

September 18, 2025

Executive Secretary  
Michigan Public Service Commission  
P.O. Box 3022  
Lansing, Michigan 48909.

Dear Public Service Commissioners,

We applaud the Commission's return to the 2018 docket U-20140, which required all regulated energy utilities to propose limits to disconnections during periods of extreme heat and extreme cold. Renewing these considerations adds to recommendations to amend disconnection protections for customers with medical and chronic health conditions, as proposed by the Critical Care Committee (CCC) of MPSC's Energy Assistance and Affordability Collaborative (EAAC) in case no. U-20757.

In its August 7 order in case no. U-20140, the Commission requested input on eleven questions regarding weather-based disconnection protections, in addition to the array of questions taken up by the CCC. Our comments respond to each request individually, but first we offer broader context and strongly urge the Commission to consider universal protection from disconnections under all circumstances, i.e., a disconnection moratorium. Universal protection would obviate the time-consuming need for ongoing policy assessment and amendments, be future-proof to increasing climate impacts including extreme heat and wildfire smoke and responsive to unforeseen crises, like the next pandemic. Universal protections would ensure no customer slips through a gap and suffers or dies without power during an extreme heat wave or cold snap. As the full toll of impacts from disconnections are becoming even clearer, we believe protections from heat and cold will only go so far to protect vulnerable customers. Disconnection protections are fundamentally about foresight. These protections recognize potential but preventable harms and require utilities to take reasonable actions to protect the welfare—and survival—of their customers.

Universal, year-round protections are also a much more logical solution to the root causes of disconnections for non-payment. The first root cause of disconnections for non-payment is unaffordable rates. The 2022 residential energy burden in Michigan was higher than all but 13 other states, eating up 4.04% of the average household's income.<sup>1</sup>

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<sup>1</sup> Citizens Utility Board of Michigan 2024 Utility Performance Report, p.32. cubofmichigan.org.

Secondary root causes include ineffective identification and engagement of customers eligible for protections, and inadequate availability of funds to provide energy and EWR assistance to all eligible customers. We note, for example, that a central reason Consumers Energy gave for recommending against continuation of its Percentage-of-Income-Payment pilot was that the 6% energy burden target (defined by most as a high energy burden) increased assistance costs too much. It is flatly inconsistent to hold that an energy burden above 6% is unreasonable and yet hold customers accountable to pay those unreasonable bills by disconnecting them when they cannot. While we do not absolve residential customers of all responsibility to use energy efficiently and make reasonable efforts to pay their bills, until utilities and governments more comprehensively address the root causes of arrearages and disconnections, we cannot countenance policies that hold struggling residential customers primarily responsible for these failings. To do so would be like blaming passengers on the Titanic for failing to avoid the iceberg and then for failing to fit into the plainly inadequate lifeboats available to them. Utility customers may have more agency in their situation than passengers on the Titanic did, but the point holds that they are not the root cause of the predicament they find themselves in and should not be the ones who suffer the direst consequences.

Nationally, disconnection protections have been established for no fewer than eight broad categories (see table below), including three sets of protections for external conditions and five for customer characteristics (i.e., demographics). The MPSC has considered and adopted some form of protection in seven of these categories. That said, the current call to revisit protections from heat and cold indicates to us that even with revisions and greater clarity, the Commission is concerned these protections are insufficient to address the dangers some customers will continue to encounter.

EXTERNAL CONDITIONS	CUSTOMER CHARACTERISTICS
Cold – based on i) Date, ii) Temperature, iii) Weather service alert	Age – i) Seniors, ii) Young children
Heat – based on i) Date, ii) Temperature, iii) Heat index, iv) Weather service alert	Health – i) Chronic condition or disability, ii) Acute medical emergency, iii) Pregnancy
Crisis – Covid protections, ad hoc protections during local affordability crises or gaps in the safety net	Military service – i) Deployed or active-duty service members, ii) Spouse or children of deployed or active-duty service members
	Safety net alignment – Enrollment in energy bill assistance, efficiency, or weatherization programs
	Income – i) Poverty level or AMI, ii) Enrollment in other assistance programs

