STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to review its response to the novel coronavirus (COVID-19) pandemic, including the statewide state of emergency, and to provide guidance and direction to energy and telecommunications providers and other stakeholders.	)))))))	Case No. U-20757

At the April 15, 2020 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Daniel C. Scripps, Commissioner
Hon. Tremaine L. Phillips, Commissioner

ORDER

INTRODUCTION AND PURPOSE

Michigan is facing an unprecedented situation with the novel coronavirus (COVID-19) pandemic threatening human health and disrupting the economy. Michigan continues to operate under Governor Gretchen Whitmer's Stay Home, Stay Safe executive orders[1] to save lives, prohibiting, with certain limited exceptions, in-person work that is not necessary to sustain or protect life to limit the spread of COVID-19. During this tumultuous period in our state's history,

[1] Executive Order 2020-21 directs Michigan residents to remain at home or in their place of residence to the maximum extent feasible effective March 24, 2020, at 12:01 am through April 13, 2020, at 11:59 p.m. Executive Order 2020-42 extends the stay at home order through April 30, 2020, at 11:59 p.m.

it is of utmost importance to maintain the safety, reliability, and accessibility of critical infrastructure, including energy and telecommunications services under the jurisdiction of the Michigan Public Service Commission (Commission).

During this unprecedented pandemic, a plethora of issues have surfaced. They will be addressed by the Commission and other entities to ensure utilities have the resources, authorizations, and guidance to operate effectively and provide continuity of service. In addition, with abrupt disruptions to households and businesses across the state, and stresses on governmental support systems, such as unemployment and energy assistance programs, the Commission emphasizes the need for special protections for customers to access utility services and to assist those struggling with utility bills. This order outlines steps the Commission has taken to respond to COVID-19 and directs additional actions to protect the public and ensure continuity of service. This order primarily focuses on electricity and natural gas but also covers certain telecommunications-related matters.

JURISDICTIONAL CONSIDERATIONS

The Commission has responsibilities to advise the Governor on energy issues in anticipation of and during declared emergencies as well as take other actions to ensure safe, reliable, and accessible energy for Michigan residents and businesses. MCL 460.4, MCL 460.6, and MCL 484.2201; *see also,* Executive Order 2019-6. To this end, the Commission Staff (Staff) continuously monitors the supply and availability of energy (including infrastructure and markets for electricity, natural gas, and petroleum), and serves as a liaison with other critical infrastructure sectors (including water and wastewater, food/agriculture, health, and transportation, among others) and local, state, and federal agencies.

The broad impacts of the ongoing pandemic and response activities, including state and federal disaster declarations, require active participation by the Commission in order to advise and guide actions addressing critical infrastructure and customer protections under the Commission's jurisdiction to prevent an energy emergency. The Commission has a long history of actively responding to unanticipated emergencies. For example, Act 106 of 1909 (Transmission of Electricity) grants the Commission the authority to order improvements "necessary to secure good service and the safety of the public." MCL 460.555. The Commission has often used this authority to deal with widespread power outages that affect Michigan.

The Commission has broad authority for ratemaking and service quality for investor-owned natural gas, electric and steam utilities that provide retail service to customers in Michigan.[2] This authority extends to the provision of safe, reliable service, finances, recordkeeping, accounting and reporting. MCL 460.55, 460.56, and 460.557. In addition, for certain statutorily prescribed activities, including technical standards for electric service, code of conduct, capacity requirements, and electric choice, the Commission has jurisdiction over electric distribution cooperatives in the state. Cooperatives serving natural gas fall under the Commission's natural gas safety and technical standards. Municipal electric utilities are not subject to Commission jurisdiction except for monitoring of energy waste reduction (EWR) programs and capacity requirements.[3] Alternative gas and electric suppliers are licensed by the Commission and subject to certain requirements prescribed by statute, rule, or order-related capacity matters. MCL 460.9b

[2] Consumers Energy Company, DTE Electric Company, Northern States Power Company, Upper Michigan Energy Resources Company, Alpena Power Company, Indiana Michigan Power Company, Upper Peninsula Power Company, DTE Gas Company, Michigan Gas Utilities Corporation, SEMCO Energy Gas Company and Detroit Thermal, LLC.

