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April 9, 2026

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, MI 48917

Dear Ms. Felice:

Re: MPSC Case No. U-20140 – *In the matter, on the Commission's own motion, regarding extreme weather condition policies filed in compliance with Michigan Administrative Code R 460.134.*

On April 12, 2018, the Michigan Public Service Commission ("Commission") opened Case No. U-20140, directing regulated electric and natural gas utilities to file extreme weather condition policies pursuant to Mich Admin Code, R 460.134 ("Rule 34"). Following review of the utility filings, the Commission issued an order on August 28, 2018 approving the extreme weather condition policies filed by all regulated electric and natural gas utilities ("August 28 Order"). The August 28 order further directed that any future changes to an approved policy must be filed in this docket for Commission review and approval, consistent with Rule 34(2).

In light of the increasing frequency of extreme weather events, the Commission determined that the existing policies warranted reexamination. In a March 21, 2025 order in Case No. U21585, the Commission cited evidence of increasing heat related mortality and concluded that potential modifications to extreme weather condition policies should be evaluated comprehensively and on a statewide basis for all regulated utilities. The Commission directed that this broader review be conducted in this proceeding.

The Commission issued an order on August 7, 2025, in Case No. U-20140, directing interested persons to respond to eleven questions related to extreme weather policies and directing Commission Staff ("Staff") to conduct a technical conference and prepare a report. Written comments were filed from September 17

through October 16, 2025. Staff convened a technical conference on November 19, 2025.

On February 17, 2026, Staff filed a report summarizing the written comments and the technical conference and recommending specific changes to the existing extreme weather condition policies. In its March 12, 2026 order, the Commission invited interested persons to provide comment on the recommendations set out in the February 17 Staff's report.

The Attorney General, Citizens Utility Board of Michigan, and Mi-MAUI commend the Commission for its continued focus on safety in extreme weather events and appreciates the opportunity to comment on the report and recommendations from the Staff. We have reviewed Staff's recommendations in detail, as well as other related materials in this docket. The report captures key findings from the technical conference and provides needed context for this extremely impactful policy. While we may not agree fully with each of Staff's recommendations, we commend Staff for its professionalism and dedication to this initiative and preparation of this report.

CALENDAR BASED MORATORIA ARE NECESSARY TO PROTECT RESIDENTS

Prior to responding to the individual recommendations in Staff's report, we offer the following context on disconnection protections for the Commission's consideration in this docket. We believe that seasonal or calendar-based moratoria are necessary to ensure households are adequately protected from extreme weather conditions and can be reasonably assured they will have access to necessary, life-sustaining utility services. As we discuss in response to Staff's recommendations below, calendar-based moratoria are more efficient, equitable and effective than episodic protection.

Additionally, seasonal or calendar-based moratoria are not shown to independently increase uncollectible accounts, and available empirical evidence suggests that disconnection protections can actually stabilize household finances and improve overall repayment outcomes. As just one example, a multi-state analysis of utility shutoff moratoria during the COVID-19 period found that implementing broad moratoria was associated with lower rates of debt collection activity and improved performance on other household financial obligations, indicating that families used the temporary relief to stabilize their finances rather

than avoid payment obligations.[1] It would be unreasonable to assume that households, already forced to make difficult tradeoffs to meet basic needs, would somehow be less likely to attempt to pay their utility bills after a seasonal moratorium expires. On the contrary, disconnection protections allow households to avoid harmful tradeoffs to maintain utility service, supporting longer-term financial stability and preserving the capacity to catch up on arrearages once protections end.

This finding is consistent with a broader body of research demonstrating that utility arrearages are driven primarily by income constraints and energy burden, not by the presence or absence of disconnection moratoria. National data show that utility arrearages rose to approximately $30–32 billion in 2020–2021, coinciding with widespread job loss and income disruption during the COVID-19 pandemic, and persisted after moratoria expired, underscoring that the underlying cause of nonpayment is inability to pay, not delays in enforcement.[2]

Critically, arrearage balances and uncollectible expenses are not synonymous. The existence of an arrearage reflects a timing mismatch between household income and expenses, whereas an account becomes uncollectible only after reasonable efforts, including payment plans, bill payment assistance, and time, have failed. Seasonal moratoria do not eliminate utilities' ability to pursue these tools, simply deferring disconnection during predictable high-risk periods. In practice, we believe more frequent disconnections with only episodic extreme weather protection could actually increase the likelihood that accounts become uncollectible by imposing additional barriers such as deposits, reconnection fees, and service disruptions that reduce a family's ability to reestablish consistent payments.

