

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion to)	
review its response to the novel coronavirus)	
(COVID-19) pandemic, including the statewide state)	Case No. U-20757
of emergency, and to provide guidance and direction)	
to energy and telecommunications providers and)	
other stakeholders.)	
_____)	

At the December 21, 2023 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

Background

In response to the unprecedented situation that faced Michigan resulting from the novel coronavirus (COVID-19) pandemic, the Commission issued orders assessing its response to the pandemic and emphasizing the need for special protections for customers to ensure access to utility services and to assist those struggling with utility bills. Specifically, on April 15, 2020, the Commission issued an order in this docket (April 15 order) describing its efforts to date to respond to the COVID-19 pandemic. *See*, April 15 order, pp. 4-8. In addition to summarizing its own actions, the April 15 order directed electric, natural gas, and telecommunications providers under the Commission's jurisdiction to complete a number of actions in the following areas:

(1) customer protections and affordability, (2) accounting treatment, (3) regulatory activities,

(4) energy assistance coordination, (5) energy waste reduction (EWR) and demand response continuity, and (6) broadband access and expansion efforts. *Id.*, p. 20.

The Commission issued a subsequent order on July 23, 2020 (July 23 order) listing the energy providers that had provided affirmations of their respective customer protections and, where applicable, their reports on customer shutoffs, disconnections, and reconnection efforts. The Commission Staff (Staff) was directed to produce a report summarizing the discussions involving affordable payment plans and other assistance, including any recommendations to improve these programs no later than December 15, 2020. *See*, July 23 order, p. 56.

On February 18, 2021, the Commission issued a third order in the instant docket (February 18 order) describing the Staff's progress in its communications with energy and telecommunication providers and stakeholders regarding COVID-19 pandemic responses and improvements to energy assistance, affordability, and customer protections. The February 18 order also summarized the Staff's December 15, 2020 report filed in this case (December 15 report), which included details of the discussions with stakeholders and recommendations for the Commission's next steps. *See*, February 18 order, pp. 9-13. In that order, the Commission adopted several of the recommendations and provided directives. *See*, February 18 order, pp. 15-20.

As directed by the Commission in the February 18 order, the Staff filed an interim report on December 17, 2021, in this case (December 17 report), detailing the progress made by the Energy Affordability and Accessibility Collaborative (EAAC). On February 10, 2022, the Commission issued a fourth order in the instant docket (February 10 order) addressing the specific recommendations made by the Staff in the December 17 report. *See*, February 10 order, pp. 13-15.

As directed by the Commission, the EAAC advisory committee was created as the Low-Income Energy Policy Board (Board). The Board includes stakeholder leadership from the

EAAC and EWR Low-Income Workgroup subcommittee, peer leaders in state government, related task forces, representatives with experience in energy insecurity, and Staff experts. During calendar year 2022, the Board met on April 15, May 23, June 27, July 24, August 22, October 24, and December 5, with an in-person goal-setting retreat at the Commission's office on September 26, 2022.

A Low-Income Energy Policy Summit (Summit) consisting of Board members and other leaders convened on November 3, 2022, with the task of developing actionable strategies for consideration by the Commission. The EAAC and the EWR Low-Income Workgroup subcommittees worked together to provide foundational resources, research, data collection/analysis, and draft recommendations for the Board's review and as inputs to the Summit. On January 19, 2023, an additional virtual stakeholder session was held to educate participants on the strategies developed at the Summit and to provide an opportunity for comment on the strategies.

On March 16, 2023, the Staff filed its second interim report in this docket (March 16 report) providing an update on the Commission's collaborations and communications in response to COVID-19. The March 16 report summarizes the activities of the EAAC, collaboration with the EWR Low-Income Workgroup, and revision of the collaborative structure including the formation of the Board. It also details the work performed by the EWR Low-Income Workgroup and the EAAC in response to the Commission's directives. For each workgroup or subcommittee, the March 16 report identifies outcomes and outlines recommendations. The March 16 report includes a compilation of recommendations at pages 70-74. The Commission recognizes that the Staff has examined system-wide issues, and thus recommendations include those for action by the Commission as well as for groups outside of the Commission.

On May 18, 2023, the Commission issued an order in this docket (May 18 order) summarizing the recommendations from the March 16 report and setting forth deadlines for comments and reply comments on those recommendations. Subsequently, DTE Electric Company and DTE Gas Company (collectively, DTE), Consumers Energy Company (Consumers), the Citizens Utility Board of Michigan (CUB), Michigan Electric & Gas Association (MEGA), the American Council for an Energy Efficient Economy (ACEEE), and the Michigan Energy Efficiency for All (MEEFA) Coalition¹ filed comments on the recommendations and Consumers, MEGA, the Staff, and MI-MAUI filed reply comments. The comments and reply comments are summarized and further addressed below.

Discussion

As follows, the Commission addresses the recommendations, comments, and reply comments in order of the recommendations as set forth in the March 16 report.

Recommendation 0.1

The Staff recommended that, based upon the time required to fulfill directives in Case Nos. U-20940 and U-20697 to evaluate and make recommendations regarding Percentage of Income Payment Plans (PIPP), the timeline of the EAAC be extended to continue through calendar year 2024 with a reassessment for work beyond 2024. March 16 report, p. 12.

In its comments, CUB disagrees with the recommendation on the timeline to study PIPPs. More specifically, CUB avers that the Staff's recommendation implies that recommendations on PIPPs may not occur until 2025, thereby delaying permanent PIPPs, which is "an unacceptably

¹ The MEEFA Coalition's comments were collectively signed by the following stakeholders: the Michigan Municipal Association for Utility Issues (MI-MAUI), 5 Lakes Energy, the Ecology Center, Elevate, the Natural Resources Defense Council, Soulardarity, Energy Equity and Affordability, EcoWorks, We Want Green Too, and the National Housing Trust.

long timeline for low-income and vulnerable customers to be waiting for programs that can actually bridge the gap between the amount they can reasonably pay and the amount they are being charged for essential services.” CUB’s comments, p. 3.² CUB therefore suggests that the recommendation be modified to set calendar year 2024 for Commission action creating permanent PIPP programs given that PIPPs “are a known approach with years of implementation history in other states.” *Id.*

Consumers replies that CUB’s suggestion presents an unrealistic timeline, noting that “[t]he Commission should allow utilities the opportunity to finish these pilots before deciding on whether a permanent program is warranted and how such a program would be funded.” Consumers’ reply comments, p. 6.

The Staff also replies that it “does not support the premature approval of PIPP pilots until efficiency, cost-benefit, and Michigan Energy Assistance Program (MEAP) Affordable Payment Plan (APP) comparative analyses are performed.” Staff’s reply comments, p. 5. The Staff notes that CUB is correct that other states utilize PIPPs, but those states structure and define success of the programs differently. Therefore, Michigan must first “analyze the functionality of its unique pilot and compare it against existing energy assistance unique to the state” and “approval of PIPP pilots before reviewing the efficacy of the programs would be imprudent.” *Id.*

The Commission agrees with the Staff’s recommendation. Therefore, the timeline of the EAAC is extended through calendar year 2024. The Commission further agrees with the Staff that it is not appropriate to prematurely approve permanent PIPP programs. In that regard, the Commission adopts the recommendation with respect to the timeline as proposed by the Staff.

² CUB’s comments are not paginated; therefore, the Commission references page numbers in natural order beginning with the first page of the comments.

In addition, the Commission notes the recent approval of Public Act 231 of 2023 (Act 231), which in part includes the following directive:

(2) Not later than June 1, 2024, the commission shall open a proceeding to consider options to expand opportunities for public engagement in its decision-making processes and procedures with respect to all of the following:

(a) The accessibility and transparency of the commission’s decision-making processes.

(b) Opportunities for participation in the commission’s decision-making processes, especially by low-income residential customers, residential customers that experience high energy burdens, and individuals and communities impacted by commission decisions.

(c) The responsiveness of commission decisions to community needs and priorities.

Consistent with this directive, the Commission will implement a proceeding in 2024 to continue and expand its review of these pressing issues.

