

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of Michigan Transmission Company, LLC for an Act 30 certificate of public convenience and necessity for the construction of a major transmission line between Oneida Substation in Eaton County and Nelson Road Substation in Gratiot County, Michigan and between the Indiana/Michigan state border at Gilead Township in Branch County and the new Helix Substation in Calhoun County, Michigan.

Case No. U-21471

PETITION OF BRANCH SOLAR, LLC
FOR LEAVE TO INTERVENE OUT OF TIME

Branch Solar, LLC (“Branch Solar”), through its undersigned representative, hereby petitions the Michigan Public Service Commission (“Commission”) for leave to intervene and become a party in the above-captioned proceeding (the “Petition”) pursuant to Rule 410 of the Michigan Administrative Hearing System Administrative Hearing Rules, MAC R 792.10410. In support of its Petition, Branch Solar states as follows:

I. Identification of Petitioner

Branch Solar is a Michigan limited liability company that is developing a solar electric generation facility (the “Branch Solar Project”) located in Branch County, Michigan. The Branch Solar Project has an anticipated commercial operations date of November 1, 2025.

Communications with regard to this filing should be addressed to:

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II. Interests of Petitioner and Grounds for Intervention

On August 14, 2023, Michigan Electric Transmission Company, LLC (“METC”) filed Major Transmission Line Construction Plans in Case No. U-21471 and U-21472.¹ METC proposes to construct an approximately 55-mile, 345 kV transmission line running from Calhoun County to Branch County, Michigan (the “Transmission Line”). The Proposed Route of the Transmission Line crosses the land upon which the Branch Solar Project is being developed and will adversely affect the Branch Solar Project. Given the foregoing, Branch Solar has a direct interest in the siting of the Transmission Line and its interests are not adequately represented by any other party and, as such, it would be harmful to the public interest to deny this Petition.

The Commission has long recognized the two-prong standing test established in *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150 (1970). The test requires the petitioner to demonstrate that: (1) petitioner would likely suffer an injury in fact (*e.g.*, its interests are endangered or at issue); and (2) petitioner’s allegedly endangered interests are within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question. *See id.* Branch Solar meets the standing test because (1) the Proposed Route of the Transmission Line crosses the land upon which the Branch Solar Project is being developed and (2) Branch Solar’s interests in this proceeding are within the zone of interests protected by the Commission’s consideration of issues in this proceeding. Having demonstrated

¹ On September 6, 2024, the Commission consolidated Case Nos. U-21471 and U-21472 into Case No. U-21471.

that its interests satisfy the two-pronged test for standing as a matter of right, Branch Solar respectfully submits that it is entitled to intervene in this proceeding.

Rule 410 of the Commission’s Rules of Practice and Procedure allows for an untimely petition for leave to intervene to be granted “upon a showing of good cause and a showing that a grant of the petition will not delay the proceeding or unduly prejudice any party to the proceedings.” R 792.10410(1). Branch Solar has good cause to seek intervention in Case No. U-21471. Branch Solar’s property interests are directly affected by the Proposed Route and therefore Branch Solar has a strong interest in the above-captioned proceedings. Additionally, the grant of this Petition will not delay this proceeding or unduly prejudice any party as the deadline for seeking intervention of August 22, 2024 has only recently passed and Branch Solar agrees to be bound by the record and procedural schedules developed before the granting of the leave to intervene as required by R. 792.10410(1).

WHEREFORE, for the foregoing reasons, Branch Solar respectfully requests that this Commission grant its Leave to Intervene in the above-titled proceeding as a full party of record.

Dated this 10th day of September, 2024.

Respectfully submitted,

/s/ Daniel F. Burkhart
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Case No. U-21471

CERTIFICATE OF SERVICE

Grace Dickson Gerbas hereby certifies that on the 10th of September, 2024, she served the *Petition of Branch Solar, LLC for Leave to Intervene Out of Time* and this Certificate of Service on the persons identified on the attached service list via electronic mail.

Consolidated Service List for U-21471/U-21472

<p><u>ADMINISTRATIVE LAW JUDGE</u> Christopher S. Saunders</p>	<p>saundersc4@michigan.gov</p>
<p><u>CASE COORDINATOR</u> Megan Mix</p>	<p>MixM@michigan.gov</p>
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LANDOWNERS:

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