

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       | ) | Case No. U-22071 |
| Siting Certificate to construct a solar | ) |                  |
| energy facility.                        | ) |                  |
| _____                                   | ) |                  |

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**SILVER MAPLE’S OMNIBUS OPPOSITION TO PERMISSIVE PETITIONS TO  
INTERVENE AND PETITIONS TO INTERVENE BY UNREPRESENTED ENTITIES**

**I. INTRODUCTION AND FACTUAL BACKGROUND**

Silver Maple PV, LLC (“Silver Maple”) filed its application for a solar siting certificate (“Application”) in the above-captioned matter on April 3, 2026. See Filing No U-22071-0001. On April 17 and 24, 2026, respectively, Zeeland Charter Township and Jamestown Charter Township (together, “Townships”), the affected local units, moved to intervene. See Filing No U-22071-0039, 42.

Since April 3, it appears that more than 40 other residents and local property owners and businesses have also sought to intervene in the case. Under Public Act 233 of 2023 (“PA 233”), “[a]n affected local unit, participating property owner, or nonparticipating property owner may intervene by right.” Sec. 226(3). Importantly, under PA 233, “nonparticipating property” “means a property that is adjacent to an energy facility and that is not a participating property.” Sec. 221(q). All other intervenors are necessarily seeking permissive intervention.

Here, of the more than 40 Petitions to Intervene filed to date, at least 15 petitioners appear to be seeking permissive intervention as they are neither participating property owners nor adjacent property owners based clearly on the identified addresses. With the interests of local property owners represented by the Parties, the Townships, and the other adjacent residents participating in

this action, Silver Maple respectfully requests that the Commission deny all pending motions for *permissive* intervention.

To be clear, Silver Maple is *not* challenging the petitions of the Intervenors as of Right, which includes the affected local units (Jamestown Charter Township and Zeeland Charter Township), the participating property owners (see chart below), and the nonparticipating (i.e. adjacent) property owners (see chart below), as expressly allowed under PA 233.

This includes, potentially, the following participating properties upon a showing that the petitioner is, indeed, the property owner and represented by counsel (if they are an entity requiring same):

|                                            |              |                                      |
|--------------------------------------------|--------------|--------------------------------------|
| Smallegan, James                           | U-22071-0074 | 1904 56th Ave, Zeeland, MI 49464     |
| Patricia Smallegan<br>Declaration of Trust | U-22071-0085 | 1663 48th Ave, Hudsonville, MI 49426 |

Additionally, based on address information in petitions, this also includes the following adjacent nonparticipating properties subject to a showing that the petitioner is, indeed, the property owner and represented by counsel (if they are an entity requiring same):

|                           |              |                                         |
|---------------------------|--------------|-----------------------------------------|
| Driesenga, Nicholas       | U-22071-0024 | 5305 Springwind Ct, Zeeland, MI 49464   |
| Driesenga, Valerie        | U-22071-0023 | 5305 Springwind Ct, Zeeland, MI 49464   |
| Kerkstra, Kate            | U-22071-0050 | 2130 56th Ave, Zeeland, MI 49464        |
| Kerkstra, Daniel          | U-22071-0030 | 2130 56th Ave, Zeeland, MI 49464        |
| Knoper, Kyle and Sara     | U-22071-0053 | 1392 40th Avenue, Hudsonville, MI 49426 |
| Merrill, Constance        | U-22071-0055 | 2155 52nd Ave, Zeeland, MI 49464        |
| Nykamp, James             | U-22071-0102 | 5078 Byron Rd., Zeeland, MI 49464       |
| Nykamp, Sally             | U-22071-0087 | 5165 Bryon Rd, Zeeland, MI 49464        |
| Ottawa Executive Airport  | U-22071-0072 | 5923 Byron Rd, Zeeland, MI 49464        |
| Precision Pork Farm, Inc. | U-22071-0065 | 475 48th, Zeeland, MI 49464             |
| Pugh, Bradley             | U-22071-0068 | 3000 Air Park Dr, Zeeland, MI 49464     |
| Russcher, Dennis          | U-22071-0090 | 475 48th, Zeeland, MI 49464             |
| Russcher, Erin            | U-22071-0066 | 475 48th, Zeeland, MI 49464             |
| Russcher, Jeremy          | U-22071-0059 | 475 48th, Zeeland, MI 49464             |
| Russcher, Julie           | U-22071-0092 | 475 48th, Zeeland, MI 49464             |
| Scholten, Kimberly        | U-22071-0040 | 1415 40th Ave, Hudsonville, MI 49426    |

|                            |              |                                          |
|----------------------------|--------------|------------------------------------------|
| Jeff Scholten Builder, LLC | Unknown      | 1415 40th Ave, Hudsonville, MI 49426     |
| Smallegan, Kristi          | U-22071-0071 | 4519 Adams St., Zeeland, MI 49464        |
| Vander Wall, Monty         | U-22071-0054 | 2275 56th Ave Zeeland Mi, 49464          |
| VanderMeulen, Erin         | U-22071-0033 | 5311 Felch St, Zeeland, MI 49464         |
| Vezikov, Ilya and Melissa  | U-22071-0069 | 5460 Fall Meadow Ave., Zeeland, MI 49464 |