In recent dockets, we have revealed the extent of harms from disconnections and how they disproportionately impact certain customers, particularly in Michigan’s majority

Black, Indigenous and other People of Color (BIPOC) communities such as Detroit, Hamtramck, Highland Park, and Pontiac. The legacies of historic discrimination, such as through redlining, have further exacerbated disconnection disparities by resulting in less efficient housing and urban heat islands (higher cooling costs), lower access to energy waste reduction products and services, and an increase in predatory lending and penalties. Even the best temperature-based protections will be unable to mitigate the disproportionate disconnection risks these communities face. The only sure-fire way to protect public health and ensure continuous access to energy--a universal basic need--is through universal protection from disconnection under all circumstances. Universal protection has already proven to be technically feasible, as protections were adopted during the early months of the COVID-19 crisis. Whether universal protections are politically feasible and how such protections could be designed to minimize ratepayer or public costs are important, but in our view secondary questions. We believe considering universal protections through U-20140 or a new dedicated disconnections docket, following the model of Hawai'i's 2025-02848, is a more promising direction.

To illustrate why short-term, weather-based disconnection protections fail adequately to protect customers from harm, we turn to data reported by DTE in the U-20757 (COVID) and U-18120 (quarterly report) dockets. The data clearly reveal that the number of customers protected by weather-based shutoff moratoria is dwarfed by the number of customers whose services were previously shut off and not yet restored and thus remain unprotected during extreme weather events. We focus on DTE because we have not compiled statewide data from the U-18120 quarterly reports to compare with the U-20757 COVID docket data that the MPSC compiles and charts on its website. We are not aware that DTE's data is exceptional in any way, other than it being the biggest utility reporting.

DTE's U-20757 report dated 12/31/2024 shows a total of 13,743 electric, gas and combination residential premises remained without service at the end of the month owing to nonpayment. This is the number of premises that would not be protected by a weather-based, short-term shutoff moratorium, because they already lost service. While that number may have varied to some extent throughout the month of December 2024, we can assume for the sake of illustration that at least that many premises would have already been without service on the eve of any shutoff moratorium declared during that month, because the November numbers had been higher.

DTE's quarterly report (U-18120 docket) for December 2024 shows that 7,167 premises were newly disconnected for non-payment during the, an average of 231 new disconnections per day.

Therefore a DTE shutoff moratorium lasting two days will delay 462 disconnections on average but do nothing for the 13,743 customers whose service was already disconnected. The moratorium in this scenario protects a paltry 3.25% of the customers who would go without service during the weather event were it not enacted.

Having noted our firm belief that universal protections are needed and are superior to a patchwork of fleeting protections for cold, heat, and vulnerable health, we respond to the Commission's questions below.

*(1) The existing extreme weather condition policies vary by utility, with some suspending disconnections at a temperature threshold and others using National Weather Service (NWS) heat and cold advisory warnings. Are each utility's extreme weather condition policies appropriate for setting shutoff and customer protections? If not, what other thresholds should be considered? What is the most appropriate threshold for utilities in Michigan?*

A1. Existing extreme weather condition policies do not adequately protect customers because the weather-based threshold approach is fundamentally flawed.

Episodic shutoff moratoria based on weather conditions may be inaccurate and fail to protect many people.

Weather forecasts may inaccurately predict the onset, severity, duration, and impacted areas. Weather-based criteria also assume that all residential premises have the same ability to withstand severe weather conditions. Yet we know that many premises are poorly weatherized, and premises in cities are exposed to urban heat island effects that raise ambient temperatures as much as 5 degrees F compared to nearby suburbs.

Episodic moratoria may fail to protect many customers. As noted above, they fail to protect comparatively enormous numbers of customers whose services have already been shut off.

Further, it is very difficult to monitor how utilities implement weather-based shutoff moratoria, given how dynamic and unpredictable extreme weather conditions can be in time and space and how effectively utilities identify and protect vulnerable or other protected customers.

If the Commission is not prepared to bar all shutoffs for nonpayment, it ought to consider less-comprehensive modifications that would help substantially.

