

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission’s own motion,)
to investigate, audit, and review the methods)
employed by **CONSUMERS ENERGY COMPANY**) Case No. U-21305
and **DTE ELECTRIC COMPANY** to secure)
good electric service and ensure the safety of the)
public pursuant to MCL 460.555 and MCL 460.556.)
_____)

At the September 26, 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

On October 5, 2022, the Commission issued an order in this case (October 5 order) directing the Commission Staff (Staff) to commence the process of hiring a consultant to perform a comprehensive, independent third-party audit and review of the distribution systems, including all equipment and operations, of Consumers Energy Company (Consumers) and DTE Electric Company (DTE Electric).¹ Subsequently, the Staff worked with the Michigan Department of Technology, Management, and Budget to issue a request for proposal seeking bidders to perform the audit. On July 11, 2023, the contract was awarded to The Liberty Consulting Group (Liberty).

¹ For a description of the background leading to the Commission’s decision to commence the audits, see the October 5 order, pp. 1-12.

On August 30, 2023, the Commission issued an order in this case adopting a protective order for use with both standard information and critical energy infrastructure information. On December 21, 2023, Liberty filed a status report in the docket, stating that the audit “is focusing on the identification of cost effective actions necessary to reduce the total numbers and durations of outages and of improvements to safety particularly with respect to the potential for contact with the electrical distribution system by the public.” 2023 Utility Distribution Audit Status Report, p. 1. The status report provided a detailed description of the process Liberty would use to perform the audits.

On September 23, 2024, the Staff filed Liberty’s Final Report Utility Distribution Audit of Consumers Energy (Consumers Audit Report) and Final Report Utility Distribution Audit of DTE Energy (DTE Electric Audit Report).² This order announces the availability of the audit reports for review, provides information for the utilities on their required responses, and provides an opportunity for comment from any interested person.

In conformance with the October 5 order, the audits are divided into two parts. Part I examines each utility’s physical distribution system infrastructure and assesses the extent to which that infrastructure conforms to each company’s records. Part I also discusses whether the infrastructure complies with applicable standards and meets actual operational needs under both normal and abnormal conditions. Part II examines the organization, staffing, and resources available for operating the distribution system, and assesses emergency response capabilities.

² Though the title indicates DTE Energy Company (DTE Energy), the audit findings apply to DTE Electric, a wholly-owned subsidiary of DTE Energy. The Consumers Audit Reports are available in this docket at filing ## U-21305-0010 and U-21305-0011, and the DTE Electric Audit Reports are available at filing ## U-21305-0012 and U-21305-0013. The Commission’s press release explaining the audit process is available here: <https://www.michigan.gov/mpsc/commission/news-releases/2024/09/23/mpsc-releases-utility-audit-results-of-states-two-largest-electric-utilities> (accessed September 24, 2024).

Part II looks at emergency preparedness, storm restoration, and distribution system maintenance and investment. Part II includes recommendations for improvement associated with identified deficiencies or concerns. The analysis accompanying the recommendations encompasses specific changes that can be implemented and the benefits that can be expected.

The Staff has performed an initial review of the audit results. Liberty has identified 42 recommendations for DTE Electric and 33 recommendations for Consumers. With respect to the recommendations made by Liberty throughout Part II of both audit reports, the Staff has determined that the recommendations fall into the following three categories: (1) safety related—recommendations that have the potential to improve the safety of the distribution system in the near term; (2) compliance related—recommendations related to whether certain components of the distribution system are in compliance with administrative rules or the company’s internal standards, and which may have the potential to improve the safety of the distribution system; and (3) distribution plan related—recommendations that the Staff finds should be addressed by the utility in its next distribution investment and maintenance plan filing.

