

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion,)
to review the response of **ALPENA POWER**)
COMPANY, CONSUMERS ENERGY COMPANY,)
DTE ELECTRIC COMPANY, INDIANA MICHIGAN)
POWER COMPANY, NORTHERN STATES)
POWER COMPANY, UPPER MICHIGAN ENERGY)
RESOURCES CORPORATION, AND UPPER)
PENINSULA POWER COMPANY to recent)
storm damage in their service territories.)

Case No. U-21122

_____)
)
In the matter, on the Commission’s own motion,)
to open a docket for certain regulated electric)
utilities to file their distribution investment)
and maintenance plans and for other related,)
uncontested matters.)

Case No. U-20147

At the August 25, 2021 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Tremaine L. Phillips, Commissioner
Hon. Katherine L. Peretick, Commissioner

ORDER AND NOTICE OF OPPORTUNITY TO COMMENT

Beginning on August 10, 2021, a series of severe thunderstorms hit Michigan’s Upper and Lower Peninsulas. Wind gusts reached over 70 mph, causing widespread destruction to trees and utility poles. As a result, almost 1 million Michigan utility customers lost electric service. An estimated 372,000 customers of Consumers Energy Company (Consumers), 500,000 customers of

DTE Electric Company (DTE Electric), and 20,000 customers of Indiana Michigan Power Company (I&M) lost electric power to their homes and businesses for varying lengths of time. Several other utilities reported thousands of customers with outages.¹ Reports indicate that Consumers and DTE Electric had approximately 8,000 and 3,100 downed wire calls, respectively, while I&M had approximately 340 downed wire calls. Outages lasted anywhere from a few hours to more than one week.

On August 20, 2021, Governor Gretchen Whitmer issued a letter to the Commission, calling on the Commission to:

- Prevent recovery of outage credit costs and other relief efforts in upcoming utility rate cases;
- Expedite the promulgation of updated technical standards for electricity service and utility service quality rules as much as possible;
- Consider requiring utilities to increase emergency preparedness planning around extreme weather, to add reporting requirements that add transparency around their efforts to improve system reliability, and to carefully review the recently filed utility distribution plans to gauge whether the proposed actions and investments are sufficient; and
- Convene a technical conference on emergency preparedness, planning, and storm response.²

¹ More than 72,000 customers of Great Lakes Energy Cooperative lost power, as well as about 30,000 customers spread over five other electric cooperatives.

² The letter is available at: https://content.govdelivery.com/attachments/MIEOG/2021/08/20/file_attachments/1912083/Utility%20Letter_Outages_MPSC.pdf. At the same time, Governor Whitmer issued a letter to the Presidents of I&M and of the parent companies of Consumers and DTE Electric, calling on these three utilities to automatically credit customers who experienced outages while also expanding the amount of credits paid, and to announce additional investments and redirect existing resources to improve reliability through tree trimming and grid hardening without financing these investments through ratepayers. *See*, https://content.govdelivery.com/attachments/MIEOG/2021/08/20/file_attachments/1912081/Utility%20Outage%20Letter%20to%20CEOs.pdf.

The issue of cost recovery for the costs associated with providing outage credits may only be addressed in a utility rate case, which is a contested proceeding. This order addresses the remainder of Governor Whitmer's recommendations.

The Commission wishes to begin by acknowledging the diligence and perseverance of utility employees, including line workers represented by the International Brotherhood of Electrical Workers and the Michigan State Utility Workers Council, as well as wire guards, line clearing crews, and call center representatives, all laboring under challenging conditions to restore service. The Commission also thanks the mutual aid crews from utilities in nearby states who came to Michigan to aid in the restoration efforts. Some customers saw their service restored in a timely manner, while others waited far too long for power to return.

