

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion, to )  
consider options to expand opportunities for public )  
engagement in its decision-making process and )  
procedures. )  
\_\_\_\_\_ )

Case No. U-21638

At the May 23, 2024 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 AND OPPORTUNITY TO COMMENT**

On November 28, 2023, Governor Gretchen Whitmer signed into law Public Act 231 of 2023 (Act 231), which amends Section 6a of Public Act 341 of 2016 (Act 341). The amendments of Act 231 became effective on February 13, 2024.

Section 6aa of Act 231, MCL 460.6aa, amends Act 341 and states in relevant part:

(1) The commission shall annually conduct at least 4 public meetings, hearings, townhalls, or other opportunities for public engagement in areas geographically dispersed throughout this state. The commission shall set the time, place, and manner of opportunities for public engagement under this subsection to take comments from and encourage meaningful participation by low-income residential customers, residential customers who experience high energy burdens, and individuals and communities likely to be impacted by the outcome of commission proceedings. Any public meeting, hearing, townhall, or other opportunity for public engagement the commission is otherwise required by law to conduct may count toward fulfilling this requirement.

(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.

As an initial matter, the Commission notes that it has a long history of prioritizing and improving public engagement and transparency in its decision-making processes and proceedings. Beginning in 1987 and continuing for 24 consecutive years, the Commission hosted multiple consumer forums each year at locations across the state.<sup>1</sup> In 2012, the Commission noted declining attendance in these forums and replaced them with more targeted outreach efforts, connecting with customers at utility Customer Assistance Days, the Upper Peninsula State Fair, Project Homeless Connect Events, and other events wherein the Commission Staff (Staff) provided consumer tips and worked to address customer questions, concerns, and complaints.<sup>2</sup> These efforts allowed the Staff to connect with thousands of people across the state and continued until the Commission's External Affairs Staff and the Michigan Agency for Energy were transferred to the Michigan Department of Environment, Great Lakes, and Energy pursuant to Executive Order 2019-06.

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<sup>1</sup> Michigan Public Service Commission's (MPSC's) 2011 Annual Report, p. 37 and MPSC's 2012 Annual Report, p. 34.

<sup>2</sup> MPSC's 2012 Annual Report, p. 34.

The Commission's in-person customer outreach efforts were temporarily stymied by the COVID-19 pandemic in 2020 and 2021. However, between 2019 and 2022, the Commission held 11 case-related public hearings (in person or virtually), hosted five resource fairs and listening sessions regarding energy assistance and affordability, and held a formal, in-person Commission meeting in Detroit. In 2022, additional staff were added to the Commission's Communications Section to expand the Commission's customer education and outreach work. The expanded section allowed the Commission to provide Staff at 15 outreach events across the state in 2023 and to host three townhall meetings (two in person and one virtual) and one in-person public hearing. The Commission also notes that, over the years, both the Commission and the Staff have met with local organizations, local government representatives, and many others in communities across the state to better understand issues of local concern impacted by areas under the jurisdiction of the Commission. Examples from just the last few years include site visits and dialogue with local governments and community-based organizations in Marquette (2022), Iron Mountain (2022), Alpena (2023), Detroit (2022, 2023, 2024), Highland Park (2023, 2024), Van Buren County (2022, 2023, 2024), and Ann Arbor (2023), among others.

The Commission's public outreach efforts also include other engagement opportunities. The Commission has regularly utilized workgroups and technical conferences to engage interested persons, to help inform Commission decision-making, and to improve programs under the Commission's purview. For example, the Commission's Energy Optimization (EO) Collaborative, formerly known as the Energy Waste Reduction (EWR) Collaborative, has been meeting routinely since June 2009 to explore opportunities and recommendations for improving

EO programs and to update program measures based on actual experience.<sup>3</sup> The efforts of this workgroup have informed not only the Commission but also programmatic efforts of utilities and other partners.

Following the enactment of Public Acts 341 and 342 of 2016, the Commission established collaboratives dedicated to evaluating the use and impact of demand response for Michigan utility customers, improving rate case filing requirements and forms, assessing the potential for EWR, identifying and developing supply-side and demand-side resources to address the need for additional generation capacity, and establishing a distributed generation program.

