



DTE Electric's Comments on July 31, 2020
Staff Initial Report: Technical Standards for
Electric Service

U-20630

August 28, 2020

Background

On July 31, 2020, Michigan Public Service Commission (MPSC or Commission) released the initial report titled, “Staff Initial Report: Technical Standards for Electric Service Rules” pursuant to U-20630. The report represents Staff’s initial review, summary and recommendations following four stakeholder meetings and several subgroup discussions between December 2019 and June 2020.

DTE Electric (DTEE) appreciates the opportunity to work with Staff and stakeholders on refining the Technical Standards for Electric Distribution in Michigan and to learn from industry experts on potential rule changes to ensure safe and reliable electric service.

DTEE appreciates the MPSC Staff’s effort to compile this initial report and the opportunity to provide comments and feedback. DTEE’s response is in three sections. “Section I” includes DTEE’s responses to the Staff recommendations. “Section II” provides DTEE’s comments and mark-ups on Staff’s proposed redlines of the Technical Standards for Electric Distribution Systems referred to as Appendix A in Staff’s report. “Section III” includes DTEE’s comments and mark-ups on Appendix B in Staff’s report.

Section I – DTEE Responses to Staff Proposals

Staff Proposal 1 – Billing Rule Adjustments

Transfer the applicable sections from the Technical Standards to the Billing Rules and update certain elements of the Technical Standards to improve consistency between the rulesets.

The proposed redlines are provided in Appendix A recommending 1) Rule 460.3309 entitled “Metering inaccuracies; billing adjustments” be eliminated from the Technical Standards in its entirety and moved to the Billing Rules and 2) Rule 460.3303(c) entitled “Meter reading data” be amended to be consistent with the Billing Rule language in Rule 460.113(7).

Response: DTEE recommends revisiting this recommendation with Staff and Stakeholders after discussing any possible conflicts that may arise due to the analogous rule contained in the technical standards for gas service.

Staff Proposal 2 – Definitions

Define terms and phrases in the Technical Standards including, but not limited to "sustained interruption," "major interruption," "planned interruption," "RTO," "serious injury," and "AMI" or "solid state meter."

Status: The proposed redline definitions of “planned interruption,” “regional transmission organization,” and “serious injury” are provided in Rule 460.3102, entitled “Definitions,” and found in Appendix A of this report.

Response:

DTEE supports Staff’s recommended definitions for “Planned Interruption”, “Regional Transmission Organization”, and “Serious Injury” as reflected in Appendix A under R 460.3102.

As it relates to serious injuries and accident reporting under R 460.380, DTEE supports Staff’s recommendation to maintain the standard but would like to clarify that our interpretation of the verbiage “promptly notify” means as soon as we are made aware of an accident.

DTEE understands currently Staff is not proposing to adopt definitions for “Sustained Interruption,” “Major Interruption” and “Advanced Metering Infrastructure” (AMI) into R 460.3102. However, for the same rationale in defining planned interruption for its use in R460.3705, DTEE recommends defining “Sustain Interruption” and possibly “major interruption”.

DTEE recommends the same language for “sustained interruption” as found in the Service Quality and Reliability Standards.

"Sustained Interruption" means any interruption not classified as a part of a momentary event - that is, any interruption that lasts more than five minutes. The duration of a customer's interruption shall be

measured from the time that the electric utility is notified or otherwise becomes aware of the full or partial loss of service to one or more customers for longer than five minutes.

As it relates to “Major Interruption”, DTEE recommends removing the major interruption reporting requirement in R460.3705 (4) from the Technical Standards due to its duplicate nature to *Staff proposal 7 – Outage Reporting Requirements* currently being developed for the Service Quality and Reliability Standards. However, if it is maintained, DTEE recommends the following definition be used:

“Major Interruption” means a loss of service for 2.5% or more of the utility’s customers due to an extreme weather event or electrical system component failure.

Staff Proposal 3 – Emergency Reporting

Incorporate an Emergency Response Plan (ERP) filing requirement into the reporting section of the rules to allow Staff to have utility company plans related to outage restoration readily available. At a minimum, the plans would include mutual assistance procedures, communication plans, and planning for vulnerable customers.

