

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)
SILVER MAPLE PV, LLC)
for a Renewable Energy or Storage)
Siting Certificate to Construct a Solar)
Energy facility.)
_____)

Case No. U-22071

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JAMESTOWN CHARTER TOWNSHIP’S PETITION TO INTERVENE

The Charter Township of Jamestown, Ottawa County, Michigan (the “Township”), by and through its attorneys, Mika Meyers PLC, petitions the Michigan Public Service Commission (the “Commission”) for leave to intervene in the above-captioned proceeding pursuant to Public Act 233 of 2023 (“PA 233”) and the Michigan Administrative Code, Rule 792.10410 (“Rule 410”) of the Commission’s Rules of Practice and Procedure.

In support of this Petition, the Township states as follows:

1. The Township is located in Ottawa County, Michigan.
2. The Township has approximately 9,630 residents who reside within its boundaries.
3. On April 3, 2026, Silver Maple PV, LLC filed the present application, seeking a Renewable Energy or Storage Siting Certificate for an approximately 200 megawatt (“MW”) solar energy facility to be located partially within the Township and partially within the Charter Township of Zeeland, sited on approximately 1,127 acres of fenced-in area and approximately 1,914 acres of total participating land, of which 1,431 acres will be disturbed (the “Project”).
4. Under Section 226(3) of PA 233, MCL 460.1226(3), an “affected local unit” is explicitly authorized to intervene as a third party in such a proceeding as a matter of right. An “affected local unit” is defined as a “unit of local government in which all or part of a proposed energy facility will be located.” MCL 460.1221(a).
5. Because part of the participating land within the Project is located within the Township, the Township is an “affected local unit” and is statutorily authorized to intervene in this matter as of right. Specifically, approximately 40 percent of the Project is proposed to be located in the Township.

6. The Township exercises zoning jurisdiction within its geographic boundaries, and so it consequently qualifies as an affected local unit as described in the Commission’s October 10, 2024 Order in Case No. U-21547.

7. As recognized in PA 233, 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)(q)); (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 (7)); and (8) sound nuisances (MCL 460.1226(8)(a)(iv)). The Township is charged with protecting the interests of its residents, including their health and safety. MCL 460.1225(1)(g). Because it is an affected local unit, the Township has the right to intervene in this matter.

8. In addition to the intervention right guaranteed by PA 233, the Township also satisfies the Commission’s test for standing. The Commission considers the ability to intervene to be one of right when a petitioner meets a two-prong test for determining standing. *Ass’n of Data Processing Serv Orgs, Inc v Camp*, 397 US 150; 90 S Ct 827; 25 L Ed 2d 184 (1970), applied by the Commission in *In re Michigan Consolidated Gas Company for Approval of the Construction and Operation of the Belle River-St. Clair Pipeline in St. Clair County, Michigan*, MPSC Case No. U-9139, November 10, 1988. The Commission’s test for standing requires that an intervenor show (1) that the intervenor will suffer an injury in fact as a result of the outcome of the case and (2) that the interests of the intervenor allegedly endangered fall within the zone of interests intended to be protected or regulated by the statute in question. *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.

9. Regarding the first prong of the standing test, the interests of the Township are impacted by the activity proposed in the application and the location of the proposed Project. If the requested siting certificate is granted, the Project will be constructed and operated within the geographic boundaries of the Township, and the Township's residents will be subjected to the detriments and injuries identified in MCL 460.1225 and MCL 460.1226.

10. Regarding the second prong of the standing test, the Township's interests fall within the zone of interests intended to be protected or regulated by PA 233. Several provisions of PA 233 are specifically designed to mitigate or protect against adverse impacts or nuisances created by utility-scale renewable energy projects. For example, MCL 460.1226 allows the Commission, when evaluating the application for a siting certificate, to consider "feasible alternative developed locations," "the impact of the proposed facility on local land use," whether the applicant has sufficiently considered and addressed "impacts to the environment and natural resources," whether "the public benefits of the proposed energy facility justify its construction," whether the Project will "unreasonably diminish farmland," and whether the Project will "present an unreasonable threat to public health or safety." The Township has an interest in these criteria and in ensuring that the Commission's review of this application adequately and fully considers those criteria. Therefore, the Township meets the two-prong test for intervention as of right.

11. The Township also meets the Commission's criteria for permissive intervention. "[T]he Commission's discretion to grant leave to intervene is broader than the two-prong [standing] test. Unlike a 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." *In*

re Michigan Consolidated for Authority to Increase its Rates, MPSC Case No. U-10150, December 8, 1992, Order, p 5. Permissive intervention has been granted when the proceeding “raises novel questions and important issues of policy” and the intervenor will “bring a unique perspective to the case.” *In re Consumers Energy Company to Fully Comply with Public Act 295 of 2008*, MPSC Case No. U-17771, October 27, 2015, Order, p 6 (quotation marks and citation omitted).

12. The Township possesses useful and unique information and perspectives that it will provide to the Commission throughout the duration of this case, including about the area within the Township where the Project is proposed to be developed, and the interests and objections of its residents. The Township’s information and perspective will assist the Commission in making significant policy determinations and will “bring helpful information to the Commission’s attention that might not otherwise be available.” *In re DTE Electric Company to Fully Comply with the Public Utility Regulatory Policies Act of 1978*, MPSC Case No. U-18091, February 21, 2019, Order, p 14 (quotation marks and citation omitted). The Township therefore meets the Commission’s criteria for permissive intervention.

13. The Township will carefully examine the reasonableness and prudence of Silver Maple PV, LLC’s requests and proposals.

14. The unique interests of the Township are not adequately represented by any other party. Accordingly, it would be detrimental to the public interest to deny this Petition to Intervene.

15. The Township’s Petition to Intervene is timely filed as it is being filed at least 7 days prior to any Prehearing Conference in this matter pursuant to Rule 410.

16. The Township reserves the right to take other positions and/or seek other relief based on a review of the various filings, the responses to discovery, or positions taken in briefs.

WHEREFORE, the Charter Township of Jamestown requests that the Commission grant its Petition to Intervene in and be treated as a full party hereto. The Township further requests that the parties serve copies of all pleadings and correspondence in these proceedings to the offices of its counsel listed below and copy those individuals in its service list.

Respectfully submitted,

MIKA MEYERS PLC
Attorneys for Jamestown Charter Township

Dated: April 24, 2026

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