The Commission directs Consumers and DTE Electric to each file a response to their applicable audit report no later than November 15, 2024. The response should address each recommendation to the respective company in all three categories. For safety-related recommendations in category 1, the utility must include a description of how it intends to address (or has already addressed) the identified safety issues. The Commission highlights the following safety-related category 1 recommendations. Beginning with the Consumers Audit Report, Part II, Chapter 3, Emergency Planning and Response, Recommendation 7, states “Identify a call out objective and a time frame to reach that objective” and Recommendation 8 states “Identify a time frame for reaching the wire down secure time objective of two hours for MSAs [metropolitan

service areas] and non-MSAs and provide regular reporting to management on the status of improvement efforts.” Consumers Audit, Part II, p. 117. These two recommendations are in response to Liberty’s conclusion that Consumers’ wire down response time is poor and general wire down call-out responsiveness is poor. *See, id.*, p. 114. Additionally, Part II, Chapter 4, Outage Communications, Recommendation 2 states “Communicate with customers requiring medical equipment prior to a storm.” *Id.*, p. 143. This recommendation is in response to Liberty’s conclusion that, although Consumers’ community relations efforts have a sound organizational foundation, customers have continued to experience difficulty with communications during recent large storms and, in particular, Liberty notes the concern for customers who require medical equipment and the need to reach out to these customers before the emergency arises. *Id.*, p. 140.

Turning to the DTE Electric Audit Report, Part II, Chapter 1, Distribution System Organization, Management and Processes/Practices, Recommendation 11 states “Provide the resources to reduce the padmount transformer inspection backlog and determine an optimum inspection cycle” and Recommendation 12 states “Complete manhole inspections on the established cycle.” DTE Electric Audit, Part II, pp. 44-45. These recommendations are in response to Liberty’s determination that DTE Electric is experiencing a very large backlog of padmount inspections, and also facing substantial operational and safety issues related to manholes. *Id.*, p. 42. Part II, Chapter 2, DGP [Distribution Grid Plan] Reliability Programs, Recommendation 10 states “Plans for 4.8kV [kilovolt] conversion should not reduce the priority on safety-driven recloser installation as promptly as practicably achievable.” *Id.*, p. 85. This recommendation is in response to Liberty’s conclusion that the 4.8kV conversions taking place during the current distribution planning period should not have the effect of slowing the installation of reclosers at substation exit points. *Id.*, pp. 83-84. Part II, Chapter 3, Emergency

Planning and Response, Recommendation 6 states “Continue efforts to expand available wire down resource base, both internally and externally, along with driving continued improvement in affirmative responses from all available wire down resources” and Recommendation 7 states “Perform an analysis of the effects of increased wire down staff on its ability to reduce the number of unguarded wires down during severe weather events.” *Id.*, p. 126. These two recommendations are in response to Liberty’s finding that, while DTE Electric’s responsiveness to wire down events during non-catastrophic storms continues to improve, the company has been unable to perform well during large storms and has been unable to meet its target average median response time of one hour. *Id.*, pp. 123-124. Liberty also concludes that “DTE [Electric]’s policy of leaving wires down unguarded if they meet certain criteria is very uncommon.” *Id.*, p. 123.

The Commission directs Consumers and DTE Electric to answer the following questions as part of each company’s response to the above-quoted recommendations:

1. Does the company agree that an underlying safety concern exists?
 - a. If the company does not agree, please explain the company’s position.
 - b. If the company agrees that an underlying safety concern exists, does the company agree with the recommendation as a means to address it?
 - i. If the company does not agree with the recommendation, please provide an alternative recommendation or solution and a timeline to implement it.
 - ii. If the company agrees with the recommendation, please explain how the company plans to implement the recommendation along with a timeline.
2. Please provide any other comments on the recommendation the utility deems appropriate.

For compliance-related recommendations in category 2, the utility must detail a proposed plan and schedule of actions to address their respective identified compliance issues. Compliance-related recommendations include the following for Consumers: Chapter 1, recommendation

numbers 3, 4, 6, 7, and 10; Chapter 2, recommendation number 4; Chapter 3, recommendation numbers 1, 3, 4, 5, 6, 9, and 10; and Chapter 4, recommendation numbers 1, 3, and 4.

