

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the application of MICHIGAN |) | |
| ELECTRIC TRANSMISSION COMPANY, LLC, |) | |
| for an Act 30 certificate of public convenience and |) | Case No. U-21471 |
| necessity for the construction of a major transmission |) | |
| line between Oneida Substation in Eaton County and |) | |
| Nelson Road Substation in Gratiot County, Michigan. |) | |
| _____ |) | |

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| In the matter of the application of MICHIGAN |) | |
| ELECTRIC TRANSMISSION COMPANY, LLC, |) | |
| for an Act 30 certificate of public convenience and |) | Case No. U-21472 |
| necessity for the construction of a major transmission |) | |
| line between the Indiana/Michigan border at Gilead |) | |
| Township in Branch County and the new Helix |) | |
| Substation in Calhoun County, Michigan. |) | |
| _____ |) | |

At the July 10, 2025 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

I. HISTORY OF PROCEEDINGS

On August 14, 2023, pursuant to the Electric Transmission Line Certification Act, Public Act 30 of 1995 (Act 30), being MCL 460.561 *et seq.*, Michigan Electric Transmission Company, LLC (METC) submitted to the Commission construction plans for two proposed major transmission lines. Subsequently, on July 15, 2024, METC filed applications, with supporting testimony and exhibits, for certificates of public convenience and necessity for the construction of an approximate 39.5-mile, 345-kilovolt (kV) double circuit transmission line between the existing Nelson Road Substation in New Haven Township, Gratiot County, Michigan and the existing Oneida Substation in Oneida Charter Township, Eaton County, Michigan (Nelson-Oneida Line), and an approximate 55-mile, 345-kV double circuit transmission line between a proposed new Helix Substation in Clarence Township, Calhoun County, Michigan and the Michigan/Indiana border in Gilead Township, Branch County, Michigan (Helix-Hiple Line). *See*, filing #U-21471-0004 (Nelson-Oneida application) and filing #U-21472-0004 (Helix-Hiple application).

Concurrently with the filing of its applications, METC filed motions in each respective docket to consolidate Case Nos. U-21471 and U-21472. *See*, filings ##U-21471-0008 and U-21472-0008. On July 30, 2024, Robert and Rose Williams filed a response and concurrence to METC's motion to consolidate, and on August 26, 2024, Danielle Wohlscheid, Anthony Wohlscheid, Diane Wohlscheid, Charles Wohlscheid, Valerie Wohlscheid-Brennan, Robert Brennan, Lynn Colby, Stephen Colby, Gordon Diemer, Vonnie Diemer, Joseph Haddix, Jennifer Haddix, Karol Sanborn, Eugene Sanborn, Dr. James Sikarskie, Dr. Judi Sikarskie, Lawrence Strzalka, and Coreen Strzalka (collectively the Nelson-Oneida Intervenors) filed an answer to METC's motion to consolidate. *See*, filings ##U-21472-0016 and U-21471-0027.

On August 29, 2024, Administrative Law Judge Christopher S. Saunders (ALJ) held a prehearing conference for Case Nos. U-21471 and U-21472. METC; the Commission Staff (Staff); Citizens Utility Board of Michigan (CUB); Michigan Energy Innovation Business Council (MEIBC), Institute for Energy Innovation (IEI), and Clean Grid Alliance (CGA) (collectively MEIC); the Nelson-Oneida Intervenors; Ronald S. Bewersdorff, Trustee of the Ronald S. Bewersdorff Revocable Trust, Brenda Birchman, Daniel May, Lori May, Kenneth May, and Josip Zokvic, Trustee of the Josip Zokvic Trust (collectively the Knaggs Intervenors); Carol Jegla; Robert and Deb Withee; Robert and Rose Williams; Scott and Lori Blanchard; and Branch Solar, LLC (Branch Solar) attended the prehearing conference. Several individuals also made public comments at the prehearing conference. *See*, 1 Tr 55-77. At the prehearing conference, the ALJ granted METC's motion to consolidate and directed that, moving forward, all filings would be filed in the docket for Case No. U-21471 and that no further filings would be accepted in Case No. U-21472. *See*, 1 Tr 6-12. The ALJ further granted intervention to CUB, MEIC, the Nelson-Oneida Intervenors,¹ the Knaggs Intervenors, and Scott and Lori Blanchard. *See*, filing #U-21471-0040.

Following the prehearing, Ceres Partners, LLC (Ceres) and Ceres Farms, LLC (Ceres Farms); Branch Solar; William and Linda Martin; Robert V. and Dawn H. Lust;² Robert and Rose Williams; Chad A. Myers; Elizabeth Price; Sierra Club; and William A. Peloquin filed petitions

¹ Dr. James Sikarskie and Dr. Judi Sikarskie withdrew their petitions to intervene on September 5, 2024, following the prehearing conference. *See*, filing #U-21471-0038.

² Robert V. and Dawn H. Lust initially filed for intervention as the Robert V. and Dawn H. Lust Living Trust but subsequently moved to amend their petition to change the name of the petitioner to Robert V. and Dawn H. Lust, which the ALJ granted on November 7, 2024. *See*, filings ##U-21471-0020, U-21471-0110, and U-21471-0121.

for leave to intervene out of time.³ The ALJ granted intervention to Ceres and Ceres Farms, Branch Solar,⁴ William and Linda Martin, Robert V. and Dawn H. Lust, Robert and Rose Williams, and Sierra Club, but denied intervention to Chad A. Myers, Elizabeth Price, and William A. Peloquin. *See*, filings ##U-21471-0066 to U-21471-0068, U-21471-0077, U-21471-0112, U-21471-0122, and U-21471-0127 to U-21471-0129. On November 14 and 15, 2024, Chad A. Myers and Elizabeth Price each filed a Motion for Reconsideration. *See*, filings ##U-21471-0140 and -0141. On November 20, 2024, METC filed responses to the motions, and on November 26, 2024, following oral argument, the ALJ denied both motions. *See*, 4 Tr 149. On January 14, 2025, Douglas and Sharon Bloom filed a Petition to Intervene, which the ALJ denied on January 31, 2025. *See*, filings ##U-21471-0211 and U-21471-0233.

The ALJ issued a stipulated protective order in this case on September 27, 2024. *See*, filing #U-21471-0062.

On December 4, 2024, direct testimony and exhibits were filed in this docket on behalf of the Staff, CUB, Sierra Club, MEIC, the Nelson-Oneida Intervenors, the Knaggs Intervenors, and Robert V. and Dawn H. Lust. On December 17, 2024, the Staff filed revised testimony for witness Karsten D. Szajner, and on January 30, 2025, the Nelson-Oneida Intervenors filed revised testimony for witness Valerie Wohlscheid-Brennan. *See*, filings ##U-21471-0194 and

³ *See*, filings ##U-21471-0032, U-21471-0048, U-21471-0050, U-21471-0056, U-21471-0058, U-21471-0099, U-21471-0100; U-21471-0103, and U-21471-0104. On October 29, 2024, METC filed Partial Objections to Elizabeth Price's and Chad A. Myers' Petitions for Delayed Leave to Intervene Out of Time. *See*, filings ##U-21471-0107 and -0108. On November 1, 2024, METC filed an Objection to the Late Petition to Intervene of William A. Peloquin and a Partial Objection to Sierra Club's Petition to Intervene Out of Time. *See*, filings ##U-21471-0116 and -0117.

⁴ On October 4, 2023, METC filed objections to Branch Solar's Petition for Leave to Intervene Out of Time, to which Branch Solar filed a reply brief. *See*, filings ##U-21471-0072 and U-21471-0082. METC, in turn, filed a motion to strike Branch Solar's reply brief on October 14, 2024. *See*, filing #U-21471-0085. On February 6, 2025, the ALJ granted Branch Solar's motion to withdraw. *See*, filing #U-21471-0235.

U-21471-0230. On January 25, 2025, METC filed the direct testimony, with an accompanying exhibit, of Stephen G. Thornhill. *See*, filing #U-21471-0218.

On January 24, 2025, METC, MEIC, and the Nelson-Oneida Intervenors filed rebuttal testimony and exhibits. *See*, filings ##U-21471-0215, U-21471-0217, and U-21471-0219. On February 20, 2025, METC filed testimony for B. Ashley DuPree and revised rebuttal testimony for B. Ashley DuPree, Daniel L. Belin, and Stephen G. Thornhill. *See*, filing #U-21471-0244.

On February 10, 2025, METC filed a motion to strike the direct testimony and exhibits of Nelson-Oneida Intervenors' witness, Avery H. Sanborn, and a motion to strike portions of the direct testimony and exhibits of witnesses Valerie Wohlscheid-Brennan and Brian C. Andrews. *See*, filings ##U-21471-0236 and U-21471-0237. On February 19, 2025, the ALJ denied both motions to strike in their entirety. *See*, 5 Tr 187-189, 205-206.

Direct and cross-examination were conducted on February 19, 2025. On March 19, 2025, the ALJ admitted Exhibit NOI-NT-2 into evidence. 6 Tr 1303.

On March 19, 2025, METC; the Staff; CUB and Sierra Club, jointly; and MEIC filed initial briefs. That same date, the Nelson-Oneida Intervenors and the Knaggs Intervenors jointly filed an initial brief (Joint Intervenors' initial brief). On April 9, 2025, METC; the Staff; CUB and Sierra Club, jointly; and MEIC filed reply briefs. That same date, the Nelson-Oneida Intervenors and the Knaggs Intervenors jointly filed reply briefs (Joint Intervenors' reply brief).

On June 12, 2025, the Commission issued an order in this docket permitting the parties to file supplemental briefing. On June 26, 2025, METC and the Staff submitted supplemental briefs.

On June 27, 2025, Daren A. Wiseley filed a Petition to Intervene Out of Time seeking to submit a supplemental brief and to introduce additional evidence into the record. Case

No. U-21471, filing #U-21471-0301.⁵ On July 1, 2025, METC filed an objection to Mr. Wiseley's Petition to Intervene Out of Time. *See*, filing #U-21471-0303. That same date, Mr. Wiseley filed a reply. *See*, filing #U-21471-0304.

II. EVIDENTIARY RECORD

The record consists of testimony from 34 witnesses and 1,306 pages of public and confidential transcript, along with 196 exhibits. The docket also contains nearly 300 public comments, which can be viewed in the section of the docket labeled "Case Comments." *See*, filings ##U-21471-0001-CC through U-21471-0204-CC and U-21472-0001-CC through U-21472-0093-CC. The various parties' summaries of the evidence and arguments in support of their respective positions are fully set forth in the evidentiary record. While the Commission has

⁵ Pursuant to Mich Admin Code, R 792.10410 (Rule 410), "a person who is not a complainant, respondent, applicant, or staff, and who claims an interest in a proceeding may petition for leave to intervene." Rule 410, however, requires petitions to intervene to be filed not less than seven days before the date set for the initial hearing or prehearing conference. Rule 410(1). The initial prehearing conference in this case occurred on August 29, 2024. Therefore, because Mr. Wiseley's petition is untimely, it may only 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. *See*, Rule 410(1).

The Commission finds that Mr. Wiseley has not shown good cause to warrant a grant of his Petition to Intervene Out of Time. The Commission issued its order calling for supplemental briefs in this case on June 12, 2025 (June 12 order); however, Mr. Wiseley did not file his petition until June 27, 2025, which is past the deadline established in the June 12 order for submitting supplemental briefs. Moreover, as the petition itself states, Mr. Wiseley seeks to submit a brief for the purpose of introducing additional information "that is currently absent from the record." Case No. U-21471, filing #U-21471-0301, p. 5. But the Commission's June 12 order did not reopen the record to permit the introduction of additional evidence. Moreover, despite the opportunity to participate in this matter since its inception on July 15, 2024, Mr. Wiseley's petition was filed a mere 18 days before the Commission's statutory deadline to render a decision within one year of the filing of METC's applications. *See*, MCL 460.568(4).

Accordingly, the Commission finds that Mr. Wiseley has not shown good cause and further finds that granting the petition and permitting the introduction of additional evidence and arguments so late in this proceeding would cause unreasonable delay and would unduly prejudice the parties. As such, the Commission denies Mr. Wiseley's Petition to Intervene Out of Time.

considered the entire record in arriving at its findings and conclusions expressed in this order, only the arguments and evidence necessary for a reasoned analysis of the disputed issues will be specifically addressed in this order.

A. Direct Testimony

1. Michigan Electric Transmission Company, LLC

a. Charles L. Marshall

Charles L. Marshall testified that he is the vice president of transmission planning for ITC Holdings Corp. (ITC Holdings), the parent company of METC. 5 Tr 211, 266. He sponsored Exhibits METC-1A through METC-13A and Exhibits METC-1B through METC-13B.

Mr. Marshall provided an overview of the witnesses appearing on METC's behalf and described the areas those witnesses would be addressing in support of METC's applications. 5 Tr 216-218, 271-273. He also provided an overview of the proposed projects and testified that the projects are part of the Midcontinent Independent System Operator, Inc.'s (MISO's) Long Range Transmission Planning Tranche 1 (LRTP Tranche 1) portfolio, which he stated consists of 18 projects approved as a result of MISO's development of regional transmission solutions. 5 Tr 219, 273-274. He provided background on how the projects were developed as part of MISO's Response and Reliability Imperative, which he claimed identifies a strong need for long range transmission planning to address the region's changing energy mix and reliability challenges that are becoming more significant. 5 Tr 226, 281-282 (citing Exhibit METC-1A and METC-1B).

Mr. Marshall further testified that Michigan's energy landscape is changing and that the state requires both in-state generation and increased access to generation beyond the state's borders through transmission infrastructure. 5 Tr 232-236, 287-289. He stated that the projects are electrically significant in Michigan because they are essential to achieving the state's clean energy

goals and that the projects will benefit Michigan by enhancing grid resilience. 5 Tr 221, 276-277. Moreover, he explained how the projects will, among other things, increase the ability to import energy by increasing the capacity import limit (CIL) for Michigan's lower peninsula, Local Resource Zone 7 (LRZ 7). 5 Tr 236-237, 291-292.

Mr. Marshall also explained why the projects are needed and the alternatives that both MISO and METC have considered in lieu of constructing the proposed transmission lines. 5 Tr 246-256, 301-311. He provided testimony outlining the estimated quantifiable and nonquantifiable public and private benefits that will accrue from the projects. 5 Tr 259-262, 314-318. He also explained the costs of the proposed projects and asserted that benefit cost analyses (BCAs) for the projects, as part of the LRTP Tranche 1 portfolio, show that the benefits are estimated to be 2.2 to 3.4 times the project's costs for LRZ 7. 5 Tr 263, 318-319. Finally, Mr. Marshall opined that the projects meet the requirements of Act 30. 5 Tr 264, 320.

b. B. Ashley DuPree

B. Ashley DuPree testified that he is the director of design engineering for ITC Holdings. 5 Tr 340, 365. He sponsored Exhibits METC-14A through METC-18A and METC-14B through METC-18B.

Mr. DuPree testified that METC retained the consulting services of Burns & McDonnell Michigan, Inc. (BMcD) to assist in identifying, developing, and recommending potential routes to be included in the construction plans for the projects. 5 Tr 344, 369. He explained that after METC filed its construction plans with the Commission, METC proceeded to hold public meetings and receive comments on the projects, and that based on this input, METC then refined the routes for the proposed major transmission lines included in METC's applications. 5 Tr 344, 369. Mr. DuPree then provided a detailed description of these routes proposed for the

Nelson-Oneida Line and the Helix-Hiple Line. 5 Tr 346-355, 371-383; *see also*, Exhibits METC-15A and METC-15B.

Mr. DuPree next described the various design and safety considerations METC undertook when designing the proposed transmission lines, including codes and standards that will be followed during construction. 5 Tr 356-357, 383-385. He also explained why a 200-foot right-of-way (ROW) is needed to ensure reliability and safety and to provide proper vegetation management. 5 Tr 358-360, 385-387. Lastly, Mr. DuPree provided testimony regarding line safety and maintenance, as well as zoning ordinances that may prohibit or regulate construction of the transmission lines. 5 Tr 362-363, 389-391.

c. M. Cynthia Stump

M. Cynthia Stump testified that she is the director of local government and community affairs for ITC Holdings. 5 Tr 444, 453. She sponsored Exhibits METC-19A through METC-21A and Exhibits METC-19B through METC-21B.

Ms. Stump summarized METC's public outreach efforts, which included communications with local municipalities, public meetings, and engagement with elected officials. 5 Tr 446-447, 455-456. She described how METC used various methods to publicize public meetings for the projects, including newspaper postings, postcards, and updates on the company's website to inform the public. 5 Tr 448, 456. Ms. Stump also explained that the public meetings for the projects were held in an "open house" format with different stations where attendees could learn about various aspects of the projects, such as scheduling, environmental impacts, and routing/design processes. 5 Tr 448-449, 456-458. She further stated that attendees were provided an opportunity to submit comments both in-person and on the company's website, and she further presented a summary of these comments in Exhibits METC-21A and METC-21B.

5 Tr 449-450, 458. Additionally, Ms. Stump stated that METC communicated with elected officials by offering to meet to discuss the projects and routes, and she described METC's communications processes. 5 Tr 450, 458-459.

d. Carlo P. Capra

Carlo P. Capra testified that he is the director of capital projects for ITC Holdings. 5 Tr 471, 484. He sponsored Exhibits METC-24A and METC-24B.

Mr. Capra testified about the general construction timelines for the Nelson-Oneida Line and the Helix-Hiple Line, as well as the health and safety precautions METC will employ when constructing the projects. He also testified as to how the company will comply with applicable environmental laws and standards and co-sponsored the environmental reports for both projects. 5 Tr 474, 487. Mr. Capra stated that the Nelson-Oneida Line will begin construction in the first quarter of 2028, with completion scheduled by the end of that year, and that the Helix-Hiple Line will begin construction in the fall of 2025, with completion scheduled by the middle of 2030. 5 Tr 475, 488. He testified that the projects would avoid and minimize impacts through compliance with various health and safety standards and through compliance with a host of environmental statutes and permits. 5 Tr 476-478, 488-491. Finally, Mr. Capra stated that METC will employ best management practices (BMPs), as reflected in the environmental reports, that will minimize and mitigate impacts and that additional measures may be implemented based on environmental permits obtained for the projects. 5 Tr 478-481, 492-494.

e. Stephen G. Thornhill

Stephen G. Thornhill testified that he is a project manager for siting and environmental studies in the environmental services global practice division at BMcD. 5 Tr 506. He provided testimony adopting, in its entirety, the pre-filed direct testimony of METC witness Kathryn A. Samuelson.

5 Tr 508-509. He sponsored Exhibit METC-50, and through Ms. Samuelson, Exhibits METC-22A through METC-24A and METC-22B through METC-24B.

In her direct pre-filed testimony, Ms. Samuelson testified that, at METC's direction, BMcD conducted route studies for the Nelson-Oneida Line and the Helix-Hiple Line. 5 Tr 512, 540. According to Ms. Samuelson, BMcD first established a study area for each proposed transmission line and then mapped resources within those study areas. 5 Tr 512, 540; *see also*, Exhibit METC-23A, p. 10; Exhibit METC-23B, p. 10. After mapping resources, BMcD then established a network of route segments; these segments were then in turn used to identify potential routes that avoided or minimized impacts while providing a constructable alignment. 5 Tr 513, 541; *see also*, Exhibit METC-23A, pp. 24-26; Exhibit METC-23B, pp. 25-27. Ms. Samuelson next stated that the potential routes were evaluated based on a host of factors that included evaluation categories for engineering, environmental, and social impacts. 5 Tr 513-515, 541-543. From this data, she stated that several trends were identified to narrow the number of potential routes. A proposed route and an alternate route were then selected for each proposed transmission line and included in the construction plan for each respective line. 5 Tr 515-517, 543-545.

Ms. Samuelson also testified that BMcD consulted with various local, state, and federal agencies about the identified routes included in the construction plans. 5 Tr 518, 546. She stated that BMcD prepared an environmental report for each proposed transmission line that provided an analysis of the natural and human resources within the vicinity of the projects and described the methods by which impacts could be avoided or mitigated. 5 Tr 519, 547; *see also*, Exhibits METC-24A and METC-24B. Specifically, Ms. Samuelson described potential impacts to land use, human settlement, recreation, public services and transportation, water resources, fish,

wildlife, vegetation, cultural resources, geological resources, air quality, and noise, and further described how the projects will avoid or mitigate impacts to these resources.

5 Tr 519-535, 547-565. In conclusion, Ms. Samuelson testified that the route proposed for each transmission line is the most reasonable and feasible route for each respective project.

5 Tr 536, 566.

f. Mark A. Israel, M.D.

Mark A. Israel testified on behalf of METC that he is a doctor and scientific researcher who, in his 48-year career, has been responsible for diagnosing and treating patients, conducting medical and biological research, teaching medicine, and directing and managing a major medical care center. 5 Tr 607, 622. He sponsored Exhibits METC-25A and METC-25B.

Dr. Israel explained that he has developed medical expertise in electromagnetic fields (EMF) and that he has reviewed thousands of studies on the scientific research on EMF and their effect at the cellular level, including the long-term effects of EMF exposure on animals. 5 Tr 614-615, 617, 629-630, 632. Based on his review, Dr. Israel opined that, taken as a whole, these studies do not show that EMF exposures cause biologically significant effects in cells that could cause or contribute to the development of cancer. 5 Tr 616, 631. Dr. Israel also testified that the World Health Organization (WHO) and the National Cancer Institute (NCI) have found that laboratory studies have not identified any connection between EMF exposure and cancer. 5 Tr 618-619, 633-634. He stated that he has reviewed information about the EMF levels for both the Nelson-Oneida Line and Helix-Hiple Line and that in his expert opinion there is no reliable scientific basis to conclude that exposure to power frequency EMF from the projects will cause or contribute to the development of cancer in children or adults. 5 Tr 620, 635.

g. Gary B. Johnson, Ph.D.

Gary B. Johnson testified that he is a senior managing scientist at Exponent, an engineering and scientific consulting firm. 5 Tr 643, 666. He sponsored Exhibits METC-26A, METC-27A, METC-26B, and METC-27B.

Dr. Johnson explained that he calculated the expected magnetic fields, electric fields, audible noise (AN), and radio noise (RN) for the projects. 5 Tr 647-649, 670-672; *see also*, Exhibits METC-27A and METC-27B. He testified that the highest magnetic field levels calculated at the edge of the ROWs for the projects are less than common fields experienced in the everyday environment, less than typical household items, and less than limits set in guidelines by national and international organizations. 5 Tr 655-656, 678-679. He further testified that AN levels at the edge of the ROWs for the projects are below target values published by the U.S. Environmental Protection Agency (EPA) and the WHO, and that METC's designs for RN comply with applicable federal regulations. 5 Tr 660, 662-663, 683, 685-686. Dr. Johnson also contended that the projects are not expected to cause stray voltage. 5 Tr 664, 687. In conclusion, Dr. Johnson opined that the projects are similar to other 345-kV transmission lines and that calculated values of electric fields, magnetic fields, AN, and RN avoid unreasonable adverse effects. 5 Tr 664, 687-688.

h. Daniel L. Belin

Daniel L. Belin testified that he is the principal project manager and team lead for environmental and permitting services at DNV. 5 Tr 701, 713. He sponsored Exhibits METC-28A and METC-28B.

Mr. Belin testified that, based on his review, METC's route studies considered factors and resources typically evaluated for projects of their size, and that the studies utilized industry best

practices. 5 Tr 704-706, 716-718. He also opined that the environmental reports generated for the projects analyzed resources and data that are commonly reviewed and that the measures adopted by METC to avoid, minimize, and mitigate impacts are consistent with industry standards.

5 Tr 708-709, 711, 720-721, 723. Mr. Belin also asserted that the projects will be able to comply with permit requirements and conditions that would typically apply to high voltage transmission lines. 5 Tr 710, 722.

2. Commission Staff

a. Naomi J. Simpson

Naomi J. Simpson testified that she is the manager of the Resource Optimization and Certification Section within the Energy Resources Division at the Commission. 5 Tr 1178. She sponsored Exhibit S-1.

Ms. Simpson's testimony relates to the Staff's overall review of METC's applications and recommendations regarding whether each proposed transmission line's proposed and alternate route meet Act 30's requirements. She testified that the projects are each a major transmission line under the law and that METC provided one alternate route for each proposed transmission line, although approximately one-third of each alternate route is identical to their respective transmission line's proposed route. 5 Tr 1186-1187. She further testified that it is unclear whether the proposed quantifiable and nonquantifiable public benefits of the projects justify their construction because it is not clear that the benefits would justify construction if the remainder of the LRTP Tranche 1 portfolio is not built. 5 Tr 1187. Accordingly, she recommended that the Commission condition approval of the projects on the remaining portions of the LRTP Tranche 1 portfolio receiving regulatory approval in the respective state where they will be constructed. 5 Tr 1188.

Additionally, Ms. Simpson testified that the proposed route and alternate route for the Nelson-Oneida Line and Helix-Hiple Line are reasonable and feasible, and that both transmission lines do not present an unreasonable threat to public health or safety. 5 Tr 1189. However, she relayed the Staff's concerns regarding METC's efforts to work with affected landowners through land agreements and urges the company to make minor adjustments for landowners where possible. 5 Tr 1189-1191. She further stated that the Staff urges METC to utilize existing rights of way to minimize impacts to landowners. 5 Tr 1191-1192.

