

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
HEADLAND SOLAR, LLC)	
for a Renewable Energy or Storage)	Case No. U-22004
Siting Certificate to construct a solar)	
energy facility.)	
_____)	

APPLICATION

Headland Solar, LLC (“Headland Solar”) respectfully requests that the Michigan Public Service Commission (“MPSC” or the “Commission”) approve its Application for a Renewable Energy or Storage Siting Certificate (the “Application”). Headland Solar submitted its first Application to the MPSC on December 19, 2025. Thereafter, on February 6, 2026, the Commission issued an Incompleteness Memo. Consistent with same, and following meetings with Commission Staff, Headland Solar hereby submits its revised Application. In support of its revised Application, Headland Solar states as follows:

I. INTRODUCTION

1. Headland Solar submits this Application for Solar Energy Facilities for the Headland Solar Project (the “Project”).
2. The Project is proposed for development by Ranger Power LLC (“Ranger Power”).
3. Ranger Power is a utility-scale renewable energy development company focused on delivering cost-effective, clean renewable energy projects across the United States.
4. Ranger Power’s team of experienced developers and renewable energy specialists have successfully developed early-, mid-, and late-stage solar projects throughout the country.

5. Since 2017, Ranger has permitted more than 3,800 megawatts (“MW”) and executed over 4,300 MW of utility-scale Power Purchase and Build-Own-Transfer agreements with leading power providers throughout the region.

6. Over 3 gigawatts (“GW”) of solar projects developed by Ranger have moved into construction, 1,298 MW of which are now commercially operating. The Ranger Power team has approximately 13 GW under development. By the end of 2026, over 1,700 MW of projects developed by Ranger Power will be in commercial operation.

II. PROJECT OVERVIEW

7. Headland Solar has made a comprehensive and diligent effort in designing and siting a facility that meets or exceeds the requirements and standards for approval for Solar Energy Facilities set forth in Public Act 233 of 2023 (“PA 233”), as implemented by the MPSC, and to meet all statutory and regulatory requirements in connection with same.

8. Headland Solar has acquired the rights to develop, construct, and operate an up to 250-MW alternating current solar project within 44 parcels of land owned by 12 private landowners. These land rights are granted by easement agreements or by purchase option agreements.

9. The Project, which exceeds the 50-MW size threshold, is a proposed approximately 220-MW, alternating current solar energy generating facility in Cohoctah Township and Conway Township within Livingston County, Michigan.

10. The Project will utilize approximately 1,240 acres of fenced-in area located on approximately 2,375 acres of participating land (the “Project Area”) within Cohoctah and Conway townships, Livingston County, Michigan.

11. The Project will consist of solar panels and inverters arranged in photovoltaic (“PV”) arrays. Associated facilities and infrastructure include the Project substation, operations

and maintenance building, gen-tie to point-of-interconnection, underground electrical cables (collection) to the Project substation, perimeter fencing, landscape screening, stormwater basins, and gravel access roads to each PV array and Project substation.

12. Construction is expected to begin in the fourth quarter of 2027, with commercial operation anticipated in the second quarter of 2029. Exact construction and operation dates are dependent on receipt of necessary permits, equipment, and approvals. Construction is expected to take approximately eighteen months.

13. The Project Area was selected based on land use, interest from landowners, proximity to existing electrical grid infrastructure, and proximity to large energy load centers throughout Michigan.

14. As sited, the Project optimizes efficient use of land to generate solar power, while avoiding impacts to natural resources or existing land uses. Additionally, as designed, the Project avoids impacts to wetlands, streams, and floodplains to the greatest extent practicable.

15. Headland Solar anticipates that the Project will benefit the local community through the creation of local jobs, tax revenue benefits, and energy needs contributions.

16. While Ranger Power is the developer of the Project, Headland Solar is the owner of the Project.

III. SUMMARY OF LOCAL TOWNSHIP PERMITTING EFFORTS

17. Headland Solar spent multiple years securing the necessary land rights from 12 private landowners across 44 parcels in Conway and Cohoctah Townships prior to initiating this process in December of 2024.

