

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of
OTISVILLE PV I, LLC, for a Renewable
Energy or Storage Facility Certificate
to construct a solar energy facility.

Case No. U-21956

PETITION TO INTERVENE

For their petition to intervene, brought under Michigan Administrative Code,
Rule 792.10410, Thetford Township and Forest Township say:

1. Otisville PV I, LLC ("Otisville") filed an application to develop, construct and operate an up to 125-MW alternating current solar project ("the Project") on 28 parcels of land in Thetford and Forest Township.
2. The Project will utilize 838 acres on approximately 2,021 acres of participating land in both Thetford and Forest Township.
3. Under Section 226(3) of PA 233 of 2023, an "affected local unit" is explicitly authorized to intervene as a third party in such a proceeding as this as a matter of right. *MCL 460.1226(3)*. An "affected local unit" is defined under *MCL 460.1221(a)* as a "unit of local government in which all or part of a proposed energy facility will be located." *MCL 460.1221(a) (emphasis added)*.
4. As recognized in PA 233 of 2023, utility-scale solar installations within an "affected local unit" can impact, among other things: (1) the environment and natural resources, (*MCL 460.1225(1)(f)*); (2) public health and safety, (*MCL 460.1225(1)(g)*); (3) signal interference, (*MCL 460.1225(1)(o)*); (4) stormwater patterns, (*MCL 460.1225(1)(p)*); (5) municipal fire protection and emergency response resources, (*MCL 460.1225(1)(p)*); (6) future land use as it relates to project decommissioning, (*MCL 460.1225(1)(r)*); (7) local land use, including the use and preservation of prime farmland, (*MCL 460.1226(6)*); and (8) sound nuisances, (*MCL 460.1226(8)(a)(iv)*).
5. The Project in this case is proposed to be located in both Thetford and Forest townships. The Townships are obligated to protect the interests of their residents, including their health and safety. *MCL 460.1225(1)(g)*. Therefore, the Townships are "affected local units," and they are statutorily authorized to intervene in this matter as of right. *MCL 460.1226(3)*

(providing that “[a]n affected local unit . . . may intervene by right”) (emphasis added).

6. Moreover, although Rule 410 speaks in terms of leave to intervene, the Commission has indicated that it considers the ability to intervene to be one of right when a petitioner can meet the two-prong test for standing.¹
7. This two-prong test requires a showing that the prospective intervenor will: (1) suffer an injury in fact as a result of the outcome of the case; and (2) the interests allegedly endangered fall within the zone of interests intended to be protected or regulated by the statute or constitutional guarantee in question.²
8. The Townships satisfy the two-prong test for standing because, if approved as filed, the Project will be constructed and operated within their boundaries and impact their residents. Indeed, the Application explains that the Project “will utilize approximately 838 acres of fenced-in area located on approximately 2,021 acres of participating land (the “Project Area”) in Forest Township and Thetford Township within Genesee County, Michigan. *Application, para 10.*
9. Regarding the first prong, the proposed Project impacts the Townships’ interests. In particular, the Project will be constructed, developed, and operated within the geographic boundaries of the Townships.
10. The interests of the Townships also fall within the zone of interests intended to be protected or regulated by PA 233 of 2023. Several provisions of PA 233 are designed to protect against potential adverse impacts or nuisance caused by utility-scale renewable energy projects. See, e.g., MCL 460.1226(6) (allowing the Commission to consider “feasible alternative developed locations,” “the impact of the proposed facility on local land use,” and to “condition its grant . . . on the applicant taking additional reasonable action related to the impacts of the proposed energy facility”) (emphasis added); see also MCL 460.1226(6)(a)–(d). Therefore, the Townships meet the two-prong test set by the Commission for intervention by right.
11. In addition to meeting the conditions for intervention by right, the Townships meet the Commission’s criteria for permissive intervention. As recognized in prior Commission orders, “the Commission’s discretion to grant leave to intervene is broader than the two-prong test . . . Unlike a

¹ The United States Supreme Court established the two-prong test for standing in *Assoc of Data Processing Service Organizations, Inc v Camp*, 397 US 150 (1970), applied to utility matters in *Drake v Detroit Edison Co*, 453 FSupp 1123, 1127 (WD Mich 1978), and adopted by the Commission in its November 10, 1988 Order in Case No. U-9138.

