STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to open a docket for certain regulated electric utilities to file their distribution investment and maintenance plans and for other related, uncontested matters.	))))))	Case No. U-20147

At the July 10, 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

History of Proceedings

On September 26, 2024, the Commission issued an order in this case (September 26 order) wherein the Commission, in relevant part: (1) directed the Commission Staff (Staff) to file a proposed protective order for use by regulated electric utilities in connection with the filing or provision of confidential information in the docket by October 10, 2024; (2) allowed for the filing of comments from interested persons by October 24, 2024, regarding: (a) the Staff's straw proposal to clarify and improve the electric distribution investment and maintenance plan (distribution plan) process for all involved moving forward (*see*, September 26 order, Exhibit A) and (b) the Staff's proposed protective order; (3) directed the Staff to convene a collaborative session with interested persons following the comment period to further discuss the straw proposal and comments thereto, with the Staff directed to file a revised straw proposal if needed within 30 days following the collaborative session; and (4) stated that the Commission would, following the before-mentioned directives, issue an order: (a) adopting distribution plan filing requirements for utilities, (b) providing additional guidance on the timing for the next set of distribution plans to be filed by applicable regulated electric utilities, and (c) approving a protective order for use in the matter. September 26 order, pp. 135, 143.

On September 30, 2024, Alpena Power Company (Alpena) and Northern States Power Company (NSP-W) filed their first distribution plans.

On October 10, 2024, the Staff filed its proposed protective order.

On October 24, 2024, the following interested persons filed comments in response to the September 26 order: DTE Electric Company (DTE Electric); Indiana Michigan Power Company (I&M); Citizens Utility Board of Michigan (CUB); Michigan Electric and Gas Association (MEGA); the Environmental Law and Policy Center, Ecology Center, Inc., Union of Concerned Scientists, and Vote Solar (collectively, the Clean Energy Organizations or the CEOs); Consumers Energy Company (Consumers); the Michigan Energy Innovation Business Council jointly with Advanced Energy United (MEIBC/United); and the Virtual Power Plant Partnership (VP3).

On December 17, 2024, the Staff convened its required collaborative session to discuss its straw proposal and comments thereto.[1]

On January 16, 2025, the Staff filed a revised distribution plan filing guidelines proposal.

On January 31, 2025, Upper Peninsula Power Company (UPPCo) filed its first distribution plan.

[1] *See*, www.michigan.gov/mpsc/commission/events/2024/12/17/u-20147-collaborative-session (accessed July 10, 2025).

Comments mentioned above are summarized below, with Commission discussion and guidance thereafter.

Comments

1. DTE Electric Company

DTE Electric responds to both the Staff's straw proposal and the Staff's proposed protective order, addressing the topics of reporting safety incidents and strategies for streetlight and community lighting operations within the straw proposal and then the protective order itself.

With regard to the reporting of safety incidents, DTE Electric states that it already reports instances of fatalities and serious injury to the Commission in accordance with the Commission's Technical Standards for Electric Service, Mich Admin Code, R 460.3101 *et seq*., whereas the Staff's proposal for safety incidents involving electric facilities to be included in a utility's distribution plan is "exceptionally broad and undefined." DTE Electric's comments, p. 2. DTE Electric states that:

> [i]t is not clear if the proposal seeks to expand the definition of "serious injury" in R 460.3102 and the reporting requirements in R 460.3102. More importantly it is unclear what purpose this data would serve within a utility's distribution grid plan. These injuries often have no relationship to the integrity of the distribution system or the improvements made to it, for example a car accident that breaks a pole and results in a serious injury is not relevant and should not be included in reporting for this purpose.

Id.

Next, DTE Electric does not believe it is warranted or necessary for community lighting (also referred to as streetlighting) to be included in distribution plans for two key reasons: (1) community lighting assets are separate and distinct and operate separately from the company's distribution operations, as community lighting assets in no way impact the operating integrity or reliability of the company's distribution assets and because the focus of distribution plans is on distribution investments, not community lighting, and (2) from a cost of service/rate design perspective, community lighting maintains its own rate base, with separate capital expenditures and operations and maintenance (O&M) expenses. *Id*., p. 3.

Lastly, on the Staff's proposed protective order, DTE Electric states that it "cannot consent to any provision that would compromise its right to object to production of Critical Energy Infrastructure Information which will compromise the security of its facilities or information which would compromise commercial interests of the Company or third parties;" however, "[i]t is the Company's intention to continue to be transparent and anticipates that evaluation models such as the Global Prioritization Model and Distribution Reliability Model will be able to be made available with appropriate protections." *Id*., p. 4.

2. Indiana Michigan Power Company

I&M states that it filed joint comments as part of MEGA's comments (summarized below) but also submits the following supplemental comments to further address Sections IV(e) (Resilience Approach and Planning) and IV(e)(iii) (Projected costs and rate impacts) within the Staff's straw proposal. I&M's comments, pp. 1-2.

With regard to Section IV(e) (Resilience Approach and Planning), I&M requests more guidance from the Staff regarding the Staff's expectations for a vulnerability assessment and clarification on what constitutes a vulnerability assessment. Once defined, I&M then further requests the ability to comment subsequently on this section of the straw proposal after it gains a better understanding of expectations. *Id*., p. 1.

Lastly, with regard to Section IV(e)(iii) (Projected costs and rate impacts), I&M states that it:

> considers many factors in determining the value and priority of distribution projects, while also ensuring safety and maintaining reliability, as part of its distribution planning process. Many of these factors may change over time, especially in the projected outer years. With potential changes in assumptions,

> resulting rate impacts may also change, altering any potential benefit of a rate analysis. Furthermore, distribution investments related to resilience initiatives are only a subpart of the overall rate impact to customers. I&M provides rate impacts as part of a base rate case, which includes a Distribution Management Plan that closely aligns with I&M's Five-Year Distribution Plan. Therefore, I&M finds a rate analysis, that only provides a small piece of a much larger picture, and one that is likely to change, to be unnecessary and not helpful.

Id., p. 2.

3. Citizens Utility Board of Michigan

CUB comments on the Staff's straw proposal in light of rising distribution costs, the impact of such costs on customer bills, and the results of the third-party audit in Case No. U-21305 supporting the expectation that the targets set forth by Consumers and DTE Electric will require substantial infrastructure improvements that will have a significant impact on electricity prices. CUB's comments, p. 1. CUB, in this regard, discusses the Commission's intention in creating distribution plans to enhance the ability of all involved to scrutinize distribution grid spending that could lead to these significant price increases put side by side with CUB's concern about the lack of a contested case process to evaluate the investments properly. CUB believes that the Staff's straw proposal "could have the unintended consequence of leading to the rubber stamping of distribution grid spending items that do not pass a cost-benefit test or lack clear justification despite their expense." *Id*., pp. 1-2. Per CUB:

> Using this docket to evaluate elements of utility distribution plans that will "feed" into rate case filings makes a lot of sense as a way to give distribution grid-related proposals more evaluation than they could receive in rate cases alone, where they would be competing for attention with the host of other issues that come up in rate cases. It does not make sense, however, if the distribution plans are not subject to attributes of contested cases like discovery, testimony under oath, cross examination and fact-finder consideration of the evidence and arguments.
>
> The concern is that if distribution spending proposals are able to "feed" into rate cases without the chance to give them due scrutiny, those proposals could enter those rate cases with a degree of presumption that they should be approved as part of those rate cases.

Id., p. 2. In this context, CUB references and mentions examples from prior distribution plans filed where more extensive analysis of utility proposals is needed to determine justification, which CUB asserts can only come from the attributes of a contested case process, and, while acknowledging that necessary information could be gathered during a rate case, CUB states that "at that point it may be more difficult to extract the full information from the utility, who may claim the proposals were already vetted during the distribution grid plan stage and thus need not be belabored at the rate case stage." *Id*., p. 3.

In sum, CUB contends that the Staff's straw proposal erred by not including attributes of the contested case process to distribution plans and asserts that the omission thus undermines the purpose of these cases, which is to shed more light on utility distribution grid spending proposals. *Id*.

4. Michigan Electric & Gas Association

MEGA comments on both the Staff's straw proposal and the Staff's proposed protective order.

Overall, MEGA opines that the Staff's straw proposal is reflective of the Commission's direction and overall aim for utilities to provide insight into utility planning that will then inform their rate cases. MEGA, however, raises concern over "the width and breadth of the data being requested," particularly for smaller utilities that do not file rate cases on an annual basis. MEGA's comments, p. 2. MEGA thus requests that the Commission "adopt a bright line as it has in the past for utilities to file with the updated parameters contained in the Staff Straw Proposal, once adopted," by setting "a date for plans filed after to comply with the new requirements," which "would be extremely helpful for the smaller utilities in managing their staff resources." *Id*., p. 3 (footnote omitted). In this context, MEGA also states that:

> [o]ne other important item to note is that many of the provisions require filing data for 10 or 15 years of planning. The Commission recognized that company plans in this docket are "a utility's strategy for its distribution system over the next 5+ years, with rate cases connecting to and supporting that strategy." September 26, 2024 Order Page 137. MEGA submits that any 10- or 15-year outlook would require significant staff time for the utility, and would be speculative at best, as those improvements beyond a 5-year horizon would not be even sought for recovery by the utility in its next rate case. This includes Staff's recommendation in Section IV(a) wherein Staff recommends forecasted reliability metrics be mapped to planned system investments and expected improvements over 10 years. It is not practical to directly map a 10-year projected reliability metric to specific investments, due to the speculative nature and numerous variables involved that impact the results. MEGA recommends the projection horizon be reduced.

Id.[2] MEGA further contends that the Staff's proposed pre-filing outreach of 12 months seems excessive considering that utilities could be giving notice of a new distribution plan filing while their current distribution plan is still pending before the Commission and thus recommends a shorter notice period of 60 days prior to the filing of a utility's distribution plan, similar to the filing announcement provision in the rate case filing requirements. *Id*. From there, MEGA then addresses concerns by heading in the straw proposal as follows: (1) Interested Party Outreach – MEGA suggests a threshold for public engagement (in terms of dollars or customers impacted)

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[2] The Commission notes that Section IV(a) does not explicitly reference a 10-year planning horizon, as stated by MEGA. Rather, Section IV(a) states (as slightly modified by the Commission to reflect the five-year minimum projection period within the description as opposed to the heading):

> Forecasted Reliability Metrics and Targeted Goals
>
> For the planning period, utilities shall include, where able, SAIDI [system average interruption duration index], SAIFI [system average interruption frequency index], CAIDI [customer average interruption duration index], CELID [customers experiencing long interruption durations], and CEMI [customers experiencing multiple interruptions] with and without MEDs [major event days], mapped to planned system investments and expected improvements. Projections should consider a *five-year period at minimum*.

