

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,)	
regarding the regulatory reviews, revisions,)	
determinations, and/or approvals necessary for)	Case No. U-20373
DTE ELECTRIC COMPANY to fully comply)	
with Public Act 295 of 2008, as amended by)	
Public Act 342 of 2016.)	
_____)	

At the September 10, 2020 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Sally A. Talberg, Commissioner
Hon. Tremaine L. Phillips, Commissioner

ORDER APPROVING SETTLEMENT AGREEMENT

On July 1, 2019, DTE Electric Company (DTE Electric) filed its application, with supporting testimony and exhibits, requesting approval of its energy waste reduction (EWR) plan and authority to implement EWR surcharges. On March 5, 2020, the Commission issued an order approving a settlement agreement and DTE Electric's 2020-2021 EWR plan.

On June 1, 2020, DTE Electric filed an application to amend its 2020-2021 EWR plan, with supporting testimony and exhibits, pursuant to MCL 460.1073(4). A prehearing conference was held on July 9, 2020, before Administrative Law Judge Sharon L. Feldman. DTE Electric, the Commission Staff, the Natural Resources Defense Council, Inc., the National Housing Trust, the Sierra Club, the Ecology Center Inc., Ecoworks, and Soulardarity participated in the proceeding.

On August 20, 2020, the parties filed a settlement agreement, attached to this order as Exhibit A, resolving all issues in the case.

The Commission has reviewed the August 20, 2020 settlement agreement and finds that the public interest is adequately represented by the parties who entered into the settlement agreement. The Commission further finds that the August 20, 2020 settlement agreement is in the public interest, represents a fair and reasonable resolution of the proceeding, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The August 20, 2020 settlement agreement, attached as Exhibit A, is approved.
- B. Within 30 days, DTE Electric Company shall file tariff sheets consistent with this order and the settlement agreement.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to 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 pungpl@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

Daniel C. Scripps, Chair

Sally A. Talberg, Commissioner

Tremaine L. Phillips, Commissioner

By its action of September 10, 2020.

Lisa Felice, Executive Secretary

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own)
motion, regarding the regulatory reviews,)
revisions, determinations, and/or approvals)
necessary for **DTE ELECTRIC**)
COMPANY to fully comply with Public)
Act 295 of 2008, as amended by Public Act)
Act 342 of 2016)

Case No. U-20373
(Reopened)

STIPULATION AND SETTLEMENT AGREEMENT

Pursuant to Section 78 of the Administrative Procedures Act of 1969 ("APA"), as amended, MCL 24.278 and Rule 333 of the Rules of Practice and Procedure before the Michigan Public Service Commission ("MPSC" or "Commission"), the undersigned parties agree as follows:

WHEREAS, this Stipulation and Settlement Agreement ("Settlement Agreement") between DTE Electric Company ("DTE Electric" or "Company"), Natural Resources Defense Council ("NRDC"), National Housing Trust ("NHT"), Sierra Club, the Ecology Center, Ecoworks, Soulardarity, and the Michigan Public Service Commission Staff ("Commission Staff"), (collectively, the "Parties") is intended by the Parties as a final settlement and satisfaction of all issues before the Commission in DTE's Electric's Amended Energy Waste Reduction Plan ("Amended EWR Plan") filed on June 1, 2020.

WHEREAS, the Commission previously approved a settlement agreement on March 5, 2020 ("March 2020 Settlement Agreement"), filed by the Parties in the above-captioned case.

WHEREAS, the Commission approved DTE Electric's Integrated Resource Plan ("IRP") on April 15, 2020 ("IRP Order") with the following revisions: an EWR level of 1.75% for 2020, prorated based on the date of the final order in the company's revised EWR plan case, and 2.0%

for 2021, assuming DTE Electric receives a final order in its upcoming revised EWR plan before January 1, 2021.

WHEREAS, DTE Electric filed its application on June 1, 2020, with supporting testimony and exhibits requesting approval of its amended two-year EWR Plan pursuant to the Commission's IRP Order and MCL 460.1073(4).

