommend the Commission implement the recommendations provided in these comments to strengthen Staff's proposal to increase transparency and stakeholder participation throughout the proposed process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel Abrams', written over a horizontal line.

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