Recommendation 0.2

The Staff recommended that the Commission acknowledge: (1) the Board and associated workgroups act as an avenue for vetting low-income policy issues and ensuring that the goals are managed collaboratively and (2) energy assistance and low-income EWR-related legislative efforts consider the collaborative work of the Board. March 16 report, p. 12.

MEEFA noted its support for the recommendation for the Board and workgroups to continue but emphasizes “*that workgroups are not the only avenues for addressing affordability-related policy issues, including, for example, rate cases and formal rulemaking proceedings.*” MEEFA’s comments, p. 2 (emphasis in original).³ MEEFA further comments that the vast number of workgroups creates barriers to participation and that the Commission should also evaluate proposals originating from outside the workgroup process. MEEFA states that “the Commission

³ MEEFA’s comments are not paginated; therefore, the Commission references page numbers in natural order beginning with the first page of the comments.

should also rule whenever possible on issues in contested dockets rather than referring them to workgroups” and that “issues raised by intervenors in rate cases and other contested dockets should be resolved expeditiously, to ensure they are addressed in a timely manner.” *Id.*

The Commission agrees with this recommendation. As discussed above, the timeline of the EAAC is extended, and the Commission will continue to explore issues going forward consistent with new legislative directives, and as such, the Board may continue to advise the EAAC and other related efforts associated with the scope of work assigned to the EAAC as directed in orders under this instant case.

Recommendation 1.1

The Staff recommended that the Commission provide an updated charge for the Affordability, Alignment, and Assistance (AAA) subcommittee that may reflect potentially unaccomplished work from the original charge, newly identified topics, and/or work that has been proposed to be addressed by the AAA subcommittee in an updated EAAC structure. March 16 report, p. 16.

MEEFA again comments, recommending a revised charge for the AAA subcommittee as follows: *“To achieve energy affordability through changes in rate design and cost allocation, together with identifying avenues to reduce energy use through EWR, and weatherization, and addressing any remaining needs through energy assistance programs and affordable payment plans.”* MEEFA’s comments, p. 3 (emphasis in original). MEEFA avers that rate design is not the only avenue to address affordability and that cost allocation is also important. While MEEFA notes that assistance programs and customer protections are important, MEEFA claims that the affordability of rates should be addressed first. MEEFA opines that a focus on affordable rates including cost allocation “would clearly state the Commission’s intention to exercise its full authority under MCL 460.11(2).” MEEFA’s comments, p. 3.

MEEFA further states that it requests that the Commission continue to require the EAAC to work on integration of weatherization and EWR programming. MEEFA believes that:

it would be a mistake to de-emphasize or limit EAAC's efforts to integrate assistance programs with EWR and Weatherization programs, beyond discussing referrals. If the EAAC is committed to taking initial steps towards systems change solutions, as it states earlier in the report, then making meaningful connections between crisis support programs and long-term affordability is key. Energy efficiency (including EWR and Weatherization programs in MI) is an indispensable tool for long-term affordability.

MEEFA's comments, p. 4.

Consumers replies that "MEEFA's position is counter to generally accepted industry guidance on cost allocation as well as Michigan law, which requires the Commission to 'ensure the establishment of electric rates equal to the cost of providing service to each customer class.'" Consumers' reply comments, p. 2 (quoting MCL 460.11(1)). Consumers further states that the cost-of-service study (COSS) is not intended to weigh affordability and is, rather, intended to assign "costs based on who or what is driving costs using various studies or other supporting evidence." Consumers' reply comments, p. 2. Therefore, Consumers concludes that the determination of an appropriate low-income credit is a decision that should be made by the Commission outside of the COSS. Consumers also disputes any suggestion that its rates are unaffordable. Consumers claims that its rates are affordable and consistent with those in other states and that any implication that "payment plans, shutoff forbearance, and assistance programs would not be needed if rates in Michigan were cheaper" is improper. *Id.*, p. 3.

The Staff also replies that MEEFA's proposed revision to the charge should be rejected because it is "ambiguous as it overlaps the existing charges of the EAAC and [the Board]" and that "[t]he charge proposed by the MEEFA Coalition for the AAA subcommittee is aimed at addressing issues that the Commission has already directed at the EAAC in other orders." Staff's

reply comments, pp. 10-11. The Staff continues, arguing that the proposed charge is inconsistent with a cost of service (COS) basis for rate design and cost allocation. The Staff contends that allocating less costs to residential customers would lower residential rates but would also be in violation of MCL 460.11 which requires cost-based rates. *See*, Staff’s reply comments, pp. 11-12.

Thus, the Staff asserts that:

cost allocation should continue to be handled in rate cases unless an issue is raised in a contested proceeding that calls into question the intersection of low-income and cost-based rates. Otherwise, low-income issues can continue to be addressed in the EAAC and cost-based rate design and cost of service studies can continue to be addressed in rate cases.

Staff’s reply comments, p. 13.

With respect to affordability, the Staff again emphasizes that rates are cost-based and that many social determinants affect whether a bill is affordable. The Staff also responds that the Commission already exercises its authority under MCL 460.11(2) through the implementation of the Residential Income Assistance (RIA) credit. The Staff states that “[t]he RIA credit is not specifically dictated by statute, which is why the [Commission] and utilities are piloting PIPPs to determine the best way of fulfilling this statute.” Staff’s reply comments, p. 14. Given this, the Staff continues to recommend that the revised charge included in the March 16 report be adopted rather than MEEFA’s proposed revised charge.

The Commission supports the Staff’s recommendation. As noted above, the Commission extends the timeline of activity for the EAAC and notes that EAAC should continue to work on current directives including, from Case No. U-20836, the Low-Income Cost of Service Study and providing recommendations regarding low-income assistance (LIA) and RIA credits, and the evaluation of PIPP pilot programs. In addition, newly identified topics and newly proposed tasks may be addressed in the legislatively mandated proceeding to occur in a separate docket to be

opened in the coming months. The Commission declines to revise the charge as suggested by MEEFA and further notes that COS and similar issues are heavily contested and are most appropriately considered in the context of contested proceedings, such as in a general rate case.

Recommendation 1.2

The Staff recommended that the Commission encourage utilities to treat customers who self-attest to RIA eligibility the same way that State Emergency Relief (SER) and Home Heating Credit (HHC) recipients are treated for outreach and services offered and for utilities to provide an EWR referral where applicable. March 16 report, p. 18.

DTE comments that Recommendation 1.2 is unworkable. DTE maintains that it would be difficult to identify self-attested RIA customers and that “all RIA recipients could be referred to EWR.” DTE’s comments, p. 1.⁴ DTE also indicates that referring customers as enrolled would not be effective and suggests to alternatively provide batches of RIA referrals to allow EWR to identify multi-family residences and enable EWR to work with landlords for properties. DTE notes that EWR programs operate through community action agencies that often have waitlists and it should be clarified whether the RIA referrals would enter that same waitlist. *See*, DTE’s comments, p. 2.

MEGA also comments that “there may be, for smaller utilities, staffing and data system limitations that prevent this from occurring and that additional costs may be incurred in order to meet this potential requirement” and suggests “at a minimum an implementation timeline for utilities to meet any new requirement requiring staffing or data system modifications.” MEGA’s comments, pp. 2-3.

⁴ DTE’s comments are not paginated; therefore, the Commission references page numbers in natural order beginning with the first page of the comments (excluding the cover page).

The Staff replies that DTE’s suggestion that all RIA customers receive EWR referrals is reasonable. *See*, Staff’s reply comments, p. 6. In response to MEGA, the Staff agrees that “there should be a timeline for utilities to implement EWR outreach to RIA self-attesters, consistent assistance advertisement on utility websites, and outreach to previous assistance recipients.” *Id.*

In reply, Consumers states that it supports DTE’s comments. Consumers notes, however, that “utilities should have flexibility regarding the best practices for identifying RIA customers and conducting outreach to RIA customers.” Consumers’ reply comments, p. 7.