WHEREAS, on June 10, 2020, the Commission directed DTE Electric to publish a notice of hearing in newspapers of general circulation in DTE Electric's service territory. A prehearing conference was conducted on July 9, 2020 at which a procedural schedule was adopted, and the Commission Staff, NRDC, NHT, Sierra Club, the Ecology Center, Ecoworks, Soulardarity, and DTE Electric appeared as the parties participating in this case.

WHEREAS, the Parties have agreed to enter into a full settlement of this case, and request that the Commission enter an order accepting and approving DTE Electric's Amended EWR Plan subject to the modifications as set forth in this agreement.

NOW THEREFORE, for purposes of settlement of Case No. U-20373, the Parties agree as follows:

1. The Commission Staff has fully reviewed the amended plan, filed testimony in support of the amended plan as filed, and agrees the minor changes as presented here within this settlement will enhance and improve the quality of the Company's EWR plan portfolio and provide for greater benefit to their customers through the proposed increased EWR.

2. The Parties agree that the Company's filed 2020-2021 Amended EWR Plan should be approved in its entirety except as modified by this Settlement Agreement and Attachment A.

3. The terms of the March 2020 Settlement Agreement remain in effect to the extent its terms are not in conflict with the terms of this Settlement Agreement. If there is any conflict

between any term of the March 2020 Settlement Agreement and this Settlement Agreement, then the terms of this Settlement Agreement shall control and supersede the conflicting term of the March 2020 Settlement Agreement.

4. The Parties agree that in regard to Light Emitting Diodes Net-to-Gros, DTE Electric will apply in 2021 a 0.54 Net-to-Gross (“NTG”) ratio for Standard Light Emitting Diodes (“LED”) and 0.67 NTG ratio for Reflector LEDs in the Residential ENERGY STAR® Products Program.

5. The Parties agree that DTE Electric will begin to charge the Amended 2020-2021 EWR surcharges set forth in Attachment A to this Settlement Agreement. These surcharges include the amended plan component plus the approved performance incentive component approved in Case No. U-20366 (Order dated January 23, 2020). The Company will begin to charge these surcharges no earlier than with bills rendered on October 1, 2020. If the surcharges are implemented on bills rendered later than October 1, 2020, then they will be modified accordingly.

6. This Settlement Agreement is entered into for the sole and express purpose of reaching a compromise among the Parties. All offers of settlement and discussions relating to this Settlement Agreement are considered privileged under MRE 408. If the Commission approves this Settlement Agreement without modification, neither the Parties to this settlement nor the Commission shall make any reference to, or use this Settlement Agreement or the order approving it, as a reason, authority, rationale, or example for taking any action or position or making any subsequent decision in any other case or proceeding; provided however, such references may be made to enforce or implement the terms of the Settlement Agreement and the order approving it.

7. This Settlement Agreement is not severable. Each provision of this Settlement Agreement is dependent upon all other provisions of this Settlement Agreement, including the attachments. Failure to comply with any provision of this Settlement Agreement, including

commitments phrased in firm language (such as “shall” or “will”) in the attachments, constitutes failure to comply with the entire Settlement Agreement. If the Commission rejects or modifies this Settlement Agreement, this Settlement Agreement shall be deemed to be withdrawn, and shall not constitute any part of the record in this proceeding or be used for any other purpose, and shall not operate to prejudice the pre-negotiation positions of any party.

8. This Settlement Agreement is reasonable, in the public interest, and will reduce the time and expense of the Commission, its Staff, and the Parties.

9. The Parties agree to waive Section 81 of 1969 PA 306 (MCL 24.281), as it applies to the issues in this proceeding, if the Commission approves this Settlement Agreement without modification.

10. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

[Remainder of Page Left Intentionally Blank.]