Status: Staff will not pursue a requirement for the utility companies to submit ERPs at this time. Staff is of the opinion that disclosure of ERPs would be exempt under subsection (y) of the FOIA. MCL 15.243(1)(y) exempts emergency response plans from disclosure, however the qualifier says “(1) unless disclosure would not impair a public body’s ability to protect the security or safety of persons or property or (2) unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular interest.”

Response:

DTEE supports Staff’s decision to not introduce any emergency response plan (ERP) filing requirements into the Standards. However, DTEE will provide appropriate ERP details and desired content through channels with the appropriate degree of confidentiality upon Staff’s request.

Staff Proposal 4 – Meter Testing

Update Parts 3 and 6 of the ruleset to reflect modern solid-state meters and technologies while considering the fact that electro-mechanical meters are nearing obsolescence but can still be found in utility company distribution systems. Staff proposes to identify electro-mechanical meter requirements that are separate and distinct from solid state meter requirements, where appropriate, to allow for the quick elimination of the electro-mechanical requirements once all such meters are replaced in Michigan.

Status: The Metering Subgroup is actively working to update Parts 3 and 6 as described above. Progress to date is reflected in the redline in Appendix B.

Response:

DTEE supports Staff's recommendation to revise Part 3 and 6 of the ruleset and the redlines developed through the Metering subgroup as reflected in Appendix B.

Staff Proposal 5 – Vegetation Management

Incorporate pre-trim customer notification and post-trim requirements into the vegetation management rule along with a requirement to provide safety and reliability through the implementation of a line clearance program. Staff also proposes quarterly reporting for vegetation management spending, including any deviations from Commission-approved spending levels.

Status: The proposed redline is provided in Appendix A and includes line clearing reporting requirements in Rule 460.3203(i). The proposed requirements for a line clearing program in Rule 460.3505 of Appendix A include 1) the addition of pre-trim notifications on a “best effort” basis, 2) a post-trim audit using a “statistically relevant representative audit,” and 3) the implementation of a line clearance program to “ensure safety and reliability.”

Response:

DTEE supports Staff's redlines regarding the addition of pre-trim notifications on a “best effort” basis, noting that this requirement only pertains to planned tree trimming. In addition, DTEE supports Staff's redlines regarding a post-trim audit using a “statistically relevant representative audit,” and the implementation of a line clearance program to “ensure safety and reliability.”

Staff Proposal 6 – Voltage Information

Staff proposes an additional reporting rule to permit the Commission to better understand how each utility company uses the information made available by meter infrastructure investments

Status: Staff recommends annual solid state meter reporting as reflected in Rule 460.3203(j) of Appendix A to better understand how utilities are currently using meter information in comparison to what the meter infrastructure is capable of obtaining and to stay informed of utility company plans to use the information in the future. The reporting will provide transparency on how utilities are collecting and utilizing the additional data collected and can assist the Commission in future recommendations. As advanced meter infrastructure installations reach maturity, utilities must leverage the benefits of AMI to improve operations beyond remote shut-offs and to enhance the customer experience.

Response:

DTEE supports Staff's recommendation in Rule 460.3203(j) regarding annual solid-state meter reporting, on forms suitable to the Commission, that shows the following:

- Information the meter infrastructure is capable of collecting.
- Information the utility is collecting from the meter infrastructure.

- Description of the utility's current use of the information collected.
- Description of the utility's future plans for information collection and use.

DTEE recommends adoption of use cases including "in use", "in development" and "future opportunities", to be provided to Staff in the annual solid meter reporting.

DTEE also provided some clarifying edits to R460.3702 on Standard nominal service voltage; limits; exceptions.

Staff Proposal 7 – Rule 411

Status: After careful consideration, Staff proposes that Rule 411 should remain unchanged.

Staff recommends retaining the existing language in Rule 411 and relying upon the extensive case law related to this rule to continue to allow for consistent interpretation of the rule. The current interpretation of "prospective" customer in Rule 460.3411(9) is aligned with the intent of Rule 411 – to avoid the unnecessary duplication of facilities – and Staff is not persuaded there is a need to broaden the interpretation of this term. Further, subrule (12) of Rule 411 (Rule 460.3411(12)) allows for a utility to waive its rights to serve a customer if another utility is willing and able to provide the required service. To the extent ABATE or other commenters propose revised language that narrowly targets specific, unique situations where an existing industrial customer should be treated like a prospective industrial customer, Staff will consider such comments in preparing its final report and draft ruleset to be submitted to the Commission in December.

