

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ~~LABOR AND~~
ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

SERVICE QUALITY AND RELIABILITY STANDARDS

FOR ELECTRIC DISTRIBUTION SYSTEMS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the public service commission by sections **4, 6, and 10p of 1939 PA 3, MCL 460.4, 460.6, and 460.10p**, of ~~2000 PA 141~~, section 7 of 1909 PA 106, **MCL 460.557**, section 5 of 1919 PA 419, **MCL 460.55**, ~~sections 4 and 6 of 1939 PA 3~~, and sections 3, 9, and 231 of 1965 PA 380, ~~MCL 460.10p, 460.557, 460.55, 460.4, 460.6, 16.103, 16.109, and 16.331~~)

R 460.701, R 460.702, R 460.703, R 460.721, R 460.722, R 460.723, R 460.724, R 460.731, R 460.732, R 460.733, R 460.734, R 460.741, R 460.742, R 460.743, R 460.744, R 460.745, R 460.746, R 460.747, R 460.748, R 460.751, and R 460.752 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 460.701 Application of rules.

Rule 1. (1) These rules apply to electric utilities as defined by ~~R 460.702(k)~~ **section 2(e) of the electric transmission line certification act, 1995 PA 30, MCL 460.562, and cooperative electric utilities as defined by section 2(c) of the electric cooperative member-regulation act, 2008 PA 167, MCL 460.32, that are subject to the jurisdiction of the Michigan public service commission.**

(2) These rules do not relieve an electric utility that is subject to the jurisdiction of the public service commission from any of its duties under the laws of this state, including all of the requirements of R 460.3101 to R 460.3908.

R 460.702 Definitions.

Rule 2. As used in these rules:

(a) "All conditions" means conditions reflected by data derived through the amalgamation of data from ~~both~~ normal conditions, **gray sky conditions**, and catastrophic conditions. "All conditions" does not mean only normal conditions **or only gray sky conditions** or only catastrophic conditions.

~~(b) "Answer" means that a utility representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line does not constitute an answer.~~

~~—(e) "Approved by the commission" means that a favorable commission order has been obtained.~~

~~—(d) "Call" means a measurable effort by a customer to obtain a telephone connection whether the connection is completed or not.~~

~~—(e) "Call blockage factor" means the percentage of calls that do not get answered. The call blockage factor is calculated by multiplying the remainder obtained by subtracting the number of answers from the number of calls, multiplying by 100, and then dividing that value by the total number of calls.~~

~~(f)~~(c) "Catastrophic conditions" means either of the following:

(i) Severe weather conditions that result in **sustained** service interruptions for 10% or more of an **electric utility's or cooperative's** customers.

(ii) Events of sufficient magnitude that result in issuance of an official state of emergency declaration by the local, state, or federal government.

(d) "CELID" or "Customers Experiencing Long Interruption Durations" means the ratio of the number of customers experiencing 1 or more sustained interruptions longer than an indicated duration to the total number of customers served. For purposes of these rules, the interruption duration is denoted as a number and unit of time immediately following the term CELID, for example CELID8hours.

(e) "CEMI4" or "Customers Experiencing Multiple Interruptions" means the ratio of individual customers experiencing 4 or more sustained interruptions to the total number of customers served.

~~(g)~~(f) "Commission" means the Michigan public service commission.

~~—(h) "Complaint response" or "response" means a communication between the utility and the customer that identifies the problem and a solution to the complaint.~~

~~—(i) "Complaint response factor" means the annual percentage of the complaints forwarded to a utility by the commission that are responded to within the time period prescribed by these rules.~~

~~(j)~~(g) "Completion date" means the day on which service at a new installation is permanently energized. The provision of construction power does not affect a determination of the completion date.

(h) "Cooperative" or "cooperative electric utility" means that term as defined in section 2(c) of the electric cooperative member regulation act, 2008 PA 167, MCL 460.32.