In sum, the weight of available evidence indicates that cost-of-service impacts should not predominate evaluation of extreme weather shutoff protections because empirical evidence shows that calendar-based moratoria have little impact on uncollectible expenses. To the extent a utility believes moratoria in its extreme weather policy are impacting uncollectible expenses, the utility may introduce such evidence when seeking to recover uncollectibles in rate cases.

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[1] Jennifer Andre, Breno Braga, Kassandra Martinchek, Signe-Mary McKernan, The effects of state utility shutoff moratoria on credit delinquencies during the COVID-19 pandemic, Journal of Economics and Business, Volume 129, 2024

[2] National Governors Association, Memorandum on State Utility Disconnection Moratoriums and Utility Affordability, June 6, 2021 *available at* https://www.nga.org/wp-content/uploads/2021/06/Utility-Affordability-Memo.pdf

From an implementation and efficiency standpoint, the increased frequency of extreme weather events is also accompanied by greater variability that undermines reliability of forecasts predicting where and when extreme conditions will occur. Impacts may shift within or across utility territories within hours. Neighboring areas may experience very different conditions, such that localized protections may miss vulnerable pockets nearby. Weather forecasts are also less reliable because the past is no longer a reliable predictor of future extremes. Overall, the risk of mis-timing or mislocating shutoff moratoria based on weather forecasts is escalating. Calendar-based moratoria effectively mitigate these forecasting and variability concerns during the highest probability of extreme weather.

While not explicitly contemplated in the Staff report or recommendations, we believe the Commission should ensure the extreme weather policies developed as a result of this proceeding offer robust protections in the event of natural disasters. Resolution 2019-01 from the National Association of State Utility Consumer Advocates ("NASUCA") provides clear and specific recommendations for utility response to major disasters, ensuring continuity of service and household safety.[3] Many of these provisions, including reduced barriers to service restoration, requirements for remote reconnection, and limited disclosure of information on disconnected residences to local emergency services and assistance providers, should also be applied to extreme weather condition policies. We would also support the Commission's investigation and consideration of the need for specific provisions related to major natural disasters in future workshops or working groups stemming from this docket.

In the sections that follow, we address each of Staff's recommendations and focus on issues where additional nuance, clarification, or expansion is warranted. Following our responses to Staff's recommendations, we summarize our own recommendations and provide our concluding remarks.

RESPONSES TO STAFF'S RECOMMENDATIONS

Recommendation 1: *Staff recommends that extreme weather policies include a dual policy trigger and adhere to the threshold of 20 degrees Fahrenheit or when wind chills drop to zero degrees Fahrenheit for low temperatures and 90 degrees Fahrenheit or when humidity will cause an extreme weather advisory, whichever extreme occurs first, for high temperatures.*

[3] NASUCA Resolution 2019-01 *available at* 2019-01-Final-NASUCA-Emergency-Disaster-Resolution-Approved-by-CP-5-1-19.pdf

As discussed in our opening remarks, we believe seasonal or calendar-based moratoria are necessary to protect households in the increasingly common event of extreme weather. Outside of the established seasonal moratoria dates, we support Staff's recommendation that extreme weather policies incorporate a dual policy trigger and adhere to temperature thresholds of 20 degrees Fahrenheit, or wind chills of zero degrees Fahrenheit, for cold weather, and 90 degrees Fahrenheit, or heat index thresholds triggering advisories, for hot weather. As highlighted during the Technical Workshop, a dual policy trigger for weather conditions in addition to calendar-based moratoria ensures extreme weather is comprehensively covered by a utility's policy.

A dual trigger alone, without baseline seasonal protections, introduces unnecessary risk for households if forecasts are inaccurate or dangerous conditions arise unexpectedly, and adds complexity for both utilities and the PSC in implementing the extreme weather policy during months when this weather is expected to occur.