MI-MAUI also replies indicating support for the recommendation, arguing that it “will simplify the process for customers to receive both EWR and assistance services” and that “[m]aking the process more user-friendly is imperative.” MI-MAUI’s reply comments, p. 1.⁵ In addition, MI-MAUI notes that DTE’s suggestions appear consistent with the recommendation and that MI-MAUI “would be receptive to more complete development of [its] suggested approach.” *Id.*

The Commission finds that the Staff’s recommendation is reasonable. As such, the Commission encourages utilities to treat customers who self-attest to RIA the same way that SER and HHC recipients are treated for outreach and services offered and further recommends that the utilities provide an EWR referral where applicable, consistent with the Staff’s recommendation.

Recommendation 1.3

The Staff recommended that the Commission order all regulated utilities to work with the Staff to advertise the RIA along with other assistance offerings on their websites in a similar and consistent fashion with similar content. March 16 report, p. 18.

⁵ MI-MAUI’s comments are not paginated; therefore, the Commission references page numbers in natural order beginning with the first page of the comments.

In comments, DTE states that it already has consistent advertisement of RIA and assistance offerings on its website. *See*, DTE’s comments, p. 2.

MEGA also comments that “there may be, for smaller utilities, staffing and data system limitations that prevent this from occurring and that additional costs may be incurred in order to meet this potential requirement” and suggests “at a minimum an implementation timeline for utilities to meet any new requirement requiring staffing or data system modifications.” MEGA’s comments, pp. 2-3.

The Staff acknowledges that “utilities provide varying degrees of information about energy assistance on websites” but “maintains its position that utilities should work with Staff to review websites for accessibility and consistency, where possible, with other utilities to ensure a consistent customer experience.” Staff’s reply comments, p. 7. In response to MEGA, the Staff agrees that “there should be a timeline for utilities to implement EWR outreach to RIA self-attesters, consistent assistance advertisement on utility websites, and outreach to previous assistance recipients.” Staff’s reply comments, p. 6.

The Commission finds the Staff’s recommendation to be reasonable. As such, the Commission finds that the utilities should work with the Staff to advertise the RIA along with other assistance offerings on their websites in a similar and consistent fashion with similar content, consistent with the Staff’s recommendation.

Recommendation 1.4

The Staff recommended that the Commission emphasize the importance of MEAP grantees and utilities reaching out to past SER, HHC, and utility credit recipients to instruct them on how to apply for assistance if needed and notify those customers that there are monthly utility assistance credits available for those who qualify. March 16 report, p. 18.

MEGA comments that “there may be, for smaller utilities, staffing and data system limitations that prevent this from occurring and that additional costs may be incurred in order to meet this potential requirement” and suggests “at a minimum an implementation timeline for utilities to meet any new requirement requiring staffing or data system modifications.” MEGA’s comments, pp. 2-3.

In response to MEGA, the Staff agrees that “there should be a timeline for utilities to implement EWR outreach to RIA self-attesters, consistent assistance advertisement on utility websites, and outreach to previous assistance recipients.” Staff’s reply comments, p. 6.

The Commission again finds the Staff’s recommendation to be reasonable. The Commission emphasizes the importance of MEAP grantees and utilities proactively reaching out to past SER, HHC, and utility credit recipients to instruct them on how to apply for assistance if needed and notify those customers that there are monthly utility assistance credits available for those who qualify.

Recommendation 1.5

The Staff recommended that the Commission order utilities with a LIA credit to file the same LIA report as DTE Electric Company was ordered to file in Case No. U-20836 so that the LIA credit distribution can be assessed on a macro level and attempts can be made to align credit distribution policies across utilities. March 16 report, p. 18.

In comments, DTE states that this recommendation implies that policies will be uniform across all utilities. DTE argues that “it should be able to offer programs that best suit its customers even if these programs differ somewhat from those offered by other utilities.” DTE’s comments, p. 2.

MEGA comments that collection of data can be costly and intensive for utility staff. Therefore, “MEGA requests that if data is to be required, that there be considerations made for collecting the data, such as limiting the frequency of reporting” and “that collections not continue in perpetuity, and having either a stop date for collection or an evaluation at the end of the process whether data needs to be continued would be beneficial for all parties.” MEGA’s comments, p. 3.

The Staff replies that it does not request a regular cadence to the recommended LIA reporting. The Staff continues, stating that “DTE Electric Company is voluntarily reporting on its LIA program quarterly” but that “if the Commission were to approve a reoccurring reporting requirement, Staff would support a requirement that all investor-owned utilities report RIA, LIA, and senior credit disbursements annually bifurcated by month in a newly established docket.” Staff’s reply comments, p. 8. The Staff further indicates that “while DTE may want to ensure they can offer unique programs to suit the needs of their customers, Staff and the EAAC will continue to make recommendations on what they find appropriate for utility energy assistance programming.” *Id.*, pp. 8-9. The Staff further notes that a utility is able to submit additional data to support differences in programming to the EAAC and the Commission.

MI-MAUI also replies, stating that it agrees that the scope and effectiveness of LIA reporting should be reevaluated periodically. However, MI-MAUI disagrees that reporting should sunset as suggested by MEGA. MI-MAUI notes support for frequent reporting but also acknowledges that the burden is disparate for large and small utilities. Therefore, MI-MAUI suggests “that larger utilities, such as DTE and Consumers Energy, should continue to report monthly, and smaller utilities should report quarterly.” MI-MAUI’s reply comments, p. 2.

The Commission looks forward to the AAA subcommittee evaluation of RIA and LIA as a fulfillment of MCL 460.11(2), and directs the utilities to work with the Staff to provide necessary

data to that end. In addition, the Commission directs the Staff to combine this analysis with a comparative analysis of PIPP pilots and the MEAP offerings to ensure a comprehensive understanding of current offerings.

Recommendation 1.6

The Staff recommended that the Commission clarify the use of equity and centering impacted communities in energy assistance programming and analysis. March 16 report, pp. 18-19.

No comments were filed on this recommendation.

The Commission finds the recommendation to be reasonable and that this can be further evaluated as part of the proceeding to be implemented consistent with Act 231, discussed above, or as part of a separate proceeding focused on equity.

Recommendation 1.7

The AAA subcommittee recommended that additional training opportunities be pursued to provide assistance workers with a deeper understanding of how and where to direct an EWR referral. March 16 report, p. 19.

ACEEE recommends that follow-up should be added “**to help ensure that EWR services are in fact received, and in a timely manner.**” ACEEE’s comments, p. 2 (emphasis in original).⁶

The Commission finds the subcommittee’s recommendation to be reasonable and agrees that additional training opportunities should be pursued.

Recommendation 1.8

Per the Data Analysis and Regulatory Review (DARR) subcommittee recommendation 2.10, the Staff recommended that it collaborate with the Michigan Department of Health and Human

⁶ ACEEE’s comments are not paginated; therefore, the Commission references page numbers in natural order beginning with the first page of the comments.

Services (MDHHS) in redefining crisis as it pertains to energy assistance programs and address the process of determining how critical care customers can receive assistance. March 16 report, p. 19.

DTE comments that it supports “redefining crisis to minimize this source of unmanageable arrears balances” and “changes allowing assistance to customers with documented EWR projects that are deferred as described.” DTE’s comments, p. 2. DTE further recommends that changes be made to the billing practice rules, if possible, to avoid legislative changes.

MEGA also comments noting its support for “efforts to improve the customer experience for applying for and receiving assistance through the state, utilities, and our partner social service agencies.” MEGA’s comments, p. 3. Further, MEGA states that it does not have specific comments but is “willing to provide input on future proposals that streamline the process for all the stakeholders involved in the assistance process.” *Id.*

The Commission finds the subcommittee’s recommendation to be reasonable. The Staff should continue to collaborate with MDHHS, including to work on redefining crisis as it pertains to energy assistance programs and address the process of determining how critical care customers can receive assistance, consistent with the recommendation.

Recommendation 1.9

The AAA subcommittee recommended that HHC approval be considered for MEAP eligibility. March 16 report, p. 20.

DTE notes its support for this recommendation and indicates that these “changes would require system changes, should such changes be made by the legislature.” DTE’s comments, p. 2.

