

Z E E L A N D CHARTER TOWNSHIP

MEMORANDUM

TO: Zeeland Charter Township
FROM: Joshua M. Eggleston, Township Manager
Bloom Sluggett, PC, Special Legal Counsel
DATE: April 19, 2026
RE: Silver Maple MPSC Application

Background and Update

RWE Solar seeks to build a 200-MW solar energy facility in Zeeland Charter Township (the “Township”) and Jamestown Charter Township. Substantial public opposition to the project exists in the Township. The Township does not have a solar energy facility ordinance, but the planning commission has been working on an energy facility ordinance (solar, wind, and battery storage) over the last few months. At its April 14th meeting, the planning commission reviewed the most current ordinance draft and directed that modifications be made with the goal of creating an incompatible “nonworkable” ordinance (that is, workability is not the planning commission’s focus).

RWE’s subsidiary Maple Valley PV, LLC (the “Applicant”) filed an application for a Renewable Energy Citing Certificate with the Michigan Public Service Commission (the “MPSC”) (Case No. U-22071 opened 4/3/26). Prior to filing its application with the MPSC, the Applicant held three public meetings to receive public comment on the proposed solar energy facility. The meetings were held on March 17th, 18th, and 19th. Additionally, the impending filing was discussed at multiple Township Board and planning commission meetings.

The Township received \$75,000 in local intervenor funds from the Applicant to assist in covering the costs associated with participation in the contested case proceedings. Bloom Sluggett and the Township Manager are in the process of negotiating the host community agreement with the Applicant as required by PA 233. Under the host community agreement, the Applicant would be required to issue to the Township a onetime payment of \$2,000.00 per megawatt of the project’s nameplate capacity located within the Township. This money may be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the Applicant. Entering into a host community agreement does not indicate support for the project.

On April 17th, the Township filed a petition to intervene in the contested case proceedings before the MPSC. Bloom Sluggett has begun vetting potential expert witnesses and has been in contact with the attorneys for other potential intervenors (including Jamestown Charter Township) to discuss coordinating our efforts. The Township Supervisor, Township Manager, and Bloom

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Sluggett are meeting with the MPSC staff this week to discuss the contested hearing process and obtain information that will help the Township better inform the residents about the process and aid residents in participating in the proceedings. Bloom Sluggett is coordinating the solicitation of proposals from communications firms to assist the Township in ensuring residents are being kept up-to-date on Township's efforts in the contested case proceedings.

A pre-hearing conference is scheduled for June 4, 2026 at 9:30 a.m. Members of the public may subscribe to be notified of any approved filings, review current filings, and submit comments online at <https://mi-psc.my.site.com/s/case/500cs00001eFDOqAAO/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>.

This matter will be on the agenda for the April 29, 2026, special Township Board meeting. During the meeting, we will provide the Township Board with a case status update and seek guidance regarding efforts moving forward. There will likely be an associated closed session. Additionally, we anticipate seeking Township Board approval for the host community agreement and the selection of a communications firm.

Typical Process for MPSC Contested Cases

- A contested case proceeds in a manner similar to a lawsuit, and it is conducted by an administrative law judge (“ALJ”). The MPSC is a party to the case. It conducts investigation and review of the Applicant’s application. Once the application is filed, the MPSC staff has 60 days to determine if it is complete. It is worth noting that the determination of completeness is one made by the MPSC staff — not the Township or any other potential intervening party. The MPSC must grant the application and issue a certificate or deny the application not later than 1 year after a complete application is filed.
- Other interested persons may ask permission to “intervene” in the case. If their petitions are granted, the intervenors become parties to the case, and they may submit evidence and arguments.
- At the pre-hearing conference, the ALJ (James M. Varchetti) will decide on granting intervenor status to those who have petitioned. Affected local units where the project is to be located, like the Township, are allowed to intervene as a matter of right; they just need to file a timely petition. The Township’s intervenor status is not formally confirmed until the ALJ grants our request to intervene.
- At the pre-hearing conference, the ALJ will issue a scheduling memorandum that sets the dates and deadlines for the case.