~~(k)~~(i) "Electric utility" or "utility" means that term as defined in section 2(d) of the **electric transmission line certification act, 1995 PA 30, MCL 460.562(d).**

(j) "Gray sky conditions" means conditions that result in sustained interruptions for greater than 1% but less than 10% of an electric utility's or cooperative's customers.

~~(l) "Interruption" means the full or partial loss of service to 1 or more customers for longer than 5 minutes. The duration of a customer's interruption shall be measured from the time that the electric utility is notified or otherwise becomes aware of the full or partial loss of service to 1 or more customers for longer than 5 minutes.~~

~~(m)~~(k) "Meter reading factor" means the percentage of meters read within an approved billing period. An approved billing period is a "billing month" within the meaning of R 460.2102~~(be)~~ of not less than 26 days, nor more than 35 days, or some other time period approved by the commission.

~~(n)~~(l) "Metropolitan statistical area" means an area within ~~the state of Michigan~~ **this state** identified by the federal **Office of Management and Budget**~~office of management and budget~~ on June 30, 1999. A map of the metropolitan statistical areas was attached to the July 11, 2001, order in Case No. U 12270 as exhibit C and appears on the website of the United States ~~department of commerce, economics and statistics administration, bureau of the census~~ **Department of Commerce, United States Census Bureau** at <http://www.census.gov/geo/www/mapGallery/stma99.pdf>.
<https://www.commerce.gov/bureaus-and-offices/census>.

~~(o)~~(m) "Minimum bill prorated on a daily basis" means the amount that results from dividing the customer's minimum bill amount by the number of days in the billing period and then by multiplying that quotient by the number of days during which the customer remained out of service.

~~(p)~~(n) "MISS DIG activities" means the requirements imposed pursuant to **the MISS DIG underground facility damage prevention and safety act, 2013 PA 174, MCL 460.721 to 460.733**~~1974 PA 53, as amended, MCL 460.701 et seq.~~

(o) **"Momentary interruption" means the full or partial loss of service to 1 or more customers for less than or equal to 5 minutes, including all reclosing operations that occur within 5 minutes of the first interruption.**

~~(q)~~(p) "New service installation factor" means the percent of new service hookups that are completed within the time period prescribed by these rules, from start date to completion date. New service hookups dependent on the construction of a line extension other than the service line ~~shall be~~ **are** excluded from the calculation of this factor.

~~(r)~~(q) "Normal conditions" means conditions ~~other than catastrophic conditions~~ **that result in sustained interruptions for 1% or less of an electric utility's or cooperative's customers.**

(r) **"SAIDI" or "system average interruption duration index" means the sum of all customer-sustained interruption durations divided by the total number of customers served.**

(s) **"SAIFI" or "system average interruption frequency index" means the total number of customer-sustained interruptions divided by the total number of customers served.**

~~(s) "Same circuit repetitive interruption" means a grouping of more than 10 customers on a circuit who experience multiple interruptions under all conditions. At its option, an electric utility may report on specific identifiable circuit segments rather than whole circuits as long as the criteria for identification of the specific circuit segments are fully explained in its report. If an electric utility lacks the capability of independently tracking same circuit repetitive interruption data, then the utility may rely solely upon notification provided by its customers to report the data to the commission.~~

(t) "Service restoration" means that the interruption condition has been corrected and that the interrupted customer or customers have regained the full use of their electric service.

(u) “Sustained interruption” means any interruption not classified as part of a momentary event, which means any interruption that lasts more than 5 minutes. The duration of a customer’s interruption is measured from the time that the electric utility or cooperative is notified or otherwise becomes aware of the full or partial loss of service to 1 or more customers for longer than 5 minutes.

~~(u)~~(v) "Start date for new installations" means the first business day after all of the following events have occurred:

(i) All rights of way, easements, licenses, and consents have been obtained and are and remain physically unencumbered.

(ii) All permits have been received.

(iii) All joint use requirements have been met.

