

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)	
of the investigation into the response of)	
DTE ELECTRIC COMPANY)	Case No. U-20169
to recent storm damage in its service territory.)	
_____)	

At the May 17, 2018 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 AND NOTICE OF OPPORTUNITY TO COMMENT

On May 4, 2018, a severe wind storm, with gusts of 70 mph, hit southern lower Michigan, with its greatest intensity experienced in southeast Michigan. As a result, over 300,000 customers of DTE Electric Company (DTE Electric) lost electric power to their homes and businesses.¹ Streetlights in downtown Detroit were out for several hours, and the utility received numerous reports of downed trees and downed power lines. By May 7, 2018, several thousand DTE Electric customers were still without power and at least one fatality had been reported, occurring on

¹ This was not the first major outage event of this year. On April 15, 2018, the lower peninsula of Michigan experienced an ice storm that left approximately 400,000 homes and businesses in DTE Electric's service territory without power.

Detroit's east side and related to a hazard event that was first reported on May 4, 2018, and a downed wire that was reported on May 6, 2018.²

The Commission has conducted numerous investigations into weather-related events, one as recently as March of 2017, which also involved DTE Electric. *See*, Case No. U-18346; *see, e.g.*, Case No. U-17542; Case No. U-16462; Case No. U-15605; Case No. U-10908; and Case No. U-9916. Weather-related events are not uncommon in Michigan, and the effects of the May 4 storm cannot be dismissed as unique or unlikely to ever reoccur. But in addition to the obvious hazards presented by the weather, the Commission is concerned that parts of DTE Electric's distribution system are exhibiting an inability to routinely provide the level of safe and reliable service that is required by law. The Commission finds that an investigation is necessary to learn what happened to DTE Electric's system during and after this event and why it happened, how the utility responded, and whether changes should be implemented to reduce the potential for death, injury, and massive power outages. The investigation will also allow the Commission to make determinations, where necessary, regarding noncompliance and potential fines and penalties. MCL 460.55.

DTE Electric operates three different sizes of distribution systems – 4.8 kilovolt (kV), 8.3 kV, and 13.2 kV. The Commission is particularly concerned with the operation of the 4.8 kV system and the question of whether it presents unique hazards. In DTE Electric's Distribution Operations Five-Year (2018-2022) Investment and Maintenance Plan Final Report, filed January 31, 2018 in Case No. U-18014 (Distribution Report), the utility states "Because the 4.8 kV system is an

² Mich Admin Code, R 460.3804 requires a utility to "promptly notify the commission of fatalities and serious injuries that are substantially related to the facilities or operations of the facilities." As of the date of this order, DTE Electric has not provided written notification to the Commission regarding this fatality.

ungrounded delta configuration, single phase downed wires do not produce fault currents that are large enough to trip protection devices such as substation breakers.” Distribution Report, p. 153. This means that downed wires on this part of the system continue to be energized after they are on the ground. DTE Electric reports that, while the 4.8 kV system covers only about 33% of the utility’s total circuit miles, that system accounts for about 62% of wire down events. Distribution Report, p. 148. Much of the city of Detroit is served by the 4.8 kV system. Distribution Report, p. 28.

DTE Electric is allowed by law to apply to the Commission for recovery of the costs associated with general maintenance and upgrade of their distribution facilities, which includes activities such as tree trimming and line clearance, through the rate case process. These costs, once approved by the Commission, are paid by ratepayers. The Commission has an obligation to ensure that DTE Electric is using these ratepayer-supplied funds to provide customers with safe service, to protect the public from hazardous downed power lines, and to promptly respond to and restore power to customers suffering from outages. Funds should be appropriately targeted to mitigate safety risks in the utility’s service territory.

