

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion to )  
review its response to the novel coronavirus )  
(COVID-19) pandemic, including the statewide state )  
of emergency, and to provide guidance and direction )  
to energy and telecommunications providers and )  
other interested persons. )  
\_\_\_\_\_ )

Case No. U-20757

At the June 12, 2025 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.

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 interested persons 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 interested persons and recommendations for the Commission's next steps. *See*, February 18 order, pp. 9-13. In that order, the Commission adopted several Staff recommendations including the recommendation to form the Energy Affordability and Accessibility Collaborative (EAAC). The Commission also directed the Staff to coordinate the EAAC with the Energy Waste Reduction (EWR) Low-Income Workgroup and file, no later than December 17, 2021, an interim report regarding the progress made in the EAAC. *See*, February 18 order, pp. 15-20.

As directed by the Commission, the Staff filed an interim report on December 17, 2021, in this case (December 17 report) detailing the progress made by the EAAC. On February 10, 2022, the Commission issued an order in the instant docket (February 10 order) addressing the specific recommendations made by the Staff in the December 17 report and directed the Staff to file a

second interim report detailing the progress, challenges to progress, and any recommendations of the EAAC. 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) which includes leadership from the EAAC and EWR Low-Income Workgroup subcommittee, peer leaders in state government, related task forces, representatives with experience in energy security, and Staff experts. *See*, February 10 order, pp. 14-15.

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 summarized 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 detailed the work undergone by the EWR Low-Income Workgroup and the EAAC, and identified outcomes and outlined recommendations.

On December 21, 2023, the Commission issued an order in this docket (December 21 order) reviewing the March 16 report and comments filed. The December 21 order specifically adopted many of the Staff's March 16 report recommendations and also extended the timeline of the EAAC through calendar year 2024. The Commission specifically adopted the Staff's recommendation to establish a critical care protection collaborative and directed that the collaborative commence during 2024, and for the Staff to file a summary of findings in December 2024. *See*, December 21 order, p. 32. As a result, the Staff filed an additional interim report on December 26, 2024 (December 26 report).

The December 26 report "provides an update limited to work accomplished by the EAAC Data Analysis and Regulatory Review (DARR) Subcommittee who led the Critical Care

Collaborative (CCC) directed by the Order on December 21, 2023, and the Definitions and Customer Focused Data and Metrics (CFDM) Subcommittee.” December 26 report, p. v. In pertinent part to this order, the December 26 report describes the CCC committee process and recommendations. As noted in the report:

The critical care shut off protection, Mich Admin Code, R 460.130a, was established as a result of two cases that came before the Commission, Case No. U-18098 and Case No. U-18099.

Case No. U-18098 directed Staff and all interested parties to establish a collaborative to study the state of emergency medical hold guidelines, rules, procedures, and practices. Staff met with key interested parties throughout the process and also reviewed best practices, the protections in use by other states, and case studies. In addition, Staff evaluated current protections.

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The outcome of the previous collaborative was the establishment of new rules, which went into effect December 2017.

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In Case No. U-18099, the Commission reviewed the cases of two medically vulnerable Michigan customers with emergency needs who were disconnected due to nonpayment. In both of these incidents the customer was on a ventilation system. The result of the investigation found the utility in question followed all of the Consumer Standards and Billing Practices for Electric and Natural Gas Service (Billing Rules) including notifications, assistance, etc.

December 26 report, p. 6 (footnote omitted).

The December 26 report indicates that “[t]he goal of the CCC was to discuss possible rule changes while focusing on the journey of a customer seeking the critical care shut off protection.” *Id.*, p. 7. The report notes that the “Staff used a variety of tools to analyze the barriers customers face when trying to be protected from utility services being shut off,” and the “CCC used a variety of feedback methods to communicate with participants. These included direct email, a suggestion box, surveys, open forum discussions, presentations, and collaborative comments. In the effort to

help customers, Staff encouraged participants to provide feedback while allowing them the option of remaining anonymous.” *Id.*, pp. 7-8. The December 26 report next details the three collaborative sessions held, including the topics covered, issues discussed, and suggestions considered. *See, id.*, pp. 8-14.