Exhibit A, p. 7 (emphasis added).

considering that smaller utilities have fewer resources to deploy for outreach and engagement and (2) Distribution Plan and Documentation – MEGA comments or recommends the following: (a) recommends requiring utilities to provide benchmarking only for reliability metrics that they are currently required to track at the time of their distribution plan filings, (b) recommends removing the requirement to report Institute of Electrical and Electronics Engineers metrics by "condition," (c) recommends maintaining consistency between historical outage events data and current required reporting to avoid the need for additional labor on data analysis, (d) comments that not all utilities create overlay maps of historical distribution investment as it relates to operations and programs, (e) recommends allowing flexibility for a utility to demonstrate that it is projecting for year-over-year improvement as it relates to forecasted reliability metrics, (f) comments that lighting pollution concerns or guidelines are outside the control of utilities as it relates to Section III(f)(v) of the straw proposal, and (g) expresses caution and concern as it relates to the provision of customer rate impacts in distribution plans under Section IV(h) and also notes that utilities already report grant application efforts to the Commission every six months, and thus doing the same here would be redundant, unnecessary, and stale. *Id*., pp. 4-6.

Lastly, as to the Staff's proposed protective order, MEGA relays that it has no specific comments, just appreciation of the fact that some data may be proprietary and need to be protected. *Id*., p. 6.

5. Environmental Law and Policy Center; Ecology Center, Inc.; Union of Concerned Scientists; and Vote Solar

The CEOs comment on the Staff's straw proposal in the form of redline edits. *See*, CEOs' comments, Exhibit A. Overall, however, the CEOs believe that the Staff can improve its straw proposal by:

> (1) adding more detail around some of the required analyses particularly related to equity and hosting capacity; (2) making the utilities' public engagement requirements more stringent and mandatory; (3) formalizing the Commission's role in providing feedback on plans; and (4) ensuring the Utilities' examination of grid modernization technologies includes a locational analysis.

Id., cover page.

Specifically, the CEOs encourage the Commission to clarify that a utility filing a distribution system plan (DSP) "should use the electric distribution grid plan process to articulate its strategic mid- to long-term plan for its distribution grid through the lens of the Commission's stated planning objectives." *Id*., Exhibit A, p. 1 (based on natural pagination). In addition, the CEOs recommend that annual updates should be required and that "[t]he filing of annual updates should be coordinated with rate case filings, such that deviations from the originally filed distribution grid plan are reflected in both the annual update and the rate case." *Id*., Exhibit A, p. 2. Like some other commenters, the CEOs also recommend requiring several outreach meetings and that the outreach meetings "provide an appropriate amount of time for [interested persons] to aid the utility in defining problems and offering solutions." *Id*. The CEOs further argue for a requirement for utilities to respond to comments or categories of comments relating to specific areas of the utility's DSP, as well as having the Commission provide broad feedback on each utility's DSP, similar to what was included in the September 26 order.

In terms of the substance of future DSPs, the CEOs recommend that historical reliability metrics and historical O&M and capital spending be provided for each of the last five years. *Id*., Exhibit A, p. 5. The CEOs also recommend specific analyses to be provided as part of the Environmental Justice Mapping Analysis. *Id*., Exhibit A, pp. 6-7. For the Distribution System Planning section, the CEOs recommend that the utilities be required to include as part of their plans Load Forecasts and a Distributed Energy Resource (DER) Outlook, which the CEOs describe as follows:

> The Utility shall describe its circuit-level load forecasting process, including how the utility incorporates the load-modifying impact of DER. For each of its distribution circuits, the Utility shall provide the circuit voltage, capacity (MW [megawatt] or MVA [megavolt-ampere]), the peak and minimum daytime load for each of the previous five years, the forecasted peak load, MW of existing DER by DER type, and forecasted MW of DER by DER type. The Utility shall also provide scenario analyses to understand the impacts of DER expansion as well as building and transportation electrification.

Id., Exhibit A, p. 7. The CEOs also urge that the grid modernization efforts included in utility DSPs "be granular, with a focus on locational value . . . [including] specific circuits and substations that would be candidates for each investment type listed above." *Id*., Exhibit A, p. 8. Finally, the CEOs urge for additional discussion to be included in the Hosting Capacity Analysis, as well as for an Affordability Gap Analysis to be included in the Customer Affordability Analysis. *Id*., Exhibit A, p. 9.

6. Consumers Energy Company

Consumers comments on the Staff's straw proposal and proposed protective order and also includes redline edits to the protective order attached to its comments as Attachment A. *See*, Consumers' comments, pp. 1-6; *see also*, *id*., Attachment A.

First, addressing the requirement of overlay maps of planned and historical distribution system investments, Consumers states that neither historical nor planned are defined in terms of timeframe and thus recommends the following definitions: For "Historical Overlay Maps" to "refer to the three historical years prior to the utility's last filed plan with a start date of January 1, 2024," and for "Planned Overlay Maps" to "refer to the year of and the two years following the utility's current filed plan for a total of three years." *Id*., p. 2 (emphasis removed); *see also*, *id*., p. 3.

Next, with regard to historical safety incidents involving electric facilities, Consumers again states that historical is not defined in terms of timeframe and thus suggests "a three-year historical look back of these safety incidents from the year of the ordered distribution plan similar to the timeline detailed in Figure 1 above [in the company's comments]" and to align with historical overlay maps. *Id*., p. 4. Consumers further states that it "is happy to provide the Electric Contact Summary data already reported to the [Commission] through its Form 2842 which provides all the fields outlined in the straw proposal on incidents where individuals contact the Company's electric distribution assets." *Id*., p. 3.

Next, with regard to relevant data on the condition of distribution system assets, Consumers states that it:

> interprets relevant data as a categorical summary of assets by class rather than an individual asset by asset inventory which would require thousands of pages of data that would be difficult to review, much less analyze. The Company monitors the operational health metrics of the electric distribution system including data that summarizes the health, key risks, location, and planned work dates for the worst performing asset classes. Classes contain broader asset categories such as high voltage distribution (HVD) and low voltage distribution (LVD), lines (including pole top components, cross-arms, and poles), substations, transformers, and metro system assets.

Id., p. 4.

Lastly, Consumers comments that the Staff's proposed protective order should be modified to better reflect that distribution plan cases are not contested cases. Based on its belief that additional adjustments are necessary to conform the proposed standard protective order to a comment-case environment, Consumers states that it attached a redline version with the company's proposed revisions. These proposed revisions, per Consumers, contain two main adjustments related to the definitions of "Party" and "Reviewing Representative" and the provision of Nondisclosure Certificates to both the "Disclosing Party" (typically the utility) and the Commission to ensure that both "have appropriate awareness of who has met the criteria for receiving the confidential data," along with a small number of additional adjustments to reflect that the protective order is for use in a comment proceeding versus a contested case. *Id*., pp. 5-6.

7. Michigan Energy Innovation Business Council and Advanced Energy United

MEIBC/United comment on the Staff's straw proposal and state that, while generally well-designed, the proposal contains areas that can be improved upon. MEIBC/United's comments, p. 2.

As a prefatory comment to the September 26 order, MEIBC/United remain concerned over the lack of greater scrutiny that distribution plans receive versus integrated resource plans (IRPs) and note their concern that this lack of scrutiny impedes more comprehensive planning that could lead to more cost-effective distribution system investments. MEIBC/United state that unvetted distribution plans not only play a significant role in the preparation and design of rate cases but are also often referenced in rate cases as supporting evidence to justify investments. Per MEIBC/United:

> Given that the [distribution plans] are not formally reviewed and [ ] comments [from interested persons] do not need to be incorporated by the utility, it would appear to be a circular argument to point to these documents in a rate case as record evidence. In their prior comments in this proceeding, Michigan EIBC/United noted that statutory direction may be needed regarding the scope of the Commission's authority on this point, but in the meantime, Michigan EIBC/United suggest that the Commission consider the broad authority it has under MCL 460.6(1) to more closely examine and approve, modify, or reject utility [distribution plans]. Michigan EIBC/United acknowledge that the Commission need not make a decision on this issue in the context of the Straw Proposal, but respectfully encourage the Commission to consider its existing authority over utility planning.

Id., p. 3 (footnotes omitted).

Moving on to the Staff's straw proposal, MEIBC/United first address the Staff's proposed filing schedule and state that they support the schedule proposed and find merit in the filing of updates to the distribution plans but are not convinced that these updates should only be optional. MEIBC/United comment, "[w]hile utilities should be free to submit an update when they believe doing so is warranted, the Commission should consider identifying situations when updates are mandatory," such as "when an underlying law affecting an aspect of a [distribution plan] has changed" or "if new federal or state opportunities emerge affecting, for example, consumer interests in distributed energy resources ('DERs') . . . or funding for utility infrastructure improvements . . . ." *Id*., pp. 3-4.

MEIBC/United next address filing guidelines under the Interested Party Outreach heading and suggest revision to require at least two outreach meetings—"one during regular business hours and one outside of regular business hours"—so as to not pose an obstacle for community leaders and advocacy groups, including typical intervening parties, from being able to attend if only one outreach meeting outside of normal business hours is required. *Id*., p. 4. MEIBC/United further suggest that the Commission should establish an outer limit of reasonable travel time for customers for these outreach meetings, suggesting a 45-minute drive limit from where public forums have been requested. In the interest of efficiency, however, MEIBC/United state that "the Commission could require each utility to notify [interested persons] that they may request additional outreach meetings in particular geographic areas and only hold such meetings if requested to do so." *Id*., p. 5. MEIBC/United also recommend that outreach meetings be required to be available for interested persons to participate either in-person, by phone, or virtually. MEIBC/United further recommend that utilities be required to gather the most up-to-date information from technical experts prior to the filing of their distribution plans to discuss issues related to grid modernization, electrification, electric vehicles (EVs), DERs, non-wires alternatives, and other emerging issues and early enough in the process for such information to be meaningfully considered by the utilities when preparing their distribution plans.