The Commission's focus is on the issues of reliability, resilience, and readiness for these extreme events. Ratepayers have a right to expect the utilities to anticipate extreme weather events, to provide a hardened grid that can withstand extreme weather, and to be prepared to restore power expediently when the grid fails; and the Commission is committed to implementing improvements in these areas.³ The Commission has conducted numerous investigations into weather-related events and service quality issues since at least 1991, beginning with Case No. U-9916. *See also*, Case No. U-20169; Case No. U-18346; Case No. U-17542; Case No. U-16462; Case No. U-15605; Case No. U-14603; Case No. U-12769; Case No. U-12270; and Case No. U-

³ In 2020, the Citizens Utility Board of Michigan (CUB) released a report analyzing 2018 electric utility reliability data from the Energy Information Administration (EIA) for Michigan. CUB Utility Performance Report, 2020 Edition (CUB Report), available at: https://d3n8a8pro7vhmx.cloudfront.net/cubofmichigan/pages/1152/attachments/original/1602176971/CUB_of_MI_UTILITY_Performance_Report_2020_Edition.pdf?1602176971. CUB reports that, when excluding major weather event days, Michigan ranks as the ninth worst state for annual outage minutes per customer, the 25th worst state for number of annual outages per customer, and the second worst state for the amount of time it takes for power to be restored. CUB Report, p. 8. These rankings improve slightly when major weather event days are included. *Id.*

10908. Weather-related events are not uncommon in Michigan, and the August 2021 storms cannot be dismissed as unique or unlikely to ever reoccur. In fact, the pace of climate change dictates that such events will likely only become more frequent and planning must be responsive to this reality. As part of responding to the effects of climate change on the incidence of extreme weather, the Commission has ramped up efforts to examine the reliability and resilience of the distribution system and the impacts of aging infrastructure, and to implement the changes that are required to reduce the potential for death and injury and the possibility of larger and lengthier power outages.

Distribution planning was thoroughly examined as part of the 2019 Statewide Energy Assessment (SEA). *See*, September 11, 2019 order in Case No. U-20464; filing #U-20464-0063. Building on earlier efforts and partially as a result of the SEA, in the September 11, 2019 order in Case No. U-20147, the Commission commenced a new distribution and maintenance investment five-year (and longer) planning process for DTE Electric, Consumers, and I&M. On June 30, 2021, Consumers filed its final 2021-2025 distribution plan; DTE Electric filed its draft 2021-2025 distribution plan on August 2, 2021; and I&M filed its draft 2021-2025 distribution plan on July 30, 2021, in that docket. These plans are required to include information on the system performance metrics set by the Commission in the August 20, 2020 order in Case No. U-20147 (August 20 order).

In addition, the Commission launched the MI Power Grid effort in October 2019, which includes an examination of grid optimization. October 17, 2019 order in Case No. U-20645. The Grid Security and Reliability Standards Workgroup of the MI Power Grid effort was initiated in 2019 to identify gaps in the Commission's current Service Quality Rules and Technical Standards for Electric Service and to make recommendations regarding several issues, including the size and

frequency of automatic bill credits. In the September 11, 2019 order in Case Nos. U-20629 and U-20630, the Commission facilitated this stakeholder process to inform updates to the service quality and technical standards rules, including efforts to expand credits for outages and strengthen the rules protecting customers experiencing repeated outages. The workgroup held four stakeholder meetings in 2019-2020, and final Staff Reports were filed in the Case No. U-20629 and U-20630 dockets on December 15, 2020. The Commission Staff (Staff) is currently in the process of drafting proposed revisions to the existing rules in preparation for submitting Requests for Rulemaking (RFRs) to the Michigan Office of Administrative Hearings and Rules (MOAHR). Proposed changes to the existing service quality rules include requiring utilities to issue automatic outage credits to customers who qualify, and increasing the amount of the base outage credit to \$35.00 plus a \$2.00 per hour multiplier for outages of longer duration, as well as new mandates addressing repetitive outages.⁴ The Commission intends to accelerate this process, and contemporaneous with this order is submitting RFRs for both rule sets to MOAHR.⁵

Additional ongoing efforts aimed at distribution planning include the adoption of updated tree trimming and vegetation management standards to improve system performance under both normal and extreme weather conditions for both Consumers and DTE Electric. The Commission

⁴ Service quality rules provide that an acceptable level of performance during a service interruption requires that 90% of customers be restored to service within 8 hours under normal conditions, and within 60 hours under catastrophic conditions. Mich Admin Code, R 460.722(b), (c). Current rules provide for a \$25.00 credit if requested by the customer after a 16-hour outage under normal conditions, after a 120-hour outage under catastrophic conditions, and after more than seven outages on the same circuit in a 12-month period. Mich Admin Code, R 460.744, R 460.745, and R 460.746(1).