[3] EWR programs are established under Act 295 of 2008 (Act 295), as amended. Resource adequacy and capacity matters are detailed in MCL 460.6w.

and 460.10a. This pandemic also affects potential compliance with various statutory provisions by electric, natural gas, steam, and telecommunications providers.

The Commission also has the authority to regulate and ensure the availability of certain telecommunications services, as well as the ability to prescribe penalties for violations. The Commission has the responsibility to ensure that every person has access to just, reasonable, and affordable basic telecommunication service. The Commission's authority is granted pursuant to the Michigan Telecommunications Act, MCL 484.2101 *et seq.*; the Emergency 9-1-1 Service Enabling Act, MCL 484.1401 *et seq.*; and the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, MCL 484.3101 *et seq*. In addition, the Commission has limited authority regarding issues involving video/cable television issues and disputes pursuant to the Uniform Video Services Local Franchise Act, MCL 484.3301 *et seq*.

COMMISSION RESPONSE TO DATE

The Commission has been actively monitoring and responding to COVID-19, starting with discussions with regulated utilities on their pandemic plans and response and business continuity planning in early March. The Governor opened the State Emergency Operations Center (SEOC) on February 28, 2020, to institute the incident command structure led by the Michigan State Police,[4] and she declared a state of emergency on March 10, 2020.[5] As part of the State of Michigan's response, Commissioners and the Staff have actively participated on the Governor's task forces, including the State Operations and Economy & Workforce Task Forces, in order to identify, coordinate, and escalate issues for resolution across state government. In addition, the

[4] https://www.michigan.gov/coronavirus/0,9753,7-406-98158-521315--,00.html

[5] *See,* Executive Order 2020-4, which was replaced by Executive Order 2020-33 on April 1, 2020.

Commission is leading the Critical Infrastructure stakeholder group covering multiple sectors, including energy, communications, food and agriculture, transportation, chemicals, and water and wastewater.

The Staff has engaged energy and communications providers through regular conference calls to identify, troubleshoot, and escalate issues affecting safety, accessibility, and reliability of energy or telecommunications. The Commission has also been meeting regularly with individual regulated utilities on their pandemic plans, response, and critical issues, as well as other stakeholders such as Michigan Energy Assistance Program (MEAP) grantees, consumer advocates, and environmental and business organizations.

Through these collaborative processes, the Commission is coordinating with the SEOC; the Governor's office; local, state, and federal agencies; energy and telecommunication providers; social service organizations; and other organizations on a range of issues such as:

- Energy assistance funding, streamlined eligibility screening, and other enhancements.
- Customer protections (e.g., shutoffs, service restoration, protections and payment options for vulnerable customers).[6]
- Coordination with local governments and other underground facility owners on MISS DIG and damage protection practices.
- Storm preparedness and in-state mutual assistance coordination.
- Weight restrictions for large utility vehicles.[7]

[6] *See,* March 26, 2020 press release, "State leaders outline protections, assistance available for energy utility customers," available at: https://www.michigan.gov/mpsc/0,9535,7-395-93253_93280-523342--,00.html.

[7] *See,* Executive Order 2020-12.

- Extending deadlines for the sale of winter-grade gasoline.[8]
- 9-1-1 training requirements for dispatchers.[9]
- Construction activities, permitting, and credentialing for essential workforce.
- Use of electronic signatures and remote notarization and witnessing practices.[10]
- Licensing extensions for commercial drivers.
- Prioritization of COVID-19 testing for essential critical infrastructure employees.
- Communications connectivity and bandwidth issues.

