

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission’s own motion,)
to process extreme weather condition policies) Case No. U-20140
filed in compliance with Mich Admin Code, R)
460.134 for approval)

COMMENTS

TO: Michigan Public Service Commission and Its Staff
FROM: Frontline Energy Transition Partners (Soulardarity, Urban Core Collective, and We Want Green, Too)
PREPARED BY: Aashney Shah, Mark Templeton, and Alexandra Miskho of the Abrams Environmental Law Clinic, University of Chicago Law School
DATE: September 18, 2025
RE: Response to U-20140 August 2005 Order, Question Four: Extreme Heat Rules in Selected States and Jurisdictions Other than Michigan

I. Executive Summary

As Michigan faces rising risks from extreme heat,¹ the state’s current shutoff protections during extreme heat events are limited and inconsistent across utility providers and have not been updated since 2018.² By contrast, many other jurisdictions have adopted stronger, more comprehensive, and uniform protections, which include triggers based on fixed temperature, heat index levels, and/or National Weather Service advisories, and have required disconnection moratoria during, before, and after extreme heat events.³

¹ *Climate Change Risk Ratings for Michigan*, CLIMATECHECK (2025), <https://climatecheck.com/michigan> (last visited Sept. 4, 2025).

² *See generally In re extreme weather conditions under Mich. Admin. Code., R 460.134*, MPSC Case No. U-20140, Order (Aug. 28, 2018) [hereinafter U-20140 August 2018 Order] (approving the last major update to Michigan utility companies’ extreme weather event policies).

³ *See generally* Appendix A: State-by-State Policy Comparison Table.

This memo surveys the varying approaches taken by states in response to Question 4 of the August 2025 Order in Case No. U-20140⁴ and offers recommendations to help protect Michiganders from extreme heat. We have also included an Appendix with information for each of the seventeen states we have surveyed. We provide copies of all documents, other than copies of the laws and regulations, at <https://uchicago.box.com/s/641y25j0unn5oqh6x46j4dms09qmn muc>

II. Background

2024 was the warmest year on record in Southeast Michigan,⁵ and extended multi-day periods of extreme heat have continued to become increasingly common in 2025.⁶ All of the ten warmest years on record occurred between 2014 and 2023, until 2024 shattered global heat records and became the hottest year yet.⁷ As extreme heat becomes more common, it poses a severe threat to public health and is projected to “lead to a cumulative total of about 28,000 more deaths in major U.S. urban areas each year by the 2090s.”⁸ The federal government and many state governments have taken action, ensuring extreme heat preparedness for communities.⁹

Currently, Michigan’s rules regulating utility shutoff policies during extreme heat only require utilities to adopt and submit their shutoff policies rather than imposing restrictions on disconnections during periods of extreme heat.¹⁰ Michigan currently

⁴ *In re extreme weather conditions under Mich. Admin. Code., R 460.134*, MPSC Case No. U-20140, Order (Aug. 7, 2025) [hereinafter U-20140 August 2025 Order], at 3.

⁵ *2024 Was the Warmest Year on Record Across Southeast MI*, NAT’L WEATHER SERV. (2025), <https://www.weather.gov/dtx/2024TempPrecipSummary> (last visited Sept. 5, 2025).

⁶ Derek Kevra & Jack Nissen, *Why Michigan’s Summer in 2025 Has Been Uniquely Hot*, FOX 2 DETROIT (Aug. 14, 2025), <https://www.fox2detroit.com/weather/why-michigans-summer-2025-has-been-uniquely-hot>.

⁷ Jessica Ordóñez-Lancet et al., *Climate Change Is Subjecting More Americans to Unbearable Extreme Heat*, CTR. FOR AM. PROGRESS (Jul. 31, 2025), <https://www.americanprogress.org/article/climate-change-is-subjecting-more-americans-to-unbearable-extreme-heat/>; see also *In re DTE Electric Co.*, MPSC Case No. U-21860, Schott Direct Testimony (Aug. 22, 2025), at 68–71 (outlining the health and economic risks, alongside increased ratepayer costs as a result of shutoffs during periods of extreme heat).

⁸ Jessica Ordóñez-Lancet et al., *Climate Change Is Subjecting More Americans to Unbearable Extreme Heat*, CTR. FOR AM. PROGRESS (Jul. 31, 2025), <https://www.americanprogress.org/article/climate-change-is-subjecting-more-americans-to-unbearable-extreme-heat/>; see generally Autumn Burton et al., *Too Hot Not To Handle: Resilient Cooling Policy and Strategy Toolkit*, FED’N OF AM. SCIENTISTS (August 2025), https://fas.org/wp-content/uploads/2025/08/AUGUST_2025-Too-Hot-not-to-Handle.pdf.

⁹ See generally Kristiane Huber, *The Era of Extreme Heat Is Here: Federal and State Governments Roll Out Strategies to Cope*, PEW (Jul. 3, 2024), <https://www.pew.org/en/research-and-analysis/articles/2024/07/03/the-era-of-extreme-heat-is-here-federal-and-state-governments-roll-out-strategies-to-cope>.