MEGA also comments, noting its support for “efforts to improve the customer experience for applying for and receiving assistance through the state, utilities, and our partner social service agencies.” MEGA’s comments, p. 3. Further, MEGA states that it does not have specific

comments but is “willing to provide input on future proposals that streamline the process for all the stakeholders involved in the assistance process.” *Id.*

The Commission finds this recommendation to be reasonable. In the coming months, along with the legislatively mandated review, HHC approval should be considered for MEAP eligibility. Overall, the Commission finds that energy assistance programs need to be reevaluated as part of a broader consideration. The Commission will continue its work in evaluating this and to engage impacted customers in the coming months, consistent with the legislative directive in Act 231.

Recommendation 1.10

The AAA subcommittee recommended the elimination of energy co-pays or to re-work interdependency in co-pays in the SER application. March 16 report, p. 20.

In comments, MEGA notes its support for “efforts to improve the customer experience for applying for and receiving assistance through the state, utilities, and our partner social service agencies.” MEGA’s comments, p. 3. Further, MEGA states that it does not have specific comments but is “willing to provide input on future proposals that streamline the process for all the stakeholders involved in the assistance process.” *Id.*

The Commission finds this to be a reasonable recommendation to be further evaluated in the coming months, consistent with the above discussion.

Recommendation 1.11

The AAA subcommittee recommended that energy assistance applications be streamlined and made more accessible. March 16 report, p. 20.

In comments, MEGA notes its support for “efforts to improve the customer experience for applying for and receiving assistance through the state, utilities, and our partner social service agencies.” MEGA’s comments, p. 3. Further, MEGA states that it does not have specific

comments but is “willing to provide input on future proposals that streamline the process for all the stakeholders involved in the assistance process.” *Id.*

Similar to the above, the Commission finds this to be a reasonable recommendation. Consistent with the above discussion, the Commission finds this recommendation should be further evaluated in the coming months as part of a broader discussion.

Recommendation 1.12

The AAA subcommittee recommended that additional outreach be provided to assistance customers so that they are aware of utility credits that may be available to them. March 16 report, p. 22.

In comments, MEGA notes its support for “efforts to improve the customer experience for applying for and receiving assistance through the state, utilities, and our partner social service agencies.” MEGA’s comments, p. 3. Further, MEGA states that it does not have specific comments but is “willing to provide input on future proposals that streamline the process for all the stakeholders involved in the assistance process.” *Id.*

The Commission supports the recommendation to expand outreach to assistance customers. Thus, the Commission finds that the Staff should work with MEAP grantees and utilities to explore methods that improve outreach efforts, consistent with the recommendation.

Recommendation 1.13

The AAA subcommittee recommended that virtual energy assessments be offered as an option. March 16 report, p. 22.

In comments, DTE indicates that in-person audits are preferable to virtual energy assessments. DTE’s comments, p. 2.

Similarly, ACEEE comments that the recommendation should be revised to include language “**but only in cases where the much more effective on-site assessment is explicitly refused.**”

ACEEE’s comments, p. 2 (emphasis in original). In addition, ACEEE notes that “a good on-site energy assessment by a qualified expert is far more accurate and far more effective at resulting in substantive energy efficiency improvements than a remote virtual assessment . . . not to mention also much more able to discover and identify factors that may be health or safety concerns.” *Id.*

MEGA also comments that “virtual assessments are empirically not as effective as in-home assessments.” MEGA’s comments, p. 4. MEGA further states that, with a focus on EWR, utility resources should be focused on willing customers to maximize the limited resources.

In reply, MEGA responds to both DTE’s and ACEEE’s comments once again noting that in-person audits are preferable. MEGA further states that it prefers that the Commission decline this recommendation; however, MEGA supports ACEEE’s additional language if the recommendation is adopted.

The Commission finds the subcommittee’s recommendation to be reasonable. The Commission notes the position that in-home assessments are preferable and more effective but finds that virtual assessments should be explored as an option where appropriate.

Recommendation 1.14

The AAA subcommittee recommended that inter-agency coordination take place to assist customers with old bills or no billing history to obtain housing and new utilities at a new address. March 16 report, p. 22.

No comments were filed on this recommendation.

The Commission finds that the recommendation is reasonable and that the Staff should work to achieve inter-agency coordination to assist customers, consistent with the recommendation.

Recommendation 1.15

The AAA subcommittee recommended that more flexibility be incorporated into assistance programs for customers with higher usage and arrears. March 16 report, p. 22.

No comments were made on this recommendation.

The Commission finds this recommendation to be reasonable and concludes that in the coming months additional review of assistance programs will take place including the potential for improved flexibility for customers with higher usage and arrears.

Recommendation 1.16

The AAA subcommittee recommended that additional training be provided to frontline staff to better understand the impacts of EWR on affordability. March 16 report, p. 23. The Staff proposed that this recommendation undergo further analysis by more appropriate organizations or workgroups (e.g., EWR issues addressed by the EWR-Low Income Workgroup or the Staff) and that recommendations pertaining to utility spending be subject to utilities proposing cost estimates for the needed upgrades—in order for the Staff to provide a more substantive benefit/cost analysis (BCA) analysis. March 16 report, p. 22.

No comments were filed on this recommendation.

The Commission finds this recommendation to be reasonable and agrees that additional training opportunities should be further analyzed for potential implementation.

Recommendation 1.17

The AAA subcommittee recommended the creation or identification of a central platform for scheduling, logging, and tracking EWR referrals. March 16 report, p. 23. The Staff suggested that this recommendation undergo further analysis by more appropriate organizations or workgroups (e.g., EWR issues addressed by the EWR-Low Income Workgroup or the Staff) and that

recommendations pertaining to utility spending be subject to utilities proposing cost estimates for the needed upgrades—in order for the Staff to provide a more substantive BCA. March 16 report, p. 22.

DTE notes its agreement with the member dissent to this recommendation as reflected in the March 16 report. DTE’s comments, p. 2; *see also*, March 16 report, p. 23.

MEGA also comments that the March 16 report captures the utilities’ concerns and notes that “[f]or smaller utilities, these concerns are even more pronounced.” MEGA’s comments, p. 4. MEGA contends that “[t]here are multiple barriers to centralized scheduling, logging, and tracking EWR referrals with the first being referrals come from many different sources.” *Id.* MEGA also states that not all utilities provide EWR programming and those that do provide programming utilize a variety of implementors with varying tracking systems. Finally, MEGA states that “many utilities will provide EWR services as part of a group or collaboration.” *Id.*

The Commission finds that the recommendation for the creation of a central platform for scheduling, logging, and tracking EWR referrals should be explored further in the EWR Low-Income workgroup with a presentation of the findings by the workgroup by September 30, 2024.

Recommendation 2.1

The Staff recommended that the Commission combine the Case No. U-20757 Report and the Quarterly Report. March 16 report, p. 26.

DTE comments that it supports this recommendation and that monthly data should be submitted on a quarterly basis. DTE’s comments, p. 2.

MEGA also comments, noting its support for this recommendation. MEGA further offers its “willingness to partner on data submissions and streamline the current reporting of data by utilities to the Commission in the various dockets and ad-hoc requests.” MEGA’s comments, p. 4.

The Commission finds the recommendation to combine the Case No. U-20757 Report and the Quarterly Report reasonable, and therefore, adopts this recommendation. To this end, the Commission directs the combining of the Case No. U-20757 Report and the Quarterly Report to be completed by December 2024, integrating the work of this recommendation with the work approved in other recommendations on data submission. The Commission finds value in continuing to request reports that reflect customer shutoff, disconnection, and reconnection data beyond fulfilling the original goal to evaluate investor-owned utilities’ customer protections in response to the COVID-19 pandemic. In addition, the ongoing reporting of customer shutoffs and arrearages may be included going forward as part of a broader conversation consistent with this recommendation, Act 231, and any other related future proceeding the Commission will establish.

Recommendation 2.2

The Staff recommended that the Commission require that utilities report arrearage data in the delinquency category for the balance accrued and add an additional arrearage category to the reporting template for arrearage amounts that are being written off. March 16 report, p. 26.