Importantly, however, as to the above adjacent nonparticipating properties with multiple intervenors with the same address, only the property owners should be permitted to intervene. See chart of overlapping addresses below:

|                                          |                                                                              |                                                                                                        |
|------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 2130 56th Ave, Zeeland, MI 49464         | U-22071-0050<br>U-22071-0030                                                 | Kerkstra, Kate<br>Kerkstra, Daniel                                                                     |
| 1415 40th Ave, Hudsonville, MI 49426     | U-22071-0040<br>Unknown                                                      | Scholten, Kim<br>Jeff Scholten Builder, LLC                                                            |
| 5305 Springwind Ct, Zeeland, MI 49464    | U-22071-0024<br>U-22071-0023                                                 | Driesenga, Nicholas<br>Driesenga, Valerie                                                              |
| 1392 40th Avenue, Hudsonville, MI 49426  | U-22071-0053                                                                 | Knoper, Kyle<br>Knoper, Sara                                                                           |
| 475 48th, Zeeland, MI 49464              | U-22071-0065<br>U-22071-0090<br>U-22071-0066<br>U-22071-0059<br>U-22071-0092 | Precision Pork Farm, Inc.<br>Russcher, Dennis<br>Russcher, Erin<br>Russcher, Jeremy<br>Russcher, Julie |
| 5460 Fall Meadow Ave., Zeeland, MI 49464 | U-22071-0069                                                                 | Vezikov, Ilya<br>Vezikov, Melissa                                                                      |

Only the property owner(s) of the above properties should be permitted to intervene.

Otherwise, in the interests of judicial economy (to keep this matter from becoming unwieldy and unnecessarily prolonged and because the interests of all property owners are adequately represented by the Parties and other participants as of right), all other petitions for permissive intervention should be denied. This includes at least the following petitions seeking permissive intervention:

|                         |              |                                                             |
|-------------------------|--------------|-------------------------------------------------------------|
| DeVree, Cadence         | U-22071-0032 | 48 Taft St, Zeeland, MI 49464                               |
| DeVree, William Lee Jr. | U-22071-0031 | Not No. 70-18-19-100-014 and 49 Taft St., Zeeland, MI 49464 |
| DeWeerd, Bradley Lee    | U-22071-0052 | 3333 48th Ave, Hudsonville, MI 49426                        |

|                          |              |                                        |
|--------------------------|--------------|----------------------------------------|
| Langerak, Daniel         | U-22071-0105 | 4485 Mason St. Zeeland, MI 49464       |
| Meppelink, Christine     | U-22071-0075 | 6215 Byron Rd., Zeeland, MI 49464      |
| Raczynski, Michael & Amy | U-22071-0106 | 5304 Springwind Ct., Zeeland, MI 49464 |
| Russcher, Jeff           | U-22071-0063 | 4721 40th St., Zeeland, MI 49464       |
| Russcher, Lisa           | U-22071-0058 | 4721 40th St., Zeeland, MI 49464       |
| Terpstra, Melissa        | U-22071-0041 | 4795 36th Street Zeeland, MI 49464     |
| Terpstra, Richard        | U-22071-0050 | 4795 36th Street Zeeland, MI 49464     |
| VanBronkhorst, Cary      | U-22071-0111 | 4787 36th Street, Zeeland, MI 49464    |
| VanBronkhorst, Lynae     | U-22071-0108 | 4787 36th Street, Zeeland, MI 49464    |
| Vander Plow, Brenda      | U-22071-0101 | 6249 Byron Road Zeeland, MI 49464      |
| Vander Plow, Matthew     | U-22071-0099 | 6249 Byron Road Zeeland, MI 49464      |
| VanderLugt, Gerald       | U-22071-0104 | 275 48th Ave, Zeeland, MI 49464        |

Finally, as to entities seeking intervention without counsel (whether permissively or as of right), those petitions should also be denied on that basis as well unless the entity obtains legal counsel. See *Fraser Trebilcock Davis & Dunlap PC v Boyce Trust* 2350, 497 Mich 265, 277 (2015) (“[A] corporation, unlike an individual, may only appear in court through licensed counsel.”) (clarifying that a corporation can represent itself in court, but only through “an appropriately licensed agent”). Here, that includes the following:

|                                            |              |                                      |
|--------------------------------------------|--------------|--------------------------------------|
| Jeff Scholten Builder, LLC                 | Unknown      | 1415 40th Ave, Hudsonville, MI 49426 |
| Ottawa Executive Airport                   | U-22071-0072 | 5923 Byron Rd, Zeeland, MI 49464     |
| Precision Pork Farm, Inc.                  | U-22071-0065 | 475 48th, Zeeland, MI 49464          |
| Patricia Smallegan<br>Declaration of Trust | U-22071-0085 | 1663 48th Ave, Hudsonville, MI 49426 |