(iv) All required inspections have been completed.

(v) All commission-approved tariff payments have been received.

(vi) All MISS DIG activities have been completed.

~~(v)~~(w) "Wire-down relief factor" means the annual percentage of the ~~non-utility~~ **employee first responder** guarded downed wires that are relieved by an **electric utility or cooperative** representative within the time period specified in ~~Rule~~ **460.723**.

R 460.703 Revision of tariff provisions.

Rule 3. Not more than 30 days after the effective date of these rules, an electric utility **or cooperative** subject to the commission's jurisdiction shall file any revisions of its tariff provisions necessary to conform with these rules.

PART 2. UNACCEPTABLE LEVELS OF PERFORMANCE

R 460.721 Duty to plan to avoid unacceptable levels of performance.

Rule 21. An electric utility **or cooperative** shall plan to operate and maintain its distribution system in a manner that will permit it to provide service to its customers without experiencing an unacceptable level of performance as defined by these rules.

R 460.722 Unacceptable levels of performance during service interruptions.

Rule 22. It is an unacceptable level of performance for an electric utility **or cooperative** to fail to meet any of the following **sustained service** interruption standards:

(a) Considering data derived through the amalgamation of data from ~~both~~ normal, **gray sky**, and catastrophic conditions, an electric utility **or cooperative** shall restore service within 36 hours to not less than 90% of its customers experiencing **sustained service** interruptions.

(b) Considering data including only catastrophic conditions, an electric utility **or cooperative** shall restore service within ~~60-48~~ hours to not less than 90% of its customers experiencing ~~service~~ **sustained** interruptions.

(c) **Considering data including only gray sky conditions, an electric utility or cooperative shall restore service within 24 hours to not less than 90% of its customers experiencing sustained interruptions.**

(d) Considering data including only normal conditions, an electric utility **or cooperative** shall restore service within 8 hours to not less than 90% of its customers experiencing ~~service-sustained~~ interruptions.

~~(d)~~**(e) From the effective date of these rules until December 31, 2029,** Considering data derived through the amalgamation of data from both normal and catastrophic conditions, ~~an electric utility shall not experience 5 or more same-circuit repetitive interruptions in a 12-month period on more than 5% of its circuits~~ **not more than 6% of an electric utility's or cooperative's customers may experience 4 or more sustained interruptions in a calendar year.**

(f) Beginning January 1, 2030, considering data derived through the amalgamation of data from normal, gray sky, and catastrophic conditions, not more than 5% of an electric utility's or cooperative's customers may experience 4 or more sustained interruptions in a calendar year.

R 460.723 Wire down relief requests.

Rule 23. (1) It is an unacceptable level of performance for an electric utility **or cooperative** to fail to respond to a request for relief of a ~~non-utility employee~~ **first responder** guarded downed wire at a location in a metropolitan statistical area within ~~240~~ **120** minutes after notification at least 90% of the time under all conditions.

(2) It is an unacceptable level of performance for an electric utility **or cooperative** to fail to respond to a request for relief of a ~~non-utility employee~~ **first responder** guarded downed wire at a location in a non-metropolitan statistical area within ~~360~~ **180** minutes after notification at least 90% of the time under all conditions.

(3) It is an unacceptable level of performance for an electric utility or cooperative to fail to exercise due diligence and care to ensure that first responders are relieved from guarding downed wires in the quickest manner possible.

(4) It is an unacceptable level of performance for an electric utility or cooperative to fail to exercise due diligence and care to ensure downed wires are responded to and secured in the quickest manner possible.

R 460.724 Unacceptable service quality levels of performance.

Rule 24. It is an unacceptable level of performance for an electric utility **or cooperative** to fail to meet any of the following service quality standards:

~~(a) An electric utility shall have an average customer call answer time of less than 90 seconds.~~

~~(b) An electric utility shall have a call blockage factor of 5% or less.~~

~~(c) An electric utility shall have a complaint response factor of 90% or more within 3 business days.~~

~~(d) An electric utility **or cooperative** shall have a meter reading factor of 85~~**95%** or more within the approved period, including customer reads.