MEIBC/United next address items under the Distribution Plan and Documentation heading and indicate their support for the standardization of distribution plan filings and the permanent incorporation of a grid modernization section within utility distribution plans. To this point, however, MEIBC/United contend that "electric utilities should evaluate, as part of distribution system planning, complementary grid-side investments that leverage and optimize existing infrastructure in order to support greater DER integration and utilization," but "[t]o the extent that existing infrastructure is no longer able to support a modernized, DER-enabled grid, Michigan EIBC/United recommend that utilities report on these topics and provide detailed replacement strategies that align with previous Commission Orders, reports, and legislative mandates." *Id.*, pp. 6-7. MEIBC/United further recommend that Section IV(f) of the straw proposal be modified to include the impact that building electrification, DER adoption, and transportation electrification could have on distribution system planning, to call attention to these issues and to add additional weight to the guidelines outlined in this portion of the straw proposal. Specifically, per MEIBC/United:

> the Straw Proposal outline should identify building electrification in addition to transportation electrification (as in subsection [IV](f)v). In addition, the Straw Proposal should require consideration of the benefits of these technologies to the grid, to customers, and to utility financial investments (e.g., avoided distribution costs). This consideration should be added to the final paragraph in Section IV(f).

MEIBC/United's comments, p. 7. With this portion of the straw proposal, MEIBC/United further recommend: (1) consideration of third-party owned DERs, specifically suggesting that "the Commission could direct utilities to identify how they intend to improve the interconnection process for third-party owned DERs and how they intend to encourage the use of third-party owned DERs to benefit the grid," and (2) regularly updated hosting capacity maps, including a requirement that a hosting capacity or load carrying capacity analysis "be updated whenever major changes occur on a circuit." *Id*., p. 8. MEIBC/United note that the Commonwealth Edison Company in Illinois began updating its hosting capacity maps quarterly starting in September 2023 before moving to monthly updates starting in September 2024 and that Pepco Holdings generates a monthly report with updated hosting capacity information for those feeders that have had 500 kilowatts (kW) or more in generation added to that feeder. On this basis, MEIBC/United encourage the Commission to "use this opportunity to push Michigan's electric utilities to provide more granular and more frequently updated hosting capacity maps." *Id*., p. 9.

8. Virtual Power Plant Partnership

VP3 provides recommendations on how the Commission might increase the specificity of definitions and guidelines in the Staff's straw proposal to ensure that virtual power plants (VPPs), as described by VP3 in its comments, and DERs are adequately considered in the distribution planning process. VP3's comments, p. 2. These recommendations are as follows:

1. <u>Recommendation One</u>: Increasing the specificity of grid modernization planning requirements, building off the work the Commission has already done in the *MI Power Grid Final Status Report and Grid Integration Study Report*.
2. <u>Recommendation Two</u>: Increasing the specificity in the planning requirements for reported data, required analysis, transparency, and coordination across other processes by leveraging lessons learned from distribution planning in other states.
3. <u>Recommendation Three</u>: Providing more opportunities for equitable [ ] engagement [with interested persons] as part of the distribution planning process.

Id. (footnote and some emphasis omitted).

In further detail on Recommendation One, VP3: (1) recommends "specifying in the Proposal the DER types utilities should include in their grid modernization efforts in their distribution plans to be explicit regarding the grid challenge(s) the DERs are supporting, current status, and implementation strategy for each;" (2) agrees that "'[t]here may also be complementary grid-side investments and solutions the utility could pursue such as volt-var optimization that would leverage investments in AMI [advanced metering infrastructure] and other smart grid technologies — technologies that also support greater DER integration and utilization,'" thus encouraging the Commission "to consider requiring additional detail from utilities on investments in advanced metering infrastructure (AMI) and other smart grid technologies as part of [Section IV f. of the Straw Proposal];" (3) recommends that the Commission host "at minimum two (2) [ ] meetings [with interested persons] on grid modernization efforts, open to all interested parties (including but not limited to customers, communities, third parties);" and (4) recommends that the Commission "[c]onsider specifying hosting capacity map granularity, data requirements, and update frequency." VP3's comments, pp. 2-4 (emphasis omitted).

Regarding Recommendation Two, VP3 recommends that the Commission consider: (1) "'requiring the proposed annual, iterative distribution plan updates to respond to any 'unexpected shifts in forecasted metrics or costs . . . e.g. changes in spending projections, changes in reliability projections, updates to mapping, projected list of projects, etc.,'" noting that "[e]arly and often reporting, both forwards and backwards, helps provide more transparency and information between plans and implementation to ensure accountability;" (2) "requiring scenario planning in distribution plans" with "scenarios at minimum for low and high electrification, developed based on adoption of technology (including DER) types;" (3) "including DER avoided upgrades in forecasted O&M and capital spend projections and include a transparent screening process for non-wires solutions (NWS[s])," noting that "[u]nderstanding the savings possible with NWS can support affordability" and also mentioning RMI's *Non-Wires Solutions Implementation Playbook*, which "offers suggestions for screening methodologies amongst other NWS implementation best practices that could be incorporated into distribution planning requirements;"

(4) “requiring the coordination of distribution plans with Renewable Energy Plans (REPs)” to “drive towards a fully integrated planning process;” (5) “requiring information around usage of third-party DER asset management programs . . . to understand if and how they are leveraging these programs with respect to distribution system needs,” as “[t]hird-party asset management programs have an ability to bolster competition and drive down costs, promoting affordability outcomes for customers and the grid;” and (6) “including comparisons against peer companies in the industry and in the Midwest and costs for Historical Outage Events Affecting >1% of the Utility’s Customer Base in Michigan,” as “[r]equiring a similar comparison for historical outages for peer companies in the Midwest will provide useful data to get more clear on the frequency and locations of outages Midwesterners experience across different utilities” and “the addition of a larger time scale metric or separating out major weather events could smooth out single-year variations that can emerge due to differing storm localities in any particular year and identify the impacts of particular storms.” *Id*., pp. 4-6 (emphasis omitted) (quoting/citing September 26 order, p. 134, Exhibit A, pp. 1, 2, 4, 5).

Lastly, with regard to Recommendation Three, VP3 recommends that the Commission consider: (1) “requiring that utilities host at minimum two (2) pre-filing [ ] engagement meetings [with interested persons], with both in-person and virtual meeting formats (hybrid participation)” to support customer participation through procedural equity and to ensure a robust conversation with diverse perspectives and (2) “coordinating the results of the proposed Environmental Justice Mapping Analysis to greater Justice40 efforts in the state,” specifically recommending that “the results of utilities’ environmental justice mapping analysis be shared and coordinated with greater Justice40 efforts to funnel benefits to those communities.” VP3’s comments, pp. 6-7 (emphasis omitted) (citing September 26 order, Exhibit A, pp. 2, 5).

VP3 concludes:

> By increasing specificity and requiring additional information and analyses in the Straw Proposal to finalize planning requirements, the Commission can empower utilities to provide a deeper level of transparency into distribution grid health and supporting data and evidence for proposed investments to support the grid of the future. That depth of transparency and planning will enable the flexibility, affordability, reliability, and resilience benefits of DERs, VPPs, and grid-side investments to support Michigan's aging distribution grid and ensure clean, reliable, affordable energy for all.

VP3's comments, p. 7 (emphasis omitted).

Discussion

The Commission has reviewed the Staff's revised DSP filing guidelines proposal filed on January 16, 2025, and finds that it reflects a number of issues raised in the comments summarized above, along with those discussed at the December 17, 2024 collaborative session, and should thus be approved for use by utilities in the filing of DSPs moving forward, subject to some additional edits as described below. The Commission also finds Consumers' changes to the Staff's proposed protective order to be reasonable and appropriate—to clarify the non-contested case designation and confidential data procedures for use in DSP cases—and thus too approves the same for use in connection with DSPs beginning with the date of this order. These approved documents are attached to this order as Exhibits A and B, respectively.

As summarized above, common themes raised by interested persons in this docket included the following topics: plan updates, pre-filing outreach, historical safety incidents, community lighting, vulnerability assessments/resilience, load forecasts and scenario planning included in DSPs, elements to be included in grid modernization efforts, and the frequency and content of updates to hosting capacity maps. Additional topics raised included discussion on a suggested contested case process for DSPs (versus the current uncontested process), the Staff's proposed protective order, and affordability concerns. The Commission will, in turn, address each topic along with other miscellaneous topics/recommendations relating to planning integration, comment periods, acronyms, docket organization, and setting the schedules for the filing of future DSPs.

As a threshold matter, the Commission notes that many of these common themes have been raised by interested persons since the Commission first initiated the distribution planning process as part of its January 31, 2017 order in Case No. U-18014, relating to DTE Electric, and the February 28, 2017 order in Case No. U-17990, relating to Consumers. Indeed, in comments relating to DTE Electric's initial draft DSP, MEIBC argued that:

> [t]o unlock the maximum potential of a modern distribution grid, we recommend more proactive engagement of third-party providers and other [interested persons], greater transparency and sharing of data relating to distribution grid planning and operations, consideration of a broader range of probabilistic DER and load growth scenarios, fuller consideration of how DERs and other alternatives can solve distribution network problems, and a more comprehensive approach to aligning all available resources – including those owned by customers and third-parties – around distribution grid performance goals and metrics.

Case No. U-18014, filing #U-18014-0306, pp. 2-3. Nearly eight years later, many of these same arguments and issues are being raised, in almost identical language, in the current review of utility DSPs. Through this order, the Commission intends to address the issues raised, provide meaningful guidance to utilities as they prepare to file the next iteration of the DSPs, and work to fulfill the promise of this DSP exercise:

> [to enable a] more comprehensive, transparent distribution planning process – in line with best practices from other utilities and other states -- [to] better improve reliability, offer broader flexibility, and [to] improve the overall value to ratepayers of necessary distribution grid investments, "mitigating the potential higher system costs by allowing the utility to better target necessary upgrades, avoiding unnecessary investments and utilizing DER to make more efficient use of existing assets."

Id., p. 3 (quoting National Association of Regulatory Utility Commissioners Staff Subcommittee on Rate Design, "Distributed Energy Resources Rate Design and Compensation" Report, November 2016, p. 81).