Overall, Ms. Simpson testified that the Staff finds that METC complies with the application requirements outlined in Act 30 and that the Commission should approve METC's applications subject to the following conditions: (1) that the remaining portions of the LRTP Tranche 1 portfolio receive necessary regulatory approval, (2) that METC be required to file a memorandum in this docket detailing when each LRTP Tranche 1 project has received approval, and (3) that METC commits to considering minor route changes at the request of impacted landowners and to provide details in this docket about the process by which affected landowners can submit such requests and why any proposed adjustment could not be accommodated. 5 Tr 1192-1193.

b. Karsten D. Szajner

Karsten D. Szajner testified that he is an economic analyst in the Resource Optimization and Certification Section at the Commission. 5 Tr 1196. He sponsored Exhibits S-2.0 through S-2.4.

Mr. Szajner's testimony relates to the Staff's position regarding the Nelson-Oneida Line. Mr. Szajner testified that METC held public meetings and offered to meet with the chief elected officials of affected municipalities and further stated that the company indicated that construction for the proposed transmission line would begin in the first quarter of 2028, which the Staff found to be a reasonable timeframe. 5 Tr 1200. However, he contended that, although the company

provided a summary of comments received at public meetings, the quality of these summaries was lacking and the company's generic responses to parcel-specific comments were not helpful.

5 Tr 1207-1208. Mr. Szajner further testified that METC provided a description of the proposed route and an alternate route, including the Staff's concerns regarding the overlap of these routes, as well as information regarding local ordinances and estimated costs. 5 Tr 1200-1203. Regarding the need for the proposed line, Mr. Szajner stated that METC provided information about the quantifiable and nonquantifiable public and private benefits of the project along with information addressing the potential effects of the project on public health and safety. 5 Tr 1204-1206.

Mr. Szajner concluded that METC submitted information sufficient to demonstrate that its application for the Nelson-Oneida Line substantially meets statutory requirements but that the Commission should condition issuance of a certificate on the company providing contact information to landowners so that they can convey any concerns during and after construction. Finally, Mr. Szajner proposed that the Commission direct the Staff to develop filing guidelines for Act 30 applications. 5 Tr 1209-1210.

c. Marcelline A. Champion

Marcelline A. Champion testified that she is a public utilities engineer in the Resource Optimization and Certification Section at the Commission. 5 Tr 1213. She sponsored Exhibits S-3.0 and S-3.2, and Confidential Exhibit S-3.1.

Ms. Champion's testimony relates to the Staff's position regarding the Helix-Hiple Line. She testified that METC held public meetings, offered to meet with the chief elected official of affected municipalities, and provided summaries of public comments received at public meetings in conformance with Act 30 requirements; however, Ms. Champion argued that landowners had limited ability to understand if their feedback was considered and that more robust communication

is needed. 5 Tr 1217-1219. She further testified that METC indicated that construction of the line would begin in the fall of 2025, which the Staff found to be a reasonable timeframe. 5 Tr 1220. Additionally, Ms. Champion contended that METC provided detailed descriptions of the proposed route and an alternate route but she reiterated the Staff questions regarding the amount of overlap between these two routes. 5 Tr 1220-1222. With respect to need, Ms. Champion stated that the company provided information in its application supporting the need for the proposed transmission line based on system reliability, economic value, and support for policy mandates, and further that METC provided information on the public and private benefits of the project. 5 Tr 1223-1226. She further asserted that METC's application contained information regarding the public impact of the proposed transmission line, including the effects on public health and safety. 5 Tr 1226-1227. Lastly, Ms. Champion recommended that the Commission direct the Staff to develop filing guidelines for Act 30 applications. 5 Tr 1227.

d. Zachary C. Heidemann

Zachary C. Heidemann testified that he is a public utilities engineer in the Resource Optimization and Certification Section at the Commission. 5 Tr 1230. He sponsored Exhibits S-4.0 through S-4.41 and Confidential Exhibit S-4.42.

Mr. Heidemann's testimony relates to the Staff's due diligence and technical analysis of the proposed route and alternate route for both the Nelson-Oneida Line and the Helix-Hiple Line. He first testified to the overlap between these routes and notes that approximately 19.3 miles and approximately 12.11 miles of the proposed route and alternate route overlap for the Helix-Hiple Line and Nelson-Oneida Line, respectively. 5 Tr 1236-1237. In turn, he argued that it is therefore unclear if METC has adequately identified an alternate route for each proposed transmission line. 5 Tr 1237-1238.

Mr. Heidemann also testified as to the total expected benefits to LRZ 7 from both projects and contended that these benefits are not based on the construction of the Nelson-Oneida Line and the Helix-Hiple Line alone. Rather, he asserted that the total expected benefits are contingent on the construction of the other projects in the LRTP Tranche 1 portfolio. 5 Tr 1238. Mr. Heidemann noted that other MISO multi-value projects (MVPs) have not always received timely approval and that a similar delay for the LRTP Tranche 1 portfolio could impact the benefits to Michigan ratepayers. 5 Tr 1238-1239. Additionally, he testified as to the private benefits of the projects and their estimated costs to ratepayers. 5 Tr 1240-1242.

With respect to METC's route studies, Mr. Heidemann explained that the Staff reviewed the studies and applied a normalization formula to rank the potential routes explored for both proposed transmission lines. 5 Tr 1247-1248. Based on this analysis, he assessed how the proposed routes and the alternate routes performed and how the routes selected by METC were reasonable choices. 5 Tr 1248-1249, 1253-1255. Furthermore, as part of the Staff's analysis, he explained how scores for the proposed routes and the alternate routes changed following the company's refinement of these routes based on agency and public input. 5 Tr 1256-1262, 1266-1269. Mr. Heidemann also recapped the results of the Staff's analysis of a single segment spliced into the proposed route as an alternative to one of the segments in the company's original proposed route for the Helix-Hiple Line to avoid impacts to a rural airport.⁶ 5 Tr 1263-1265.

Lastly, Mr. Heidemann testified about the human health and safety impacts of the projects and recommended that METC be required to investigate noise complaints associated with the projects.

⁶ Act 30 enables parties to submit an alternative route for a proposed major transmission line. *See*, MCL 460.568(4).

5 Tr 1272-1275. He further recommended that the Commission direct the Staff to develop filing guidelines for Act 30 applications. 5 Tr 1277.

3. Citizens Utility Board of Michigan and Sierra Club

a. Douglas B. Jester

Douglas B. Jester testified that he is the managing partner of 5 Lakes Energy LLC. 5 Tr 934. He sponsored Exhibits CUB-1 through CUB-4.

Mr. Jester opined that MISO's projections of the benefits of the LRTP Tranche 1 portfolio are reasonable. 5 Tr 943 (referencing Exhibit METC-3B). Further, he asserted that MISO's projections of the benefits to LRZ 7 may be understated due to the increased need for transmission infrastructure to accommodate higher levels of clean energy incentivized by the federal Inflation Reduction Act of 2022 and Public Act 235 of 2023. 5 Tr 950-952. Additionally, Mr. Jester referenced a report he co-authored that analyzed Michigan's transmission needs and that produced similar results to those produced by MISO; he stated that the report also identified an additional 300-megawatt (MW) import capability into LRZ 7 from non-MISO regions that was previously not considered by MISO. 5 Tr 952. Mr. Jester also contended that the history of integrated resource plan (IRP) cases before the Commission has shown that increasing import capability by expanding transmission capacity is an important component of the pathway to retire legacy fossil fuel generation and replace it with clean energy. 5 Tr 952-953. Accordingly, Mr. Jester opined that the evidence demonstrates that the quantifiable and nonquantifiable public benefits of the proposed transmission lines justify their construction and that the Commission should grant certificates for each of the projects. 5 Tr 956.

4. Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Clean Grid Alliance

a. Natalie Lyijynen

Natalie Lyijynen testified that she is a sustainable business associate at MEIBC and IEI.

5 Tr 811. She sponsored Exhibits MEIC-1 through MEIC-6.

Ms. Lyijynen testified in support of the projects as part of the LRTP Tranche 1 portfolio and emphasized that the public benefits of the projects justify their construction. She highlighted the critical role of MISO's long-range transmission planning in maintaining electric reliability across the region and concurred with Mr. Marshall's testimony regarding the public benefits of the projects. 5 Tr 814-822. Ms. Lyijynen also asserted that the projects will support reliability, improve grid flexibility, and alleviate congestion. 5 Tr 823-829. She further stated that the projects are expected to increase access to more affordable generation resources and promote greater competition. 5 Tr 829-837. Additionally, she testified that the projects will be essential for achieving Michigan's decarbonization targets. 5 Tr 837-842. As a result, Ms. Lyijynen recommended that the Commission find that the quantifiable and nonquantifiable public benefits of the project justify their construction. 5 Tr 843.

b. Michael Goggin

Michael Goggin testified that he is a vice president at Grid Strategies LLC, a consulting firm based in the Washington D.C. area. 5 Tr 847. He sponsored Exhibits MEIC-7 through MEIC-14.

Mr. Goggin provided testimony to demonstrate that the projects satisfy the statutory requirement for the quantifiable and nonquantifiable public benefits of the projects to justify their construction. 5 Tr 848. He testified that the projects would lower electricity costs in Michigan by connecting cheaper renewable resources from MISO's western regions and delivering their output to Michigan ratepayers without being degraded by congestion. 5 Tr 860-876. Further, he asserted

that the projects are essential to cost-effectively deliver renewable energy resources to meet Michigan's renewable portfolio standard. 5 Tr 876-881. Mr. Goggin also stated that the projects will enhance electric reliability and resilience while minimizing costs. 5 Tr 881-892. Finally, he contended that the projects would contribute to pollution reduction in both Michigan and the MISO region. 5 Tr 892-895.

5. Nelson-Oneida Intervenors

a. Brian C. Andrews

Brian C. Andrews testified that he is a consultant in the field of public utility regulation and a principal with Brubaker & Associates, Inc. 5 Tr 974. He sponsored Exhibits NROL-1 through NROL-6.

Mr. Andrews asserted that the most important factors to consider when routing a transmission line include impacts to residences, cost, and the paralleling of existing linear infrastructure. 5 Tr 979. Mr. Andrews, in turn, criticized METC's route studies and argued that the company did not adequately consider the use of an existing ROW owned by Consumers Energy Company (Consumers), which he asserted is an appropriate paralleling opportunity in this case. 5 Tr 982-985. He also contended that METC did not evaluate the cost of any of the potential routes for the transmission line, and he further argued that the alternate route for the Nelson-Oneida Line is likely to cost less than METC's proposed route due to fewer heavy angles needing to be used and fewer wetlands impacted. 5 Tr 986-988. Furthermore, Mr. Andrews opined that the alternate route would have superior river crossings as compared to METC's proposed route due to the geography of the crossing and the ability to avoid floodplain impacts. 5 Tr 988-992. Accordingly, based on these deficiencies, Mr. Andrews argued that METC's

proposed route for the Nelson-Oneida Line is not the most feasible and most reasonable route. 5 Tr 993.

Instead, Mr. Andrews contended that the alternate route or an alternative route that utilizes METC's proposed route and the existing Consumers ROW is the most feasible and most reasonable route. 5 Tr 993. He argued that the alternative route proposed by the Nelson-Oneida Intervenor is superior to METC's proposed route because it uses the existing Consumers ROW, reduces costs, and has better river crossings. 5 Tr 993-996. As a result, he advocated for the Commission to approve this alternative route. 5 Tr 997. Mr. Andrews also advocated for the Commission to alternatively approve the alternate route for the Nelson-Oneida Line because the route outperforms METC's proposed route on a number of evaluation factors. 5 Tr 998-999. Lastly, Mr. Andrews highlighted the overlap between METC's proposed route and the alternate route and questioned METC's decision not to utilize a route segment through the Maple River State Game Area, stating that another transmission line uses this public land. 5 Tr 1001-1002.

b. Larry Strzalka

Larry Strzalka testified that he lives on a farm in Eagle, Michigan, that is along METC's proposed route for the Nelson-Oneida Line. 5 Tr 1045. He sponsored Exhibit LS-1.

Mr. Strzalka stated that METC's proposed route runs through the middle of his property, which he contended will disrupt his farming and beef cattle operation. 5 Tr 1045. According to Mr. Strzalka, cattle cannot graze under high voltage transmission lines because the charge from the lines makes them uncomfortable. 5 Tr 1045-1046. He also asserted that the proposed transmission line will damage drain tiles on his property, and he questioned why METC cannot use the existing Consumers ROW. 5 Tr 1046-1047. Mr. Strzalka also expressed concerns

regarding the decrease in value to his land as well as the impact of the transmission line on his grandchildren's health and their ability to enjoy the property. 5 Tr 1047-1048.

c. Stephen Colby

Stephen Colby testified that he resides on an approximately 43-acre parcel located along METC's proposed route for the Nelson-Oneida Line. 5 Tr 1054. He sponsored Exhibits SC-1 through SC-3.

Mr. Colby asserted that construction of METC's proposed route along the eastern parts of his property will compact and degrade soil and will disrupt crop production. 5 Tr 1056. Further, Mr. Colby expressed his concern that the transmission line will negatively impact his horse pasture and will drastically diminish the beauty and value of his property. 5 Tr 1056. Additionally, Mr. Colby stated that METC's proposed route will impact the historical resources on his property, which he claimed has been used as a river crossing by early European settlers and Native Americans, including alleged use of the area by the Saginaw Chippewa Indian Tribe. 5 Tr 1057-1059. Finally, Mr. Colby testified that the project would impact woodlands on his property that provide an eagle habitat, and that METC's proposed route will be located on a steep ravine that is not ideal for construction and will disrupt the boundary of his property. 5 Tr 1059-1061.

d. Joseph Haddix

Joseph Haddix testified that he lives on property traversed by METC's proposed route for the Nelson-Oneida Line in Grand Ledge, Michigan. 5 Tr 1070. He sponsored Exhibit JH-1.

Mr. Haddix stated that METC's proposed route will run through the center of his property, which he claimed will have a significant impact on farming and mining activities that occur on the property. 5 Tr 1070. He testified that the proposed transmission line will cause safety concerns

due to the presence of towers and lines that will interfere with the equipment needed to mine his property. 5 Tr 1073. Additionally, Mr. Haddix testified that archeological artifacts were found on his property when a natural gas pipeline was installed on the property. 5 Tr 1075. Finally, Mr. Haddix questioned why METC's proposed route would need to be located on his property and inflict significant impacts when an existing utility corridor is already available for use. 5 Tr 1070-1072.

e. Gordon Diemer

Gordon Diemer testified that he is the landowner of a 23-acre property adjacent to the Nelson-Oneida Line in Grand Ledge, Michigan. 5 Tr 1081. He sponsored Exhibit GD-1.

Mr. Diemer explained that he has both educational and professional backgrounds in avionic technology and that he owns an avionics business whereby he operates a Federal Aviation Administration (FAA)-approved workshop on his property to service aircraft. 5 Tr 1081-1082. He stated that, historically, private aircraft owners could fly and land their aircraft on an airstrip located on the property and have maintenance work completed in his workshop. 5 Tr 1082. However, due to his wife's recent illness, Mr. Diemer stated that he now works part-time and, as a result, only performs his work at local airports and airfields. 5 Tr 1082-1083. Mr. Diemer has let the property's airstrip to a neighbor who now plants corn in the area; however, he testified that he intends to resume full-time work at his workshop and that the proposed transmission line will prevent pilots from ever using the airstrip on his property to access his workshop. 5 Tr 1083.

f. Anthony Wohlscheid

Anthony Wohlscheid testified that METC's proposed route for the Nelson-Oneida Line runs through his family's 60-acre centennial farm in Eagle, Michigan. 5 Tr 1088. He sponsored Exhibits AW-1 through AW-3.

Mr. Wohlscheid explained that METC's proposed route runs on approximately 9.2 acres of his property and encroaches upon recreational and wildlife spaces that include all-terrain vehicle trails, drainage tiles, a mature orchard, hunting stands, food plots, and a small pond.

5 Tr 1088-1089. He expressed his concerns regarding the safety of the transmission line as it relates to his children's use of the property for recreational purposes, the effect of EMF on his children, the ability to perform routine maintenance on his roof, and the impact on the use of a reserve drain field for a residence on the property. 5 Tr 1089-1090. Mr. Wohlscheid also conveyed his concerns about the transmission line's effects on his family's legacy in the property, which he stated dates to 1895, and the longstanding efforts to create wildlife habitat and recreational opportunities on the property. 5 Tr 1089, 1091-1093.

Additionally, Mr. Wohlscheid testified as to the impact of the proposed transmission line on the value of his property and the impact it will have on current and future farming activities.

5 Tr 1094. He contended that METC did not provide his family the opportunity to provide input on the relocation of the proposed route to the eastern portion of his property, and he asserted that his concerns about the transmission line would be addressed if METC utilizes the alternate route that incorporates Consumers existing ROW. 5 Tr 1094-1095.

g. Dr. James Sikarskie

Dr. James Sikarskie testified that he is a retired professor of veterinary medicine and a fully licensed Doctor of Veterinary Medicine. 5 Tr 1101. He sponsored Exhibits JS-1 through JS-4.

Dr. Sikarskie stated that he possesses expert qualifications in Michigan's nesting eagle habitat, behavior, and mortality through his academic studies and experiences studying and publishing articles on the subject. 5 Tr 1102, 1104. According to Dr. Sikarskie, eagles usually nest in the highest tree to avoid human contact and prefer to eat fish and some aquatic birds and mammals.

As a result, he stated that consideration should be given to the Nelson-Oneida Line's placement at river crossings that lie within nesting eagle habitat. 5 Tr 1105-1106. Dr. Sikarskie testified that METC's proposed route, if constructed as designed, would result in the destruction of a large stand of old growth trees at the Grand River crossing that offers nesting opportunities and prevents erosion and chemical contamination of nesting eagle habitat. 5 Tr 1108-1109. Conversely, he stated that the alternate route's crossings at both the Looking Glass River and the Grand River offer advantages over METC's proposed route given the alternate route's limited impacts on wetlands, avoidance of the cutting of mature trees, and use of existing cleared corridors designated as a transmission line ROW. 5 Tr 1109-1110. Accordingly, based on his expertise and review of METC's proposed route and the alternate route for the Nelson-Oneida Line, Dr. Sikarskie opined that the alternate route "will have much less harmful impact on the nesting eagle population and the population of other raptors feeding and reproducing" in riverine habitats. 5 Tr 1105.

h. Valerie Wohlscheid-Brennan

Valerie Wohlscheid-Brennan testified that she is a system engineer at HomeWorks Tri-County Electric Cooperative and that she owns property in Grand Ledge, Michigan, along METC's proposed route for the Nelson-Oneida Line. 5 Tr 1116, 1121. She sponsored Exhibits VWB-1 through VWB-4.

Ms. Wohlscheid-Brennan first asserted that METC failed to justify the need for a 200-foot ROW for the Nelson-Oneida Line and that other MISO transmission lines use ROWs that are much smaller than the one requested for the projects. 5 Tr 1121-1124. She next contended that the three most important routing factors are safety, damage to landowners and the environment, and cost. Based on these factors, Ms. Wohlscheid-Brennan argued that METC's proposed route is deficient because it includes a large loop to circumvent the Maple River State Game Area, which

she contended unnecessarily increases costs. 5 Tr 1124-1126. Further, she asserted that METC's failure to utilize the existing Consumers ROW is unjustified and contrary to sound routing principles. 5 Tr 1126-1130. Finally, Ms. Wohlscheid-Brennan argued that the southern portion of METC's proposed route contains numerous angles that increase costs. She in turn argued that the alternate route for the Nelson-Oneida Line is superior and that METC's proposed route is not feasible or reasonable. 5 Tr 1130, 1132.

Ms. Wohlscheid-Brennan also testified as to the impacts of METC's proposed route, including safety concerns for airstrips and gravel pits located along the route. 5 Tr 1131-1132. She also stated that METC's proposed route will disproportionately impact her farm, as well as her family's nearby centennial farm, which includes impacts to endangered species. 5 Tr 1133-1137.

i. Avery Sanborn

Avery Sanborn testified on behalf of his family's property and noted that he is a forest technician for the Michigan Department of Natural Resources (MDNR). 5 Tr 1144. He sponsored Exhibits AS-1 through AS-5.

Mr. Sanborn stated that he reviewed METC's proposed route and the alternate route for the Nelson-Oneida Line and conducted an additional analysis of the routes, including field reconnaissance. 5 Tr 1146-1147. Based on this analysis, he contended that there are significant discrepancies between METC's studies and his observations regarding wetlands within the ROW for the company's proposed route. Specifically, Mr. Sanborn alleged that METC inaccurately classified 35 acres along its proposed route as non-wetland. 5 Tr 1147. Furthermore, based on land cover maps he created, Mr. Sanborn asserted that an alternative route segment advocated for by the Nelson-Oneida Intervenors, which makes use of the Maple River State Game Area, outperforms METC's proposed route in at least 12 of the 21 routing factors and reduces the

number of stream crossings, including avoiding two previously unidentified trout streams.

5 Tr 1148-1150. He also explained the historical significance of his family's property. 5 Tr 1151.

As a result, Mr. Sanborn opined that the alternative route segment proposed by the Nelson-Oneida Intervenors significantly reduces overall impacts to humans and the environment. 5 Tr 1151-1152.

6. Knaggs Intervenors

a. Ronald S. Bewersdorff

Ronald S. Bewersdorff testified that he is the owner of two parcels of property in Portland, Michigan, that will be impacted by the Nelson-Oneida Line. 5 Tr 910-911. He stated that his property is subject to the terms of a trust that designates the property as a wildlife sanctuary and prohibits trees from being removed. 5 Tr 911. According to Mr. Bewersdorff, he is opposed to the transmission line because construction would necessitate extensive land clearing that would violate the terms of the trust and would result in significant environmental disturbances that would affect the local ecosystem and wildlife habitats. 5 Tr 912, 914. He further stated that the transmission line would reduce the value of his properties, increase operating and maintenance costs, severely limit access to his property, and result in higher medical expenses over time. 5 Tr 912-913. Finally, Mr. Bewersdorff testified that construction of the transmission line would negatively impact aesthetics and alter the existing rural scenery of the properties. 5 Tr 914.

b. Brenda Birchman

Brenda Birchman testified that she owns property in Portland, Michigan, that will be impacted by METC's proposed route for the Nelson-Oneida Line. 5 Tr 916. Ms. Birchman stated that she and her husband purchased the property 35 years ago because they often canoed the Looking Glass River and admired the mature woods and untouched land and wetlands in the area. 5 Tr 917. She explained that approximately 30 acres of the property have remained unchanged since the

property's purchase and that she has engaged professional loggers to responsibly maintain forests on the property. 5 Tr 918. Ms. Birchman further testified that the proposed transmission line will negatively impact her access to the Looking Glass River and her ability to explore the property with her grandchildren, as well as result in the destruction of wetlands that provide habitat to a host of animals. 5 Tr 919-920. She opposed METC's proposed route and expresses concerns that the transmission line will result in pollution, attract deer ticks, open her property to trespassing and hunting, and decrease the value of the property. 5 Tr 920-921.

c. Daniel L. May

Daniel L. May testified that he owns property in Portland, Michigan, that will be impacted by the proposed route for the Nelson-Oneida Line. 5 Tr 923-924. According to Mr. May, the proposed transmission line would deforest woods and strip the tree line on his property and cut a 200-foot swath through the middle of his property. 5 Tr 924. Mr. May stated that the proposed transmission line would reduce the amount of land that is currently leased for farming, negatively impacting his income. 5 Tr 924-925. He further testified that there is an active sand mine on the property and that the proposed transmission line could interfere with contractual obligations governing the extraction of materials from this mine. 5 Tr 925-926. Finally, Mr. May stated that the proposed transmission line would decrease the value of the property because the aesthetics of the property and wildlife habitat would suffer. 5 Tr 926.

d. Kenneth D. May

Kenneth D. May testified that he owns property in Portland, Michigan, that will be impacted by the proposed route for the Nelson-Oneida Line. 5 Tr 929-930. Mr. May stated that the property's farmland is leased to a local farmer and that construction of the transmission line will diminish the amount of land that can be leased, which will reduce his income. 5 Tr 930. He also

testified that the transmission line would alter the aesthetics of the property and negatively impact wildlife habitat and property values. 5 Tr 930.

7. Robert V. Lust

Robert V. Lust testified that he is the owner of a property that is contiguous to the Helix-Hiple Line in Eckford Township, Michigan. 5 Tr 961. He sponsored Exhibits LUS-1.1 through LUS-4.2.

Mr. Lust testified that he first learned of the Helix-Hiple Line in August 2024, when he received a notice of hearing and opportunity to comment in Case No. U-21471. 5 Tr 963. Upon reviewing the filings in the docket in that case, Mr. Lust stated that he discovered that the proposed transmission line traverses approximately 110 feet north of his property. 5 Tr 963. He explained that METC's proposed route for the Helix-Hiple Line is in an area of higher residential housing density, is approximately 50% longer, and requires more acres of land and poles than the route proposed in METC's construction plan. 5 Tr 965. To mitigate these impacts, Mr. Lust suggested that the route could be altered to make use of three largely unused parcels to the west of the proposed route. According to Mr. Lust, use of these parcels would result in a shorter transmission line that is farther away from residences and would utilize relatively unproductive land. 5 Tr 965-966.

B. Rebuttal Testimony

1. Michigan Electric Transmission Company, LLC

a. Charles L. Marshall

Mr. Marshall provided rebuttal testimony to rebut the Staff's and Ms. Wohlscheid-Brennan's direct testimony. He sponsored Exhibits METC-29R and METC-30R.