DTE notes its agreement with the need for the Staff to work with utilities in developing an understanding of when a customer account is written off. Further, DTE states that “[t]he template may need to be changed or updated to correctly reflect the information Staff wants to gather.”

DTE’s comments, p. 3.

MEGA indicates its support of the recommendation but “data system limitations may make reporting more difficult than currently contemplated, and [MEGA] looks forward to working through these issues with Staff in a collaborative fashion.” MEGA’s comments, p. 5.

The Commission finds the recommendation to require that utilities report arrearage data in the delinquency category for the balance accrued and add an additional arrearage category to the reporting template for arrearage amounts that are being written off to be reasonable, and therefore, adopts this recommendation. The Commission directs the Staff to work with utilities on a process and implementation timeline to be completed by December 2024. The data reporting process should be filed in this docket; however, as previously discussed, additional ongoing reporting requirements may be further explored going forward as part of a broader conversation consistent with Recommendation 2.1.

Recommendation 2.3

The Staff recommended that the shutoffs only be reported as the total number of customers shut off during the month as they are currently reported within the Quarterly Report. March 16 report, p. 27.

DTE comments its support for the recommendation for shutoffs to be reported as the total number of shutoffs in the month. *See*, DTE’s comments, p. 3.

MEGA again indicates its support of the recommendation but that “data system limitations may make reporting more difficult than currently contemplated, and [MEGA] looks forward to working through these issues with Staff in a collaborative fashion.” MEGA’s comments, p. 5.

The Commission finds reasonable the recommendation that the shutoffs only be reported as the total number of customers shut off during the month as they are currently reported within the Quarterly Report, and therefore, adopts this recommendation. Further, as stated above, the

Commission directs the Staff to work with utilities on a process to be completed by December 2024.

Recommendation 2.4

The Staff recommended that the occupied/unoccupied reporting metric in the Case No. U-20757 Report be removed. March 16 report, p. 28.

DTE notes support for the recommendation that occupancy information be eliminated from the reporting requirements. *See*, DTE's comments, p. 3.

MEGA also indicates its support of the recommendation, but that "data system limitations may make reporting more difficult than currently contemplated, and [MEGA] looks forward to working through these issues with Staff in a collaborative fashion." MEGA's comments, p. 5.

The Commission finds the recommendation that the occupied/unoccupied reporting metric in the Case No. U-20757 Report be removed reasonable, and therefore, adopts this recommendation. As previously stated, the Commission directs the Staff to work with utilities on a process to be completed by December 2024.

Recommendation 2.5

The Staff recommended that the Commission add the total number of medical emergency denials and total number of critical care denials during the month to the monthly report and update the data reporting template. March 16 report, p. 28.

MEGA again indicates its support of the recommendation but that "data system limitations may make reporting more difficult than currently contemplated, and [MEGA] looks forward to working through these issues with Staff in a collaborative fashion." MEGA's comments, p. 5.

The Commission finds the recommendation to add the total number of medical emergency denials and total number of critical care denials during the month to the monthly report and update

the data reporting template reasonable, and therefore, adopts this recommendation. As such, the Commission directs the Staff to work with utilities and other interested persons as appropriate to develop a new data reporting template and a timeline for its implementation to be completed by December 2024. The data reporting template should be filed in this docket; however, as previously discussed, additional ongoing reporting requirements may be further explored going forward as part of a broader conversation consistent with Recommendation 2.1.

Recommendation 2.6

The Staff recommended the Commission move towards collecting shutoff and arrearage data by zip code or census tract. March 16 report, p. 29.

In comments, DTE notes that it has filed detailed comments on data reporting by zip code and census tract in Case No. U-20959 and avers that it is duplicative to address such reporting in this case. DTE contends that any findings regarding such data in Case No. U-20959 can be applied to this case. DTE states that if geographical data is required, it prefers zip code or city reporting because these are already available in its system and “would require less time and fewer resources to implement.” DTE’s comments, p. 3.

Consumers also comments that the same data sharing and privacy requirements at issue in Case No. U-20959 are apparent with respect to Recommendation 2.6. Specifically, Consumers states that, “[b]ased on the Company’s concern with matching external Census tract data and sharing customer data by either Census tract or zip code, Consumers Energy recommends Recommendation 2.6 . . . be removed given that protecting customer privacy becomes increasingly difficult with each granular data release.” Consumers’ comments, p. 2. In the alternative, Consumers avers that the concerns be noted and revisited once there has been a ruling in Case No. U-20959.

MEGA comments that it appreciates the Staff’s work and efforts in this area, specifically in Case No. U-20959. In that regard, MEGA requests that Recommendation 2.6 “be held in abeyance until further direction is provided by the Commission regarding data availability and privacy.” MEGA’s comments, p. 5. In addition, MEGA requests that the Commission adopt a single data format, preferably zip code-level, as it is “more accessible to members, and likely would require fewer data system enhancements to yield the information.” *Id.* MEGA again emphasizes its concerns regarding increased data requests and resulting expenses, and requests that utilities be provided ample time to implement new processes for data collection. MEGA also requests that the Commission grant flexibility in reporting frequency, preferably less than quarterly to “assist members in meeting their obligation while also effectively managing staff resources.” *Id.*, p. 6.

In comments, CUB notes agreement with “the call from MI-MAUI and other groups to modify the Staff’s recommendation to collect shutoff and arrearage data by zip code or census tract and for a study to examine the costs of reporting by census tract versus zip code.” CUB’s comments, p. 3. Further, CUB comments that the recommendation should be modified to require that the study be jointly managed by the Staff and the utilities.

MEEFA also comments that it supports the recommendation and is not convinced that such reporting will be as burdensome as the utilities have suggested given the data is already collected and available. *See*, MEEFA’s comments, p. 4. Given this, MEEFA contends that time and expense should not be utilized to conduct a cost study and recommends “quarterly reporting of geographically segmented data in part to align with Staff’s Recommendation 2.1, which recommends quarterly filing of the unified [Case No.] U-20757 reports” and that “[q]uarterly reporting allows policymakers, advocates, and assistance providers to react faster and more

precisely if problems arise in only part of a utility’s service territory.” *Id.* Further, MEEFA avers that both zip code and census tract level reporting would be an improvement but that it prefers census tract level reporting which “carries distinctive advantages that the Commission should consider when making a final determination on this issue.” *Id.* MEEFA also states that utility objections regarding granular reporting are not reasonable objections because the data will show disparities concerning affordability issues relate to important public policy issues regardless of whether the disparities are actually attributable to a utility’s policies.

MEGA replies that it echoes Consumers’ concerns regarding privacy and suggestion to review this recommendation in Case No. U-20959. With respect to a cost study, MEGA notes its support for such a study and disputes MEEFA’s comment that it is unnecessary. MEGA further states that its “members are, as always, willing to share the necessary data with Staff and the Commission to provide information as requested, and any actual costs would ultimately be subject to scrutiny in requests for rate relief made by the utility.” MEGA’s reply comments, p. 3.

In reply, MI-MAUI notes the concerns of the utilities and the ongoing discussion regarding the data issue in Case No. U-20959. MI-MAUI contends that “that the availability of geographically granular data is a matter of both urgency and importance for a variety of stakeholders and policymakers” and that the concerns should be addressed without delay. MI-MAUI’s reply comments, p. 2. In response to DTE, MI-MAUI disagrees with respect to the value of data to policy makers and others. Specifically, MI-MAUI states that:

individual-customer data would allow local governments, service providers, and other stakeholders to target their programs with the greatest accuracy, it does not follow that only individual customer data is of value for program planning and delivery. Simply knowing what neighborhoods might need more help or investment will facilitate program outreach and communications with greater efficacy than casting a wide net, as they would have to do lacking all segmented data.