With regard to plan update guidelines, commenters overall opined that updating the plans on an annual basis may not be appropriate for all utilities but also suggested that annual updates be required versus at the discretion of the utility. To address this, the Staff revised its straw proposal (which the Commission modifies slightly) to reflect that "[a] utility requesting electric rate relief before the Commission must provide, within testimony, as an attachment, or an exhibit to that filing, a supplemental update to its most recent DSP and its ongoing implementation under certain conditions described in Section VI." Exhibit A, p. 2; *see also*, *id*., p. 10.[3] The Commission finds this modification to be an appropriate resolution to concerns raised here as the concerns raised relate to both plan update guidelines as well as to discussion on DSP cases having been uncontested cases thus far. While the Commission maintains that DSP cases should remain uncontested at this time given current statutory frameworks, this modification does nevertheless bring into play the contested case process by mandating that DSPs be updated by way of contested rate cases under certain circumstances.[4] The Commission also clarifies, on this guideline, that the meaning of "significant" under Section VI would include areas within a utility's DSP where strategies have changed, where spending levels and/or timing for investments have materially

[3] In comparison, page 2 of the Staff's January 16, 2025 straw proposal (based on natural pagination) read, "A utility requesting rate relief in an electric general rate case before the Commission must provide, within testimony or as an attachment or an exhibit to that filing, a supplemental update to its most recent distribution plan and its ongoing implementation under certain conditions described in Section VI."

[4] The Commission notes that the supplemental DSP update guideline will also be added to the rate case filing requirements the next time the rate case filing requirements are reviewed and updated.

changed, and/or where whole new investment categories are included and discussed. *See*, *id*. For these types of significant misalignments/differences between a utility's most recently filed DSP and subsequent electric rate case filing, which the Commission foresees as being a rarity as opposed to the normal course since a utility's DSP should be a guiding document for rate case design and inform the investments for which cost recovery is being sought, the Commission expects the utility to clearly and directly explain the change in its DSP update within its rate case filing. DSPs are meant to be fully vetted, executable plans that flow directly into a utility's rate case request, not an aspirational goal, and alignment between the two filings is necessary for the Commission's accurate evaluation. The Commission, however, cautions that "Supplemental Rate Case Filing" in Section VI should not be used as an avenue for utilities to introduce new or unvetted investment strategies to achieve a desired outcome or spend approval in the short-term through the present rate case.

For pre-filing outreach guidelines, commenters discussed the number of pre-filing meetings, the notice period, topics to be addressed, locations of the meetings, and how interested persons can participate. To address these comments, the Staff modified its straw proposal (which the Commission modifies slightly) to reflect that:

> [o]utreach includes, but is not limited to, informational meetings, technical meetings, and workshops. The utility will demonstrate how it has engaged interested parties within its service territory in a manner timely enough to ensure input can be incorporated into the plan filing and not less than six months prior to filing its plan. This includes, but is not limited to, community leaders, community and advocacy groups, the Commission, and Commission Staff. The outreach is intended to provide transparency into the utility distribution planning process and explore how its goals will affect the distribution system while obtaining input and exploring ideas and potential solutions from interested parties.
>
> Hybrid meeting formats that include in-person, phone-in, and virtual options are required. For each meeting, the utility shall make the meeting contents publicly available and provide a forum for comments to be shared by parties unable to attend in-person.

Id., p. 2. The Commission finds the Staff's resolution to the concerns raised here to be appropriate. Notably, this modification requires utilities to demonstrate real efforts to reach out meaningfully to interested parties/persons and receive input to facilitate the exploration of ideas and potential solutions from others outside of the utility. The Commission also adds to the Commission feedback portion of the interested party outreach guideline that "[t]he Commission may request topics for the utility's next distribution plan outreach based on filed comments." *Id*., p. 3.

For historical safety incidents, commenters expressed confusion and either proposed specific language for this guideline or recommended that the guideline be removed altogether. In response, the Staff updated the guideline to reflect the inclusion of safety incident information already reported to the Commission under Mich Admin Code, R 460.3804. The Commission finds this modification to be appropriate and neither burdensome nor problematic as this information is already subject to disclosure by way of a Freedom of Information Act request.

With regard to streetlighting, commenters discussed how streetlighting either fits or does not fit into this regulatory DSP space. The Staff, in response to these comments, updated the streetlighting guidelines under operations and programs within Section III.f. (which the Commission modifies slightly) as follows: "A brief discussion or summary of the utility's current operation strategy including, but not limited to: . . . iv. For utilities with 1,000,000 or more customers, streetlight or community lighting management, including investment and operations strategy as relevant[.]" Exhibit A, pp. 5-6. The Commission finds this modification to be appropriate.

As far as vulnerability assessment/resilience guidelines, commenters requested clarification and stated that vulnerability assessments are situation-specific, require long lead times, and are often not needed. To address this, the Staff modified this guideline under Section IV (which the Commission approves) to reflect that:

> [t]he utility shall include an action plan to address the established short-term and long-term challenges and needs. When a benefit cost analysis is used in the action plan, the methodology, analysis, and alternatives of the analysis shall be detailed. In describing how the utility evaluated low and high building and transportation electrification scenarios as part of its planning, as well as any other scenarios considered by the utility, it should discuss the analysis performed and present any potential challenges under each scenario evaluated. Any new pilot proposals must meet Commission guidelines. The action plans shall include the following:
>
> * * *
>
> g. Description of Proposed Resilience Program(s) or Assessment(s), If Applicable.

Exhibit A, pp. 6-7 (footnotes omitted). The Commission finds this modification to be an appropriate way to address the commenters' concerns and also notes the topic of resilience in Case No. U-21388, which involves vulnerable communities and vulnerable customers (given the removal of any vulnerability assessment guideline here).

With regard to the elements to be included in Distribution System Planning, the Commission finds value in the redline suggestion from the CEOs that action plans should include Load Forecasts and a DER Outlook. *See*, CEOs' comments, Exhibit A, p. 7. In addition, the Commission agrees with VP3 that "[s]cenario planning is crucial in the current environment of increasing load growth, extreme weather, and electrification" and further agrees with VP3's recommendation that DSPs include multiple scenarios, including, at a minimum, scenarios for low and high electrification, "developed based on adoption of technology (including DER) types." VP3's comments, p. 5. As such, the Commission adds the following language to the filing guidelines under Section IV, Distribution System Planning:

a. Load Forecasts, Scenario Planning, and DER Outlook

> The utility shall describe its circuit-level load forecasting process, including how the utility incorporates the load-modifying impacts of DERs. For each of its distribution circuits, the utility shall provide the circuit voltage, capacity (MW or MVA), the peak and minimum daytime load for each of the previous five years, the forecasted peak load, MW of existing DERs by DER type, and forecasted MW of DERs by DER type. In developing its load forecasts, the utility shall consider multiple scenarios, including at a minimum lower and higher levels of building and transportation electrification.

Exhibit A, p. 7.[5]

On the topic of Grid Modernization Efforts, the Commission finds that the additional information included in the Staff's January 16 revised proposal includes important additional language relating to the description of a utility's efforts and plans in this area. Building on these additions, the Commission finds that some additional elements should also be included, as recommended in comments from the CEOs, MEIBC/United, and VP3. As such, the Commission modifies this section to read as follows (changes in bold):

h. Grid Modernization Efforts

> The utility shall detail its efforts to address ongoing and upcoming distribution technologies and improvements to create a modern grid, including how each of the following topics is included or considered within the action plan:
>
> **i. Interconnection Processes, including for customer-owned and third-party owned Distributed Energy Resources (DERs)**
> ii. DERs**, including integration of demand DERs such as EV chargers, smart thermostats, heat pumps, electric water heaters, and commercial and industrial equipment; generation DERs; and storage DERs, including behind-the-meter battery energy storage systems and EV batteries when parallel operation is enabled**
> iii. Non-Wires Alternatives (NWAs)**, including DERs, demand response, and flexible loads**
> iv. Rebuilds/Hardening/Conversions
> v. Undergrounding

[5] The Commission intends for scenario planning for purposes of this guideline to be broad in terms of utilities considering any and all possible future impacts to develop effective and relevant, yet flexible, long-term plans.

> vi. Electrification (including **both building electrification and** TEP integration)
> **vii. Incorporation of technologies and infrastructure, including discussion of how investments in advanced metering infrastructure (AMI), advanced distributed energy resource managements systems (DERMS), and other smart grid technologies will support greater DER integration and utilization and otherwise provide benefits to customers**
>
> This can include, but is not limited to, forecasting of system load and impact from these topics on the distribution grid, O&M and capital costs of implementation, quantifiable and non-quantifiable benefits (including avoided distribution investments), impacts to the utility's reliability, effects on local communities, and coordination with other Commission, local, state, and federal guidelines.
>
> **The utility's grid modernization efforts must be as granular as practicable.** Where possible, the utility should consider locational value and characterize specific circuits **and substations** targeted. **In addition, the utility should also clarify the relationship between DER adoption and the utility's grid modernization plans to ensure full consideration of DERs in distribution system planning, including specifying the DER types included in the utility's grid modernization efforts, the grid challenge(s) the DERs and/or NWAs are supporting, the current status of such efforts, and the implementation strategy for each.**

Exhibit A, pp. 8-9 (footnote omitted).

Finally, the Commission notes the important role of utility investments in AMI and other smart grid infrastructure in unlocking greater value from DERs interconnected with the utility's distribution system, including demand flexibility. The Commission further notes that it recently called for a technical conference on AMI issues as part of its March 21, 2025 order in Case No. U-21585 (March 21 order), in which the Commission expressed its expectation that, at a high level, the technical conference would:

> focus on the technical aspects of the company's planned investments for AMI; the company's current and planned utilization of AMI, particularly for DER deployment and integration; examining next-generation AMI functionality, improving and bolstering the company's AMI business case; ensuring that future investments in AMI are producing and maximizing value for customers; and ensuring that developments in AMI strategy are applied consistently across other relevant dockets including rate cases and distribution planning cases.

March 21 order, p. 99. Furthermore, while issued in Consumers' most recent electric rate case, the Commission expressed its intention that "the technical conference [would include] focused discussion and be open to all rate-regulated utilities as well as other interested persons, including the Staff." *Id*. The Commission continues to find that such a technical conference would meaningfully enhance its understanding of the continually evolving role of AMI in "support[ing] greater data transparency into what is connecting to the distribution grid and [enabling] utilities to more precisely anticipate and plan for impacts on the distribution grid." VP3's comments, p. 3. Furthermore, the growing use of high-quality meters in EVs, EV charging infrastructure, smart appliances and thermostats, and other devices has the potential to add additional value to—and potentially even obviate—additional utility investments in AMI. Moreover, as home to the headquarters of leading global original equipment manufacturers in the automotive, appliance, and other connected device industries, Michigan has the potential to play an out-sized role in pioneering innovative regulatory approaches to unlock the full value of smart devices, similar to the role the Commission recently played in clarifying the regulatory requirements governing EVs operating as a source of home backup power in parallel with an electric utility's distribution system in the March 13, 2025 order in Case No. U-21619. As such, the Commission expects the forthcoming AMI technical conference will also cover how best to leverage device-specific meter data to address grid needs and explore the role that demand flexibility can play in supporting the distribution grid and reducing costs to customers.