⁵ The Commission will also be submitting an RFR for updates to its Consumer Standards and Billing Practices for Electric and Natural Gas Service rules, which include a number of provisions that correspond to the updates in the other two rule sets.

has repeatedly approved programs intended to address trees growing outside of the right-of-way, to provide for the removal of these trees which present a threat to lines in all seasons of the year. *See, e.g.*, December 11, 2015 order in Case No. U-17767, p. 64; November 19, 2015 order in Case No. U-17735, p. 58. For Consumers, the Commission recently approved a ramped-up tree trimming program, including a requirement to file an annual report with the Commission detailing line-clearing activities and to set regular meetings with the Staff to evaluate progress, refine program metrics, and discuss future strategies. December 17, 2020 order in Case No. U-20697, pp. 179-181. For DTE Electric, the Commission approved a seven-year Enhanced Tree Trimming Program (ETTP) surge proposal, which also requires detailed annual reporting. May 2, 2019 order in Case No. U-20162, pp. 74-81.⁶ Finally, the Commission has participated in national discussions to develop best practices in comprehensive electricity planning and on emergency preparedness, reliability, and resilience.

⁶ For DTE Electric's annual report the Commission stated:

The Commission directs DTE Electric to submit an annual report on ETTP and surge miles in this docket, using DTE Electric's Table 12 at 3 Tr 231 in order to gain information broken out by geographical region. The Commission is deeply concerned that despite hearing a commitment from DTE Electric to improve and increase electric system maintenance programs, the utility's best efforts have not met Commission expectations for safety and reliability. Thus, the annual report shall also break out all activity, costs, and miles trimmed under any and all tree trimming programs (including hardening) in the city of Detroit, to provide information on the progress made in the city of Detroit with each program. The reporting shall include measurable data for the efforts, including miles completed by service center, performance of ETTP circuits compared to non-ETTP circuits, the costs of the efforts, number of employees directly involved in the efforts, tree-related outage reductions, SAIDI [system average interruption duration index] reductions, and whether the funding for the efforts is a capital expense or O&M [operations and maintenance] cost. Further, the report shall track ETTP circuit performance, comparing average outages for the three years prior to the enhanced trimming with outages in the years after the trimming has been performed. The first report is due in this docket March 1, 2020, and an annual report is due on March 1 of each year thereafter. After the third year of the surge, DTE Electric

In addition, the Commission and the Staff have been analyzing ways in which regulatory actions, including approval of energy infrastructure, investments, and services, may impact vulnerable populations and communities. In coordination with the state Interagency Environmental Justice Response Team, the Commission is committed to considering environmental justice and equitable treatment of all communities within the context of the energy and telecommunications services which it regulates. To that end, a better understanding of granular level data of poor performing circuits along with metrics around restoration prioritization will aid in the Commission's efforts to assist vulnerable customers in preparing for and recovering from extreme weather events.

While the Commission is taking action on several fronts, the August 2021 storms show that the Commission and the utilities must do more and must do it faster. The realities of a changing climate make it likely that Michigan will experience storms that are more extreme, and will experience them more frequently, than it has in the past. Despite the efforts to date, the events of the past two weeks have shown that the Commission needs more data on what is being done, more transparency around planning, and more engagement in how best to prepare and harden Michigan's distribution system to absorb the impact of extreme weather on a regular basis. The Commission also seeks to put customers at the center of this discussion and to increase awareness of how outages impact customers, particularly the most vulnerable.

shall also submit the Tree Trimming Effectiveness Report discussed in the company's testimony, in this docket.

May 2, 2019 order in Case No. U-20162, pp. 80-81. Tree trimming annual reports are available to the public in the respective dockets.

To that end, the Commission directs investor-owned utilities regulated by the Commission to file a report in this docket that includes the following information:

1. A summary of the utility's ongoing vegetation management and grid hardening efforts, including miles trimmed, dollars spent, and all other metrics and milestones included in the utility's annual reporting requirements.
2. Details on how current efforts outlined above have contributed to reliability performance, including – to the extent data is available – a comparison of like circuits that have been recently trimmed/hardened with those that have not. Information should include changes, if any, to SAIDI, system average interruption frequency index (SAIFI), and customer average interruption duration index (CAIDI) as a result of those efforts.
3. A ranked breakdown of the top 10% worst performing circuits in the year 2021 to date in terms of frequency of outages, and the top 10% worst performing circuits in the year 2021 to date in terms of duration of outages, and provide a map illustrating where those circuits are located within the service territory. Include any planned investments in reliability/resiliency on the circuits and note whether these circuits are primarily back lot-constructed overhead, front lot-constructed overhead, or underground circuits.⁷
4. Using data from the beginning of 2020 to the present, a map of the top ten zip codes with both the highest and lowest SAIFI, and the top ten zip codes where most future tree trimming and other reliability/resiliency improvement efforts are planned.
5. A summary of efforts contained in currently filed distribution plans to address outages and system reliability. For Consumers and DTE Electric, this summary shall include information on metrics and financial incentives or penalties as required in the utility's most recent rate case.⁸
6. Plans and/or actions taken following the August 2021 storms addressing outage credits, including plans and/or actions to make the credits automatic, expand the outage credit amounts and/or expand eligibility, as well as any other compensation or customer-focused efforts utilized during the restoration period.
7. A summary of restoration efforts during the August 2021 storms, including the total cost of the outage events (for example, materials costs, overtime pay, mutual assistance, community support, advertisements, etc.), details of customer communications efforts, and opportunities for improvement in storm response and

⁷ In providing this information, utilities should include the name of the circuit, as well as the zip code(s) and name(s) of the municipality covered by the circuit.

⁸ See, Mich Admin Code, R 460.741-460.748.

customer communication. This information should include a description of efforts made to proactively communicate with and support vulnerable customers, if any.

The Commission would also like to understand the costs and benefits associated with moving established overhead electrical lines underground, and additionally directs investor-owned utilities to include the following:

1. A breakdown of the total cost to move a typical overhead back lot-constructed line and overhead front lot-constructed line underground, including a high, low, and average cost estimate depending on the varying circumstances encountered.
2. The difference in cost of maintenance of an overhead back lot, overhead front lot, and underground electric line, on an average annual basis.
3. The average measured reliability of an underground line compared to a comparable back lot and front lot overhead electrical line.
4. A comparison of the average rate and severity of safety incidents that occur both to the public as well as to utility workers associated with underground lines, overhead front lot lines, and overhead back lot lines.

The Commission recognizes that some of this information may already exist in other places (spread over a number of dockets and workgroup websites) but finds that assembling this information in one filing will further important goals around transparency for the Commission, the Staff, stakeholders, and particularly for utility customers. For Consumers, DTE Electric, and I&M, this report is due no later than October 1, 2021; for all other investor-owned utilities regulated by the Commission this report is due no later than November 1, 2021.

In addition, the Commission is seeking stakeholder feedback on the final distribution plan filed by Consumers on June 30, 2021, and the draft distribution plans filed by DTE Electric on August 2, 2021, and I&M on July 30, 2021, in Case No. U-20147. Specifically, the Commission is interested in feedback on the following questions:

1. Are the measures focused on improving distribution system reliability identified in the respective distribution plans commensurate with the scale of the challenge?

2. Are the metrics identified by the utilities to reduce the number and duration of outages and the number of customers experiencing multiple outages appropriate?
3. Do the financial incentives and penalties identified by the utilities align the respective utility's financial goals with the goals of this Commission in reducing outages and improving distribution performance?
4. Do the distribution plans filed reflect the appropriate balance between needed investments and customer affordability? Are there alternatives that would better strike this balance?
5. Do the distribution plans sufficiently incorporate considerations involving equity, including efforts to avoid further marginalization of vulnerable customers and communities?
6. Are there potential utility pilots or industry best practices that can improve customer safety and reliability by moving overhead lines on specific circuits or in segments of the electric distribution system underground at reasonable costs?

Any person may submit written comments in response to these questions in Case No. U-20147.

The comments should reference Case No. U-20147, and should be received no later than 5:00 p.m. (Eastern time) on October 1, 2021. Address mailed comments to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic comments may be e-mailed to mpscedockets@michigan.gov. If you require assistance prior to filing, contact the Staff at (517) 284-8090 or by e-mail at mpscedockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure; and all comments will be filed in Case No. U-20147. The Commission acknowledges that, as part of its August 20 order in Case No. U-20147, it had scheduled the timing for final distribution plans in order to allow for consideration of stakeholder input. *See*, August 20 order, p. 51. In addition, the Commission further acknowledges that the due date for the additional and specific comments requested in this order falls after the filing of final distribution and investment plans by Consumers, DTE Electric, and I&M. The Commission looks forward to reviewing the information submitted through this comment process as well as that provided by the

electric utilities through their final distribution and investment plans, and will consider any appropriate additional steps informed by these filings.