DTE ELECTRIC COMPANY

By: **David S. Maquera**
David S. Maquera (P66228)
DTE Electric Company
One Energy Plaza, Detroit, MI 48226
(313) 235-3720

Digitally signed by David S. Maquera
Date: 2020.08.20 14:21:55
-04'00'

Dated: August 20, 2020

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By: **Benjamin J. Holwerda**
Spencer A. Sattler (P70524)
Benjamin J. Holwerda (P82110)
Assistant Attorney General
7109 West Saginaw Hwy, 3rd Fl
Lansing, MI 48917
(517) 241-6680

Digitally signed by Benjamin J. Holwerda
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Dated: August ____, 2020


NATURAL RESOURCES DEFENSE COUNCIL

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Christopher M. Bzdok (P53094)
Olson, Bzdok & Howard, P.C.
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NATIONAL HOUSING TRUST

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Dated: August ____, 2020

SIERRA CLUB

By: Chinyere Osuala Dated: August 19, 2020
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Associate Director, Environmental Justice and Community Partnerships
Sierra Club

Andrea Issod
Senior Attorney
Sierra Club Environmental Law Program
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THE ECOLOGY CENTER

By: _____ Dated: August _____, 2020
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SIERRA CLUB

By: _____ Dated: August ____, 2020
Sharonda C. Williams-Tack, Esq.
Associate Director, Environmental Justice and Community Partnerships
Sierra Club


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Dated: August ____, 2020

ECOWORKS

By: Nicholas Schroeck Dated: August 19, 2020
Nicholas Schroeck (P70888)
University of Detroit Mercy School of Law
651 E. Jefferson Ave.
Detroit, MI 48226

SOULARDARITY

By: Nicholas Schroeck Dated: August 19, 2020
Nicholas Schroeck (P70888)
University of Detroit Mercy School of Law
651 E. Jefferson Ave.
Detroit, MI 48226

ATTACHMENT A

Michigan Public Service Commission
DTE Electric Company
Amended 2020 - 2021 Energy Waste Reduction Plan
Settlement
Summary of Energy Waste Reduction Surcharges

Attachment A
Page 1 of 3

Line No.	Customer Class	(a)	(b)	(c)	(d)	(e)	Settlement (October 2020 - December 2021)		
							(f)	(g)	Total
				Base Surcharges (1)	As-Filed Incentive Surcharges (2)	Total Surcharges	Base Surcharge	Incentive Surcharges	Surcharges
1	Residential		All kWh	\$0.004047/kWh	\$0.000707/kWh	\$0.004754/kWh	\$0.004310/kWh	\$0.000707/kWh	\$0.005017/kWh
2									
3	Commercial Secondary:		0-850 kWh/month	\$2.46/meter/month	\$0.16/meter/month	\$2.62/meter/month	\$2.63/meter/month	\$0.16/meter/month	\$2.79/meter/month
4			851-1,650 kWh/month	\$14.66/meter/month	\$0.97/meter/month	\$15.63/meter/month	\$15.69/meter/month	\$0.97/meter/month	\$16.66/meter/month
5			Above 1,650 kWh/month	\$61.14/meter/month	\$4.03/meter/month	\$65.17/meter/month	\$65.38/meter/month	\$4.03/meter/month	\$69.41/meter/month
6									
7									
8	Customers with Self-Directing Plans		0-850 kWh/month	\$0.52/meter/month	\$0.00/meter/month	\$0.52/meter/month	\$0.55/meter/month	\$0.00/meter/month	\$0.55/meter/month
9			851-1,650 kWh/month	\$2.93/meter/month	\$0.00/meter/month	\$2.93/meter/month	\$3.14/meter/month	\$0.00/meter/month	\$3.14/meter/month
10			Above 1,650 kWh/month	\$12.89/meter/month	\$0.00/meter/month	\$12.89/meter/month	\$13.78/meter/month	\$0.00/meter/month	\$13.78/meter/month
11									
12									
13	Commercial & Industrial Primary:		0-11,500 kWh/month	\$89.85/meter/month	\$13.48/meter/month	\$103.33/meter/month	\$96.93/meter/month	\$13.48/meter/month	\$110.41/meter/month
14			Above 11,500 kWh/month	\$953.55/meter/month	\$141.24/meter/month	\$1,094.79/meter/month	\$1,020.41/meter/month	\$141.24/meter/month	\$1,161.65/meter/month
15									
16									
17	Customers with Self-Directing Plans		0-11,500 kWh/month	\$10.85/meter/month	\$0.00/meter/month	\$10.85/meter/month	\$11.58/meter/month	\$0.00/meter/month	\$11.58/meter/month
18			Above 11,500 kWh/month	\$111.16/meter/month	\$0.00/meter/month	\$111.16/meter/month	\$118.95/meter/month	\$0.00/meter/month	\$118.95/meter/month
19									