For Hosting Capacity Maps, the Commission repeats its finding from the September 8, 2022 order in this docket (September 8 order) that "[i]t is also clear that Michigan utility distribution grids are not as well positioned as necessary for the growth of EVs and other DERs" and that "[g]reater information on the loading of distribution feeders and the available hosting capacity on those lines can help identify additional opportunities to improve distribution performance." September 8 order, p. 67. This sentiment was echoed in the Commission's June 30, 2023 Grid Integration Study Report developed in compliance with Michigan Senate Resolution 143 of 2020 (Grid Integration Study Report) where the Commission noted that "[h]osting capacity maps made publicly available by utilities such as SCE [Southern California Edison], Dominion Energy, and others as shared in this report include additional detailed data promoting the efficient integrations of DG [distributed generation] beyond what has been shared by Michigan utilities to date." Case No. U-21251, filing #U-21251-0014, p. 52. The Commission notes that over the last three years Consumers and DTE Electric have made progress in this area, including the publication of "go/no go" hosting capacity maps. However, additional work remains to fully unlock the potential for grid data to be used to enable the development of solutions to ongoing and emerging grid challenges, help to contain costs, and empower customers. As noted by VP3:

> Hosting capacity maps are most useful when they are for small geographic areas (edge lengths on the order of hundreds of feet), include key information (capacity, circuit information, queue information, minimum and maximum constraint metrics and thresholds), are in a commonly accessible and downloadable format to facilitate analysis and comparison (e.g. exportable tabular formats) for interested parties, and are updated frequently (e.g. monthly).

VP3's comments, p. 4.

In particular, the Commission finds that that the current approach to updating these hosting capacity maps is insufficient to fully capture the value of expanded DER integration. Specifically, the Commission notes that the June 4, 2024 Technical Review of Data Granularity and Attribute Types for Hosting Capacity Analysis Maps performed by the Electric Power Engineers for Lawrence Berkeley National Laboratory (Electric Power Engineers Review) detailed the following:

> The number of times per year that the hosting capacity map is updated with new information and calculations impacts its usefulness. Depending on the specific information provided, some elements may be updated more frequently than others. For example, peak and minimum load information may be updated annually based on measured values, while the amount of installed DERs on a feeder may be updated monthly or bi-weekly as applications are received or processed.

Electric Power Engineers Review, pp. 2-3.[6] Specific to Michigan utilities, the Electric Power Engineers Review found that "DTE [Electric]'s hosting capacity map provides useful information about existing available hosting capacity," but that at the current update frequency, "there is some risk that circuit conditions or the volume of DER applications or installations in that area have changed. Increasing frequency of updates would improve confidence in the information provided." *Id*., pp. 10-11. For Consumers, the Electric Power Engineers Review found that the information provided in the hosting capacity map "is limited, aggregated across large land areas, and has not been updated regularly." *Id*., p. 12.

In addition, the Commission finds the cadence of hosting capacity map updates is also out-of-step with practices from other states. Specifically, the Commission references the comments from MEIBC/United detailing that the Commonwealth Edison Company in Illinois, on its own initiative, proposed to start updating its hosting capacity maps on a monthly basis starting in September 2024 and that Pepco Holdings in Maryland updates its hosting capacity information on a monthly basis for any feeders experiencing 500 kW or more in generation added to that feeder. MEIBC/United's comments, p. 9. Nor is this a new concern: the Commission detailed the

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[6] *See*, https://www.michigan.gov/mpsc/-/media/Project/Websites/mpsc/workgroups/DSDA/Hosting-Capacity-Analysis-Memo-MI-PSC-Staff-20240604-final.pdf?rev=d7cc2494136e40d68767e144118d861c&hash=7EAEB6E96F109F304A7550EF33F56B8E#:~:text=PSC%20Staffrequested%20Berkeley%20Lab%20to%20provide%20technical,availability%20on%20removing%20barriers%20to%20DER%20adoption.&text=o%20Providing%20data%20on%20minimum%20or%20peak,or%20maintenance%20cost%20for%20hosting%20capacity%20analysis (accessed July 10, 2025).

hosting capacity mapping approaches used by National Grid in Rhode Island, Luma Energy in Puerto Rico, Hawaiian Electric Company, SCE, and Dominion Energy in Virginia and North Carolina as part of the Grid Integration Study Report. *See*, Case No. U-21251, filing #U-21251-0014, pp. 38-40. The Commission is also in the process of reviewing comments submitted on a range of topics, including Customer Data Access and Hosting Capacity issues, that were contained in the Financial Incentives and Disincentives Workgroup "Reliability-Plus Framework Discussion Paper" issued March 13, 2025 in Case No. U-21400, with the Commission highlighting the "[f]requency of updates to hosting capacity maps," "[p]ercentage of service territory (by customers served and/or line miles) covered by the hosting capacity maps," "[g]ranularity of hosting capacity," and "[p]rovision of generation and load hosting capacity information" as potential reporting metrics to be used going forward. *See*, March 13, 2025 order in Case No. U-21400, Exhibit A, p. 8.

As such, the Commission directs Consumers and DTE Electric to update their respective hosting capacity maps on at least a quarterly basis starting October 1, 2025, and to further provide monthly updates for any feeder that has more than 500 kW or more in generation added to that feeder since the last quarterly update. For other utilities working to develop their initial hosting capacity maps, the Commission encourages them to incorporate regular updates to maximize the usefulness of the data provided to customers and others. Further, the Commission directs all utilities to incorporate best practices in the granularity of information provided, including the specific recommendations included in the comments from VP3. The Commission agrees that incorporating these best practices "will result in greater transparency of the distribution grid's health and constraints, and enable more precise planning in line with the Commission's stated goals for this proceeding." VP3's comments, p. 4.

With regard to the remaining additional topics raised for purposes of this order, the Commission finds the Staff's proposed customer affordability analysis guidelines to be appropriate and in alignment with proposed IRP language through Case No. U-21570.[7] The Commission further agrees and maintains that other plans and programs (i.e., TEPs, IRPs, DR programs, electrification plans, and REPs) should not be siloed from distribution plans. *See*, November 21, 2018 order in Case No. U-20147, pp. 37-38. While it is still not feasible to require these plans to be filed together for myriad reasons, including statutory frameworks and variable filing cadences per statute, as directed by the Commission, or as agreed to by parties to a settlement agreement, the Commission nevertheless expects these other plans and programs to be mentioned and considered in a utility's DSP. *See*, August 20, 2020 order in Case No. U-20147, pp. 50-51. The Commission further finds that DSP should be adopted as the naming convention for all distribution plans moving forward for consistency, for ease of discussion, and because DSP is a common industry standard used by the U.S. National Laboratories. Lastly, over concern that the current docket has become crowded and difficult to navigate, the Commission also finds that the current docket, beginning in 2026, should only be used for matters relative to overall planning efforts while creating a new, individual docket opened for each utility's next DSP. The Commission thus sets the schedule for utilities to file their next DSPs in a new docket by the dates prescribed in the ordering paragraphs below.

This order, in addition to discussion above addressing the Staff's proposed DSP filing guidelines, the Staff's proposed protective order, and guidance for utilities moving forward, also provides interested persons an opportunity to comment on the DSPs filed by Alpena, NSP-W, and

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[7] *See also*, https://www.michigan.gov/mpsc/commission/workgroups/2023-energy-legislation/integrated-resource-planning-process (accessed July 10, 2025).

UPPCo. Similar to the process previously used in this docket, comments will be staggered in order to provide sufficient time for review. *See*, October 24, 2023 order in Case No. U-20147. Therefore, initial comments on Alpena's DSP are due no later than 5:00 p.m. (Eastern time (ET)) on August 29, 2025, and reply comments are due no later than 5:00 p.m. (ET) on September 30, 2025; initial comments on NSP-W's DSP are due no later than 5:00 p.m. (ET) on September 30, 2025, and reply comments are due no later than 5:00 p.m. (ET) on October 30, 2025; and initial comments on UPPCo's DSP are due no later than 5:00 p.m. (ET) on October 30, 2025, and reply comments are due no later than 5:00 p.m. (ET) on November 26, 2025. Written comments should be sent to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic responses may be e-mailed to LARA-MPSC-Edockets@michigan.gov. If assistance is required prior to filing, the Staff may be contacted at (517) 284-8090 or by e-mail at LARA-MPSC-Edockets@michigan.gov. All comments should be paginated and reference Case No. U-20147, and all information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure.

Finally, while recognizing that utilities can seek waivers from specific provisions of these guidelines upon a showing of good cause, the Commission is particularly sensitive to the reality that some of the elements included in this order may result in disproportionate costs for smaller utilities operating in Michigan. As such, the Commission notes its willingness to consider waivers for specific requirements included in this order, particularly for smaller utilities. Any request for a waiver of requirements to be included in future DSPs shall include a discussion and justification outlining why the waiver is warranted, a description of which requirements the utility seeks to have waived, and a justification for how the waiver is in the best interests of its customers. Waiver requests shall be filed in the individual docket not less than four months before the respective utility's next DSP filing date.

THEREFORE, IT IS ORDERED that:

A. Any interested person may provide comments on Alpena Power Company's September 30, 2024 distribution system plan in Case No. U-20147. Initial comments are due no later than 5:00 p.m. (Eastern time) on August 29, 2025, and reply comments are due no later than 5:00 p.m. (Eastern time) on September 30, 2025.

B. Any interested person may provide comments on Northern State Power Company's September 30, 2024 distribution system plan in Case No. U-20147. Initial comments are due no later than 5:00 p.m. (Eastern time) on September 30, 2025, and reply comments are due no later than 5:00 p.m. (Eastern time) on October 30, 2025.

