



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

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DAN SCRIPPS
CHAIR

SHAQUILA MYERS
COMMISSIONER

Justin K. Ooms
Varnum Law
PO Box 352
Grand Rapids, MI 49501-0352

RE: Case No. U-22036 – In the matter of In the matter of the Application of MI ENERGY DEVELOPMENTS, LLC for a certificate for the siting of a Wind Energy Facility in Fremont Township, Speaker Township, and Elk Township in Sanilac County, pursuant to Public Act 233 of 2023.

March 19, 2026

Dear Justin K. Ooms:

On February 2, 2026, MI Energy Developments, LLC (applicant) filed an application with the Michigan Public Service Commission (Commission) for a certificate under Public Act 233 of 2023 (PA 233). The proposed project presented in the application is a wind energy facility, with an output of up to 300 MW_{AC} to be located in Elk, Fremont, and Speaker Townships, Sanilac County.

Under Section 225(2) of PA 233, the Commission is required to determine whether the application is complete within 60 days of submission. A complete application is one which complies with the requirements of Section 225(1) of PA 233, as applied through the Commission's Application Filing Instructions and Procedures (AFIP) and other relevant orders and guidance materials.

Consistent with Section 225(2) of PA 233 and AFIP 4(a)(4), this memorandum serves to notify you that Commission Staff has completed its review of the application and determined that the application is incomplete. A description of application deficiencies and the information necessary to make the application complete is included with this memo.

Additional filings are required if the application is to proceed. The applicant may make changes to its application to correct the deficiencies and resubmit its new application, which Commission Staff will again review for sufficiency and completeness. Along with additional documentation, Staff also requests that the applicant file an updated Exhibit A-16, identifying portions of the application where changes or updates were made. Please be aware that application information not identified as incomplete may still require further development and submissions from the applicant in the course of the Commission's review process. Further, information submitted to

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cure items identified as incomplete will be subject to further review by Staff, and may also require further development and submission from the applicant. This memorandum is intended to address only the process identified in Section 225(2) of PA 233 and AFIP 4(a)(4) and nothing in this memorandum should be construed as addressing the sufficiency of the applicant's filing under Section 226(7) of PA 233 for issuance of a certificate.

To request further information or with questions, please email LARA-MPSC-Siting@michigan.gov, which will reach the Michigan Public Service Commission's Renewable Energy and Storage Siting Section.

(attachment)

The below list contains items determined to be incomplete in Staff's review. The order of incomplete items aligns with the order of the application as filed. Each item is labeled according to the requirements of the Commission's Application Filing Instructions and Procedures and/or law. Where possible, Staff included descriptions of what may be provided to complete the application as filed.

Site Plan, including Exhibits A-1.1 and A-1.2

1. AFIP Section 7 requires "[s]ite plans should be prepared using the latest or most recent edition USGS maps (1:24,000 topographic edition) and GIS mapping to the extent available. **All items provided must be clear and legible**, which could entail providing some of the requested items on separate layers, separate maps, or by showing some areas on another scale." (emph. added). Please make the following clear and legible:
 - a. Please visually depict the school identified in Exhibit A-1.2 Figure 9 "Recreational and Other Land Use Map" on Site Plan map (Exhibit A-1.1) Sheet 36 eastward of Turbine #3.
 - b. Railroads have a legend marker, but are visually difficult to identify throughout the Site Plan.
2. AFIP Section 7.1(1)(a) requires that site plans must, at a minimum, depict "[t]he proposed location of the facility and potential right-of-way extents, including proposed electric collection and transmission lines and interconnections, **all fenced in or secured areas**, as well as ancillary features located on the facility site such as roads, railroads, switchyards, energy generation, storage or regulation facilities, substations, and similar facilities." (emph. added). Please visually depict the proposed fenceline for "PR. LAYDOWN YARD – OPTION A" as seen on Sheet 9, "PR. LAYDOWN YARD – OPTION B" as seen on Sheet 11, and "PR. LAYDOWN YARD – OPTION C" as seen on Exhibit A-1.1, Sheet 42.
3. AFIP Section 7.1(a)(8) requires that site plans must, at a minimum, depict "[t]he location of inverters and other noise-emitting facilities showing the distance to occupied structures, property lines, and public rights-of-way." AFIP Section 7.1(c) requires "[a] dimensioned drawing or map with dimensions added showing setbacks from the project boundary and fences **to all structures on participating properties, road rights-of-way, waterways, wetlands, occupied buildings and structures on non-participating properties, and property lines of non-participating properties.**" (emph. added). Please provide dimensioned lines from the center base and respective setbacks of all proposed turbines as seen throughout Exhibit A-1.1. Staff provides the following examples, for illustrative purposes, where dimensions are not shown:
 - a. Exhibit A-1.1, Sheet No. 4, turbine #4 (T4) to occupied structures eastward (R-2786, R-0487), northeast (R-3878, R-3482, etc.), and others; Turbine #43 to occupied structures northward (R-1151, R-3593, R-1066), eastward (R-2383, R-2261, R-1309, etc.), and others; and associated dimensions to corresponding

property lines of the aforementioned occupied structures, which are non-exhaustive.

