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June 19, 2020

Ms. Lisa Felice  
Executive Secretary  
Michigan Public Service Commission  
7109 W. Saginaw Hwy.  
Lansing, MI 48917

RE: MPSC Docket No. U-20650

Dear Ms. Felice:

Attached herewith for filing in the above-referenced matter, please find the *Initial Brief of Retail Energy Supply Association* and Certificate of Service of same.

If you have any questions, please feel free to contact my office. Thank you.

Very truly yours,

**Fraser Trebilcock Davis & Dunlap, P.C.**



Jennifer Utter Heston

JUH/ab  
Attachments  
cc: All counsel of record

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of )  
**CONSUMERS ENERGY COMPANY** for )  
authority to increase its rates for the )  
distribution of natural gas and for other )  
relief )  
\_\_\_\_\_ )

Case No. U-20650

INITIAL BRIEF OF  
RETAIL ENERGY SUPPLY ASSOCIATION

Dated: June 19, 2020

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NOW COMES the Retail Energy Supply Association (“RESA”)<sup>1</sup>, by and through its attorneys, Fraser Trebilcock Davis & Dunlap, P.C., and pursuant to the schedule adopted by Administrative Law Judge Jonathan Thoits (“ALJ”), hereby respectfully submits this Initial Brief on Consumers Energy Company’s (“Consumers”) application for authority to increase its rates for the distribution of natural gas and for other relief.

**I. INTRODUCTION.**

RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient customer-oriented outcome than a regulated utility structure. RESA members are licensed to sell natural gas to retail customers in Michigan as Alternative Gas Suppliers (“AGSs”), including to customers in Consumers’ gas customer choice (“GCC”) program. RESA members also serve customers as part of Consumers’ End Use Transportation (“EUT”) program. As a result, RESA is keenly interested in the rates, terms and conditions of Consumers’ GCC and EUT programs approved by the Commission.

On December 16, 2019, Consumers filed its application, testimony and exhibits in this proceeding requesting authority to increase its natural gas rates by approximately \$245 million, and to implement new natural gas demand response pilot programs. Consumers also proposes changes to its EUT service tariff. As part of its EUT tariff amendments, Consumers seeks to change its gas quality requirements, decrease the percentage of unaccounted for gas from 2.24% to 2.12%, and provide a new 2% Authorized Tolerance Level for Rate XXLT customers.

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

In connection with this proceeding, RESA presented testimony of two expert witnesses, Ms. Bethany Allen and Mr. Geoffrey Rittimann. Ms. Allen is employed by Interstate Gas Supply, Inc. (“IGS”), a licensed AGS in Michigan, as Regulatory Counsel.<sup>2</sup> Ms. Allen earned a law degree from Capital University Law School, and began her career in utility regulation with the Public Utilities Commission of Ohio (“PUCO”) where she served as an aide to PUCO Chairman Asim Z. Haque.<sup>3</sup> Ms. Allen is responsible for monitoring energy policy in Michigan and California and representing IGS in proceedings before the PUCO. Ms. Allen also serves as Chair of the Michigan Natural Gas Committee for RESA.<sup>4</sup>

Ms. Allen reviewed Consumers’ filings in this proceeding and made three recommendations with respect to Consumers’ new natural gas demand response (“DR”) proposals. Ms. Allen observed that Consumers included \$4 million in its operations and maintenance (“O&M”) expenses and \$0.5 million in capital expenses in this case to fund natural gas DR pilot programs for the 2020/2021 winter season.<sup>5</sup> Ms. Allen further observed that Consumers did not provide any details concerning its new pilot programs, including whether GCC or EUT customers will be allowed to participate.<sup>6</sup> Ms. Allen recommends that the Commission should direct Consumers to do the following: 1) engage in open collaborative discussions with a wide variety of interested stakeholders, such as the MPSC Staff, customer groups, and gas suppliers, on DR program design; 2) include GCC and EUT customers in the natural gas DR pilot programs; and 3) file proposed DR program tariffs with the Commission

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<sup>2</sup> 3 Tr. 301.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> 3 Tr. 302.