In terms of internal operations, the Commission has been implementing its business continuity and pandemic plans, and was one of the first state agencies in Michigan to telework with the majority of the Staff starting to telework the afternoon of March 13, 2020. The Commission's main office building in Lansing was closed to the public effective March 20, 2020, and all Staff have teleworked as of March 23, 2020, in conjunction with the Governor's issuance of Executive Order 2020-21 (Stay Home, Stay Safe), limiting in-person governmental activities.[11] The Commission canceled its March 18, 2020 Commission meeting and converted previously scheduled in-person prehearings and workshops to web/tele-conference.

The Commission expects to continue operations and regulatory functions in this new remote environment until it is possible to safely resume in-person operations, but is mindful of the need to

[8] *See,* Executive Order 2020-31.

[9] *See,* Executive Order 2020-30.

[10] *See,* Executive Order 2020-41.

[11] With respect to governmental operations, Executive Order 2020-21 states: "All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended." Executive Order 2020-42 extends the stay at home order.

institute additional measures and best practices to ensure transparency in decision-making processes. It is also important to prioritize regulatory activities to ensure adequate due process and public participation and to allow critical infrastructure providers to focus on their emergency response and critical functions. Examples of changes put in place include:

- Extending timelines for public and stakeholder comment and formal pleadings where possible.
- Using web/tele-conferences for Commission meetings in conformance with Executive Order 2020-23 and the Open Meetings Act. The Commission is making accommodations to ensure members of the public, including individuals without broadband access and those with disabilities, have an opportunity to address the Commission, in accordance with the Americans with Disabilities Act.
- Re-prioritizing non-urgent projects or initiatives that require significant stakeholder engagement or interaction that may not be conducive to a remote environment.
- Exploring new approaches and technology platforms to enable remote hearings with cross-examination of expert witnesses; this is important from a contingency standpoint given the uncertainty in the Commission's ability to resume in-person hearings and impending case deadlines.
- Providing regular stakeholder updates on changes to meetings, operations, and other developments.
- Setting up a process for receiving and responding to consumer energy, telecommunications, and video/cable complaints remotely in an expeditious manner.

The Commission recognizes the significant operational changes that utilities and telecommunications providers have made to protect workers and the public during this crisis, including new safety protocols for customer visits by field personnel; remote work; employee screening; personal protective equipment (PPE), and other safety measures; worker sequestration and quarantine protocols; closure of drop-off payment locations and creation of alternative payment arrangements; and suspension of certain construction activities in order to focus on emergency repairs and other essential functions. Going forward, the Commission calls on regulated gas and electric utilities to continue to evaluate plans and operations to ensure accessibility for customers facing a myriad of challenges. In addition, as utilities continue to adapt during this emergency, they should continue to ensure opportunities for stakeholder input into utility planning and other activities.

CUSTOMER PROTECTIONS AND AFFORDABILITY

Ensuring customers have access to safe, reliable energy and telecommunications services at reasonable rates is vital during an extended pandemic of this nature. Individuals and businesses face tremendous near- and long-term uncertainty with respect to their own financial situation and the economy as a whole. Unemployment applications are at unprecedented levels at both the state and national level. Industrial customers and many small- to medium-sized businesses have shuttered operations, with uncertainty whether and when they will resume business. Rate design and tariff provisions, particularly for large customers or those on special rates such as interruptible or time-of-use rates, are designed for normal consumption patterns and may lead to changes in utility bills. At the same time, utilities are facing reduced sales from commercial and industrial customers in particular, combined with substantial, unplanned costs such as bad debt expense, PPE and other costs to protect, sequester, and screen employees. Financial markets are stressed

affecting utilities' access to and cost of capital.[12] Infrastructure construction plans have been significantly altered, affecting cost structures, contracts, recording of labor expenses, and work schedules. Spot fuel and wholesale power costs are at record lows.