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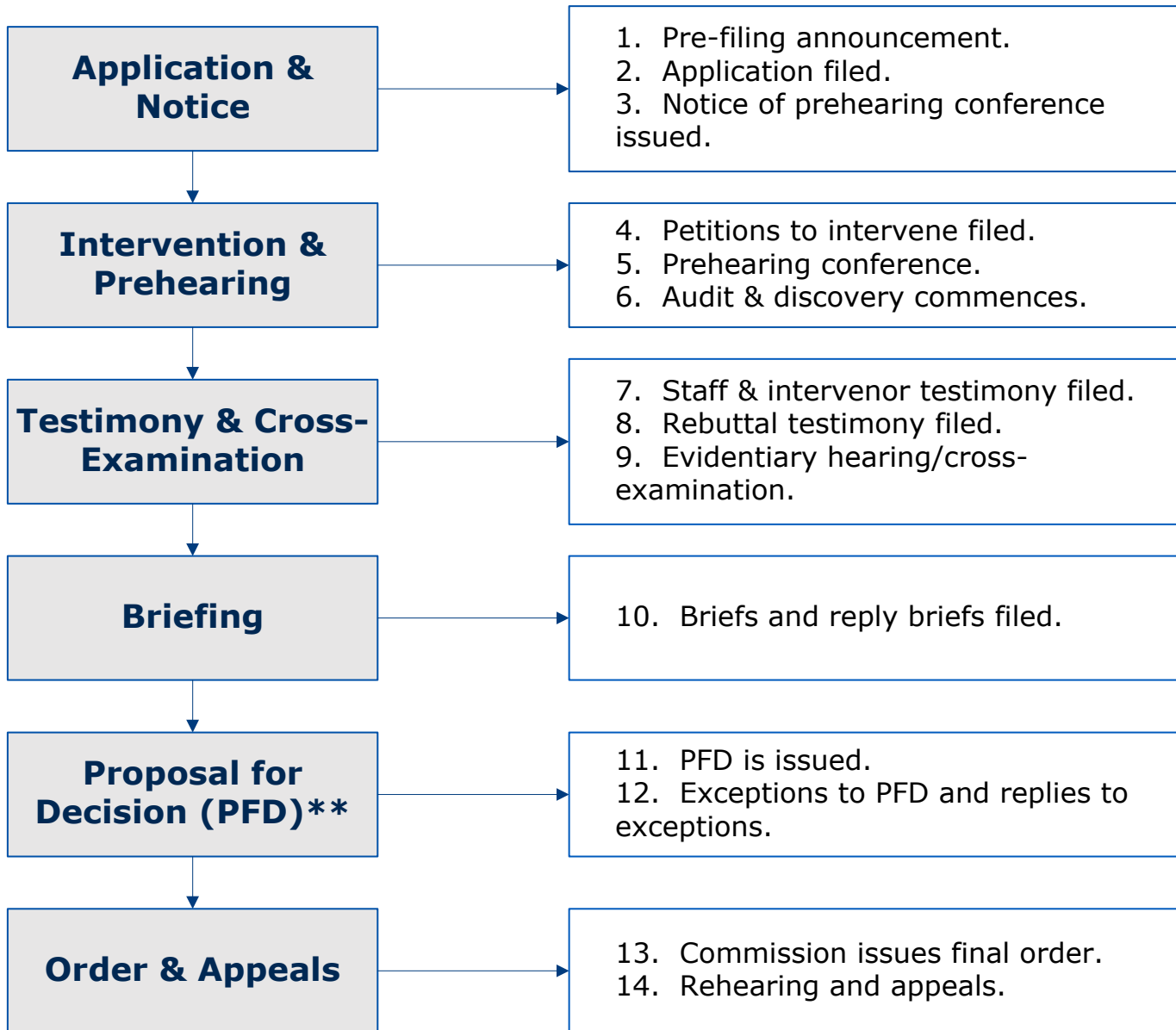
- Approximately 4 weeks after the pre-hearing conference there will be a technical conference with the MPSC staff, the Applicant, the Township, other affected local units, and any other intervenors to review the site plan and ask questions.
- All testimony and evidence must be filed with the MPSC. Evidence needs to be connected to a specific witness for purposes of foundation. Unless otherwise directed by the ALJ, all direct witness testimony is written.
- The parties, including the MPSC, have the opportunity to conduct discovery. They can ask questions of other parties and request documents.
- There will be a hearing for the parties to cross-examine witnesses who have offered testimony.
- Following the cross-examination hearing, the parties will submit briefs arguing for or against permit approval. Oral arguments are permitted at the discretion of the ALJ (oral arguments must be requested).
- The ALJ will issue a proposal for decision on the application approving, approving with modifications/conditions, or denying. The Township may file exceptions (similar to objections) to the proposed order.
- After reviewing the proposed order and any exceptions, the MPSC will issue the final order on the application. Once the order is issued, the Township may seek a rehearing (if certain conditions are met) or appeal.

Attachments: MPSC PA 233 Siting Procedure
MPSC Contested Case Overview

MPSC CONTESTED CASE PROCESS OVERVIEW

This flowchart outlines the MPSC's contested case process. This is a process that many types of cases, such as ratemaking, long-term planning, and siting, go through at the Commission.