<sup>6</sup> 3 Tr. 304.

for public comment and Commission review and approval prior to DR program implementation.<sup>7</sup> Ms. Allen's recommendations are unopposed.

Mr. Rittimann is employed by Constellation NewEnergy ("Constellation") as a Mass Markets Operations Analyst.<sup>8</sup> Mr. Rittimann is currently responsible for managing the entire order to cash flow process for both Constellation's retail power and natural gas customers, including customers in Michigan.<sup>9</sup>

Mr. Rittimann reviewed Consumers' rate filings and made recommendations with respect to Consumers' GCC and EUT program tariffs. Mr. Rittimann described customer data issues with Consumers with no viable opportunity to have those concerns be heard by the Commission. Mr. Rittimann recommends that the Commission order Consumers to amend its GCC and EUT program tariffs to require Consumers to provide accurate and timely customer data to suppliers monthly. With such tariff amendments, if Consumers fails to provide accurate and timely customer data to suppliers in the future, then suppliers could raise data concerns and pursue remedies with the Commission as tariff violations.

For the reasons stated further below, the Commission should adopt RESA's recommendations.

**II. THE COMMISSION SHOULD ADOPT RESA'S RECOMMENDATIONS WITH RESPECT TO CONSUMERS' PROPOSED NATURAL GAS DEMAND RESPONSE PROGRAMS.**

In its Application in this proceeding, Consumers includes \$4 million in O&M expenses and \$0.5 million in capital expenses to fund natural gas DR pilot programs that it proposes to implement for the 2020/2021 winter season. Consumers' proposal is in response to the

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<sup>7</sup> 3 Tr. 306.

<sup>8</sup> 3 Tr. 308.

<sup>9</sup> *Id.*

Commission's order issued in Case No. U-20464 directing the Commission Staff to work with the utilities to propose natural gas DR tariffs in the utilities' next gas rate cases filed after September 11, 2019. Consumers filed its Application in this case on December 16, 2019. Consumers, however, did not include any DR program tariffs or form contracts in its filing. Consumers indicated that the terms and conditions of the proposed DR programs are under development.<sup>10</sup>

RESA's witness Ms. Allen has several concerns with Consumers' DR program proposals. Ms. Allen testified:

Consumers is seeking recovery of an estimated \$4 million in demand response O&M expense and \$0.5 million in capital without providing program details. Absent program details, it is not possible to determine whether the proposed programs are prudent and proposed costs are reasonable.

Additionally, to date, RESA has not been consulted on any demand response program proposals, including gas supplier communication and coordination protocols, nor invited to provide input on any program designs. RESA's members serve a substantial number of Consumers' customers both in terms of numbers of customers and throughput. RESA should be afforded an opportunity to provide input on any demand response program proposals before being approved for implementation.

Further, it is important that any demand response programs do not discriminate against GCC customers and EUT customers. If GCC and EUT customers are paying for Consumers' demand response programs, then they should be able to participate. Conversely, if GCC and EUT customer cannot participate in Consumers' demand response programs, then they should not be required to pay for the costs of the programs.

Finally, an effective implementation of demand response programs for GCC and EUT customers is going to require good communication between the utility, the customers, and their suppliers to avoid system imbalances. If a customer is engaging in demand response, the customer's supplier must be kept informed to avoid over-deliveries. An effectively designed program must

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<sup>10</sup> Exhibit RES-1 (BAL-1).

include adequate notice to suppliers of the demand response directives and timely and accurate customer usage information.<sup>11</sup>

Because the Commission specifically directed natural gas utilities to propose DR programs, RESA is not opposing the implementation of DR pilot programs for Consumers. Any such programs, however, should be designed to accommodate GCC and EUT customers and coordination with gas suppliers is essential. In response to discovery, Consumers indicated that it was evaluating the feasibility of including GCC and EUT customers in the DR pilot programs but did not commit to including such customers.<sup>12</sup> Consumers was also unable to describe how Consumers intends to coordinate its DR programs with AGSs.<sup>13</sup> Clear communication protocols with AGSs are necessary to ensure successful DR implementation.

