



Legislation Details (With Text)

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**Title:** Resolution to Approve the Stipulation and Settlement Agreement in Michigan Public Service Commission Case No. U-21376 Regarding DTE’s Distributed Generation Tariff Options

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. U-21376- UPDATED-FINAL Draft Settlement Agreement 10.12.23.pdf, 2. U-21376 FINAL Settlement Agreement - Attachment A Reporting Template 10.12.23.pdf

Date	Ver.	Action By	Action	Result
11/6/2023	1	City Council	Approved	Pass

Resolution to Approve the Stipulation and Settlement Agreement in Michigan Public Service Commission Case No. U-21376 Regarding DTE’s Distributed Generation Tariff Options

The attached resolution seeks approval of the Stipulation and Settlement Agreement in the Michigan Public Service Commission (“MPSC”) Case No. U-21376. That case was intended to determine what payments DTE would make to customers with rooftop solar or other distributed generation (“DG”) systems when the “cap” for the current tariff (Rider 18) was reached. At the time this case was filed DTE intended to cap participation in its DG program at 1% of its average in-state peak load for the preceding 5 calendar years, consistent with MCL 460.1173(3). The City intervened to represent the interests of residents with DG systems to ensure they were fairly compensated once the 1% DG cap was reached.

Since then, DTE has agreed to voluntarily increase its DG cap to 6% of its average in-state peak load for the preceding 5 calendar years as part of a settlement agreement in MPSC Case No. U-21193 (DTE’s Integrated Resource Plan). As a result of this increase, DTE is not expected to reach its DG cap for several years. Thus, there is no immediate need to determine tariff options for customers with DG systems because they will continue to be connected under Rider 18 at least until the new 6% cap is reached.

Among other things, the Stipulation and Settlement Agreement:

1. Dismisses Case No. U-21376;
2. Directs DTE to refile a DG case when the installed DG capacity reaches 90% of the prevailing cap;
3. Directs DTE to continue connecting DG systems even if the prevailing DG cap is reached until the refiled case is resolved for a period of up to 12 months after the refiled case is resolved; and
4. Directs DTE to file annual reports with updated data on DG systems, including remaining available capacity.

MPSC Staff and all other intervening parties in Case No. U-21376 have expressed their intention to sign the Stipulation and Settlement Agreement.

Prepared by: Valerie Jackson, Counsel to the City of Ann Arbor

Reviewed by: Atleen Kaur, City Attorney

Missy Stults, Sustainability and Innovations Director

Approved by: Milton Dohoney Jr., City Administrator

Whereas, The City intervened in MPSC Case No. U-21376 to represent the interests of residents with DG systems once DTE reached its 1% DG cap and intended to no longer connect DG systems under Rider 18;

Whereas, Pursuant to a settlement agreement in MPSC Case No. U-21193, DTE agreed to voluntarily increase its DG cap to 6%;

Whereas, DTE is not expected to reach its new 6% DG cap for several years;

Whereas, There is no longer an immediate need to determine tariff options for customers with DG systems because DTE will continue connecting customers with DG systems under Rider 18 at least until the 6% DG cap is reached;

Whereas, The Stipulation and Settlement Agreement includes a provision requiring this matter to be refiled at such a time when there is an immediate need to determine tariff options for customers with DG systems;

Whereas, The Stipulation and Settlement Agreement includes a provision to continue connecting customers with DG systems under Rider 18 for up to a year after the refiling; and

Whereas, The City may intervene to represent the interests of its residents with DG systems in the refiled case;

RESOLVED, That City Council approve the attached Stipulation and Settlement Agreement in Michigan Public Service Commission Case No. U-21376;

RESOLVED, That the Mayor, Clerk, City Administrator, City Attorney, and the City's outside legal counsel, Rivenoak Law Group, P.C., be authorized to execute such settlement documents and take such other actions as are consistent with the purposes of this resolution; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution.