STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of ROUGET ROAD SOLAR FARM, LLC for a Renewable Energy or Storage Siting Certificate to construct a solar energy facility.	))))))	Case No. U-22003

ROUGET ROAD SOLAR FARM, LLC'S RESPONSE TO INTERVENOR PALMYRA TOWNSHIP'S APPLICATION FOR LEAVE TO APPEAL ALJ'S 4.2.2026 ORDER DENYING TOWNSHIP'S MOTION FOR SUMMARY DISPOSITION

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I. INTRODUCTION

Palmyra Township's (the "Township") application for leave improperly invites the Commission to engage in piecemeal appeals of Rouget Road Solar Farm LLC's ("Rouget Road") Application and its compliance with Act 233's provisions. In this case, the Township takes aim at the public meeting provision of MCL 460.1223(1) under the guise that it is a jurisdictional requirement that the Commission lacks authority to consider when reviewing Rouget Road's Application.

The ALJ correctly rejected the Township's argument, and the Township fails to articulate a valid reason why the Commission should grant leave to appeal the public meeting issue under Rule 793.1043(2) prior to the parties fully litigating and briefing all issues before the ALJ (and prior to a resolution of the Application as a whole). All the Township claims is that to allow the Application to proceed in the ordinary course of a contested case would "cause the Township considerable time and expense." Application, at 8. But such an argument rings hollow given ordinary litigation expenses should be expected by a party that volunteers to intervene in a contested case and because grant funds are made available to the Township for this very purpose under MCL 460.1226.

But more critically, Act 233 makes plain that the public meeting provision is squarely in the Commission's jurisdiction to consider as part of the Application, and there is no indication that the provision is intended to operate as a jurisdictional bar. As the relevant case law (and common sense) requires, when a requirement is intended as a precursor needed to trigger a tribunal's jurisdiction, the statute will say so in a statement that is "clear" and "unmistakable." Here, not only is such a clear statement lacking, but the text of Act 233 directly disproves the Township's

argument. The public meeting provision in MCL 460.1223(1) is just one item among many that the Commission will consider as part of the Application.

Further, as the Commission has already interpreted MCL 460.1223(1), that provision does not require an applicant to hold the public meeting within the affected local unit's geographical limits in all circumstances. See AFIPs, Attachment C, Section C.3. The Commission's interpretation is consistent with Act 233's plain language and the Legislature's intent—to promote the development and use of renewable energy through a uniform application process for large-scale projects.

In sum, Rouget Road will demonstrate that it complied with the public meeting provision and that its Application must be granted. There is no basis to expedite consideration of the public meeting issue and the Township's application for leave to appeal should be denied.

II. FACTUAL BACKGROUND

A. Act 233 and its "public meeting" provision

The Legislature enacted Act 233 to amend the Clean and Renewable Energy and Waste Reduction Act. One stated purpose of the law is to "promote the development and use of clean and renewable energy resources and the reduction of energy waste through programs that will[,]" among other things, "[e]ncourage private investment in renewable energy. . . ." MCL 460.1001(2)(c). Furthering that purpose, Act 233 allows owners of large renewable energy projects (e.g., Rouget Road) to apply to the Commission for a certificate authorizing a project's construction. For example, it specifically authorizes the Commission to consider an application and to decide whether to grant a certificate even if the project would otherwise be prohibited by a local government: "If a certificate is issued, the certificate and this part [of the Act] preempt a local policy, practice, regulation, rule, or other ordinance that prohibits, regulates, or imposes additional

or more restrictive requirements than those specified in the commission's certificate." MCL 460.1231(3).

The Legislature also provided uniform standards to avoid problems that might arise when hundreds of local jurisdictions either impose their own standard or have no standard at all. *See, e.g.,* MCL 460.1226(7). As the lead sponsor of Act 233 explained: "The reality is with nearly 1,800 cities, townships and villages, it's not likely that every single community has a process in place. We want to make sure that [if] there isn't one in place, the state can then help streamline the process." Wood TV 8, *Bill would give wind, solar certification to state, strip local control*, https://www.woodtv.com/news/michigan/bill-would-give-wind-solar-certification-power-to-state-strip-local-control/. Or, as explained by another sponsor: "I understand that planning for a reliable energy future for Michigan means the state needs to have a role. We cannot achieve the goals of carbon neutrality without adequate investments in green energy solutions." *Id*. Rouget Road has met those uniform standards, thus paving the way for a certificate.

B. The Commission's October 2024 Order

After Act 233 was signed into law in 2023, the Commission opened a docket and directed Staff to "file recommendations on application filing instructions, guidance relating to compatible renewable energy ordinances (CREOs), and any other issues involving Act 233[.]" October 10, 2024 Order, U-21574, at 2. Many interested parties submitted comments, including utilities, renewable energy companies, the Michigan Association of Counties, and notably the Michigan Townships Association. *Id*. The Commission thereafter issued an Order in October 2024 that adopted certain Application Filing Instructions and Procedures ("AFIPs") for Act 233 applications. The AFIPs were prepared by Staff after gathering input at eight public meetings. Relevant here is the procedure adopted by the Commission's Order that addressed the "public meeting" language found within MCL 460.1223(1):

> Public meetings must be held in each ALU; however, a public meeting held in a township is considered to be held in each village located within the township. *Exceptions due to a lack of appropriate facilities to hold required public meetings within the ALU where the project is located will be considered on a case-by-case basis upon a showing of a good faith effort to hold the meetings as close to the project as feasible*.
>
> Unless otherwise requested by the chief elected official, the public meeting should start between 5:00 pm and 7:30 pm if held on a traditional workday of Monday through Friday.
>
> The public meetings should be recorded or transcribed for later submission as evidence in siting cases filed pursuant to PA 233. [AFIPs, Attachment C, Section C.3] (emphasis added).

After the Commission entered that Order, over seventy townships appealed. Those townships challenge, among other things, whether the Order violated Act 233 and the Administrative Procedures Act. See *In re Implementing Provisions of Act 233 of 2023*, COA Case No 373509. The Township is not a party to that appeal. See COA Docket, https://www.courts.michigan.gov/c/courts/coa/case/373259.

C. Rouget Road holds a public meeting and thereafter files its Application with the Commission

As required by MCL 460.1225(1)(j), the details of Rouget Road's extensive community engagement and its public meeting at the American Legion are provided in its Application. As explained there, Rouget Road attended 12 public meetings of the Township's Board and Planning Commission from July 2024 through August 2025 and engaged in other significant community outreach specified in the Application. See Application, Exhibit A-4.2: Community Outreach and Education Efforts, 1-4.

Rouget Road also endeavored to find a suitable facility for its public meeting. On July 10, 2025, a representative of Rouget Road emailed the Township's clerk to inquire whether the Township "rents out the township hall?" Exhibit 1. Rouget Road also asked: "If the township hall

is not available, do you think the Blissfield American Legion is a good place to hold our meeting?" *Id*. The Township's clerk responded: "The Township does not rent the [Township hall] building," but agreed that "the America Legion would be a good place for meetings…" *Id*. One reason the Township identified the American Legion as a "good place" is the fact that the Township has itself held public meetings at the same American Legion. *See, e.g.,* https://www.wtol.com/article/news/palmyra-twp-committee-to-meet-on-wind-turbines/512-5f09342c-590b-4033-9338-e76828af8d67 (Township holds special meeting at the American Legion to discuss an ordinance that would have allowed a large-scale wind farm).

As explained by Rouget Road's project manager, Kevin Cole, once Rouget Road learned that the Township Hall could not be used, Rouget Road in good faith secured what it believed to be the next best option—the local American Legion, located .69 miles from the Township's corporate limit and roughly 3.6 miles from the Project. Exhibit 2, Cole Aff. at ¶ 6. Important was that the American Legion's main hall accommodates up to 300 individuals and is outfitted with two 70-inch monitors that Rouget Road could use. *Id.*

On August 25, 2025, between 5:30 PM and 7:30 PM, Rouget Road held a public meeting at the American Legion without incident (let alone complaint or objection from the Township). Fifty-six individuals attended. See Application, Exhibit A-4.2, at 8. Six of them spoke and eight of them submitted written comments. Rouget Road's Application contains more detailed information, including: (i) a transcript of the discussion; (ii) the comment cards received; and (iii) the materials that Rouget Road presented. *Id*.