The December 26 report lists the following recommendations with regard to topics covered by the CCC:

- Recommendation 1.1 - Adopt a Clear-Cut Critical Care Shutoff Protection Definition
- Recommendation 1.2 - Establish a List of Qualifying Medical Equipment for Medical Emergency and Critical Care Shut off Protection
- Recommendation 1.3 - Critical Care Shut off Protection – Customer Journey

*See, id.*, pp. 14-22. These recommendations, as well as the reviewed concepts not supported by the CCC, are more fully discussed by the Commission below.

In addition, the CFDM subcommittee included the following recommendation in the December 26 report:

- Recommendation 3.1 - Direct Staff to complete affordability metrics in collaboration with the EAAC’s Affordability, Alignment, and Assistance Subcommittee (AAA) and complementary to the AAA’s analysis of affordability programs.

*Id.*, p. 39. Like the CCC recommendations, this recommendation is more fully reviewed below.

### Discussion

The Commission first expresses its gratitude to the Staff, the CCC, and all interested persons who participated in this process. The thorough review of the important topics of critical care customer protections and affordability is essential to assist the Commission in making informed decisions and improvements going forward. As noted above, the December 26 report reflects

three recommendations made by the CCC and one recommendation made by the CFDM subcommittee.

With regard to Recommendation 1.1, after review of the current definition of critical care customer, the CCC proposed a revision to establish a more clear-cut definition. Currently, Mich Admin Code, R 460.102(n) (Rule 2(n)) defines a critical care customer as:

Any customer that requires, or has a household member who requires, home medical equipment or a life support system, and that, on an annual basis, provides a commission-approved Medical Certification Form from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life threatening.

Some participants noted that the term “immediately” was too vague while other participants believed the definition was appropriate and clear. Additional definitions from other jurisdictions were reviewed and, ultimately, the CCC recommended a revised definition as follows:

Any customer who requires, or has a household member who requires, home medical equipment or a life support system without which the patient will die, and that, on an annual basis, provides a commission-approved Medical Certification Form from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life threatening.

December 26 report, p. 15.

In the report, the Staff noted that it “believes that the current definition is clear but finds merit with the CCC recommendation and requests the Commission move forward with adopting the proposed draft critical care definition.” *Id.*

The Commission has reviewed the proposed definition and finds that the current definition, under Rule 2(n), is clear and a change is not needed.

Next, with regard to Recommendation 1.2 December 26 report notes that “[a] consideration brought up during the CCC multiple times was to establish a list of life-sustaining medical equipment that the utility, customer, and medical professionals could reference.” December 26

report, p. 15. The report explained that such a tool would be beneficial to the utilities and customers. Further, the report indicates that such a list “would also alleviate any confusion for medical professionals signing a customer’s Medical Certification Form. The medical equipment list should reduce the number of denials, as all parties will be knowledgeable of the qualifications.” *Id.*

While noting concerns regarding the creation of a list of qualifying medical devices, given the Staff’s lack of credentialed medical expertise, the CCC ultimately recommends adopting a list. More specifically, several options were considered, some of which are listed in the report, Figure 3. The CCC concluded that Option 1, featuring a standardized equipment list, “allows flexibility, while providing all parties direction for what is deemed an acceptable device.” *Id.*, p. 16. Further, the CCC requests that a rulemaking be initiated with respect to the billing rules to implement this recommendation.

The Commission understands the value of establishing a list of qualifying medical equipment for medical protections, proposed under Recommendation 1.2, as it provides guidance to customers and utilities while also maintaining flexibility for medical providers to fully consider an individual customer’s needs. However, the Staff members are not the appropriate credentialed experts in the medical industry and rely on medical professionals to assist with customers’ needs, identifying the appropriate medical equipment or life support system needed, and if an interruption of service would be immediately life-threatening. Nothing in the rules precludes the utilities from seeking assistance from the medical field to create a list to use internally to help streamline their own initial review process. Any internal review process of customer medical needs would need to be done with some flexibility to allow for the myriad of different situations between patients. As

such, the Commission directs utilities to continue to work directly with credentialed medical professionals to address their customers' medical needs and qualifying medical equipment.