In addition, the Commission is concerned that the planning processes used by both utilities and the Commission rely heavily on historical data and may not be sufficient in an era of increasingly severe weather exacerbated by climate change. Notably, DTE Electric reports that the two largest storms in its 135-year history took place in 2017 and as part of this recent outage event, highlighting how difficult it is to rely on historical data to predict future events. Other events in Michigan and across the country over the last 18 months – from record floods, heat, drought, and wildfires, to extreme weather events causing significant strain on the nation’s energy systems – only reinforce this point. As such, the Commission is seeking comment from utilities and other stakeholders on whether the planning processes based on historical data that are used to identify investments and upgrades is sufficiently robust in planning for the realities of a future that may look very different from what has been historically experienced.

Any person may submit written comments in response to this question in this docket. The comments should reference Case No. U-21122, and should be received no later than 5:00 p.m. (Eastern time) on September 24, 2021. Address mailed comments to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Electronic comments may be e-mailed to mpscdockets@michigan.gov. If you require assistance prior to filing, contact the Staff at (517) 284-8090 or by e-mail at mpscdockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission’s website and subject to disclosure; and all comments will be filed in Case No. U-21122.

Finally, the Commission is announcing that it will host a one-day Technical Conference on Emergency Preparedness, Distribution Reliability, and Storm Response. The Technical Conference will be held in person⁹ on October 22, 2021, at the Commission's offices at 7109 W. Saginaw Hwy., Lansing, MI, and will also include a video/teleconference option for participants. Information on how to participate will be made available in the Case No. U-21122 docket no later than October 4, 2021. Persons seeking to provide input on topics they would like to see addressed in the Technical Conference may e-mail the Commission's Executive Secretary at mpscedockets@michigan.gov. The e-mail must reference Case No. U-21122, and should be received no later than 5:00 p.m., Eastern time, on September 17, 2021. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure; and all e-mailed submissions will be filed in Case No. U-21122.

THEREFORE, IT IS ORDERED that:

A. Consumers Energy Company, DTE Electric Company, and Indiana Michigan Power Company shall each file a report in this docket as outlined in this order no later than 5:00 p.m. (Eastern time) on October 1, 2021.

B. Upper Peninsula Power Company, Northern States Power Company, Alpena Power Company, and Upper Michigan Energy Resources Corporation, shall each file a report in this docket as outlined in this order no later than 5:00 p.m. (Eastern time) on November 1, 2021.

C. Any person may submit comments in response to the questions listed in this order regarding the distribution plans filed by Consumers Energy Company on June 30, 2021, DTE Electric Company on August 2, 2021, and Indiana Michigan Power Company on July 30, 2021, in

⁹ Interested persons should monitor the Case No. U-21122 docket for updated information regarding the in-person participation option, in light of potential changes to public health directives.

Case No. U-20147. The comments must reference Case No. U-20147, and should be received no later than 5:00 p.m. (Eastern time) on October 1, 2021.

D. Any person may submit comments in this docket in response to the question regarding whether it remains appropriate to rely on historical data in utility planning processes given the increasing incidence and severity of extreme weather events. The comments must reference Case No. U-21122, and should be received no later than 5:00 p.m. (Eastern time) on September 24, 2021.

E. The Commission will convene a one-day Technical Conference on Emergency Preparedness, Distribution Reliability, and Storm Response, to be held in person and via video/teleconference on October 22, 2021, at the Commission's offices at 7109 W. Saginaw Hwy., Lansing, MI. Information on how to participate will be made available in the Case No. U-21122 docket no later than October 4, 2021. Persons seeking to provide input on topics they would like to see addressed in the Technical Conference may e-mail the Commission's Executive Secretary at mpscedockets@michigan.gov. The e-mail must reference Case No. U-21122, and should be received no later than 5:00 p.m. (Eastern time) on September 17, 2021.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Tremaine L. Phillips, Commissioner

Katherine L. Peretick, Commissioner

By its action of August 25, 2021.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

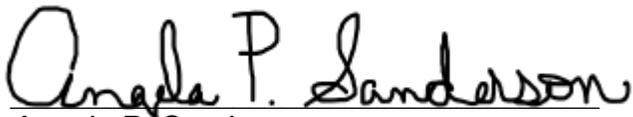
Case No. U-21122 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on August 25, 2021 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 25th day of August 2021.



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

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