² *In re Consumers Energy for Authority to Implement a Power Supply Cost Recovery Plan*, MPSC Case No. U-17317, March 6, 2014, Order, p 4.

court of law, an administrative agency can allow intervention whenever the resulting delay will likely be outweighed by the benefit of the intervenor's participation."³ Permissive intervention has also been granted where a proceeding "raises novel questions and important issues of policy" and the intervenor will "bring a unique perspective" to the case."⁴

12. The Townships will provide the Commission with useful and unique information throughout the duration of this case. The Townships can provide a unique perspective related to the area where the Project will be developed, as well as the interests of their residents. These efforts will assist the Commission in making significant policy determinations in this case and will "bring helpful information to the Commission's attention that might not otherwise be available."⁵ As such, the Townships meet the test for permissive intervention.
13. The Townships will carefully examine the reasonableness and prudence of Otisville's requests and proposals, including those indicated above.
14. No other party can adequately represent the Townships' unique interests. Therefore, it would be detrimental to the public interest to deny this Petition to Intervene.

Relief Requested

For these reasons, Thetford Township and Forest Township seek leave to intervene in this matter.

SIMEN, FIGURA & PARKER, P.L.C.

BY 

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Date: November 3, 2025

³ *In re Michigan Consolidated for Authority to Increase its Rates*, MPSC Case No. U-10150, December 8, 1992, Order, p. 5.

⁴ *In re Consumers Energy to Fully Comply with PA 295 of 2008*, MPSC Case No. U-17771, October 27, 2015, Order, p 6, citing *In re Mascotech Forming Technologies*, MPSC Case No. U-11057, June 5, 1996, Order, pp 2-3.

⁵ *In the matter, on the Commission's Own Motion*, MPSC Case No. U-18091, February 21, 2019, Order, p 9.

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ENTRY OF APPEARANCE IN AN ADMINISTRATIVE HEARING

This form is issued as provided for by 1939 PA 3, as amended, and by 1933 PA 254, as amended. The filing of this form, or an acceptable alternative, is necessary to ensure subsequent service of any hearing notices, Commission orders, and related hearing documents.

General Instructions:

Type or print legibly in ink. For assistance or clarification, please contact the Public Service Commission at 517-284-8090.

Please Note: The Commission will provide electronic service of documents to all parties in this proceeding.

THIS APPEARANCE TO BE ENTERED IN ASSOCIATION WITH THE ADMINISTRATIVE HEARING:

Case / Company Name: Otisville PV I, LLC Docket No. U-21956

Please enter my appearance in the above-entitled matter on behalf of:

1. (Name) Forest Township
2. (Name) Thetford Township
3. (Name)
4. (Name)
5. (Name)
6. (Name)
7. (Name)

Name Michael J. Gildner
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City Flint State MI
Zip 48507 Phone 810-577-0179
Email mgildner@sfplaw.com
Date 11/03/2025

Signature: 

<input type="radio"/> I am not an attorney
<input checked="" type="radio"/> I am an attorney whose: Michigan Bar # is P- <u>49732</u> Bar # is: _____ (state)

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BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

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OTISVILLE PV I, LLC, for a Renewable
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PROOF OF SERVICE

The undersigned certifies that she is employed with the firm of Simen, Figura & Parker, P.L.C. and states that on November 3, 2025, she served a copy of Entry of Appearance in an Administrative Hearing, Petition to Intervene and this Proof of Service upon the following parties via email only:

Otisville PV I, LLC
Tyler D. Tennent
Frances B. Wilson
Aidan Schurig
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I DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.



Kimberly Nadrowski