

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter, on the Commission’s own motion, )  
regarding the regulatory reviews, revisions, )  
determinations, and/or approvals necessary for )  
**SEMCO ENERGY GAS COMPANY**, to fully comply )  
with Public Act 295 of 2008. )  
\_\_\_\_\_ )

Case No. U-18016

At the July 22, 2016 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Norman J. Saari, Commissioner

**ORDER APPROVING SETTLEMENT AGREEMENT**

On April 29, 2016, SEMCO Energy Gas Company (SEMCO) filed an application, with supporting testimony and exhibits, requesting approval of the company’s annual energy optimization (EO) report, authority to reconcile its 2015 EO payments and revenues, approval of revised EO surcharges for each customer class for the period beginning August 2016, and authority to collect \$933,725 as its 2015 EO performance incentive award.

On June 15, 2016, a prehearing conference was held before Administrative Law Judge Suzanne D. Sonneborn. SEMCO and the Commission Staff participated in the proceedings. Subsequently, the parties filed a settlement agreement resolving all issues in the case.

According to the terms of the settlement agreement, attached as Exhibit A, the parties agree that SEMCO has complied with 2008 PA 295 and has met its 2015 gas savings target. The parties further agree that SEMCO’s reconciliation of its EO costs and revenues for 2015, results in a total

adjusted net underrecovery of \$454, inclusive of a 2015 overrecovery of \$1,398,725, unspent 2015 plan funds of \$294,087, and an adjustment to remove the prior year carryover of \$1,105,093.

Based on the adjusted underrecovery for 2015, and sales projections through 2016, the parties agree that the Commission should approve revised EO surcharges, set forth in Attachment 1 to the settlement agreement, beginning the first full billing cycle of the month following a Commission order granting approval.

The parties further agree that SEMCO met the goals and objectives for the approved performance incentive in 2015. The parties therefore agree that the Commission should authorize SEMCO to collect \$933,725 as its 2015 EO plan performance incentive award, according to the rate design and collection period proposed by the company. Finally, the parties agree that SEMCO's annual report should be approved.

The Commission finds that the settlement agreement is reasonable and prudent, in the public interest, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The settlement agreement attached as Exhibit A is approved.
- B. SEMCO Energy Gas Company is authorized to implement the energy optimization surcharges set forth in Attachment 1 to the settlement agreement beginning with the August 2016 billing month.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under 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 [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) and to the Michigan Department of the Attorney General - Public Service Division at [pungp1@michigan.gov](mailto:pungp1@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

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Sally A. Talberg, Chairman

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Norman J. Saari, Commissioner

By its action of July 22, 2016.

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Kavita Kale, Executive Secretary

# **EXHIBIT A**

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \* \*

In the matter, on the Commission's own motion,	)	
regarding regulatory reviews, revisions,	)	
determinations, and/or approvals necessary for	)	Case No. U-18016
<b>SEMCO ENERGY, INC.</b> , to fully comply	)	
<u>Public Act 295 of 2008.</u>	)	

**SETTLEMENT AGREEMENT**

Pursuant to Section 78 of the Administrative Procedures Act of 1969 as amended (1969 PA 306, §78; MCL 24.278) (the "APA"), and Rule 431 of the Rules of the Practice and Procedure Before the Commission, R 792.10431, SEMCO Energy Gas Company (the "Company") and the Michigan Public Service Commission ("Commission") Staff ("Staff"), hereby stipulate and agree as follows:

1. Pursuant to 2008 PA 295 ("PA 295"), SEMCO Gas filed an application in Case No. U-17362 requesting, among other things, approval of its Energy Optimization ("EO") plan and surcharges. On November 14, 2013, the Commission issued an order in Case No. U-17362 approving the Company's EO plan for the 24-month period of January 2014 through December 2015. On January 13, 2015, the Commission issued an order in Case No. U-17362 allowing SEMCO Energy to amend its EO Plan. Those Orders also approved a multi-parameter EO financial incentive mechanism for the EO Plan years 2014 and 2015.