On December 12, 2025, Rouget Road filed its Application with the Commission. The sixty-day period for Staff to review the Application for completeness passed without a finding of incompleteness, which by operation of law means the "application is considered to be complete."

MCL 460.1225(2). Cross examination is currently scheduled to begin on June 29. See February 11, 2026 Scheduling Memo.

D. The ALJ denies the Township's Motion for Summary Disposition.

On February 6, 2026, the Township moved for summary disposition under MCR 2.116(C)(4). The Township's sole argument is that because Rouget Road held the public meeting under MCL 460.1123(1) at the American Legion location and not strictly within the Township's geographical or corporate limits, the Commission is without subject matter jurisdiction over the Application.

Both Rouget Road and Staff opposed the Township's Motion, which the ALJ denied. After a hearing, the ALJ issued a written ruling on April 2, 2026 denying the Township's Motion. In relevant part, the ALJ found that "the Commission's jurisdiction under Act 233 extends only to renewable and storage facilities of a certain size. The undisputed fact that Rouget Road meets both requirements, as a 175 MW solar facility, means that the Commission has jurisdiction over the subject matter of this application." 4/2/2026 Ruling at 18. The ALJ also denied Rouget Road's request for judgment that it complied with the public meeting provision "[b]ecause there are issues of material fact as to whether there was an appropriate venue in Palmyra Township where a public meeting could be held …"

III. LEGAL STANDARDS

Pursuant to Rule 792.10433(2), the Commission "shall grant an application and review the presiding officer's ruling if any of the following apply: "(a) A decision on the ruling before submission of the full case to the commission for final decision will materially advance a timely resolution of the proceeding," "(b) A decision on the ruling before submission of the full case to the commission for final decision will prevent substantial harm to the appellant or the public-at-

large," or "(c) A decision on the ruling before submission of the full case to the commission for final decision is consistent with other criteria that the commission may establish by order. "

Summary disposition under MCR 2.116(C)(4) is appropriate where the "[tribunal] lacks jurisdiction of the subject matter." Whether jurisdiction exists is a purely legal question. See *Todd v Dep't of Corr*, 232 Mich App 623, 627; 591 NW2d 375 (1998). Further, "[j]urisdiction does not 'inhere' in a [tribunal,] it is conferred upon it by the power which creates it." *Detroit v Rabaut*, 389 Mich 329, 331, 206 NW2d 625 (1973). "A motion under Subrule (C)(4) may be supported or opposed by affidavits, depositions, admissions, or other documentary evidence." *Meisner Law Group v Weston Downs Condominium Assoc.*, 321 Mich App 702, 714; 909 NW2d 890 (2017); citing MCR 2.116(G)(2).

IV. ARGUMENT

A. The Township fails to show that the Commission should grant leave to appeal.

Despite claiming that leave should be granted under "792.1043(2)(a), (b), *and* (c)," the Township's application is based only on the supposed burdens it will suffer if this case is allowed to proceed in the ordinary course. See Application, p. 12 (emphasis added). The Township argues that leave should be granted to spare it and Staff from expending "[c]onsiderable time and resources" and that "[w]aiting until the end of discovery, after cross-examination, after briefs, and presumably following years of appellate litigation" to resolve—what it calls—a "threshold legal issue" would be "a waste of time and resources for the Township, Staff, the Commission, and Rouget Road." Application, at 8-9.

But there is no "substantial harm" under Rule 792.10433(2)(b) to any party or the public if the Application is first resolved in the ordinary course—which includes consideration of the public meeting provision—by the ALJ after the close of discovery, cross examination, and full briefing.

Indeed, the Legislature expressly directed that "the commission *shall conduct a proceeding on the application* for a certificate *as a contested case* under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328." MCL 460.1226(3) (emphasis added). As made clear by staff and the ALJ, the Application and the public meeting provision presents factual issues that must be resolved through a full hearing.

The Township's purported costs and time spent litigating this case also falls on deaf ears. The Township voluntarily chose to intervene in this case and, under MCL 460.1226(1), is eligible for a grant "to cover costs associated with participation in the contested case…" There is no harm to the Township—much less a substantial harm. The Commission should not allow the Township to raise certain application requirements by piecemeal appeals, and its application for leave should be denied.

Regarding subsection (a), and far from advancing a "timely resolution," an interlocutory detour risks fragmenting the proceeding. Further, and by the plain text of the rule, the Commission should only grant the application where a ruling before a final decision "*will* materially advance a timely resolution of the proceeding." (Emphasis added.). But the Township puts the cart before the horse. In circular fashion, the Township suggests that an interlocutory ruling is needed because, as the Township argues, dismissal is appropriate. But absent reversal of the ALJ and dismissal, the matter will proceed on the same course it is now. Rule 792.1043(2)(a) therefore only supports the Commission's grant of the motion if the Commission already knows it will dismiss before granting leave. (Conversely, an affirming decision after granting the application would simply be fodder for further delaying these proceedings and exposing Act 233 applications to consistent piecemeal efforts to appeal discrete issues to the Commission and eventually the Court of Appeals.)

In short, none of the bases for granting an interlocutory appeal of the ALJ's ruling are present here, and the Township's application for leave should be denied.

B. The ALJ correctly found that MCL 460.1223(1)'s "public meeting" requirement is not jurisdictional and denied the Township's motion for summary disposition.

The Township continues to call the public meeting provision a "jurisdictional requirement" despite no such indication anywhere in Act 233.

"Subject-matter jurisdiction concerns a body's abstract power to hear a case of the kind or character of the one pending, and is not dependent on the particular facts of the case." *People v Lown*, 488 Mich 242, 268 (2011). Thus, a tribunal's subject matter jurisdiction depends not on "whether the record supports a finding of a statutory violation, but whether the class of case was properly before the [tribunal]." *In re Complaint of Pelland*, 254 Mich App 675, 682-83; 658 NW2d 849 (2003) ("Considering the *character* of the pending case, and not the particular *facts* of the alleged violations, the [Commission] was authorized by the [statute] to determine if it was violated.") (emphasis added).

The ALJ also correctly relied on the Michigan Supreme Court's 2024 decision that strongly cautioned against deeming a requirement "jurisdictional" because "[h]arsh consequences attend the jurisdictional brand." *Mich Farm Bureau v Dep't of Environment, Great Lakes, and Energy*, 515 Mich 481, 514, n 25; 28 NW3d 629 (2024) (quoting *Fort Bend County v Davis*, 587 US 541, 139 S Ct 1843, 1849, 204 LEd2d 116 (2019). Indeed, in *Michigan Farm Bureau*, the Michigan Supreme Court endorsed federal precedent that requires a jurisdictional requirement to be "unmistakable" and expressly identified with a "clear statement." See also, *Santos-Zacaria v Garland*, 598 US 411, 416-417 (2023) ("We treat a rule as jurisdictional only if Congress clearly states that it is. … We adopted this clear-statement principle … to leave the ball in Congress' court,

ensuring that courts impose harsh jurisdictional consequences only when Congress unmistakably has so instructed.").

Consistent with that principle, When the Michigan Legislature imposes a jurisdictional restriction (or, requirement) relative to a tribunal, it does so unmistakably and with a clear statement. See, e.g., MCL 205.735a(5) (Regarding the Michigan Tax Tribunal: "For a special assessment dispute, the special assessment shall be protested at the hearing held for the purpose of confirming the special assessment roll *before the tribunal acquires* **jurisdiction** *of the dispute*.") (emphasis added).

The ALJ's April 2, 2026 Order correctly found exactly that, and the Township fails to make any new argument or produce new information to suggest that the ALJ erred. Act 233 plainly places the Application—and the public meeting provision along with it—within the subject matter jurisdiction of the Commission. Like all other meetings and actions required by MCL 460.1223, the public meeting is expressly made part of the application that Act 233 requires the Commission to consider when deciding whether to issue a certificate. On that point, MCL 460.1225(1)(j) provides that the application include "[a] summary of the community outreach and education efforts undertaken by the electric provider or independent power producer, *including a description of the public meetings and meetings with elected officials under [MCL 460.1223]*." (emphasis added). By expressly referencing the public meeting requirement specifically—and MCL 460.1223 generally—under the section that specifies what must be included in the application, the Legislature made plain that it is the Commission's job (i.e., within the Commission's jurisdiction) to determine whether an applicant properly followed the public meeting provision.

As the ALJ also correctly noted, "the Commission's authority to issue a certificate under the Act is limited to: (1) wind, solar, and battery storage facilities; and (2) only those renewable

and battery storage projects that meet the size requirements under Section 222(1)(a)-(c).” 4/2/26 Order, at 15. In such cases, the Commission must “conduct a proceeding on the application as a contested case under” the Administrative Procedures Act. MCL 460.1226.

The Township again points to MCL 450.1222(2), which says that, “[t]o obtain a certificate for an energy facility, an electric provider or IPP must comply with the requirements of [MCL 460.1223 and MCL 460.1224], and then submit to the commission an application as described in [MCL 460.1225].” Township’s Application, at 11. But that provision illustrates the problem with the Township’s position—once again, nothing in that section “unmistakably” states that an applicant must follow MCL 460.1223 and MCL 460.1224 to “perfect” or trigger the Commission’s “jurisdiction.” The Township’s position notwithstanding, one might ask: If the Commission is without “jurisdiction,” how is the Commission to decide whether an applicant complied with MCL 460.1223 and MCL 460.1224 as part of the application and what, if anything, such compliance means for the application as a whole? In sum, the Commission needs to look no further than the text of Act 233 to see that the Commission has jurisdiction to consider the Application and, along with it, the public meeting provision.

Act 233’s clear grant of subject matter jurisdiction to the Commission stands in contrast to the example in *Clam Lake Township v Dep’t of Licensing and Regulatory Affairs*, 500 Mich 362; 902 NW2d 293 (2017) upon which the Township attempts to rely. In that case, which had nothing to do with Act 233, the Supreme Court held only that the State Boundary Commissions lacked statutory authority to consider the validity of Act 425 agreements (which allow for intergovernmental agreements regarding economic development projects):

> With respect to the Commission's authority over annexation petitions, MCL 123.1011a grants the Commission ‘jurisdiction over petitions or resolutions for annexation as provided in [MCL 117.9].’ That statute, in turn, tasks the Commission with ‘determining the

> validity of the petition or resolution' and endows it with the powers and duties it normally has when reviewing incorporation petitions. Those powers include the ability to consider, among other things, population statistics, the need for governmental services in the incorporated area, and the general effect on the entire community.
>
> While these statutes furnish 'broad powers concerning annexations,' *none mentions Act 425 agreements or purports to grant the Commission authority over them.* [500 Mich at 374; emphasis added].

The Court also looked at Act 425 and concluded that statute did not provide the State Boundary Commission ("BSC") with such authority. Instead, that law expressly states that Act 425 Agreements that are "in effect" preempt annexation petitions submitted to the BSC—leading to the same obvious result that the BSC lacked authority to consider the validity of an Act 425 agreement. *Clam Lake* has no bearing on this case, which involves a wholly different statute (Act 233) that clearly establishes the Commission's jurisdiction over the Application and contains no exception or carve out from that jurisdiction when it comes to the public meeting provision.