To address RESA's concerns, Ms. Allen made three recommendations. First, she recommends that the Commission direct Consumers to engage in collaborative discussions on DR program design with a wide variety of interested stakeholders, including MPSC Staff, customer groups, and gas suppliers who will be impacted by any DR programs.<sup>14</sup> Second, Ms. Allen recommends that the Commission direct Consumers to make the DR pilot programs available to GCC and EUT customers.<sup>15</sup> As proposed GCC and EUT customers will contribute towards the cost recovery of such programs,<sup>16</sup> so they should be able to participate on a non-discriminatory basis. Third, Ms. Allen recommends that the Commission direct Consumers to submit DR program tariffs to the Commission for review and approval.<sup>17</sup> Interested parties should be afforded an opportunity to comment on any proposed DR programs prior to approval

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<sup>11</sup> 3 Tr. 305, ln 6 – 306, ln. 4 (internal citations omitted).

<sup>12</sup> See, Exhibits RES-2 (BAL-2) and RES-3 (BAL-3) & 3 Tr 1611.

<sup>13</sup> See., Exhibit RES-5 (BAL-5).

<sup>14</sup> 3 Tr. 306.

<sup>15</sup> *Id.*

<sup>16</sup> See, Exhibit RES-4 (BAL-4).

<sup>17</sup> *Id.*



and implementation. Successful DR program implementation will require good communication with customers and the suppliers who serve them.

Consumers briefly responded to RESA's DR concerns in the rebuttal testimony of its witness Steven Q. McLean.<sup>18</sup> Mr. Mclean testified that, "The Company has investigated the opportunities for GCC and EUT customers to participate in the proposed Gas DR pilots and has found no reason to preclude GCC and EUT customers from participation."<sup>19</sup> Consumers further agrees that communication with suppliers is important and states that "the Company will be evaluating communication approaches as part of the pilot."<sup>20</sup> Communication protocols need to be developed prior to pilot implementation and with input from customers and AGSs.

Mr. McLean also testifies that Consumers "is open to collaborating with interested Commercial and Industrial ("C&I") participants on the development of contractual language."<sup>21</sup> Consumers makes no mention of its willingness to collaborate with any entity other than C&I customers, such as AGSs or the MPSC Staff. Consumers also does not address its willingness to collaborate on any aspects of the pilot DR programs apart from contracts with C&I customers, such as GCC and EUT program design.

In its rebuttal testimony, the MPSC Staff concurred that DR programs should be offered to all customers.<sup>22</sup> The MPSC Staff also concurred that good communication between the utility, the customers, and gas suppliers for GCC and EUT customers "is vital to the success of DR programs for those customers."<sup>23</sup> The MPSC Staff did not disagree with any of RESA's

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<sup>18</sup> 3 Tr. 1611.

<sup>19</sup> *Id.*, ln. 13-15.

<sup>20</sup> *Id.*, ln. 17-18.

<sup>21</sup> *Id.*, ln. 18-19.

<sup>22</sup> 4 Tr. 2371-2372.

<sup>23</sup> 4 Tr. 2372, ln. 2-3.

recommendations.<sup>24</sup> In fact, no party expressly opposed RESA's DR recommendations. RESA's DR recommendations should be approved.

**III. THE COMMISSION SHOULD ADOPT RESA'S RECOMMENDATIONS WITH RESPECT TO CONSUMERS' GCC AND EUT TARIFF AMENDMENTS.**

RESA's witness Mr. Rittimann filed testimony recommending tariff changes to Consumers' GCC and EUT programs that would ensure the provision of accurate, timely and reliable usage data by Consumers to gas suppliers. Mr. Rittimann described the difficulties gas suppliers experienced obtaining from Consumers customer consumption data needed to serve GCC and EUT customers. The tariff amendments would provide suppliers with an opportunity to have their concerns be heard by the Commission if data access issues arise again in the future. Only Consumers opposes RESA's tariff proposals, and Consumers' reasons for its stated opposition are without merit. The Commission should adopt RESA's proposals.

