

VARNUM

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Justin K. Ooms

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August 1, 2025

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 W. Saginaw Highway
P.O. Box 30221
Lansing, MI 48909

Re: *Ex Parte* Request for RERRA Verification for Hackett Energy Storage LLC;
MPSC Case No. U-21090

Dear Ms. Felice:

Attached for electronic filing in the above-captioned matter, please find the *ex parte* Request of Hackett Energy Storage LLC (“Hackett”) for Commission approval of a verification letter for Hackett’s application to the Midcontinent Independent System Operator’s Expedited Resource Addition Study process. The Request is being filed in this docket as directed on page 9 of the Commission’s June 12, 2025 Order in Case No. U-21902.

As noted in the enclosed filing, Hackett respectfully requests that the Commission Staff file its response to the Request in the docket **no later than August 4, 2025**. As Hackett’s Request requires no amendments to Consumers Energy Company’s approved integrated resource plan, and as Hackett’s pending Power Purchase Agreement under review in this docket (see Consumers Energy Company’s July 3, 2025 Application) is expected to be addressed by the Commission on an *ex parte* basis, Hackett submits that expedited *ex parte* treatment is appropriate under the Commission’s interim procedures set forth in the June 12, 2025 Order in Case No. U-21902.

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August 1, 2025
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Thank you for your assistance in this matter.

Sincerely yours,

VARNUM

A handwritten signature in black ink, appearing to read "Justin K. Ooms", with a long horizontal flourish extending to the right.

Justin K. Ooms

JKO/lml
Enclosures

c: All parties of record.



August 1, 2025

Ms. Lisa Felice
Executive Secretary
Michigan Public Service Commission
7109 West Saginaw Highway, 3rd Floor
Lansing, MI 48917

RE: Request for Commission approval of a verification letter for Hackett Energy Storage LLC’s application to the Midcontinent Independent System Operator Inc’s Expedited Resource Addition Study process.

Dear Ms. Felice,

On July 3, 2025, Consumers Energy Company submitted an Application for approval of certain battery storage Power Purchase Agreements (“PPAs”) pursuant to its Integrated Resource Plan (“IRP”) under MCL 460.6t, Case No.U-21090 with the Michigan Public Service Commission (“MPSC” or “Commission”). As relevant here, the filing includes the Hackett Energy Storage project (“Hackett Project”), which is currently being developed and indirectly owned by Jupiter Power LLC (“Jupiter Power”) through its wholly owned subsidiary, Hackett Energy Storage LLC (“Hackett Energy Storage”). Consumers Energy has entered into a PPA for the Hackett Project with a target COD of May 31, 2028.

Hackett Energy Storage intends to seek expedited transmission interconnection approval for the Hackett Project with the Midcontinent Independent System Operator (“MISO”), under MISO’s Expedited Resource Addition Study (“ERAS”) process. In support of that effort, please accept this letter as Jupiter Power’s request for “relevant electric retail regulatory authority” (“RERRA”) verification that the Hackett Project satisfies a resource adequacy deficiency in Michigan and that the project is approved by the Commission for inclusion in ERAS.

As support for the RERRA verification request, Jupiter Power is attaching a letter from Consumers Energy Company affirming that the Hackett Project helps satisfy a resource adequacy deficiency and addresses capacity acquisition plans approved in the Company’s 2021 IRP in Case No. U-21090. The Consumers Energy Company letter also affirms that the Hackett Project is a winning bidder in Consumers Energy Company’s Clean Energy Request For Proposal (“RFP”), which met the guidelines outlined in the Commission-approved competitive bidding guidelines adopted in the September 9, 2021, order in Case No. U-20852. Accordingly, Jupiter Power submits that this request for RERRA verification meets the requirements for MPSC Staff-delegated approval under the MPSC’s interim procedures for RERRA verification as set forth in the Commission’s June 12, 2025 Order in Case No. U-21902 (“June Order”), pages 7-9 (setting forth the proposed procedures), 10 (noting that the Commission will apply the proposed procedures in the interim until it issues a final order). Jupiter Power is attaching a sample RERRA verification form for the Commission’s consideration.

Jupiter Power requests Commission action no later than Monday, August 4, 2025. The MISO ERAS application window opens at 8:00 am Eastern time on August 6. Jupiter Power believes that the ERAS program will be fully subscribed immediately upon opening due to the overwhelming interest in the program, the program cap on the number of projects, and the backlog in MISO’s existing interconnection queue. Because projects will be evaluated on a serial, first-come, first-served basis, it is vital that an ERAS application be submitted as soon as possible with

**Jupiter Power
LLC**

| 1108 Lavaca St,
Suite 110-349
Austin, TX 78701 |



all required documents, including the RERRA verification letter. Jupiter Power appreciates the Commission's efforts to proactively establish a process for seeking RERRA verification to participate in ERAS so that Michigan can benefit from the expedited study of projects like the Hackett Project, which will enhance resource adequacy in Michigan.

Sincerely,

HACKETT ENERGY STORAGE LLC

DocuSigned by:
Jack Godshall
By: _____
Name: Jack Godshall
Title: Vice President

**Jupiter Power
LLC**

| 1108 Lavaca St,
Suite 110-349
Austin, TX 78701 |

August 1, 2025

Hackett Energy Storage LLC
1108 Lavaca St., Suite 110-349
Austin, TX 78701
Attn: Jack Godshall

Dear Mr. Godshall,

Consumers Energy understands that Hackett Energy Storage LLC, a wholly-owned subsidiary of Jupiter Power LLC, is an “Interconnection Customer” within the meaning of the Midcontinent Independent System Operator’s (“MISO”) Open Access Transmission, Energy and Operating Reserve Markets Tariff for purposes of seeking transmission interconnection of the Hackett Energy Storage project, which is the subject of a Power Purchase Agreement (“PPA”) between Consumers Energy and Hackett Energy Storage LLC. Consumers Energy further understands that Hackett Energy Storage LLC seeks to utilize MISO’s new Expedited Resource Addition Study (“ERAS”) study process to obtain interconnection rights for the project.

By this letter, Consumers Energy verifies that the Hackett PPA supports additional resource adequacy needs in accordance with Consumers Energy’s approved IRP in Case No. U-21090 and effectively addresses the long-term outstanding resource adequacy needs. Specifically, the Hackett PPA helps fill the shortfall resulting from the Company’s One-Time Solicitation under the terms of the Settlement Agreement approved by the Commission on June 23, 2022 in Case No. U-21090. Furthermore, the Hackett project is a winning bidder of a Request for Proposal that meets the guidelines outlined in the Commission-approved competitive bidding guidelines adopted in the September 9, 2021 order in Case No. U-20852. Consumers Energy notes that under Section 3 of the Hackett PPA, “Seller [i.e. Hackett] shall be responsible for all interconnection, electric losses, transmission and Ancillary Service arrangements and costs required to deliver energy from the Plant to the Point of Delivery.

Sincerely,



Digitally signed by Bret A.
Totoraitis
Date: 2025.08.01 08:48:47
-04'00'

Bret A. Totoraitis
Associate General Counsel - Regulatory
Phone: 517-788-0835
Email: bret.totoraitis@cmsenergy.com

cc: Legal, Jupiter Power

RERRA Verification Form for Existing Resource Adequacy Deficiency

Instructions: This form may be completed by a representative of the applicable relevant electric retail regulatory authority (“RERRA”) where the load to be served by the Generating Facility is located and returned to the Interconnection Customer for submission to MISO. MISO provided this form that may be submitted for ERAS projects that fall within Section 3.9.1(1)(ii). Use of this specific form is not required. RERRAs may develop and submit other forms of written verification to MISO.

1. I, [Name of RERRA Official], am the [Title] of the Michigan Public Service Commission ("Commission").

2. I am completing this informational form on behalf of the Commission and I confirm that the generation facility identified in the attached Interconnection Request should be considered for the ERAS process in order to meet a resource adequacy and/or reliability need that the Load Serving Entity or Interconnection Customer has claimed.

3. I verify to MISO that the proposed Interconnection Request project was included in an applicable state or RERRA process identifying its association with resource adequacy and/or reliability purposes, which may be triggered by, in whole or in part, but is not limited to:
 - The commencement of a state proceeding;
 - Review of a RERRA, LSE, or other state resource plan or document, which may include, but is not limited to: integrated resource plans, procurement plans, or other plan or study types;
The Hackett Project meets resource adequacy needs identified in Consumers Energy’s approved integrated resource plan (“IRP”) in Case No. U-21090. The Hackett Project helps fill the shortfall resulting from the Company’s One-Time Solicitation under the terms of a Settlement Agreement approved by the Commission on June 23, 2022 in Case No. U-21090.
 - Response to a Request for Proposals ("RFP"); or
The Hackett Project was a winning bidder of a RFP that meets the guidelines outlined in the Commission-approved competitive bidding guidelines adopted in the September 9, 2021 order in Case No. U-20852.
 - Other process, or delegation of authority, as determined by the RERRA or RERRA regulations (including in retail choice states).

4. At this time, the Commission [has/has not] completed its formal regulatory reviews of the Hackett Project.

5. I understand that the generation facility must meet certain requirements specified in MISO's Tariff to qualify for the ERAS process.

6. Nothing within this informational form constitutes a finding that the resource has been formally approved under any of the Commission's required procedures. Nothing herein constitutes an indication, approval, or certification by the Commission that the Hackett Project is prudent, or that construction or purchase of that generation is or should be authorized at the retail level. That determination is reserved by the RERRA, and any retail RERRA process required under retail law and regulations is not waived. This form shall not be used as evidence by any party to support or justify a request for siting, a Certificate of Public Need or Necessity, cost recovery or any other required RERRA retail jurisdictional determination.

I may be contacted for further information at the following address:

[Name of RERRA Official]
[RERRA]
[Title]
[Address]
[Phone Number]
[Email]

Date: _____ Signature: _____

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of Consumers)
Energy Company for Approval of an Integrated) **Case No. U-21090**
Resource Plan under MCL 460.6t, certain)
accounting approvals, and for other relief.)
)

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

Lydia M. Lubbers, the undersigned, being first duly sworn, deposes and says that she is a Legal Secretary at Varnum LLP and that on the Friday, August 1, 2025, she served a copy of the *ex parte* Request of Hackett Energy Storage LLC (“Hackett”) for Commission approval of a verification letter for Hackett’s application to the Midcontinent Independent System Operator’s Expedited Resource Addition Study process on behalf of Hackett Energy Storage LLC and this Proof of Service upon those individuals listed on the attached Service List via email at their last known addresses.

/s/ Lydia M. Lubbers
Lydia M. Lubbers

ATTACHMENT 1 TO CASE NO. U-21090

Party	Mailing Address	Email Address
Administrative Law Judge		
Hon. Sally L. Wallace	7109 West Saginaw Highway Post Office Box 30221 Lansing, MI 48909	wallaces2@michigan.gov
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ATTACHMENT 1 TO CASE NO. U-21090

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ATTACHMENT 1 TO CASE NO. U-21090

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