

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own)	
motion, to open a docket to implement)	Case No. U-21547
the provisions of Public Act 233 of 2023.)	
_____)	

At the February 8, 2024 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

Background

Public Act 233 of 2023 (Act 233), signed by Governor Gretchen Whitmer on November 28, 2023, provides siting authority to the Commission for utility-scale solar, wind, and energy storage projects under specified conditions, effective November 29, 2024. As enacted, Act 233 is applicable to any solar energy facility with a nameplate capacity of 50 megawatts (MW) or more, any wind energy facility with a nameplate capacity of 100 MW or more, and any energy storage facility with a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MW-hours (MWh) or more. *See*, MCL 460.1222. Applications may be filed with the Commission in instances when a local unit of government fails to approve or deny the request in a timely manner, denies the application even though it complies with the requirements of Section 226 of Act 233, amends its zoning ordinance after notice of a compatible renewable energy

ordinance and the amendment imposes additional requirements on the development of energy facilities that are more restrictive than those in Section 226(8) of Act 233, or the local unit of government does not have a compatible renewable energy ordinance. *See*, MCL 460.1223(3)(c). Under Act 233, all siting requests must be initiated at the local level first, unless the local unit of government does not have a compatible renewable energy ordinance. *See*, MCL 460.1223 and MCL 460.1221(f).

Discussion

The Commission seeks to engage with local units of government, as well as experts and interested persons, in preparation for implementation of these statutory provisions and to begin this process as soon as possible in order to provide guidance to all who may be involved in these potential future cases ahead of any potential applications which could be filed after the effective date of Act 233. The Commission directs the Commission Staff (Staff) to engage with experts, local units of government, project developers, and other interested persons in transparent open meetings to consider issues relating to application filing instructions or guidelines, the potential use of consultants and assessment of application fees, whether and how pre-application consultations with the Staff would be helpful to potential applicants, guidance for use in the development of compatible renewable energy ordinances, as well as any additional issues that may arise during the engagement process from potential applicants and local units of government.

The Commission further directs the Staff to hold public meetings starting in March 2024 and to file recommendations on application filing instructions, guidance relating to compatible renewable energy ordinances, and any other issues in this docket by June 21, 2024. The Commission will accept comments on the Staff's recommendations until 5:00 p.m. (Eastern time (ET)) on July 17, 2024, and reply comments until 5:00 p.m. (ET) on August 9, 2024. Written

comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-Dockets website, or for those persons without an E-Dockets account, via e-mail to mpscedockets@michigan.gov. Any person requiring assistance prior to filing comments may contact the Staff at (517) 241-6180. All comments should be paginated and reference the above-captioned case, Case No. U-21547. All filed comments will become public information available on the Commission's website and subject to disclosure.

THEREFORE, IT IS ORDERED that:

A. The Commission Staff shall engage with interested persons in transparent open meetings, as described in this order.

B. The Commission Staff shall file recommendations on application filing instructions, guidance relating to compatible renewable energy ordinances, and any other issues in this docket by June 21, 2024.

C. Any interested person may file comments regarding the Commission Staff's recommendations in this docket. Comments shall be filed no later than 5:00 p.m. (Eastern time) on July 17, 2024, and reply comments shall be filed no later than 5:00 p.m. (Eastern time) on August 9, 2024.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of February 8, 2024.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

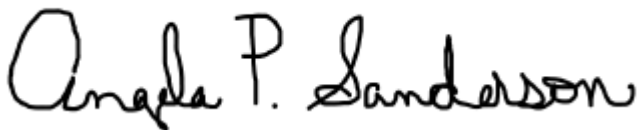
Case No. U-21547

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on February 8, 2024 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 8th day of February 2024.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

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Realgy Energy Services

Santana Energy

Santana Energy

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Stephenson Utilities Department

Superior Energy Company

Texas Retail Energy, LLC

Thumb Electric Cooperative

Upper Michigan Energy Resources Corporation

Upper Peninsula Power Company

Upper Peninsula Power Company

Village of Baraga

Village of Clinton

Volunteer Energy Services

Wabash Valley Power

Wolverine Power

Wood, Amanda

Xcel Energy

Xcel Energy