This is only a general overview, and, in some instances, not every step applies. For example, parties to a case may participate in settlement negotiations, and if a settlement agreement is reached, the case bypasses any remaining steps in the process and goes directly to the Commission for an order.*

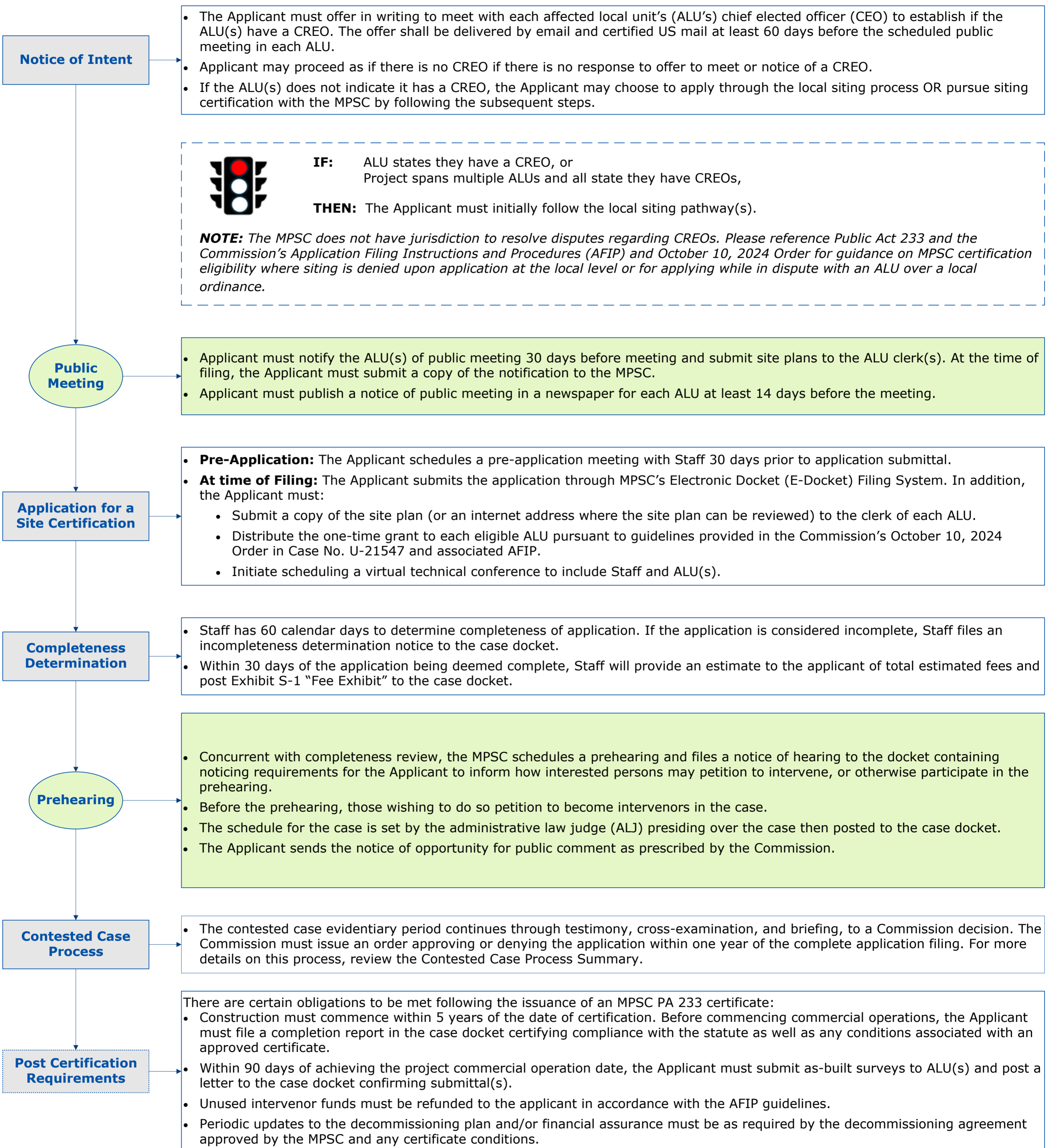


* A case may also proceed *ex parte*, which are cases that would otherwise be contested but are appropriate for this kind of review because there are no real impacts to parties other than the applicant.

** Note: This section is skipped if the Commission is reading the record.

PA 233 SITING CERTIFICATION PROCESS SUMMARY

This flowchart shows the basic steps required throughout the PA 233 siting process, including opportunities for public comment (noted in ovals). For more information, consult the MPSC's October 10, 2024 Order in Case No. U-21547 and the MPSC's [RESS Siting Page](#).



*Public Act 233 of 2023 allowed developers to ask the MPSC to site a grid-connected renewable energy project if an affected local unit does not have a "compatible renewable energy ordinance" (CREO), among other triggers. The project applicant, state agencies, local governments, property owners, and other intervening parties may participate throughout the process.

NOTE: This document is intended to provide a summary of the certification process and is not intended to be comprehensive or a substitute for legal advice.