¹⁰ MICH. ADMIN. CODE, r.460.134 (Westlaw through Mich. Reg., Issue No. 14-2025).

regulates extreme-heat shutoffs under Mich. Admin. Code R 460.134, which requires utilities to “adopt and submit an extreme weather condition policy to the commission for approval.”¹¹ Because the rules offer flexibility for the utilities, shutoff policies vary among Michigan utilities, creating inconsistent consumer protections across the state.¹²

Following the promulgation of this rule, Consumers Energy Company (“Consumers”) and DTE Electric Company (“DTE”) submitted warm-weather policies, which the Commission approved. Together, Consumers and DTE provide electricity to more than eighty percent of Michigan electric customers, making their policies especially consequential.¹³ Consumers’ approved warm weather policy states that the “[d]isconnection [team] will delay or suspend manual and remote disconnection on days of extreme heat when [the] actual temperatures [are] over 90°F.”¹⁴ DTE’s warm weather policy states that “[t]he company will not perform any manual or remote disconnections when temperatures [are] forecast[ed to be] 90°F and above for 2 consecutive days or more.”¹⁵ Both companies state that shut-off suspensions will be based on weather conditions at as many as seven regional checkpoints, where the data will be taken from weather.com.¹⁶ Notably, these two policies vary in meaningful ways. Consumers’ disconnection suspension policy depends on the *actual* temperature on *the day* of a scheduled shutoff, whereas DTE’s disconnection suspension policy depends on the *forecasted* temperature over *multiple days*. Similar variations appear in the policies of smaller utilities across the state, leaving customers subject to inconsistent protections.¹⁷

Since the submission and approval of these policies in 2018, no utility has amended its approved extreme weather policy.¹⁸

In response to an increased number of heat-related deaths due to global climate change, the Commission requested input on a variety of topics for consideration.¹⁹ This memo concerns the questions outlined in Question Four: “What protections do other states with similar climates have in place during extreme weather that the

¹¹ *Id.*

¹² See e.g., U-20140 August 2018 Order, Exhibit A at 4–6 (contrasting Presque Isle Electric & Gas Co-Op, which suspends disconnection if the temperature is forecasted to rise above 95°F, and Northern States Power Co., which suspends disconnection only when a NWS heat advisory has been issued).

¹³ *MPSC Releases Utility Audit Results of State’s Two Largest Electric Utilities*, MICH. PUB. SERV. COMM’N. (Sept. 23, 2024), <https://www.michigan.gov/mpsc/commission/news-releases/2024/09/23/mpsc-releases-utility-audit-results-of-states-two-largest-electric-utilities>.

¹⁴ U-20140 August 2018 Order, Exhibit A at 1.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See generally *id.* at 4–6.

¹⁸ U-20140 August 2025 Order at 2.

¹⁹ *Id.* at 2–3.

Commission should consider? How effective are they? What extreme weather thresholds are used?”²⁰

III. National Landscape Analysis

A. Overview of State Policy Approaches

This analysis reviews the policies of seventeen states across the country that, as of July 2024, regulate utility shutoffs during extreme heat through their legal frameworks.²¹ State policies vary in their approach, triggering mechanisms, and scope of protections. About half of the analyzed states utilize National Weather Service (“NWS”) advisories, while most of the other states have fixed temperature or heat index thresholds ranging from 90 to 101 degrees Fahrenheit.²² Geographic implementation approaches also vary considerably. While some states apply protections across entire utility service territories, others have adopted more targeted county- or weather station-level approaches that activate protections only where the dangerous conditions exist.²³ Protections also vary in their temporal scope, with some states providing more comprehensive protections that include pre-event or weekend protections, extended protection periods, and post-event recovery phases.²⁴ Several states have also incorporated buffer periods and proactive reconnection requirements.²⁵ Some states may employ a combination of various approaches, such as Arizona, which employs either a temperature threshold or a temporal threshold for utility shutoff suspensions.²⁶

1. Temperature Threshold Analysis

State approaches to defining extreme heat conditions fall into three primary categories: fixed temperature thresholds, heat index calculations, and NWS advisory-based systems. Notably, most states utilize NWS data as compared to the www.weather.com data that Consumers and DTE currently utilize in their extreme heat policies.²⁷ Many states employ a temperature threshold in tandem with

²⁰ *Id.* at 3. See generally NATIONAL CONSUMER LAW CENTER ET AL., PROTECTING ACCESS TO ESSENTIAL UTILITY SERVICE DURING EXTREME HEAT AND CLIMATE CHANGE, July 2024 (available at https://www.nclc.org/wp-content/uploads/2024/07/202407_Report_Protecting-Access-to-Essential-Utility-Service-in-the-Time-of-Extreme-Heat-and-Climate-Change.pdf)

²¹ CTR. FOR ENERGY POVERTY & CLIMATE & NAT’L ENERGY ASSISTANCE DIRS. ASS’N, SUMMER SHUT-OFF PROTECTIONS ARE ONLY REQUIRED BY 19 STATES AND D.C., July 2024 (available at <https://energyprograms.org/wp-content/uploads/2024/07/shutoffprotections.pdf>), at 8.

²² See generally Appendix A: State-by-State Policy Comparison Table.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ ARIZ. ADMIN. CODE § R14-2-211 (2022).