Affordability Plans and Shutoff and Payment Protections

Given this dynamic and tumultuous time, the Commission directs all rate-regulated energy utilities to:

1. Consult with Commission Staff, **on or before April 30, 2020**, on the energy utility's practices and plans to address challenges and opportunities to improve affordability for customers, including options for payment flexibility, opportunities to support energy assistance programs, and customer education and outreach. This consultation should address all customer classes, with an emphasis on customers impacted by governmental orders due to COVID-19 response, and those financially or medically impacted by COVID-19. Consultation may be done individually or in groups.
2. Provide advance notification to the Commission prior to filing any new rate case between now and August 1, 2020, and to consult with the Staff prior to filing to discuss timing and substantive considerations.
3. File a statement of affirmation in this docket, **on or before April 20, 2020**, that the following minimum protections are in place for vulnerable customers related to bill payment, disconnection of service, and reconnection of service:

[12] "FERC [Federal Energy Regulatory Commission], NARUC [National Association of Regulatory Utility Commissioners] Support Utility Industry's Needs for Credit Financing," April 7, 2020 Press Release available at: https://www.naruc.org/about-naruc/press-releases/ferc-naruc-support-utility-industry-s-needs-for-credit-financing/.

a. **Protections for Michigan's low-income customers and seniors** – Suspend disconnections for Michigan's most vulnerable populations, low-income and senior customers, through June 1, 2020, and waive late fees for eligible low-income customers receiving energy assistance.

b. **Protections for customers medically affected by COVID-19 –** Allow for customers exposed to, quarantined, or infected by COVID-19 to be eligible for an additional 30-day medical hold to suspend a disconnection service. The criteria and eligibility provisions for this medical hold are in addition to those set forth in Mich Admin Code, R 460.130.

c. **Restoration of electric and gas service –** Waive deposits and reconnection fees for low-income customers, seniors, and customers experiencing financial hardship related to COVID-19 and seeking restoration of electric or natural gas service.

d. **Offer financial and customer assistance –** Extend access to and flexibility of payment plans to customers financially impacted by COVID-19 and provide customer assistance personnel with the resources necessary to connect customers to available financial assistance and social service agencies.

e. **Safeguard customers and workforce employees –** Safeguard customers and utility workers by limiting face-to-face contact through the closing of office lobbies, focusing efforts to provide emergency and critical infrastructure-related activities, and adopting COVID-19 best practices as outlined by the State of Michigan and the Center for Disease Control and Prevention.

The affirmation statement may be augmented by additional explanation of the utility's practices. Moreover, the Commission will be monitoring conditions with respect to COVID-19 and may request updated responses from utilities.

Given the connection to electric cooperatives' provision of safe, reliable service under the Commission's Technical Standards for Electric Service, and natural gas cooperatives' provision of safe, reliable natural gas pursuant to the Gas Safety Standards and Technical Standards for Gas Service, the Commission also directs electric and natural gas distribution cooperatives to respond to this order to provide affirmation of their shutoff protections, as described in this order for rate-regulated energy utilities.

Restoration of Service and Data Reporting

Under the Consumer Standards and Billing Practices for Electric and Natural Gas Service, Mich Admin Code, R 460.101 – R 460.169 (billing rules), the Commission requires investor-owned natural gas and electric utilities to report, on a quarterly basis, monthly data on residential disconnection notices, shutoffs, and reconnections. The data, however, do not cover the number of currently disconnected customers and whether the households are occupied without electric and/or gas service. During this pandemic, the Commission recognizes this data gap, in terms of frequency and content of reporting and the need for additional efforts by utilities to identify and restore customers currently without service as promptly as possible. Thus, pursuant to the Commission's authority under MCL 460.55, 460.56, 460.556, and 460.557, and the billing rules (*e.g.,* Mich Admin Code, R 460.151), the Commission directs all investor-owned utilities to begin reporting this data no later than April 30, 2020, and every two weeks thereafter, through June 30, 2020 or until directed otherwise, including the following:

1. An account of efforts made to determine which occupied residences within the utility's service territory do not have natural gas and/or electric service.
2. The number of occupied residences within the utility's service territory that do not have natural gas and/or electric service as a result of a shutoff due to non-payment.
3. The number of occupied residences within the utility's service territory that do not have natural gas and/or electric service as a result of any reason other than non-payment broken down into the following categories: (a) unauthorized use, (b) safety, (c) access, and (d) other (with an explanation of the reasons households are in this category).
4. What actions the utility has taken to reconnect natural gas and/or electric service for occupied residences, particularly those involving low-income or elderly individuals, or individuals impacted by the COVID-19 pandemic.

The Staff will provide utilities the reporting template within one week of the date of this order. Nothing in this order abrogates the obligation of a customer to pay for natural gas or electric service, prevents a utility from charging any customer for natural gas or electric service, or reduces the amount a customer may owe to a utility.

Energy Assistance Coordination

Energy assistance in the form of immediate bill payment assistance, affordable payment plans and customer support is crucial. Additional federal funding is expected to be available to support energy assistance through the Low-Income Heating Assistance Program administered by the Michigan Department of Health and Human Services (DHHS). This augments state (utility ratepayer) funding distributed by grantees through the MEAP with oversight by the Commission in coordination with DHHS. With the potential increased need for assistance, the Commission

directs the Staff to continue engaging with DHHS, MEAP grantees, utilities, and other partners such as the Coalition to Keep Michigan Warm to support streamlining, opportunities to leverage funding, outreach and education. In addition, the Commission looks forward to continued dialogue among a broad range of organizations on program design, implementation, and outreach through the Staff's low-income workgroup.[13] (For additional discussion on low-income programs, see also the Energy Waste Reduction and Demand Response section below.)

Telecommunications Provider Commitments

The Commission has a more limited role with respect to its authority concerning service quality and customer protections for telecommunications and communication services, such as landline, wireless, video/cable, and internet/broadband as the regulatory landscape for telecommunications is largely dependent on competitive market forces. The Commission has been monitoring the response of providers offering voice, internet and data services across the state, and has been encouraged by the prompt response by many Michigan providers signing onto the Federal Communications Commission (FCC) Chairman Ajit Pai's Keep Americans Connected pledge, [14] and going above these customer protections and service commitments. Moreover, the Commission highlights its statutory responsibilities overseeing aspects of the telecommunications industry that are vital during emergencies such as:

- Handling complaints related to telephone (basic local exchange service) and video/cable.

[13] *See,* Low-Income Workgroup under Commission Activities at www.michigan.gov/mpsc. Direct link available at: https://www.michigan.gov/mpsc/0,9535,7-395-93307_93312_93320_94834-484084--,00.html.

[14] *See,* https://www.fcc.gov/keep-americans-connected.

- Enforcing Telephone Relay Service accessibility requirements for the deaf, deafblind, hard of hearing, or speech impaired.
- Ensuring reliable access to 9-1-1 and emergency services.

In addition, the Commission continues to monitor the actions of the FCC and the Universal Service Administrative Company as they temporarily relax the consumer and provider requirements to allow consumers to maintain vital connections to Lifeline services during this pandemic.

UTILITY ACCOUNTING

The Commission is aware that utility response to the COVID-19 pandemic may cause them to incur extraordinary costs. Such costs are likely to include additional uncollectible expenses due to the inability of many customers to pay bills, and may include unanticipated costs, such as sequestration of employees to ensure critical operational functions so that provision of service is not interrupted. The Commission is open to utility tracking of certain costs in order to be able to review the prudency of expenditures in response to future requests for recovery. Such cost categories should be clearly defined, be a direct result of responding to the COVID-19 pandemic and include such costs that would have significant impacts on utilities and ratepayers if not able to be tracked in this fashion. Further, the Commission notes that there may be one-time or permanent savings that result from the crisis, such as lower power supply and gas supply costs or project deferrals, that could offset extraordinary costs, as well as potential external sources of revenue that may provide reimbursement for extraordinary costs. As such, the Commission seeks comment from any interested persons on the following:

- Categories of COVID-19-related extraordinary costs that the Commission should consider authorizing utilities to track (utilities to include actuals to date and projections).

