

From: [Nicholas J Chuey](#)
To: [LARA-MPSC-EDOCKETS](#)
Subject: #secure U-20735: DTE Comments on Draft Rules
Date: Tuesday, April 6, 2021 3:49:39 PM
Attachments: [U-20735 - DTE Comments on Draft Rules.pdf](#)

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Hello,
Please find attached comments on the draft rules regarding the MPSC Case No. U-20735.

Thank you,

Nick Chuey
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U-20735: DTE Comments on Draft Rules

R 460.2568a (p 13)

- The records for manufactured gas plant (MGP) are not described or enumerated in this revised rule. See the screen shot below:

R 460.2568a **Manufactured Gas Plant Site** production records; retention periods.

Rule 68a. The following **manufactured gas plant site** production records shall be retained for the periods listed: **for a minimum of 10 years past Environmental Protection Agency (EPA) approval of the completed remediation or 10 years after the final remediation amounts have been approved by the commission, whichever is longer. The company shall offer to submit all related documents to the commission before their destruction.**

(a) Boiler and gas machine logs, including supporting data.	3 years.
(b) Gas generation and output logs with supporting data.	6 years.
(c) Temperature and atmospheric pressure logs.	3 years.
(d) Coal, coke, and oil reports.	3 years.
(e) Residual reports.	3 years.
(f) Recording instrument charts, such as pressure (static or differential, or both), temperature, specific gravity, and heating value.	1 year except that where the basic chart information is transferred to another record, the charts need only be retained for 6 months if the record that contains the basic data is retained for 1 year.

Submitted by: Nicholas J. Chuey on behalf of DTE

Date: April 6, 2021



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April 7, 2021

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Highway
Post Office Box 30221
Lansing, MI 48909

Re: MPSC Case No. U-20735 - In the matter, on the Commission's own motion, to amend the rules governing the preservation of records for electric, gas, and steam utilities.

Dear Ms. Felice:

Enclosed for electronic filing in the above-captioned case, please find **Consumers Energy Company's Comments**. This is a paperless filing and is therefore being filed only in a PDF format.

Sincerely,

Gary A. Gensch, Jr.

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion,)
to amend the rules governing the preservation)
of records for electric, gas, and steam utilities.)
_____)

Case No. U-20735

CONSUMERS ENERGY COMPANY'S COMMENTS

On February 18, 2021, the Michigan Public Service Commission ("MPSC" or the "Commission") issued an order in this proceeding providing for the opportunity to comment on proposed amendments to rules governing the preservation of records for electric, gas, and steam utilities. Consumers Energy Company ("Consumers Energy" or the "Company") appreciates and supports the amended rules that provide public utilities flexibility in selecting their own storage media. Consumers Energy submits the following comments and suggested changes to the proposed rule related to Manufactured Gas Plant site records retention.

Rule 460.2568a

The proposed amendment to Rule 460.2568a states:

The following manufactured gas plant site records shall be retained for a minimum of 10 years past Environmental Protection Agency (EPA) approval of the completed remediation or 10 years after the final remediation amounts have been approved by the commission, whichever is longer. The company shall offer to submit all related documents to the commission before their destruction.

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. These sites often began operation over a century ago and

have been retired and decommissioned for decades. Most sites have been sold and redeveloped, with many sites having experienced multiple cycles of redevelopment. Under the proposed amendment to Rule 460.2568a, the responsible entity could be required to retain and submit volumes of records ranging from minor contractual-based conversations related to site access to initial exploratory site observations that would do little to assist the state or public with efforts leading to the approval of completed remediation.

To address these concerns, Consumers Energy recommends a change to proposed Rule 460.2568a that would appropriately limit the potential vast range of documents to those that will support the agency-approved remediation. The Michigan Department of Environment, Great Lakes, and Energy's Part 201 Site Remediation program has been structured to reflect an efficient submittal of information that identifies the state of the property prior to remediation efforts, the delineation of any present contamination, the likelihood of any further migration, remediation efforts that have been undertaken, and any restrictions that are necessary for future uses of the land. These records would appropriately serve the Commission's goals and provide a thorough understanding of the affected site to the inquiring public, while avoiding the uncertainty of the types of records that must be retained and the burden associated with being required to retain and provide the potential large volume of records under the proposed amended rule.

Consumers Energy recommends the following changes to the proposed amended language in Rule 460.2568a:

~~The following m~~Manufactured gas plant site records shall be from an Environmental Protection Agency (EPA) or Michigan Department of Environment, Great Lakes and Energy (EGLE) remediation approval process shall be retained for a minimum of 10 years past ~~Environmental Protection Agency (EPA)~~ receipt of approval of the completed remediation or 10 years after the final

remediation amounts have been approved by the commission, whichever is longer. The company shall offer to submit **those records** ~~all related documents~~ to the commission before their destruction.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

Dated: April 7, 2021