²⁷ U-20140 August 2018 Order, Exhibit A at 4.

various duration and extension provisions, such as preventing shutoffs during weekends or holidays, or extending protections beyond qualifying weather events.²⁸

a) Fixed Temperature Thresholds

The most common approach among jurisdictions using temperature cutoffs is a 95°F threshold, which is employed by five of them: Arizona, Maryland, Missouri, and Washington, D.C.²⁹ These authorities prohibit utility disconnections when forecasted or actual temperatures reach this level, though they vary in the duration of such protections. For example, Colorado, Missouri, and Washington, D.C. extend protections up to 72 hours prior to an extreme heat event and prevent shutoffs when providers will be unable to regularly restore service, such as weekends and holidays.³⁰ By contrast, Arizona and Maryland only extend the protections to the day or time of the extreme heat event.³¹ Arizona also provides utilities with the option for a seasonal approach, allowing them to implement a blanket moratorium from June 1 to October 15, regardless of the daily local weather forecast.³²

Other jurisdictions have lower temperature thresholds. Illinois, whose climate is more similar to Michigan's, has a 90°F threshold.³³ Illinois combines this temperature threshold with NWS advisories, creating a hybrid approach that provides dual triggering mechanisms.³⁴ Virginia has a 92°F threshold in conjunction with protections during weekends and holidays.³⁵

b) Heat Index Calculations

Some states, notably those in more humid climates, incorporate heat index calculations as a threshold rather than air temperature alone.³⁶ Including the heat

²⁸ See e.g., D.C. CODE § 35-1506.01 (2025); 220 ILL. COMP. STAT. 5/8-205 (2024); MO. REV. STAT. § 393.108 (2016), <https://revisor.mo.gov/main/OneSection.aspx?section=393.108>; OR. ADMIN. R. 860-021-0407 (2025); 16 TEX. ADMIN. CODE § 25.29 (2025); WIS. ADMIN. CODE PUB. SERV. COMM'N. § 113.0301(16) (2025), https://docs.legis.wisconsin.gov/code/admin_code/psc/113/iii/0301/16; see generally Appendix A: State-by-State Policy Comparison Table.

²⁹ See e.g., ARIZ. ADMIN. CODE § R14-2-211; 4 COLO. CODE REGS. § 723-3-3407(e)(7) (2025); MD. CODE, PUB. UTIL. § 7-307.1 (West, Westlaw through Jun. 1, 2025); MO. REV. STAT. § 393.108; D.C. CODE § 35-1506.01; see generally Appendix A: State-by-State Policy Comparison Table.

³⁰ 4 COLO. CODE REGS. § 723-3-3407(e)(7); MO. REV. STAT. § 393.108; D.C. CODE § 35-1506.01;

³¹ ARIZ. ADMIN. CODE § R14-2-211; MD. CODE, PUB. UTIL. § 7-307.1 (Westlaw).

³² ARIZ. ADMIN. CODE § R14-2-211(11)(b).

³³ See e.g., 220 ILL. COMP. STAT. 5/8-205.

³⁴ 220 ILL. COMP. STAT. 5/8-205.

³⁵ VA. CODE § 15.2-2121.2 (2024).

³⁶ MO. REV. STAT. § 393.108; DEL. CODE ANN. tit. 26, § 117 (West, Westlaw through ch. 211 of the 153rd General Assembly (2025-2026)); OKLA. ADMIN. CODE § 165:35-21-10(c) (2020); see generally Appendix A: State-by-State Policy Comparison Table.

index ensures that states are considering “what the temperature feels like to the human body when relative humidity is combined with the air temperature,” ensuring stronger public health protections.³⁷

As one example, Missouri embodies a hybrid approach, as protections are triggered when temperatures reach 95°F or when the heat index reaches 105°F.³⁸ Missouri also places seasonal guardrails on its policy, stating that the rule applies from June 1 to September 30.³⁹ As another example, Oklahoma utilizes a 101°F heat index threshold,⁴⁰ while Delaware employs a 95°F heat index threshold.⁴¹ These approaches better reflect how hot it really feels by considering relative humidity alongside the actual air temperature.⁴²

c) *NWS Advisory-Based Systems*

Nine states rely on meteorological assessments through NWS advisories, warnings, and watches.⁴³ This approach considers the potential for a heat index value to reach or exceed a certain temperature based on the state’s geographic location within the next 12 to 48 hours and can account for multi-day heat waves.⁴⁴

The most common approach among states using NWS advisories is to rely primarily on some combination of heat advisories, excessive heat warnings, and heat emergencies.⁴⁵ Oregon’s temporary administrative order this summer expands the approach to include extreme heat watches while incorporating air quality considerations when the Air Quality Index reaches 100 or above.⁴⁶ As noted above,

³⁷ *What is the Heat Index?*, NAT’L WEATHER SERV. (2025), <https://www.weather.gov/ama/heatindex> (last visited Sept. 5, 2025).

³⁸ MO. REV. STAT. § 393.108.

³⁹ *Id.*

⁴⁰ OKLA. ADMIN. CODE § 165:35-21-10(c).

⁴¹ DEL. CODE ANN. tit. 26, § 117 (Westlaw).

⁴² *Heat Forecast Tools*, NAT’L WEATHER SERV. (2025), <https://www.weather.gov/safety/heat-tools> (last visited Sept. 3, 2025).