~~(e)~~**(b) An electric utility **or cooperative** shall complete 90% or more of its new service installations within 15 business days.**

PART 3. RECORDS AND REPORTS

R 460.731 Deadline for filing annual reports.

Rule 31. Not more than 120 days after the end of the calendar year in which these rules became effective, an electric utility shall file an annual report with the commission regarding the previous calendar year. For subsequent calendar years, an electric utility **or cooperative** shall file its annual report not more than 75 days after the end of the year. **The annual report must be filed on a form prescribed by the commission.**

R 460.732 Annual report contents.

Rule 32. The annual report of an electric utility **or cooperative** made pursuant to these rules ~~shall~~ **must** contain all of the following information:

~~(a) The call blockage factor. If the call blockage factor is more than 5%, then the annual report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.~~

~~—(b) The complaint response factor. If the complaint response factor is less than 90% within 3 business days, then the annual report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.~~

~~—(c) The average customer call answer time. If the average customer call answer time is 90 seconds or more, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.~~

~~—(d) The meter reading factor. If the meter reading factor is less than 85~~**95**%, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

~~(e)~~**(b)** The new service installation factor. If the new service installation factor is less than 90% completed within 15 business days, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

~~(f)~~**(c)** The wire-down relief factor. If the wire-down relief factor is less than 90% within ~~240~~**120** minutes within metropolitan statistical areas or less than 90% within ~~360~~**180** minutes in non-metropolitan statistical areas, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

~~—(g)~~**(d)** The service restoration factor for all conditions. If the service restoration factor for all conditions is less than 90% of customers restored within 36 hours or less, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

~~(h)~~**(e)** The service restoration factor for normal conditions. If the service restoration factor for normal conditions is less than 90% of customers restored within 8 hours or less, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

(f) The service restoration factor for gray sky conditions. If the service restoration factor for gray sky conditions is less than 90% of customers restored within 24 hours or less, then the report must contain a detailed explanation of the steps that the electric utility or cooperative is taking to bring its performance to an acceptable level.

~~(i)~~(g) The service restoration factor for catastrophic conditions. If the service restoration factor for catastrophic conditions is less than 90% of customers restored within ~~60~~**48** hours or less, then the report ~~shall~~ **must** contain a detailed explanation of the steps that the electric utility **or cooperative** is taking to bring its performance to an acceptable level.

~~(j) The same circuit repetitive interruption factor. If the same circuit repetitive interruption factor is more than 5% of circuits experiencing 5 or more same circuit repetitive interruptions within a 12-month period, then the report shall contain a detailed explanation of the steps that the electric utility is taking to bring its performance to an acceptable level.~~

(h) CEMI4. The number of customers that experienced 4 or more sustained interruptions.

(i) CEMI4. If more than 6% of customers experienced 4 or more sustained interruptions within the year, and that year was 2029 or a prior year, then the report must contain a detailed explanation of the steps that the electric utility or cooperative is taking to bring its performance to an acceptable level, including a description of all catastrophic conditions experienced during the year.

(j) CEMI4. If more than 5% of customers experienced 4 or more sustained interruptions within the year, and that year was 2030 or a future year, then the report must contain a detailed explanation of the steps that the electric utility or cooperative is taking to bring its performance to an acceptable level, including a description of all catastrophic conditions experienced during the year.

~~(k) A description of all catastrophic conditions experienced during the year.~~

~~(l) The number and total dollar amount of all customer credits~~ **the electric utility or cooperative** provided during the year, broken down by customer class, for its failure to restore service to customers within ~~420~~**96** hours of ~~an~~ **the start of a sustained** interruption that occurred during the course of catastrophic conditions.