(1) Exhibit A-22, Page 1 of 5

(2) U-20366, Exhibit A-26, page 1. (Approved 1/23/2020)

(Continued from Sheet No. C-67.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE (Contd.)

C9.6 Energy Waste Reduction Surcharge (EWRs)

On June 2, 2009, in Case No. U-15806, the MPSC authorized the implementation of an Energy Optimization Surcharge (EOS) for electric customers in accordance with the Clean, Renewable, and Energy Efficiency Act, PA295 of 2008. In compliance with PA 342 of 2016, the surcharge has been renamed as the Energy Waste Reduction (EWR) Surcharge. The EWR will be used to fund energy efficiency programs for DTE Electric customers. The EWR rates approved by the MPSC on _____, **2020 in Case No. U-20373 Amended** will be effective as of **October 1, 2020**. The total EWRs for all residential customers is \$0.005017 per kWh. The EWRs for all metered Commercial, Industrial, and Governmental customers is a per meter, per month charge which is based on the total monthly energy consumption by rate as shown in the table below.

<u>Voltage</u>	<u>Monthly Consumption</u>	Customers Without Self Directed Plans Energy Waste Reduction <u>Surcharge</u>	Customers With Self Directed Plans Energy Waste Reduction <u>Surcharge</u>
Secondary	0 – 850 kWh	\$2.79/meter/month	\$0.55/meter/month
Secondary	851 – 1,650 kWh	\$16.66/meter/month	\$3.14/meter/month
Secondary	Above 1,650 kWh	\$69.41/meter/month	\$13.78/meter/month
Primary	0 – 11,500 kWh	\$110.41/meter/month	\$11.58/meter/month
Primary	Above 11,500 kWh	\$1,161.65/meter/month	\$118.95/meter/month

C9.7.6 HOLD FOR FUTURE USE

(Continued on Sheet No. C-69.00)

Issued March 6, 2020
C. Serno
Vice President
Regulatory Affairs
Detroit, Michigan

Effective for bills rendered on
and after March 6, 2020

Issued under authority of the
Michigan Public Service Commission
dated March 5, 2020
in Case No. U-20373

(Continued from Sheet No. C-69.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE: (Contd.)

C9.8 Summary of Surcharges and Credits: Summary of surcharges and credits, pursuant to sub-rules C9.1, C9.2, C9.6, C9.7.9, C9.7.10, C9.7.11, C9.7.12 and C9.7.13. Cents per kilowatthour or percent of base bill, unless otherwise noted.