⁴³ GA. COMP. R. & REGS. 515-3-2-.04 (2025); 220 ILL. COMP. STAT. 5/8-205; *In re: Disconnection of Service: Electric and Gas Utilities*, La. Pub. Serv. Comm’n Docket No. R-29706, Order (Sept. 12, 2007) [hereinafter LPSC R-29706 Order], at 3–4; MINN. STAT. § 216B.0975 (2024); 39 MISS. ADMIN. CODE Pt. 3, Subpt. 1, R. 8.125 (2012); OR. ADMIN. R. 860-021-0407; 16 TEX. ADMIN. CODE § 25.483 (2023); WIS. ADMIN. CODE PUB. SERV. COMM’N. § 113.0301(16); WASH. REV. CODE § 23.86.405 (2024); *see generally* Appendix A: State-by-State Policy Comparison Table.

⁴⁴ *Watch/Warning/Advisory Definitions*, NAT’L WEATHER SERV. (2025), <https://www.weather.gov/lwx/warningsdefined> (last visited Sept. 3, 2025).

⁴⁵ GA. COMP. R. & REGS. 515-3-2-.04; 220 ILL. COMP. STAT. 5/8-205; LPSC R-29706 Order at 3–4; MINN. STAT. § 216B.0975; 39 MISS. ADMIN. CODE Pt. 3, Subpt. 1, R. 8.125; OR. ADMIN. R. 860-021-0407; 16 TEX. ADMIN. CODE § 25.483(j); WIS. ADMIN. CODE PUB. SERV. COMM’N. § 113.0301(16); *see generally* Appendix A: State-by-State Policy Comparison Table.

⁴⁶ OR. ADMIN. R. 860-021-0407.

Illinois employs a hybrid mode that combines both 90°F temperature thresholds and heat advisory triggers.⁴⁷

2. Geographic Implementation

States vary in how they geographically apply protections, with approaches ranging from utility service-territory-wide implementation to targeted county-level or weather station-specific applications. Currently, DTE and Consumers utilize multiple weather checkpoints to determine whether actual or forecasted temperatures are above 90°F, and if disconnection should be suspended or cancelled in the region or county that the checkpoint is located in.⁴⁸

a) *County-Level*

Six states apply protections at the county level, activating shutoff moratoriums only in the counties where qualifying weather conditions exist: Delaware, Louisiana, Minnesota, Mississippi, Texas, and Wisconsin.⁴⁹ This approach provides precise targeting of protection.

These states vary in their specific implementation mechanisms and reporting requirements. Texas’s county-level approach requires utilities to notify the commission when extreme weather emergencies occur in any county within their service territory, including specific identification of the county and contact information for the utility contact person.⁵⁰ Delaware applies protections when NWS forecasts of “the heat index measured at an *airport* in the same county as the subject dwelling unit may equal or exceed 95 degrees Fahrenheit.”⁵¹

b) *Service Territory-Wide*

Six jurisdictions apply protections across utility service territories when qualifying weather conditions exist anywhere inside the territory: Arizona, Colorado, Washington, D.C., Missouri, and Oklahoma.⁵² This approach provides broad protection.

⁴⁷ 220 ILL. COMP. STAT. 5/8-205.

⁴⁸ U-20140 August 2018 Order, Exhibit A at 4.

⁴⁹ DEL. CODE ANN. tit. 26, § 117 (Westlaw); LPSC R-29706 Order at 3–4; MINN. STAT. § 216B.0975; 39 MISS. ADMIN. CODE Pt. 3, Subpt. 1, R. 8.125; 16 TEX. ADMIN. CODE § 25.483; WIS. ADMIN. CODE PUB. SERV. COMM’N. § 113.0301(16); *see generally* Appendix A: State-by-State Policy Comparison Table.

⁵⁰ 16 TEX. ADMIN. CODE § 25.483.

⁵¹ DEL. CODE ANN. tit. 26, § 117 (Westlaw) (emphasis added).

⁵² ARIZ. ADMIN. CODE § R14-2-211; 4 COLO. CODE REGS. § 723-3-3407(e)(7); D.C. CODE § 35-1506.01; MO. REV. STAT. § 393.108; OKLA. ADMIN. CODE § 165:35-21-10(c); *see generally* Appendix A: State-by-State Policy Comparison Table.

c) Weather Station

Maryland adopts a unique approach that requires utilities to designate weather stations within their service territories for use in administering extreme heat-related shutoff restrictions.⁵³ While this approach provides flexibility for utilities to determine where restrictions are applied, it may introduce regulatory complexity and increase the potential for regulations to be less effective if a weather station's territory is extremely limited.