Mr. Marshall first disagreed with the Staff's contention that the public benefits of the projects will be unclear if the entire LRTP Tranche 1 portfolio is not constructed. He opined that the projects, even if viewed in isolation, provide benefits to Michigan. 5 Tr 323-324, 326-327. Accordingly, he contended that the Staff's proposed condition related to approval of the other projects in the portfolio is unreasonable. 5 Tr 325-328. Mr. Marshall also stated that other MISO MVPs, including MISO Transmission Expansion Plan (MTEP) 11, should not be a source of concern, but rather are demonstrative of MISO's successful process. 5 Tr 330-332. Additionally, Mr. Marshall conveyed his belief that filing guidelines are not necessary. 5 Tr 333. Finally, Mr. Marshall asserted that Ms. Wohlscheid-Brennan's proposal to upgrade existing facilities instead of constructing the proposed transmission lines is not a feasible alternative and that METC considered the use of existing ROWs in its planning process. 5 Tr 334-336.

b. B. Ashley DuPree

Mr. DuPree provided rebuttal testimony addressing the Staff's and the intervening landowners' direct testimony. 5 Tr 393. He sponsored Exhibits METC-31R through METC-37R.

Mr. DuPree defended METC's route refinement process and stated that the company considered landowner input alongside engineering, environmental, and cost factors. He asserted that METC considered all feedback and that the company's proposed routes for the transmission lines were adjusted where feasible. 5 Tr 395-399. Mr. DuPree also contended that the current number of acquired easements is not indicative of METC's intent to accommodate minor modifications to its proposed routes and that the record demonstrates that the company considers landowner input. 5 Tr 399-403. As such, he advocated for the Commission to reject the Staff's proposed condition regarding documenting landowner accommodations. 5 Tr 403-404.

Moreover, Mr. DuPree stated that the transmission lines require a 200-foot ROW for maintenance and safety reasons. 5 Tr 404-411.

Additionally, Mr. DuPree argued that the Commission should reject approval of the alternative routes proposed by the Staff and the intervening landowners for both the Helix-Hiple Line and the Nelson-Oneida Line. 5 Tr 412-436. He further asserted that even after reviewing the Staff's and the intervening landowners' testimony, METC recommends no further changes to its proposed routes for the proposed transmission lines. 5 Tr 437. Lastly, Mr. DuPree disputed intervening landowners' testimony regarding safety concerns and disagrees with the Staff's proposal to require METC to resolve noise complaints, arguing that the company already adequately responds to such complaints. 5 Tr 437-440.

c. M. Cynthia Stump

Ms. Stump provided rebuttal testimony to respond to the Staff's and some intervening landowners' concerns about METC's public comments, engagement, and notice process. She disagreed with the Staff's suggestion that a formalized process for providing individual feedback to landowners is necessary and argued that METC has taken extensive efforts to publicize public meetings and engage with landowners, including through "open house" style public meetings and through land agents. 5 Tr 463-464. Further, she contended that the Staff's critiques of METC's summary of public comments from public meetings is not reflective of the company's actual consideration of those comments. 5 Tr 464. Moreover, Ms. Stump argued that a condition to require METC to share contact information with landowners is unnecessary since that is the company's current business practice.

Additionally, Ms. Stump asserted that objections raised by Mr. Lust regarding public notice for the public meetings are unfounded and that METC met its legal obligations, including publicizing the meetings through numerous avenues. 5 Tr 466-467.

d. Carlo P. Capra

Mr. Capra provided rebuttal testimony to respond to the Staff's proposal to condition the projects on approval of the other projects in the LRTP Tranche 1 portfolio. He contended that the Staff's proposed condition would create uncertainty that would likely delay the projects and cause costs to increase. 5 Tr 499-500. He also rebutted Mr. Andrews' assertion that the alternative route proposed by the Nelson-Oneida Intervenors for the Nelson-Oneida Line would cost less than METC's proposed route. Specifically, Mr. Capra disagreed that comparing the number of certain types of structures between the two routes is an accurate way to compare costs. 5 Tr 500. He also disagreed with Mr. Andrews' assertion that the floodplains near the Grand River and Looking Glass River crossings for METC's proposed route will cause construction complications. 5 Tr 501. Finally, Mr. Capra testified that METC's use of BMPs during construction ensures that damage to drain tiles will be limited to the extent possible and that the company will seek input from landowners about drain tiles to minimize impacts. 5 Tr 502.

e. Stephen G. Thornhill

Mr. Thornhill provided testimony rebutting certain aspects of the Staff's and the intervening landowners' testimony. 5 Tr 568. He sponsored Exhibit METC-38R.

Mr. Thornhill noted that METC did not apply any limit to the amount of overlap that could occur between the company's proposed routes and alternate routes for the transmission lines; he further argued that such a limitation could hamper route studies. 5 Tr 570-572. Mr. Thornhill also disputed the Nelson-Oneida Intervenors' opinions regarding the most important factors for routing

a transmission line and asserted that METC considered paralleling and cost during its route studies for both projects. 5 Tr 573-577, 582-583. Mr. Thornhill also defended METC's desktop wetland analysis, noting the methodological differences between Mr. Sanborn's wetland observations, and explained that a final wetland delineation will occur during permitting for the projects.

5 Tr 584-588. Additionally, Mr. Thornhill agreed with the Staff's overall assessments of the company's proposed routes for the projects and emphasized that routing decisions involve trade-offs among multiple factors. He explained that the existing Consumers ROW is undeveloped, narrower than needed, and would not reduce environmental and residential impacts enough to outweigh its limited benefits. 5 Tr 589-595. Accordingly, Mr. Thornhill opined that none of the alternative routes proposed by the intervenors are superior to the company's proposed routes, and he contested the intervenors' testimony regarding impacts on environmental and historical resources caused by the company's proposed routes. 5 Tr 595-603.

f. Mark A. Israel, M.D.

Dr. Israel provided rebuttal testimony to address certain landowners' concerns about EMF and health. He reiterated that the body of scientific research addressing EMF and health is conclusive and demonstrates that exposure to EMF does not cause or contribute to adverse health effects, including cancers. 5 Tr 638-639. He also rebutted Mr. Wohlscheid's concerns about the effect of EMF exposure on his family, stating that EMF levels are not expected to exceed 24 milligauss (mG) and that this exposure is far lower than that used in studies that did not show long-term effects on animals exposed to EMF levels in the range of many thousands of mG. 5 Tr 639.

g. Gary B. Johnson, Ph.D.

Dr. Johnson provided rebuttal testimony to respond to the Staff's and intervening landowners' concerns related to EMF, AN, and stray voltage associated with the projects. He sponsored Exhibits METC-39R, METC-40R, and METC-49R.

Dr. Johnson first disagreed with the Staff's contention that noise from the projects is a health and safety issue. He stated that he is unaware of any peer-reviewed study that shows that AN or RN will be produced at levels that cause health issues, and further that the highest levels of AN produced at the edge of the transmission lines' ROWs will be below target values established by the EPA and the WHO. 5 Tr 691-692. Dr. Johnson also testified that stray voltage concerns expressed by several landowners are unwarranted since shocks typically do not arise because existing structures will provide grounding that will reduce or eliminate risks. 5 Tr 693-694.

Regarding EMF levels, Dr. Johnson opined that the levels of EMF generated by the proposed transmission lines are below those associated with typical household items, including vacuum cleaners, electric stand mixers, and electric ranges, and that EMF levels will be hundreds to thousands of times less than international guidelines. 5 Tr 694.

h. Daniel L. Belin

Mr. Belin provided rebuttal testimony to respond to the Staff's and the Nelson-Oneida Intervenors' testimony regarding METC's route studies and environmental impacts of the projects.

Mr. Belin argued that the Staff's analysis of METC's route studies did not indicate that the company's methodology for identifying and selecting routes was flawed. He opined that METC's route studies were in line with industry standards and argued that the Staff's analysis confirms the results of the company's route studies. 5 Tr 726-727. In response to testimony from Ms. Wohlscheid-Brennan, Mr. Belin testified that while collocation is often used as a routing

factor, it is only one of many factors that are used to determine the reasonableness and feasibility of a route. He further noted that METC considered factors that are often a proxy for collocation, namely vegetation and residential proximity. 5 Tr 729. With respect to Mr. Andrews' testimony, Mr. Belin argued that paralleling is only preferred when it avoids or minimizes impacts, which is not the case for the existing Consumers ROW. 5 Tr 730. Overall, he argued that the Staff's and the Nelson-Oneida Intervenors' testimony regarding METC's route studies did not change his opinion that the results of the studies were reasonable and defensible. 5 Tr 731.

Concerning environmental impacts, Mr. Belin argued that the projects will not ruin wetlands and that many impacts on resources can be avoided or mitigated. He also asserted that the creation of new transmission line ROW can convert wildlife habitat from one form to another and that any impact on wildlife habitat will not be significant.⁷ 5 Tr 733. Finally, Mr. Belin stated that the environmental concerns raised by the intervening landowners in this case are well within the range of concerns he has seen for similar projects he has worked on. 5 Tr 734.

i. Daniel J. Munzel

Daniel J. Munzel testified that he is the director of real estate at ITC Holdings. 5 Tr 737. He sponsored Exhibit METC-41R.

Mr. Munzel first rebutted criticism from the Staff that METC is not meaningfully negotiating with landowners. He stated that the number of finalized land agreements with landowners is not a reflection of the company's current landowner efforts, and that METC retained a professional land acquisition firm with trained land agents to meet with landowners, share information about the projects, learn about unique characteristics of properties, and answer questions. He asserted that

⁷ For example, Mr. Munzel testified that "if tree clearing is involved, the change is from mature forest to early successional habitat, which benefits an entirely different type of bird species as well as pollinators and insects important to wildlife and biotic integrity." 5 Tr 733.

the company has made initial contact with landowners, which incorporates specific landowner requests related to the projects, and that land acquisition typically follows issuance of a certificate given the uncertainty of the final routes for the projects at this time. 5 Tr 740-741. As such, he claimed that it is unnecessary for the Commission to condition the issuance of certificates on METC considering minor modifications and documenting why specific accommodations cannot be made. 5 Tr 742-743. Similarly, Mr. Munzel testified that it is unnecessary for the Commission to condition the certificates on METC providing landowners with contact information, since the company already provides this information to landowners. 5 Tr 743-744.

Mr. Munzel also addressed concerns raised by landowners, including impacts on farming, mining, access, recreation, and property values. He responded that these issues are typically compatible with transmission lines and can be addressed through project design, minor adjustments, and a damage claim process. 5 Tr 744-745. He again stated that METC uses independent consultants to determine fair compensation for landowners and argued that an easement agreement would not change applicable laws regarding ownership rights. 5 Tr 746-747.

j. Richard E. Harness

Richard E. Harness testified that he is a certified wildlife biologist at EDM International, Inc. 5 Tr 750. He sponsored Exhibit METC-42R.

Mr. Harness responded to concerns raised by certain landowners regarding eagle habitats and other avian-related issues. He disagreed with the landowners' contention that the Nelson-Oneida Line will harm eagle habitat or populations and testified that METC's Avian Protection Plan (APP) follows federal guidelines and includes best practices that are aimed at minimizing risks to avian species and improving system reliability. 5 Tr 752. He also opined that there is no evidence that the transmission line will have a material impact on eagle habitat, that eagles in the project

area are not expected to be limited by the availability of potential nesting sites, and that the company will consult with the U.S. Fish and Wildlife Service to avoid disturbing known bald eagle nests. 5 Tr 753-754. Mr. Harness also argued that there is no biological data to support the landowners' contentions that the alternate route for the Nelson-Oneida Line would have less impact on nesting eagles. 5 Tr 754.

Mr. Harness also opined that the Nelson-Oneida Line will not result in significant avian impacts related to collisions or electrocutions. He stated that studies show that power line collisions represent a small risk to eagles compared to vehicular collisions and that METC has committed to using bird diverters that reduce collisions. 5 Tr 756-757. Moreover, he stated that the risk of electrocution from transmission lines is less than distribution lines due to transmission lines using a greater amount of space between conductors. 5 Tr 758. Overall, he maintained that the Nelson-Oneida Line will not cause a meaningful decline in bird populations and that the company's mitigation efforts are sufficient to protect avian species. 5 Tr 759-760.

k. Nancy C. Lee, M.D.

Nancy C. Lee testified that she is a medical doctor, medical epidemiologist, and public health specialist. 5 Tr 763. She sponsored Exhibit METC-43R.

Dr. Lee testified that she has reviewed the body of scientific literature on EMF and childhood leukemia and that current studies find no consistent or statistically significant link between EMF exposure and childhood leukemia. 5 Tr 773-776. She further stated that epidemiological research from public health organizations, including the National Cancer Institute (NCI), which is part of the National Institutes of Health, and the WHO, have not revealed links between EMF exposure and childhood cancer. 5 Tr 776-777. As a result, Dr. Lee opined that there is no scientific basis to conclude that EMF exposure will cause or contribute to childhood leukemia. 5 Tr 777.

l. Katherine Palmquist

Katherine Palmquist, a principal scientist at Exponent, provided rebuttal testimony to address assertions from Nelson-Oneida Intervenors' witnesses Mr. Strzalka and Mr. Colby that transmission lines are harmful to livestock, especially cattle. 5 Tr 782. She sponsored Exhibit METC-44R.

Ms. Palmquist referred to published scientific studies that demonstrate that exposure to EMF from transmission lines does not negatively affect cattle's behavior, growth, or health, and she noted that cattle regularly graze underneath transmission lines without issue. 5 Tr 782-785. For example, she stated that studies on cows exposed to high EMF levels (up to 400-kV lines) found no significant impacts on their growth, behavior, reproduction, or milk production. 5 Tr 783-784.

In response to Mr. Colby's claim that livestock are sensitive to EMF, Ms. Palmquist highlighted research on various animals, including cattle, pigs, and sheep, that shows no adverse effects from EMF exposure from high-voltage lines. 5 Tr 785. She further explained that the layout of the proposed transmission lines near Mr. Colby's property would reduce the potential for livestock exposure. 5 Tr 785.

m. Douglas K. Hodge

Douglas K. Hodge testified that he is the chief appraiser at the Peoples Company. 5 Tr 789. He sponsored Exhibits METC-45R through METC-48R.

Mr. Dodge responded to landowners' concerns about the projects' impact on farming and testified that transmission lines generally have a minimal impact on most farmers' ability to farm their property. He asserted that there are very few farming activities that are restricted by the presence of a transmission line on farmland and that farming activities like crop production and grazing livestock can still occur. 5 Tr 792-793. Mr. Hodge also testified that impacts to drainage

tiles on farmland can be mitigated and that damage caused by construction of the projects can be repaired. 5 Tr 795-796. Further, while construction can compact soil, Mr. Hodge testified that the construction of transmission line poles will not result in long-term soil compaction that affects crop production. 5 Tr 796-798. Finally, Mr. Hodge testified that there are generally no restrictions imposed by transmission lines that would prohibit landowners from using their property for recreational purposes or from accessing their property. 5 Tr 798-799.

2. Michigan Energy Innovation Business Council, Institute for Energy Innovation, and Clean Grid Alliance

a. Michael Goggin

Mr. Goggin provided rebuttal testimony to respond to the Staff's testimony regarding the costs and benefits of the proposed major transmission lines, as well as the Staff's proposal to condition issuance of a certificate upon approvals of other LRTP Tranche 1 portfolio projects.

Mr. Goggin argued that because the LRTP Tranche 1 portfolio is an MVP, costs are allocated across the broader MISO region. Thus, even if the projects are not constructed, he asserted that Michigan ratepayers will still bear the costs for the remainder of the portfolio that is developed. 5 Tr 899. Further, he argued that Michigan will still need to provide relief for transmission overloads, and that alternative solutions are likely to cost more and be less effective than the projects. 5 Tr 900-901. In turn, Mr. Goggin argued that the proper net cost the Commission should weigh for the transmission lines is the "small cost allocation Michigan has for its share of the two Projects, minus the large benefits they provide including avoiding the much higher cost Michigan ratepayers would pay" if the projects are not constructed. 5 Tr 901.

Mr. Goggin also advocated for the Commission to reject the Staff's proposed condition related to approvals for other projects within the LRTP Tranche 1 portfolio. He argued that delaying the projects could raise costs and jeopardize project timelines. He further contended that waiting on

approval from other states would introduce unnecessary uncertainty, that prompt action is in ratepayers' interests, and that it is unlikely that the other projects in the portfolio will not receive approval. 5 Tr 902-904. Additionally, Mr. Goggin testified that it is impractical to evaluate the benefits of the individual projects within the portfolio, but that even in the absence of the development of the remainder of the LRTP Tranche 1 portfolio, the projects will still provide standalone benefits. 5 Tr 904-905.

3. Nelson-Oneida Intervenors

a. Brian C. Andrews

Mr. Andrews provided rebuttal testimony to rebut the Staff's direct testimony. He first argued that the Staff should have recommended to the Commission which route was the most reasonable and feasible route, which he contended the Staff should have determined is the alternate route for the Nelson-Oneida Line. 5 Tr 1022-1023. Mr. Andrews also took issue with the Staff's route analysis and asserted that the analysis is flawed because the normalization formula used by the Staff is meaningless with a sample size of 1,304 routes. According to Mr. Andrews, a more valid procedure would have been a Z-score normalization, which determines the mean value of a data set and compares each individual factor to the mean and then divides by the standard deviation of the dataset.⁸ 5 Tr 1024-1025. Mr. Andrews further contended that the Staff's analysis is flawed because the Staff did not weigh any of the factors and because METC's factors omit paralleling data and cost estimates. 5 Tr 1025-1026. Additionally, Mr. Andrews asserted that selection of the

⁸ Mr. Andrews presents the Z-score normalization with the following formula:

$$z = \frac{x - \mu}{\sigma}$$

In this formula, x is the raw data point, μ is the mean of the dataset, and σ is the standard deviation of the dataset. 5 Tr 1025.

best route is almost never primarily a mathematical exercise but rather is a judgment call based on the unique circumstances of the proposed line, and that even if the Commission accepts the Staff's analysis, the analysis demonstrates that the alternate route is the better route. 5 Tr 1024, 1026. Finally, Mr. Andrews agreed with the Staff's recommendation to develop filing guidelines for Act 30 applications and testified that the alternate route and the alternative routes proposed by the Nelson-Oneida Intervenors could be further refined to address concerns. 5 Tr 1028-1030.

III. PROJECT OVERVIEW

In its applications, METC states that it is an independent transmission company, as defined by Act 30, that seeks to construct two 345-kV double circuit major transmission lines with a 200-foot ROW, namely, the Nelson-Oneida Line and the Helix-Hiple Line. *See*, Nelson-Oneida application, p. 4; Helix-Hiple application, p. 4. A general description of each major transmission line, as proposed by METC, follows.

A. Nelson-Oneida Line

The Nelson-Oneida Line “is an approximately 39.5-mile 345 kV double circuit transmission line that will begin at the existing Oneida Substation in Oneida Charter Township, Eaton County and will end at the existing Nelson Road Substation in New Haven Township, Gratiot County, Michigan.” 5 Tr 218. The transmission line is part of MISO's LRTP Tranche 1 portfolio, which consists of projects approved under MISO's LRTP initiative to meet the region's shifting energy needs and changing energy mix. Nelson-Oneida application, p. 2. METC plans to construct the transmission line using tubular steel monopoles, typically supported by concrete drilled pier foundations, with specialty structures being utilized based on site-specific circumstances. 5 Tr 346-347; *see also*, Exhibit METC-14A. METC states that construction of the Nelson-Oneida

Line is expected to commence in the first quarter of 2028, and that the estimated capital cost for the project will total \$182 million. 5 Tr 263, 475. In the application and accompanying materials, METC identifies the Nelson-Oneida Line's proposed route (Proposed Route), as well as an alternate route (Alternate Route) for the transmission line. The Nelson-Oneida Line Proposed Route is approximately 39.5 miles in length and is identified in Exhibit METC-15A. *See*, Exhibit METC-15A, pp. 2-27. The Nelson-Oneida Line Alternate Route is approximately 39.6 miles in length and is also identified in Exhibit METC-15A. *See*, Exhibit METC-15A, pp. 28-53.

B. Helix-Hiple Line

The Helix-Hiple Line involves the construction of a new Helix Substation located on an approximate 67-acre property in Clarence Township, Calhoun County, Michigan. 5 Tr 372. The Helix Substation will contain high-voltage electrical equipment and a control enclosure and will have approximately six acres of fenced-in area. 5 Tr 373; *see also*, Exhibit METC-14B.

Additionally, the Helix-Hiple Line involves "an approximately 55-mile 345 kV double circuit transmission line that will run from the new Helix Substation in Clarence Township in Calhoun County to the Michigan/Indiana state border in Gilead Township in Branch County." 5 Tr 373.

Like the Nelson-Oneida Line, the Helix Line is part of MISO's LRTP Tranche 1 portfolio.

Helix-Hiple application, p. 2. METC plans on constructing the new Helix Substation in the fall of 2025, with completion of the Helix-Hiple Line occurring by mid-2030. The Helix-Hiple Line will be constructed generally using tubular steel monopoles, typically supported by concrete piers, with specialty structures being utilized based on site-specific circumstances. 5 Tr 372-373; *see also*, Exhibit METC-14B. METC estimates the overall capital cost of the project to total \$442 million.

5 Tr 318. In the application and accompanying materials, METC identifies the Helix-Hiple Line's

proposed route (Proposed Route), as well as an alternate route (Alternate Route) for the transmission line. The Helix-Hiple Line Proposed Route is approximately 54.8 miles in length and is identified in Exhibit METC-15B. *See*, Exhibit METC-15B, pp. 2-24. The Helix-Hiple Line Alternate Route is approximately 55.1 miles in length and is also identified in Exhibit METC-15B. *See*, Exhibit METC-15B, pp. 25-49.

IV. LEGAL FRAMEWORK

Under Act 30, a “major transmission line” is defined, in part, as a transmission line of five miles or more in length through which electricity is transferred at system bulk supply voltage of 345 kV or more. MCL 460.562(g). An independent transmission company must first apply to the Commission and receive a certificate of public convenience and necessity before beginning construction of a major transmission line. MCL 460.565, MCL 460.567(1).

Prior to applying for a certificate, Act 30 requires an independent transmission company to submit to the Commission a construction plan outlining the general location and size of all major transmission lines to be constructed within five years of planning, copies of relevant bulk power transmission information, and any additional information required by the Commission. MCL 460.564(1). Additionally, before applying, an independent transmission company must first schedule and hold a public meeting in each municipality through which a proposed major transmission line would pass, as well as offer in writing in the 60 days before the public meeting to meet with the chief elected official of each affected municipality to discuss the company’s desire to build the transmission line and to explore the routes to be considered for that line. MCL 460.566(1) and (2).

An independent transmission company’s application for a certificate must contain the information outlined in Section 7(2) of Act 30, including a description of the transmission line’s

proposed route and at least one alternate route. MCL 460.567(2). Upon applying to the Commission, an independent transmission company must give public notice of an opportunity to comment on the application by publishing a notice in a newspaper of general circulation in the areas affected by the transmission line and by sending a notice to each affected municipality and each affected landowner on whose property a portion of the proposed transmission line will be constructed. MCL 460.568(1).

The Commission must conduct a contested case proceeding on the application and grant or deny the application within one year after the application's filing date. MCL 460.568(2) and (4). If a party to the contested case proceeding submits an alternative route for the transmission line, the Commission must either grant the application for the independent transmission company's proposed route, the independent transmission company's alternate route, or one of the proposed alternative routes or deny the application. MCL 460.568(4). The Commission is empowered to condition its approval of the application upon the applicant taking additional actions to assure the public convenience, health, and safety and reliability of the proposed transmission line. *Id.* Section 5(8) of Act 30, MCL 460.565(8), outlines the criteria the Commission must determine when reviewing an application and mandates that the Commission grant an application and issue a certificate if it determines all of the following: (1) the quantifiable and nonquantifiable public benefits of the proposed transmission line justify its construction, (2) the proposed or alternative route for the transmission line is feasible and reasonable, (3) the proposed transmission line does not present an unreasonable threat to public health or safety, and (4) the applicant has accepted any conditions contained in a conditional grant. A certificate issued for a major transmission line must identify the transmission line's route and estimated costs. MCL 460.568(6). If construction of the proposed major transmission line does not commence within five years of the date that the

Commission issues a certificate, the certificate is invalid, and an independent transmission company will be required to obtain a new certificate. MCL 460.568(7).

V. DISCUSSION

A. Pre-Application Requirements

1. Construction Plan

Section 4 of Act 30, MCL 460.564, requires an independent transmission company that plans to construct a major transmission line in the five years after planning has commenced to submit a construction plan to the Commission. MCL 460.564(1). The construction plan must contain, among other things, the general location and size of all major transmission lines to be constructed. MCL 460.564(1)(a). At the same time an independent transmission company submits the construction plan to the Commission, the company must also provide a copy of the plan to each municipality in which construction of the planned major transmission line is intended. MCL 460.564(2).

METC argues that it complied with Act 30 by submitting construction plans to the Commission for both the Nelson-Oneida Line and the Helix-Hiple Line. METC's initial brief, pp. 42-43.

No party contested this issue.

Having reviewed the record on this issue, the Commission finds that METC complied with requirements outlined in MCL 460.564 relating to construction plans. The Commission finds that, on August 14, 2023, METC submitted construction plans for both the Nelson-Oneida Line and the Helix-Hiple Line that contain a description of the general location and size of the respective proposed major transmission lines. *See*, filing #U-21471-0001, pp. 2-3; filing #U-21472-0001, pp. 2-3. The Commission further finds that METC submitted copies of relevant bulk power

information concerning the lines. *See*, filing #U-21471-0001, pp. 3-4; filing #U-21472-0001, pp. 4-5. Finally, the Commission finds that the evidence in the record shows that METC provided copies of the construction plans to the municipalities in which construction of each respective major transmission line is intended. *See*, filing #U-21471-0001, p. 5; filing #U-21472-0001, p. 5.

