

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Public Service Commission

Name of person completing this form:

Jana Bachman

Phone number of person completing this form:

517-284-8088

E-mail of person completing this form:

BachmanJ2@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-137 LR

Title of proposed rule set:

Preservation of Electric, Gas, and Steam Utilities

3. Purpose for the proposed rules and background:

The purpose of the rules revision is to rescind or revise references to outdated methods of record keeping and retention, and to include currently employed methods, such as electronic storage. The rules were last revised in 1980 and are not consistent with modern modes of record storage. For example, the current rules refer to the correct manner in which to store punch cards, a record keeping method that is considered to be outdated.

4. Summary of proposed rules:

The current rules are more than 30 years old and do not include provisions for modern virtual and computer storage of records. The rule changes are intended to modernize rules for retention of records for electric, gas, and steam utilities to include modern virtual and computer storage of records as opposed to brick and mortar storage.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

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The Grand Rapids Press, 2-25-21; The Mining Journal, 2-25-21; The Oakland Press, 2-25-21

6. Date of publication of rules and notice of public hearing in Michigan Register:

3/15/2021

7. Date, time, and location of public hearing:

3/24/2021 11:00 AM at Virtual room , https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_MGNIM2MwYmYtYzc2Yy00YzU2LTk2M2UtNmZhMTczMzE1MjA2%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522d5fb7087-3777-42ad-966a-892ef47225d1%2522%252c%2522Oid%2522%253a%2522f0d5dc44-ac61-4b9a-9111-e8adef40a539%2522%257d&data=04%7C01%7CBachmanJ2%40michigan.gov%7Cd974b01d6caf4d6cf73208d8cecc7f89%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C637486725001178326%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCi6Imn0%3D%7C1000&sdata=WqyiU0ogG6I0EtoNf7itE8u01fCyirkadUYAIbwYgfg%3D&reserved=0

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=123>

9. List of the name and title of agency representative(s) attending public hearing:

Michael J. Orris, J.D., Assistant Attorney General, appeared on behalf of the Michigan Public Service Commission Staff; Jana A Bachman, Staff Attorney Michigan Public Service Commission, appeared as witness.

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

Nicholas J. Chuey, DTE Energy Co.

Gary A. Gensh, Jr., Consumers Energy Co.

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Nicholas J. Chuey DTE Energy Co.	<p>Public Hearing: The rule or the 6 records themselves are not described or enumerated for 7 MGP sites. Written: The records for manufactured gas plant (MGP) are not described or enumerated in this revised rule</p> <p>Public Hearing: The rule or the 6 records themselves are not described or enumerated for 7 MGP sites. Written: The records for manufactured gas plant (MGP) are not described or enumerated in this revised rule</p>		Manufactured Gas Plant remediation is not currently addressed in rules. Following the public hearing and written commentary, the proposed new rule in question was amended to address the concern raised about the proposed new rule.	R 460.2568a

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2	Gary A Gensh, Jr. Consumers Energy Co.		Consumers Energy is concerned that compliance with this proposed rule will be overly burdensome because the rule indicates that it applies to “manufactured gas plant site records” and “all related documents” without a clear limitation on the types of manufactured gas plant site records included in the requirement.	Current rules do not address manufactured gas plant remediation records. After the public hearing and written commentary, the proposed new rule in question was amended to address the concern raised in the comment about the proposed new rule.	R 460.2568a
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13.Date report completed:

8/19/2021