3. Duration and Extension Provisions

States employ varying approaches to the temporal scope of their extreme heat protections. These range from basic coverage solely during qualifying events to comprehensive coverage that includes extended protection periods, including pre- and post-event recovery requirements.

a) Basic Coverage

Most states provide protection only during the period when qualifying weather conditions exist.⁵⁴ Under this approach, shutoff restrictions are lifted once temperatures drop below the threshold or NWS advisories expire.⁵⁵ Several of these states determine qualifying conditions based on the forecasted temperature as of a specific timeframe in the morning of the scheduled day for a shutoff, typically between 6:00 a.m. and 9:00 a.m.⁵⁶ Some states within this basic coverage model provide limited operational protections, such as Colorado's provision that a utility shall postpone service discontinuance "during any additional period in which utility personnel will not be available to restore utility service."⁵⁷

This approach prioritizes simplicity but creates several vulnerabilities. First, customers remain susceptible to shutoffs immediately before extreme heat events begin, especially when morning forecasts may differ from temperatures during actual disconnection events. Oklahoma, for example, attempts to remedy this issue by providing that "[i]f the NWS issues an updated forecast on the day of disconnection, then such updated forecast shall be used in place of the earlier obtained forecast."⁵⁸ Second, customers are vulnerable to lingering heat-related

⁵³ MD. CODE, PUB. UTIL. § 7-307.1.

⁵⁴ See e.g. ARIZ. ADMIN. CODE § R14-2-211; DEL. CODE ANN. tit. 26, § 117; GA. COMP. R. & REGS. 515-3-2-.04; LA. PUB. SERV. COMM'N, General Order No. R-29706 In re: Disconnection of Service: Electric and Gas Utilities; MD. CODE, PUB. UTIL. § 7-307.1; MISS. PUB. SERV. COMM'N, Service Rule 8.125(3); 16 TEX. ADMIN. CODE § 25.483; OKLA. ADMIN. CODE § 165:35-21-10(c); WIS. ADMIN. CODE PUB. SERV. COMM'N. § 113.0301(16); see generally Appendix A: State-by-State Policy Comparison Table.

⁵⁵ See e.g., ARIZ. ADMIN. CODE § R14-2-211; 4 COLO. CODE REGS. § 723-3-3407(e)(7); DEL. CODE ANN. tit. 26, § 117 (Westlaw); MD. CODE, PUB. UTIL. § 7-307.1 (Westlaw).

⁵⁶ See e.g., 4 COLO. CODE REGS. § 723-3-3407(e)(7); OKLA. ADMIN. CODE § 165:35-21-10(c).

⁵⁷ 4 COLO. CODE REGS. § 723-3-3407(e)(7).

⁵⁸ OKLA. ADMIN. CODE § 165:35-21-10(c).

health impacts, as health effects often continue into the days following an extreme heat event.⁵⁹ Third, customers may face extended service interruptions when extreme heat events coincide with weekends or holidays, as utilities may be challenged or unable to restore service during non-business hours.

b) Weekend and Holiday Extensions

Several jurisdictions extend protection beyond qualifying weather events when they precede weekends or holidays, recognizing that utility providers may be unable to reconnect during these periods.⁶⁰ These provisions acknowledge the risk that customers disconnected immediately before non-business periods may face extended service interruptions that increase the duration and severity of extreme-heat related effects.

These extensions provide a middle ground approach between basic coverage and more comprehensive protection models. While they may not address pre-event vulnerabilities or post-event health risks, they take account of operational delays that could leave customers without service for 72 hours or more during extreme heat events.

c) Pre- and Post-Event Protection

The most comprehensive state approaches provide a combination of additional notice, protection periods that extend beyond qualifying weather events themselves, and active reconnection ahead of an extreme weather event.

Delaware provides that utilities must provide notice to account holders on the date the termination was meant to be effected, notifying them that unless payment arrangements are made, service will be terminated on a day during which the extreme heat event is no longer in effect.⁶¹ The requirement for communication with account holders of their delinquency and updated shutoff date provides some notice to make payments or other arrangements to ensure their safety, although it does not extend protection periods pre- or post- the extreme weather event, and it does not address the long-term health impacts of extreme heat.

Some jurisdictions prohibit disconnections preceding forecasts of extreme heat. For example, Washington, D.C. mandates that “[a]n electric company shall not disconnect residential electric service during the day preceding and the day of a forecast of extreme temperature”⁶² Illinois states that utility companies may not terminate service “on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located

⁵⁹ See *Heat and Health*, WORLD HEALTH ORG. (May 28, 2024), <https://www.who.int/news-room/fact-sheets/detail/climate-change-heat-and-health> .

⁶⁰ See e.g., D.C. CODE § 35-1506.01; 220 ILL. COMP. STAT. 5/8-205; MO. REV. STAT. § 393.108; see generally Appendix A: State-by-State Policy Comparison Table.

⁶¹ DEL. CODE ANN. tit. 26, § 117 (Westlaw).

⁶² D.C. CODE § 35-1506.01.

includes a forecast that the temperature will be 90 degrees Fahrenheit or above.”⁶³ While not as comprehensive as the protections in Washington, D.C., Illinois regulations may still capture the potential for an extreme heat event within the following day.

Many states provide post-extreme heat event protections, including extending disconnection moratoriums up to 48 hours past a qualifying extreme heat event.⁶⁴ Texas provides that utilities may not disconnect service if an NWS advisory “has been issued on any one of the preceding two calendar days,” which effectively creates a trailing protectionary period.⁶⁵ Oregon provides the most robust post-event protections, extending an extreme heat moratorium for at least 48 hours after the qualifying event.⁶⁶

Several states mandate proactive efforts to reconnect recently disconnected customers during extreme weather events.⁶⁷ Wisconsin requires that a utility “shall make reasonable attempts to reconnect service ... when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service.”⁶⁸ While Wisconsin requires additional documentation in the form of a notice from a public health officer or a physician, the policy recognizes the health effects of an extreme heat event and the necessity for electricity for many customers during those times.