The Township's repeated but misplaced reliance on *Clam Lake* conflates the issue of determining an administrative body's statutory authority to act with the issue of whether a particular statutory requirement should be deemed jurisdictional. Indeed, ALJ Wallace correctly relied on *In re Eddins*, 342 Mich App 529; 995 NW2d 604 (2022) to reject such an argument. See 4/2/26 Order at 17-18. In that case, the Court of Appeals found that the probate court had "the abstract power to try cases brought under the Mental Health Code" and that the court's "subject-matter jurisdiction [was] not dependent upon whether the petition for continuing mental health treatment filed in this case strictly complied with the requirements of the Mental Health Code." 342 Mich App at 542. In other words, a statutory requirement relevant to a proceeding in which the tribunal otherwise has the abstract power to hear the case is not a jurisdictional bar unless the Legislature has clearly and unmistakably stated so. And that is equally true when considering the

subject matter jurisdiction of the probate court to consider a petition under the Mental Health Code (as was the case in *Eddins*) as well as the Commission's jurisdiction to consider the Application under Act 233 to allow Rouget Road to construct a large-scale solar project.

Without an "unmistakable," "clear statement" by the Legislature that the "public meeting" provision is "jurisdictional," the Township's position is legally erroneous. The Commission has jurisdiction over Rouget Road's Application. Respectfully, the Commission's application for leave to appeal should be denied.

C. The Commission correctly interpreted Act 233's public meeting provision when it adopted the AFIPs

MCL 460.1223(1) states only that an applicant "shall hold a public meeting in each affected local unit." Act 233 does not define "public meeting." Nor does it describe or articulate how an applicant must conduct that public meeting (e.g., the time of day a meeting must be held). And critically, MCL 460.1123(1) does not define what it actually means to hold a public meeting "in each affected local unit." Does that phrase mean the public meeting must be held: (i) "within" a local unit's strict geographical limit, perhaps as used in the 2020 Census; or, *apropos* here (ii) in the same building utilized by that local unit for its own public meetings, even if less than a mile outside of that local unit's strict geographical limit?

Appreciating these circumstances, the Commission implemented the "public meeting" provision in its October 2024 Order, and it did so consistent with the Legislature's intent. The Supreme Court's decision in *Younkin v Zimmer*, 497 Mich 7; 857 NW2d 244 (2014) illustrates this point.

In *Younkin*, the Court considered a closely analogous statutory provision implemented by workers compensation hearing officials. *Id*. at 8. Specifically, MCL 419.841 provided that a worker's compensation hearing "shall be held at the locality where the injury occurred." *Id*. The

plaintiff, who had filed a workers compensation claim, was injured in Genesee County. However, defendants subsequently notified him that "the Genesee County hearing site where plaintiff's case was assigned would be closed and that all pending cases from the county, including plaintiff's, would be transferred to the State Secondary Complex in Dimondale, which is about 70 miles" away. The trial court granted a writ of mandamus requiring the hearing to be held in Genesee County, and the Court of Appeals affirmed.

But the Supreme Court reversed, citing the "respectful consideration" that must be afforded to those implementing the law. *Id*. Specifically, it held that the defendants, who "in their official capacities as administrators of the workers' compensation hearing system, interpreted the term 'locality' to mean 'district' or [a definite region,] were entitled to respectful consideration." *Id*. at 10. As the Court found, "because defendants' interpretation does not 'conflict with the Legislature's intent as expressed in the language of the statute at issue,' there [were] no … 'cogent reasons' to overrule it." *Id*. So, the State Secondary Complex in Dimondale—some 70 miles away—complied with the statute as interpreted by those implementing the law.

The same is true here. The Commission's October 2024 Order must be given "respectful consideration," including its interpretation that the "public meeting" provision of MCL 460.1223(1) is satisfied in some circumstances where the public meeting is held near, but technically outside of the local unit's corporate boundary. The Township offers no "cogent reason" to rule otherwise. Had the Legislature intended for the "public meeting" requirement to be as the Township urges, the Legislature easily could have specified that the public meeting must occur "within an affected local unit's corporate limits or boundaries" or "within a local unit's jurisdiction." Certainly, the Legislature knows how to do that—it did elsewhere in Act 233 when, for example, defining a "compatible renewable energy ordinance," stating: "A local unit of

government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities *in effect within its jurisdiction*." MCL 460.1221(f) (emphasis added).