18. During that time, Headland Solar representatives attended numerous public meetings at both Townships in an effort to permit this Project locally under each Township's respective zoning ordinance.

19. As described below, each Township adopted overly restrictive regulations on utility-scale solar projects in a direct response to the Headland Solar Project.

20. On or around December 2, 2024, consistent with the requirements for commencing an MPSC application under PA 233, the Project representatives sent offers to meet with the Conway Township and Cohoctah Township Supervisors.

21. On December 26, 2024, Conway Township Supervisor Mike Brown confirmed in writing that the Township has a compatible renewable energy ordinance (“CREO”) pursuant to PA 233 of 2023.

22. On December 30, 2024, Cohoctah Township Supervisor Mark Fosdick confirmed in writing that the Township has a CREO pursuant to PA 233 of 2023.

23. On January 2, 2025, Project Representative Drew Vielbig emailed Supervisors Fosdick and Brown questioning the Townships’ assertions that their respective zoning ordinances are a “compatible renewable energy ordinance” as that term is defined by PA 233 and the MPSC’s October 10, 2024 Order.

24. Consistent with PA 233, the MPSC’s October 10, 2024 Order provides that CREO “means an ordinance that provides for the development of energy facilities within the local unit of government, *the requirements of which are no more restrictive than the provisions included in section 226(8). A CREO under Act 233 may only contain the setback, fencing, height, sound, and other applicable requirements expressly outlined in Section 226(8), and may not contain additional requirements beyond those specifically identified in that section.*” (Emphasis added.)

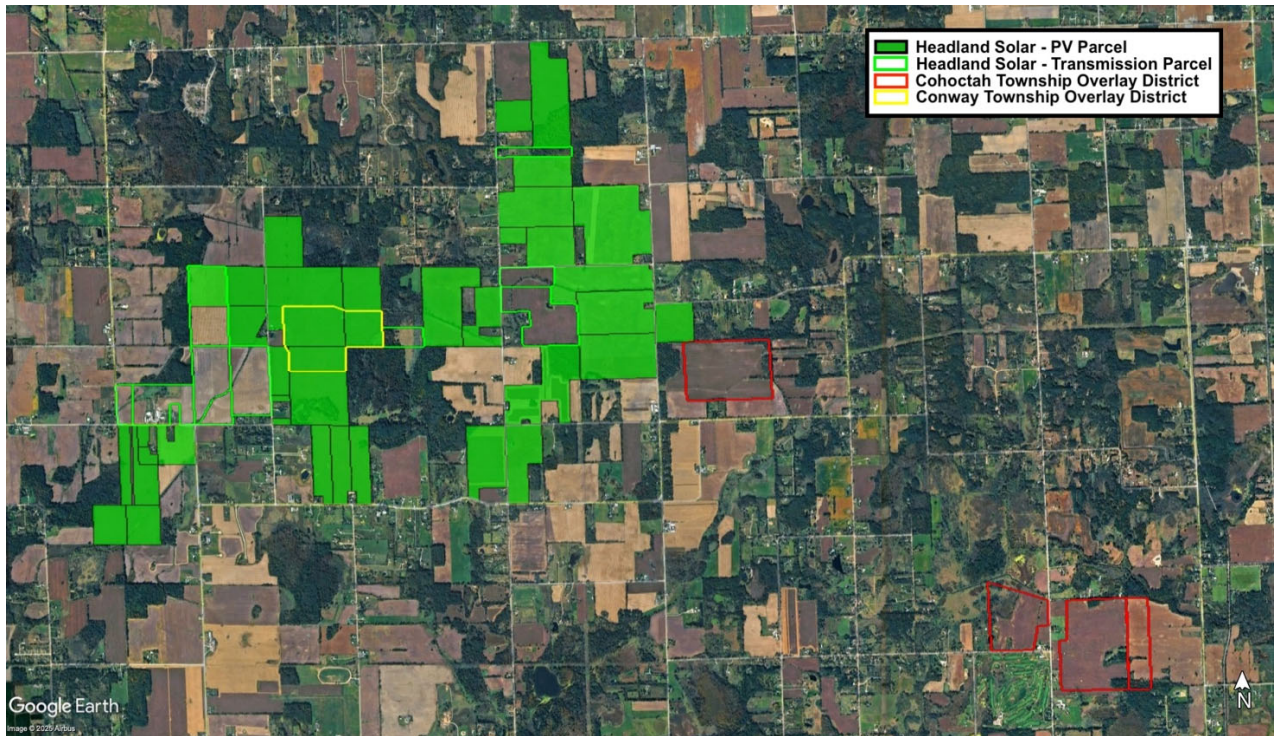
25. The zoning ordinances of Conway and Cohoctah Townships both include, among other improperly restrictive requirements, the absolute restriction of solar facilities to a zoning