In 2019, the Commission launched the MI Power Grid Initiative to explore opportunities to maximize the benefits of the clean energy transition for Michigan residents and businesses. The MI Power Grid Initiative involved 17 workgroups and 386 interested persons or organizations across 70 public engagement sessions, and resulted in 75 orders issued by the Commission, many of which implemented recommendations developed through these engagement processes.<sup>4</sup>

Building on recommendations from the MI Power Grid Customer Education and Participation workgroup, the Commission established two community liaison positions, which were filled in September 2023. These Staff members are actively working to develop relationships with local, community-based organizations across the state and to establish the Commission's Community Partner Network, which will better help the Commission provide Michigan residents with

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<sup>3</sup> In alignment with Public Act 235 of 2023, the statute now refers to EWR plans, efficient electrification (EFEL) plans, and EO plans, structured such that EO plans will contain EWR plans and may contain EFEL plans. The name change reflects all three rather than excluding or relocating EWR. *See*, <https://www.michigan.gov/mpsc/commission/workgroups/energy-waste-reduction-collaborative> (accessed May 22, 2024).

<sup>4</sup> MI Power Grid Final Status Report, April 24, 2023, p. 3; *see*, <https://mi-psc.my.site.com/sfc/servlet.shepherd/version/download/0688y000007bZ2iAAE> (accessed May 22, 2024).

information that is both timely and relevant. As a part of this effort, the Commission expects to launch its Customer Engagement and Outreach webpage in the summer of 2024.

Following the COVID-19 pandemic, the Commission established the Energy Affordability and Accessibility Collaborative (EAAC), creating an opportunity for the Commission, utilities, and community-based organizations to explore the challenges facing Michigan's most vulnerable customers and to identify opportunities to improve deliverability of services and better meet the needs of Michigan's customers. The Low-Income Energy Policy Board began meeting in April 2022 to coordinate the work of the EAAC and the Commission's Low-Income/EWR workgroup. The efforts of the Low-income Energy Policy Board and these workgroups continue today.

The Commission also hosts public technical conferences that are attended by interested persons and outside experts, which have been integral to exploring issues of a more nuanced or technical nature in an open, collaborative, and transparent manner. For example, the Commission held a technical conference related to the 4.8 kilovolt (kV) system in Detroit to thoroughly evaluate the system and explore alternatives to the 4.8 kV hardening program.<sup>5</sup> In addition, the Commission used technical conferences to explore emergency preparedness, distribution reliability, and storm response in 2021.<sup>6</sup>

The Commission also prioritizes accessibility and transparency in its case work. In 2003, the Commission began transitioning to an electronic case filing program that, among other benefits,

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<sup>5</sup> MPSC's 4.8 kV Technical Conference; *see*, <https://www.michigan.gov/mpsc/commission/events/2023/03/22/4-8kv-technical-conference> (accessed May 22, 2024).

<sup>6</sup> MPSC's Technical Conference on Emergency Preparedness, Distribution Reliability, and Storm Response; *see*, <https://www.michigan.gov/mpsc/commission/workgroups/mpsc-technical-conference-on-emergency-preparedness-distribution-reliability-and-storm-response> (accessed May 22, 2024).

allows the public to access case information through the Commission’s website.<sup>7</sup> Currently, members of the public have 24/7 access to case filings and Commission orders dating back to 2003. Archived orders dating back to 1960 are also available on the Commission’s website.<sup>8</sup> The Commission further improved its online case management system in 2018 by adding an option for interested persons to enroll to receive automatic notifications for case filings. In 2022, the Commission added a “Submit Comment” button on each case page, thus simplifying the public comment process.

Additionally, the Commission has worked to make its regular meetings more accessible. Since 2010, the Commission has made recordings of its meetings publicly available on its website and, in 2018, it began livestreaming its meetings on its YouTube channel.<sup>9</sup> During the COVID-19 pandemic, the Commission began holding its meetings via the Microsoft Teams Live Event platform, enabling members of the public to watch Commission meetings live and participate remotely in the Commission’s public comment period. When the Commission returned to in-person meetings in 2021, it maintained the option for remote attendance and public comment through the Microsoft Teams virtual format. This hybrid approach to the Commission’s regular meetings has resulted in an average attendance of 211 individuals, with a record attendance of 907 at its December 1, 2023 meeting.<sup>10</sup> Recordings of Commission meetings, workgroup meetings,

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<sup>7</sup> MPSC’s 2005 Annual Report, pp. 7-8.