Timely access to customer consumption data is necessary for gas suppliers to provide quality service to customers, yet gas suppliers have experienced problems obtaining such data from Consumers. RESA's witness Mr. Rittimann explained why access to customer data is necessary for the GCC and EUT programs to function:

Suppliers with customers in the GCC and EUT programs are reliant on Consumers to read those customer meters, bill supplier commodity charges on the Consumers invoices of GCC customers, and provide usage information to the supplier so that it can put invoice transaction information into its systems consistent with what was billed by the utility. When usage data is not sent to suppliers in an accurate, timely and reliable manner, suppliers have an extremely difficult job providing excellent customer service to their GCC and EUT customers. When usage data is delayed to a supplier, if any of the supplier's customers have a question related to their invoice, the

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<sup>24</sup> Staff did take exception with Ms. Allen's comment that if GCC and EUT customers cannot participate in the DR programs, then they should not have to pay for the programs. 4 Tr. 2372. Because no party opposes GCC and EUT customer participation in Consumers' DR programs, the issue of cost recovery from GCC and EUT customers appears moot.

supplier's customer care representatives are unable to view the information that appears on the customer invoice that has generated the customer's question. When this occurs, if the customer receives a paper invoice, the supplier can request a duplicate invoice from Consumers and must then wait until the duplicate copy arrives to research and then recontact the customer to resolve the matter. If electronic data exchange ("EDI") or electronic billing is involved, the supplier cannot obtain a duplicate copy of the invoice and, in these scenarios, must request that the customer provide to it a copy of the invoice so that it is able to research and resolve the customer inquiry. This not only delays quick resolution of the matter for the customer, as the supplier must wait until it receives a copy of the invoice from the customer, but for customers without readily available access to technology or resources to provide an invoice copy, this may not be an easy task. There are times the customer's copy of the invoice is not received and the investigation is stymied, without the issue getting resolved on the account.

Consumers offers electronic billing, called Bill Trust, which has the potential to mitigate this concern, however, Bill Trust requires special authorization and individual access setup on a customer by customer basis for a supplier to access a customer invoice. For a supplier, it becomes administratively burdensome to login separately to review each customer invoice. When a supplier's customer care team does not have the information needed to serve a customer, it results in an inferior customer experience.

In addition, the receipt of late usage data can also create tracking and performance issues for a supplier. Downstream functions such as accounting and supply are adversely impacted when suppliers do not have the needed information from Consumers in order to run accounting, gas procurement, load forecasting and other business processes.

At any given time, I can have many residential or small business GCC customers for whom I am missing usage or their usage data is highly suspicious.<sup>25</sup>

Thus, timely access to customer usage information is essential for the operation of GCC and EUT programs.

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<sup>25</sup> 3 Tr. 309, ln. 9 – 310, ln. 18 (internal citations omitted).

Timely access to customer usage information is an issue with Consumers. RESA's witness Mr. Rittmann described the extent of recent problems obtaining customer data. At the time of filing testimony in April 2020, Mr. Rittmann reported that Constellation was missing invoices for more than 600 accounts for the September – October 2019 time period and that the missing data will not be provided until Consumers provides Constellation an end-of-year file.<sup>26</sup> Additionally, Mr. Rittmann reported missing 470 April invoices, when the typical amount of missing data is for 75 accounts.<sup>27</sup>

Not only is timely receipt of customer data important, it is important that the customer usage data be accurate. Mr. Rittmann also testified about problems obtaining accurate data from Consumers:

[S]uppliers also struggle to provide satisfactory customer service when inaccurate data is sent by Consumers. For residential and small business customers, the process of correcting prior inaccurate data is referred to as Cancel/Rebill transactions. The first part of the process is to cancel the information that was inaccurate, and then issue a rebill based upon the correct data. When Cancel/Rebill transactions are sent for lengthy periods of time between the initial incorrect invoice and the corrected one, suppliers inevitably provide incorrect information on a customer account until the utility provides the correction. Cancel/Rebill transactions create duplicative actions when processing that strain supplier resources. One of the challenges for suppliers is that when Consumers Cancels/Rebills an account, it provides no indicator to inform a supplier that the current transaction is different from the last month, i.e. that a Cancel/Rebill was completed. Since each month Consumers sends both the current month and up to 12 previous month's files to the supplier, without an indicator on an account a supplier must compare each of potentially 12 months of files to the current month's file for each individual customer account to confirm that no data has been modified from a prior file in order to know that no corrections have been made to the data.