Id., pp. 2-3. Similarly, MI-MAUI states that the privacy concerns raised by Consumers is no reason to delay *both* reporting by zip code and census tract, only one. MI-MAUI further reiterates that census tract data would be the most valuable and that it does not believe the additional cost of reporting would outweigh the value of the data. In response to MEGA, MI-MAUI states that it would be supportive of smaller utilities being permitted to report less frequently. Concluding, MI-MAUI reiterates its recommendation “that the Commission proceed with a limited approach,” noting “that the objections received in this docket primarily state concern with collecting both zip code and census tract data, which is not what the Staff recommended.” *Id.*, p. 3. Therefore, MI-MAUI suggests that “[t]he burdens and risks of collecting both kinds of data segmentation can be examined with greater care in the [Case No.] U-20959 proceeding, but for now we recommend the Commission proceed with collecting this data only at the census-tract level” *Id.*

The Commission finds the recommendation to move toward collecting shutoff and arrearage data by zip code and census tract to be reasonable. As noted on the record, other data is already being reported by zip code and census tract and an additional cost of data collection study is not warranted at this time. Therefore, the Commission adopts the recommendation.

Recommendation 2.7

The Staff recommended that the Commission add the number of customers restored within five days of being disconnected for nonpayment to the monthly report and update the form with the metric and definition. March 16 report, p. 30.

MEEFA comments that it is important “*to know both the mean length of shutoffs and the standard deviation.*” MEEFA’s comments, p. 5 (emphasis in original). MEEFA reiterates that utilities have not done enough to make bills affordable for all and that assistance programs are not reaching enough customers. Thus, MEEFA avers that the data including the mean length and

standard deviation of shutoffs is needed to more accurately identify the frequency and likelihood of customer disconnections. MEEFA concludes that it is important “to know how long most shutoffs last” and that “this is a much more important focus than knowing how many are restored within an arbitrary period such as five days.” *Id.*, p. 6.

MEGA replies that it is supportive of the Staff’s recommendation but notes that “MEEFA’s request to obtain the ‘mean length of shutoffs and the standard deviation’ fails to provide a rational basis for the data request.” MEGA’s reply comments, p. 4. MEGA, therefore, contends that MEEFA’s request should be denied as it does not provide sufficient justification for the expenditure of additional utility and Staff resources and time.

The Commission finds the recommendation to add the number of customers restored within five days of being disconnected for nonpayment to the monthly report and update the form with the metric and definition reasonable, and therefore, adopts this recommendation. The Commission, therefore, directs the Staff to work with utilities and other interested persons as appropriate to develop a new data reporting template and a timeline for its implementation to be completed by December 2024. The data reporting template should be filed in this docket; however, as previously discussed, additional ongoing reporting requirements may be further explored going forward as part of a broader conversation consistent with Recommendation 2.1.

Recommendation 2.8

The Staff recommended that the Commission open a new docket to review the Medical Certification Form approved under Case No. U-18479 and adopt the new protection. March 16 report, p. 30.

DTE comments that it is supportive of the inclusion of the date of birth to medical certification forms. DTE’s comments, p. 3.

The Commission finds that this recommendation is reasonable and that in the coming months a new docket should be opened to review the previously approved Medical Certification Form.

Recommendation 2.9

The Staff recommended that the Commission encourage utilities that are not offering “other shutoff protection plans” to explore different payment plan options similar to other industry shutoff protection plans. March 16 report, p. 31.

MEGA comments that it appreciates the Staff’s recommendation. Further, MEGA states that while many of its “members believe the programs they currently offer provide adequate assistance, members are always willing to discuss new and innovative programs that can provide their customers with assistance and relief when needed.” MEGA’s comments, pp. 6-7.

The Commission supports this recommendation and reemphasizes that it will continue its work exploring, among other issues, assistance programs in the coming months.

Recommendation 2.10

The Staff recommended that the Commission order the creation of a critical care protection collaborative to discuss possible rule changes focusing on the critical care customer journey and detailing appropriate steps for customers to seek assistance both at enrollment and at renewal periods and explore payment plan options for non-income-qualified customers prior to receiving recertification. March 16 report, p. 31.

In comments, DTE notes that it supports this recommendation. DTE’s comments, p. 3.

CUB also comments that any requirement for the critical care program applicants to first seek assistance in eliminating their arrears should be rejected. CUB continues, stating that “[t]he fact that a customer would be applying for the critical care program should be considered that that

customer has exhausted other options” and “access to other assistance should not be a disqualifying condition” to customers in such a vulnerable position. CUB’s comments, p. 2.

MEEFA similarly comments that applicants and re-applicants should not be required to first seek assistance in eliminating arrears. Specifically, MEEFA asserts that, “[b]y its nature, the critical care program is designed to protect customers for whom interruption of utility service would be ‘immediately life-threatening’” and that “[r]equiring applicants to go through an additional application process before receiving protection under the program is not reasonable and would put customers’ lives at risk.” MEEFA’s comments, p. 6. MEEFA further contends that it is not reasonable to require pro-rated payments while on the critical care program and that “[i]t should be remembered that customers eligible for critical care protections may be facing other economic hardships because of their condition – such as job loss or an inability to work – that makes it more challenging for them to pay their bills, even at a pro-rated amount.” *Id.* MEEFA also notes support for the Staff’s recommendation for proactive engagement with ratepayers regarding shutoff protection programs including “appropriate encouragement to pay the customer’s regular bill and portions of any overdue balance, as they are able.” *Id.*, p. 7.

In reply, Consumers states that it agrees that it would be “appropriate for applicants and re-applicants to seek assistance before applying to Critical Care” and that it is “unreasonable to assume that applicants will have naturally exhausted all other energy assistance options prior to applying.” Consumers’ replies to comments, p. 6.

The Staff also replies that an assumption that customers applying to critical care programs previously exhausted other options is inaccurate. The critical care program should be the last level of protection for customers, and during subgroup meetings, the Staff learned “that not all customers that qualify for assistance are attempting to pay arrears or seek assistance when it is

available.” Staff’s replies to comments, p. 3. Further, the Staff indicates that the requirement to first seek assistance in eliminating arrears was discussed at length and that “it would be helpful to customers that are not aware that assistance is available and that this step of applying for assistance could help lower their outstanding account balance.” *Id.*, p. 4. In sum, the Staff emphasizes its findings on pages 31 to 33 of the March 16 report and “continues to recommend that the Commission create a critical care collaborative and that the collaborative explore payment plan options for non-income-qualified customers to better serve customers long-term.” *Id.*

In reply, MEGA suggests that the varying opinions raised on this issue support the Staff’s recommendation to conduct a collaborative. In conclusion, MEGA notes that its “members remain committed to ensuring critical care customers are protected and welcome the opportunity for further discussions to align on this topic.” MEGA’s reply comments, p. 5.

The Commission first wishes to thank the participants for their active engagement and concern on this recommendation. There are numerous issues regarding the critical care program to be explored. In that regard, the Commission finds that the Staff’s recommendation is reasonable and should be adopted, and the Staff should establish a critical care protection collaborative to commence in 2024, and file a summary of findings in this docket by December 2024.

Recommendation 2.11

The Data Analysis and Regulatory Review Subcommittee recommended that the requirement mandating customers receiving the HHC be placed on the winter protection program be modified.

March 16 report, p. 33.

No comments were filed on this recommendation.

The Commission finds that this recommendation is reasonable and that the Staff should continue discussions with the Michigan Department of Treasury to explore this recommendation in the coming months.

Recommendation 2.12

The DARR subcommittee recommended that the copayment requirements within the MDHHS assistance approval process be modified.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Staff should continue to work with MDHHS to address this concern in the coming months.

Concept 2.D

In the March 16 report, the Staff noted that changes were suggested to the Medical Emergency Protection policies—specifically, that “[a]dvocates also brought forward the need for a medical emergency appeal process when denials occur.” March 16 report, p. 37. The Staff recommended modifications to the Medical Certification Form and “believes that the modifications to the form will alleviate some denials” such that “if a customer is denied they could seek recourse by filing one of the following: an informal complaint through the [Commission], a customer hearing through their utility, and/or a formal complaint through the [Commission].” *Id.*, p. 37.