2. Public Meetings and Offers to Meet with Chief Elected Officials

Before applying for an application, an independent transmission company must schedule and hold a public meeting in each municipality through which a proposed transmission line for which a construction plan has been submitted will pass. MCL 460.566(1). A public meeting held in a township satisfies the requirement for a public meeting to be held in each village located within that township. *Id.* Additionally, in the 60 days before a public meeting is held, the independent transmission company must offer in writing to meet with the chief elected official of each municipality (or his or her designee) to discuss the company's desire to build the transmission line and to explore the routes to be considered. MCL 460.566(2).

METC argues that it complied with the requirement to hold public meetings in each affected municipality and provides testimony, through its witness Ms. Stump, that the company held public meetings in Dallas, New Haven, Westphalia, North Shade, Lebanon, Eagle, North Plains, and Oneida Townships for the Nelson-Oneida Line, as well as public meetings in Coldwater, Lee, Eckford, Butler, Girard, Clarence, Marengo, Sheridan, Clarendon, Tekonsha, Gilead, Bethel Batavia, and Union Townships for the Helix-Hiple Line. *See*, 5 Tr 447-450, 456-458. METC avers that it publicized the public meetings through newspaper publications, landowner postcards, postings on the company's website, and communications with public officials. *See*, 5 Tr 448, 456; *see also*, Exhibits METC-20A and METC-20B.

METC also argues that it complied with the requirement to offer to meet with the chief elected official of each affected municipality. The company again provides testimony, through its witness Ms. Stump, that the company sent a form letter to each affected municipality offering to meet with the chief elected official to discuss the proposed transmission lines and the routes to be considered. *See*, METC’s initial brief, p. 43; *see also*, 5 Tr 450, 455-456; Exhibits METC-19A and METC-19B.

Following its review of the materials provided by METC, the Staff concludes that METC met the statutory requirements to hold public meetings in each municipality where the proposed lines would pass and to offer to meet with the chief elected official of each municipality. Staff’s initial brief, pp. 30-31, 53; *see also*, 5 Tr 1199, 1217-1218.

Mr. Lust took issue with METC’s publicization of the public meetings for the Helix-Hiple Line. Specifically, Mr. Lust contended that he learned of the Helix-Hiple Line on August 29, 2024, and that he did not receive any notification about the project prior to that date. 5 Tr 964-965. Mr. Lust argued that other landowners, however, received invitations for a public meeting in October 2023, and that this disparity resulted in “the de facto creation of one or more disadvantaged classes of landowners.” 5 Tr 964.

METC responds that Mr. Lust’s concern about some landowners not receiving an invitation to attend the public meetings for the Helix-Hiple Line does not negate the fact that the company held public meetings in compliance with Act 30 requirements. METC’s initial brief, p. 45. METC argues that Act 30 contains no specific requirements for invitations to public meetings and that the company sent postcards to a broader audience than would otherwise be required under Act 30 for statutory notice once an application is filed. *Id.*, p. 46. The company notes that the postcard invitations were only one of the ways it publicized the public meetings for the projects and,

therefore, asserts that its outreach efforts “were reasonable and designed to maximize awareness of the Projects to those likely to be affected.” *Id.*, p. 45. METC, in turn, urges the Commission to find that it complied with the requirements outlined in MCL 460.566. *Id.*, p. 46.

The Commission finds that METC complied with Act 30’s requirements to hold public meetings in each municipality through which the proposed major transmission lines would pass and to offer in writing to meet with the chief elected official of each affected municipality. MCL 460.566(1) and (2). The Commission finds that METC provided unrefuted evidence in the record to demonstrate that it held public meetings in all townships where the proposed transmission lines were proposed and that the company made reasonable efforts to publicize these public meetings. *See*, 5 Tr 447-450, 456-458; *see also*, Exhibits METC-20A, METC-20B, and S-2.0. The Commission further finds that METC offered to meet with the chief elected official of each affected municipality by mailing letters offering to meet and discuss the proposed transmission lines and their routes. *See*, 5 Tr 450, 455-456; *see also*, Exhibits METC-19A and METC-19B. Accordingly, the Commission finds that METC complied with the requirements outlined in MCL 460.566.

B. Application Requirements

Section 7(1) of Act 30 requires an independent transmission company to apply to the Commission for a certificate for a proposed major transmission line. MCL 460.567(1). Section 7(2) of Act 30 outlines the information that an application submitted to the Commission must contain. MCL 460.567(2). The parties largely do not dispute that METC’s applications for

the proposed transmission lines contain the necessary information required by statute.⁹ However, some disputes exist concerning the information contained in METC's applications regarding alternate routes, estimated private benefits, and comments received at public meetings and the applicant's response to those comments, each of which will be addressed, in turn, below.

a. Alternate Major Transmission Line Routes

Section 7(2)(c) of Act 30 requires an application to contain "[a] description and evaluation of 1 or more alternate major transmission line routes and a statement of why the proposed route was selected." MCL 460.567(2)(c).

The Staff and the Nelson-Oneida Intervenors raise concerns regarding METC's compliance with the requirement to describe and evaluate an alternate route for each proposed transmission line. Specifically, for the Nelson-Oneida Line, the Staff noted that the Alternate Route overlaps the Proposed Route for 12.11 miles, or approximately 30% of the total length of the routes.

5 Tr 1202, 1237; *see also*, Exhibit S-4.0, pp. 3-4. Similarly, for the Helix-Hiple Line, the Staff noted that the Alternate Route overlaps the Proposed Route for 19.3 miles, or approximately 35% of the total length of the routes. 5 Tr 1221-1222, 1236; *see also*, Exhibit S-4.0, pp. 1-2. The Staff stated that although it does not expect an alternate route to be completely unique, the extent of

⁹ The Staff agrees that METC's applications contain the following information: (a) the planned date for beginning construction (*see*, Staff's initial brief, pp. 32, 46); (b) a detailed description of the proposed major transmission line, its route, and its expected configuration (*see, id.*, pp. 32, 46); (c) a description of the location and manner in which a zoning ordinance prohibits or regulates the location or construction of the proposed route (*see, id.*, pp. 42, 48, 54); (d) the estimated overall cost of the proposed major transmission line (*see, id.*, pp. 42-43, 54); (e) information supporting the need for the proposed major transmission line (*see, id.*, pp. 36-37, 49); (f) estimated quantifiable and nonquantifiable public benefits of the proposed major transmission line (*see, id.*, pp. 37-38, 49-51); (g) information addressing potential effects of the proposed major transmission line on public health and safety (*see, id.*, pp. 39, 53); and (h) information indicating that the proposed major transmission line will comply with all applicable state and federal environmental standards, laws, and rules (*see, id.*, pp. 35, 48).

METC's overlap between the alternate routes and proposed routes for both transmission lines creates uncertainty regarding the adequacy of the alternate routes. *See*, 5 Tr 1203, 1237-1238. Absent a determination from the Commission regarding the extent of overlap permitted for an alternate route, however, the Staff argues that METC's application complied with Section 7(2)(c). *See*, 5 Tr 1203, 1222; *see also*, Staff's initial brief, pp. 35, 55-56.

The Nelson-Oneida Intervenors, through Mr. Andrews' testimony, contended that METC's presentation of the Alternate Route for the Nelson-Oneida Line is a misnomer. 5 Tr 999. Like the Staff, Mr. Andrews noted that nearly 31% of the Alternate Route overlaps the Proposed Route. Mr. Andrews argued that this is a major flaw with METC's application, and accordingly, he requested the Commission to consider whether METC has fully complied with statutory requirements. 5 Tr 999-1000, 1002.

In rebuttal, METC, through Mr. Thornhill's testimony, stated that it did not use any percentage benchmark for overlapping segments in its route studies. Mr. Thornhill further stated that he has never conducted a route study that was restricted by the percentage of overlap in selection of a proposed or alternate route and that such a restriction could hamper a route study by inadvertently limiting potentially viable alternatives and increasing impacts. 5 Tr 570-572. Additionally, Mr. Thornhill noted that the Commission has approved transmission lines in previous cases where the alternate route and proposed route overlapped, including one instance in which the Commission approved an application where the proposed and alternate routes included an overlap of approximately 79%. 5 Tr 571 (referencing Case Nos. U-16200 and U-17041). Accordingly, METC advocates for the Commission to decline to specify the degree of uniqueness required for alternate and proposed routes. METC argues that adoption of such a standard is beyond the Commission's statutory authority and would incentivize applications to present

nonviable alternate routes, thereby limiting the ability to compare desirable alternate routes from the proposed route. METC's initial brief, pp. 56-59.

In its brief, the Staff similarly argues that there are good reasons for the Commission to forgo a requirement that an alternate route and proposed route be entirely separate. Like METC, the Staff argues that Act 30 does not require such a standard and that adoption of such a standard could lead to viable alternate routes never being seriously considered. Staff's initial brief, p. 56.

The Commission agrees with METC and the Staff and finds that good reasons exist for not requiring an alternate route and a proposed route to be entirely separate. The Commission finds that Act 30 does not restrict the amount of overlap that an alternate route may have with the proposed route, nor does it contain any requirement that the routes be wholly unique. To the contrary, the plain language of the statute simply provides that an application must contain "[a] description and evaluation of 1 or more alternate major transmission line routes and a statement of why the proposed route was selected." MCL 460.567(2)(c). The statute, therefore, is completely devoid of any limitation on the amount of overlap the routes may possess. The Commission also notes that it is unaware of any other jurisdiction that places a fixed, upper limit on the amount of overlap that may be permitted between a proposed and alternate route. Accordingly, the Commission declines to establish a bright line rule regarding the amount of overlap that an alternate route may have with a proposed route.

Additionally, the Commission finds that the Alternate Routes presented in METC's applications comply with statutory requirements. As the record demonstrates, for the Nelson-Oneida Line, the Alternate Route overlaps the Proposed Route for 12.11 miles, or approximately 30% of the total length of the routes. 5 Tr 1202, 1237; *see also*, Exhibit S-4.0, pp. 3-4. Additionally, for the Helix-Hiple Line, the Alternate Route overlaps the Proposed Route

for 19.3 miles, or approximately 35% of the total length of the routes. 5 Tr 1221-1222, 1236; *see also*, Exhibit S-4.0, pp. 1-2. The record, therefore, reflects that approximately two-thirds of each Alternate Route is unique in comparison to the respective Proposed Route. The Commission has previously approved certificates for transmission lines where the percentage of overlap between the Alternate Route and the Proposed Route has been significantly higher. *See, e.g.*, Case No. U-17041. Accordingly, the Commission finds that the Alternate Routes presented in METC's applications are sufficient to comply with the requirement outlined in MCL 460.567(2)(c).

b. Estimated Private Benefits

Section 7(2)(h) of Act 30 requires an application to contain the “[e]stimated private benefits of the proposed major transmission line to the applicant or any legal entity that is affiliated with the applicant.” MCL 460.567(2)(h).

METC provided testimony, through Mr. Marshall, regarding private benefits and stated that the proposed transmission lines will be added to METC's rate base investment base, which is subject to Federal Energy Regulatory Commission (FERC) jurisdictional transmission rates. Mr. Marshall also stated that the proposed transmission lines could enhance customer satisfaction by improving the reliability of the company's transmission system. 5 Tr 262, 318.

During discovery, the Staff inquired about the private benefits the proposed transmission lines would provide to METC. *See*, Exhibit S-2.1. In its reply to this discovery request, METC stated that the company would “receive a return on equity (ROE) of 9.98 percent which combined with [FERC's] authorized incentive adders would result in the Company receiving a ROE total of 10.73 percent.” 5 Tr 1205 (citing Exhibit S-2.1, pp. 2-3). METC further averred that it would be premature to estimate the company's profit from the proposed transmission lines because the final cost used for ratemaking has not yet been determined. 5 Tr 1205. Based on these responses, the

Staff argues that METC complied with the requirement to provide information on the proposed transmission lines' private benefits. 5 Tr 1205, 1226; *see also*, Staff's initial brief, pp. 38, 50.

In rebuttal, METC added that the company's testimony regarding private benefits is nearly identical to the type of information provided in Case No. U-17041, which the Staff found to be satisfactory. 5 Tr 334; *see also*, Exhibit METC-30R. Accordingly, METC asserts that its applications comply with statutory requirements. METC's initial brief, pp. 62-63.

The Commission finds that, following responses to discovery requests, METC provided adequate information regarding the proposed transmission lines' private benefits, which the Staff agrees fulfills the statutory requirement. *See*, 5 Tr 1205, 1226; *see also*, Staff's initial brief, pp. 38, 50. Accordingly, the Commission finds that METC's applications complied with MCL 460.567(2)(h). The Commission, however, cautions METC and future applicants that Act 30 expressly requires applications under Act 30 to contain the "estimated" private benefits of a proposed major transmission line. This requirement plainly contemplates that an estimation of private benefits be included in the application. Therefore, in future cases, the Commission directs METC and other applicants to present this information directly in the application filed with the Commission, and not merely in response to discovery requests.

c. Summary of Comments

Section 7(2)(j) of Act 30 requires an application to contain "[a] summary of all comments received at each public meeting and the applicant's response to those comments."

MCL 460.567(2)(j).

METC argues that it complied with Section 7(2)(j) because its applications provided the required summary of public comments and the company's responses to those comments. METC's initial brief, p. 67. METC provided testimony, from Ms. Stump, that it held in-person, "open

house” style public meetings that included subject matter experts to answer questions from the public. 5 Tr 448. METC stated that the public could submit written comment cards provided at the public meetings, as well as online through a survey. 5 Tr 449. METC further stated that its applications contained summaries of the public comments from each public meeting, along with the company’s responses to those comments. *See*, Exhibits METC-21A and METC-21B.

The Staff testified, through Mr. Szajner and Ms. Champion, that METC provided comments received at each public meeting (in the form of Exhibits METC-21A and METC-21B) but they questioned the quality of some of the summaries provided. 5 Tr 1207, 1218. Specifically, the Staff noted that any question regarding a specific parcel was generically written and answered. For example, any question that was parcel-specific was written as, “Received parcel-specific comments during the public comment process,” and was responded to with the same generic response directing persons to the testimony of Mr. DuPree for discussion on how the comments were considered. *See*, 5 Tr 1207; *see also, e.g.*, Exhibit METC-21A, p. 1.

According to the Staff, “[a]lthough Act 30 does not require METC to respond to public comments, Staff’s position is that METC should make every attempt to address commenter concerns in the interest of open and transparent communication.” 5 Tr 1207 (quoting Direct Testimony of Naomi Simpson, Case No. U-17041, 3 Tr 347-348) (internal quotations omitted). The Staff further argued that the company does not have a formal process to provide individual feedback to landowners and that the general information provided to specific landowner questions regarding route refinements is unhelpful and makes it difficult for landowners to understand if their feedback was considered and whether, in fact, there will be any route modifications made as a result of the landowner feedback. 5 Tr 1208, 1218; *see also*, Exhibit S-3.0. As a result, the Staff contends that the company’s current process does not result in open and transparent

communication between METC and the public, and that more robust communication is needed. 5 Tr 1208, 1219; *see also*, Staff's initial brief, pp. 41-42, 53.

In rebuttal, METC disagreed that a formal process for landowners to receive individual feedback is necessary. METC asserted that, "[a]lthough each public comment does not receive a formalized response, METC's process promotes direct engagement with the public by incorporating a variety of avenues for the public to share feedback with METC and for METC to provide responses where appropriate." 5 Tr 463. METC also contended that the company already provides individual feedback to landowners for minor modifications during construction by hiring land agents who serve as a direct line of communication with affected landowners. 5 Tr 463-464. Finally, METC asserted that it accurately summarized comments received at public meetings and that the Staff's critiques are not reflective of the company's consideration of those comments nor the extensive efforts the company undertook to inform the public of the projects. 5 Tr 464. As a result, METC argues that the requirement for a formal feedback process is unnecessary and would be burdensome to the route refinement process given that the company received hundreds of comments from landowners on a wide range of topics. METC's initial brief, pp. 66-67.

The Commission finds that the plain language of Section 7(2)(j) of Act 30 requires METC's applications to contain "[a] summary of all comments received at each public meeting and the applicant's response to those comments." MCL 460.567(2)(j). Based on a review of the record, the Commission finds that METC complied with this requirement. *See*, Exhibits METC-21A and METC-21B. The Commission, however, cautions METC and other Act 30 applicants that the Commission expects future Act 30 applications to contain more detailed summaries of public comments made and the applicant's response to those comments, particularly with respect to comments made by affected landowners and potential route refinements made in response to those

comments. Additionally, the Commission encourages METC and other Act 30 applicants in future Act 30 cases to take increased action to notify and inform affected landowners of any route refinements that have been made on that landowner's property in response to specific comments received at public meetings.

C. Public Notice

Upon filing an application for a certificate, an independent transmission company must give notice of an opportunity to comment on the application. MCL 460.568(1). The notice must be published in a newspaper of general circulation in the area to be affected within a reasonable time after an application is provided to the Commission and must further be sent to each affected municipality and each affected landowner on whose property a portion of the proposed transmission line will be constructed. *Id.*

On July 30, 2024, METC filed a proof of service averring that it sent a copy of a Notice of Hearing and Notice of Opportunity to Comment via first class mail to cities, incorporated villages, townships, counties, and affected landowners where each proposed transmission line may be constructed. *See*, filings ##U-21471-0013 and U-21472-0015. On August 5 and 16, 2024, METC filed additional proofs of service averring that it sent a copy of a Notice of Hearing and Notice of Opportunity to Comment via first class mail to additional affected landowners. *See*, filings ##U-21471-0014, U-21471-0017, and U-21472-0017. Additionally, on August 15, 2024, METC filed affidavits of publication showing that the company had caused a Notice of Hearing and Notice of Opportunity to Comment to be published in the Lansing State Journal, the Daily News Greenville, the Morning Sun, the Battle Creek Enquirer, and the Daily Reporter. *See*, filings ##U-21471-0016 and U-21472-0019.

In his testimony, Mr. Lust contended that 10 of the 21 landowners identified near his property did not receive a Notice of Hearing and Notice of Opportunity to Comment. 5 Tr 964; *see also*, Exhibits LUS-2.1 and LUS-2.2. In turn, Mr. Lust argued that this served to disadvantage certain landowners. 5 Tr 964.

In rebuttal, METC argued that it complied with statutory obligations to provide notice and that it filed proofs of service in this case demonstrating the same. 5 Tr 467.

As previously noted, Section 8(1) of Act 30 provides, in pertinent part, that an independent transmission company must send notice of an opportunity to comment on an application to “each affected municipality and each affected landowner *on whose property a portion of the proposed major transmission line will be constructed.*” MCL 460.568(1) (emphasis added). Therefore, under the plain language of the statute, the Commission finds that METC was required to, among other things, send a notice of an opportunity to comment to each municipality and landowner on whose property a portion of the Nelson-Oneida Line or Helix-Hiple Line is proposed to be constructed. Having reviewed the record on this issue, the Commission finds that METC complied with this requirement. *See*, filings ##U-21471-0013, U-21471-0014, U-21471-0017, U-21472-0015, and U-21472-0017.

Additionally, the Commission finds that METC published a notice of an opportunity to comment on the applications in newspapers of general circulation in the areas affected by the proposed major transmission lines within a reasonable time after the company filed its applications. *See*, filings ##U-21471-0016 and U-21472-0019. Thus, the Commission finds that METC complied with all public notice requirements outlined in MCL 460.568(1).

D. Quantifiable and Nonquantifiable Public Benefits

To issue a certificate, the Commission must determine that “[t]he quantifiable and nonquantifiable public benefits of the proposed major transmission line justify its construction.” MCL 460.568(5)(a).

1. Need for the Proposed Major Transmission Lines

The Commission has routinely found that assessing the need for a proposed major transmission line is a relevant factor to be considered when determining whether the public benefits justify its construction. *See*, May 31, 2007 order in Case No. U-14861, pp. 30-31; February 22, 2008 order in Case No. U-14933 (February 22 order), pp. 14-17; July 29, 2013 order in Case No. U-17041 (July 29 order), pp. 22-25.

The Commission has previously explained its rationale for considering need as follows:

Act 30 places comprehensive authority for transmission line location and construction with the Commission through the power to issue or deny a certificate. MCL 460.565. The certificate is one “of public . . . necessity.” MCL 460.562(b); MCL 460.565. Thus, it defies logic to posit that the Commission is required to ignore the necessity for the proposed line in determining whether to issue a certificate.

In Act 30, the four criteria that must be met in order for a certificate to issue do not use the word “need,” though the 12 filing requirements do. *Cf.*, MCL 460.568(5)(a)-(d) (“The commission shall grant the application and issue a certificate if it determines . . . [t]he quantifiable and nonquantifiable public benefits of the proposed major transmission line justify its construction.”), and MCL 460.567(2)(f) (“An application for a certificate shall contain . . . [i]nformation supporting the need for the proposed major transmission line.”). This is not troubling to the Commission. The Legislature did not intend a useless act when it required applicants to file information supporting the need for the line. The justification for constructing the line must demonstrate the need for the line.

February 22 order, pp. 14-15.

The Michigan Court of Appeals has held that “MCL 460.568(5) does not specifically state that an applicant for a proposed transmission line must prove that the line is needed.” *In re Application*

of Michigan Elec. Transmission Co., 309 Mich. App. 1, 11; 867 N.W.2d 911 (2014), *aff'd sub nom. In re Michigan Elec. Transmission Co. for Transmission Line*, 500 Mich. 988, 894 N.W.2d 551 (2017). However, in light of the Legislature's definition in MCL 460.562(b) of a "certificate" as "a certificate of public convenience and necessity," the requirement in MCL 460.567(f) that the application include information on the need for the transmission line, and Commission precedent, the Commission is persuaded that a determination regarding the need for the proposed major transmission lines is appropriate in this case and serves to assist the Commission in determining whether the public benefits of the proposed transmission lines justify their construction.¹⁰

Turning to the merits of the arguments addressing need, METC argues that the record sufficiently demonstrates that the projects are needed to address current and future transmission needs. METC's initial brief, pp. 70-71. METC first argues that MISO's approval of the LRTP Tranche 1 portfolio demonstrates that the projects are needed to address the concerns outlined in MISO's Reliability Imperative. Specifically, through Mr. Marshall's testimony, METC testified that MISO's 2020 Reliability Imperative Report identified a strong need for long range transmission planning to address changing energy resources in the MISO region and to address reliability challenges. 5 Tr 226; *see also*, Exhibit METC-1A; METC's initial brief, p. 6. In support of this contention, METC conveys MISO's conclusion that:

Real-time conditions in the last few years have been significantly different than the first 10 years of MISO operations. Power plant retirements, lower overall reserve margins, and increasing outage levels of conventional generation have required MISO to operate with less available capacity than in the past. A growing fleet of renewables that operate differently and, as the graphic below illustrates, can fluctuate on a day-to-day and even an hour-by-hour basis. At times of high wind

¹⁰ Indeed, as METC acknowledges in its initial brief, "the need drives the solution, and the solution establishes the public benefits that will result if the solution is constructed." METC's initial brief, p. 69.

output, transmission congestion is leading to increased levels of curtailment * * * *
And as the climate changes, *history becomes a less reliable predictor of future conditions.*

5 Tr 226 (quoting Exhibit METC-1A, p. 8) (emphasis in original). According to METC, the LRTP Tranche 1 portfolio resulted from MISO's planning process to address the most pressing needs identified in developed future scenarios. 5 Tr 242-243. In turn, METC stated that the LRTP Tranche 1 represents "a set of least-regrets transmission projects that will help to ensure a reliable, resilient and cost-effective transmission system as the resource mix continues to change[.]" 5 Tr 231 (quoting Exhibit METC-3A, p. 1) (original quotations omitted) (emphasis omitted). As a result, METC contends that the projects are needed to meet the current and future transmission and reliability needs identified by MISO. METC's initial brief, pp. 70-71.

METC also argues that the projects are needed to facilitate an increase of the CIL to LRZ 7. *Id.*, p. 71. METC asserted that increasing the CIL will be essential for maintaining North American Electric Reliability Corporation (NERC) reliability standards and to cost-effectively provide service to customers. 5 Tr 237. Illustrating this point, METC stated that LRZ 7 failed to clear cost of new entry (CONE) at the 2020/2021 Planning Resource Auction (PRA), resulting in an estimated cost of \$911 million, and that LRZ 7 was the first and only MISO zone with insufficient resources to meet NERC required planning reserve margins. 5 Tr 237-238. Similarly, METC noted that LRZ 7 again failed to clear CONE at the 2022/2023 PRA and that auction prices at the 2024/2025 PRA roughly tripled due to tighter capacity conditions. 5 Tr 238.

Additionally, METC argues that the projects are needed to provide reliable and efficient service to customers as Michigan's energy landscape changes. METC's initial brief, p. 71. METC states that Michigan, like the larger MISO region, is shifting from centralized conventional generation resources to distributed and renewable energy sources. *Id.*, p. 72; *see also*, 5 Tr 234.

METC points to, among other things, clean energy standards and renewable energy credit portfolios established in recent state energy legislation, as well as wholesale users' shift towards renewable generation to support this contention. 5 Tr 234-235; *see also*, METC's initial brief, p. 72. In turn, METC argues that the projects are necessary to maintain system reliability during this transition given the operating characteristics of renewable generation and variability of local renewable generation. 5 Tr 235-236; *see also*, METC's initial brief, p. 73.