overlay district. These requirements (of both Townships) were implemented more than one year after public disclosure of the Headland Solar Project Area by representatives of Headland Solar.

26. An overlay district is an additional zoning district that is laid over the existing zoning districts on a municipality's zoning map. Here, each Township adopted an overlay district to limit the development of renewable energy facilities, including the Headland Solar Project, to a certain area within each Township.

27. In Conway Township, the overlay district includes parcels totaling approximately 136 acres, while the Headland Solar Project Area includes a fenced-in area of approximately 668 acres in Conway Township. The image below shows the Project Area in green, and the overlay district in yellow.

28. In Cohoctah Township, the overlay district includes parcels totaling approximately 488 acres (none of which overlap with any participating parcels in the Project Area), while the Headland Solar Project Area includes a fenced-in area of approximately 572 acres in Cohoctah Township.



29. In summary, the combined overlay districts for the two Townships total 624 acres, only 136 of which overlap with any portion of the Project Area.

30. The Townships each adopted overlay districts in direct response to Headland Solar’s Project, making it such that the Headland Solar Project could not be approved locally.

31. Supervisors Brown and Fosdick participated in site plan meetings and, at all relevant times, have been fully aware that the Project does not fit within either Townships’ restrictive solar overlay zoning districts.

32. Representatives of the Project conceded at the time of application, and throughout the local process, that, as submitted, the Project did not satisfy the local zoning ordinances because it included participating parcels located *outside* of the Townships’ solar overlay zoning district.

33. Although the Project representatives disagreed with the Townships’ CREO assertion, Project Representative Drew Vielbig nevertheless committed to working with the Townships in good faith to permit the Project locally, if possible.

34. On or around January 15, 2025, following the site plan meetings, Supervisors Fosdick and Brown, on behalf of Cohoctah and Conway Townships, issued a public joint statement identifying their open opposition to solar energy development in either Township.

35. In their Joint Statement, Supervisors Fosdick and Brown described their severe dissatisfaction with PA 233 and, in that statement, made repeated antagonistic threats against permitting the Project. A copy of the Joint Statement is attached as **Appendix 2, Exhibit A-15**.

36. Specifically, the Supervisors expressed their “outrage and disbelief” at the mere proposal of the Headland Solar Project, and then vowed that they would not let this Project move forward:

We cannot, and will not, stand by as our farmland is bulldozed in the name of industrialization. The consequences for our children, our families, and our future are too severe to ignore. These developments threaten to turn our fertile soil into wastelands, putting at risk the livelihoods of those who have worked the land for decades. It is an insult to our heritage, and we will not allow it to stand.

37. On multiple occasions, the Project representatives specifically asked the Township Attorney and other Township officials why the existence of the solar energy overlay districts did not require the reasonably prompt denial of the local application (or withdrawal of the wrongful assertion of a CREO) as a matter of law.