- Potential cost savings associated with impacts due to COVID-19 (utilities to include actuals to date and projections).
- Potential external sources of revenue that may provide reimbursement for COVID-19-related expenses.
- Options for tracking extraordinary costs, how the cost is calculated, including specific accounting treatment, time periods during which costs should be tracked, and appropriate carrying charges, if any.

Comments from utilities on this topic are due, in this docket, no later than April 30, 2020. Reply comments from any interested persons are due no later than May 13, 2020.

Given the immediate and severe economic impacts of responding to the COVID-19 crisis, and the impact it has had and will continue to have on the ability of many customers to pay bills, the Commission authorizes all electric, natural gas, and steam utilities under its jurisdiction to defer uncollectible, or bad debt, expense incurred beginning March 24, 2020 (the date of Governor Whitmer's Executive Order 2020-21) that are in excess of the amount used to set current rates. The Commission expects to provide additional guidance in a future order responding to the comments sought above, and notes that this deferral authorization is for accounting purposes only and does not bind the Commission to any particular course of action in any future proceeding before the Commission.

REGULATORY ACTIVITIES

The Commission anticipates maintaining continuity in its regulatory functions, including meeting the Commission's statutory requirements and applicable deadlines in proceedings, but realizes the pandemic may affect the timing or feasibility of certain activities. As discussed above,

the Commission is exploring the use of video-conferencing capability for prehearings and cross-examination in contested cases, with several rate case hearings on the horizon in late April and early May. Administrative law judges (ALJs) will work directly with parties on scheduling and logistical matters, and parties are encouraged to reach out to the ALJ for questions as necessary.

In order to focus regulatory efforts during this crisis, the Commission is modifying plans for the MI Power Grid initiative launched in October 2019 by the Commission with the support of Governor Whitmer (*see,* Case No. U-20645 and www.michigan.gov/MIPowerGrid). Specifically, the Commission plans to:

- Extend deadlines and workgroup activity for the Service Quality and Reliability Standards for Electric Distribution Systems and Technical Standards for Electric Service rulemakings (see, order issued today in Case Nos. U-20629 and U-20630 for details).
- Convert the Energy Programs and Technology Pilots workplan from in-person, all-day sessions to a series of shorter, staggered web/tele-conferences to facilitate ease of information sharing; the schedule will also be extended for the submission of a final Staff report.
- Following review of the Staff's April 1, 2020, report on long-term electric distribution planning in Case No. U-20147, provide timely guidance to DTE Energy Company, Consumers Energy Company, and Indiana Michigan Power Company to prepare their distribution plans due in the summer of 2021.
- Defer and stagger the launch of Phase II activities, with plans to now launch the competitive bidding and advanced planning efforts in late summer and the customer education effort later in the fall.

Interested persons are encouraged to sign up for updates through the general MI Power Grid and individual workgroup e-mail lists at www.michigan.gov/MIPowerGrid.

The Commission recognizes that certain regulatory or compliance activities may need to be delayed or waived during the pendency of this emergency, and seeks comments from interested parties relative to COVID-19-related impacts on any of the following activities, and any suggestions for addressing these impacts:

- Statutory or rule compliance.
- Tariff compliance.
- Reporting requirements.
- Filing deadlines.
- Pilot projects.
- Commission workgroup activities, including MI Power Grid as discussed above.

Comments are requested on or before April 30, 2020, but will continue to be accepted thereafter in this docket as issues may arise. In the event specific relief is requested in order to alter or waive a Commission order or rule, the Commission also directs entities to file in the applicable docket or request a new docket at any time as appropriate.