First, if the Commission is not prepared to bar shutoffs at all times, it should bar them during the times of year that extreme weather is most common, namely the summer and winter months. We recommend adoption of calendar-based thresholds for the peak winter heating season and the peak summer cooling season, which could vary based on the typical onset of extreme weather conditions in each utility service territory. This approach virtually eliminates weather forecasting inaccuracies and virtually eliminates incomplete protection caused by difficulties identifying customers who need protection based on specified characteristics. Seasonal shutoff moratoria would not protect residents of premises where service has already been shut off at the beginning of the season, but this problem could be addressed through an effort to identify any such premises that are still occupied and to reconnect them at the beginning of each moratorium season. A modification of this approach would be to specify an arrearage threshold below which nobody would be, or remain, disconnected during the summer and winter seasons.

One reason we do not prefer seasonal shutoff moratoria is that, for most of the state, the summer and winter seasons would likely comprise more than half of the calendar year. If extreme weather conditions may occur in a majority of months of the year, it may not be worth the administrative, communication and regulatory effort to frequently cycle in and out of moratorium periods.

Second, if the Commission is not prepared to extend shutoff protections year-round to all customers, it could extend them to some customers year-round. This approach would extend the current winter shutoff protections to more people and over the full year. Again, this approach is hampered by difficulties identifying customers based on eligibility characteristics. We know that many senior, critical medical and low-income customers are not identified despite utility education and engagement efforts.

*(2) Should the extreme weather condition policies be consistent across utilities or continue to vary by utility?*

A2. First, we reiterate our central recommendation that shutoff protections should be in effect year-round and not subject to weather conditions at all.

If the Commission adopts our less-preferred alternative of seasonal shutoff moratoria, then we do not recommend that every utility should adopt the same

summer and winter moratorium calendars. Extreme weather periods begin at different times around the state: winter starts earlier in the UP and lasts longer, and summer starts early in the southern lower peninsula and lasts longer. The Commission should identify specific temperature and humidity thresholds that should be consistent across the state then require each utility to propose when those conditions commence and end, in an average year, across their service territories.

Utilities with large service territories, such as Consumers and DTE, should propose multiple zones within their service territories. The zones should be defined by climate differences across large utility territories and urban heat island effects.

If the Commission allows utilities to continue using weather-based thresholds, then the criteria should be the same across the state. A 95-degree day has the same impact on somebody in the UP as in Detroit: it's just less common. In addition, two other criteria in addition to ambient temperature should be considered. First, humidity should be taken into account, presumably using wet-bulb temperature. Second, air quality indices should be considered. High and low temperatures and atmospheric conditions can exacerbate air pollution problems, including but not limited to ozone, carbon monoxide, ambient pollutants, and wildfire smoke. During air quality alerts, residences need to be able to operate their indoor air filters to clean the air, and to run air conditioning so they do not have to open windows and admit potentially unhealthful pollutants.

*(3) How long should protections be in place after an extreme weather event? For example, should utilities be prohibited from instituting shutoffs for 72 hours after the event if the high/low temperature threshold or NWS heat/cold advisory warning is forecasted for any time in the 48 hours following the event?*

A3. Again, we stress that our primary recommendation is that protections should always be in place.

With a seasonal shutoff moratorium, protections should remain in place until the end of the defined extreme weather season.

If weather-based thresholds remain in effect, then shutoffs should not be permitted within 72 hours of the predicted onset or resumption of extreme weather conditions. Both Consumers and DTE report that most customers disconnected for nonpayment get their service restored within 72 hours. This indicates that a disconnection that takes place more than 72 hours before an extreme weather event provides the customer with a reasonable amount of time to do whatever is

necessary to get their service restored before the extreme weather sets in. While more lead time might be preferable, forecasts much further in advance would likely introduce inaccuracies that might unnecessarily impact many more customers than ultimately proved necessary for protective purposes.