(l) The number and total dollar amount of all customer credits the electric utility or cooperative provided during the year, broken down by customer class, for its failure to restore service to customers within 48 hours of the start of a sustained interruption that occurred during the course of gray sky conditions.

(m) The number and total dollar amount of all customer credits **the electric utility or cooperative** provided during the year, broken down by customer class, for its failure to restore service to customers within 16 hours of ~~an~~**the start of a sustained** interruption that occurred during normal conditions.

(n) The number and total dollar amount of all customer credits **the electric utility or cooperative** provided during the year, broken down by customer class, ~~for same circuit repetitive interruptions~~ **to individual customers who experienced 6 or more sustained interruptions.**

(o) For each electric utility with 1,000,000 or more customers, a list of its 10 worst performing circuits for the prior year in terms of SAIDI and SAIFI.

(p) For each electric utility or cooperative with less than 1,000,000 customers, a list of the worst performing 1% of circuits for the prior year in terms of SAIDI and SAIFI.

(q) For each of the worst performing circuits listed in subrules (o) or (p) of this rule, the electric utility or cooperative shall provide all of the following information:

- (i) SAIDI and SAIFI for the year.
- (ii) Circuit name, number, and location.
- (iii) Length of circuit in miles.
- (iv) Number of customers served.
- (v) Substation name.
- (vi) Last circuit trim.
- (vii) List of outages and causes.
- (viii) Corrective action to improve performance.
- (r) Number of CEMI reporting for indices CEMI0 through CEMI10+.
- (s) Number of CELID reporting for indices CELID8hours, CELID24hours, CELID48hours.
- (t) Number of non-residential customers experiencing momentary interruptions.
- (u) A summary table indicating whether the electric utility **or cooperative** complied or failed to comply with each of the standards established by these rules.

R 460.733 Availability of records.

Rule 33. (1) An electric utility **or cooperative** shall make available to the commission or its staff, upon request, all records, reports, and other information required to determine compliance with these rules and to permit the commission and its staff to investigate and resolve service quality and reliability issues related to electric distribution service.

(2) An electric utility **or cooperative** shall make records, reports, and other information available to the commission or its staff within 5 business days **of being requested**, preferably in an electronic format available through the internet, accessible with standard browser software, identification, and password ~~or as soon thereafter as feasible~~.

R 460.734 Retention of records.

Rule 34. An electric utility **or cooperative** shall preserve, in detail, all records required by these rules for the previous 24 months and shall preserve, in summary form, all records for not less than 4 years, unless otherwise ordered by the commission.

PART 4. FINANCIAL INCENTIVES AND ~~PENALTIES~~ CUSTOMER ACCOMMODATIONS

R 460.741 Approval of incentives by the commission.

Rule 41. (1) The commission may authorize an electric utility **or cooperative** to receive a financial incentive if it exceeds all of the service quality and reliability standards adopted by these rules.

(2) A request for approval of an incentive mechanism ~~shall~~ **must** be made in either of the following proceedings and ~~shall~~ be conducted as a contested case under chapter 4 of **the administrative procedures act of 1969**, 1969 PA 306, MCL 24.271 ~~et seq~~ **to 24.288**.

- (a) A rate case proceeding.

(b) A single-issue proceeding filed specifically to address adoption of an incentive program.

(3) An electric utility **or cooperative** shall not file an application seeking approval of an incentive mechanism until it has exceeded all of the service quality and reliability standards adopted by these rules continuously for a period of not less than 12 months.

R 460.742 Criteria for receipt of an incentive.

Rule 42. (1) If an electric utility **or cooperative** qualifies for implementation of a previously approved incentive mechanism, it shall file an application seeking authority to implement the incentive mechanism at the same time that it submits the annual report required by R 460.732.

(2) An electric utility **or cooperative** shall not apply for a financial incentive approved by the commission unless all of the following criteria were met during the previous 12 months:

(a) All required reports have been filed in a timely manner.

(b) All required reports fully comply with the requirements as determined by the commission.