Finally, METC argues that the projects are needed to address reliability concerns identified by MISO, including impacts from extreme weather events. METC's initial brief, p. 73 (citing 5 Tr 229, 284). METC contends that the LRTP Tranche 1 portfolio is needed to address thermal reliability violations across the MISO Midwest subregion and to address numerous voltage issues. 5 Tr 246; *see also*, METC's initial brief, pp. 73-74.

MEIC, based on its review of previous Commission orders, asserts that the Commission's prior analyses regarding need have demonstrated that "transmission infrastructure can provide a host of benefits, both in economic and reliability terms, some of which are more easily quantifiable than others," and that, "so long as conditions are such that economic and reliability benefits are more than hypothetical, and so long as costs are not out of proportion on account of unproven, experimental and higher-unit-cost designs or materials," the Commission has generally found the need for a proposed transmission line to be justified. MEIC's initial brief, pp. 6-7 (quoting July 29 order, p. 5) (internal quotations omitted). MEIC, in turn, asserts that the projects, as part of the LRTP Tranche 1 portfolio, will improve grid resiliency, reliability, and capacity, and will do so in a least-cost manner. *See*, 5 Tr 814, 899; *see also*, METC's initial brief, p. 7. MEIC, therefore, argues that the projects easily meet the criteria previously established by the Commission to demonstrate need. MEIC's initial brief, p. 8.

The Nelson-Oneida Intervenors, through testimony from Ms. Wohlscheid-Brennan, questioned the need for the Nelson-Oneida Line. Specifically, Ms. Wohlscheid-Brennan noted that METC's Request for Approval of Abandoned Plant Incentive under FERC Docket No. ER24-1482-000 stated that the project would "[r]educe loading and *avoid future reliability upgrades, avoiding the cost for replacing facilities due to age and condition.*" 5 Tr 1138 (internal quotations removed) (emphasis in original). She, thus, questioned why METC cannot simply upgrade existing facilities in lieu of condemning land for the proposed transmission line. 5 Tr 1139.

In rebuttal, METC stated that it considered other transmission solutions, including rebuilding or reconducting existing facilities, but that these alternatives were insufficient to meet the reliability and transmission capacity needs that the Nelson-Oneida Line addresses. 5 Tr 334-335.

The Commission finds that sufficient evidence exists in the record to substantiate the need for both the Nelson-Oneida Line and the Helix-Hiple Line. As the record reflects, both major transmission lines are needed to serve as new transmission to address the state's growing need for energy reliability, capacity, and renewable resource integration. Specifically, the Commission finds that the proposed projects are needed to increase the CIL to the region, which will be a critical component of maintaining reliability standards and cost-effectively providing service to customers. *See*, 5 Tr 237. The Commission further finds that the projects are needed to maintain reliable service to customers. 5 Tr 234-236. The projects also have a demonstrated need to address thermal reliability violations across the state and region. 5 Tr 246. Importantly, the Commission agrees with METC that upgrading existing facilities alone is insufficient to meet the reliability and transmission capacity needs that the projects will address; however, the Commission still expects METC to make cost-effective transmission upgrades where necessary.

Accordingly, the Commission determines that there is a need for the Nelson-Oneida Line and the Helix-Hiple Line.

2. Public Benefits of the Proposed Major Transmission Lines

Regarding the benefits of the projects, METC argues that the projects will provide a host of quantifiable and nonquantifiable public benefits. At a high-level, METC stated that the projects will serve as “new backbone transmission” to expand access to cost-effective generation resources and to increase the import capabilities of the state. 5 Tr 221, 276.

More pointedly, METC contended that the projects will aid in increasing the CIL for LRZ 7 by approximately 1,292 MW, which the company argued will result in both economic and reliability benefits. 5 Tr 221, 276. Specifically, METC noted that MISO estimates that the LRTP Tranche 1 portfolio will provide a 20-year benefit of \$624 million to LRZ 7, which METC attributed to improved market access, reduced zonal capacity requirements, and stabilized prices during extreme weather events. 5 Tr 260, 316. METC also argued that increasing the CIL for LRZ 7 will result in greater grid resiliency by expanding the grid with new segments and paths that will harden the grid, provide geographic diversity, support climate adaptation, and reduce the overall risk profile of the grid. 5 Tr 221, 277. The company further noted that the projects, in conjunction with the LRTP Tranche 1 portfolio projects 12-18, will help to mitigate 600 transmission thermal violations on 77 monitored facilities, including 28 thermal violations in Michigan. 5 Tr 248-249, 304; *see also*, Exhibit METC-3A, pp. 54-55.

Additionally, METC argued that the public will benefit from the projects’ ability to support Michigan’s energy policy goals. 5 Tr 221, 277. METC testified that the projects will help support modest load growth, including an energy growth of 0.48% per year and a demand growth of 0.60% per year, as well as reducing carbon dioxide (CO₂) emissions by nearly 20 metric tons per

year for the first 20 years, which results in estimated benefits between \$687 million and \$3,638 million to LRZ 7. 5 Tr 261, 316-317. Moreover, METC asserted that the projects will support connection of approximately 20.1 gigawatts (GW) of new generation across the subregion, including 1.4 GW in LRZ 7. 5 Tr 247, 302.

METC further noted that MISO conducted a BCA of the LRTP Tranche 1 portfolio that showed that LRZ 7 will receive a total of \$6.1 billion to \$9.4 billion in benefits over 20 years. 5 Tr 261, 317. According to METC, “[t]hese benefits far exceed the costs to Michigan energy consumers—the portfolio has a benefit/cost ratio of 2.2 to 3.4 in LRZ 7.” 5 Tr 262, 317 (referencing Exhibits METC-3A, p. 4, and METC-3B, p. 4).

Finally, METC argued that the projects will result in significant local capital investment that will benefit the public. For the Nelson-Oneida Line, METC estimated approximately \$80 million of the \$182 million in capital expenditures to be local investments, which the company contended will generate an estimated 1,148 jobs in Michigan with an associated \$60 million in earnings. METC asserted that the transmission line will also result in demand for \$171 million in goods and services associated with capital investments. 5 Tr 260. For the Helix-Hiple Line, METC estimated approximately \$195 million of the \$442 million in capital expenditures to be local investments, which will generate 2,793 jobs with an associated \$146 million in earnings. The company asserted that the transmission line will result in demand for \$416 million in goods and services associated with the capital investments needed to construct the line. 5 Tr 315-316.

Like METC, MEIC also argues that the projects will result in numerous public benefits. Through Mr. Goggin’s testimony, MEIC asserted that MISO’s projections for renewable deployment have more than doubled since the LRTP Tranche 1 portfolio was finalized, thereby increasing the need for transmission and the benefits of the projects. 5 Tr 849, 857-858. MEIC

also argued that the projects will reduce electric rates by reducing congestion costs for Michigan ratepayers by between \$1 billion and \$3 billion. 5 Tr 849, 860. Additionally, MEIC contended that the projects will provide greater access to low-cost renewable generation, including wind and solar generation resources, by connecting Michigan to resources in western MISO states.

5 Tr 849, 861-866; *see also*, Exhibits MEIC-11 through MEIC-13. Finally, MEIC argued that the projects will increase the ability to transfer power within and into Michigan and that the renewable energy delivered by the portfolio will reduce emissions of CO₂ and other air pollutants, benefiting the public health and environmental resources of Michigan. 5 Tr 877-878, 892-895.

CUB and Sierra Club also argue that the projects result in public benefits that justify their construction. Through Mr. Jester's testimony, CUB and Sierra Club explained MISO's projected benefits for the LRTP Tranche 1 portfolio and further asserted that these benefits may be understated due to the increased need for transmission infrastructure to accommodate higher levels of renewable energy. 5 Tr 950-952. Additionally, CUB and Sierra Club referenced a report that identifies an additional 300 MW import capability into LRZ 7 that was not considered by MISO. 5 Tr 952.

The Staff agrees with METC that the quantifiable and nonquantifiable public benefits justify construction of the proposed major transmission lines but conditions its support on the remainder of the LRTP Tranche 1 portfolio being constructed. The Staff, through Ms. Simpson's testimony, argued that the estimated quantifiable benefits of the projects are based upon the entire LRTP Tranche 1 portfolio and not just the individual projects at issue in this case. 5 Tr 1187. As a result, the Staff contended that if the entire portfolio is built, the projects' public benefits clearly justify the costs; however, if the entire portfolio is not built, the Staff contended that it is unclear if the quantifiable public benefits justify construction. 5 Tr 1187-1188. Similarly, Mr. Heidemann

testified that the total benefits the projects would independently produce is unknown and that a delay in the approval of other projects in the LRTP Tranche 1 portfolio could negatively affect the benefits to Michigan ratepayers. 5 Tr 1238. Mr. Heidemann recalled how other projects in previous MVP portfolios developed by MTEP 11 have been delayed. 5 Tr 1239. He further stated that other projects in the LRTP Tranche 1 portfolio may be at risk of delays, including projects in Iowa and Indiana, and that METC failed to conduct a sensitivity analysis to determine what the benefits of the projects would be if other projects in the portfolio are delayed. 5 Tr 1239-1240. Accordingly, the Staff recommended that the Commission condition approval of certificates for the projects on the other portions of the LRTP Tranche 1 portfolios receiving regulatory approval and advocates for METC to be required to provide a memorandum in this docket documenting each project's regulatory approval. 5 Tr 1188.

In rebuttal, METC disagreed with the Staff's assessment that the public benefits of the projects are unclear unless the entire LRTP Tranche 1 portfolio is constructed. METC argued that, even when viewed individually, the projects provide significant public benefits, including grid reliability, supporting clean energy goals, increasing the CIL, and stimulating job creation and growth in Michigan. 5 Tr 323-324, 326-327. METC further argued that the Staff's proposed condition is impractical and could delay Michigan's clean energy transition and lead to adverse effects on the reliability of the state's transmission system, including uncertainty impacting the development of the future LRTP Tranche 2.1 projects. 5 Tr 324-326. Through Mr. Capra's testimony, METC also contended that the Staff's proposed condition would likely result in significant delays to the in-service dates of the projects and would increase costs. 5 Tr 499-500.

METC also took issue with the Staff's concerns regarding potential delays in other projects in the LRTP Tranche 1 portfolio. Regarding historical delays, METC stated that MTEP 11

demonstrates that MISO has a proven process for developing successful regional transmission planning and noted that the delayed projects have since been placed in service. 5 Tr 330. METC argued that the Staff's concerns about potential delays are factually unsupported and exclude new information regarding the updated status of the other projects in the portfolio. 5 Tr 331-332.

MEIC, through Mr. Goggin's testimony, also rebutted the Staff's proposed condition and argued that the Commission should not delay or condition approval on regulatory decisions in other states. 5 Tr 906. MEIC stated that, due to the cost allocation of MVPs, Michigan ratepayers would still be liable for their share of the costs of the LRTP Tranche 1 portfolio, even if the Michigan projects are not approved. 5 Tr 899. Additionally, MEIC asserted that other transmission upgrades would need to be developed if the projects are not approved, and that these upgrades would come at a significantly higher cost. 5 Tr 899-901. MEIC further argued that conditioning the projects on other jurisdictional approvals would delay the projects and harm Michigan ratepayers in the form of increased costs given the large lead times (4 to 5.5 years) for materials. Finally, MEIC contended that Michigan would still benefit from the projects even if some portion of the greater portfolio is not developed in the form of increased abilities to import energy, capacity, and renewable energy. 5 Tr 904-905. Accordingly, MEIC advocated for the Commission to reject the Staff's proposed condition. 5 Tr 906.

In its initial brief, the Staff maintains its recommendation for the Commission to condition approval of the projects on certain portions of the LRTP Tranche 1 portfolio (segments 12, 13, 14, 15, and 16) receiving regulatory approval. Staff's initial brief, pp. 10, 26-27, 57. The Staff argues that risks exist as to whether the other projects in the LRTP Tranche 1 portfolio will be built and that METC's failure to conduct a sensitivity analysis on the effects of these projects being denied approval make the total benefits of both proposed transmission lines at issue in this case unknown.

Id., pp. 58-59. Further, the Staff contends that, although there may be some benefits associated with the projects in isolation, no party has included any robust analysis or evidence in the record of the quantifiable or nonquantifiable benefits that could be expected (outside of construction activities) absent construction of the entire LRTP Tranche 1 portfolio. *Id.*, pp. 27-29. The Staff also takes issue with METC's opposition to the Staff's condition based on purported delays and argues that METC can continue engineering and design work on the projects, as well as other parts of the project that do not include actual construction, while awaiting regulatory approvals for other portions of the portfolio. *Id.*, pp. 27-28.

METC replies and argues that there is no basis to support the Staff's proposed condition. METC cites the testimonies of Mr. Marshall and Mr. Goggin to assert that the record demonstrates that the public benefits of the projects justify their construction, even without the development of the entire LRTP Tranche 1 portfolio. METC's reply brief, pp. 13-15 (citing 5 Tr 326-327, 904-905). According to METC, no party challenged this testimony and the Staff's contention that METC failed to perform a robust analysis of the projects benefits in isolation does not refute these experts' opinions. *Id.*, pp. 15-16. METC also contends that the Staff fails to support its assertion that the other projects in the LRTP Tranche 1 portfolio will be delayed, and that adopting the Staff's proposed condition will result in significant delays for the projects and potential delays to future transmission projects. *Id.*, pp. 16-19.

In their replies, MEIC and CUB and Sierra Club agree with METC and state that the evidence in the record demonstrates that the projects will provide public benefits that justify their construction even absent the development of the LRTP Tranche 1 portfolio. MEIC's reply brief, pp. 4-6; CUB and Sierra Club's reply brief, pp. 7-9. Like METC, CUB and Sierra Club also argue that the Staff's proposed condition would cause unnecessary delays and that the Staff's concerns

about the potential delay of the remainder of the portfolio are mitigated by MISO's planning process. CUB and Sierra Club's reply brief, pp. 10-15. MEIC further contends that it is impractical to require an independent analysis of the public benefits of the projects in isolation given the numerous potential scenarios that would need to be evaluated, and that Act 30 does not require such an analysis. MEIC's reply brief, pp. 6-9.

In initial briefing, METC advocates for the Commission to reject the Staff's proposed condition and argues that there is no legal basis in Act 30 to condition approval on actions taken by anyone other than the applicant. METC's initial brief, pp. 81-83. Additionally, METC argues that the Staff's focus on the costs of the projects is misplaced given that ratepayers will be responsible for a portion of the LRTP Tranche 1 portfolio, regardless of if the projects are built. *Id.*, pp. 84-85. METC and MEIC also argue that it is unlikely that the LRTP Tranche 1 portfolio will ultimately not be built given the history of other MISO MVPs. *Id.*, pp. 85-86; MEIC's initial brief, pp. 29-30. Finally, METC, MEIC, and CUB and Sierra Club all assert that the record demonstrates that the public benefits justify construction even if the entire portfolio is not constructed. METC's initial brief, pp. 86-87; MEIC's initial brief, pp. 30-31; CUB and Sierra Club's initial brief, pp. 30-34.

In reply, the Staff disagrees with METC's contention that Act 30 limits conditions to things the applicant can control and argues that the Staff's proposed condition is premised on METC, the applicant, taking additional action to assure that the portfolio upon which the public benefits are reliant is realized. Staff's reply brief, p. 3. The Staff asserts that Act 30 supports a broad approach, rather than a narrow focus, and that a project's benefits must clearly outweigh costs, which the Staff contends are not demonstrated for the projects in isolation. *Id.*, pp. 3-6. Accordingly, the Staff maintains its proposed recommendation and its position that METC failed

to adequately demonstrate the public benefits of the projects absent development of the broader LRTP Tranche 1 portfolio. *Id.*, pp. 7-8.

The Commission has reviewed the record and finds that substantial evidence exists to demonstrate that the public benefits of the proposed projects justify their construction. The Commission agrees that the proposed transmission lines will provide general benefits in the form of providing new transmission in the state that will support reliable energy delivery under a variety of conditions, add operational flexibility and geographic diversity, and provide flexibility for bringing new power on the grid and servicing new load. 5 Tr 221, 276. Additionally, the Commission finds that the projects will aid in increasing the CIL to LRZ 7 by 1,292 MW, which will help improve market access, reduce capacity requirements, and stabilize prices during extreme weather. 5 Tr 257, 312-313. The projects will also address numerous thermal reliability violations and voltage issues around the regions. 5 Tr 248-249, 304; *see also*, Exhibit METC-3A, pp. 54-55. Further, the projects will benefit the public by supporting Michigan's energy policy goals, including increasing access to lower-cost renewable energy resources outside of the state's borders as well as enabling more renewable capacity to be deployed. 5 Tr 221, 277, 861-862, 871. The Commission also finds that the Helix Substation will benefit the public by serving as an electrical hub that will loop in existing 345 kV transmission line segments, which will improve market access and add capacity. 5 Tr 326-327. Accordingly, the Commission determines that the quantifiable and nonquantifiable public benefits of the Nelson-Oneida Line and Helix-Hiple Line justify their construction. MCL 460.568(5)(a).

The Commission is also not persuaded that the issuance of certificates for the proposed transmission lines should be conditioned on other portions of the LRTP Tranche 1 portfolio receiving regulatory approval. As METC and other intervenors note, MVPs, like the LRTP

Tranche 1 portfolio, are regionally cost-shared. Consequently, Michigan ratepayers will be obligated to pay a portion of the portfolio regardless of whether the Nelson-Oneida Line or Helix-Hiple Line are constructed. 5 Tr 246, 301. Moreover, the Commission finds that MISO has been responsive to potential delays to other projects in the LRTP Tranche 1 portfolio and would be obliged to propose alternative solutions should the entire portfolio fail to be developed.

5 Tr 331-332, 329. As a result, the Commission declines to adopt the Staff's proposal to condition approval of the projects on certain portions of the LRTP Tranche 1 portfolio (segments 12, 13, 14, 15, and 16) receiving regulatory approval.

E. Feasible and Reasonable Routes

If a party submits an alternative route for a proposed major transmission line, Act 30 requires the Commission to do one of three things: (1) grant the application for the proposed route, (2) grant the application for one alternative route, or (3) deny the application. MCL 460.568(4).

In granting an application and issuing a certificate, the Commission must determine that the proposed or alternative route is feasible and reasonable. MCL 460.568(5)(b). Importantly, in making its decision, the Commission notes that it is not required to determine that the selected route is more feasible and more reasonable than any other route proposed by any party; rather, the Commission finds that it need only determine that the proposed or alternative route selected is feasible and reasonable. *See, In re Application of Michigan Elec. Transmission Co.*, 309 Mich App 1, 13; 867 NW2d 911 (2014), *aff'd sub nom, In re Michigan Elec. Transmission Co. for Transmission Line*, 500 Mich 988; 894 NW2d 551 (2017).

Act 30 does not define what constitutes a "feasible" and "reasonable" route. When a statute fails to define a term, courts have routinely construed the term according to its common and approved usage. *See, e.g., Jennings v Southwood*, 446 Mich 125, 139; 521 NW2d 230 (1994).

When construing a term's common and approved usage, it is appropriate to resort to dictionary definitions of that term. *See, Nelson v Grays*, 209 Mich App 661, 664; 531 NW2d 826 (1995).

The Commission, therefore, finds that it is acceptable to refer to a dictionary for the common use of the words "feasible" and "reasonable" to determine the meaning of these terms in the context of Act 30. Consistent with dictionary definitions, the Commission finds that a "feasible" route is one that is "capable of being done or carried out" or that is "capable of being used or dealt with successfully: suitable."¹¹ Additionally, the Commission finds that a "reasonable" route is one that is "[r]eflecting good judgment; fair and proper under the circumstances; rational, sound, and sensible." *See, Reasonable*, Black's Law Dictionary (9th ed).

With these principles in mind, the Commission addresses each major transmission line's potential routes, below.

1. Nelson-Oneida Line

- a. Proposed Route

In its application, METC identifies and describes the Proposed Route for the Nelson-Oneida Line. Nelson-Oneida application, p. 8; *see also*, 5 Tr 348-351; Exhibit METC-15A. METC argues that the Proposed Route is feasible and reasonable and should be approved by the Commission. Specifically, the company argues that both METC's and the Staff's route studies show that the Proposed Route was a reasonable selection. METC's initial brief, p. 111.

The Staff recommends that the Commission find that the Proposed Route is reasonable and feasible. Staff's initial brief, pp. 20, 69-70; *see also*, 5 Tr 1189.

¹¹ *See, Feasible*, Merriam-Webster.com Dictionary, Merriam Webster, <https://www.merriam-webster.com/dictionary/feasible> (accessed June 30, 2025).

The Nelson-Oneida Intervenors, however, contend that the Proposed Route is not reasonable because METC selected the route contrary to paralleling principles and without first conducting a cost analysis. The Nelson-Oneida Intervenors further argue that the Proposed Route will have significant impacts on historical, land use, ecological, and economic interests. The Commission addresses each of these objections, in turn, below.

i. Routing Study

The Nelson-Oneida Intervenors first object to the Proposed Route because, as they assert, the route study upon which METC relied to select the Proposed Route was flawed.

By way of background, and as described in Mr. Thornhill's adopted testimony, METC stated that it hired an independent consulting firm, BMcD, to perform its routing analysis. METC testified that BMcD first established a study area between the Nelson Road Substation and the existing Oneida Substation and then developed route segments that were combined to form potential routes for the transmission line. 5 Tr 512-513; *see also*, METC-23A, pp. 11-18, 24-26. In total, METC stated that BMcD identified 1,304 different potential routes for the transmission line. 5 Tr 513; *see also*, Exhibit METC-23A, p. 27. BMcD then compared the potential routes based on 21 evaluation factors, which were grouped into engineering, environmental, and social categories. 5 Tr 514-515; *see also*, METC-23A, pp. 27-35. As BMcD explained, "[n]o one route was found to have the lowest impact for all factors; therefore, the evaluation of routes focused on the route options that best balanced the engineering, environmental, and social factors among the key evaluation factors." Exhibit METC-23A, p. 34. Based on this evaluation, BMcD identified a Proposed Route and Alternate Route for the project's construction plan "through minimizing land use conflicts and overall social and natural resources impacts while still providing an economical and feasibly constructible route." 5 Tr 515.

In support of its selection of the Proposed Route, METC stated that, among other things, the Proposed Route was below the average length of all routes evaluated, showed below average impacts in most evaluation factors, and would require a below average amount of woodland clearing. Exhibit METC-23A, p. 39. Additionally, METC stated that the Proposed Route was the route that best minimized overall impacts by avoiding protected lands, minimizing the total number of residences within 500 feet of the centerline of the transmission line, having a minimal number of center pivots crossed, and avoiding recorded and potentially eligible National Register of Historic Places sites. 5 Tr 516. Moreover, as compared to the selected Alternate Route, METC asserted that the Proposed Route showed slightly more wetland impacts but less hydric soil impacts, requires more new ROWs but crosses fewer parcels, and has a slightly lower residential proximity score. Exhibit METC-23A, p. 39.

Following agency input and public meetings, METC stated that it further refined the Proposed Route and the Alternate Route for inclusion in its application to the Commission. 5 Tr 344. According to METC, “[t]hese refinements incorporated public input and further engineering review to balance human, environmental, engineering, cost, and design considerations, with no one category being dispositive.” 5 Tr 346. In turn, METC asserted that the route study’s extensive analysis and route development ensures that the Proposed Route is reasonable and feasible. 5 Tr 320.

The Nelson-Oneida Intervenors took issue with METC’s selection of the Proposed Route and argued that the route study was flawed because METC, among other things, did not follow paralleling principles (namely in the form of rejecting the use of the existing Consumers ROW). Through Mr. Andrews’ testimony, the Nelson-Oneida Intervenors testified that, while all routing factors should be considered, some factors should receive greater weight when selecting a

transmission line's route. 5 Tr 978. Specifically, Mr. Andrews asserted that the most important routing factors include paralleling of existing linear infrastructure. 5 Tr 979. Mr. Andrews then opined that METC's selection of the Proposed Route was deficient because the company did not consider this important factor in the route study. As claimed by Mr. Andrews, although METC claimed to have considered paralleling, there was no paralleling data included in the evaluation factors used in the routing study, thereby making it impossible for paralleling opportunities to be adequately considered. 5 Tr 982. He further contended that paralleling opportunities exist in this case, namely in the form of the existing Consumers ROW that is utilized by the Alternate Route. As Mr. Andrews explained, "[t]he use of an unoccupied utility corridor represents an excellent routing opportunity for this proposed project. Constructing the Proposed Project within this corridor can minimize the adverse impacts that will be caused by the transmission line." 5 Tr 984. Ms. Wohlscheid-Brennan shared this critique of the route study's purported lack of consideration for paralleling and stated:

[t]he second, and a far more momentous, routing fault is METC's rejection of prioritizing nearly 8 miles of existing and available transmission right-of-way in segments 68 and 70 for use in the proposed route. This is 20% of the entire project! It is such a significant departure from route selection principles that, absent some strong justification, it must be regarded as a gross departure from normal and accepted route selection practice.

5 Tr 1126-1127.

Additionally, the Nelson-Oneida Intervenors criticized METC's route study because, as they alleged, it did not evaluate the costs of any route options. 5 Tr 986. Like paralleling, the Nelson-Oneida Intervenors contended that cost is one of the most important factors to consider when routing a transmission line. *See*, 5 Tr 979, 1124. Mr. Andrews stated that METC did not evaluate cost and that neither the Proposed Route, the Alternate Route, nor any of the 1,304 route options from the route study were evaluated for differences in estimated cost. 5 Tr 986.