C. Any interested person may provide comments on Upper Peninsula Power Company's January 31, 2025 distribution system plan in Case No. U-20147. Initial comments are due no later than 5:00 p.m. (Eastern time) on October 30, 2025, and reply comments are due no later than 5:00 p.m. (Eastern time) on November 26, 2025.

D. The distribution system plan filing guidelines, attached to this order as Exhibit A, are approved and shall be used by utilities subject to this docket moving forward.

E. The protective order, attached to this order as Exhibit B, is approved for use in distribution system plan cases, effective as of the date of this order.

F. Starting October 1, 2025, and as set forth in this order, Consumers Energy Company and DTE Electric Company shall update their respective hosting capacity maps on at least a quarterly basis and shall provide monthly updates for any feeder that has more than 500 kilowatts or more in generation added to that feeder since the last quarterly update.

G. Upper Michigan Energy Resources Corporation shall file its next distribution system plan in a new docket by January 30, 2026, consistent with this order and the new distribution system plan filing guidelines.

H. DTE Electric Company shall file its next distribution system plan in a new docket by June 30, 2026, consistent with this order and the new distribution system plan filing guidelines.

I. Consumers Energy Company shall file its next distribution system plan in a new docket by November 30, 2026, consistent with this order and the new distribution system plan filing guidelines.

J. Indiana Michigan Power Company shall file its next distribution system plan in a new docket by April 30, 2027, consistent with this order and the new distribution system plan filing guidelines.

K. Northern States Power Company shall file its next distribution system plan in a new docket by September 30, 2027, consistent with this order and the new distribution system plan filing guidelines.

L. Alpena Power Company shall file its next distribution system plan in a new docket by February 29, 2028, consistent with this order and the new distribution system plan filing guidelines.

M. Upper Peninsula Power Company shall file its next distribution system plan in a new docket by July 31, 2028, consistent with this order and the new distribution system plan filing guidelines.

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 July 10, 2025.

Lisa Felice

Lisa Felice, Executive Secretary

Distribution System Planning Staff Proposal
MPSC Case No. U-20147

Purpose

As directed by the Commission, Staff presents this proposal to facilitate a standard approach for future distribution system plan (DSP) filings submitted by each Michigan rate-regulated utility ("utility"). The proposal is provided with consideration given to prior Commission orders for content to be included in distribution system plans, as well as prior interested party comments and discussion with utilities. The length and content of the plans may change over time based on Commission order.

Objectives

The goal of an electric DSP is to provide the Commission, Commission Staff, and other interested parties a comprehensive understanding of anticipated utility needs, priorities, and spending outside of the contested rate case process, and to allow such parties to properly evaluate significant and necessary investments to the utilities' aging distribution systems.[1] The Commission has established four overarching electric distribution system objectives for distribution planning: safety, reliability and resiliency, cost-effectiveness and affordability, and accessibility.[2] It has also reiterated the importance of plans being based upon reviewable data.[3] The informational nature of the planning process encourages more focus on supportive data than narrative, as distribution plans are not subject to formal approval[4] by the Commission and do not authorize future cost recovery. A utility may adopt its own goals for a DSP in addition to those set by the Commission.

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[1] September 8, 2022 Order in MPSC Case No. U-20147, p. 66.
[2] August 20, 2020 Order in MPSC Case No. U-20147, pp. 36-37.
[3] September 8, 2022 Order in MPSC Case No. U-20147.
[4] September 8, 2022 Order in MPSC Case No. U-20147, p. 66.

Schedule

Distribution plans must be filed every three years, or as otherwise ordered by the Commission, to an appropriate docket, and include a five-year investment plan and an extended (10-15 year)[5] outlook from the date of the filing. The plan must address the specifics detailed below. Plans will be staggered between utilities on a schedule set by the Commission.

A utility requesting electric rate relief before the Commission must provide, within testimony, as an attachment, or an exhibit to that filing, a supplemental update to its most recent DSP and its ongoing implementation under certain conditions described in Section VI.

Interested Party Outreach

As defined by the Commission, distribution plans must seek problem descriptions, goals, and possible solutions through community and third-party engagement.[6] To encourage ongoing discussion between utilities and interested parties, outreach and feedback opportunities will be made available by the utilities prior to and after DSP are filed.

a. Pre-Filing Outreach

   Outreach includes, but is not limited to, informational meetings, technical meetings, and workshops. The utility will demonstrate how it has engaged interested parties within its service territory in a manner timely enough to ensure input can be incorporated into the plan filing and not less than six months prior to filing its plan. This includes, but is not limited to, community leaders, community and advocacy groups, the Commission, and Commission Staff. The outreach is intended to provide transparency into the utility distribution planning process and explore how its goals will affect the distribution system while obtaining input and exploring ideas and potential solutions from interested parties.

   Hybrid meeting formats that include in-person, phone-in, and virtual options are required. For each meeting, the utility shall make the meeting contents publicly available and provide a forum for comments to be shared by parties unable to attend in-person.

[5] September 11, 2019 Order in MPSC Case No. U-20147, pp. 4-5.
[6] September 8, 2022 Order in MPSC Case No. U-20147, p. 74.

b. Post-Filing Outreach and Comment Period

An appropriate docket will be made available for interested parties to file comments to the DSP after filing. Initial comments will be accepted for 90 days after the distribution plan filing and reply comments will be accepted for 30 days after the initial comment period. Comments and reply comments will be reviewed by the Commission and considered for future utility plan filings and process improvements.

c. Commission Feedback

After the close of the comment period, the Commission will provide broad feedback on each utility's distribution plan and the distribution planning process. The Commission may request topics for the utility's next distribution plan outreach based on filed comments.

Distribution System Plan and Documentation

A recommended outline is provided in this proposal for DSPs. This outline is broad and not intended to be all-inclusive for each utility, but rather a starting point for distribution planning encompassing prior Commission orders and expected supportive data while facilitating filing consistency. If a utility is unable to include one or more of the topics below, a detailed explanation shall be provided instead.

Where possible and relevant, DSPs shall be coordinated with the inputs and outputs of other ongoing planning efforts required by the Commission including, but not limited to, a utility's Integrated Resource Plan (IRP), Transportation Electrification Plan (TEP), and transmission planning such as the MISO Transmission Expansion Plan (MTEP) or the PJM Regional Transmission Process (RTEP). DSP spending classifications (such as programs, subprograms, categories) shall be aligned with such classifications within the utility's rate case, with variations explained in detail.

Utilities are encouraged to submit supporting data and documentation. All supporting data for charts, tables, and maps shall be provided as an attachment, appendix, or workpaper to the submitted plan in an accessible format for interested parties to review. All external data sources and references must be appropriately cited.

The following outline and topics are recommended for future DSPs:

I. Objectives and Goals

II. Third Party and Community Outreach

a. Summary of Pre-Filing Outreach Meeting(s) Sharing Outreach Date(s), Location(s), Issues Identified, Potential Solutions Explored, and Final Plan Impact
b. Summary of Utility Customer, Community, and Local Government Outreach Effort(s), and Program(s), Sharing Issues Identified and Potential Solutions Explored

III. Distribution System Overview

The DSP will provide a data-based review of the current and recent historical system characteristics, asset health, and relevant operations to provide basis and context. Maps and GIS data are encouraged formats for this information, where appropriate.

a. General Asset Health and Condition

The utility shall provide relevant data on its distribution system assets to provide the basis of its planning efforts. Relevant data includes, but is not limited to: age, condition (such as failure rates, outage/interruption causes, and quantifiable impacts from extreme weather events), location, planned upgrades or decommissioning, and voltage characteristics. A map of the utility's service territory shall be provided.

b. Historical Reliability Metrics

Utilities shall include SAIDI, SAIFI, CAIDI, CELID, and CEMI metrics along with performance by condition (normal, gray sky, and catastrophic)[8]. Benchmarking of reliability metrics against peer companies in the industry shall be performed and include the following, where able:

i. With MEDs
ii. Without MEDs[7]

Historical reliability metrics shall include the prior five years of data, where available.

[7] September 8, 2022 Order in MPSC Case No. U-20147, p. 70.

c. Historical Safety Incidents Involving Electric Facilities.[8]

The data shall be compiled from 460.3804 reported incidents for prior three years, including:

i. Date and time of incident
ii. Location (substation, circuit, and control center if applicable)
iii. Electric system voltage
iv. Facilities Involved (overhead versus underground, grounded versus ungrounded, if the contact was due to a wire down, etc.)
v. Affiliation (Company, Company Contractor, or Public/Third Party)
vi. Severity (fatality versus serious injury) and number of persons involved

Utilities should avoid providing direct residential addresses, names, and ages in this compilation to protect the identity of any persons involved.

d. Historical O&M and Capital Spending

The data shall be listed by spending category in each of the previous five years.

e. Historical Outage Events Affecting >1% of the Utility's Customer Base in Michigan. For Utilities with Less Than 1,000,000 Customers, Historical Outage Events Affecting >10% of the Utility's Customer Base in Michigan

i. O&M and capital costs associated with catastrophic event recovery
ii. If feasible, maps of affected service territory with voltage levels and configurations of impacted customers

f. Operations and Programs

A brief discussion or summary of the utility's current operation strategy including, but not limited to:

i. Line clearing/vegetation management, including a map of the current vegetation management cycle as possible
ii. Storm response and restoration
iii. Asset management
Details regarding the asset management must describe approaches applied in the utility's planning, efforts to prevent outages from

[8]MPSC Technical Standards for Electric Service R 460.3804.

occurring, and reducing risk in a proactive manner. The plans shall not only focus on asset age, but also condition-based assessments performed through monitoring and inspections.[9]

iv. For utilities with 1,000,000 or more customers, streetlight or community lighting management, including investment and operations strategy as relevant

g. Historical Overlay Maps

The maps shall show three years of historical investments prior to the utility's filed plan, starting January 2024.

h. Resource Challenges

Descriptions of any recent historical or ongoing resource challenges, such as workforce or material supply.

i. Environmental Justice Mapping Analysis

An analysis of environmental justice (EJ) within the utility's territory with a discussion on how it is incorporated in plans to support affected customers. The utility shall provide a comprehensive analysis of its performance in EJ communities. This includes, but is not limited to:

i. Comparative reliability analysis of reliability metrics against similarly situated non-EJ communities
ii. Percentages of populations participating in low-income, energy assistance, shutoff protection plans, or related plans by census tract

IV. Distribution System Planning

The utility shall include an action plan to address the established short-term and long-term challenges and needs. When a benefit cost analysis is used in the action plan, the methodology, analysis, and alternatives of the analysis shall be detailed. In describing how the utility evaluated low and high building and transportation electrification scenarios as part of its planning, as well as any other scenarios considered by the utility, it should discuss the analysis performed and present any potential challenges under each scenario evaluated.