Given the fast-approaching deadlines of certain filings, the Commission extends by approximately one month the following report deadlines:

- Utility Annual Reports - Deadline extended from May 1, 2020 to June 1, 2020.
- Public Utility Assessment Annual Report - Deadline extended from May 1, 2020 to June 1, 2020.
- Code of Conduct/Value-Added Programs and Services Annual Report - Deadline extended from April 30, 2020 to June 1, 2020.

These extensions do not impair the Commission's regulatory oversight functions and will provide flexibility for utilities in prioritizing core functions during a critical period.

ENERGY WASTE REDUCTION AND DEMAND RESPONSE PROGRAM CONTINUITY

To help meet customer needs in a reliable, cost-effective manner as additional power plants retire in the state, Michigan utilities have invested in programs to cut energy waste and shift demand away from periods of peak usage such as hot summer days. These energy waste reduction and demand response programs rely on significant interactions with customers, in many cases direct visits to homes, businesses, and other facilities in order to assess building or equipment conditions, install new energy saving measures, and monitor performance. At a time in which affordability is ever so critical, low-income customers may be particularly impacted due to the nature of existing program designs and the need for energy-saving improvements in single and multi-family homes. In addition to affecting the ability to enroll new customers in these programs —which is important to achieve energy and demand savings goals—changes in customer operations and occupancy due to the pandemic could also affect program performance and evaluation. For example, determinations of baseline consumption levels and related financial provisions could be affected under retail and wholesale demand response tariffs.

Pursuant to Act 295, energy waste reduction programs are mandatory for investor-owned natural gas and electric utilities, municipal utilities, and electric cooperatives with specific targets for annual energy savings and approved plans. For Commission-regulated electric utilities, there are also numerous Commission-approved demand response programs and tariffs, some of which are also used to meet electric capacity requirements by the regional transmission operator. To the extent COVID-19 impacts the ability to meet energy and demand savings targets, the implications go beyond statutory and regulatory compliance. This issue has direct reliability and cost

implications for Michigan ratepayers. Therefore, to ensure continuity and contingency planning for these programs, the Commission directs the Staff to develop a work plan and to convene energy providers operating these programs and other stakeholders. The focus will be to:

- Identify potential impacts on meeting energy or demand saving targets and ways to mitigate such impacts and ensure program continuity.
- Identify best practices for continuing to serve low- to moderate-income households, including those impacted directly by COVID-19, and related outreach.

This effort could be handled through individual meetings of the demand response, low-income, and energy waste reduction collaborative/workgroups, or as joint sessions with preset agendas covering specific topics. The Commission requests the Staff to file an update on these efforts by June 15, 2020, but to continue to provide guidance to energy providers in the interim on program implementation in consultation with the Commission's Chief Operating Officer and without further action by the Commission.

SUPPORTING BROADBAND COMMUNICATIONS

With increased teleworking, telecommunications and broadband usage have steeply increased.[15] The pandemic has underscored the urgent need for ubiquitous access to broadband service throughout the state to support telehealth, education, government operations, and our economic well-being. This is particularly important to support schools operating remotely for the remainder of this school year under Executive Order 2020-35. Many communication providers are working to ensure networks can meet demand and committing to customer protections and expanded access. The Commission applauds the proactive response from these providers and

[15] *See,* NCTA COVID Broadband Dashboard: https://www.ncta.com/COVIDdashboard.

remains committed to offering technical assistance and support to the private sector and local, state, and federal partners to expand access, use, and adoption of broadband as expeditiously as possible. The Commission is also monitoring activities of other states through participation on the National Association of Regulatory Utility Commissioners' Broadband Expansion Task Force to share best practices as we use all of the tools necessary to make sure consumers stay connected for all of their communication, education and healthcare needs during these difficult times.