Oregon and Washington State provide the most robust reconnection programs. Oregon requires utilities to “make best efforts to reconnect service” upon request from a customer who has been disconnected for nonpayment within the prior 72 hours of a severe weather condition.⁶⁹ Of note, Oregon provides that utilities may charge reconnection fees except for when the customer qualifies for a waiver.⁷⁰ Washington State requires that “[a] utility shall promptly contact affected customers and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for lack of payment” on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert.⁷¹ The statute further states that a locally regulated utility may require a residential user to enter into a payment plan prior to reconnecting service.⁷² Such a payment plan must be designed to “pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are

⁶³ 220 ILL. COMP. STAT. 5/8-205.

⁶⁴ See generally Appendix A: State-by-State Policy Comparison Table.

⁶⁵ 16 TEX. ADMIN. CODE § 25.29.

⁶⁶ OR. ADMIN. R. 860-021-0407.

⁶⁷ See generally Appendix A: State-by-State Policy Comparison Table.

⁶⁸ WIS. ADMIN. CODE PUB. SERV. COMM’N. § 113.0301(16)

⁶⁹ OR. ADMIN. R. 860-021-0407.

⁷⁰ *Id.*

⁷¹ WASH. REV. CODE § 23.86.405 (2024)

⁷² *Id.*

*no greater than six percent of the customer's monthly income.*⁷³ This regulatory scheme not only ensures connection for customers but also provides customers with a route towards affordable energy bills during periods of extreme heat, which can help ensure they maintain connection throughout the warmest months.

These comprehensive protections recognize the necessity for coordinated and proactive utility response to ensure that the impact of extreme heat events on the public is mitigated. However, they are operationally more complex than basic coverage and weekend and holiday extensions, which may create tension between public health and safety objectives and utility operational preferences. Additionally, even the most comprehensive policies may still fail to meet the needs of customers, such as imposing restrictions on which customers can receive access to disconnections like only allowing those customers who have been disconnected in the previous 72 hours, preventing customers who may need reconnection the most from receiving electricity during periods of extreme heat.⁷⁴

IV. Critiques of Current State Policies

Considering rapidly changing weather patterns and the increase in extreme heat emergencies, observers have noted that many states may need to re-evaluate their criteria for shutoff moratoria.⁷⁵ Some observers have also noted the disproportionate impact of utility shutoffs on low-income families, which, in the case of extreme heat events, is exacerbated by federal funding resources being used primarily to address extreme temperatures in the winter.⁷⁶

In determining a more comprehensive policy, it is thus important for regulators to ensure that regulations remain current and are flexible to protect customers in changing climates, while also providing increased protection for low-income customers who may not have the same access to assistance in the cooling season as they do in the heating season.

V. Recommendations

Since studies have found that extreme or prolonged heat exposure over the course of days or weeks can be particularly dangerous for community health,⁷⁷ it is vital that

⁷³ *Id.* (emphasis added).

⁷⁴ See OR. ADMIN. R. 860-021-0407. (requiring reconnection when a customer has been disconnected from payment “within the prior 72 hours”).

⁷⁵ See generally Emma F. Hand et al., *Utility Disconnections and Shutoffs*, 46 ENERGY L. J. 299 (2025).

⁷⁶ See generally Cora Lewis, *As Summers Grow Deadlier, Here's What to Know About Utility Shutoffs* (Sept. 5, 2025), <https://abcnews.go.com/Business/wireStory/summers-grow-deadlier-utility-shutoffs-125283036>.

⁷⁷ See generally Nora Bradford, *Heatstroke and Extreme Heat can Hurt Health in the Long-Term, Too*, SCIENTIFIC AM. (July 30, 2025),

Michigan utility regulations consider both the long- and short-term implications of utility shutoffs in extreme heat. Not only is this true as a general principle, but also Michigan had around 870,000 disconnections between the months of May and October in 2010 through 2014 inclusive.⁷⁸ Of note, Michigan was fourth amongst all states for disconnects, particularly in June,⁷⁹ just before periods of extreme heat struck the state.

Based primarily on surveying the extreme weather policies of seventeen jurisdictions, we have various recommendations for a successful extreme heat protection plan in Michigan. Other commentators may contribute empirical data and other evidence and reasoning in answering the other questions posed by the Commission that might lead us to make other or different recommendations as a matter of policy.

A. Temperature Threshold Standards

At the very least, Michigan should implement a dual-trigger system combining a fixed temperature threshold with NWS advisories. Specifically, utilities should be prohibited from disconnecting residential service when either: (1) the forecasted temperature will reach 90°F or above, or (2) the NWS issues a heat advisory, excessive heat watch, or excessive heat warning for the service area, which considers a variety of factors, including an elevated heat index and local preparedness.⁸⁰ This approach is like Illinois' model and captures both predictable high-temperature days and significant heat events that may occur unseasonally or at lower temperatures due to humidity, duration, or other factors accounted for in NWS advisories.