Further, a supplier does not know whether the usage data in a file is based on an actual meter read or is an estimate since there is nothing

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<sup>26</sup> 3 Tr. 311.

<sup>27</sup> *Id.*

in the file to indicate this important piece of information. Because there is no indicator of an actual or estimated read, a supplier is uncertain as to the accuracy of an invoice and whether to anticipate a forthcoming adjustment after the meter is read. This uncertainty can also impact other downstream processes and result in a supplier providing information to a customer that later changes. If a supplier knew that usage was based on an estimate it could clearly inform the customer that further revision was expected.

For prospective customers there may also be financial impacts. When incorrect usage data is sent, a supplier may not be correctly pricing with the most competitive offer price available to that customer.<sup>28</sup>

Mr. Rittmann also testified to similar, protracted data problems with commercial and industrial transportation customers.<sup>29</sup> Not only do the data issues adversely affect the suppliers, but they adversely affect the customers, as well.<sup>30</sup>

While the Commission's billing rules protect customers from billing data problems, they do not protect gas suppliers who also depend upon that same data to serve customers. At present there is no affirmative requirement obligating Consumers to provide timely and accurate customer consumption data to suppliers. "Neither Consumers' GCC or EUT tariffs, the Commission's rules, nor state statute requires Consumers to provide suppliers with accurate, timely and reliable customers usage information."<sup>31</sup> Over the course of developing these programs, Consumers agreed to provide such information to suppliers and, more often than not, does provide such information. When the GCC and EUT programs are functioning as intended and designed, RESA's members are provided the necessary information. RESA's concern, however, is that when the programs are not functioning well and access to necessary

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<sup>28</sup> 3 Tr. 311, ln. 19 – 312, ln. 22.

<sup>29</sup> 3 Tr. 313-314.

<sup>30</sup> 3 Tr. 316-317.

<sup>31</sup> 3 Tr. 318, ln. 4-6.

information is stymied, RESA does not have a clear legal recourse to pursue its concerns with the Commission.

To remedy this issue, RESA's witness Mr. Rittimann recommends that the Commission direct Consumers to amend its GCC and EUT program tariffs to include a requirement that would require Consumers to provide suppliers with timely and accurate customer usage information. For Consumers' EUT program, Mr. Rittimann recommends the following Section E2 Records, Accounting and Control:

E2.3 Customer Data.

The Company will provide the Customer, or its designated agent, with accurate individual customer consumption data no later than 6 business days after the conclusion of the month.

For Consumers' GCC program tariffs, RESA recommends the following provision be inserted in the F1 General Provisions section of Consumers' tariff:

X. The Company will provide the Supplier with accurate individual customer consumption data on a monthly basis no later than 5 business days after the conclusion of the customer's billing month.

With these new tariff provision, if Consumers fails to provide accurately, timely or reliable information going forward, then suppliers would have a basis for sustaining a complaint with the Commission. The Commission would have an opportunity to review Consumers' conduct and order appropriate remedies where warranted.

Importantly, RESA is not seeking more information than what Consumers typically provides, nor is RESA seeking the information any faster than the timeline Consumers aspires to provide the information. RESA's tariff proposals are intended reduce to writing access to data on the timeline that Consumers provides the information when Consumers' business processes are functioning according to Consumers' own prescribed timelines.

In its rebuttal testimony, Consumers opposes RESA's GCC and EUT data access tariff recommendations for several reasons.<sup>32</sup> Consumers is the only party who opposes RESA's recommendations. Consumers' reasons for opposing the tariff proposals are without merit and should be rejected.