(c) The electric utility's **or cooperative's** performance ~~shall have~~ exceeded all of the individual service quality and reliability standards.

(d) The electric utility **or cooperative** ~~shall have~~ fully responded to any inquiries about the content of the reports made by the commission or its staff in a timely manner.

R 460.743 Disqualification.

Rule 43. An electric utility **or cooperative** shall be disqualified from receiving an incentive if the commission issues an order finding that the electric utility engaged in any type of anticompetitive behavior within the 12-month period preceding the filing of an application pursuant to R 460.742(1).

R 460.744 ~~Penalty~~ **Customer accommodation** for failure to restore service after an **sustained** interruption due to **gray sky and** catastrophic conditions.

Rule 44. (1) Unless an electric utility **or cooperative** requests a waiver pursuant to part 5 of these rules, an electric utility **or cooperative** that fails to restore service to a customer within ~~420~~**96** hours after ~~an interruption~~ **the start of a sustained interruption** that occurred during the course of catastrophic conditions shall provide to any affected customer ~~that notifies the utility of the interruption~~ with a bill credit on the customer's next bill **within 90 days**. The amount of the credit provided to a residential customer ~~shall be~~ **is the greater of a base rate of \$2535.00 plus \$2.00 for every hour of outage over 96 hours**, or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer ~~shall be~~ **is the customer's minimum bill prorated on a daily basis. The initial base rate of \$35.00 is subject to an annual adjustment pursuant to subrule (3) of this rule.**

(2) **Unless an electric utility or cooperative requests a waiver pursuant to part 5 of these rules, an electric utility or cooperative that fails to restore service to a**

customer within 48 hours after the start of a sustained interruption that occurred during the course of gray sky conditions shall provide any affected customer with a bill credit on the customer's bill within 90 days. The amount of the credit provided to a residential customer is the greater of a base rate of \$35.00 plus \$2.00 for every hour of outage over 48 hours, or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer is the customer's minimum bill prorated on a daily basis. The initial base rate of \$35.00 is subject to an annual adjustment pursuant to subrule (3) of this rule.

(3) No sooner than September 1, 2022, and by October 1 every year after, the commission shall issue an order adjusting the prevailing customer accommodation base rate. The commission shall adjust the customer accommodation base rate by multiplying the base rate by the difference between the Consumer Price Index for the month of October immediately preceding the commission's order implementing the inflation adjustment, and the Consumer Price Index for the previous October. The commission shall round up each adjustment made under this subsection to the nearest \$1.00.

R 460.745 ~~Penalty~~ **Customer accommodation** for failure to restore service during normal conditions.

Rule 45. (1) Unless an electric utility **or cooperative** requests a waiver pursuant to part 5 of these rules, an electric utility **or cooperative** that fails to restore service to a customer within 16 hours after ~~an~~ **the start of a sustained** interruption that occurred during normal conditions shall provide ~~to any affected customer that notifies the utility of the interruption~~ a bill credit on the customer's ~~next~~ **bill within 90 days**. The amount of the credit provided to a residential customer ~~shall be~~ **is the greater of a base rate of \$2535.00 plus \$2.00 for every hour of outage over 16 hours**, or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer ~~shall be~~ **is the customer's minimum bill prorated on a daily basis. The initial base rate of \$35.00 is subject to an annual adjustment pursuant to subrule (2) of this rule.**

(2) No sooner than September 1, 2022, and by October 1 every year after, the commission shall issue an order adjusting the prevailing customer accommodation base rate. The commission shall adjust the customer accommodation base rate by multiplying the base rate by the difference between the Consumer Price Index for the month of October immediately preceding the commission's order implementing the inflation adjustment, and the Consumer Price Index for the previous October. The commission shall round up each adjustment made under this subsection to the nearest \$1.00.

R 460.746 ~~Penalty~~ **Customer accommodation** for repetitive interruptions of the same circuit.