Additionally, Michigan should seriously consider implementing seasonal protections during peak summer months. Like Arizona's seasonal moratorium, this approach would provide the benefits of certainty and administrative simplicity, would ensure baseline protection during the most likely extreme heat event time period, and would address cumulative health effects of sustained heat exposure. If the Commission were to adopt such an approach, we would also recommend that the

<https://www.scientificamerican.com/article/heatstroke-and-extreme-heat-exposure-leads-to-chronic-health-effects-on/>.

⁷⁸ *Utility Connections Dashboard*, ENERGY JUSTICE LAB (2025)

<https://utilitydisconnections.org/dashboard/index.html> (last visited Sept. 4, 2025).

⁷⁹ Selah Goodson Bell et. al, *Powerless in the United States*, CTR. FOR BIOLOGICAL DIVERSITY (Jan. 30, 2023), https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Powerless-in-the-US_Report.pdf, at 4.

⁸⁰ See generally Micki Olson & Jeannete Sutton, *Bridging the Gap Between National Weather Service Heat Terminology and Public Understanding*, AM. METEOROLOGICAL SOC. (Mar. 19, 2025), DOI: 10.1175/BAMS-D-23-0238.1. at E841-E843; see also UNDERSTANDING HEAT ALERTS, NAT'L WEATHER SERV. (2025), <https://www.weather.gov/safety/heat-ww> (last visited Sept. 10, 2025).

Commission establish regular intervals, say every five years, for revisiting the temporal period in light of climate change.

B. Temporal Protections

Michigan should adopt comprehensive temporal protections that extend beyond qualifying weather events.

Disconnection restrictions should begin at least 24 hours prior to an extreme heat event, such as in Illinois. This will allow households time to implement cooling strategies and ensure their safety during qualifying events.

Protections should continue for at least 24, if not 48 or more hours, after extreme heat events end, like in Oregon. This recognizes that heat-related health risks persist as individuals recover from extreme heat events.

Disconnection restrictions should extend to weekends and holidays when extreme heat is forecast for any portion of those periods, as happens in many states. This ensures that customers are not left without service in extreme heat conditions when reconnection may not be possible.

Utilities should be required to make reasonable efforts to reconnect customers who were disconnected due to payment delinquency, like policies in Oregon, Washington State, and Wisconsin. This will ensure that citizens are not left in extreme heat conditions with no guaranteed cooling solution. More broadly, the implementation of reasonable payment plans for customers who have been disconnected due to a lack of payment, ensuring that the payment plan does not exceed six percent of their income like in Washington State, would help to make their energy bills affordable and would help to avoid disconnection problems in the first place.

C. Enhanced Protections for Vulnerable Communities

While not addressed by the jurisdictions surveyed, research demonstrates that extreme heat and utility shutoffs disproportionately affect low-income and minority ratepayers.⁸¹ The Commission should conduct an analysis regarding the extent to which such disparities exist in Michigan and develop additional protections for ratepayers on various energy assistance programs, such as the Low-Income Energy Assistance Fund (LIEAF). Enhanced protections can include extended reconnection periods for medical certificate holders, priority reconnection for households with children or elderly residents, and coordination with social service agencies to identify and protect the most vulnerable customers. While these efforts may already be underway in Michigan, a review of the Commission's working groups and dockets in recent rate cases indicates strongly that there is more that needs to be done.

⁸¹ See generally Trevor Memmott et. al, *Assessing Demographic Vulnerability and Weather Impacts on Utility Disconnections in California*, NAT. COMM'NS (Nov. 5, 2024), <https://www.nature.com/articles/s41467-024-53913-y>.

VI. Conclusion

Extreme heat is a growing public health crisis. Michigan's current patchwork of shutoff protections in extreme heat conditions may leave many customers vulnerable during dangerous conditions. In surveying seventeen jurisdictions, it is clear that more robust, clearly defined policies are feasible. By adopting uniform thresholds and seasonal protections, extending protections to weekends, holidays, and pre- and post-event recovery periods, and requiring proactive reconnection efforts, the Commission can provide Michigan residents with stronger, more consistent safeguards. These reforms would align the state with national policies that are robust and protective to ensure that all Michigan residents maintain access to essential electric service during extreme heat events.

APPENDIX A: State-by-State Policy Comparison Table

State	Triggering Condition(s)	Geographic Scope	Duration / Additional Protections	Additional Notes
Arizona ⁸²	NWS local weather forecast > 95°F OR June 1 – October 15	Service address	Forecast duration	No late fees charged during the qualifying extreme heat event
Colorado ⁸³	NWS local weather forecast between 6:00 a.m. and 9:00 a.m. ≥ 95°F	Local forecast	Following 24 hours OR during any period in which utility providers will not be able to restore utility service	
Delaware ⁸⁴	NWS forecast heat index ≥ 95°F	Airport in the county of the dwelling	Day of extreme heat event	During the cooling season, written notice must be provided at least 14 calendar days prior to termination
Georgia ⁸⁵	NWS Heat Advisory or Excessive Heat Warning is in effect or forecasted prior to 8:00 a.m.	County in which the meter is located	Day of extreme heat event	
Illinois ⁸⁶	NWS forecast ≥ 90°F OR NWS Excessive Heat Watch, Heat Advisory, or Excessive Heat Warning	Area of the utility in which the residence is located	Following 24 hours OR any day 24 hours preceding a holiday or weekend that includes a forecast of ≥ 90°F	Includes gas alongside electricity if it is used as the only source of cooling in the residence
Louisiana ⁸⁷	NWS Heat Advisory	Parish	Day of extreme heat event	
Maryland ⁸⁸	Forecasted temperature ≥ 95°F	Weather station area	Day of extreme heat event	Public service companies are required to designate and file designated weather station areas within ins service territories

⁸² ARIZ. ADMIN. CODE § R14-2-211 (2022).