Ms. Wohlscheid-Brennan further testified that the southern section of the Proposed Route contains numerous angles, many of which are heavy angles. She opined that the inclusion of this section of the Proposed Route, as compared to the Alternate Route (utilizing the existing Consumers ROW), significantly increases the cost of the Proposed Route. 5 Tr 1130. In turn, Ms. Wohlscheid-Brennan argued that the Proposed Route is not feasible or reasonable because it does not utilize the existing Consumers ROW and that “[b]y not using the available siting to the greatest extent feasible, the proposed route adds unreasonable costs to the project. The fundamental utility principle is to provide consumers with reliable power at the least cost.” 5 Tr 1132.

The Staff testifies that it conducted an analysis of METC’s routing study for the Nelson-Oneida Line. 5 Tr 1249, 1251. Based on discovery responses, the Staff stated that it found that METC’s analysis “did not score or have weighting factors for the evaluation of potential routes but rather relied on averages and conflicts with land use.” 5 Tr 1247-1248; *see also*, Exhibit S-4.7. As a result, the Staff conducted its own analysis by taking the data from METC’s route study and normalizing the data so that different evaluation factors could be summed and possible routes could be ranked, with a lower score indicating better performance.¹² 5 Tr 1247-1248. The Staff then presented sums and rankings for all 1,304 potential routes both on an overall as well as on an individual factor category (engineering, environmental, and social) basis. Exhibit S-4.10, pp. 19-53; *see also*, 5 Tr 1253. The Staff stated that its analysis showed

¹² The Staff testifies that it normalized data using the following equation:

$$y = \frac{x - Min}{Max - Min}$$

In this equation, y is the normalized evaluation factor, x is the raw evaluation factor, Min is the minimum of the evaluation factor for the data set, and Max is the maximum evaluation factor for the data set. 5 Tr 1248.

wide variability between the potential routes, with some performing well in certain factor categories while performing poorly in others. 5 Tr 1253. Further, the Staff asserted that the results of its analysis were similar to those in METC's route study, namely that "the results were less clear-cut as to which grouping of routes minimized disruption to people and the environment, while still maintaining a low Engineering score." 5 Tr 1253.

Concerning the Proposed Route, the Staff stated that the Proposed Route was not the highest overall ranked route; rather, through its analysis, the Staff noted that the Proposed Route was the sixth-best overall ranked route, ranking second in the social factor category, 340th in the engineering factor category, and 612th for the environmental factor category. 5 Tr 1254; *see also*, Exhibit S-4.10, pp. 36-53. Nonetheless, the Staff still found that the Proposed Route is reasonable. 5 Tr 1189. As the Staff explained:

there are likely multiple reasonable choices for the basis of the Proposed Route. If you look at the top scoring potential routes from each of the evaluation categories, there seem to be tradeoffs and no clear winner. However, [the Proposed Route] is one of the reasonable choices particularly because it has such a low Social score. These lines will affect someone and [the Proposed Route] seems to be one of the options that minimizes impact on individual landowners.

5 Tr 1255.¹³

In rebuttal, METC argued that what constitutes the most important routing factors is subjective and that the routing of transmission lines requires professional judgment to balance a host of factors that vary from project to project. 5 Tr 573-574. Moreover, METC disputed the Nelson-Oneida Intervenors' claim that the company did not consider paralleling opportunities with

¹³ The Staff testifies that Route 217 (the highest overall ranked route) was only ranked 28th for the social factor category, 69th for the environmental factor category, and 303rd for the engineering factor category. 5 Tr 1253-1254. Similarly, for Route 222 (the second overall ranked route), the route had a better social factor category than the Proposed Route but would require more new ROWs and cross more parcels of land than the Proposed Route. 5 Tr 1254.

existing ROWs. Specifically, METC claimed that its route study used multiple evaluation factors that served as a proxy for consideration of existing ROWs and that the location of existing transmission lines in the study area provided few opportunities to parallel the Nelson-Oneida Line. 5 Tr 575-576. METC also disputed the Nelson-Oneida Intervenors' claim that the company failed to consider the cost between the potential routes identified in the route study. According to METC,

[c]ost differences are evaluated as part of planning and design considerations but not specifically separate. Routing factors such as heavy angles, length, transmission line crossings, clearing, wetlands/hydric soils, stream/road crossings, new right-of-way required, and parcels crossed, all play a role in the total cost of the transmission line, which were considered as part of the study area for each Route Study and the evaluation factors for each Route Study as well.

5 Tr 577.

The Nelson-Oneida Intervenors provided rebuttal testimony challenging the Staff's route analysis, arguing that the Staff's normalization formula was flawed. Through Mr. Andrews' testimony, the Nelson-Oneida Intervenors argued that the Staff's formula is not useful for a sample size of 1,304 routes and that the formula was not a statistically fundamental procedure because it is skewed by extreme highs and lows within the data set. 5 Tr 1024-1025. They also asserted that the Staff's analysis was flawed because, like METC's route study, it did not weigh any of the individual factors. 5 Tr 1025-1026.

In initial briefing, METC argues that its route studies were reasonable and comprehensive. METC asserts that a formal ranking or weighing of routes is not necessary and that the company's use of professional judgment to identify and select routes for the transmission lines represents best practice. METC's initial brief, p. 89. METC also argues that the suite of evaluation factors it used to analyze potential routes was comprehensive and that several evaluation factors served as proxies for cost and paralleling. *Id.*, pp. 90-91. The Nelson-Oneida Intervenors respond and

reiterate that METC's expert has considered paralleling in prior route studies, but did not do so in this case, and further that federal and state law demonstrates that paralleling is a best practice.

Joint Intervenors' reply brief, pp. 19-21.

In their initial brief, the Nelson-Oneida Intervenors again argue that METC's route study is flawed because it did not incorporate the paralleling principle and because it did not present an evaluation of the incremental cost differences between the various route options. They first maintain their assertion that METC's route study failed to incorporate the principle of paralleling despite it being a critical factor for determining a transmission line's route, despite other jurisdictions having such a requirement, and despite the fact that METC's expert had previously incorporated the principle in her prior route studies. Joint Intervenors' initial brief, pp. 13-16. They further contend that the Commission has applied the paralleling principle and required a transmission line to run parallel with existing infrastructure. *Id.*, pp. 9-10 (referencing Case No. U-14861).

Concerning cost, the Nelson-Oneida Intervenors argue that, in a past docket, the Commission directed METC to "present a complete analysis of the incremental quantifiable and nonquantifiable benefits to warrant the additional cost relative to alternative approaches," but that the company made no such presentation and instead relied solely on MISO's overall cost estimate. Joint Intervenors' initial brief, pp. 18-22 (quoting July 29, 2013 order in Case No. U-17041, p. 25) (internal quotations omitted).

METC replies that its route study did consider paralleling, as evidenced by the use of the existing Consumers ROW in the Alternate Route, but that there were legitimate reasons for not including this ROW in the Proposed Route. METC's reply brief, pp. 25-27. METC further responds that the laws used by other states only require consideration of paralleling, and do not

include a mandate to collocate transmission lines, and that Act 30 contains no formal paralleling requirement. In support of this point, METC references the Commission's decision to reject paralleling in the May 31, 2007 order in Case No. U-14861. *Id.*, pp. 28-29. Additionally, METC argues that Act 30 does not require applicants to provide a BCA when comparing route options, and that the Nelson-Oneida Intervenors' reliance on the Commission's purported directive in Case No. U-17041 is misplaced because the cost analysis referred to in that case related to a comparison of alternative solutions to address the need for the transmission line, and not potential alternate routes. *Id.*, pp. 30-32.

In its initial brief, the Staff defends its analysis of the route study and argues that a mathematical ranking of the potential routes is a necessary step. Staff's initial brief, p. 61. Further, the Staff argues that even if paralleling was used as a separate, weighted factor, the results of its analysis would likely have not resulted in a finding that the use of the existing Consumers ROW was preferred given the fact that the existing ROW is devoid of any existing infrastructure. *Id.*, p. 63. The Staff reiterates that the results of its analysis were similar to METC's route study in that no one route was identified as the best route considering all factors. Accordingly, the Staff argues that, while not perfect, METC's route analysis for the Nelson-Oneida Line was a reasonable basis for establishing potential routes for the transmission line. Staff's initial brief, p. 59.

The Commission has reviewed the record and finds that, although not perfect, METC's route study was not so flawed as to render the results of the study unreasonable. As confirmed by the Staff's independent analysis, the Commission finds that no one potential route for the Nelson-Oneida Line performed best across all evaluation factors; rather, the results were varied and thus necessitated some level of professional judgment to assess and determine appropriate

trade-offs to identify optimal routes. *See*, Exhibit S-4.10. As such, given the variability of results, the Commission finds that METC's route study was a reasonable method for identifying potential routes for the Nelson-Oneida Line and for ultimately selecting the Proposed Route and the Alternate Route.

ii. Historical, Land Use, Ecological, and Economic Impacts

The Nelson-Oneida Intervenors also contend that selection of the Proposed Route will cause significant historical, land use, ecological, and economic impacts.

As an initial matter, the Commission finds that all landowner objections to the Nelson-Oneida Line, apart from the impacts alleged by Mr. Sanborn,¹⁴ are based on impacts to property located solely on the Proposed Route. As further explained below, *infra*, the Commission is approving the Alternate Route for the Nelson-Oneida Line. Consequently, because the alleged impacts caused by the Proposed Route will not materialize, the Commission declines to issue a determination on these specific issues.

With respect to the objections raised by Mr. Sanborn, which involve property located along the portion of the Proposed Route that overlaps with the Alternate Route, Mr. Sanborn first argued that his family's property has historically been used by Native Americans and that stone artifacts have been discovered on the property. In turn, he argued that the property has historical and archeological significance. 5 Tr 1151. METC responded to these concerns and stated that it conducted a record review of the Michigan State Historic Preservation Office historic and archeological sites, as well as of the National Register of Historic Places database, and that this review did not reveal any historically significant sites in the vicinity of the Proposed Route.

¹⁴ Mr. Sanborn alleges impacts to property that is located on the portion of the Proposed Route and Alternate Route that overlap.

5 Tr 602-603. Further, METC stated that it developed an Unanticipated Discoveries Plan for the projects in the event of discovery of unknown archeological resources. 5 Tr 602-603. Finally, METC stated that it communicated with representatives of the Saginaw Chippewa Indian Tribe who confirmed that the Tribe did not have any specific concerns with the projects. 5 Tr 467.

Mr. Sanborn next asserted that the Nelson-Oneida Line will negatively impair ecological resources, including previously unidentified wetlands and trout streams, as well as trees and other vegetation. 5 Tr 1147-1149. METC responded and challenged Mr. Sanborn's purported identification of previously omitted wetlands from the company's environmental report. 5 Tr 584-588. Additionally, the company asserted that as part of construction of the project it will implement measures to avoid and minimize impacts to waterbodies, including wetlands and streams. 5 Tr 599-601. Concerning the protection of waterbodies, METC stated that:

[v]egetation clearing, earth working activities, and increased traffic over disturbed soils have the potential to impact waterways if they increase erosion into waterways. However, direct impacts to waterbodies will be avoided to the extent practicable. METC will obtain any permits or approvals required for work in or near waterbodies when necessary and will comply with the terms and conditions of those permits or approvals, which typically include measures related to erosion and sedimentation control. Any work in documented trout streams will occur only in accordance with EGLE [Michigan Department of Environment, Great Lakes, and Energy] requirements. Staging areas will be located in areas where potential spills cannot reach wetlands, lakes, or streams, as practicable; typically, it is recommended to be at least 100 feet from such features. Where this is not possible, METC will ensure that contamination is not able to reach actively flowing water.

Exhibit METC-24A, p. 29.

The Commission acknowledges that the siting of a major transmission line necessarily entails some level of unavoidable impact on landowners and the environment. Indeed, the record in this case demonstrates that all the potential routes explored for the Nelson-Oneida Line impact these resources. *See*, Exhibit METC-23A, pp. 30-33.

With respect to the historical and ecological impacts testified to by Mr. Sanborn, the Commission is not persuaded that these alleged impacts warrant a finding that the Nelson-Oneida Line is not feasible and reasonable under the circumstances. The Commission finds that the evidence demonstrates that METC has reasonably assessed the potential for historical impacts caused by the project and, moreover, that the company has developed an Unanticipated Discoveries Plan in the event unknown archeological resources are discovered. *See*, 5 Tr 602-603; *see also*, Exhibit METC-23A, p. 45. Similarly, regarding ecological impacts, the Commission finds that METC has considered these impacts and has committed to implementing mitigation measures to avoid or minimize impacts to these resources, including impacts to wetlands, trout streams, and vegetation. *See*, Exhibit METC-24A, pp. 13-15, 26-27, 29. As such, the Commission finds that the impacts caused by the Nelson-Oneida Line do not render it unreasonable.

b. Nelson-Oneida Intervenors' Proposed Alternative Routes

Through testimony and in briefing, the Nelson-Oneida Intervenors propose alternative routes for the Nelson-Oneida Line, namely: (1) the Alternate Route or the Nelson Road to Oneida Landowner (NROL) Hybrid Route, and (2) the Maple River State Game Area Route.¹⁵ The Commission addresses each of these alternatives, in turn, below.

i. Alternate Route and Nelson Road to Oneida Landowner Hybrid Route

The Nelson-Oneida Intervenors first advocate for the Commission to approve either the Alternate Route or the NROL Hybrid Route. Joint Intervenors' initial brief, p. 55.

¹⁵ The Commission notes that the Nelson-Oneida Intervenors state that the use of the Alternate Route's river crossings for the Grand River and the Looking Glass River, referred to by METC as the "Sikarskie Alternative," is not a separately proposed alternative route. *See*, Joint Intervenors' reply brief, p. 22; *see also*, METC's initial brief, pp. 109-111. Accordingly, the Commission does not address this alternative route separately.

METC identified and described the Alternate Route for the Nelson-Oneida Line. 5 Tr 352-355; *see also*, Exhibit METC-15A, pp. 28-53. The NROL Hybrid Route, as described by Mr. Andrews, uses the portion of METC's Alternate Route south of West Jason Road and the Proposed Route north of West Jason Road, with the routes connected with a proposed crossover segment that is just south of Westphalia, Michigan. 5 Tr 993-994; *see also*, 5 Tr 994, Figure 5. Mr. Andrews stated that the NROL Hybrid Route most closely resembles Route 276 from METC's route study. 5 Tr 993-994. The southern portions of both the Alternate Route and the NROL Hybrid Route utilize the existing Consumers ROW.

The Nelson-Oneida Intervenors argued that the Alternate Route and the NROL Hybrid Route are superior to METC's Proposed Route because these alternative routes utilize the existing Consumers ROW, which they claim better aligns with routing principles and results in cost savings. According to the Nelson-Oneida Intervenors, approximately 7.89 miles, or 20% of the total length, of the Alternate Route and NROL Hybrid Route makes use of the existing Consumers ROW, which they claimed makes an excellent routing opportunity that will minimize adverse impacts. 5 Tr 985.

The Nelson-Oneida Intervenors also rebuffed METC's stated rationale for choosing not to incorporate the existing Consumers ROW into the Proposed Route, namely, that the existing ROW is not wide enough to support the Nelson-Oneida Line and that using the existing ROW corridor will limit flexibility in a way that could increase the proximity of the transmission line to existing structures. *See*, 5 Tr 1129 (referencing Exhibit METC-23A). They claimed that although the existing Consumers ROW is only approximately 130-foot wide, METC has failed to justify its need for a 200-foot-wide ROW for the Nelson-Oneida Line. 5 Tr 985, 1121. The Nelson-Oneida Intervenors noted that 345 kV transmission lines in other states only require a ROW of 150 feet,

that MISO's own cost estimation guide identifies a 175-foot ROW for 345 kV transmission lines, and that METC is the only transmission line provider constructing 345 kV transmission lines in the LRTP Tranche 1 portfolio that is requesting a 200-foot ROW. 5 Tr 986, 1122-1123; *see also*, Exhibit VWB-1. As such, they argued that METC has unjustifiably designed the Nelson-Oneida Line to use a larger ROW that will create more impacts to landowners and result in higher costs. 5 Tr 1123-1124. Moreover, even if the Nelson-Oneida Line requires a 200-foot ROW, the Nelson-Oneida Intervenors contended that utilizing the existing Consumers ROW will reduce the amount of new ROW required for the project. 5 Tr 986.

Further, the Nelson-Oneida Intervenors contended that a review of geographic information system data revealed no residences or buildings within the proposed 200-foot ROW along the existing corridor. Additionally, they argued that “[a]nyone living next to a 132['] transmission corridor that was acquired by purchase, rather than by the power of eminent domain, has already accepted their transmission line neighbor by choice, making this existing ROW a golden siting opportunity for METC.” 5 Tr 1129.

The Nelson-Oneida Intervenors next argued that using the existing Consumers ROW will result in cost savings for the project. Specifically, they argued that the southern sections of the Alternate Route and the NROL Hybrid Route, through use of the existing ROW, contain seven fewer heavy angles, 1.07 fewer miles of line, and impact fewer wetlands as compared to the Proposed Route. 5 Tr 1130. In turn, the Nelson-Oneida Intervenors contended that these reduced impacts will result in lower costs for the transmission line, with the Alternate Route estimated to be \$6.5 million, or six percent, less expensive than the Proposed Route. *See*, 5 Tr 987-988; *see also*, Exhibit NROL-4.

Finally, the Nelson-Oneida Intervenors argued that the Alternate Route has better river crossings than the Proposed Route. Through Mr. Andrews' testimony, the Nelson-Oneida Intervenors stated that the Proposed Route crosses the Grand River at a bend, which they asserted will make it likely that the transmission line's support tower will be located in the middle of a floodplain and thus subject to flooding that would complicate construction and maintenance. 5 Tr 989-990. Conversely, they stated that the Alternate Route's crossing of the Grand River could entirely span the floodplain, and further, that it would utilize the already existing utility corridor. 5 Tr 990-991.

Additionally, Dr. Sikarskie testified that the Alternate Route's crossings of the Grand River and the Looking Glass River both include less wetlands and more open land. 5 Tr 1108. As a result, Dr. Sikarskie opined that these crossings, as compared to the Proposed Route, will have much less impact on nesting eagle populations and other raptors that utilize the woodlands at these crossings. 5 Tr 1105.

The Staff stated that it examined the Alternate Route under its normalization formula and found that the Alternate Route had an overall ranking of 289th, with an engineering evaluation factor ranking of 285th, an environmental evaluation factor ranking of 268th, and a social evaluation factor ranking of 235th. 5 Tr 1255; *see also*, Exhibit S-4.10. After route refinement, the Staff noted that the Alternate Route's total evaluation score increased, primarily due to increased engineering and environmental evaluation factor scores, but that the social evaluation factor score decreased. 5 Tr 1266-1267; *see also*, Exhibit S-4.29, p. 16. The Staff, in turn, opined that the Alternate Route is feasible and reasonable under Act 30. 5 Tr 1189.

For the NROL Hybrid Route, the Staff's normalization formula showed that the route had an overall ranking of 83rd, with an engineering evaluation factor ranking of 257th, an environmental

evaluation factor ranking of 264th, and a social evaluation factor ranking of 59th. *See*, Exhibit S-4.10.

In rebuttal, METC disputed the Nelson-Oneida Intervenors' contention that the Alternate Route or the NROL Hybrid Route are superior to the Proposed Route. Regarding the use of the existing Consumers ROW, METC stated that the existing ROW is not an existing utility corridor but rather is currently undeveloped and uncleared of vegetation. 5 Tr 592. METC further stated that the existing ROW is not wide enough to support the transmission line and that a 200-foot ROW is necessary to comply with NERC requirements to safely operate the transmission line and to maintain adequate separation from vegetation that could impact reliability. 5 Tr 360. As such, METC argued that using the existing Consumers ROW will still require the company "to acquire additional lands outside of the 130-feet to accommodate the [Nelson-Oneida Line], which will increase the social impacts due to the increase proximity to residents." 5 Tr 429. Specifically, METC asserted that the use of the existing Consumers ROW will cross more parcels and will impact 15 more residences than the Proposed Route. 5 Tr 596; *see also*, Exhibit METC-38R. In turn, METC asserted that the Nelson-Oneida Intervenors merely seek to shift the impacts of the transmission line onto other landowners for their own benefit. 5 Tr 429.

Regarding the alleged cost savings of utilizing the existing Consumers ROW, METC stated that, at this point in the project, detailed cost estimates are preliminary and that any cost differences between routes are not expected to be significant. 5 Tr 420. METC further stated that the Nelson-Oneida Intervenors' reliance on a few construction elements to make detailed cost comparisons is inappropriate and that such analysis will not provide an accurate cost comparison. 5 Tr 500. METC also asserted that the desire to straighten the transmission line route through the

elimination of angled structures is unrealistic and will have negative design implications.

5 Tr 420.

Finally, regarding river crossings, METC argued that the presence of a floodplain will not result in construction or maintenance complications and that the company has experience constructing transmission lines in floodplains and wetlands like the areas present at the river crossings. 5 Tr 501. METC further reiterated that the existing Consumers ROW has no existing infrastructure so any purported benefit of using the existing easement at the crossing of the Grand River is not meaningful. 5 Tr 422.

Regarding impacts to nesting eagles, METC argued that Dr. Sikarskie has not provided any evidence pointing to a specific eagle nesting site that will be impacted by the Proposed Route. 5 Tr 599. Further, METC asserted that eagle and other avian populations will not be significantly impacted by the project due to the company's implementation of its APP and line markers. 5 Tr 752-754, 757; *see also*, Exhibit METC-33R.

In briefing, the Nelson-Oneida Intervenors maintain that the Alternate Route and NROL Hybrid Route are preferred to the Proposed Route. They further argue that any increased social impacts caused by the use of the existing Consumers ROW are acceptable given that the owners of property adjacent to this existing corridor have either been compensated or have purchased their property with knowledge of Consumers' ownership. Joint Intervenors' initial brief, pp. 16-18. In reply, METC argues that the Nelson-Oneida Intervenors' arguments in favor of the existing Consumers ROW are speculative and unsupported in the record and that they provided no facts to rebut the company's testimony regarding the need for a 200-foot ROW nor the factual basis for METC's decision to choose the Proposed Route over the Alternate Route. METC's reply brief, pp. 25-27.

The Staff argues that METC's route refinements to the Nelson-Oneida Line were reasonable and that some of the increase in overall scores for the Proposed Route and Alternate Route was the result of accommodations for landowner requests, while other increases were due to increased granularity of data and were attempting to reduce the social and environmental impacts of the routes. Staff's initial brief, pp. 70-71. The Staff clarifies in its initial brief that although the Alternate Route had a better overall score than the Proposed Route, there are still valid reasons the Proposed Route may be preferable, namely its lower social score. *Id.*, p. 70.

In its initial brief, METC advocates for the Commission to reject the Alternate Route and NROL Hybrid Route and instead choose the Proposed Route. METC maintains that the alleged benefits of using the NROL Hybrid Route do not outweigh the tradeoffs in the form of increased social impacts and increased residential proximity. METC's initial brief, pp. 96-99. METC again reiterates that the existing Consumers ROW is undeveloped, thereby negating many of the environmental benefits that the Nelson-Oneida Intervenors claim arise from its use. *Id.*, pp. 99-100. METC also maintains that any purported cost savings are marginal at this stage of the project and that eliminating angled structures is unrealistic given that these structures are required even on straight routes to prevent cascading during an emergency. *Id.*, pp. 100-101. METC further argues that the Nelson-Oneida Intervenors' assertions regarding river crossings are unfounded and that constructing the transmission line through a floodplain does not cause complications that would warrant use of the alternative routes. *Id.*, pp. 102-103. METC also advocates for the Commission to reject the Alternate Route because both the company's route study and the Staff's analysis confirm that the Proposed Route is reasonable and results in fewer social impacts. *Id.*, pp. 111-112.

The Nelson-Oneida Intervenors respond and maintain that the existing Consumers ROW offers a superior alternative to the Proposed Route. They further argue that by including the Alternate Route in its application, METC has acknowledged that the use of the existing Consumers ROW is feasible and reasonable. Joint Intervenors' reply brief, pp. 16-17.

The Commission has reviewed the record and the parties' arguments on this issue and declines to adopt the NROL Hybrid Route as the approved route for the Nelson-Oneida Line. Although the NROL Hybrid Route may be reasonable under Act 30, the Commission is not persuaded that the route is superior to the Proposed Route or the Alternate Route. As the Nelson-Oneida Intervenors acknowledge, the Commission finds that the record does not demonstrate that landowners located on the NROL Hybrid Route's proposed crossover route segment have received direct notice of the project or had a meaningful opportunity to participate in this contested case. *See*, 5 Tr 997. This strikes the Commission as a major flaw in Act 30 in that although Act 30 clearly empowers the Commission to select an alternative route as proposed by an intervening party (*see*, MCL 460.568(4)), doing so could well result in the use of eminent domain over a landowner's property without the landowner ever being made aware that such a result was possible or providing the landowner with the opportunity to participate in the proceeding. Such an outcome, at a minimum, strains the limits of the concept of due process. As such, the Commission is not persuaded to approve the NROL Hybrid Route for the Nelson-Oneida Line.