2. On April 29, 2016, the Company filed with the Commission an Application that includes the testimony and exhibits of James A. Van Sickle, Jay E. Skillman, Jennifer L. Dennis, and George L. Phillips, asking the Commission to approve: (a) the annual report and reconciliation of the 2015 EO payments and revenues, with a total

adjusted net under-recovery of \$454, inclusive of a 2015 over-recovery in the amount of \$1,398,725, unspent 2015 plan funds in the amount of \$294,087, and an adjustment to remove the prior year carryover of \$1,105,093; (b) separate EO surcharges for each customer class for the period beginning August 2016 to better match costs and recoveries, to collect 2016 planned expenditures, costs consisting of the 2015 EO Plan Performance Incentive Award, and account for the unspent 2015 plan funds; and (c) the Company's proposal to collect \$933,725 as its 2015 EO Plan Performance Incentive Award.

3. On June 15, 2016, a prehearing conference was held pursuant to the Commission's Notice of Hearing. The prehearing conference was conducted as a contested case matter pursuant to the APA. At the prehearing conference, the Company presented proof of service of the Notice of Hearing on all cities, incorporated villages, townships, and counties in its service area, and all intervenors in Case No. U-17362. The Company also presented an affidavit evidencing the requisite publication of notice and a proof of service evidencing the requisite mailings. Staff and the Company participated in the proceedings and there were no intervenors.

4. The parties have had extensive discussions, and have agreed to enter into this Settlement Agreement recommending approval of the Company's EO reconciliation and annual report. In view of the foregoing, and pursuant to Section 78 of the APA (MCL 24.278), the Company and Staff hereby stipulate and agree as follows:

A. Based on the Company's filing, the Company has complied with 2008 PA 295 and met its 2015 gas savings target and its reconciliation and annual report should be approved.

B. The Company's reconciliation of the EO costs and revenues for the year ended December 31, 2015 results in a total adjusted net under-recovery of \$454, inclusive of the 2015 over-recovery, unspent 2015 plan funds, and an adjustment to remove the prior year carryover.

C. Based on the adjusted under-recovery for 2015 and sales projections through 2016, the Commission should approve revised EO surcharges beginning the first full billing cycle of the month following a Commission Order granting approval as set forth in Attachment 1 to this Settlement Agreement.

D. The Company's testimony and exhibits demonstrate that the Company implemented its EO plan during 2015 and met the goals and objectives for the approved performance incentive. The Commission should authorize the Company to collect \$933,725 as its 2015 EO Plan Performance Incentive Award. The Company's request for a rate design and collection period for its 2015 EO Plan Performance Incentive Award should be approved.

5. All the signatories agree that this Settlement Agreement is reasonable, in the public interest, consistent with 2008 PA 295, and will aid in the expeditious conclusion of the issues in this case only. The parties, therefore, respectfully request that the Commission promptly issue an order accepting and approving this Settlement Agreement.

6. This Settlement Agreement has been made for the sole express purpose of reaching compromise among the positions of the signatory parties. All offers of settlement and discussions relating to this Settlement Agreement shall be considered

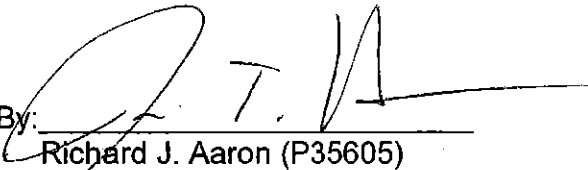
privileged as provided in MRE 408. If the Commission approves this Settlement Agreement without modification, neither the parties to this Settlement Agreement nor the Commission shall use, reference, cite, discuss, or rely upon it for any reason or purpose other than to enforce the Settlement Agreement and Order in the case the Settlement Agreement and Order was entered.

7. The parties agree to waive Section 81 of the Administrative Procedures Act of 1969, MCL 24.281, as it applies to this proceeding, if the Commission approves this Settlement Agreement without modification.

8. This Settlement Agreement is not severable. Each provision of the Settlement Agreement is dependent upon all other provisions of the Settlement Agreement. Failure to comply with any provision of the Settlement Agreement constitutes failure to comply with the entire Settlement Agreement. If the Commission rejects or modifies this Settlement Agreement or any provision of the Settlement Agreement, the Settlement Agreement shall be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose. Each party agrees not to appeal or otherwise contest any Commission order accepting and approving this Settlement Agreement without modification.