<sup>8</sup> Michigan Department of Licensing and Regulatory Affairs; *see*, <https://adms.apps.lara.state.mi.us/MPSC/CommissionOrdersSearch> (accessed May 22, 2024).

<sup>9</sup> MPSC’s 2019 Annual Report, p. 5.

<sup>10</sup> MPSC’s 2023 Annual Report, p. 11.

and technical conferences are available on the Commission’s website for viewing by individuals who are unable to attend in real time.

The Commission also prioritizes opportunities to communicate with the public. In addition to issuing regular press releases announcing Commission orders or addressing other areas of interest, the Commission operates four social media pages: Facebook, LinkedIn, X (formerly known as Twitter), and YouTube, with more than 820 followers on its Facebook page and more than 3,100 followers on X. Through these social media sites, the Commission shares critical information on a number of topics, including power outage and downed wire safety, energy affordability assistance, upcoming Commission meetings, and more. Additionally, the Commission works to explain to the public complex utility, energy, and affordability issues through the development of its Issue Briefs and Consumer Tips.

Finally, the Commission notes that its work has been enriched by the involvement of members of the public, advocacy organizations, and other interested persons. Specifically, the participation of advocacy and community-based organizations as intervenors in its contested cases is of particular value because it provides evidence and a unique perspective that the Commission considers in its decision-making processes. The Commission notes that the increase in funding for grants provided by the Utility Consumer Participation Board (UCPB) to non-profit organizations representing the interests of residential utility customers, as well as the expansion of cases for which UCPB funding can be sought, and the requirement that the UCPB “encourage grant making to nonprofits representing environmental justice communities and communities with the highest energy burdens,” should only help to increase the diversity of issues presented on the record.

MCL 460.6m(12), (16).

While the Commission has engaged in significant outreach, encouraged customer participation, and improved accessibility of its proceedings and decisions, the legislative directive in Act 231 provides an opportunity to examine its efforts and identify opportunities for further improvement. To this end, the Commission invites comment regarding additional improvements that it may make for communicating with the public and explaining Commission activities, expanding accessibility and participation, and enhancing the transparency of its proceedings. The Commission encourages individuals providing comments in this docket to consider issues raised in the MI Power Grid Customer Education and Participation Staff report surrounding the challenges of public engagement at utility regulatory commissions, specifically the importance of building trust with customers and the unique challenges related to engaging customers in a highly technical field that is, by law, regulated through complex legal proceedings.<sup>11</sup> The Commission also welcomes suggestions for assisting and improving the participation of “low-income residential customers, residential customers that experience high energy burdens, and individuals and communities impacted by commission decisions,” as provided for in MCL 460.6aa(2)(b).

The Commission initiates this proceeding by inviting comment on the above issues, with a specific interest in the following related questions:

1. What role should advocates, intervenors, or community-based organizations have to engage and educate customers?
2. What opportunities are available for the Commission to work with intervenors and/or potential intervenors to enable effective and efficient participation by intervenors in the contested case process?

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<sup>11</sup> MI Power Grid Customer Education and Participation Staff Report, pp. 38-48; *see*, <https://www.michigan.gov/mpsc/-/media/Project/Websites/mpsc/workgroups/MPG-Customer-Education--Participation-Workgroup--Final-Report-20220325.pdf?rev=52583844e0fe484585b49a8cbe5170d3&hash=AA3031EC545CFF00BA7AB98B582397A7> (accessed May 22, 2024).



3. Are there examples of public utility commissions that incorporate public comment or other public engagement opportunities in commission proceedings?<sup>12</sup> What are the statutory and/or other constraints around that engagement?
4. Considering resource and statutory time limitations, how should the Commission prioritize between different types of participation/engagement opportunities? What value do those opportunities provide compared to other opportunities?
5. What examples exist regarding effective methods and metrics to evaluate the responsiveness of Commission decisions to community needs and priorities and Commission transparency?