To begin, Consumers opposes RESA's GCC tariff recommendation. Consumers claims that it is responsible for providing GCC billing and therefore any customer questions with respect to billing, remittance, credit or collections should be directed to Consumers.<sup>33</sup> Consumers seems to imply that it is not necessary for suppliers to have access to GCC customers usage information. Suppliers, however, do supply gas for these customers and the customers are indeed customers of the supplier along with being customers of the utility. Suppliers should be able to answer customer questions about the gas supply that they receive from the supplier and the rate applied. Absent access to Consumers' billing information for these customers, suppliers could not address customer inquiries.

Next, Consumers asserts that it aspires to provide accurate consumption information, from its perspective its data is highly accurate.<sup>34</sup> Consumers then admits to an incident where it became aware of an IT issue that it worked to resolve in 2019.<sup>35</sup> Consumers' remarks do not undermine or address RESA's fundamental concerns – that, at times, Consumers does not provide timely, accurate and reliable information and RESA wants an opportunity going forward to seek redress at the Commission for similar such failures where RESA's members cannot satisfactorily resolve the data issues with the utility.

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<sup>32</sup> See, Rebuttal Testimony of Jesse T. Sutton, 3 Tr. 1779-1790.

<sup>33</sup> 3 Tr. 1782.

<sup>34</sup> 3 Tr. 1783.

<sup>35</sup> 3 Tr. 1783-1784.

Consumers states that it fails to provide customer usage data primarily because of metering issues, but also allegedly due to price changes and supplier switches.<sup>36</sup> Even if Consumers' claims are true, that is not a basis for rejecting RESA's tariff recommendations. If a gas supplier were to file a complaint allegedly a tariff violation for failure to provide timely access to customer consumption data, and the reason for Consumers' failure to provide such information is due to metering issues and Consumers' metering and billing issues are within acceptable standards, then Consumers would have a basis for a defense to the complaint. Having a potential defense to a future complaint is not a reasonable basis for prohibiting suppliers from being able to file a complaint seeking redress from the Commission in the first instance. Further, having a potential defense to a claim does not obviate the need to recognize in the program tariff that suppliers have a right to customer usage information.

Further, monthly price changes or customer switching is part of the structure of Consumers' GCC program. Consumers' IT systems should function properly and consistent with program design. Monthly customer switching and price changes should not be a basis for missing data.

Additionally, Consumers indicates that RESA's GCC tariff proposal would require Consumers to provide actual customer usage information on a more regular basis.<sup>37</sup> RESA's intent was not to increase the frequency of customer data that Consumers currently provides. RESA's proposal simply reduces to Consumers' tariff a requirement to provide customer usage data on the timeline that Consumers currently provides the data. Consumers did not identify any different deadline for providing monthly customer usage data than the deadline recommended by RESA's witness, which is six business days after the conclusion of the month.

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<sup>36</sup> 3 Tr. 1784.

<sup>37</sup> 3 Tr. 1786.



Next, Consumers responds to RESA's EUT tariff proposal. First, Consumers refutes RESA's witness's testimony concerning the extent of the data inaccuracy issues. RESA's witness testified that, in his experience, approximately one out every 12 transportation accounts contain inaccurate data, which amounts to approximately 8%. Consumers witness testified that only 2% of EUT bills required reversals between April 2019 and March 2020.<sup>38</sup> RESA's witness was testifying to Constellation's experience. RESA's witness does not have access to all of Consumers' EUT reversals.

Regardless of whether the EUT billing errors are 2% or 8%, the fact is that there are billing errors and the amount of those errors changes over time. RESA does not dispute that it is Consumers' intent to provide timely and accurate information. The majority of the time, Consumers does provide such information. Where a supplier, however, experiences protracted or extensive errors that it cannot successfully resolve with the utility, the supplier should have an ability to have its concerns heard by the Commission. A tariff requirement that ensures suppliers have timely access to customer usage information on a monthly basis is a reasonable proposal.

