

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion, to)
establish a workgroup to review and recommend)
improvements to the critical care shut off protection)
under Mich Admin Code, R 460.130a.)
_____)

Case No. U-21939

At the August 7, 2025 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER OPENING DOCKET

On June 12, 2025, the Commission issued an order in Case No U-20757 (June 12 order) that set forth a summary of Commission activities and prior orders issued in the Case No. U-20757 docket that involved ongoing assessments of its novel coronavirus (COVID-19) pandemic response and, in particular, examined issues related to customers accessing utility service and struggling to afford their utility bills. June 12 order, p. 1. The order included recommendations made by the Commission’s Critical Care Collaborative¹ (CCC) in the December 26, 2024 interim report² (December 26 report), filed by the Commission Staff (Staff). In response to the CCC’s

¹ In the December 21, 2023 order in Case No. U-20757, the Commission, in response to the Staff’s March 16, 2023 interim progress report, established the Critical Care Collaborative. *See*, Case No. U-20757, p. 30; *see also*, March 16 report, Case No. U-20757, filing #U-20757-0524, Recommendation 2.10, pp. 31-33.

² The December 26, 2024 report filed by the Staff is found at Case No U-20757, filing #U-20757-0729.

discussion and recommendation related to critical care shut off protection, the Commission ordered the Staff to work toward initiating a rulemaking process to implement Recommendation 1.3, Critical Care Shut Off Protection – Customer Journey. *See*, June 12 order, p. 9; *see also*, December 26 report, p. 15.

The December 26 report explained that critical care shut off protection provides any customer who has an inability to pay a utility expense and who requires or has a household member who requires home medical equipment or life support protection from shut off where an interruption of service would be immediately life threatening. The customer must annually provide to their utility company a Commission-approved medical certification form from a physician or medical facility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life threatening. *See*, December 26 report, pp. 16-17.

The December 26 report also indicated that:

utilities reported that in 2023, 160 out of 664 critical care shut off protection customers never made a payment on their account. This indicates that almost a quarter of the customers enrolled in the protection will develop some sort of arrearage on their account. From 2019 to 2023, the sum of arrearage amounts of critical care shut off protection customers with balances of \$5,001 or more has increased from \$283,204 in 2019, to \$812,636 in 2023, and total arrearages increased from \$597,126 in 2019, to \$1,280,512 in 2023. In contrast, the medical emergency arrearage decreased during that same time period from \$4,468,189 in 2019 to \$2,669,544 in 2023. As noted above, utilities provided the CCC with examples of actual customers with the highest reported arrearages. These accounts have become unmanageable for those customers.

December 26 report, pp. 17-18 (footnote omitted).³ The December 26 report noted that “[u]tilities voiced concerns regarding not being able to collect on these active accounts protected under the critical care shutoff protection.” *Id.*, p. 18.

³ Medical emergency shut off protection for a period up to 21 days is afforded to customers who have a properly verified medical emergency. *See*, Mich Admin Code, R 460.130.

In response to the utilities' and the Staff's concerns, the CCC requested data related to critical care protection customers from regulated utilities and conducted a vigorous examination of Mich Admin Code,

R 460.130a (Rule 30a), discussed a baseline for potential changes to the rule, and reviewed issues that had led to the formation of the collaborative. *See*, December 26 report, p. 8.

The CCC later examined critical care protection customer data provided by the utilities and found that, in the example in the case of the customer with the highest arrearage:

the utility made many efforts to engage the customer. Regardless of engagement attempts, there was no response by the customer. It was also found that the customer consolidated commodity sources making the household only electric. This troubled the CCC. It was reported by some utilities that the customer account increased dramatically, averaging between \$1,500-\$2,000 [in total] during the heating season and \$600-\$800 [in total] during the cooling season, while the household did not make any payments to the account. As noted above, often when a customer has an arrearage due to having made limited or no payments, the outstanding balance becomes so large that MDHHS [Michigan Department of Health and Human Services], MEAP [Michigan Energy Assistance Program] grantees, or other assistance agencies are unable to assist because the arrearage is over assistance caps. Utilities and agencies outlined the struggles encountered in conversations with these customers because, if payments are not required, the program sets the customer up to fail. A struggle that has been identified by the CCC and stressed in this report is a lack of customer involvement. Outside of a shut off for non-payment, CCC participants did not know what to do after a customer has reached this point.