The Commission, however, agrees with the Nelson-Oneida Intervenors and finds that the Alternate Route is preferable to the Proposed Route. The Commission finds that the Alternate Route has fewer heavy angles, road crossings, acres of wetlands within the ROW, and acres of hydric soils within the ROW when compared to the Proposed Route. *See*, Exhibit S-4.29, p. 15. Additionally, the Commission agrees with the Nelson-Oneida Intervenors and finds that the

Alternate Route better exhibits sound routing principles by utilizing the existing Consumers ROW. This is demonstrated by the fact that the Alternate Route requires significantly fewer acres of new ROW as compared to the Proposed Route (817.9 acres compared to 938.6 acres). *See*, Exhibit S-4.29, p. 15. Thus, although the Alternate Route has a higher social evaluation category score than the Proposed Route (primarily based on the number of parcels crossed and residences located within 101-500 feet), the Commission finds that these increased social impacts are reasonable given that the Alternate Route utilizes an existing ROW that landowners are either aware of or can reasonably be expected to be aware of. Moreover, even accounting for the Alternate Route's increased social impacts, the Staff's analysis demonstrates that, overall, the Alternate Route performs better than the Proposed Route. *See*, Exhibit S-4.29, p. 16. Accordingly, the Commission finds that the Proposed Route, while feasible, is not reasonable given the opportunity to use an existing ROW, but that the Alternate Route is both feasible and reasonable.

ii. Maple River State Game Area Alternative Route

The Nelson-Oneida Intervenors also advocate for the Commission to incorporate a segment of an alternative route that traverses the Maple River State Game Area.

By way of background, METC's route study originally identified a route, Route 309, as the Alternate Route for the Nelson-Oneida Line. Importantly, Route 309 included a segment of an alternative route (Segment 36), which crosses 0.5 miles of the Maple River State Game Area. However, as METC explained, additional analysis was performed to accommodate engineering and practical restraints related to the use of public lands. As a result, METC developed additional route segments to permit the final Alternate Route to circumvent the Maple River State Game

Area by using certain segments of the Proposed Route referred to by the parties as “the Sanborn Loop.” *See*, Exhibit METC-23A, pp. 36, 38.

The Nelson-Oneida Intervenors contended that the use of the Sanborn Loop will add eight turns and 1.9 miles of additional length to the project that will result in substantial costs. 5 Tr 1001, 1124, 1152. Further, through Mr. Sanborn’s testimony, they argued that the use of the Sanborn Loop, as compared to Segment 36, would result in greater impacts. Specifically, Mr. Sanborn testified that he conducted field reconnaissance that revealed a 35-acre wetland southeast of Jessup Road in North Plains Township that was omitted from METC’s route study. 5 Tr 1147; *see also*, Exhibit AS-2, Exhibit METC-24A, Appendix E, p. 9. Mr. Sanborn also testified that he developed his own land cover maps for certain sections of the Sanborn Loop and Segment 36. Through this analysis, Mr. Sanborn asserted that utilization of a route that incorporates Segment 36 will result in reduced impacts in 12 of the 21 routing factors considered by METC, including, among other things, reduced wetlands/grasslands/pastures/croplands within the ROW, road crossings, parcels crossed, new ROW required, and residences within 500 feet of the transmission line’s ROW. 5 Tr 1148, 1150; *see also*, Exhibits AS-3 and AS-4. Additionally, Mr. Sanborn stated that the use of Segment 36 will avoid impacting two previously unidentified trout streams. 5 Tr 1149.

The Nelson-Oneida Intervenors also argued that METC has not provided an adequate explanation for avoiding use of the Maple River State Game Area. They asserted that other transmission lines, including those operated by METC, have been located on public lands, including existing transmission lines in the Maple River State Game Area and the nearby Potterville State Game Area. *See*, 5 Tr 1002, 1125. Accordingly, the Nelson-Oneida Intervenors

argued that METC should be required to make a reasonable attempt to site the transmission line using Segment 36. 5 Tr 1125.

The Staff testified that routes that use Segment 36 have reduced wetland and archeological impacts, while routes that do not use Segment 36 have a reduced average amount of hydric soil within the ROW. 5 Tr 1253; *see also*, Exhibit S-4.10, p. 18.

In rebuttal, METC defended its environmental studies as complying with industry standards. METC further asserted that Mr. Sanborn's wetland analysis did not conform to U.S. Army Corps of Engineers' requirements, so it is unsurprising that there are deviations in the results.

5 Tr 584-585. The company also disputed that its environmental studies had misidentified 35 acres of wetlands, pointing out that some of Mr. Sanborn's land cover maps had overlaps with METC's wetlands maps. 5 Tr 586-587, Figures SGT-1 and SGT-2. Additionally, METC disputed the argument that routes that use Segment 36 perform better, arguing that such a route would fragment protected lands and require clearing of trees and wetlands. 5 Tr 597. METC also asserted that trout streams will be protected because the company will still need to comply with applicable permit requirements when constructing the Proposed Route. 5 Tr 600-601.

Regarding the use of a ROW on public land, METC argued that there are significant safety and reliability issues associated with routing the transmission line through the Maple River State Game Area. According to METC, these public lands are owned and managed by MDNR, which has a policy that limits permitting for ROWs for overhead electric transmission lines to 100 feet in width. 5 Tr 431 (referencing MDNR Policy and Procedure No. 28.46-05).¹⁶ METC contended that this limited ROW is insufficient to design the Nelson-Oneida Line in a way that ensures safety

¹⁶ A copy of the referenced MDNR Policy and Procedure is available at <https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/RealEstate/2846-05.pdf> (accessed June 10, 2025).

and reliability. 5 Tr 431. Additionally, METC argued that the other transmission lines located on public lands are distinguishable, and that these lines either predate designation of the land as public land or were compatible with MDNR's 100-foot ROW limitation. As such, METC argued that although it considered routing the transmission line through the Maple River State Game Area it found that such a route would not be feasible. 5 Tr 432-434.

The Commission is not persuaded that Segment 36 should be incorporated into the approved route for the Nelson-Oneida Line. The Commission finds, based on the record in this case, that the evidence does not demonstrate that it is feasible for METC to construct the transmission line through the Maple River State Game Area. MCL 460.568(5)(b). Specifically, while the Commission finds that the MDNR's internal policy limits utility lines' ROWs to 100-feet when crossing MDNR land, based on the evidence presented in this case, it is unclear whether the Nelson-Oneida Line is capable of being constructed through the Maple River State Game Area, especially in light of the fact that both METC and the Nelson-Oneida Intervenors have suggested that a ROW wider than 100-feet is typically used for 345-kV transmission lines. *See*, MDNR Policy and Procedure No. 28.46-05, p. 5; *see also*, 5 Tr 406, 986, 1112 and Exhibit VWB-1.

The Commission, however, admonishes METC for its efforts in this case to explore the feasibility of routing the Nelson-Oneida Line through public land. In its application, METC relies on a single email response from the MDNR to categorically reject routing the Nelson-Oneida Line through the Maple River State Game Area. Exhibit METC-23A, Appendix A. The Commission finds this level of engagement to be lacking and completely inadequate. Thus, while the Commission acknowledges the MDNR's internal policy limiting ROWs for utility lines to 100-feet, the Commission expects METC and other Act 30 applicants in future Act 30 cases to conduct a more robust examination of the feasibility of routing transmission lines through public

lands, and for this examination to be thoroughly documented in any applications filed with the Commission.

c. Approved Route

Having reviewed the record and the parties' arguments on this issue, the Commission grants METC's application for the Nelson-Oneida Line Alternate Route. Pursuant to Section 8(5) of Act 30, the Commission determines that the Alternate Route is both feasible and reasonable. MCL 460.568(5)(b).

As explained above, *supra*, the Commission finds that substantial evidence in the record demonstrates that the Alternate Route is reasonable and is the preferred route when compared to the Proposed Route. The Commission finds that METC's route study demonstrates that the Alternate Route has a length that is below the average length of the routes evaluated and has below average impacts in most of the evaluation factors assessed by METC, including for wetlands, hydric soils, number of parcels crossed, and residential proximity. *See*, Exhibit METC-23A, p. 41. The Staff's independent analysis of METC's route study confirms the reasonableness of the Alternate Route, showing that, before route refinement, the Alternate Route ranks well above many of the other 1,304 potential routes evaluated. *See*, 5 Tr 1255; *see also*, Exhibit S-4.10. Moreover, after route refinement, the Staff's analysis demonstrates that the Alternate Route has fewer heavy angles, road crossings, acres of wetlands within the ROW, and acres of hydric soils within the ROW when compared to the Proposed Route, and that the Alternate Route has a better overall score than the Proposed Route. *See*, Exhibit S-4.29, pp. 15-16.

Additionally, the Commission finds that the Alternate Route's utilization of the existing Consumers ROW supports the reasonableness of the route. The Commission is persuaded by the Nelson-Oneida Intervenor's argument that the paralleling of transmission lines with existing utility

corridors represents sound routing principles and finds that the use of existing utility ROWs to minimize the condemnation of private land is an important factor for establishing a reasonable route under Act 30. As such, the Commission expects METC and future Act 30 applicants to thoroughly explore utilizing existing ROWs, and any potential ROWs through public lands, when selecting potential routes for a major transmission line.

Finally, in conformance with Section 8(6) of Act 30, the Commission finds that the estimated cost for the Nelson-Oneida Line is \$182 million. *See*, 5 Tr 263. The Commission identifies the approved route for the Nelson-Oneida Line as the Alternate Route identified and described by METC. *See*, 5 Tr 352-355; *see also*, Exhibit METC-15A, pp. 28-53.

2. Helix-Hiple Line

a. Proposed Route

METC identifies and describes the Proposed Route for the Helix-Hiple Line. Helix-Hiple application, p. 8; *see also*, 5 Tr 373-378; Exhibit METC-15B. The company argues that the record demonstrates that the Proposed Route is feasible and reasonable and should be selected by the Commission.

Like the Nelson-Oneida Line, METC stated that, through BMcD, it developed the Proposed Route for the Helix-Hiple Line through a routing study that identified a study area and developed potential route segments. 5 Tr 540; *see also*, Exhibit METC-23B. Through this process, BMcD identified a total of 511 potential routes for the Helix-Hiple Line. 5 Tr 541; *see also*, Exhibit METC-23B, p. 28. These potential routes were then evaluated using 22 factors, which were grouped into engineering, environmental, and social evaluation categories. 5 Tr 542-543; *see also*, Exhibit METC-23B, pp. 28-29. BMcD then identified trends in the route data that identified two general groupings of routes: Western Corridor routes and Eastern Corridor routes. According to

BMcD, the Eastern Corridor routes were retained for further analysis because they best minimized overall impacts. 5 Tr 543-544. “In consideration of minimizing overall land use conflicts and the evaluation factors considered, it was determined that the route that best minimized the overall impacts to resources was [the Proposed Route].” 5 Tr 544.

In support of its selection of the Proposed Route, METC stated that the Proposed Route was determined to be the route that best minimized overall impacts to resources by avoiding protected lands, minimizing the total number of residences within 0-500 feet of the centerline, avoiding eligible or potentially eligible National Register of Historic Places sites, minimizing the number of center pivots crossed, and by having the shortest overall length of routes studied in the Eastern Corridor. 5 Tr 444; *see also*, Exhibit METC-23B, p. 37.

Following agency input and public meetings, METC stated that it further refined the Proposed Route for inclusion in its application with the Commission. 5 Tr 369, 371. According to METC, the refinements incorporated public input to balance human, environmental, engineering, cost, and design considerations. 5 Tr 371. In turn, METC argued that the Proposed Route is the most reasonable and feasible route. 5 Tr 566.

The Staff testified that, as with the Nelson-Oneida Line, it conducted an independent analysis of METC’s route study. The Staff stated that it again took data from METC’s route study and normalized the data so that different evaluation factors could be summed, and possible routes could be ranked, with a lower score indicating better performance. 5 Tr 1247-1248. The Staff then presented the sums and rankings for all 511 potential routes both on an overall as well as on an individual evaluation category (engineering, environmental, and social) basis. Exhibit S-4.8, pp. 18-23. Based on its analysis, the Staff contended that the Proposed Route “is a reasonable choice for the basis of the primary route.” 5 Tr 1248. The Staff stated that the Proposed Route has

the lowest overall score of all potential routes, and ranks first in the engineering evaluation category, second in the social evaluation category, and fifteenth in the environmental evaluation category. 5 Tr 1248-1249.

The Staff noted, however, that the Proposed Route crosses a rural airport owned by Robert and Rose Williams. 5 Tr 1263-1264; *see also*, Exhibit S-4.26, p. 1. The Staff stated that, at the time of METC's route study, the airport was not classified as an airport by the FAA. 5 Tr 1264. However, following development of the Proposed Route, and prior to their knowledge of the project, the Williamses applied to the FAA to have their property classified as a registered airport. 5 Tr 1264; *see also*, Exhibit S-4.26, pp. 2-3. As of November 27, 2023, the airport on the Williams' property is an FAA approved and registered airport, which is a point in time that comes after METC submitted its construction plans but seven months before METC filed its applications for a certificate of public convenience and necessity in this proceeding. *See*, Exhibit S-4.26, p. 3. Nevertheless, despite the presence of the airport on the Williams' property, the Staff contended that the Proposed Route is feasible and reasonable. 5 Tr 1189. In rebuttal, METC agreed with the Staff's finding that the Proposed Route is reasonable. 5 Tr 590.

In initial briefing, METC argues that the record demonstrates that the Proposed Route is feasible and reasonable. METC's initial brief, p. 117. METC contends that both the company's and the Staff's route studies demonstrate that the Proposed Route is a reasonable choice. *Id.* METC highlights the Staff's analysis of the route study, which shows that the Proposed Route ranked first overall out of all the potential routes studied. *Id.* Moreover, METC argues that its continued refinement of the Proposed Route after agency and public feedback adds to the reasonableness of the route. *Id.*, pp. 117-118. Accordingly, METC advocates for the Commission to approve the Proposed Route. *Id.*, p. 118.

In supplemental briefing, METC argues that the undisputed record demonstrates that the Proposed Route is reasonable. METC notes that the only two parties who addressed the Helix-Hiple Line were the company and the Staff, both of whom agree that the Proposed Route is reasonable. METC's supplemental brief, p. 5. METC further asserts that the Williams' airport is an airstrip intended for private use, and is not a certified public airport. The company claims that the airport is required to comply with applicable laws and regulations and questions whether the airport is properly licensed. *Id.*, pp. 6-9. METC, therefore, argues that the Commission should not give preferential treatment to this land use over others. *Id.*, pp. 8-9. Additionally, METC argues that the Proposed Route is reasonable even with potential impacts on the Williams' airport and that any refinement to the route to avoid these impacts would result in a significant shift to the studied route. *Id.*, p. 10. Finally, METC contends that the Commission's analysis of the Proposed Route should not be comparative or a search for the "best" route and the company asserts that no justification exists in the record to reject the Proposed Route and to choose a different route that will impact more landowners. *Id.*, pp. 11-14.

The Staff argues that the findings of its analysis of the Helix-Hiple Line were unrebutted, and that both its and METC's analyses showed that the Proposed Route is reasonable despite using different methodologies. Staff's initial brief, pp. 62, 65. Accordingly, the Staff recommends that the Commission find the Proposed Route to be feasible and reasonable as designed, a contention that the Staff reiterates in its supplemental brief. *Id.*, p. 20; *see also*, Staff's supplemental brief, pp. 6-7.

The Commission has reviewed the record and the parties' arguments and finds that the Proposed Route is feasible and reasonable. The Commission finds that the Proposed Route reduces overall impacts to environmental and human resources and that the route scores better than

the majority of routes analyzed in the engineering, environmental, and social evaluation categories and that the Proposed Route has the lowest overall score of all potential routes studied for the Helix-Hiple Line, as demonstrated by the Staff's independent analysis. *See*, Exhibit S-4.8, p. 18.

The Commission disagrees with METC's contention that the Commission is required to approve the Proposed Route simply because no party expressly asserted that the Proposed Route is unreasonable. On the contrary, Act 30 requires the Commission to independently determine whether a proposed or alternative route is feasible and reasonable. MCL 460.568(5)(b). In this case, the Staff produced evidence in the record to demonstrate that the Proposed Route traverses a registered airport. Certainly, given this evidence, the Commission would be within its authority to determine that the placement of a transmission line through a known airport is unreasonable and does not demonstrate sound judgment. However, given the specific facts presented in this case, the Commission is not persuaded to reach such a conclusion.¹⁷ The Commission notes that the siting of transmission lines necessarily causes disruptions to land uses and entails balancing tradeoffs between these competing land uses. Here, the Commission finds that the record does not support a finding that the impacts to the Williams' airport would be more disruptive than impacts to other land uses so as to render the Proposed Route unreasonable. Moreover, the Commission finds that shifting the Helix-Hiple Line to the Alternate Route to avoid impacts to the Williams' airport would result in increased social impacts, namely in the increased archeological sites within the ROW, significantly increased residences within 500 feet of the ROW, and increased parcels

¹⁷ The Commission notes that the Williamses, although parties to this case, did not directly submit evidence through testimony or briefing regarding the impacts of the proposed transmission line on their airport. Although the Williamses and several other individuals submitted comments regarding the transmission lines' purported impacts on the airport, these comments are not part of the record and therefore cannot serve as a basis for the Commission's decision in this matter. *See*, MCL 24.285.

crossed. *See*, Exhibit S-4.11, p. 15. The Commission, therefore, declines to find the Proposed Route unreasonable given its location through the Williams' property.

b. Proposed Route Prime

As previously explained, the Staff testifies that it learned that the Proposed Route crosses a rural airport. As part of a discovery response to the Staff's inquiry about this airport, the Staff notes that Mr. and Mrs. Williams suggested the use of an alternative to the Proposed Route (PR Prime) that would avoid impacts to their property. 5 Tr 1264-1265. PR Prime would modify the Proposed Route by substituting route segments that would shift the Proposed Route to the east to circumvent the Williamses' property. *See*, Exhibit S-4.26, p. 6.

The Staff states that it evaluated PR Prime using the same normalization methodology it used to evaluate the Proposed Route. 5 Tr 1265. According to the Staff, the results of its analysis show that PR Prime performs better overall in each evaluation category when compared to the Proposed Route. 5 Tr 1265. Specifically, the Staff's analysis shows that, when compared to the Proposed Route, PR Prime is shorter; has fewer heavy angles; impacts fewer acres of wetlands, hydric soils, woodlands, and grasslands/pastures; requires fewer acres of new ROW; and has fewer residences within 500 feet of the centerline. Exhibit S-4.28, pp. 1-2. Consequently, PR Prime scores better than the Proposed Route overall, as well as in the engineering, environmental, and social evaluation categories. Exhibit S-4.28, p. 3. However, the Staff states that PR Prime would impact different landowners and would impact more landowners than the Proposed Route (23 compared to 20). 5 Tr 1265.

In rebuttal, METC disagrees with the Staff that PR Prime performs better than the Proposed Route and asserts that the alternative route underperforms in several areas. 5 Tr 415. METC further argues that PR Prime does not include important design considerations and that the

alternative route has not been subjected to additional review and diligence necessary to fully assess the route. 5 Tr 416. Accordingly, METC advocates for the Commission to reject PR Prime. 5 Tr 417.

In briefing, METC maintains its call for the Commission to reject PR Prime. METC argues that PR Prime would shift the centerline of the transmission line to property owners who have not been noticed in this case and have not had an opportunity to comment and provide feedback. The company again reiterates that PR Prime has not been subjected to detailed line design, unlike the Proposed Route. Finally, METC asserts that an environmental analysis has not been conducted for the alternative route. For these reasons, METC argues that the Commission should reject adoption of PR Prime. METC's initial brief, pp. 115-117.

In reply, the Staff acknowledges that PR Prime would entail impacting different landowners. The Staff, however, states that METC's objections to PR Prime would result in a scenario where no alternative route could be adopted given that alternative routes will involve new landowners and given that alternative routes will have not undergone engineering design or environmental analysis. Staff's reply brief, pp. 15-17.

In its supplemental briefing, the Staff argues that the most reasonable route is PR Prime. The Staff reiterates that a comparison of PR Prime with the Proposed Route and Alternate Route demonstrates that PR Prime performs the best under the evaluated factors. Staff's supplemental brief, pp. 4-5. In turn, the Staff suggests that the Commission could condition approval of the Proposed Route on METC filing a separate, truncated Act 30 case for the original segment of the Proposed Route that was replaced by PR Prime. *Id.*, p. 6. According to the Staff,

[u]nder this separate Act 30 case, METC would provide notice to all landowners 1000 ft outside the centerline of the original route segment that crosses [the Williams' airport] and the substitute segment of PR Prime and all of the landowners in-between. The solution space could be limited between the Proposed Route

segment and the substitute segment. By limiting the scope of the case to a single segment and by limiting it to a defined solutions [sic] space the Commission avoids a situation where the case becomes a revolving door of updates to the Proposed Route. This also limits possible delays for METC as they would have approval for the rest of the Proposed Route and could continue with engineering and procurement for the remainder of the Proposed Route.

Id., p. 6.

In conclusion, the Staff asserts that PR Prime appears to be a feasible and reasonable route and that, based on the information in the record, both the Proposed Route and the Alternate Route are also feasible and reasonable under the statute. *Id.*, pp. 6-7.

The Commission has reviewed the record and is not persuaded to approve PR Prime. The Commission agrees with METC and finds that despite performing better in some factors, the alternative route has not undergone engineering design or environmental analysis. As such, it is unclear if this alternative route is feasible and reasonable. Further, the Commission finds that PR Prime will involve impacting property whose owners have not received direct notice. As noted above, this potential represents a major flaw in the structure of Act 30. As such, although Act 30 clearly empowers the Commission to approve the alternative route, the Commission is not inclined to do so under the facts of this case. Additionally, having found the Proposed Route to be feasible and reasonable, the Commission declines to adopt the Staff's proposal to conditionally approve the Helix-Hiple Line on METC filing a separate Act 30 case for the route segment associated with PR Prime.

c. Lust Alternative Route

Mr. Lust proposes mitigating impacts on landowners by suggesting an alternative route that would shift the Proposed Route to the northwest of his property and utilize three parcels that Mr. Lust claims are largely unused or unproductive. According to Mr. Lust, there are many potential alternative routes that could leverage these parcels to relocate the Proposed Route farther

away from residences and to make the Proposed Route shorter, which he asserts would preserve more agricultural and timber land. 5 Tr 965-966. Mr. Lust provides Exhibit LUS-4.2 as an example of one such alternative route (Lust Alternative Route). 5 Tr 966; *see also*, Exhibit LUS-4.2.

METC argues that the Lust Alternative Route would be problematic from a line design perspective for several reasons. First, METC argues that moving the Proposed Route would place the transmission line in marshy wetlands, which would result in increased environmental impacts and more difficulty in constructing the line. 5 Tr 413, 597; *see also*, METC's initial brief, pp. 113-114. Next, METC asserts that the Lust Alternative Route would be closer to the Brooks Field Airport and would impose difficulties pertaining to structure height and placement requirements. 5 Tr 413, 597; *see also*, METC's initial brief, p. 114. Finally, METC argues that Mr. Lust fails to provide adequate evidence to support his claim that properties used for the Lust Alternative Route are unused, and notes that Mr. Lust claims one of the properties is used as a shooting range, which METC contends presents safety concerns for its personnel. 5 Tr 413-414; *see also*, METC's initial brief, p. 114. For these reasons, METC advocates for the Commission to reject the Lust Alternative Route. METC's initial brief, p. 115.

Mr. Lust did not respond to METC's rebuttal testimony or initial briefing.

The Commission has reviewed the record and is not persuaded to approve the Lust Alternative Route. The Commission finds that the Lust Alternative Route would entail greater environmental impacts. Further, the Commission agrees with METC that there is not sufficient evidence in the record to demonstrate the impacts to land use that would be associated with the alternative route. As such, the Commission declines to approve the Lust Alternative Route.

d. Approved Route

Having reviewed the record and the parties' arguments on this issue, the Commission grants METC's application for the Helix-Hiple Line Proposed Route. Pursuant to Section 8(5) of Act 30, the Commission determines that the Proposed Route is both feasible and reasonable. MCL 460.568(5)(b). The Commission further approves, as part of the Helix-Hiple Line, the construction of the new Helix Substation as proposed by METC. *See*, 5 Tr 373; *see also*, Exhibit METC-14B.

As stated above, the Commission finds that the Proposed Route reduces overall impacts to environmental and human resources. The Commission further finds that the Proposed Route scores better than the majority of routes analyzed in the engineering, environmental, and social evaluation categories and that the route has the lowest overall score of all potential routes studied for the Helix-Hiple Line. *See*, Exhibit S-4.8, p. 18.

In conformance with Section 8(6) of Act 30, the Commission finds that the estimated cost for the Helix-Hiple Line is \$442 million. *See*, 5 Tr 318. The Commission identifies the approved route for the Helix-Hiple Line as the Proposed Route identified and described by METC. *See*, Helix-Hiple application, p. 8; *see also*, 5 Tr 373-378; Exhibit METC-15B.

F. Unreasonable Threat to Public Health or Safety

The Commission must also determine that the proposed major transmission lines do "not present an unreasonable threat to public health or safety." MCL 460.568(5)(c).

METC argues that the record demonstrates that the projects align with public health and safety, and that its policies for the construction, operation, and maintenance of the projects avoid or minimize impacts to human resources, health risks associated with EMF, and noise. METC's

initial brief, pp. 118, 130-134. In support of this position, METC provides opinions from expert witnesses concerning the impacts of EMF and noise on human health and safety.¹⁸

The Staff testified that METC's expert witness testimony contained credible sources and assumptions related to EMF and noise generated by the transmission lines and their effects on human health. 5 Tr 1272-1274. As a result, the Staff argues that there is no credible evidence to support the contention that EMF or noise from the projects will jeopardize public health and safety. 5 Tr 1189; *see also*, Staff's initial brief, pp. 20-22. The Staff did, however, state that "the most credible and frequent issue with human health and safety regarding these lines would be noise. Even this would be mostly an annoyance under the worst circumstances; however, increased noise could mean that maintenance is required." 5 Tr 1275. The Staff thus advocates for METC to investigate every noise complaint received from landowners to ensure that there is not a system issue that needs to be addressed. 5 Tr 1275; *see also*, Staff's initial brief, pp. 22, 71-73. The Staff, though, noted that METC provided a notification process that landowners can use during and after construction to inform the company of concerns, including noise. 5 Tr 1189.