The Commission will hold a hearing to take public comment regarding the issues raised in this docket. The Commission anticipates holding this public hearing on August 28, 2024.

Any person may submit written initial and reply comments on the enumerated issues or other relevant issues within the purview of this docket. All comments should be paginated and must reference Case No. U-21638. Initial comments must be received no later than 5:00 p.m. (Eastern time (ET)) on September 27, 2024, and reply comments must be received no later than 5:00 p.m. (ET) on October 25, 2024. Written comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-Dockets website or, for those persons without an E-Dockets account, via e-mail to [LARA-MPSC-Edockets@michigan.gov](mailto:LARA-MPSC-Edockets@michigan.gov), or via the Submit Comments option located within the E-docket file for the case. Any person requiring assistance prior to filing comments may contact the Staff at (517) 284-8090. All filed comments will become public information available on the Commission's E-dockets website (either under the Filings or Case Comments section) and will be subject to disclosure.

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<sup>12</sup> For example, workgroups, technical conferences, public hearings, etc.

THEREFORE, IT IS ORDERED that:

A. The Commission will hold a public hearing to take public comments regarding the issues raised in this docket, with additional details about the hearing to be posted to this docket.

B. Any person may file written comments on opportunities for the Commission to expand opportunities for public engagement in its decision-making processes. Initial comments must be filed no later than 5:00 p.m. (Eastern time) on September 27, 2024, and reply comments must be filed no later than 5:00 p.m. (Eastern time) on October 25, 2024, and all comments must be paginated and should reference Case No. U-21638.

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

MICHIGAN PUBLIC SERVICE COMMISSION

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Daniel C. Scripps, Chair

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Katherine L. Peretick, Commissioner

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Alessandra R. Carreon, Commissioner

By its action of May 23, 2024.

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Lisa Felice, Executive Secretary


# PROOF OF SERVICE

STATE OF MICHIGAN )

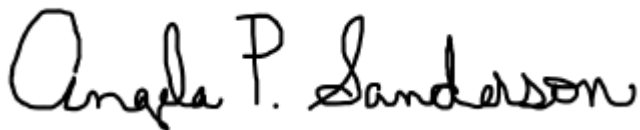
Case No. U-21638

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on May 23, 2024 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 23<sup>rd</sup> day of May 2024.



Angela P. Sanderson  
Notary Public, Shiawassee County, Michigan  
As acting in Eaton County  
My Commission Expires: May 21, 2030