9. Consistent with Rule 431 of the Commission's Rules of Practice and Procedure, 2015 MR 1, R 792.10431, the parties agree that this Settlement Agreement, and the order approving it, shall not be used as precedent in future proceedings except for enforcement of the order. This Settlement Agreement is based on the facts and circumstances of this case and is intended as the final disposition of Case No. U-18016 only.

Dated: July 14, 2016

By: 

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Jason T. Hanselman (P61813)  
Dykema Gossett PLLC  
Attorneys for SEMCO Energy Gas  
Company  
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(517) 374-9100

Heather M.S.

Digitally signed by Heather M.S. Durian  
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General Public Service Division,  
email=hdurian@michigan.gov, c=US  
Date: 2016.07.14 10:59:18 -04'00'

Dated: July 14, 2016

By: Durian

Michigan Public Service Commission Staff  
Heather M.S. Durian (P67587)  
Assistant Attorney General  
7109 W Saginaw Hwy, 3<sup>rd</sup> Floor  
Lansing, MI 48917  
Telephone: (517) 284-8140

**SECTION D  
GAS SALES SERVICE  
SURCHARGES**

Energy Optimization Program Clause – This clause permits, pursuant to Section 89(2) of 2008 PA 295, recovery of the actual costs of implementing its approved energy optimization plan. This charge is to be on a volumetric basis for all customers. Special contract customers will be billed in the sales and transportation rate class most appropriate to their volumetric throughput.

Energy Optimization  
Surcharge

Rate Class	Amount		Order No.
Residential	\$0.2849 per Dth		U-18016
	<u>Up to 9 Dth per Month</u>	<u>Remaining Dth per Month</u>	
GS-1	\$2.3671 per Dth	\$0.0001 per Dth	U-18016
GS-2	\$2.3671 per Dth	\$0.0001 per Dth	U-18016
GS-3	\$2.3671 per Dth	\$0.0001 per Dth	U-18016

**SECTION E**  
**TRANSPORTATION SERVICE**  
**SURCHARGES**

Energy Optimization Program Clause – This clause permits, pursuant to Section 89(2) of 2008 PA 295, recovery of the actual costs of implementing its approved energy optimization plan. This charge is to be on a volumetric basis for all customers. Special contract customers will be billed in the sales and transportation rate class most appropriate to their volumetric throughput.

Rate Class	Energy Optimization Surcharge		Order No.
	Amount	Amount	
	<u>Up to 2500 Dth per Month</u>	<u>Remaining Dth per Month</u>	
TR-1	\$0.09562 per Dth	\$0.0001 per Dth	U-18016
TR-2	\$0.09562 per Dth	\$0.0001 per Dth	U-18016
TR-3	\$0.09562 per Dth	\$0.0001 per Dth	U-18016

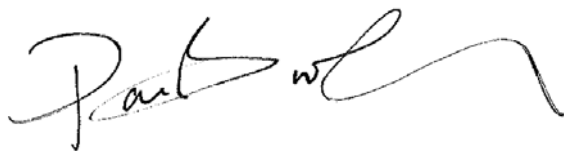
# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-18016

County of Ingham )

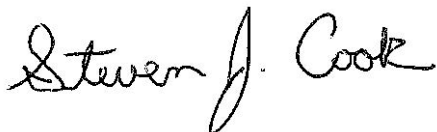
Paige Bialke being duly sworn, deposes and says that on July 22, 2016 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



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Paige Bialke

Subscribed and sworn to before me  
this 22nd day of July 2016



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Steven J. Cook  
Notary Public, Ingham County, Michigan  
As acting in Eaton County  
My Commission Expires: April 30, 2018

Service List U-18016

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Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing MI 48933

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Michigan Dept. of Attorney General/PSD  
7109 W. Saginaw Hwy.  
Lansing MI 48917

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Suzanne D. Sonneborn  
DLARA/MAHS - MPSC Hearings  
7109 W. Saginaw Hwy.  
I.D. MAIL  
Lansing MI 48917

# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-18016

County of Ingham )

Lisa Felice being duly sworn, deposes and says that on July 22, 2016 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



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Lisa Felice

Subscribed and sworn to before me  
This 22nd day of July 2016



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Steven J. Cook  
Notary Public, Ingham County, Michigan  
As acting in Eaton County  
My Commission Expires: April 30, 2018

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