	NS ¢/kWh	EWRS ¢/kWh	Total Delivery Surcharges ¢/kWh	LIEAF Factor \$/Billing Meter
Residential				
D1 Residential	0.0842	0.5017	0.5859	\$0.91
D1.1 Int. Space Conditioning	0.0842	0.5017	0.5859	N/A
D1.2 Time of Day	0.0842	0.5017	0.5859	\$0.91
D1.6 Special Low Income Pilot	0.0842	0.5017	0.5859	\$0.91
D1.7 Geothermal Time-of-Day	0.0842	0.5017	0.5859	N/A
D1.8 Dynamic Peak Pricing	0.0842	0.5017	0.5859	\$0.91
D1.9 Electric Vehicle	0.0842	0.5017	0.5859	N/A
D2 Space Heating	0.0842	0.5017	0.5859	\$0.91
D5 Wtr Htg	0.0842	0.5017	0.5859	N/A
D9 Outdoor Lighting	0.0842	0.5017	0.5859	N/A
Commercial				
D1.1 Int. Space Conditioning	0.0842	See C9.6		\$0.91
D1.7 Geothermal Time -of- day	0.0842	See C9.6		\$0.91
D1.8 Dynamic Peak Pricing	0.0842	See C9.6		\$0.91
D1.9 Electric Vehicle	0.0842	See C9.6		\$0.91
D3 General Service	0.0842	See C9.6		\$0.91
D3.1 Unmetered	0.0842	See C9.6		N/A
D3.2 Educ. Inst.	0.0842	See C9.6		\$0.91
D3.3 Interruptible	0.0842	See C9.6		\$0.91
D4 Large General Service	0.0842	See C9.6		\$0.91
D5 Wtr Htg	0.0842	See C9.6		\$0.91
D9 Outdoor Lighting	0.0842	See C9.6		N/A
R3 Standby Secondary	0.0842	See C9.6		\$0.91
R7 Greenhouse Lighting	0.0842	See C9.6		\$0.91
R8 Space Conditioning	0.0842	See C9.6		\$0.91
Industrial				
D6.2 Educ. Inst.	0.0842	See C9.6		\$0.91
D8 Interruptible Primary	0.0842	See C9.6		\$0.91
D10 Schools	0.0842	See C9.6		\$0.91
D11 Primary Supply	0.0842	See C9.6		\$0.91
R1.1 Metal Melting	0.0842	See C9.6		\$0.91
R1.2 Electric Process Heating	0.0842	See C9.6		\$0.91
R3 Standby Primary	0.0842	See C9.6		\$0.91
R10 Interruptible Supply	0.0842	See C9.6		\$0.91

(Continued on Sheet No. C-71.00)


PROOF OF SERVICE

STATE OF MICHIGAN)

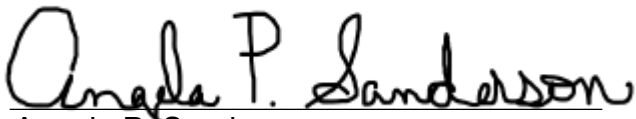
Case No. U-20373

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on September 10, 2020 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 10th day of September 2020.



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

Service List for Case: U-20373

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Cloverland
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Village of Baraga
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Tri-County Electric Co-Op
Citizens Gas Fuel Company
Consumers Energy Company
SEMCO Energy Gas Company
Superior Energy Company
WEC Energy Group
Upper Peninsula Power Company
Midwest Energy Coop
Midwest Energy Coop
Alger Delta Cooperative
Cherryland Electric Cooperative
Great Lakes Energy Cooperative
Great Lakes Energy Cooperative
Stephenson Utilities Department
Ontonagon County Rural Elec
Presque Isle Electric & Gas Cooperative, INC
Thumb Electric
Bishop Energy
AEP Energy
CMS Energy
Just Energy Solutions
Constellation Energy
Constellation Energy
Constellation New Energy
DTE Energy
First Energy
My Choice Energy
Calpine Energy Solutions
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Alpena Power

Liberty Power

Wabash Valley Power

Wolverine Power

Lowell S.

Realgy Energy Services

Volunteer Energy Services

Hillsdale Board of Public Utilities

Michigan Gas Utilities/Upper Penn Power/Wisconsin

Direct Energy

Direct Energy

Direct Energy

Direct Energy

Realgy Corp.

Katie Abraham, MMEA

Indiana Michigan Power Company

Santana Energy

MEGA

MEGA

ITC Holdings

Dickinson Wright

Xcel Energy

Matthew Peck

Consumers Energy

MidAmerican Energy Services, LLC

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