S T A T E O F M I C H I G A N

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of **DTE ELECTRIC COMPANY** and **DTE GAS COMPANY** for approval of a temporary waiver of components of Rule 460.1316 and Rule 460.123.	)))))	Case No. U-18343

At the April 28, 2017 meeting of the Michigan Public Service Commission in Lansing, Michigan.

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

ORDER

On March 22, 2017, DTE Electric Company and DTE Gas Company (collectively, DTE) filed an application requesting a temporary waiver of certain rules under the billing practices applicable to non-residential electric and gas customers (Non-Residential Billing Rules) and consumer standards and billing practices for electrical and gas residential service (Residential Billing Rules). The waiver is seeking approval to modify billing information for customers who will receive a rebill statement, specifically information required by Mich Admin Code, R 460.1613(1)(a), R 460.1613(1)(c), R 460.1613(1)(e), R 460.1613(1)(h), R 460.123(1)(a)-(b) and R 460.123(1)(h). The waiver will end with the March 2018 billing statement. As defined in the application, a rebill statement occurs when (but not limited to), "showing adjustments for actual usage instead of estimated usage that was reflected in the regular bill, reflecting customer requested or Commission ordered adjustments, reflecting adjustments for unauthorized usage, etc." Application, pp. 3-4.

In its application, DTE stated that it requests a temporary waiver to allow the rebill statements to not show the billing information required under R 460.1613 and R 460.123 because the regular bill statements issued prior to April 3, 2017, are generated on the Customer 360 system's predecessor, which is not compatible with Customer 360 for sharing historical information. DTE explained that certain bill details required under Mich Admin Code, R 460.1613(1)(a), R 460.1613(1)(c), R 460.1613(1)(e), R 460.1613(1)(h), R 460.123(1)(a)-(b) and R 460.123(1)(h), will be omitted from the actual bills. Affected customers will receive notification prior to receiving the rebill statement in the form of one of the four letters attached as Attachment A to DTE's April 7, 2017 amended application. DTE estimates approximately 5,800 customers a month could be impacted initially and after a few months of using the new Customer 360 system, only a few hundred would be impacted while a new history record is generated. If after six months of using the new Customer 360 system, DTE has found the rebill program continues to affect over 2,500 customers a month, DTE will notify the Commission with proposed system modifications to reach the monthly goal of only a few hundred customers being affected.

On April 21, 2017, Michigan Waste Energy, Inc. (Michigan Waste), filed an objection to DTE's application. Michigan Waste objects to the Commission granting this waiver for the following reasons: (1) if the information required by the billing rules is not provided on rebill statements, it will be impossible for customers to determine if the rebill is accurate; (2) it is unreasonable to require the customer to submit a separate request for information that is, per the billing rules, required to be included on a bill; (3) DTE should have recognized the requirement for this information to be included in billing statements and incorporated this requirement in its billing software update; (4) Michigan Waste has already experienced difficulty in obtaining required information from DTE in a rebill situation; (5) allowing DTE to rebill prior billing amounts as a

lump sum under the classification of "Miscellaneous Charges" is unreasonable and inconsistent with the billing rules; (6) DTE has not cited legal authority for its request; (7) the Administrative Procedures Act (APA) requires a certain procedure, including a period for public comment, be followed before a rule can be changed and the Commission would be in violation of sections of the act by not following that procedure or having a comment period; and (8) the change in the rule is discriminatory to certain customers, in violation of the APA. Michigan Waste's objections, pp. 3-5.

Both the residential and the non-residential billing rules provide that, upon written request, the Commission may temporarily waive any requirements of the rules when it determines the waiver will further the effective and efficient administration of the rules and is in the public interest. *See*, R 460.169(3) and R 460.1640(3), respectively. In order to grant a temporary waiver such as DTE is seeking in this instance, the Commission is not required to follow the procedure outlined in the APA or provide an opportunity for comment.

Nevertheless, the Commission has considered the comments of Michigan Waste and finds that the safeguards outlined in DTE's application are sufficient to protect customers from unfair billing practices and are reasonable to address the temporary situation created by DTE's switch to a modernized billing system. The Commission notes that Michigan Waste filed an informal complaint with the Commission regarding difficulties contacting its DTE customer representative. Should Michigan Waste, or another DTE customer, find itself in a situation where the safeguards put in place by DTE to compensate for the temporary waiver are not being followed or are not providing sufficient information, the Commission encourages that customer to file a complaint with the Commission.

THEREFORE, IT IS ORDERED that DTE Electric Company's and DTE Gas Company's application for a temporary waiver of portions of R 460.1613 and R 460.123, for the period from March 22, 2017, through March 31, 2018, is granted.

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 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

By its action of April 28, 2017.

Norman J. Saari, Commissioner

Kavita Kale, Executive Secretary

Rachael A. Eubanks, Commissioner