## GEMOTION DISTRIBUTION SERVICE LIST

<a href="mailto:kabraham@mpower.org">kabraham@mpower.org</a>	Abraham, Katie - MMEA
<a href="mailto:mkuchera@AEPENERGY.COM">mkuchera@AEPENERGY.COM</a>	AEP Energy
<a href="mailto:mfurmanski@algerdelta.com">mfurmanski@algerdelta.com</a>	Alger Delta Cooperative
<a href="mailto:kd@alpenapower.com">kd@alpenapower.com</a>	Alpena Power
<a href="mailto:kerdmann@atcllc.com">kerdmann@atcllc.com</a>	American Transmission Company
<a href="mailto:acotter@atcllc.com">acotter@atcllc.com</a>	American Transmission Company
<a href="mailto:cityelectric@BAYCITYMI.ORG">cityelectric@BAYCITYMI.ORG</a>	Bay City Electric Light & Power
<a href="mailto:rbishop@BISHOPENERGY.COM">rbishop@BISHOPENERGY.COM</a>	Bishop Energy
<a href="mailto:braukerL@MICHIGAN.GOV">braukerL@MICHIGAN.GOV</a>	Brauker, Linda
<a href="mailto:cherie.fuller@bp.com">cherie.fuller@bp.com</a>	bp Energy Retail Company, LLC
<a href="mailto:greg.bass@calpinesolutions.com">greg.bass@calpinesolutions.com</a>	Calpine Energy Solutions
<a href="mailto:lchappelle@potomaclaw.com">lchappelle@potomaclaw.com</a>	Chappelle, Laura
<a href="mailto:rjohnson@cherrylandelectric.coop">rjohnson@cherrylandelectric.coop</a>	Cherryland Electric Cooperative
<a href="mailto:frucheyb@DTEENERGY.COM">frucheyb@DTEENERGY.COM</a>	Citizens Gas Fuel Company
<a href="mailto:crystalfallsmgr@HOTMAIL.COM">crystalfallsmgr@HOTMAIL.COM</a>	City of Crystal Falls
<a href="mailto:gpirkola@escanaba.org">gpirkola@escanaba.org</a>	City of Escanaba
<a href="mailto:mpolega@GLADSTONEMI.COM">mpolega@GLADSTONEMI.COM</a>	City of Gladstone
<a href="mailto:ttarkiewicz@CITYOFMARSHALL.COM">ttarkiewicz@CITYOFMARSHALL.COM</a>	City of Marshall
<a href="mailto:ElectricDept@PORTLAND-MICHIGAN.ORG">ElectricDept@PORTLAND-MICHIGAN.ORG</a>	City of Portland
<a href="mailto:cwilson@cloverland.com">cwilson@cloverland.com</a>	Cloverland
<a href="mailto:mheise@cloverland.com">mheise@cloverland.com</a>	Cloverland
<a href="mailto:todd.mortimer@CMSENERGY.COM">todd.mortimer@CMSENERGY.COM</a>	CMS Energy
<a href="mailto:sarah.jorgensen@cmsenergy.com">sarah.jorgensen@cmsenergy.com</a>	Consumers Energy Company
<a href="mailto:Michael.torrey@cmsenergy.com">Michael.torrey@cmsenergy.com</a>	Consumers Energy Company
<a href="mailto:CANDACE.GONZALES@cmsenergy.com">CANDACE.GONZALES@cmsenergy.com</a>	Consumers Energy Company
<a href="mailto:mpsc.filings@CMSENERGY.COM">mpsc.filings@CMSENERGY.COM</a>	Consumers Energy Company
<a href="mailto:mpsc.filings@CMSENERGY.COM">mpsc.filings@CMSENERGY.COM</a>	Consumers Energy Company
<a href="mailto:david.fein@CONSTELLATION.COM">david.fein@CONSTELLATION.COM</a>	Constellation Energy
<a href="mailto:kate.stanley@CONSTELLATION.COM">kate.stanley@CONSTELLATION.COM</a>	Constellation Energy
<a href="mailto:kate.fleche@CONSTELLATION.COM">kate.fleche@CONSTELLATION.COM</a>	Constellation New Energy
<a href="mailto:lpage@dickinsonwright.com">lpage@dickinsonwright.com</a>	Dickinson Wright
<a href="mailto:info@dillonpower.com">info@dillonpower.com</a>	Dillon Power, LLC
<a href="mailto:Neal.fitch@nrg.com">Neal.fitch@nrg.com</a>	Direct Energy
<a href="mailto:Kara.briggs@nrg.com">Kara.briggs@nrg.com</a>	Direct Energy
<a href="mailto:Ryan.harwell@nrg.com">Ryan.harwell@nrg.com</a>	Direct Energy
<a href="mailto:mpscfilings@DTEENERGY.COM">mpscfilings@DTEENERGY.COM</a>	DTE Energy
<a href="mailto:adella.crozier@dteenergy.com">adella.crozier@dteenergy.com</a>	DTE Energy
<a href="mailto:karen.vucinaj@dteenergy.com">karen.vucinaj@dteenergy.com</a>	DTE Energy
<a href="mailto:customerservice@eligoenergy.com">customerservice@eligoenergy.com</a>	Eligo Energy MI, LLC
<a href="mailto:ftravaglione@energyharbor.com">ftravaglione@energyharbor.com</a>	Energy Harbor
<a href="mailto:rfawaz@energyintl.com">rfawaz@energyintl.com</a>	Energy International Power Marketing d/b/a PowerOne
<a href="mailto:sejackinchuk@varnumlaw.com">sejackinchuk@varnumlaw.com</a>	Energy Michigan
<a href="mailto:customer care@plymouthenergy.com">customer care@plymouthenergy.com</a>	ENGIE Gas & Power f/k/a Plymouth Energy