With regard to Recommendation 1.3, the Staff notes that “[d]ue to the number of customers who have medically vulnerable needs requiring energy resources, it is important to have protections in place . . . .” *Id.*, p. 16. The December 26 report includes a detailed review of concerns from both advocates and utilities, as well as notes some success stories. The Staff indicates that “[t]he overall goal is to find a way to keep medically vulnerable customers protected but still continue to keep them engaged during the protection and beyond the enrollment and renewal period, ultimately resulting in success.” *Id.*, p. 19. In order to address these concerns and to meet this goal, the CCC reviewed various processes and set forth a proposed customer journey chart in Figure 5 of the report. *Id.*, pp. 19-21. The Staff states that it supports the proposal

to require customers who participate in the critical care shut off protection to seek assistance (if income eligible) or enter into a payment plan. This recommendation is consistent with protection plans in other states as mentioned in this report. If the customer defaults under the payment plan, the customer may be disconnected. This change would keep the customer engaged during the critical care shut off protection and aid with managing account arrearages. The CCC is requesting opening up the billing rules for rulemaking. The rule revision would encourage both engagement from the utility and the customer by specifically requiring the utility to work hand-in-hand with the customer, providing guidance with assistance and payment plan options. The customer's responsibility, if in arrears, is to seek assistance or make a payment.

*Id.*, p. 22.

The Commission supports this recommendation. The proposed customer journey chart considers different scenarios and outcomes and provides a balance between utilities keeping vulnerable customers engaged through participation in a payment plan or by seeking assistance and requiring engagement from the utility in how it assists customers in this journey. Therefore,

the Commission finds that the Staff should begin a rulemaking process consistent with this recommendation.

The December 26 report also indicates that the CCC discussed creating a new rate structure for medical and critical care customers. However, after review, the CCC did not recommend such action citing difficulties in implementation and the potential need for legislative action. The Commission supports this analysis.

Finally, as noted above, the CFDM subcommittee recommended that the Commission direct the Staff to collaborate with the EAAC's AAA subcommittee to develop affordability metrics. More specifically, in the March 1, 2024 order in Case No. U-21389 (March 1 order), the Commission directed the EAAC to "develop a straw proposal on affordability metrics for the Commission to consider, share that straw proposal with interested persons for review and feedback, and then incorporate those results in the [EAAC's] end of year report due in Case No. U-20757." March 1 order, p. 314.

The Commission finds that Recommendation 3.1 is reasonable and should be adopted. Further, the Commission directs the Staff to include the straw proposal for affordability metrics with the Percent of Income Payment Plan analysis report.

THEREFORE, IT IS ORDERED that the Commission Staff shall work towards initiating the rulemaking process to implement Recommendation 1.3, consistent with this order. In addition, the Commission Staff shall also collaborate with the Energy Affordability and Accessibility Collaborative's Affordability, Alignment, and Assistance subcommittee to implement Recommendation 3.1, 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 [LARA-MPSC-Edockets@michigan.gov](mailto:LARA-MPSC-Edockets@michigan.gov) and to the Michigan Department of Attorney General - Public Service Division at [sheac1@michigan.gov](mailto: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

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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 June 12, 2025.

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Lisa Felice, Executive Secretary

# PROOF OF SERVICE

STATE OF MICHIGAN )

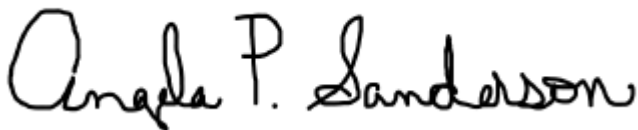
Case No. U-20757

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on June 12, 2025 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 12<sup>th</sup> day of June 2025.



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

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