[9] September 8, 2022 Order in MPSC Case No. U-20147, p. 74.

Any new pilot proposals must meet Commission guidelines.[10] The action plans shall include the following:

a. Load Forecasts, Scenario Planning, and DER Outlook

   The utility shall describe its circuit-level load forecasting process, including how the utility incorporates the load-modifying impacts of DERs. For each of its distribution circuits, the utility shall provide the circuit voltage, capacity (MW or MVA), the peak and minimum daytime load for each of the previous five years, the forecasted peak load, MW of existing DERs by DER type, and forecasted MW of DERs by DER type. In developing its load forecasts, the utility shall consider multiple scenarios, including at a minimum lower and higher levels of building and transportation electrification.

b. Forecasted Reliability Metrics and Targeted Goals

   For the planning period, utilities shall include, where able, SAIDI, SAIFI, CAIDI, CELID, and CEMI with and without MEDs, mapped to planned system investments and expected improvements. Projections should consider a five-year period at minimum.

c. Forecasted O&M and Capital Spend Projections (include five-year projections at minimum.)

d. Forecasted Workforce and Material Resources

   Any resource challenges noted in Section III should be projected and quantified to its impact on system planning. When describing challenges, distribution plans must provide tangible examples of resource or material supply shortages and quantify the impact to system planning. Citing general market dynamics or the potential for global supply chain risks/bottlenecks are an insufficient basis when estimating future planning requirements.

e. Any Anticipated Changes to Operations and Programs from Section III

f. Planned Investment Overlay Maps Showing Year of and Two Years Following of Planned Investments Following the Utilities Filed Plan.

g. Description of Proposed Resilience Program(s)[11] or Assessment(s), If Applicable.

[10] September 8, 2022 Order in MPSC Case No. U-20147, p. 74.
[11] December 21, 2023 Order in MPSC Case No. U-21388, p. 7.

h. Grid Modernization Efforts

The utility shall detail its efforts to address ongoing and upcoming distribution technologies and improvements to create a modern grid, including how each of the following topics is included or considered within the action plan:

i. Interconnection Processes, including for customer-owned and third-party owned Distributed Energy Resources (DERs)
ii. DERs, including integration of demand DERs such as EV chargers, smart thermostats, heat pumps, electric water heaters, and commercial and industrial equipment; generation DERs; and storage DERs, including behind-the-meter battery energy storage systems and EV batteries when parallel operation is enabled
iii. Non-Wires Alternatives (NWAs), including DERs, demand response, and flexible loads
iv. Rebuilds/Hardening/Conversions
v. Undergrounding[12]
vi. Electrification (including both building electrification and TEP integration)
vii. Incorporation of technologies and infrastructure, including discussion of how investments in advanced metering infrastructure (AMI), advanced distributed energy resource managements systems (DERMS), and other smart grid technologies will support greater DER integration and utilization and otherwise provide benefits to customers

This can include, but is not limited to, forecasting of system load and impact from these topics on the distribution grid, O&M and capital costs of implementation, quantifiable and non-quantifiable benefits (including avoided distribution investments), impacts to the utility's reliability, effects on local communities, and coordination with other Commission, local, state, and federal guidelines.

The utility's grid modernization efforts must be as granular as practicable. Where possible, the utility should consider locational value and characterize specific circuits and substations targeted. In addition, the utility should also clarify the relationship between DER adoption and the utility's grid

[12] September 8, 2022 Order in MPSC Case No. U-20147, p. 73.

modernization plans to ensure full consideration of DERs in distribution system planning, including specifying the DER types included in the utility's grid modernization efforts, the grid challenge(s) the DERs and/or NWAs are supporting, the current status of such efforts, and the implementation strategy for each.

i. Hosting Capacity Analysis

   i. Most recently updated Hosting Capacity Go/No Go Maps,[13] provided as an attachment to the filing or as a publicly available URL link, which follow prior Commission guidance[14]
   ii. Discussion on how the hosting capacity map improves transparency by identifying interconnection points and necessary upgrades to the distribution grid to accommodate DERs
   iii. Discussion on ongoing improvements to Hosting Capacity Maps, including granularity and update frequency

j. Customer Affordability Analysis

   i. Spend prioritization
   ii. External funding opportunities exploration and grants
   iii. Projected customer rate impacts by customer class (residential, commercial, and industrial)

V. Additional Requirements

This section encompasses any other elements ordered by the Commission in the appropriate distribution system plan docket(s) or other dockets since the previous DSP filing. If there are no other elements, this section may be removed.

[13] September 8, 2022 Order in MPSC Case No. U-20147, p. 68.
[14] June 30, 2023 Grid Integration Study Report in MPSC Case No. U-21251

VI. Supplemental Rate Case Filing

A utility requesting rate relief before the Commission must provide, within testimony or as an attachment or an exhibit to that filing, a supplemental to its most recent DSP and its ongoing implementation.

Under the following circumstances, the Company may submit a revised DSP within the rate proceeding as detailed above:

a. Significant misalignments between spend categories/allocations following changes in investment strategy or plan from the most recent DSP and the rate case filing
b. Difference(s) between the DSP and the rate case filing are significant in the judgment of the utility

The update must contain a walkthrough of the cause(s) of such differences and a comparison of impacts between the most recent distribution plan and the requested rate relief. The supplemental, if filed, shall also detail how the utility has addressed comments from interested parties on its most recent DSP.

EXHIBIT B

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

MPSC Case No. U-20147

PROTECTIVE ORDER

This Protective Order governs the use and disposition of Protected Material that any utility files in this docket as part of its distribution investment and maintenance plan, and governs the use and disposition of said Protected Material in any docket the Commission may assign in the future to address individual utility distribution investment and maintenance plans. This Protective Order protects non-public, confidential information and materials so designated by the Disclosing Party as Protected Material, as defined herein. Accordingly, it is ordered:

I. **"Protected Material" and other definitions**

A. "Protected Material" consists of trade secrets or confidential, proprietary, or commercially sensitive information provided in Disclosing Party's distribution investment and maintenance plans, related exhibits, comments or reply comments, motions, objections, briefing, responses to an order issued by the presiding hearing officer or the Michigan Public Service Commission ("MPSC" or the "Commission). Subject to challenge under Paragraph IV.A, Protected Material shall also consist of non-public confidential information and materials including, but not limited to, the following information disclosed in this docket as part of a utility's distribution investment and maintenance plan, comments on such plans by interested parties, and replies thereto if it is marked as required by this Protective Order:

1. To the extent permitted, information obtained under license from a third-party licensor, to which the Disclosing Party or witnesses engaged by the Disclosing Party is a licensee, that is subject to any confidentiality or non-transferability clause. This information includes reports; analyses; models (including related inputs and outputs); trade secrets; and confidential, proprietary, or commercially sensitive information that the Disclosing Party or one of its witnesses receives as a licensee and is authorized by the third-party licensor to disclose consistent with the terms and conditions of this Protective Order.

2. Information that is protected as confidential in another jurisdiction that the Utility provides utility service, and the source of the other jurisdiction's protective designation is made known to the Receiving Party.

B. The information subject to this Protective Order does not include:

1. Information that is or has become available to the public through no fault of the Receiving Party or Reviewing Representative and no breach of this Protective Order, or information that is otherwise lawfully known by the Receiving Party without any obligation to hold it in confidence;

2. Information received from a third party free to disclose the information without restriction;

3. Information that is approved for release by written authorization of the Disclosing Party, but only to the extent of the authorization;

4. Information that is required by law or regulation to be disclosed, but only to the extent of the required disclosure; or Information that is disclosed in response to a valid, non-appealable order of a court of competent jurisdiction or governmental body, but only to the extent the order requires.

C. "Disclosing Party" means a Party producing Protected Material in this proceeding.

D. "Party" refers to the Utilities, MPSC Staff ("Staff"), Michigan Attorney General, or any other person, company, organization, or association, as defined in R792.10402(k) and (l), that informs the Commission of its intent to file distribution investment and maintenance plans, comments, or reply comments in this Commission docket and submits at least one Nondisclosure Certificate to a Disclosing Party and to the Commission.

F. "Receiving Party" means any Party to this proceeding who requests or receives access to Protected Material. A Receiving Party is responsible for assuring that persons, representatives, or agents under its control or supervision comply with this Protective Order.

G. "Reviewing Representative" means a representative of the Receiving Party who is:

1. An attorney representing a Receiving Party in this proceeding;

2. An attorney, paralegal, or other employee associated, for the purpose of this case, with an attorney described in Paragraph I.G.1;

3. An expert or employee of an expert retained by a Receiving Party to advise or prepare for this proceeding; or an employee or other representative of a Receiving Party with significant responsibility in this case.

H. "Nondisclosure Certificate" refers to Attachment 1 to this Protective Order. Except as otherwise provided herein, the Receiving Party and Reviewing Representatives will be required to sign Nondisclosure Certificates and provide copies of the same to the Disclosing Party and the Commission in order to access

Protected Material. However, Nondisclosure Certificates will not be required from administrative law judges, members of the Commission and its support staff, Staff (excluding consultants, third-party experts, agents or other similar persons), and Staff counsel, for whom by virtue of their employment are presumed to be bound by the terms of this Protective Order.

II. Access to and Use of Protected Material

A. This Protective Order governs the use of all provided Protected Material. This Protective Order protects: (i) the Protected Material; (ii) any copy or reproduction of the Protected Material made by any person; and (iii) any memorandum, handwritten notes, or any other form of information that copies, contains, or discloses Protected Material. All Protected Material in the possession of a Receiving Party and a Reviewing Representative shall be maintained in a secure place. Access to Protected Material shall be limited to the Receiving Party and the Reviewing Representative, after each has executed the Nondisclosure Agreement and provided a copy of the Nondisclosure Agreement to the Disclosing Party, subject to the limited exception in Paragraph I.H.

B. Protected Material must be used and disclosed by the Receiving Party solely in accordance with the terms and conditions of this Protective Order. A Receiving Party and Reviewing Representative may analyze the Protected Material; prepare comments, reply comments, motions, briefs, or other filings in this proceeding or an appeal from this proceeding. A Reviewing Representative shall not release or disclose the content of Protected Material to any other person or use the information for any other purpose.