Barriers to service restoration should also be lowered when shutoff moratoria go into effect. Service restoration typically requires that a customer pay down some amount of their arrearage and agree on a payment plan to resolve the remaining balance. Above, we recommended that no customer be disconnected if their arrears balance is below a certain number regardless of ageing. Similarly, we recommend here that any customer be able to get their service restored when a shutoff moratorium goes into effect if they are able to reduce their balance below that threshold or they agree to a payment plan.

*(4) What protections do other states with similar climates have in place during extreme weather that the Commission should consider? How effective are they? What extreme weather thresholds are used?*

A4. We defer on this response to comments and third-party research that the University of Chicago - Abrams Law Clinic plans to provide in this docket.

*(5) What process improvements might be considered for extreme weather condition policies?*

A5. If longer shutoff moratoria are adopted that protect more customers, then utilities and the Commission will need to develop processes and resources to prevent customers building up insurmountable arrearages that often lead to shutoff when the moratorium ends. This topic has received significant attention in other proceedings.

*(6) Should utilities provide more data or file reports on a regular basis related to extreme weather condition policies? If so, how often and what should be included? What purpose would the reports serve?*

A6. Utilities should provide data that help the Commission evaluate whether the policies provide effective customer protections and management of accumulation of arrearages. Suggested data:

(1) If seasonal moratoria are instituted.

- a. How many premises were protected from shutoff each month – need both the total in protected status at end of month and number of new shutoffs averted each month.

- b. Report on arrearages owed by vulnerable customers: seniors, critical care, low-income, families with small children.

(2) If weather-based thresholds are retained, For each moratorium period, report:

- a. Time and date that moratorium advance period began. Report separately by county or other geographic area if timing differs.
- b. Time and date that actual weather conditions first satisfied moratorium trigger criteria.
- c. Time and date the moratorium was ended and actual weather conditions at that time.
- d. Number of premises protected from shutoff during the moratorium.
- e. Number of premises whose service was not restored before the moratorium commenced, by service type.
- f. Number of premises whose service was restored in the 72 hours before the extreme weather conditions began.

*(7) Should the extreme weather condition policies be updated or evaluated on a specific timeline, to ensure they remain effective and responsive to changing weather patterns and emerging challenges? Or should another trigger (other than time) be used for the update or reevaluation?*

A7. Extreme weather condition rules should be evaluated as part of periodic review of the Billing Rules.

*(8) If applicable, what public engagement process should utilities utilize to update their respective extreme weather condition policies?*

A8. Utilities should seek public input on their policies at least every five years, or whenever changes are made to their policies, whichever comes first.

Public engagement should include :

- Notification of customers via bill insert;
- Consultation with energy assistance providers;
- Consultation with local and regional governments;
- Consultation with MDHHS and other state agencies.

*(9) Should utilities be required to notify the Commission when their extreme weather protections are triggered?*

A9. Such reporting would not be useful if year-round universal shutoff protections were implemented. This information would also not be useful with the seasonal protections that we recommend as an alternative.

If the Commission continues to allow temperature-based protections, utilities should report the data recommended above at the end of the winter heating and summer cooling seasons. The Commission may wish to consider merging extreme weather reporting with the quarterly reports filed in docket no. U-18120.

*(10) What assistance measures are utilities providing to customers during extreme weather (e.g., information on cooling/heating centers and resilience hubs, pallets of water bottles, etc.)? How is this assistance communicated to customers? What other entities are utilities coordinating with? Are there additional assistance measures that should be considered?*

A10. We defer to utilities to answer most of this question.

In addition, however, we recommend strengthened coordination and communication between utilities and local service providers including local governments. Local providers have little way to know who in their community has lost utility service and may need help during an emergency unless those customers reach out and identify themselves. When power is out, however, customers may lose mobile phone or other communications access; may be too busy struggling to survive to reach out; and may not know who can help. We respect utilities' responsibility to protect customer privacy but submit that helping people survive a crisis ought to justify some relaxation of those privacy standards by providing information to responsible local parties.

*(11) What else should utilities and the Commission consider when reviewing and updating the extreme weather condition policies?*

A11. We have nothing further to add.

Thank you again for inviting these comments. We look forward to assisting the Commission in its continuing deliberations.

Sincerely,

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