Both the Nelson-Oneida Intervenors and the Knaggs Intervenors raised general concerns about the transmission lines' effects on health and safety. Mr. Bewersdorff expressed concerns that extended exposure to EMF has been linked to increased health risks, which he contended can lead to increased medical expenses. 5 Tr 913-914. Similarly, Mr. Strzalka conveyed his concerns about the potential health effects on his grandchildren and that studies regarding the possible adverse effects on young children, including leukemia, are inconclusive. 5 Tr 1048. Finally, Mr. Wohlscheid stated his concerns regarding the safety of his young children, whom he claimed

¹⁸ *See*, Direct Testimony of Mark A. Israel, M.D. (5 Tr 606-635); Direct Testimony of Gary B. Johnson, Ph.D. (5 Tr 642-688).

utilize the property for recreation all year and whom he stated have bedrooms along the proposed ROW. 5 Tr 1090. Mr. Wohlscheid further stated his concern for safety issues associated with the fact that his home is on a hill, and thus closer to the transmission lines, and that he has hunting stands on the property that will be near the proposed transmission line. 5 Tr 1090, 1092.

METC provided rebuttal testimony from several expert witnesses to address the Staff's and the intervening landowners' concerns. In response to the Staff's concerns regarding noise, Dr. Johnson testified that he is unaware of any peer-reviewed study that suggests that AN or RN at levels produced by the projects cause human health or safety issues. 5 Tr 691. Dr. Johnson further testified that AN levels at the edge of the ROWs will not exceed 49 decibels (dBA), which is below target values established by the EPA and the WHO. 5 Tr 691-692. Finally, Dr. Johnson stated that RN levels for the project are below institutional design guidelines, and that the projects will produce RN levels below levels produced by common household items, including fluorescent lights, power tools, and microwave ovens. 5 Tr 692. Accordingly, METC argued that it does not agree with the Staff that noise complaints are a frequent health or safety issue, and METC adds that since 2008, the company has only received eight AN inquiries for nearly 6,000 miles of transmission lines. 5 Tr 439. METC, therefore, argues that the projects do not present an unreasonable threat to public health or safety and that the Commission should reject the Staff's proposal because the evidence in the record demonstrates that the company's current process for investigating noise complaints is adequate. METC's initial brief, pp. 131-133.

METC also provided rebuttal testimony to address the intervening landowners' concerns regarding safety and the effects of EMF. Concerning EMF, Dr. Israel disagreed that the scientific research addressing EMF and health was inconclusive and reiterated his opinion that the body of this research does not show that EMF causes or contributes to adverse health effects, including

leukemia and other cancers. 5 Tr 638-639. Dr. Israel further testified that EMF levels at the edge of the projects' ROWs are not expected to exceed 24 mG, which he stated is well below the levels used in research to study the long-term effects of EMF on health. 5 Tr 639.¹⁹ Dr. Lee also provided expert testimony on the issue and opined that the "epidemiology studies that have examined power frequency EMF and childhood leukemia do not provide a reliable scientific basis to conclude that exposure to EMF would cause or contribute to childhood leukemia." 5 Tr 777.

With respect to safety, Dr. Johnson testified that the risk of nuisance shock associated with the transmission lines' proximity to homes is low and generally limited to areas within the transmission lines' ROW. 5 Tr 695. Because no homes are located within the projects' ROWs, he argued that there should be no concerns from homeowners when performing maintenance. Dr. Johnson did, however, caution that recreational activities such as flying kites and drones should not take place within the ROW. 5 Tr 695.

The Commission finds that the substantial evidence in the record demonstrates that both the Nelson-Oneida Line and the Helix-Hiple Line do not present an unreasonable threat to public health or safety. The record contains unrefuted expert testimony from several witnesses that shows that EMF and noise from the projects will not adversely impact human health. This includes unrefuted testimony that exposure to EMF from the projects will not cause or contribute to the development of cancer, including leukemia. *See*, 5 Tr 620, 635, 777. Additionally, the record contains unrefuted expert testimony that the projects' EMF, electric fields, AN, and RN will be below levels recommended by government and scientific organizations and that these

¹⁹ METC also provides rebuttal testimony addressing the specific effects of the EMF on Mr. Wohlscheid's home. Dr. Johnson testified that the EMF levels at Mr. Wohlscheid's home would be about 4 mG, which he states is below levels associated with typical household items, including vacuums (300 mG), electric stand mixers (100 mG), and electric ranges (30-200 mG). 5 Tr 694; *see also*, Exhibit METC-39R.

levels are below those typically found in some household items. *See*, 5 Tr 664, 687-688, 692-694. Accordingly, the Commission determines that the proposed major transmission lines do not present an unreasonable threat to public health or safety. MCL 460.568(5)(c).

Additionally, the Commission agrees with the Staff and finds that it is reasonable and appropriate to require METC to investigate every noise complaint received by landowners to ensure that there is not a system issue that needs to be addressed.

G. Conditions

Act 30 empowers the Commission to condition its approval of an application “upon the applicant taking additional action to assure the public convenience, health, and safety and reliability of the proposed major transmission line.” MCL 460.568(4). To grant an application and issue a certificate, the Commission must determine that “[t]he applicant has accepted the conditions contained in a conditional grant.” MCL 460.568(5)(d).

1. Minor Route Modifications

The Staff recommended that the Commission condition issuance of the certificates on METC’s commitment to consider minor route changes at the request of impacted landowners and to provide documentation in this case when a landowner’s request cannot be accommodated.

5 Tr 1191. The Staff urged METC:

to make minor adjustments for landowners where possible, especially those most impacted due to proximity to residence and percentage of property impacted by the right-of-way. Some examples of minor adjustments include but are not limited to avoiding the placement of a pole within an access drive to the property, ensuring that pole placement is such to minimize blocking the scenic view from inside the home, and avoiding placing a pole in the center of a landowner’s pond. These minor adjustments aren’t meant to significantly change the line or remove the right-of-way from a given landowner’s property altogether, but rather to aid in minimizing impact to the landowners’ daily lives to the greatest extent possible.

5 Tr 1191.

In rebuttal, METC asserted that minor modification of a transmission line's route can be appropriate for numerous reasons and that the company already considers landowner requests and impacts when designing the line. 5 Tr 400-402. Moreover, METC stated that it has already requested approval from the Commission to make minor modifications to routes where landowners have received notice and where the modification remains within the ROW's study area. 5 Tr 400; *see also*, Nelson-Oneida application, p. 11; Helix-Hiple application, p. 11. As such, METC argued that it is unnecessary for the Commission to condition the permit and require the company to do something it already performs as normal business practice. 5 Tr 403. METC further argued that a requirement to file a memorandum in this docket documenting why a landowner request was not accommodated would create an undue burden that would not benefit landowners. 5 Tr 403-404.

In briefing, the Staff maintains its recommendation for the Commission to condition approval upon a commitment from METC to consider minor route adjustments and to document the process in this docket. Staff's initial brief, pp. 10, 24-25. The Staff disagrees that such a condition would be unnecessary and argues that the condition would provide an assurance of accountability that would benefit landowners. *Id.*, p. 25. METC replies that there is no evidence to support the contention that the company will not consider landowner requests. METC's reply brief, p. 6.

In its initial brief, METC argues that the company's current practice is sufficient and that it already considers landowner requests for minor modifications. METC asserts that the route is not final at this stage and that individual requests for modifications are handled on a case-by-case basis. The company further argues that the record demonstrates that METC has engaged with landowners and has even made modifications to the route in response to concerns expressed by individual landowners. METC's initial brief, pp. 136-138. As such, METC maintains that the Staff's condition is unnecessary and that the company's own request for authority to make minor

adjustments addresses the Staff's concerns. METC's initial brief, p. 136. The Staff responds that it is concerned that METC's assertion that additional conditions are not needed is an attempt by the company to thwart transparency and accountability. Staff's reply brief, p. 9.

The Commission finds that it is appropriate to authorize METC to make minor route modifications to the transmission lines' approved routes to ensure the public convenience, health and safety, and reliability of the transmission lines. MCL 460.568(4). The Commission notes that it has approved similar requests in previous Act 30 cases. *See, e.g.*, July 29 order, p. 26. The Commission limits any minor modifications METC may make to the areas studied in the company's environmental reports (i.e., 250 feet on either side of each centerline) and where landowners have received proper notice under Act 30.

The Commission, however, agrees with the Staff that it is appropriate to require METC to take additional action to consider landowners' specific requests for minor modifications to the approved routes that impact their properties. While METC contends that there is no evidence that the company will not consider landowner requests (*see*, METC's reply brief, p. 6), the Commission notes that there were a number of instances in this proceeding where METC's engagement with landowners was cursory at best, ranging from the pro forma summaries of comments from individual landowners seeking to explore minor route modifications to the single email exchange with MDNR officials that resulted in eliminating the crossing of the Maple River State Game Area from consideration, resulting in 16 additional private parcels being included in the route for the Nelson-Oneida Line. Accordingly, the Commission conditions approval of this certificate on METC's commitment to consider minor modifications to the approved routes, like those described in the Staff's testimony, at the request of impacted landowners. *See*, 5 Tr 1191. Moreover, to ensure transparency and accountability in this process, the Commission directs

METC to file a memorandum in this docket detailing the process by which impacted landowners can submit minor route modification requests to the company. The Commission also directs METC to file monthly reports in this docket documenting any minor modification requests that the company receives and the reason why the company did or did not accommodate the request.

2. Communication with Landowners

The Staff also recommended that the Commission condition issuance of the certificates on the requirement that METC provide landowners located on the approved routes with contact information so that they can communicate concerns during and after construction of the projects, including concerns regarding damage to property outside the approved routes' ROWs. 5 Tr 1206.

In rebuttal, METC attested that it will already be providing landowners with contact information, which includes a phone number and website where landowners can contact METC with concerns. 5 Tr 465, 743-744; *see also*, Exhibit S-2.4. METC also stated that landowners will be assigned a dedicated land agent to whom concerns can be addressed. As such, METC argued that the Staff's proposed condition is unnecessary. 5 Tr 465.

In briefing, the Staff maintains its proposed condition that the Commission should require METC to provide landowners and those adjacent to the approved routes' ROW with contact information. According to the Staff, such a condition will assure the public convenience, health and safety, and reliability of the transmission lines and will provide a level of assurance to affected landowners that they will be able to contact the company with their concerns. Staff's initial brief, p. 26. METC replies and argues that there is no evidence to suggest that the company does not provide contact information and that the proposed condition is unnecessary. METC's reply brief, pp. 6-7.

The Commission agrees with the Staff and finds that conditioning issuance of the certificates on METC taking additional action to address landowners' concerns during and after construction is warranted to ensure the public convenience, health and safety, and reliability of the transmission lines. MCL 460.568(4). The Commission, therefore, directs METC to provide landowners located along the approved routes, as well as adjacent landowners, with contact information so that they can communicate any concerns regarding the projects. Additionally, to ensure transparency and accountability, the Commission directs METC to file monthly reports in this docket documenting communications received from these landowners that contain, at a minimum, the following information: (1) the date the company was contacted by the landowner, (2) details of the specific concerns communicated to the company by the landowner, (3) the date METC replied to the landowner, (4) the name and title of the person who responded to the landowner on METC's behalf, (5) substantive details about METC's response to the landowner's concerns, and (6) any action METC took, including the date of such action, in response to the specific concerns raised by the landowner.

H. Filing Guidelines

As part of its recommendations in this case, the Staff requests that the Commission require the Staff to develop filing guidelines for Act 30 applications. Specifically, the Staff argued that Act 30 lacks specificity regarding issues concerning what constitutes an alternate route, to what degree private benefits need to be estimated in advance of a project, and whether the law provides for sufficient and clear interaction between an applicant and landowners. 5 Tr 1209-1210; *see also*, Staff's initial brief, p. 43. The Staff also argued that filing guidelines will help standardize the type of information submitted in applications, which the Staff asserts will reduce the need to conduct burdensome discovery. 5 Tr 1276. According to the Staff, "[a]llowing Staff to develop

filing guidelines will create more concise guidance on what information a company should supply in its application, give Staff better information to work with in its analysis of future cases, and bring greater transparency and accountability for how companies interact with the public.” Staff’s initial brief, pp. 43-44 (citing 5 Tr 1209-1210). The Staff notes that it does not intend for the filing guidelines to supplant statutory requirements or to be overly prescriptive and that it would be amenable to working with METC before future Act 30 filings are submitted to the Commission to review pertinent issues and data to minimize the need for discovery. *Id.*, pp. 73-74.

The Nelson-Oneida Intervenors, through Mr. Andrews’ rebuttal testimony, stated that they agree with the Staff’s proposal to develop filing guidelines and that if permitted, the Staff should investigate how transmission lines are approved in the state of Texas and use a similar process. 5 Tr 1028.

METC responds to the Staff’s proposal and stated that each application for a certificate under Act 30 varies depending on the project, and therefore, it would be overly burdensome to require certain information through filing guidelines that would not be applicable to a specific project. 5 Tr 333. METC argues that Act 30 and previous Act 30 cases provide sufficient guidance on the information that is required in applications. METC’s initial brief, p. 139. Further, the company argues that Act 30 already provides the Commission with the ability to require additional information or impose additional standards, but only through the rulemaking process. *Id.*, pp. 139-140 (referencing MCL 460.567(*l*)). METC, therefore, contends that adopting and enforcing application guidelines exceeds the Commission’s statutory authority. The company, however, states that it is willing to meet with the Staff to discuss future Act 30 filings and cases. *Id.*, p. 140.

In its reply brief, the Staff agrees that informal discussions would benefit future filings but maintains that application guidelines are necessary. The Staff clarifies that it is not “proposing requirements or guidelines beyond what Act 30 requires of an application, rather it would be optional guidance that applicants could follow to reduce the amount of discovery between parties and provide further information that Staff believes would be necessary for a thorough analysis.” Staff’s reply brief, p. 11. The Staff, in turn, states that it would like the opportunity to make guidelines to help inform future applicants about the specific information needed to enable the Staff to complete its review more efficiently. *Id.*, pp. 11-12.

The Commission agrees with the Staff and finds that the development of filing guidelines will help provide clarity, efficiency, and transparency to the application process under Act 30. As such, the Commission is concurrently issuing an order in Case No. U-21930 to direct the Staff to work with interested persons to develop filing guidelines for future applications submitted under Act 30. In addition, the Commission also notes its intention to initiate rulemaking pursuant to MCL 460.567 to codify, among other things, the information to be included in future Act 30 applications.

I. Michigan Environmental Protection Act

Pursuant to Section 1705(1) of the Michigan Environmental Protection Act (MEPA), MCL 324.1701 *et seq.*, if administrative proceedings and judicial review of such proceedings are available by law, an agency may permit the Attorney General or any other person to intervene as a party and file a pleading asserting that the proceeding “involves conduct that has, or is likely to have, the effect of polluting, impairing, or destroying the air, water, or other natural resources or the public trust in these resources.” MCL 324.1705(1). Section 1705(2) of MEPA, in turn, states as follows:

In administrative, licensing, or other proceedings, and in any judicial review of such a proceeding, the alleged pollution, impairment, or destruction of the air, water, or other natural resources, or the public trust in these resources, shall be determined, and conduct shall not be authorized or approved that has or is likely to have such an effect if there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare.

MCL 324.1705(2).

Thus, under the plain language of the statute, if a party has asserted that conduct has, or is likely to, pollute, impair, or destroy natural resources, the Commission must first determine the alleged pollution, impairment, or destruction of those natural resources. Once determined, MEPA then prohibits the Commission from authorizing or approving the conduct if there is a feasible and prudent alternative consistent with the reasonable requirements of public health, safety, and welfare. Notably, the Michigan Court of Appeals has held that the Commission does not have a duty to independently investigate the environmental impacts of the proposed conduct, but rather, may rely on materials submitted by the parties to make its determinations. *See, Buggs v Mich Pub Serv Comm'n*, unpublished per curiam opinion of the Court of Appeals, issued January 13, 2015 (Docket No. 315058), p. 8.

In its initial brief, METC argues that no party in this proceeding has alleged environmental impacts that would necessitate an analysis under MEPA. METC's initial brief, p. 120, n. 23. However, the record demonstrates that the Nelson-Oneida Intervenors allege that the Nelson-Oneida Line will negatively impact environmental and other natural resources on their properties. Specifically, with respect to the Alternate Route, Mr. Sanborn alleged that the Nelson-Oneida Line will negatively impair wetlands, waterbodies (including trout streams), trees, and other vegetation. 5 Tr 1147-1149. The Commission, therefore, finds that the intervenors have

alleged the pollution, impairment, or destruction of natural resources caused by the construction of the Nelson-Oneida Line that necessitates an analysis under MEPA. MCL 324.1705(2).²⁰

Based on a review of the substantial evidence in the record, the Commission finds that construction of the Alternate Route for the Nelson-Oneida Line is likely to pollute, impair, or destroy natural resources, including wetlands, streams, and trees.²¹ Indeed, METC's own environmental report supports this finding. As noted in the company's environmental report, the Alternate Route for the Nelson-Oneida Line will cross approximately 155 acres that have a medium to high probability of wetland occurrence. *See*, Exhibit METC-24A, Appendix C, p. 6. Although METC states that it will span wetlands when practicable, the company acknowledges that there will be loss of some wetlands. *See*, Exhibit METC-24A, p. 26. Accordingly, the Commission finds that it is probable that the Alternate Route will affect wetlands in an injurious manner and therefore impair these resources. *See, Mich United Conservations Clubs v Anthony*, 90 Mich App 99, 105-06, 280 NW2d 883 (1979).

Regarding stream impacts, the Commission finds that the Alternate Route will cross 32 waterbodies, including an impaired stream and seven regulated trout and salmon streams. *See*, Exhibit METC-24A, Appendix C, p. 6. As METC acknowledges, “[v]egetation clearing, earth working activities, and increased traffic over disturbed soils have the potential to impact [these] waterways if they increase erosion into waterways.” Exhibit METC-24A, p. 29. Further, METC

²⁰ The Commission finds that none of the intervenors allege the pollution, impairment, or destruction of natural resources caused by the Helix-Hiple Line. However, even assuming that the construction of the Helix-Hiple Line would pollute, impair, or destroy natural resources, for the reasons discussed by the Commission *infra*, the Commission finds that there is no feasible and prudent alternative.

²¹ The Commission finds that the Nelson-Oneida Intervenors' alleged environmental impacts caused by the Proposed Route for the Nelson-Oneida Line will not pollute, impair, or destroy natural resources since the Commission has not approved construction of that route.

states that vegetated areas will be permanently impacted due to maintaining the transmission lines' ROW. *See*, Exhibit METC-24A, p. 41; *see also*, Exhibit METC-24A, Appendix C, p. 8 (stating that approximately 7.8% of the Alternate Route is deciduous forest). Accordingly, the Commission finds that the Alternate Route will likely impair waterbodies and result in the destruction of natural resources. *See, City of Portage v Kalamazoo Cnty Rd Comm'n*, 136 Mich App 276, 281, 355 NW2d 913 (1984) ("The removal of trees, a form of wildlife, constitutes destruction of a natural resource under the MEPA.").

Having determined that the project will likely impair and destroy natural resources, the Commission must determine whether there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare to assess whether it is prohibited from approving the conduct that will cause the likely impairment or destruction.

MCL 324.1705(2). As an initial matter, the Commission finds that the "conduct" at issue for purposes of its MEPA analysis is that which METC has submitted applications for and is the subject of Act 30 (i.e., the construction of a major transmission line). *See*, Nelson-Oneida application, p. 1; Helix-Hiple application, p. 1; *see also, In re Enbridge Energy to Replace & Relocate Line 5*, unpublished per curiam opinion of the Court of Appeals, issued February 19, 2025 (Docket No. 369156), p. 15 ("The Commission, by looking to the desired 'conduct' was following the plain language of MCL 324.1705(2).").

METC argues that there is no feasible and prudent alternative to constructing the major transmission lines. METC's initial brief, p. 120, n. 23. Through Mr. Marshall, METC proffers testimony that MISO evaluated five alternatives to the projects. While these alternatives addressed many thermal issues in Michigan, METC claims that they did not resolve as many contingencies across the MISO region and that these alternatives added costs, offered less flexibility, or showed

reductions in performance. 5 Tr 249-250. Similarly, METC states that it analyzed several alternatives to the projects but that it independently concluded that the projects are needed to support long-term reliability and to create value. As METC contends, no other option studied was a prudent replacement component for the projects. 5 Tr 251-254. METC further argues that higher and lower voltage lines would not cost effectively meet the needs that the projects address, and that renewable generation could not meet those needs. 5 Tr 254-255. As a result, METC asserts there is not a feasible and prudent alternative to the projects. 5 Tr 256.

No party rebutted METC's testimony regarding alternatives to the projects.

Based on the unrefuted evidence in the record, the Commission finds that there are no feasible and prudent alternatives to constructing the proposed major transmission lines that are consistent with the reasonable requirements of the public health, safety, and welfare. *See*, 5 Tr 249-256. Accordingly, because there is no feasible and prudent alternative to the requested conduct, the Commission determines that MEPA does not prohibit it from granting certificates of public convenience and necessity for the Nelson-Oneida Line or the Helix-Hiple Line.

MCL 324.1705(2). The Commission further finds that the applications, testimony, and exhibits support and satisfy the required agency review and environmental obligations of the Commission that arise from MEPA and the Michigan Supreme Court's application of MEPA in *Mich State Hwy Comm v Vanderkloot*, 392 Mich 159, 185; 220 NW2d 416 (1974). The Commission notes, however, that a finding of public convenience and necessity pursuant to Act 30 is not a determination that the project complies with any other applicable statutes or environmental reviews.

THEREFORE, IT IS ORDERED that:

A. Pursuant to Public Act 30 of 1995, MCL 460.561 *et seq.*, the certificates of public convenience and necessity requested by Michigan Electric Transmission Company, LLC, to construct a major transmission line between the existing Nelson Road Substation in New Haven Township, Gratiot County, Michigan, and the existing Oneida Substation in Oneida Charter Township, Eaton County, Michigan, and a major transmission line between the proposed new Helix Substation in Clarence Township, Calhoun County, Michigan, and the Michigan/Indiana border in Gilead Township, Branch County, Michigan, are granted.

B. For the major transmission line to be constructed between the existing Nelson Road Substation in New Haven Township, Gratiot County, Michigan, and the existing Oneida Substation in Oneida Charter Township, Eaton County, Michigan, the Commission approves the Alternate Route proposed by Michigan Electric Transmission Company, LLC, as described in this order.

C. For the major transmission line to be constructed between the new Helix Substation in Clarence Township, Calhoun County, Michigan, and the Michigan/Indiana border in Gilead Township, Branch County, Michigan, the Commission approves the Proposed Route proposed by Michigan Electric Transmission Company, LLC, as described by this order.

D. It is a condition of the certificates of public convenience and necessity granted by this order that Michigan Electric Transmission Company, LLC, take additional action to consider landowners' specific requests for minor modifications to the major transmission line routes approved in this order. The Commission directs Michigan Electric Transmission Company, LLC, to file a memorandum in this docket detailing the process by which impacted landowners can submit minor route modification requests to the company and to further file a monthly report in

this docket documenting any minor modification requests that the company receives and the reason why the company did or did not accommodate the landowner's request.

E. It is a condition of the certificates of public convenience and necessity granted by this order that Michigan Electric Transmission Company, LLC, provide landowners located along the approved routes, as well as adjacent landowners, with contact information so that they can communicate any concerns regarding the projects. The Commission further directs Michigan Electric Transmission Company, LLC, to file monthly reports in this docket concerning the communications received from these landowners, as described in this order.

F. It is a condition of the certificates of public convenience and necessity granted by this order that Michigan Electric Transmission Company, LLC, investigate every noise complaint received from landowners to ensure that there is not a system issue that needs to be addressed.

G. As described in this order, the Commission directs Michigan Electric Transmission Company, LLC, and other Public Act 30 of 1995 applicants to include an estimation of private benefits directly in the application filed with the Commission pursuant to MCL 460.567(2)(h).

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 LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheac1@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 July 10, 2025.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

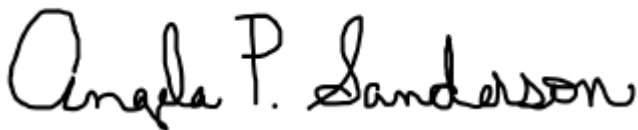
Case No. U-21471 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on July 10, 2025 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 10th day of July 2025.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

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PROOF OF SERVICE

STATE OF MICHIGAN)

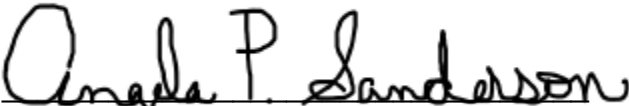
Case No. U-21471 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on July 10, 2025 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



Brianna Brown

Subscribed and sworn to before me
this 10th day of July 2025.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21471

| Name | On Behalf Of | Address |
|------------------------|------------------------|--|
| William & Linda Martin | William & Linda Martin |  |