38. On May 14, 2025, prior to any public hearings or payments from Headland Solar for the initial \$35,000 of escrow funds demanded by the Townships, counsel for Headland Solar sent to the Townships’ attorney the following email seeking an explanation of how the Project could be approved under the zoning ordinances in light of the overlay districts:

I am writing to follow up on my client, Headland Solar’s, recent inquiries to the Supervisors in Conway and Cohoctah Townships regarding the effect of the Townships’ respective overlay districts on the Townships’ ability to lawfully approve the applications consistent with their zoning ordinances and the MZEA. We were both copied on my client’s last inquiry to Cohoctah but I am removing our clients from this email to request a response from you, in your role as counsel

for each Township. As you know, my client is requesting confirmation as to whether the Headland Solar project can lawfully be approved locally in either Township in light of the fact that the project footprint exceeds the Townships' respective solar overlay districts (the Cohoctah example is copied below for reference). In Cohoctah for example, no portion of the Headland Solar project is located within the overlay district. Since the overlay zoning district is the only land in Cohoctah where utility-scale solar facilities are permitted, it logically follows that the project cannot be approved by the Township. In other words, this threshold issue of noncompliance with the overlay districts renders these applications incapable of being approved. And if that is the case—that the project objectively cannot be approved under the Zoning Ordinance because the project parcels are not within the overlay—then denial ought to be swift and there should be no need for extensive review of Headland Solar's application by consultants and attorneys.

At your first opportunity, I would appreciate it if you could respond to this email with answers to these questions and your analyses of these issues: (a) whether the Headland Solar project, as submitted (see below for overlay map) and without any use variance or zoning text amendment, can lawfully be approved in either Township in light of the fact that Headland Solar concedes the project footprint exceeds the respective solar overlay districts; (b) why any further consultant/legal review of the applications would be reasonable and necessary. If you conclude that further substantial consultant/legal review of the applications would be reasonable and necessary, then I would ask that you also provide any comments or red-line edits to the draft escrow agreement proposed by my client Thank you.

39. Having received no response for two weeks, Headland Solar's counsel sent the Township attorney a follow-up email on May 28, 2025, again seeking an explanation of how the Project could be approved under the zoning ordinance in light of the overlay districts.

40. The Townships' counsel did not respond to either email, copies of which are attached hereto as **Appendix 2, Exhibit A-15**.

41. Upon information and belief, any other zoning application for a use not permitted in the zoning district in which the property is located would result in an administrative denial without delay. A fundamental tenet of zoning and land use is that "if a principal use is not permitted in a zoning district, it is prohibited." *Jostock v Mayfield Township*, 513 Mich 360, 368 (2024).

42. Although there was never any possibility that the Project could be locally approved under the governing zoning ordinances because the Headland Solar Project Area could not fit within the solar overlay districts, both Conway and Cohoctah Townships scheduled multiple meetings over the course of four months to consider the Project application.

43. Despite the impossibility of local approval, the Townships demanded \$35,000 in escrow fees (in addition to the non-refundable zoning application fee) to pay for its legal and other costs in reviewing the Project application.

44. Although there was never any possibility that the Project could be locally approved, the Townships asserted that they were nevertheless statutorily entitled to up to 120 days to review the Project application under PA 233.

45. The Townships have since invoiced the Project for tens of thousands of dollars related to the time and expenses of two attorneys to attend over 12 meetings.

46. Throughout the local permitting process, the Townships were motivated by their admitted desire to delay or obstruct the Project's ability to seek siting approval under PA 233.

47. Despite the Townships' conduct, the Project representatives nevertheless agreed to the request from Supervisor Fosdick to grant Cohoctah Township a 3-week extension.

48. The record reflects that Project representatives participated in the local permitting process in good faith, attending more than a dozen meetings and answering dozens of written questions concerning details of the Project.

49. Cohoctah and Conway Townships intentionally delayed taking action on the Project's application until the Project's application was about to expire, based on the statutory time frame under PA 233 (120 days, and as voluntarily further extended by Project representatives).

50. On September 15, 2025, both Cohoctah Township and Conway Township adopted nearly identical resolutions approving the Project “with conditions.”

51. Each “approval” was subject to more than 50 conditions.

52. The conditions were not imposed in good faith and are clearly intended as obstacles to completely prevent Headland Solar’s construction and successful operation of a utility-scale solar energy facility.

53. Among the conditions is a requirement that the Project request a zoning map amendment from each Township to alter each of the Township’s existing solar overlay districts to include all Project land.