MEEFA comments on Concept 2.D, stating that it recommends “*that the rules be amended to clearly state that properly completed and signed medical exemption forms should be presumed valid and shall be granted by the utility to ensure that people who need help get it.*” MEEFA’s comments, p. 7 (emphasis in original). MEEFA notes agreement with the Staff that modifications to the form may alleviate some of the denials but suggests that it is not enough. MEEFA states

that the first priority should be ensuring that people get the help they need rather than focusing on preventing people from getting assistance fraudulently. MEEFA contends that:

[i]n the absence of evidence that the form is the main problem, efforts should also seek to make the application process more applicant-friendly, with priority placed on making it as straightforward, transparent, and supportive to medically suffering people as practicable. By the same reasoning, utility staff, who have no required medical credentials, should not be substituting their medical judgment for a physician's.

MEEFA's comments, pp. 7-8.

MEEFA also recommends that the rules be modified to require a utility to explain the basis for the denial and to notify applicants of options. MEEFA contends that these changes are common aspects of other areas and should be incorporated into the rules. Finally, MEEFA recommends that *“standards be clarified through statute amendments or through specific definitional changes for adoption within the Commission's rulemaking authority to avoid unreasonably strict interpretations that can potentially result in catastrophic health outcomes.”* MEEFA's comments, p. 8 (emphasis in original).

The Commission finds that the addition of a further appeal process is not warranted at this time. Additionally, considering the opening of the docket to consider changes to the Medical Certification Form (discussed under Recommendation 2.8 above), the Commission finds that many of the concerns raised may be addressed through the revision of the form. Therefore, the Commission declines to adopt Concept 2.D.

Concept 2.F

In the March 16 report, the Staff highlighted that “[a]dvocates brought forward a suggestion to streamline all weather policies for utilities to have the same standardized terms, provided specific degree [policies], and suspension of service immediately before an extreme weather event and weekend.” March 16 report, p. 38. The Staff, however, noted that the existing Extreme Weather

Condition Policy addresses variability in weather across the state and that “[u]tilities need to have flexibility to customize options in accordance with their territories and differing weather patterns throughout the state. The State of Michigan is experienc[ing] different weather in each given zone; therefore, standardizing policies would not be effective since weather is not consistent.” *Id.* (emphasis in original).

MEEFA comments on Concept 2.F, reiterating its position that “[i]t is not appropriate for utilities around the state to have different extreme weather policies” and that the Commission should require the “EAAC to develop proposed, uniform statewide extreme weather policies for adoption by rule.” MEEFA’s comments p. 9 (emphasis in original). Further, MEEFA states that postponing shutoffs during extreme weather events does not aid the customers who were already shut off and not yet restored. Therefore, MEEFA recommends that the Commission require the EAAC to create a proposed rule which would require temporary service restoration during extreme weather events. *See, id.*

MEGA replies that its members support the Staff’s comments regarding the current extreme weather policies. MEGA notes that:

[t]hese policies, varied amongst the utilities based on their geographic regions, technical capabilities, and ability to respond to events (including deployment of AMI [advanced metering] infrastructure, something some MEGA members are still in the process of deploying) are tailored to the needs to serve communities in their service territory. As such, MEGA does not believe MEEFA’s suggestions to modify the extreme weather policies are necessary.

MEGA’s reply comments, p. 5.

The Commission is not convinced that standardized all-weather policies are appropriate. As noted by the Staff, the existing Extreme Weather Condition Policy affords individual utilities the flexibility in implementing the policy within their territories given the differing weather patterns throughout the state. Therefore, the Commission declines to adopt Concept 2.F.

Recommendation 3.1

The Staff recommended that the Commission adopt the recommended definition of “energy affordability” along with its companion document which has been ratified by the Board. March 16 report, p. 40.

MEEFA comments that the definition of affordability on page 9 of the March 16 report “is a definition of means, not affordability, and the difference, while subtle, is meaningful in that it directs our attention to the wrong problem” and that “[b]y focusing on household resources, the proposed definition frames affordability as a problem of household income rather than the price of energy – implicitly putting the onus on the customer rather than the utility, or the Commission.” MEEFA’s comments, p. 1. As such, MEEFA recommends the adoption of a modified definition as follows: “*The extent to which services for heating, cooling, and other home energy needs in a healthy, sustainable, and energy-efficient manner are inexpensive or priced so as not to compromise a household’s ability to meet other basic needs.*” *Id.*, p. 2 (emphasis in original).

The Commission appreciates the attention to this important topic and the continued feedback. The Commission notes that, as a starting point, rates are to be set to ensure the recovery of a utility’s revenue requirement and in a manner that allows utilities to continue to provide the services necessary for its customers. The Commission also acknowledges that certain customers have challenges with the affordability of those services. It is against this backdrop that the Commission adopts the following definition of energy affordability to inform the development of assistance programs and assistance strategies:

The extent to which a household has the resources to meet their home energy needs for heating, cooling and other uses in a healthy, sustainable and energy efficient manner without compromising a household’s ability to meet other basic needs.

Adopting this definition for this purpose may help in the development of assistance programs and strategies to ensure that customers struggling with utility bills have the resources necessary to afford these essential services. The Commission further acknowledges the time and effort put into the companion document. This work is important to the Commission's efforts going forward in addressing and engaging low-income residential customers, residential customers that experience high energy burdens, and other individuals and communities impacted by the Commission's decisions, consistent with the legislative directive in Act 231.

Recommendation 3.2

The Staff recommends that the Commission update the charge of the Definitions Subcommittee. March 16 report, p. 40.

No comments were filed on this recommendation.

The Commission supports the Staff's recommendation and finds that the charge should be updated, consistent with the recommendation.

Recommendation 4.1

The Staff recommended that the Commission direct the Staff to: (1) identify potential outreach partners among local community organizations, (2) engage with community organizations that are using the Commission's materials to obtain feedback regarding the efficacy of the materials, (3) work with community organizations to identify information gaps, and (4) develop materials to help address any gaps. March 16 report, p. 42.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Staff should continue its work in identifying outreach partners, consistent with the recommendation.

Recommendation 4.2

The Staff recommended that the Commission direct the Staff to identify and build relationships with community organizations which are not typically part of utility or Commission communications. March 16 report, p. 42.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Staff should continue its work in identifying and building relationships with community organizations, consistent with the recommendation.

Recommendation 4.3

The Staff recommended that the Commission instruct the Staff to build trust through connections. March 16 report, p. 43.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Staff should continue its work to build trust through connections, consistent with the recommendation.

Recommendation 4.4

The Staff recommended that outreach be coordinated through the Commission's Communications Section and the Board. March 16 report, p. 43.

No comments were filed on this recommendation.

The Commission notes that different sections, divisions, and individuals within the Commission each have overlapping ownership over outreach activities, including the Communications Section within the Strategic Operations Division, the MEAP Section within the Customer Assistance Division, the Compliance and Investigations Section within the Customer Assistance Division, individuals in the office of the Director of the Customer Assistance Division,

and the Commission's Equity and Inclusion Officer, among others. The Commission finds that these sections, divisions, and individuals should continue to coordinate outreach activities, with regular opportunities for input from the Board.

Recommendation 4.5

The Staff recommended that the Commission suspend and recall the Outreach and Education subcommittee, as needed. March 16 report, p. 43.

No comments were filed on this recommendation.

The Commission finds that, as detailed above, continued outreach and education efforts are occurring throughout the Commission and, therefore, adopts this recommendation. The Outreach and Education subcommittee will be suspended and recalled, as necessary, to continue the important work of outreach and education.

Recommendation 4.6

The Staff recommended that the Commission direct its Communications Section Staff to provide updates at least annually to the Board regarding the Commission's ongoing outreach and customer education efforts. March 16 report, p. 43.

No comments were filed on this recommendation.

The Commission finds that its actions in relation to Recommendations 4.4, 4.5, and 4.6, above, address this recommendation.

Recommendation 4.7

The Staff recommended that the Commission direct its Communications Section Staff to provide periodic updates to the members of the Outreach and Education Subcommittee. March 16 report, p. 43.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Communications Section Staff should provide updates to the Board, consistent with the recommendation, as needed.