Consumers' witness then asserts that RESA's EUT tariff provision is not necessary to sustain a complaint at the Commission and that no complaints have been filed since 2015.<sup>39</sup> He states that section E10 of Consumers' EUT tariff and section F5 of the GCC tariff provide the complaint procedures.<sup>40</sup> Section E10 of Consumers' EUT tariff, however, is limited to complaints for violations of Section E9 pertaining to Transportation Standards of Conduct. Section E9, by its terms, is "intended to promote fair competition and a level playing field

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<sup>38</sup> 3 Tr. 1786-1787.

<sup>39</sup> 3 Tr. 1790.

<sup>40</sup> *Id.*

among all participants involved in transportation.” Section E9 is focused on preventing discrimination and abuses involving utility affiliates operating in the transportation program. Section E10 complaint procedures do not pertain to complaints involving aspect of Consumers’ EUT program apart from the Section E9 Transportation Standards of Conduct, and there is nothing in Section E9 of Consumers’ EUT tariff that pertains to the provision of monthly customer usage data to suppliers.

Similarly, Section F5 of Consumers’ GCC tariff pertains to complaints “related to the Gas Customer Choice Program Rules and Regulations and operational features.” RESA’s fundamental point is that there is no program rule or regulation or prescribed operational feature that governs GCC supplier access to customer usage information. If there is no GCC tariff provision that requires the utility to provide the supplier with monthly access to customer usage information, then there is no GCC tariff violation on which to sustain a complaint for a utility’s failure to provide a supplier with monthly access to accurate customer usage information. It should not be a surprise that there have been no formal GCC or EUT complaints about supplier access to customer usage data when there has been no legal authority on which to sustain a complaint for a utility’s failure to provide suppliers with access to customer usage information.

Finally, rejecting RESA’s tariff proposals would send a terrible message to Consumers to the detriment of Consumers’ GCC and EUT programs. Rejecting RESA’s tariff proposals would suggest that Consumers is not obligated to provide timely, accurate and reliable customer usage information to suppliers. If true, and Consumers were to altogether fail to voluntarily provide such information going forward, Consumers’ GCC and EUT programs could not function. Customer usage information is necessary to ensure the safe and reliable delivery of

natural gas and to ensure that gas costs and volumes are appropriately reconciled and accounted for.

RESA's tariff proposals were not intended to be controversial. In fact, they were meant to simply codify the status quo. Consumers' opposition to being required to provide information that it provides today is simply an effort to avoid accountability for future failures. If the Commission does not approve RESA's tariff proposals, then the Commission should expressly state in its order in this case that Consumers is required to timely provide monthly GCC and EUT customer usage information to gas suppliers thereby providing a clear basis for complaints to be filed at the Commission for violating the Commission's order in this case when Consumers fails to provide such information.

**IV. CONCLUSION AND PRAYER FOR RELIEF.**

For all the reasons explained in the preceding sections of this Initial Brief, RESA respectfully requests that the Honorable Administrative Law Judge issue a proposal for decision recommending that the Commission adopt RESA's demand response recommendations and GCC and EUT tariff proposals.

*Respectfully submitted,*

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.  
ATTORNEYS FOR RETAIL ENERGY SUPPLY ASSOCIATION



Date: June 19, 2020

By: \_\_\_\_\_

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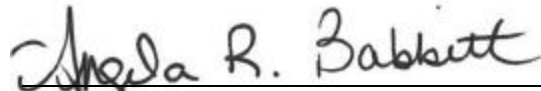
**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter of the application of )  
**CONSUMERS ENERGY COMPANY** for )  
authority to increase its rates for the )  
distribution of natural gas and for other )  
relief )  
\_\_\_\_\_ )

Case No. U-20650

**CERTIFICATE OF SERVICE**

Angela R. Babbitt hereby certifies that on the 19<sup>th</sup> day of June, 2020, she served the *Initial Brief of Retail Energy Supply Association* and this Certificate of Service on the persons identified on the attached service list via electronic mail.

  
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