Recommendation 2: *Staff recommends a uniform and consistent policy for all utilities.*

For the "dual policy trigger" recommended by Staff, we support the adoption of a uniform and consistent policy framework applicable to all utilities. These weather conditions are extreme and pose the same health and safety risks to residents no matter where they live in the state.

At the same time, we recommend that utilities be required to propose tailored calendar-based moratoria reflecting the climatic conditions of their service territories. Michigan's regional climate variability justifies some flexibility in seasonal or calendar-based moratoria, with the backstop that the uniform dual policy trigger will apply outside of the approved calendar-based moratorium.

Recommendation 3: *Staff does not believe there should be a set calendar moratorium surrounding shut offs. Instead, Staff recommends a pause on shut offs 24 hours before and after an expected extreme weather event. Additionally, Staff believes that shut offs should be suspended when an extreme weather event is predicted to occur within 48 hours of the end of the prior extreme weather event.*

We respectfully disagree with Staff's recommendation to require only short-term weather-triggered shutoff suspensions without a set calendar moratorium surrounding shutoffs. A 24-hour pre- and post-event shutoff suspension, even when extended by 48 hours between successive events, is insufficient to protect public health and safety, particularly given that extreme weather events are increasingly

prolonged, overlapping, and difficult to forecast accurately in time, intensity and space. As noted in the October 16, 2025 reply comments by Consumers Electric, temperatures can and do often exceed forecasts, leaving households vulnerable to shutoffs in advance of dangerous conditions that were not accurately predicted. Utilities should be required to propose calendar-based moratoria designed to cover periods of highest risk for extreme conditions.

We recommend the Commission establish a working group to determine the appropriate framework to establish calendar-based moratoria based on the probability of extreme weather conditions. Upon completion of the working group, each utility would then be required to propose calendar-based moratoria based on their specific climate(s) within this consistent framework. Utilities with larger service areas, like DTE and Consumers, should be able to propose multiple calendar-based moratoria to ensure highest risk periods are captured given the varying weather conditions and climate across their service territories. Utilities should also consider heat island effects and ambient air quality conditions in urban areas which can both amplify health impacts of heat waves.

Calendar-based moratoria also serve an important equity function. By providing predictable, uniform protections over defined periods, they reduce the risk of disparities in disconnection practices that may arise under solely event-based frameworks, as discussed during the Technical Workshop. Weather-triggered policies, particularly those dependent on localized forecasts or utility-specific implementation practices, may result in uneven application across service territories or populations. For example, if a weather event exceeds temperature thresholds unexpectedly in one portion of a service area, households in that area may receive little or no advance notice and face a lower likelihood of reconnection compared to households in areas where extreme conditions were forecasted in advance. In contrast, a clearly defined seasonal moratorium promotes consistency, transparency, and fairness, helping to ensure that similarly situated households receive comparable protections regardless of geography or administrative variation.

Additionally, for dual policy trigger weather-based disconnection suspensions outside of the calendar moratoria, the minimum advance and post-event protection window should be no less than 72 hours rather than 24 to 48 hours. 48 hours is insufficient time to meaningfully attempt to contact and reconnect households prior to an impending extreme weather event, particularly in situations when remote reconnection may not be possible. Extending post-event protection to 72 hours is also necessary to ensure that households are not disconnected while still experiencing the lingering and compounding effects of extreme weather, including

residual indoor temperature extremes, infrastructure strain, delayed restoration of essential services, and ongoing health risks. The impacts of extreme heat and cold events do not end when temperatures fall below or rise above a defined threshold; rather, recovery periods can be prolonged, especially for medically vulnerable populations, older adults, and households with limited resources to rapidly stabilize indoor conditions. A 72-hour pre- and post-event window better reflects these realities and provides a critical buffer to allow for safe recovery before disconnections.

We further recommend that barriers to service reconnection be reduced or suspended when moratoria are in effect, including by waiving or deferring fees and simplifying restoration procedures. Extreme weather condition policies should require the implementation of reasonable, low-barrier deferred payment agreements and plan options, waiver of deposit and late fee requirements, and the availability of remote restoration of service for all households with AMI meters. Similarly, in the event a household is displaced or has to relocate to another service address during a moratoria period, policies that prevent establishing new service due to arrearages or other financial barriers should be relaxed. Without these safeguards, families who are already disconnected, or at imminent risk of disconnection, may remain without service during life-threatening conditions.