CONCLUSIONS AND SUMMARY OF NEXT STEPS

The Commission appreciates the responsiveness of the Staff, energy and telecommunications providers, and other organizations to address the impacts of COVID-19. Considerable actions have been taken in a short time frame to ensure continuity of service and protection of customers. As set forth in this order, the Commission is providing guidance and directing further action on the following:

- Customer protections and affordability.
- Accounting treatment.
- Regulatory activities.
- Energy assistance coordination.
- Energy waste reduction and demand response continuity.
- Broadband access and expansion efforts.

The immediate next steps include the following:

Date	**Expected Action**
March 24, 2020	All energy utilities under Commission rate-regulation may begin deferring uncollectible or bad debt expense incurred starting March 24, 2020 that are in excess of the amount used to set current rates.
April 20, 2020	Energy utilities statement of affirmations regarding minimum customer protections filed in this docket.
April 22, 2020	Commission Staff will provide the reporting template to investor-owned energy utilities for reporting data on disconnected service to occupied and unoccupied residences.
April 30, 2020	Investor-owned energy utilities to begin reporting data on disconnected service to occupied and unoccupied residences every two weeks.
April 30, 2020	Comments due on utility accounting for COVID-19-related expenses.
April 30, 2020	Comments due on COVID-19-related impacts to regulatory activities.
April 30, 2020	Energy utilities consult with Commission Staff on challenges and opportunities to improve affordability and customer protections as described in this order.
May 13, 2020	Reply comments due on utility accounting for COVID-19-related expenses.
June 15, 2020	Commission Staff to file an update on energy waste reduction and demand response program continuity.

Through July 31, 2020	Investor-owned energy utilities provide advance notification and consult with Commission Staff regarding planned rate case filing dates.

THEREFORE, IT IS ORDERED that:

A. Energy utilities under the rate-regulation jurisdiction of the Commission may begin deferring uncollectible, or bad debt, expense incurred starting March 24, 2020 that are in excess of the amount used to set current rates.

B. No later than April 20, 2020, energy utilities shall file in this docket a statement of affirmation regarding minimum customer protection as described in this order.

C. No later than April 22, 2020, the Commission Staff shall provide the reporting template to investor-owned energy utilities for reporting data on disconnected service to occupied and unoccupied residences.

D. No later than April 30, 2020, investor-owned energy utilities shall file a report in this docket detailing data on disconnected service to occupied and unoccupied residences, and continue to file an updated report every two weeks thereafter, through June 30, 2020 or until directed otherwise.

E. No later than April 30, 2020, any interested person may submit written or electronic comments regarding utility accounting for COVID-19-related expenses and COVID-19-related impacts to regulatory activities. Replies to comments regarding COVID-19-related expenses must be filed with the Commission no later than May 13, 2020.

F. Written comments may be addressed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic comments (preferred) may be e-mailed to mpscedockets@michigan.gov. All comments should reference Case No. U-20757.

All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure.

G. No later than April 30, 2020, investor-owned energy utilities shall consult with the Commission Staff on challenges and opportunities to improve affordability and customer protections as described in this order.

H. No later than June 15, 2020, the Commission Staff shall file a report in this docket on energy waste reduction and demand response program continuity as described in this order.

I. Investor-owned energy utilities shall provide advance notification to the Commission Staff prior to filing any new rate case application between the date of this order and July 31, 2020, and consult with the Commission Staff prior to filing to discuss timing and substantive considerations.

J. The following report deadlines shall be extended from May 1, 2020, to June 1, 2020: Utility Annual Reports and Public Utility Assessment Annual Report, and from April 30, 2020, to June 1, 2020: Code of Conduct/Value-Added Programs and Services Annual Report.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at 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

Sally A. Talberg, Chairman

Daniel C. Scripps, Commissioner

Tremaine L. Phillips, Commissioner

By its action of April 15, 2020.

Lisa Felice, Executive Secretary

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-20757

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on April 15, 2020 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

Brianna Brown

Subscribed and sworn to before me
this 15th day of April 2020.

Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

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