⁸³ 4 COLO. CODE REGS. § 723-3-3407(e)(7) (2025).

⁸⁴ DEL. CODE ANN. tit. 26, § 117 (West, Westlaw through ch. 211 of the 153rd General Assembly (2025-2026)).

⁸⁵ GA. COMP. R. & REGS. 515-3-2-.04 (2025).

⁸⁶ 220 ILL. COMP. STAT. 5/8-205 (2024).

⁸⁷ *In re: Disconnection of Service: Electric and Gas Utilities*, La. Pub. Serv. Comm'n Docket No. R-29706, Order (Sept. 12, 2007), at 3–4.

⁸⁸ MD. CODE, PUB. UTIL. § 7-307.1 (West, Westlaw through Jun. 1, 2025).

Minnesota ⁸⁹	NWS Excessive Heat Watch, Heat Advisory, or Excessive Heat Warning	County	Time during which the extreme heat event is in effect	
Mississippi ⁹⁰	NWS Excessive Heat Warning issued as of 8:00 a.m.	County	Day of extreme heat event	
Missouri ⁹¹	NWS local forecast between 6:00 a.m. and 9:00 p.m. > 95°F OR heat index > 105°F	Local forecast	Extreme heat event is forecasted in the following 72 hours OR utility personnel are not available to reconnect service during the immediately succeeding day and there is a forecasted extreme heat event during the period of unavailability	In effect from June 1 – September 30
Oklahoma ⁹²	NWS local forecast between 6:00 a.m. and 8:00 a.m. heat index ≥ 101°F	Local forecast	Day of extreme heat event	If the NWS issues an updated forecast on the day of disconnection, it shall be used in place of the earlier forecast

⁸⁹ MINN. STAT. § 216B.0975 (2024).

⁹⁰ 39 MISS. ADMIN. CODE Pt. 3, Subpt. 1, R. 8.125 (2012).

⁹¹ MO. REV. STAT. § 393.108 (2016),
<https://revisor.mo.gov/main/OneSection.aspx?section=393.108>.

⁹² OKLA. ADMIN. CODE § 165:35-21-10(c) (2020).

Oregon ⁹³	NWS Extreme Heat Warning, Extreme Heat Watch or Heat Advisory	Not specified	Any moratorium must be in effect for at least 48 hours after the qualifying extreme heat event	<p>If a customer has been disconnected for nonpayment within the previous 72 hours of a severe weather event, a utility must make best efforts to reconnect service;</p> <p>Upon request from a customer who is a medical certificate holder or a participant in the income qualified bill discount program disconnected within the previous 7 days, the utility must make best efforts to reconnect</p>
Texas ⁹⁴	NWS Heat Advisory	County	Any one of the preceding two calendar days or the day of	
Virginia ⁹⁵	NWS local weather forecast $\geq 92^{\circ}\text{F}$	Local forecast	If the temperature will meet the threshold in the 24 hours following scheduled shutoff OR Fridays, weekends, state holidays, or days immediately preceding a state holiday	

⁹³ OR. ADMIN. R. 860-021-0407 (2025).

⁹⁴ 16 TEX. ADMIN. CODE § 25.29 (2023); 16 TEX. ADMIN. CODE § 25.483 (2023).

⁹⁵ VA. CODE § 15.2-2121.2 (2024).

Washington ⁹⁶	NWS heat-related alert, such as an excessive heat warning, heat advisory, excessive heat watch, or a similar alert	Local forecast	Day that the NWS has issued or announced that it intends to issue a heat-related alert.	Utility shall promptly contact affected customers and make a reasonable attempt to reconnect service if disconnection has happened due to lack of payment during an extreme heat event. If the utility requires the user to enter a repayment plan, monthly payments may be no greater than six percent of the customer's monthly income
Washington, D.C. ⁹⁷	NWS forecast $\geq 95^{\circ}\text{F}$	District of Columbia	Day preceding and day of extreme heat event OR event precedes a holiday or weekend OR event forecasted during holiday or weekend	
Wisconsin ⁹⁸	NWS Heat Advisory, Heat Warning or Heat Emergency	Not specified	When extreme heat event is in effect	Utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when the occupant states there is a potential threat to life that results from the heat and loss of service. Utilities may require a physician's statement or notice from local officials.

⁹⁶ WASH. REV. CODE § 23.86.405 (2024).

⁹⁷ D.C. CODE § 35-1506.01 (2025).

⁹⁸ WIS. ADMIN. CODE PUB. SERV. COMM'N. § 113.0302(14) (2025), https://docs.legis.wisconsin.gov/code/admin_code/psc/113/iii/0301/14; WIS. ADMIN. CODE PUB. SERV. COMM'N. § 113.0301(16) (2025), https://docs.legis.wisconsin.gov/code/admin_code/psc/113/iii/0301/16.