## II. ARGUMENT

The Commission should deny all *permissive* motions to intervene for one simple (yet fundamental) reason supporting judicial economy: all of the proposed intervenors’ interests are adequately represented by the Parties, Townships, and Intervenors as of Right. “[A]dministrative law judges assigned to conduct future [ . . . ] proceedings should consider [] whether the potential intervenor’s interests are adequately represented by existing parties.” *In the Matter of the Application of Shell W E & P, Inc, for Proration of Nat Gas Prod from the Manistee 24 Pool in*

*Manistee Cnty*, No U-970, 1989 WL 1740399, at \*32 (July 20, 1989) (cleaned up). Where, as here, a petitioner “claims an interest identical to that of another intervenor [or] is represented by that other intervenor[s],” the Commission should “[d]eny[] intervention.” *In the Matter of the Application of Consumers Power Co for Auth to Increase Its Rates for the Sale of Elec*, No U-6923, 1982 WL 976995, at \*1 (Jan 20, 1982).

Here, the concerns/interests of the perspective permissive intervenors are adequately represented by the Parties and Intervenors as of Right. By way of example, Petitioner Kristi Smallegan seeks permissive intervention to raise concerns about: (i) “[s]ignificant alteration of the rural character and landscape of the surrounding community;” (ii) “[c]oncerns regarding environmental, safety, drainage, noise, and operational impacts associated with large-scale solar installations;” (iii) “[p]otential negative impacts to nearby property values, quality of life, and use and enjoyment of property,” (iv) “[c]oncerns regarding the adequacy and accuracy of the application materials and review process,” and (v) “[l]ong-term industrialization of agricultural and rural land in the surrounding area.” *See* U-22071-85.

Further, as part of the MPSC’s approval process, Silver Maple must demonstrate, *inter alia*, that the proposed project (i) “compli[es] with applicable state and federal environmental laws,” (ii) “minimize[s], mitigate[s], and repair[s] any drainage impacts,” (iii) addresses impacts to “television signals, microwave signals, [and] agricultural global position systems,” (iv) “will not unreasonably diminish farmland,” and (v) meets public health and safety standards including setbacks, noise thresholds, and light mitigation plans. A-FIP, p. 12-13, 15-17. As such, the MPSC itself has a gatekeeping function to ensure that Silver Maple’s project meets these required health, safety, and environmental standards.

Moreover, the Townships have moved to intervene in this matter to address the interests of their respective residents, including the proposed permissive intervenors, noting in their petitions that they “possess useful and unique information and perspectives to provide the Commission throughout the duration of this case, including about the area where the Project is proposed to be developed and the interests and objections of [their] residents.” *See e.g.* U-22071-0039, at ¶ 12 (emphasis added); U-22071-0042, at ¶ 12.

The myriad permissive filings do not show that the petitioners intend to provide specialized viewpoints or expertise. Nor do they suggest that they will hire or present expert testimony, e.g., regarding environmental engineering matters. Even if the Petitions are denied, Petitioners can still participate and otherwise express their objections and concerns with the Project through the public comment process. Simply put, Petitioners’ interests are adequately represented by the existing Parties and Intervenors as of Right. The remaining participants seeking permissive intervention are asserting nearly identical interests with those intervenors as of right and are adequately represented by same. Accordingly, in the interest of judicial economy, the petitions seeking permissive intervention should be denied as set forth herein.

Finally, as to the handful of entities seeking to intervene as of right, case law is well-settled that entities must be represented by legal counsel to participate in proceedings such as these. Absent authority to the contrary, these petitions should also be denied unless the petitioning entities obtain appropriately licensed counsel for representation.

### **III. CONCLUSION**

WHEREFORE, Silver Maple objects to the Permissive Petitions to Intervene for the reasons stated here and respectfully requests that the Petitions be denied. Further, as to entities

seeking intervention without counsel, Silver Maple respectfully requests that those Petitions be denied as well absent representation by licensed legal counsel.

Dated: June 3, 2026

Respectfully submitted,

DICKINSON WRIGHT PLLC

/s/ Salina M. Hamilton

Brandon C. Hubbard (P71085)

Ryan M. Shannon (P74535)

Salina M. Hamilton (P75296)

123 W. Allegan Street, Suite 900

Lansing, MI 48933

(517) 487-4724

*Attorneys for Silver Maple PV, LLC*