Recommendation 5.1

The Staff recommended that the Commission define “weatherization” for use across departments and sectors. March 16 report, p. 47.

No comments were filed on this recommendation.

The Commission supports this recommendation and finds that the Staff should continue its work in this area and move towards developing a working definition of “weatherization,” consistent with the recommendation and finds that the Staff should explore with the EWR Low-Income workgroup existing definitions in use by State of Michigan agencies and work toward clarifying a definition of weatherization for Commission purposes. The findings from this work should be presented to the EWR Low-Income workgroup by September 30, 2024.

Recommendation 5.2

The March 16 report recommended that an office to serve as a nexus for energy efficiency and weatherization be established. March 16 report, p. 47.

ACEEE notes support for this recommendation, stating that it sounds similar to the suggestion to have a “weatherization czar.” ACEEE’s comments, p. 1.

The Commission finds that this recommendation should be further explored going forward as part of a broader conversation consistent with this recommendation, Act 231, and any other related future proceeding the Commission will establish.

Recommendation 5.3

The EWR Low-Income Workgroup recommended that opportunities to leverage federal funding regarding deferral mitigation be further explored. March 16 report, p. 47.

ACEEE comments that it urges the Commission “to **highlight and expand the recommendation to reflect all the available categories of federal funding that could be used for residential building efficiency improvements**” as well as “**emphasize this as an urgent priority for action . . .**” ACEEE’s comments, p. 2 (emphasis in original).

The Commission finds this recommendation to be reasonable and prudent and concludes that opportunities to leverage federal funding regarding deferral mitigation will be explored in proceedings going forward, as appropriate.

Recommendation 6.1

The Staff recommended that the Commission adopt the EAAC subcommittee structure outlined in the March 16 report and create a Staff subcommittee to develop straw proposals for stakeholder feedback regarding data and metrics. March 16 report, p. 64.

No comments were filed on this recommendation.

The Commission appreciates this recommendation and notes that it will continue to evaluate these topics in the coming month, consistent with this recommendation and Act 231.

Recommendation 6.2

The Staff recommended the creation of the Voluntary Energy Customer Experience Workgroup under the Board to engage low-income energy customers and better inform the policy decisions impacting them. March 16 report, p. 64.

No comments were filed on this recommendation.

The Commission declines to direct the creation of an additional workgroup at this time. However, as referenced previously, in the coming months, the Commission will continue to evaluate topics such as affordability and LIA programs as well as to engage customers and expand opportunities for public engagement, consistent with this recommendation and Act 231.

Recommendation 6.3

The Staff recommended the creation of a State Administrative Workgroup under the Board including the leadership from MDHHS, the Michigan Department of Treasury, and the Michigan State Housing Development Authority to collaborate on policy development that is informed by the work of the EAAC, the EWR Low-Income Workgroup, and the Board. March 16 report, p. 65.

In comments, ACEEE suggests that additional detail be added to this recommendation. Specifically, ACEEE highlights the need to “**call for an entity to specifically focus on inter-department/agency coordination and collaboration regarding the funding and delivery of energy efficiency/weatherization services to low-income customers.**” ACEEE’s comments, p. 1 (emphasis in original). ACEEE notes the importance of effective communication and coordination between entities to “avoid either gaps in service or duplication of services, and to collaborate and braid funding wherever possible.” *Id.*

The Commission supports this recommendation and continued inter-departmental collaboration with departmental leadership and Equity and Inclusion Officers. The Commission again notes that in the coming months it will continue to work to expand opportunities for public engagement, consistent with this recommendation and Act 231.

Recommendation 6.4

The Staff recommended that the Commission encourage workgroups under the Board to maintain their efforts to tie together EWR low-income and energy assistance programs and collect data to determine and support the efficacy of these efforts. March 16 report, p. 65.

DTE comments that it is unclear how these workgroups would be tied together. DTE also notes that it has concerns regarding improper data sharing obligations. DTE’s comments, p. 3.

MI-MAUI responds to DTE, noting the importance of coordination and need for flexibility to protect privacy. MI-MAUI also notes it will require a collaborative effort “to determine and improve the efficacy of these efforts.” MI-MAUI’s reply comments, p. 3.

The Commission supports this recommendation. As noted above, the Commission finds that energy assistance programs should continue to be evaluated in the coming months. Consistent with the legislative directive, the Commission will continue to expand opportunities for public engagement in its review.

General Comments

In addition to comments on specific recommendations in the March 16 report, some commenters also made general comments which are addressed below.

In its comments, CUB generally echoes MI-MAUI’s sentiments and indicates that the March 16 report does not address the affordability of rates. CUB notes its agreement with the notion “that the only way to ultimately address affordability is by having more affordable rates” and that:

CUB has sponsored testimony in several rate cases that show the rates are too high for a majority of low-income customers in a given utility service territory to be able to pay without having an amount of their monthly income consumed by utility costs that is significantly higher than any affordability standard deems as reasonable.

CUB’s comments, p. 1. CUB adds that one recommendation that could be included is “[t]he amount of time a utility must wait before it can file another rate case following a rate increase should be extended.” *Id.*, pp. 1-2 (emphasis in original).

Consumers replies to CUB’s general comments, noting that it disagrees with the assertion that its rates are too high and that CUB’s position “ignores the millions of dollars of low-income assistance and low-income energy efficiency spending the Company dedicates to assist vulnerable customers each year” and that Consumers “continually works to improve access to the assistance

programs.” Consumers’ reply comments, p. 4. Consumers also avers that while CUB properly acknowledged the statutory limitations with respect to the timing of the filing of rate cases, it failed to specify an appropriate recommendation consistent with the governing statutory provisions.

Similarly, MEEFA generally comments that:

[t]he Commission should consider ways to ensure accountability structures and direct impact between the hard work of the Board, workgroups, and subcommittees and formal programs, filings, and decisions at the Commission. This will also give community groups, organizations, and leaders with lived experience more of an incentive and interest to engage and can help ensure their participation has a meaningful impact.

MEEFA’s comments, p. 9. Additionally, MEEFA suggests that additional accountability could be achieved by “[h]aving utilities regularly report on how workgroups and subcommittees affected changes, modifications, or new ideas within their programs, plans, and filings” and “[f]acilitating a pre-planning process for utility energy efficiency, rate, and other plan filings that are open and inclusive for non-utility groups to learn more about what is planned and engage in informal dialogues to raise comments or concerns.” *Id.*, p. 10 (emphasis in original).

The Commission appreciates these comments. As referenced above, the Commission finds that it will continue its work evaluating concerns through various measures in the coming months. Specifically, Act 231 requires the Commission to open proceedings by June 1, 2024, to explore “options to expand opportunities for public engagement in its decision-making processes and procedures” and “to investigate opportunities for improving the process by which it reviews applications filed under section 6a [of Public Act 3 of 1939, as amended, MCL 460.6a].” Further, the Commission is extending the EAAC’s timeline through calendar year 2024, to continue its work on current directives, as specifically discussed above.

THEREFORE, IT IS ORDERED that the timeline of the Energy Affordability and Accessibility Collaborative shall be extended through calendar year 2024, and the Energy Affordability and Accessibility Collaborative shall continue to work on its current directives, as consistent with this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of December 21, 2023.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

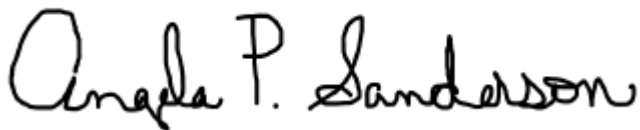
Case No. U-20757

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on December 21, 2023 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 21st day of December 2023.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-20757

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Realgy Energy Services

Santana Energy

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Stephenson Utilities Department

Superior Energy Company

Texas Retail Energy, LLC

Thumb Electric Cooperative

Upper Michigan Energy Resources Corporation

Upper Peninsula Power Company

Upper Peninsula Power Company

Village of Baraga

Village of Clinton

Volunteer Energy Services

Wabash Valley Power

Wolverine Power

Wood, Amanda

Xcel Energy

Xcel Energy