Recommendation 4: *Should the Commission find air quality information to be necessary for utilities to include in their extreme weather policies, Staff will work with the utilities to monitor and update policies as needed.*

We strongly support requiring the inclusion of air quality considerations as a mandatory component of all utility extreme weather policies, and we urge the Commission to expressly direct utilities to incorporate such provisions. Air quality protections should be established as an independent element of extreme weather policies and should not be contingent upon the dual temperature-based trigger framework.

Air quality events, including wildfire smoke, ozone alerts, and other hazardous conditions, pose significant and well-documented health risks, particularly for vulnerable populations. While these conditions may be exacerbated by extreme heat, the risks are distinct from, and may occur independently of, extreme weather conditions. Accordingly, policies that rely solely on temperature-based triggers will fail to capture a critical category of dangerous conditions.

We therefore recommend that the Commission require utilities to include clear, standardized provisions addressing air quality events, including defined trigger criteria tied to recognized air quality indices or public health advisories. These criteria should be identified in a working group focused on implementing changes to the extreme weather policies. Access to utility service during such events is essential to maintaining safe indoor environments through the use of air conditioning, air filtration systems, and other protective measures. Explicit inclusion of air quality as a standalone requirement will ensure that people are adequately protected during the full range of hazardous environmental conditions.

Recommendation 5: *Staff recommends that the Commission not hold natural gas companies to shut off protections between May 1st and August 31st, allowing companies to disconnect gas customers during the summer months. Staff believes that this will need to be explicitly spelled out in each company's extreme weather policy, as it is in SEMCO's [SEMCO Energy Gas Company's], which was accepted by the Commission in 2018. As weather patterns continue to change and become more severe, if Michigan should shift to a warm weather state instead of a historically cold weather state, then Staff believes the Commission reserves jurisdiction to review and amend this policy as needed.*

We are generally supportive of Staff's recommendation permitting natural gas utilities to disconnect service between May 1 and August 31. The Commission should clarify that the extreme cold temperature thresholds are still applicable to natural gas companies during this period. The historic cold weather and winter storm in May 2023 in the Upper Peninsula is just one example of why this disconnection protection is necessary in shoulder periods.[4] We believe this approach reflects Michigan's climate patterns and provides natural gas utilities sufficient ability to make disconnections in summer months while preserving protections in the event of extreme cold.

Recommendation 6: *Staff disagrees with the request for aggregated and census tract reporting but feels utilities should be required to identify to the Commission through quarterly reports submitted in [Case No.] U-18120 and [Mich Admin Code,] R[]460.151 the number of extreme weather days initiated during that time period. Staff agrees that the information collected should be transparent and recommends it be publicly available on the Commission's Utility Customer Data website.*

[4] National Weather Service – Historic Late April/Early May 2023 Snowstorm Report https://www.weather.gov/mqt/HistoricMay2023Snow

We agree in part with Staff's recommendation regarding reporting requirements and support the continued use of reporting in Case No. U-18120, as well as the principle that information related to extreme weather protections should be transparent and publicly available. We recommend that the Commission require utilities to provide more detailed and standardized reporting.

If seasonal or calendar-based moratoria are instituted, reporting should include the number of premises protected from shutoff each month, including both the total number of households in protected status at the end of the month and the number of shutoffs averted during that month.

For dual policy trigger weather-based disconnection suspensions, utilities should report, for each occurrence, the date and time that the moratorium period began, as well as the date and time that actual weather conditions first satisfied the moratorium trigger criteria, with such information provided separately by geographic area where timing differs. Utilities should also report the date and time the moratorium ended and the actual weather conditions at that time. Further, utilities should report the number of premises protected from shutoff during the moratorium, the number of premises whose service had not been restored before the moratorium commenced, disaggregated by service type, and the number of premises whose service was restored in the 72 hours before the extreme weather conditions began.

Reporting should be organized at the smallest geographical unit at which each utility declares moratoria. For example, if the smallest geographic unit at which Consumers Energy implements shutoff moratoria is counties, then Consumers should report moratorium statistics at the county level. At the time each utility proposes its policies to the Commission, they should list all political subdivisions, zip codes and census tracts that comprise each proposed moratorium territory. Availability of this information can support periodic analysis of the effectiveness and equity of the moratorium policy.