Response:

DTEE supports Staff's recommendation to retain the existing language in Rule 411.

Staff Proposal 8 – Standard Frequency

Update the language by amending the second sentence of the rule which states: "The frequency shall be maintained within limits that will permit the satisfactory operation of customers' clocks which are connected to the system."

Status: The proposed redline is provided in Appendix A in Rule 460.3701.

Response:

DTEE recommends changing the word "defined" to "administrated" in Rule 460.3701 because the standard frequency is set by NERC and administrated by the RTO. In result, the rule would read as:

Rule 701. The standard frequency for alternating current systems shall be 60 hertz. The frequency shall be maintained within limits as administrated by the regional transmission organization.

Staff Proposal 9 – Cybersecurity Standards

Michigan utilities employ a broad array of systems, processes, controls, and policies to protect utility and customer information and assets. These disparate approaches reflect rapidly evolving threat, technological, and policy environments in the utility cybersecurity space. As such, Staff argues that any cybersecurity requirements put forward in the Technical Standards should provide sufficient flexibility to continue to make use of existing information technology and cybersecurity investments and policies while ensuring Michigan’s electric utilities continue to grow and maintain a comprehensive, risk-informed cybersecurity program.

Status: In light of the above, Staff proposes that a new rule requiring utilities to maintain a cybersecurity program, based on foundational best practices, be added to the Technical Standards. The proposed rule requires utilities to address information assurance and asset protection, incident response, electronic access control, software vulnerability mitigation, risks from suppliers and vendors, and other cybersecurity issues. The proposed rule would also require periodic cybersecurity exercises, training, and assessments to promote overall cybersecurity knowledge and preparedness. Lastly, it would require utilities to provide a document annually attesting to their compliance with the rule and that the attestation be signed by an official of the utility who is authorized to manage the operations of the cybersecurity program.

Status: The proposed redline is provided in Appendix A in Rule 460.3506.

Response:

DTEE supports Staff’s recommendation to adopt the new cybersecurity rules reflected in R 460.3506 that require utilities to develop, implement, and follow certain foundational cybersecurity practices.

Staff Proposal 10 – Security Reporting

During a comment period for the Technical Standards for Gas Service, the Retail Energy Supply Association noted that the terminology used in Rule 24, as originally drafted, could be interpreted as applying to certain non-utility gas providers, which, they argued, among other things, would go beyond the defined scope of the standards. The Commission agreed, finding that references to “gas provider” in Rule 24 should be replaced by the defined term “utility.” Staff contends that an analogous issue arises in Rule 205 of the Technical Standards for Electric Service, which uses the term “electric provider” that should therefore be replaced by the term “utility.”

Additionally, Rule 205 and Rule 24 require electric and gas utilities, respectively, to notify the Commission and the Michigan fusion center in advance if they experience an incident requiring public notification under Michigan’s Identity Theft Protection Act. The reference to this requirement in Rule 24 was modified by Staff during the rulemaking process for the Technical Standards for Gas Service, where the rule now ties to the statutorily defined term of “security breach” rather than to the compromise of “personal information.” Staff contends that this modification clarifies the requirement without altering its substance or intent. The Commission approved the modification to Rule 24, and Staff argues a similar modification should therefore be made to Rule 205.

Staff proposes to modify Rule 205 of the Technical Standards for Electric Service to reflect the two changes approved by the Commission regarding Rule 24, as discussed above. Staff argues that these

changes improve the clarity of Rule 205 and provides greater consistency across the gas and electric technical standards rulesets.

Status: The proposed redline is provided in Appendix A in Rule 460.3205

Response:

If the intent of the change from the term electric provider to utility in this rule was to exclude this rule from applying to non-utility electric providers, which are subject to the MPSC's licensing authority then the definition of utility contained in this rule should be amended to:

“Utility” means a firm, corporation, cooperative, association, or other legal entity that is subject to the rate regulation jurisdiction of the commission and that distributes, sells, or provides electric service.

The only effect of change to “security breach” is that this term is a statutorily defined whereas “personal information” is not.

**Section II – DTEE Comments and Mark-up’s on Staff Proposed Redlines:
Appendix A of the Staff initial report**

**Section III – DTEE Comments and Markups on Staff Proposed Redlines:
Appendix B of the Staff initial report**