C. The Disclosing Party may request the Receiving Party withhold certain information from a Reviewing Representative and retains the right to object to any designated Reviewing Representative if the Disclosing Party has reason to believe that there is an unacceptable risk of misuse of confidential information. If a Disclosing Party objects to a Reviewing Representative, then the Disclosing Party shall submit the dispute to the Commission, or designated hearing officer, simultaneously upon objection. If the Disclosing Party notifies a Receiving Party of an objection to a Reviewing Representative, then the Protected Material shall not be provided to that Reviewing Representative until the objection is resolved by agreement or by the Commission or designated hearing officer.

D. If a Receiving Party seeks access to Critical Energy Infrastructure Information ("CEII") as defined in 16 U.S.C § 824o-1(a)(3) and FERC rules, specifically 18 CFR § 388.113(c), the Receiving Party and Reviewing Representative shall also sign the CEII Nondisclosure Certificate (Attachment 2 to this Protective Order) and provide a copy of the executed CEII Nondisclosure Certificates to the Disclosing Party and the Commission.

E. The obligations under this Protective Order do not expire by a Commission order closing this docket and are enforceable by the MPSC or a court of competent jurisdiction. To the extent Protected Material is not returned to a Disclosing Party, it remains subject to this Protective Order. Members of the Commission, Commission staff assigned to assist the Commission with its deliberations, and the presiding hearing officer shall have access to all Protected Material that is submitted to the Commission under seal.

F. A Party retains the right to seek further restrictions on the dissemination of Protected Material to persons who have or may subsequently seek to participate in this MPSC proceeding, or a future MPSC proceeding in which this Protected Material is at issue.

III. **Procedures**

A. The Disclosing Party shall identify what portion(s) of any document designated confidential it considers confidential. This can be done through highlights or other clear identifier. The Disclosing Party must mark any information that it considers confidential as "CONFIDENTIAL: SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. UXXXXX." Software executable files containing Protected Material may not be capable of being marked with the foregoing required protective language. The inability to mark software executable files containing Protected Material with such protective language shall not diminish the requirements of this Protective Order. It shall be sufficient if the medium used to deliver software executable files containing Protected Material is marked with the required protective language. However, any output from the software executable files containing Protected Material that is generated only as a reproducible document, whether electronic or non-electronic, that is capable of being marked with the required protective language, shall be marked by the party who generated the output with such protective language and subject to the requirements of this Protective Order. If the Receiving Party or a Reviewing Representative makes copies of any Protected Material, they shall conspicuously mark the copies as Protected Material. Notes of Protected Material shall also be conspicuously marked as Protected Material by the person making the notes.

B. If a Receiving Party wants to quote, refer to, or otherwise use Protected Material in pleadings, exhibits, comments, reply comments, or in some other form in this proceeding (including administrative or judicial appeals), the Receiving Party shall do so consistent with procedures that will maintain the confidentiality of the Protected Material. For purposes of this Protective Order, the following procedures apply:

> 1. Written submissions using Protected Material shall be filed in a sealed record to be maintained by the MPSC's Docket Section, or by a court of competent jurisdiction, in envelopes clearly marked on the outside, "CONFIDENTIAL – SUBJECT TO THE PROTECTIVE ORDER ISSUED IN CASE NO. U-XXXXX." Simultaneously, identical documents and materials, with the Protected Material redacted, shall be filed and disclosed the same way that distribution investment and maintenance plans, comments, reply comments, evidence or briefs are usually filed; and,
>
> 2. Copies of the documents filed with the MPSC which contain Protected Material, including the portions of the distribution investment and maintenance plans, comments, reply comments, or related exhibits that refer to Protected Material, shall be marked or identified as, "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER IN CASE NO. U-XXXXX" and shall be maintained in a separate portion of the record under seal, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order.

C. The Protected Material subject to this Order shall be shielded from disclosure to the extent permitted by law. If any person files a request under the Freedom of Information Act ("FOIA") with the MPSC or the Michigan Attorney

General seeking access to documents subject to this Protective Order, the MPSC's Executive Secretary, Staff, or the Attorney General shall promptly notify the Disclosing Party, and the Disclosing Party may take whatever legal actions it deems appropriate to protect the Protected Material from disclosure. In light of Section 5 of the Freedom of Information Act, MCL 15.235, the notice must be given at least five (5) business days before the MPSC, Staff, and/or the Michigan Attorney General grant the request in full or in part.

IV. **Termination of Protected Status**

A. A Receiving Party reserves the right to challenge by motion whether a document or information is Protected Material and whether this information can be withheld under this Protective Order. The Receiving Party challenging the protected status of the document must explicitly state its reason for challenging the confidential designation. In response to a motion, the Commission or the presiding hearing officer in this case may revoke a document's protected status after notice and hearing. If the Commission or designated presiding hearing officer revokes a document's protected status, then the document loses its protected status after 14 days unless a Party files an application for leave to appeal the ruling and a request for a stay to the Commission pursuant to R 792.10433. If the application for leave is timely, the document's protected status will continue during the Commission appeal process. Any Party opposing the application for leave to appeal and the stay shall file an answer with the Commission no more than 14 days after the filing and service of the appeal. Continued protected status post order, will be determined by the Commission in its order addressing the application for leave and the request for stay. Nothing in this paragraph shall prohibit the Disclosing Party from seeking a stay on appeal of the Commission's decision regarding the revocation of any document's protected status.

B. The Disclosing Party bears the burden of proving that the document should continue to be protected from disclosure.

V. Retention of Documents

Protected Material remains the property of the Disclosing Party and, except as required by applicable law and State retention schedules, only remains available to the Receiving Party for the duration that this docket remains open, or until another earlier time as identified by the Commission. If the Disclosing Party seeks to have the Receiving Party return all Protected Material in the Receiving Party's possession or in the possession of its Reviewing Representatives, or certify in writing that all Protected Material has been destroyed, it is the responsibility of the Disclosing Party to contact the Receiving Party and make its request no earlier than the expiration of the time that this docket remains open, or until another earlier time as identified by the Commission. Further, for a Receiving Party that is associated with the State, the request must be consistent with the expiration of the State retention requirement. Notwithstanding the foregoing, counsel for the Receiving Party may maintain a single confidential file of Protected Material subject to all other provisions in this Order. Should counsel seek to refer to the Protected Material in another Commission proceeding, the Disclosing Party must be the utility filing the distribution investment and maintenance plan in said proceeding and counsel must ensure there is a protective order in said proceeding which protects the Protected Material from public disclosure.

VI. **Limitations and Disclosures**

This Protective Order does not apply to a particular document, or portion of a document, described in Paragraph II.A if a Receiving Party can demonstrate that it has been previously disclosed by the Disclosing Party on a non-confidential basis or meets the criteria set forth in Paragraphs I.B.1 through I.B.4. A Receiving Party intending to disclose information taken directly from materials identified as Protected Material must, before actually disclosing the information, do one of the following: (i) contact the Disclosing Party's counsel of record and obtain written permission to disclose the information, or (ii) challenge the confidential nature of the Protected Material and obtain a ruling under Paragraph IV that the information is not confidential and may be disclosed in or on the public record.

VII. **Remedies**

If a Receiving Party violates this Protective Order by improperly disclosing or using Protected Material, the Receiving Party shall take all necessary steps to remedy the improper disclosure or use. This includes promptly notifying all Parties and the presiding hearing officer in writing. The written notice must identify the person known or reasonably suspected to have obtained the Protected Material. A Party or person that violates this Protective Order remains subject to this paragraph regardless of whether the Disclosing Party could have discovered the violation earlier than it was discovered. This paragraph applies to both inadvertent and intentional violations. Nothing in this Protective Order limits the Disclosing Party's rights and remedies, at law or in equity, against a Party or person using Protected Material in a manner not authorized by this Protective Order, including the right to obtain injunctive relief in a court of competent jurisdiction to prevent violations of this Protective Order.

VIII. **Modification**

Formal Addendums to this agreement may be established by the Commission or an ALJ, if designated by the Commission, upon motion by any party and after notice and hearing.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

U-20147

NONDISCLOSURE CERTIFICATE

By signing this Nondisclosure Certificate, I acknowledge that access to Protected Material is provided to me under the terms and restrictions of the Protective Order issued in Case No. U-20147, that I have read the Protective Order, and that I agree to be bound by the terms of the Protective Order.

Reviewing Representative:

Date:________________ ______________________________

Receiving Party:

____

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

U-20147

NONDISCLOSURE CERTIFICATE

FOR CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION

I hereby agree and certify my understanding that access to Critical Electric Infrastructure Information ("CEII") as defined at 16 USC Section 824o-1(a)(3) and 18 CFR Section 388.113(c) is provided to me pursuant to the terms and restriction of this CEII Nondisclosure Certificate and the Protective Order issued in Case No. U-20147, that I have been given a copy of and have read the Protective Order, and I agree to be bound by the terms of this CEII Nondisclosure Certificate and the Protective Order. I further agree that:

1. I will use CEII only for the purpose for which it was requested;

2. I will only discuss CEII with a Party and/or Reviewing Representative;

3. I will keep CEII in a secure place in a manner that prevents unauthorized access;

4. I will destroy CEII or return it to the disclosing party upon request;

5. I understand that CEII is not subject to release under the Freedom of Information Act;

6. I understand that I am obligated to protect CEII even after a designation as CEII has lapsed until a determination by the administrative law judge that the information should no longer be designated as CEII; and

7. I will report all unauthorized disclosures of CEII to the Disclosing Party.

Reviewing Representative:

Date:________________ ______________________________

Title:__________________________

Receiving Party:____________________

Printed Name:____________________

P R O O F   O F   S E R V I C E

STATE OF MICHIGAN)

Case No. U-20147

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on July 10, 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 10th day of July 2025.

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

Service List for Case: U-20147

Name	On Behalf Of	Email Address
Amit T. Singh	MPSC Staff	singha9@michigan.gov

GEMOTION DISTRIBUTION SERVICE LIST

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sculver@glenergy.com	Great Lakes Energy Cooperative
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psimmer@HOMEWORKS.ORG	HomeWorks Tri-County Electric Cooperative
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mgobrien@aep.com	Indiana Michigan Power Company
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GEMOTION DISTRIBUTION SERVICE LIST

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