While we acknowledge the concerns identified in the stakeholder comments about additional administrative burden, we believe this level of reporting is necessary to enable the Commission, stakeholders, and the public to assess whether extreme weather policies are functioning as intended, to identify potential disparities in outcomes, and to ensure that utilities are meeting their obligations to protect residents during hazardous conditions.

Recommendation 7: *Staff recommends the Commission direct Staff to evaluate the efficacy of company extreme weather policies every five years. If a determination is made that changes to company policy is needed, Staff will submit that request to the company directly. Additionally, if extreme weather occurrences dramatically increase, the Commission may order utilities to refile their extreme weather policies for review prior to the renewal period of five years.*

We support Staff's recommendation requiring review of extreme weather policies every five years. In addition to increases in the occurrences of extreme weather, the Commission should also require utilities to refile their policies whenever existing policies, or their implementation, fail to adequately protect residents in extreme weather events.

We further recommend that any review process incorporate robust public engagement, including notification through mechanisms such as bill inserts, consultation with energy assistance providers, coordination with local and regional governments, and engagement with the Michigan Department of Health and Human Services and other relevant state agencies.

Recommendation 8: *Staff recommends that utilities notify the Commission using the LARA PSCOutageNotification@michigan.gov email address when their extreme weather policy is enacted and when it is lifted. The email should include the portion of the service territory affected, the expected duration of policy enactment, and the link to, or description of, customer assistance available (i.e. heating and cooling shelters, resilience hubs, pallets of water bottles, etc.).*

We support Staff's recommendation that utilities notify the Commission when they enact their disconnection policies for dual-triggered extreme weather events. This notification requirement is not necessary for seasonal moratoria.

Recommendation 9: *Staff recommends that once an extreme weather event is triggered, utilities should notify customers of services offered by the utility (i.e. heating and cooling centers, resilience hubs, pallets of water bottles, etc.) for customer service best practices.*

We support Staff's recommendation that utilities notify households of available services during extreme weather events. This notification should include a reduced-barrier process for households that have previously been disconnected to effect expeditious restoration of services. We also recommend including services offered by external entities, including local governments, community-based organizations, and energy assistance providers, to the extent such information is known or reasonably available to utilities. Broader communication and access to

information will better ensure that families can access critical resources during extreme weather events.

SUMMARY OF ATTORNEY GENERAL RECOMMENDATIONS

To advance the objectives identified in the Staff report while ensuring robust protections for residents in the event of extreme weather, the Attorney General, Citizens Utility Board of Michigan, and Mi-MAUI respectfully recommend that the Commission:

1. Adopt utility-specific seasonal moratoria on disconnections.
2. For periods outside the seasonal or calendar-based moratoria, adopt the Staff recommended uniform dual policy trigger for extreme weather occurring outside of the seasonal moratoria.
3. Require a minimum 72-hour advance and post-event protection window for extreme weather events occurring outside of the calendar-based moratoria and ensure reduced barriers to reconnection during moratoria.
4. Mandate inclusion of air quality protections as a standalone component of extreme weather policies, with clear, enforceable triggers based on recognized air quality standards, independent of temperature-based criteria.
5. Permit natural gas disconnections between May 1 and August 31, while clarifying that extreme cold protections remain applicable during this period.
6. Enhance reporting requirements in Case No. U-18120 by requiring detailed, standardized, and publicly available data on disconnections, protections, reconnections, and arrearages for vulnerable populations for both seasonal and weather-triggered moratoria.
7. Require review of extreme weather policies at least every five years, with additional refiling required where policies or their implementation do not adequately protect residents.
8. Require email notification to the Commission for dual-triggered extreme weather events.
9. Require utilities to notify households of available assistance during extreme weather events.

We appreciate the opportunity to provide comment on the Staff's report and recommendations and commend the Commission for its continued focus on extreme weather protections. We respectfully request the Commission adopt a comprehensive framework that is consistent with our recommendations for extreme weather policies that reflect both the increasing frequency of severe weather events and the essential nature of utility service in protecting the health, safety, and wellbeing of Michigan residents.

Sincerely,

Michael Moody

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