Rule 46. (1) Unless an electric utility **or cooperative** requests a waiver pursuant to part 5 of these rules, a customer of an electric utility **or cooperative** that experiences ~~and notifies the utility of more than 76 or more sustained~~ interruptions in a 12-month period due to a ~~same circuit repetitive interruption~~ shall be ~~is~~ entitled to a billing credit on the

customer's next bill **within 90 days**. The amount of the credit provided to a residential customer shall be **is** the greater of \$2535.00, **subject to adjustment pursuant to subrule (3) of this rule**, or the customer's monthly customer charge. The amount of the credit provided to any other distribution customer shall be **is** the customer's minimum bill prorated on a daily basis. **The initial base rate of \$35.00 is subject to an annual adjustment pursuant to subrule (3) of this rule.**

(2) Following provision of the billing credit to a customer experiencing **6 or more than 7-sustained** interruptions in a 12-month period ~~due to a same-circuit repetitive interruption~~, the electric utility's **or cooperative's** interruption counter shall **must** be reset to zero to ensure that another credit to the customer will be processed only after the occurrence of another ~~86~~ interruptions in a 12-month period.

(3) **No sooner than September 1, 2022, and by October 1 every year after, the commission shall issue an order adjusting the prevailing customer accommodation base rate. The commission shall adjust the customer accommodation base rate by multiplying the base rate by the difference between the Consumer Price Index for the month of October immediately preceding the commission's order implementing the inflation adjustment, and the Consumer Price Index for the previous October. The commission shall round up each adjustment made under this subsection to the nearest \$1.00.**

R 460.747 Multiple billing credits allowed.

Rule 47. An electric utility's **or cooperative's** obligation to provide a customer with a billing credit for ~~one~~ **1** reason does not excuse the obligation to provide an additional billing credit in the same month for another reason.

R 460.748 Effect in other proceedings.

Rule 48. (1) The payment or nonpayment of a customer credit or an incentive award shall **may** not affect the rights of a customer or an electric utility **or cooperative** in any proceeding before the commission or in any action in a court of law.

(2) The finding of a violation of a service quality or reliability standard adopted in these rules shall **may** not affect the rights of a customer or an electric utility **or cooperative** in any proceeding before the commission or in any action in a court of law.

PART 5. WAIVERS AND EXCEPTIONS

R 460.751 Waivers and exceptions by electric utilities.

Rule 51. (1) An electric utility **or cooperative** may petition the commission for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the **electric utility or cooperative** render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) An electric utility **or cooperative** may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) An electric utility **or cooperative** need not meet the standards or grant the credits required by parts 2 and 4 of these rules under any of the following circumstances:

(a) The problem was caused by the customer.

(b) There was a work stoppage or other work action by the electric utility's **or cooperative's** employees, beyond the control of the **electric utility or cooperative**, that caused a significant reduction in employee hours worked.

(c) The problem was caused by an "act of God." The term "act of God" means an event due to extraordinary natural causes so exceptionally unanticipated and devoid of human agency that reasonable care would not avoid the consequences and includes any of the following:

(i) Flood.

(ii) Tornado.

(iii) Earthquake.

(iv) Fire.

(d) The problem was due to a major system failure attributable to, **but not limited to**, any of the following:

(i) An accident.

(ii) A man-made disaster.

(iii) A terrorist attack.

(iv) An act of war.

(v) A pandemic.

R 460.752 Proceedings for waivers and exceptions.

Rule 52. (1) A petition for a waiver of a customer credit provision filed by an electric utility **or cooperative** ~~shall~~ **must** be handled as a contested case proceeding. The burden of going forward with a request for a waiver ~~shall be~~ **is** on the electric utility **or cooperative**. To be timely, a petition for a waiver of a customer credit provision of these rules ~~shall~~ **must** be filed not more than 14 calendar days after conclusion of the outage giving rise to application of the customer credit provision.

(2) A petition for any other waiver or exception may be granted by the commission without notice or hearing.