While the frequency, severity, and duration of weather-related outages are a concern, the Commission finds that this investigation must focus on the issue of safety, and whether system maintenance, or lack thereof, is contributing to safety hazards and problems. The Commission is empowered to investigate the methods employed by utilities to transmit and supply electricity to customers, and to order improvements that are necessary to ensure the safety of the public and the utility’s employees. MCL 460.555. DTE Electric is subject to numerous regulations promulgated and enforced by the Commission addressing the safety of electric service, including rules located in Technical Standards for Electric Service, R 460.3101 *et seq.*, Electrical Supply and

Communication Lines and Associated Equipment rules, R 460.811 *et seq.*, and Service Quality and Reliability Standards for Electric Distribution Systems, R 460.701 *et seq.* These rules include the following:

- (1) R 460.3801 provides that “Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.”
- (2) R 460.3501 provides that “The electric plant of the utility shall be constructed, installed, maintained, and operated pursuant to accepted good engineering practice in the electric industry to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.”
- (3) R 460.3504 provides that “Each utility shall adopt a program of inspection of its electric plant to ensure safe and reliable operation. The frequency of the various inspections shall be based on the utility's experience and accepted good practice. Each utility shall keep sufficient records to verify compliance with its inspection program.”
- (4) R 460.721 provides that “An electric utility shall plan to operate and maintain its distribution system in a manner that will permit it to provide service to its customers without experiencing an unacceptable level of performance as defined by these rules.” An unacceptable level of performance is defined in R 460.722-460.724. R 460.723(1) provides that “It is an unacceptable level of performance for an electric utility to fail to respond to a request for relief of a non-utility employee guarded downed wire at a location in a metropolitan statistical area within 240 minutes after notification at least 90% of the time under all conditions.”
- (5) R 460.3502 and 460.813 require utilities to apply the standards of accepted good practice as adopted in the National Electrical Safety Code, 2017 edition (ANSI-C2-2017) (NESC). The NESC pertains to the inspection and tests of line and equipment when in service and when out of service. NESC Rule 214.A.5.a addresses the correction of lines that are in service. It provides that “Lines and equipment with recorded conditions or defects that would reasonably be expected to endanger life or property shall be promptly corrected, disconnected, or isolated.”

Additionally, the Commission notes that utilities adopt their own internal protocols for dealing with safety issues, including special programs to protect downed wires and downed trees.

DTE Electric is directed to file a report in this docket no later than 5:00 p.m. on June 29, 2018.

The report shall detail the performance of DTE Electric’s system during and after the May 4

windstorm event, including why outages occurred, how the utility responded, and whether changes should be implemented to reduce the potential for massive power outages, injury, or death. The report shall also provide a detailed examination of the utility's ongoing efforts to ensure compliance with the regulations listed above. The report shall also include a description of DTE Electric's internal safety protocols, and an analysis of compliance with those protocols. The Commission is particularly interested in whether DTE Electric is in compliance with these rules and protocols on a daily basis, and whether the utility experiences a comparable degree of compliance across all geographic areas of its distribution system.

No later than 5:00 p.m. on August 10, 2018, the Commission Staff (Staff) is directed to file an evaluation of DTE Electric's report. The Staff shall carefully examine the factual basis for assertions in the report, and the strength of the analysis and information provided by the company. The Staff's report shall include an analysis and recommendations, where necessary, regarding: (1) potential violations; (2) improvements to DTE Electric's method of transmitting and supplying electricity; (3) the strength and effectiveness of DTE Electric's procedures addressing downed wires (both regulatory and internal); and (4) the degree of adherence to the program of inspection required under the Commission's rules.

All interested persons are invited to file comments on DTE Electric's report and/or the Staff's report. The comments should reference Case No. U-20169 and must be received no later than 5:00 p.m. on September 7, 2018. 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 Commission 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 will be filed in Case No. U-20169.

The Commission will thereafter examine the compliance and enforcement issues presented by the reports.

THEREFORE, IT IS ORDERED that:

A. DTE Electric Company shall file a report in this docket, as outlined in this order, no later than 5:00 p.m. on June 29, 2018.

B. The Commission Staff shall file a report in this docket, as outlined in this order, no later than 5:00 p.m. on August 10, 2018.

C. Interested persons are invited to file comments on the reports in this docket. To be considered, all comments must be received at the Commission no later than 5:00 p.m. on September 7, 2018, and should reference Case No. U-20169.

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

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

By its action of May 17, 2018.

Norman J. Saari, Commissioner

Kavita Kale, Executive Secretary

Rachael A. Eubanks, Commissioner

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-20169

County of Ingham)

Lisa Felice being duly sworn, deposes and says that on May 17, 2018 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).



Lisa Felice

Subscribed and sworn to before me
This 17th day of May 2018



Tina L. Bibbs
Notary Public, Clinton County, Michigan
As acting in Eaton County
My Commission Expires: November 13, 2021

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