54. A zoning map amendment is a legislative act to alter the zoning ordinance, which is entirely within the discretion of the Township Board of Trustees.

55. This condition to require Headland Solar to seek rezoning of the Project area is an acknowledgment that the Project could never have been approved under either of the Township’s existing zoning ordinances.

56. The conditions of approval also contain dozens of requirements that are plainly more restrictive than those specified in section 226(8) of PA 233.

57. The Townships’ resolutions of approval provide that a breach of any condition of approval—many of which are vague or ambiguous and lack clear standards necessary to avoid arbitrary or discriminatory enforcement—would “automatically invalidate the granting of the special approval use.”

58. PA 233 does not provide for an approval with conditions.

59. An “approval with conditions” under these circumstances is a functional denial. A functional denial affords Headland Solar the opportunity to seek a Certificate from MPSC under

Act 233. Section 223 of Act 233 expressly provides that the “local unit of government with which an application is filed under this subsection shall approve or deny the application within 120 days after receiving the application.”

60. The Project’s application complies with the requirements of section 226(8) of PA 233.

61. At the September 15, 2025 Cohoctah Township Planning Commission, Project Representative Drew Vielbig personally witnessed Supervisor Fosdick greeting attendees at the entrance of the Cohoctah Township Hall and explaining to them that “we will approve the Project with major conditions so that the project gets tied up in the courts. That is the only way to stop it.”

62. Legal counsel for the Townships were present at the September 15, 2025 meeting, at which Supervisor Fosdick advised meeting attendees not to be upset with the conditional approval because the Board’s action was done pursuant to a greater legal strategy to subvert the Project.

IV. NARRATIVE, EXHIBITS, TESTIMONY, AND RESERVATION OF RIGHT TO AMEND

63. Concurrently with the filing of this Application, Headland Solar is filing a detailed Solar Energy Facility Siting Certification Narrative describing the Project in full (**Appendix 1**), supporting exhibits (**Appendix 2**), and written direct testimony (**Appendix 3**) in support of its Application. Reference to this material will provide additional details regarding the proposal and relief being sought. The relief described in the narrative, exhibits, and direct testimony should be considered as if specifically requested in this Application.

64. Headland Solar reserves the right to revise, amend, or otherwise change the relief it is requesting in any way appropriate depending upon the duration and progress of hearings in

this proceeding, the issuance of orders that have an impact upon this case, or the occurrence of other material events.

V. REQUESTED RELIEF

WHEREFORE, Headland Solar respectfully requests that the Michigan Public Service Commission approve the Application and grant Headland Solar a Renewable Energy or Storage Siting Certificate consistent with the Project.

Dated: February 19, 2026

Respectfully submitted,

HEADLAND SOLAR, LLC

/s/ Adam Cohen

Adam Cohen, President
Headland Solar, LLC

DICKINSON WRIGHT PLLC

/s/ Salina M. Hamilton

Brandon C. Hubbard (P71085)

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Lansing, MI 48933

(517) 487-4724

Attorneys for Headland Solar, LLC

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Adam Cohen, being first duly sworn, deposes and says that he is the President of Headland Solar, LLC, a Delaware limited liability company; that he is duly authorized to and has executed the foregoing Application for and on behalf of Headland Solar, LLC; that he has read the same and knows the contents thereof, and that the same is true to the best of his knowledge and belief.

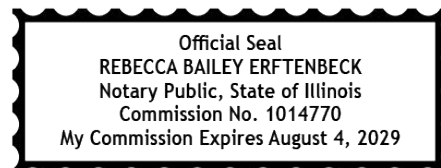
By: ^{ID: 1771349887044}
Adam Cohen
_____ Adam Cohen

Sworn to and subscribed before me on this the 17th day of February, 2026.

rebecca bailey erfthenbeck

Notary Public

My Commission expires: August 4, 2029



This notarial act was an online notarization using audio-video technology.

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ATTACHMENTS

1. Appendix 1 – Solar Energy Facility Siting Certification Narrative
2. Appendix 2 – Supporting Exhibits
3. Appendix 3 – Direct Testimony