

November 25, 2020

**Consumers Energy Comments on the
Second Amended Technical Standards for Electric Service Staff Redline**

Dear Mr. Becker,

Thank you for the opportunity to provide additional comments on Staff's latest redline of the Technical Standards for Electric Service. Consumers Energy reiterates and incorporates by reference its prior comments regarding these standards. The company requests consideration of these prior comments in addition to the further reflections provided below, and appreciates the extent to which Staff has already incorporated suggestions contained in prior comments.

Rule 460.3102 Definitions.

- (j)(i): The Company proposes the following addition to the text of this definition:
 - “For cooperative or electric utilizes with greater than one million customers, any weather condition that results in sustained service interruptions impacting 50,000 or more customer or and electrical system component failure **during “normal” conditions** impacting 5,000 or more customers unless otherwise ordered by the commission.”
 - The purpose of this change is to ensure the definition aligns with those contained in related reporting requirements. Adding this clarifying clause will minimize the changes to the Company's required reporting based solely on the definition of “major interruption.”

R 460.3411 Extension of electric service in areas served by 2 or more cooperative or electric utilities.

- (16) “Regardless of any other provisions in these rules, an existing industrial customer that meets the characteristics listed in (a)-(d) below that desires to change electric providers shall be entitled to a one-hour meeting that meets the characteristics shown in (e)-(i) below.”
 - (i) “The customer shall be entitled to at least one meeting per calendar year. Additional meeting requests during the calendar year may be denied by the incumbent cooperative or electric utility, the non-incumbent cooperative or electric utility, or both.”
- In general, Consumers Energy views Staff's latest proposal as a much more sensible compromise than the language originally drafted by ABATE for revising Rule 411. Although Consumers Energy does not oppose this revision, the Company does share some concerns with other utilities that the mandatory meeting opportunity might create false expectations for some customers about the ability to switch utilities under circumstances that don't warrant that outcome. The Company also believes that caution is necessary to ensure that the meetings are not structured in a manner that potentially violates antitrust laws. Consumers Energy believes that the current language in Staff's proposed revision is acceptable to avoid that concern primarily because it retains the incumbent utility's unilateral decision about whether to proceed with a waiver after the

conclusion of the meeting. If that provision were removed or modified, there is a significant risk that this mandatory meeting could constitute an unlawful violation of antitrust prohibitions regarding agreements between competitors to allocate markets with respect to customers or service territories.

- Consumers Energy proposes revising the meeting entitlement in (i) to one meeting in a five-year period, or three meetings in a ten-year period. The Company is concerned that these meetings would create opportunity for existing customers to attempt to frequently switch electric providers. An annual meeting would not add value to the parties; rather it could create unneeded tension between existing customer and provider. Reducing the number of meetings would mitigate this risk.

R 460.3505 Cooperative and electric utility line clearance program.

1. “Each cooperative or electric utility shall adopt and implement a program of maintaining adequate line clearance through the use of industry-recognized guidelines. A line clearance program shall recognize the national electric safety code standards that are adopted by reference in R 460.811 et seq., ensure safety and reliability, and include the following: The program shall include tree trimming.
 - a. Tree trimming.
 - b. Customer notifications, including a customer service phone number, not less than 14 days nor more than 60 days prior to planned tree trimming. on a best effort basis prior to line clearing Customer notifications shall include the following: include a customer service phone number
 - i. Personal contact, including an in-person visit with door hanger or phone call, or written notification to persons residing within the target area.
 - ii. (ii) Written notification to local government officials within the target area.
 - c. Line clearing statistically relevant representative inspection audit after line clearing.”
- The Company proposes the following language as an alternative to the above current draft language, for the reasons given during its discussion with Staff on Wednesday, November 19, 2020:

(1.) Each cooperative or electric utility shall adopt and implement a program of maintaining adequate line clearance through the use of industry-recognized guidelines. A line clearance program shall recognize the national electric safety code standards that are adopted by reference in R 460.811 et seq., ensure safety and reliability, and include the following:

- a. Tree trimming and other integrated vegetation management methods as appropriate.*
- b. Customer and governmental notifications, including the appropriate utility representative phone number, prior to planned maintenance line clearance work. Notifications shall include the following:*
 - i. Customer notification for Low Voltage Distribution systems (primary, secondary and service conductors):*

(A) *On-site planning visit with informational door hanger or personal communication with the customer whose property is either a permanent or temporary residence and for which line clearance work is planned, not less than 3 days nor more than 120 days prior to performing line clearance work on the premise.*

--or--

(B) *Written notification to customers of the cooperative or electric utility receiving electric service within the target area not less than 7 days from date of postmark or personal delivery nor more than 120 days prior to performing line clearance work on the premise.*

ii. *Governmental notification for Low Voltage Distribution systems (primary, secondary and service conductors):*

(A) *Personal communication to local government official(s) within the target area not less than 3 days prior to performing line clearance work.*

--or--

(B) *Written notification to local government official(s) within the target area not less than 7 days from date of postmark or personal delivery prior to performing line clearance work.*

iii. *Property owner notification for High Voltage Distribution systems (conductors energized at or above 23kV phase to ground):*

(A) *A reasonable attempt to notify property owners of planned line clearing work through personal communication or written communication at least 7 days nor more than 180 days prior to performing line clearance work.*

iv. *For integrated vegetation management methods falling under the jurisdiction of or conducted in compliance with State of Michigan Act 451, Part 83, Rule 285.637.11(5) shall be considered customer notification under this rule.*

c. *Line clearing statistically relevant representative inspection after line clearing.*

The Company thanks Staff for their efforts on the workgroup and ensuing standard amendments, and the opportunity to contribute ongoing comments.

Respectfully submitted,

Consumers Energy Company