## GEMOTION DISTRIBUTION SERVICE LIST

<a href="mailto:felice@michigan.gov">felice@michigan.gov</a>	Felice, Lisa
<a href="mailto:bgorman@firstenergycorp.com">bgorman@firstenergycorp.com</a>	First Energy
<a href="mailto:phil@allendaleheating.com">phil@allendaleheating.com</a>	Forner, Phil
<a href="mailto:dburks@glenergy.com">dburks@glenergy.com</a>	Great Lakes Energy
<a href="mailto:slamp@glenergy.com">slamp@glenergy.com</a>	Great Lakes Energy Cooperative
<a href="mailto:sculver@glenergy.com">sculver@glenergy.com</a>	Great Lakes Energy Cooperative
<a href="mailto:lgustafson@cmsenergy.com">lgustafson@cmsenergy.com</a>	Gustafson, Lisa
<a href="mailto:jhammel@hillsdalebpu.com">jhammel@hillsdalebpu.com</a>	Hillsdale Board of Public Utilities
<a href="mailto:coneill@homeworks.org">coneill@homeworks.org</a>	HomeWorks Tri-County Electric Cooperative
<a href="mailto:psimmer@homeworks.org">psimmer@homeworks.org</a>	HomeWorks Tri-County Electric Cooperative
<a href="mailto:mgobrien@aep.com">mgobrien@aep.com</a>	Indiana Michigan Power Company
<a href="mailto:dan@megautilities.org">dan@megautilities.org</a>	Integrays Group
<a href="mailto:daustin@igseenergy.com">daustin@igseenergy.com</a>	Interstate Gas Supply Inc
<a href="mailto:general@itctransco.com">general@itctransco.com</a>	ITC Holdings
<a href="mailto:kadarkwa@itctransco.com">kadarkwa@itctransco.com</a>	ITC Holdings
<a href="mailto:jgoodman@commerceenergy.com">jgoodman@commerceenergy.com</a>	Just Energy Solutions
<a href="mailto:krichel@dlib.info">krichel@dlib.info</a>	Krichel, Thomas
<a href="mailto:dbodine@libertypowercorp.com">dbodine@libertypowercorp.com</a>	Liberty Power
<a href="mailto:ham557@gmail.com">ham557@gmail.com</a>	Lowell S.
<a href="mailto:tlundgren@potomaclaw.com">tlundgren@potomaclaw.com</a>	Lundgren, Timothy
<a href="mailto:jreynolds@mblp.org">jreynolds@mblp.org</a>	Marquette Board of Light & Power
<a href="mailto:suzy@megautilities.org">suzy@megautilities.org</a>	MEGA
<a href="mailto:dan@megautilities.org">dan@megautilities.org</a>	MEGA
<a href="mailto:mmann@usgande.com">mmann@usgande.com</a>	Michigan Gas & Electric
<a href="mailto:shannon.burzycki@wecenergygroup.com">shannon.burzycki@wecenergygroup.com</a>	Michigan Gas Utilities Corporation
<a href="mailto:mrzwiars@integraysgroup.com">mrzwiars@integraysgroup.com</a>	Michigan Gas Utilities/Upper Penn Power/Wisconsin
<a href="mailto:kabraham@mpower.org">kabraham@mpower.org</a>	Michigan Public Power Agency
<a href="mailto:JHDillavou@midamericanenergyservices.com">JHDillavou@midamericanenergyservices.com</a>	MidAmerican Energy Services, LLC
<a href="mailto:JCAItmayer@midamericanenergyservices.com">JCAItmayer@midamericanenergyservices.com</a>	MidAmerican Energy Services, LLC
<a href="mailto:LMLann@midamericanenergyservices.com">LMLann@midamericanenergyservices.com</a>	MidAmerican Energy Services, LLC
<a href="mailto:dave.allen@teammidwest.com">dave.allen@teammidwest.com</a>	Midwest Energy Cooperative
<a href="mailto:bob.hance@teammidwest.com">bob.hance@teammidwest.com</a>	Midwest Energy Cooperative
<a href="mailto:kerri.wade@teammidwest.com">kerri.wade@teammidwest.com</a>	Midwest Energy Cooperative
<a href="mailto:Marie-Rose.Gatete@teammidwest.com">Marie-Rose.Gatete@teammidwest.com</a>	Midwest Energy Cooperative
<a href="mailto:meghan.tarver@teammidwest.com">meghan.tarver@teammidwest.com</a>	Midwest Energy Cooperative
<a href="mailto:d.motley@comcast.net">d.motley@comcast.net</a>	Motley, Doug
<a href="mailto:rarchiba@fosteroil.com">rarchiba@fosteroil.com</a>	My Choice Energy
<a href="mailto:customerservice@nordicenergy-us.com">customerservice@nordicenergy-us.com</a>	Nordic Energy Services, LLC
<a href="mailto:karl.j.hoesly@xcelenergy.com">karl.j.hoesly@xcelenergy.com</a>	Northern States Power
<a href="mailto:esoumis@ontorea.com">esoumis@ontorea.com</a>	Ontonagon County Rural Elec
<a href="mailto:mpauley@granger.net">mpauley@granger.net</a>	Pauley, Marc
<a href="mailto:mmpeck@fischerfranklin.com">mmpeck@fischerfranklin.com</a>	Peck, Matthew
<a href="mailto:bschlansker@premierenergyllc.com">bschlansker@premierenergyllc.com</a>	Premier Energy Marketing LLC