Id., p. 18.

The report further stated that success stories for critical care customers seemed to depend on "customers seeking assistance and utilities customizing flexible payment plans to meet individual customer needs." *Id.*, p. 19. To facilitate the success of the critical care shut off protection program:

the CCC reviewed various processes and methods. It was determined that the customer, if income qualified, needs to seek [monetary] assistance or some sort of payment arrangement, if assistance is not available. Often, certain steps are required in order for a customer to act. Seeking a payment arrangement requires

the customer to stay engaged. The utility also needs to take some ownership in the journey by providing guidance on assistance and offering reasonable payment options for the customer.

Id.; see also, *id.*, Figure 5: Proposed Critical Care Customer Journey, pp. 19-20.

The December 26 report indicated that the:

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

December 26 report, p. 22.

As stated in the June 12 order, the Commission agreed with the CCC's recommendation and "ordered that the Commission Staff shall work towards initiating the rulemaking process to implement Recommendation 1.3, [set forth in the December 26 report,] consistent with this order."

June 12 order, pp. 8-9.

Specifically, the rule to be addressed in this rulemaking process is Rule 30a, which provides as follows:

- (1) A utility shall restore or refrain from shutting off utility service to a critical care customer due to an inability to pay a utility bill where an interruption of service would be immediately life threatening.
- (2) On an annual basis, a critical care customer shall provide the utility with an updated commission-approved medical certification form certifying his or her continued status as a critical care customer. If the customer's status as a critical care customer ends, a customer or occupant of the household shall notify the utility of the change in status.
- (3) A utility shall provide a critical care customer with a grace period of 3 business days during which it shall postpone the shutoff of utility service to the critical care

customer to allow the customer time to obtain a completed commission-approved medical certification form.

(4) Upon request, a utility shall provide and make available on its website a commission-approved medical certification form for use in obtaining a physician's or medical facility's certification demonstrating the customer's status as a critical care customer. Upon receipt of the medical certification form, the utility shall notify the customer that it has received the form.

(5) A utility shall maintain a special file on critical care customers and an appropriate identification of such customers for the purpose of ensuring that utility service is provided for as long as the customer remains a critical care customer and the customer's inability to pay continues.

(6) When a utility has notice of a critical care customer for whom a planned service interruption would be immediately life threatening, the utility shall notify the customer of the planned service interruption and shall not shut off service using remote shutoff capability without first initiating person-to-person contact with the customer.

(7) Nothing in this rule relieves the customer of his or her obligation to pay for utility service. A utility may require that the customer enter into a reasonable payment plan.

(8) Nothing in this rule shall prohibit a utility that observes an unsafe connection at a customer's location caused by unauthorized use of electric or natural gas service, from implementing measures to cure or address the unsafe connection pursuant to section 9d(1) of 1939 PA 3, MCL 460.9d(1).

The Commission's goal is that the input from the CCC will provide a foundation for a critical care rule change that provides shut off protection for critical care customers as well as a process to prevent the customer from incurring unmanageably high energy costs. Therefore, the Commission directs the CCC to develop recommendations to improve the critical care protection rule and directs the Staff to file in the instant docket a report of the CCC's findings and recommended updates for Rule 30a no later than 5:00 p.m. (Eastern time) on March 27, 2026.

THEREFORE, IT IS ORDERED that the Critical Care Collaborative shall continue to meet to pursue potential changes to Mich Admin Code, R 460.130a, as discussed in this order. The Commission Staff shall file in this docket no later than 5:00 p.m. (Eastern time) on March 27, 2026, a report of the Critical Care Collaborative's activities, findings, and recommendations related to potential changes to Mich Admin Code, R 460.130a.

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 sheacl@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

I abstain.

Shaquila Myers, Commissioner

By its action of August 7, 2025.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

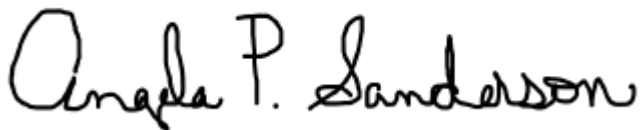
Case No. U-21939

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on August 7, 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 7th day of August 2025.



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

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