

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

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.	)	
_____	)	

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 October 9, 2025 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER

History of Proceedings

On July 15, 2024, pursuant to the Electric Transmission Line Certification Act, Public Act 30 of 1995 (Act 30), MCL 460.561 *et seq.*, Michigan Electric Transmission Company, LLC (METC) filed applications in the above-captioned dockets, with supporting testimony and exhibits, for certificates of public convenience and necessity for the construction of two major transmission

lines. One of the major transmission lines is an approximately 55-mile, 345-kilovolt double circuit transmission line proposed to be located between a new Helix Substation in Clarence Township, Calhoun County, Michigan and the Michigan/Indiana border in Gilead Township, Branch County, Michigan (Helix-Hiple Line). *See*, Case No. U-21472, filing #U-21472-0004.

On August 29, 2024, Administrative Law Judge Christopher S. Saunders (ALJ) held a prehearing conference at which the ALJ, among other things, granted METC's motion to consolidate and directed that, moving forward, all filings would be filed in Case No. U-21471 and that no further filings would be accepted in Case No. U-21472. Subsequently, METC, the Commission Staff (Staff), and intervening parties filed direct and rebuttal testimony and exhibits in this consolidated docket. On February 19, 2025, the ALJ conducted an evidentiary hearing wherein testimony and exhibits were bound into the record.

In the record, the parties submitted evidence demonstrating that METC's proposed route for the Helix-Hiple Line ran through a rural airport, namely the R&R Ranch Airport. *See*, 5 Tr 1263-1264; *see also*, Exhibit S-4.26. Evidence in the record further demonstrated that METC's alternate route for the Helix-Hiple Line did not traverse the R&R Ranch Airport but that the route resulted in increased environmental and social impacts when compared to METC's proposed route, specifically in the form of increased acres of new right-of-way (ROW) required, increased number of residences within 500-feet of the centerline, more parcels crossed, and more archaeological sites located within the ROW. *See*, Exhibit S-4.11, p. 15.

On June 12, 2025, the Commission issued an order in this consolidated docket (June 12 order) seeking supplemental briefing from the parties to address the reasonableness of the proposed route's impacts to the R&R Ranch Airport and the reasonableness of the alternate route's increased social impacts. Specifically, the Commission stated:

Under Act 30, as part of the statutory criteria for issuing a certificate of public convenience and necessity, the Commission must determine whether a proposed or alternative route for a major transmission line is feasible and reasonable.

MCL 460.568(5)(b). The Commission finds that an evaluation of the proposed route's impact to the R&R Ranch Airport and an evaluation of the alternate route's social impacts is necessary to enable the Commission to make its statutory determination and to adequately assess the reasonableness of any route approved for the Helix-Hiple Line. Accordingly, the Commission finds that it is appropriate to allow the parties to file supplemental briefing addressing the reasonableness of the Helix-Hiple Line's proposed route's impact to the R&R Ranch Airport and the reasonableness of the social impacts of METC's alternate route.

The Commission, therefore, permits any party choosing to brief the issue described above to file a supplemental brief in this docket by 5:00 p.m. (Eastern time) on Thursday, June 26, 2025. Any supplemental brief filed in this docket shall be limited to 15 pages and no reply briefs are permitted.

June 12 order, p. 3. Accordingly, the Commission stated that the parties were permitted to "file a supplemental brief on the issue described in [the June 12 order] by 5:00 p.m. (Eastern time) on June 26, 2025." *Id.* In response to the Commission's June 12 order, METC and the Staff filed supplemental briefs on June 26, 2025.

On June 27, 2025, Daren A. Wiseley filed a petition for leave to intervene out of time. *See*, Case No. U-21471, filing #U-21471-0301. METC filed an objection to Mr. Wiseley's petition for leave to intervene out of time on July 1, 2025. *See*, Case No. U-21471, filing #U-21471-0303. That same date, Mr. Wiseley filed a reply brief to METC's objections.¹ *See*, Case No. U-21471, filing #U-21471-0304.

¹ The Commission notes that the administrative rules governing both petitions for leave to intervene and motion practice in a contested case proceeding do not provide for the filing of a reply brief to objections. *See*, Mich Admin Code, R 792.10115, R 792.10410, and R 792.10411. Moreover, Michigan Court Rule 2.119(A)(2)(b) expressly provides that no reply briefs may be filed except as permitted by the court. *See*, MCR 2.119(A)(2)(b); *see also*, Mich Admin Code, R 792.10403(1). Despite no administrative rule or court rule permitting the filing of a reply brief to METC's objection, Mr. Wiseley filed his reply brief with the Commission on July 1, 2025.

On June 30, 2025, Mr. Wiseley filed an initial brief in this docket, purportedly in response to the June 12 order's call for supplemental briefing from the parties. *See*, Case No. U-21471, filing #U-21471-0302.

On July 10, 2025, the Commission issued an order in this docket (July 10 order) that, among other things, approved METC's proposed route for the Helix-Hiple Line and granted a certificate of public convenience and necessity. July 10 order, p. 121. In its July 10 order, the Commission also addressed and denied Mr. Wiseley's petition for leave to intervene out of time. Specifically, the Commission stated:

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. . . ; 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.

July 10 order, p. 6, n. 5.

On August 11, 2025, Mr. Wiseley filed a petition for rehearing (August 11 petition) in this consolidated docket challenging the July 10 order pursuant to Mich Admin Code, R 792.10437 (Rule 437). *See*, Case No. U-21471, filing #U-21471-0310. On August 29, 2025, METC filed a response to the petition. *See*, Case No. U-21471, filing #U-21471-0311.

Positions of the Parties

In his August 11 petition, Mr. Wiseley seeks rehearing of the July 10 order to “correct material legal errors, address omissions in the record, and present new evidence and unresolved procedural issues – including the Commission’s failure to rule on [his] pending Petition to Intervene.” August 11 petition, p. 2.

Mr. Wiseley first argues that the Commission committed legal error by failing to rule on his petition to intervene out of time. According to Mr. Wisely, “[b]y accepting the petition into the docket and allowing Petitioner to file both an Initial Brief and Reply Brief, the Commission implicitly treated him as a participant — but then failed to rule on his status or consider any of his arguments.” *Id.*, p. 4 (citing *Goolsby v City of Detroit*, 419 Mich 651, 660, 358 NW2d 856 (1984); *Mich Bell Tel Co v Pub Serv Comm*, 214 Mich App 1; 5, 542 NW2d 279 (1995)).

Mr. Wiseley next argues that the July 10 order is arbitrary and capricious because it failed to follow the law and failed to consider additional evidence absent from the record. Mr. Wiseley argues that “the Commission explicitly requested additional information on unresolved issues, including FAA [Federal Aviation Administration] safety, community engagement, and alternate routes.” August 11 petition, p. 4.² However, as Mr. Wiseley contends, despite these stated

² The August 11 petition incorrectly refers to the June 12 order as “the June 20, 2025, hearing.” *See*, August 11 petition, pp. 4, 5. However, no hearing took place on this matter on June 20, 2025, so it is assumed this reference is to the June 12 order.

deficiencies, the Commission issued the July 10 order violating the requirement that the Commission's decision be based on competent, material, and substantial evidence. *Id.*

Additionally, Mr. Wiseley asserts that the July 10 order ignores concerns raised by public commenters regarding the potential for the Helix-Hiple Line to obstruct FAA-regulated paths and safety zones. He further asserts that METC failed to submit an aviation study or consult with the FAA and that the Commission failed to make findings on these issues despite purportedly acknowledging that these issues were unresolved. *Id.*, p. 5.

Further, Mr. Wiseley argues that "new documentation and public analysis confirm the feasibility of alternate routes, including alignment with existing utility corridors that would reduce property impacts and potentially lower long-term costs." *Id.* He contends that METC failed to conduct a meaningful paralleling analysis as required by MCL 460.568(5)(b) and that the company did not present a credible "second-best" route for the proposed major transmission line. Moreover, Mr. Wiseley asserts that the record "lacks any legitimate cost-benefit analysis reflecting Michigan ratepayer interests," and that the Commission's failure to require such an analysis constitutes legal error. *Id.*

Finally, Mr. Wiseley argues that the Commission's findings that METC engaged landowners in good faith, that the proposed route for the Helix-Hiple Line minimizes adverse impacts, and that the project serves the public convenience and necessity are unsupported. He claims that such findings are based on self-serving statements from METC and are contrary to the evidence in the record. *Id.*, pp. 5-6.

In turn, Mr. Wiseley argues that all three bases for granting a rehearing under Rule 437 (legal error, new or newly discovered evidence, and unintended consequences of a final order) are demonstrated in this case. *Id.*, p. 6. He therefore requests that the Commission grant the

August 11 petition, issue a ruling on his petition to intervene out of time, and reopen the record to consider newly submitted evidence and unresolved issues identified in the June 12 order.³ *Id.*, p. 7.

In its response, METC contends that Mr. Wiseley has not satisfied any of the legal grounds necessary for the Commission to grant a rehearing in this case. METC's response, p. 3. METC first argues that the July 10 order was not legally flawed. Specifically, the company states that the Commission did not fail to address Mr. Wiseley's petition to intervene. Instead, METC notes that the Commission expressly denied the petition to intervene in the July 10 order. *Id.*, p. 4 (citing July 10 order, p. 6, n. 5). METC further asserts that the Commission's denial was proper because the petition to intervene was not timely filed and because Mr. Wiseley lacked standing, as he is not an affected landowner. METC's response, p. 5.

Next, METC argues that Mr. Wiseley's August 11 petition is inadequate because the record in this case is not deficient. METC first emphasizes that Mr. Wiseley failed to satisfy pleading standards by merely presenting unsubstantiated claims without providing a brief statement as to the basis for the Commission's alleged error. *Id.*, p. 6 (citing Rule 437(1)). On the merits, METC asserts that the July 10 order was supported by material, competent, and substantial evidence. The company disputes Mr. Wiseley's claim that the June 12 order recognized deficiencies in the record, explaining instead that the order simply requested additional briefing on a narrow issue based on evidence already included in the record. METC's response, p. 7. METC underscores

³ Notably, the August 11 petition does not seek a rehearing on Mr. Wiseley's petition to intervene out of time. Instead, the August 11 petition incorrectly asserts that the Commission never issued a ruling on the petition to intervene out of time and thus merely requests that the Commission issue a ruling on that pleading. *See*, August 11 petition, p. 7. The Commission finds that even if the August 11 petition sought a rehearing on the petition to intervene out of time, there would be no merit to the request for rehearing because the petition to intervene out of time was properly denied for the reasons stated in the July 10 order.

that the Commission carefully evaluated testimony from 34 witnesses, 1,306 pages of public and confidential transcripts, and 196 exhibits before reaching its decision.

Additionally, METC argues that Mr. Wiseley's claim that the July 10 order is flawed for failing to address FAA-related risks is misplaced. METC maintains that it was not legally obligated to conduct an aviation study or consult with the FAA. Moreover, the company contends that comments raising airspace risks cannot, by law, be considered part of the evidentiary record upon which the Commission's decision must be based. *Id.*, p. 9 (citing MCL 24.285).

METC further argues that Mr. Wiseley's August 11 petition fails to present any newly discovered evidence. Despite claiming that new documentation and analysis confirms the feasibility of alternate routes for the proposed major transmission line, METC contends that Mr. Wiseley failed to present any of this new evidence in his August 11 petition, contrary to the Commission's rules. METC's response, p. 10. Moreover, METC disputes Mr. Wiseley's claim that the company was required to present a "credible" second-best route for the Commission's consideration. Instead, METC argues that Act 30 only requires that the Commission find that an applicant's route is feasible and reasonable, not that it is more feasible or more reasonable than any other route proposed by a party. *Id.* (citing *Mich Elec Transmission Co*, 309 Mich App 1, 13, 867 NW2d 911 (2014)).

Finally, METC contends that the August 11 petition is deficient because it fails to identify any unintended consequences resulting from the July 10 order. The company argues that Mr. Wiseley merely asserts that such consequences exist without specifying what they are, as required by the Commission's rules. METC's response, p. 11 (citing Rule 437(1)).

For these reasons, METC asks the Commission to deny the August 11 petition. METC's response, p. 12.

Discussion

With respect to rehearing, Section 87(1) of the Michigan Administrative Procedures Act of 1969 provides that “[a]n agency may order a rehearing in a contested case on its own motion or *on request of a party*.” MCL 24.287(1) (emphasis added). Further, Rule 437, upon which Mr. Wiseley expressly bases his August 11 petition, provides in pertinent part:

A petition for rehearing after a decision or order of the commission shall be filed with the commission within 30 days after service of the decision or order of the commission unless otherwise specified by statute . . . The petition shall be accompanied by proof of service on all *other parties* to the proceeding.

Mich Admin Code, R 792.10437(1) (emphasis added). Mich Admin Code, R 792.10402(k) (Rule 402(k)) defines a “party” as “a person by or against whom a proceeding is commenced or a person that is permitted to intervene or the staff of the commission in any proceeding in which the staff participates.”

In the present case, the Commission finds that Mr. Wiseley is not a party to the instant contested case proceeding. Mr. Wiseley is neither the person by or against whom this proceeding was commenced, nor is he a part of the Staff. Moreover, Mr. Wiseley is not a person that was permitted to intervene in the contested case proceeding. On the contrary, the Commission expressly denied Mr. Wiseley’s petition to intervene out of time in its July 10 order. *See*, July 10 order, p. 6, n. 5. As explained in that order, the Commission found that Mr. Wiseley failed to demonstrate good cause to justify his late intervention in the contested case proceeding. Accordingly, the Commission finds that Mr. Wisely is not a “party” as defined by Rule 402(k).

Because Mr. Wiseley is not a party to the instant contested case proceeding, the Commission also finds that he may not seek rehearing. The Commission finds that the plain language of both MCL 24.287(1) and Rule 437 expressly contemplate that rehearing may only be pursued by a

party to a contested case proceeding.⁴ This conclusion is consistent with prior Commission orders. *See*, October 5, 2018 order in Case No. U-18090, pp. 10-11; July 29, 2013 order in Case No. U-16582, p. 4; December 18, 2007 order in Case No. U-14800, p. 10; and August 21, 2007 order in Case No. U-14882, p. 3. As a result, the Commission finds that Mr. Wiseley has no legal basis to petition for rehearing because he lacks standing and that it is therefore appropriate to deny his August 11 petition.

THEREFORE, IT IS ORDERED that the petition for rehearing filed by Daren A. Wiseley is denied.

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

⁴ MCL 24.287(1) expressly limits rehearing to an agency's own motion or by request of a party. Similarly, Rule 437 requires petitions for rehearing to be accompanied by a proof of service on all "other parties." Rule 437(1). The use of the term "other" necessarily denotes that the person filing a petition is also a party. *See*, "Other." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/other>. (accessed October 8, 2025) (defining "other" as being the one or ones distinct from that or those first mentioned or implied).

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 sheacl@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



Shaquila Myers, Commissioner

By its action of October 9, 2025.



Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

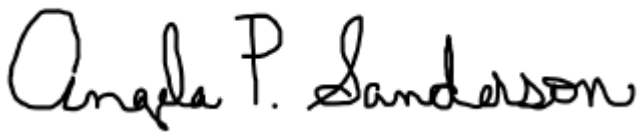
Case No. U-21471 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on October 9, 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 9th day of October 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

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Service List for Case: U-21472

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PROOF OF SERVICE

STATE OF MICHIGAN)

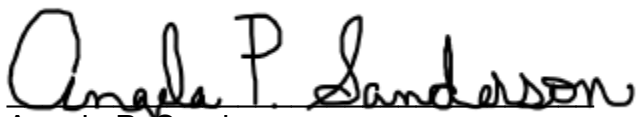
Case No. U-21471 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on October 9, 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 9th day of October 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 and Linda Martin	William and Linda Martin	