## GEMOTION DISTRIBUTION SERVICE LIST

[MVanschoten@pieg.com](mailto:MVanschoten@pieg.com)

[aberg@pieg.com](mailto:aberg@pieg.com)

[johnbistranin@realgy.com](mailto:johnbistranin@realgy.com)

[BusinessOffice@REALGY.COM](mailto:BusinessOffice@REALGY.COM)

[mvorabout@ses4energy.com](mailto:mvorabout@ses4energy.com)

[rabaey@SES4ENERGY.COM](mailto:rabaey@SES4ENERGY.COM)

[cborr@WPSCI.COM](mailto:cborr@WPSCI.COM)

[kmarklein@STEPHENSON-MI.COM](mailto:kmarklein@STEPHENSON-MI.COM)

[kay8643990@YAHOO.COM](mailto:kay8643990@YAHOO.COM)

[regulatory@texasretailenergy.com](mailto:regulatory@texasretailenergy.com)

[bessenmacher@tecmi.coop](mailto:bessenmacher@tecmi.coop)

[James.Beyer@wecenergygroup.com](mailto:James.Beyer@wecenergygroup.com)

[Richard.Stasik@wecenergygroup.com](mailto:Richard.Stasik@wecenergygroup.com)

[jlarsen@upppo.com](mailto:jlarsen@upppo.com)

[estocking@upppo.com](mailto:estocking@upppo.com)

[vobmgr@UP.NET](mailto:vobmgr@UP.NET)

[info@VILLAGEOFCLINTON.ORG](mailto:info@VILLAGEOFCLINTON.ORG)

[jeinstein@volunteerenergy.com](mailto:jeinstein@volunteerenergy.com)

[leew@WVPA.COM](mailto:leew@WVPA.COM)

[tking@WPSCI.COM](mailto:tking@WPSCI.COM)

[Amanda@misostates.org](mailto:Amanda@misostates.org)

[Deborah.e.erwin@xcelenergy.com](mailto:Deborah.e.erwin@xcelenergy.com)

[Michelle.Schlosser@xcelenergy.com](mailto:Michelle.Schlosser@xcelenergy.com)

Presque Isle Electric & Gas Cooperative, INC

Presque Isle Electric & Gas Cooperative, INC

Realgy Corp.

Realgy Energy Services

Santana Energy

Santana Energy

Spartan Renewable Energy, Inc. (Wolverine Power Marketing Corp)

Stephenson Utilities Department

Superior Energy Company

Texas Retail Energy, LLC

Thumb Electric Cooperative

Upper Michigan Energy Resources Corporation

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