- b. Exhibit A-1.1, Sheet No. 23 depicts a dimensioned line to only one instance of a nonparticipating property line, one occupied building/structure on non-participating property, and one public road right-of-way; the remaining required features, including structures on non-participating properties, do not have dimensioned lines drawn.
4. AFIP Section 7.2(a)(9) requires that “Exhibit A-2 maps must show, at a minimum, the following information within the proposed facility (including all components and ancillary feature(s)) and within 1,000 feet of the proposed facility (including all components and ancillary feature(s)).” In particular it requires that the application “[d]epict the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit and any limits that have been adopted in administrative rules by the MPSC (not applicable at this time).” Please provide a revised map that depicts the projected sound isolines above and below the 55 dBA isolines currently depicted.

Exhibit A-1.3 (Explanatory Information)

5. AFIP Section 7.3(a)(5) requires “a description of the planned screening, landscaping, and vegetative cover.” AFIP Section 7.3(a)(1) requires “justification for how the proposed project location, layout, construction methods, etc. minimize... visual impacts.” AFIP 7.3(a)(4) requires an assessment that “shall identify the nearby land uses” in the vicinity of the facility, including “residential areas, schools, civic facilities, recreation facilities, and commercial areas”, and requires that such assessment “shall demonstrate that... visual impacts with current and planned uses have been minimized to the extent practicable.”
 - a. Provide a description of the planned screening, landscaping, and vegetative cover, for example in the vicinity of the proposed turbines, project substation, and project operations and maintenance building.
 - b. Identify nearby civic facilities and recreation facilities.
 - c. Provide an assessment demonstrating and justifying how the project visual impacts, for example from the proposed turbines, project substation, and project operations and maintenance building, have been minimized to the extent practicable with respect to all nearby and planned uses.

Exhibit A-1.4 (Construction Information)

6. AFIP Section 7.4(a)(3) requires the Applicant to describe the project’s proposed construction and installation methods which include “[c]onstruction of temporary and permanent access roads, staging areas, and laydown areas and trenches”; the Applicant

states that such material is provided in Sheets 64 and 65, but Staff was unable to find such material. Please provide details on the construction of the proposed laydown areas as shown within Exhibit A-1.1.

Exhibit A-1.7 (Sound Report and Modeling Protocol) and Attachment D (Sound Report Requirements)

7. AFIP Sound Reporting Requirements in Attachment D, Section D1.3(5) require the sound report to contain “[a]n assessment of the facility’s noise impacts and ability to meet the MCL 460.1226 noise limits, **including a detailed description of all noise mitigation used or required to meet the noise limits.**” (emph. added). Please provide a detailed description of all noise mitigation used or required to meet the noise limits near the substation.

Exhibit A-1.14 (Unanticipated Discoveries Plan)

8. AFIP Section 7.14(a) requires the Applicant to “[s]ubmit an Unanticipated Discoveries Plan (UDP) that addresses the anticipated impacts and plans to mitigate impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species.” Provide anticipated impacts and plans to mitigate impacts to the environment and natural resources, including evidence of all environmental impact assessments referenced on page 4 of Application Appendix 2, Exhibit A-1.14. The applicant may choose to include this additional information in Exhibit A-6.2 and provide reference in Exhibit A-1.14.

Exhibit A-4.4 (Summary of Agency Consultations)

9. Regarding agency consultations, AFIP Sections 6.3.4(a)(4)(vi) and 6.3.6(a)(4)(ii) both require the Applicant to provide “the date and time the consultation took place, who participated in the consultation, and copies of correspondence listing necessary permits, next steps, and associated timeline for each consultation”. In order to satisfy both exhibit requirements, the Applicant may choose to include information with respect to county drain commission consultations into A-4.4 and subsequently incorporate into A-6.4 by reference, presuming the information has been supplemented as required. Provide such required items, including, at a minimum, the items identified below:
 - a. Next steps and timeline for EGLE for permitting process (Exhibit A-4.4, p. 4)
 - b. Next steps and timeline for the Cooperation Agreement and Drain Crossings/Impact Agreements as identified by the Sanilac County Drain Commission (SCDC) during their January 6, 2025, meeting with the Applicant (Exhibit A-6.4, p 38; Exhibit A-4.4, p 6).

- c. Next steps and timeline between the Applicant and Sanilac County Road Commission for completing road use agreements and introductory communications (Exhibit A-4.4, p. 6).

Exhibit A-6.2 (Environmental Compliance Report)

10. AFIP 6.3.6(a)(2) (along with PA 233 Sec. 225(1)(i)) requires that within the Environmental Compliance Report, the Applicant “describes how the proposed facility will comply with ... Section 1705(2) of the Michigan Environmental Protection Act (MEPA), MCL 324.1705(2).” Please provide this description, which may address the following items, and may also include identification of environmental impacts that also involve separate permitting decisions under the purview of other regulatory agencies:
 - a. The alleged pollution, impairment, or destruction of natural resources or the public trust in these resources, with supporting evidence; and,
 - b. A demonstration of how there is no more feasible and prudent alternative to such conduct consistent with the reasonable requirements of the public health, safety, and welfare. A demonstration may include a comparison of the relative impacts of the proposed project and any alternatives.

11. AFIP Section 6.3.6(a)(2)(i) (along with (PA 233 Sec. 225(1)(f)) requires that the Application contains “the expected direct impacts of the proposed energy facility on the environment and natural resources and how these impacts are proposed to be addressed and/or mitigated. Describe how the expected direct impacts to natural resources will be addressed and mitigated for all phases of the project, including operation, for protected species such as bald eagles, migratory birds, and bat species.