Compliance-related recommendations include the following for DTE Electric: Chapter 1, recommendation numbers 2, 4, 5, 6, 9, 10, 13, 14, and 17; Chapter 2, recommendation numbers 4, and 6; Chapter 3, recommendation numbers 1, 2, 3, 4, 5, 8, and 9; and Chapter 4, recommendation numbers 1, 2, and 3.

For distribution plan-related recommendations in category 3, the utility must identify recommendations in this category and detail how the company will incorporate each proposed action in the utility's next distribution investment and maintenance plan in accordance with current guidance available in Case No. U-20147.

Interested persons are invited to submit comments on the audit reports and on the utilities' responses to the audit reports. To be considered, all initial comments should be filed in this docket no later than 5:00 p.m. (Eastern time) on December 16, 2024. Reply comments may be filed in this docket no later than 5:00 p.m. (Eastern time) on January 17, 2025. All comments should be paginated and must reference Case No. U-21305. 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 mpscedockets@michigan.gov. 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 and will be subject to disclosure.

After reviewing the filed responses, comments, and reply comments, the Commission anticipates providing further guidance with respect to compliance reporting, rate cases, and distribution planning in early 2025.

THEREFORE, IT IS ORDERED that:

A. Consumers Energy Company shall file a response to the Final Report Utility Distribution Audit of Consumers Energy no later than 5:00 p.m. (Eastern time) on November 15, 2024, as described in this order.

B. DTE Electric Company shall file a response to the Final Report Utility Distribution Audit of DTE Energy no later than 5:00 p.m. (Eastern time) on November 15, 2024, as described in this order.

C. Interested persons may file initial comments on the Final Report Utility Distribution Audit of Consumers Energy, the Final Report Utility Distribution Audit of DTE Energy, and the associated utility responses no later than 5:00 p.m. (Eastern time) on December 16, 2024.

D. Interested persons may file reply comments relating to the Final Report Utility Distribution Audit of Consumers Energy, the Final Report Utility Distribution Audit of DTE Energy, the associated utility responses, and initial comments no later than 5:00 p.m. (Eastern time) on January 17, 2025.

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 LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheac1@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 September 26, 2024.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

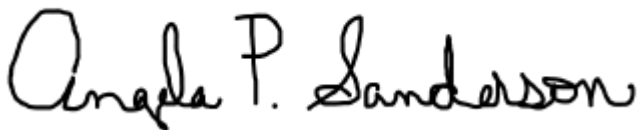
Case No. U-21305

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on September 26, 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 26th day of September 2024.



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

Service List for Case: U-21305

Name	On Behalf Of	Email Address
Consumers Energy Company (1 of 2)	Consumers Energy Company	mpsc.filings@cmsenergy.com
Consumers Energy Company (2 of 2)	Consumers Energy Company	kelly.hall@cmsenergy.com
DTE Electric Company	DTE Electric Company	mpscfilings_account@dteenergy.com

GEMOTION DISTRIBUTION SERVICE LIST

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

GEMOTION DISTRIBUTION SERVICE LIST

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

GEMOTION DISTRIBUTION SERVICE LIST

bschlansker@PREMIERENERGYLLC.COM

MVanschoten@pieg.com

aberg@pieg.com

johnbistranin@realgy.com

BusinessOffice@REALGY.COM

mvorabout@ses4energy.com

rabaey@SES4ENERGY.COM

cborr@WPSCI.COM

jbelec@stephenson-mi.org

kay8643990@YAHOO.COM

regulatory@texasretailenergy.com

bessenmacher@tecni.coop

James.Beyer@wecenergygroup.com

Richard.Stasik@wecenergygroup.com

jlarsen@uppc.com

estocking@uppc.com

manager@villageofbaraga.org

Villagemanager@villageofclinton.org

jeinstein@volunteerenergy.com

leew@WVPA.COM

tking@WPSCI.COM

Amanda@misostates.org

Deborah.e.erwin@xcelenergy.com

Michelle.Schlosser@xcelenergy.com

Premier Energy Marketing LLC

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