For those reasons, the Township's reliance on *In re Implementing Provisions of PA 233*, __ Mich App __; NW3d __ (2026) (Docket No. 373259) is unavailing. There, while the Court of Appeals disagreed with the Commission's interpretation of some provisions of Act 233, it affirmed the Commission 's interpretation of others. And the court did not deviate from the respectful consideration doctrine—noting that it will "respectfully consider the [Commission's] statutory interpretations, which will not be overturned in the absence of cogent reasons." *Id*. And most importantly, the court did not consider MCL 460.1223(1)'s language regarding a public meeting. And that was because the townships in that case (represented by the same counsel as the Township here) did not challenge the Commission's interpretation allowing a public meeting to be held outside of an affected local unit's corporate boundaries in some instances as stated in the AFIPs.

In sum, the Commission's interpretation of the public meeting provision is correct and consistent with the Legislature's intent in enacting Act 233. As this contested case proceeds and a full record develops, Rouget Road will demonstrate both that it complied with MCL 460.1223(1)'s public meeting language and that its Application should be granted. The Township has provided no reason to deviate from that ordinary course, and its application for leave should be denied.

V. CONCLUSION

Rouget Road respectfully requests that Commission deny the Township's application for leave and award Rouget Road any further relief that is deemed just and appropriate.

DICKINSON WRIGHT PLLC

Dated: May 22, 2026

/s/ Ryan M. Shannon
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 Rouget Road Solar, LLC

Exhibit 1

From: Christine Whited <palmyratownshipclerk@gmail.com>
Sent: Thursday, July 10, 2025 3:27 PM
To: Alannah Woodring <awoodring@esa-solar.com>
Cc: palmyratownshipsupervisor@gmail.com <palmyratownshipsupervisor@gmail.com>
Subject: Re: Rental Venues for Public Meeting

Hi Alannah,

The Township does not rent the building, but the church on the corner of Rouget and Palmyra Rd. can be rented. Our assistant fire chief, Brian Wilcox, owns it, and it is now a venue. I do think the American Legion would be a good place for meetings as well.

On Thu, Jul 10, 2025 at 10:53 AM Alannah Woodring <awoodring@esa-solar.com> wrote:

> Hi Dave & Chris,
>
> I wanted to confirm if the township rents out the township hall? Last I knew the township did not rent out the hall, but I wanted to confirm if things have changed. We are looking at venues to host a public meeting for our solar project & would like to host at a location in Palmyra township or nearby and wanted to confirm if the township hall is an option. If the township hall is not available, do you think the Blissfield American Legion is a good place to hold our meeting?
>
> Thank you,
> **Alannah Woodring**
> *Project Development Manager*
> **mobile** 517-902-1538
> **email** awoodring@esa-solar.com
>
> esa
> 2250 Lucien Way, Suite 305
> Maitland, FL 32751
> www.esa-solar.com

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Christine Whited
Palmyra Township Clerk
517-260-8628

Exhibit 2

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of ROUGET ROAD SOLAR FARM, LLC for a Renewable Energy or Storage Siting Certificate to construct a solar energy facility.	))))))	Case No. U-22003

AFFIDAVIT OF KEVIN COLE

I, Kevin Cole, being first duly sworn, depose and state as follows:

1. I am over the age of 18, have personal knowledge of the matters contained in this Affidavit, and am competent to testify regarding these facts.

2. I am employed by RWE Clean Energy, Inc ("RWE") as a Project Development Manger. In that position, one of my responsibilities is to serve as the project lead for the Rouget Road Solar Project (the "Project"), which filed an application with the Commission on December 10, 2025 under Act 233 of 2023. In that role, I have been responsible for leading all development activities and coordinating the full project team, including outside consultants and contractors. My responsibilities further include managing the Project schedule, overseeing engineering and environmental work, and general management duties. I am also responsible for organizing all community outreach related to the project, which includes the public meeting held on August 25, 2025.

3. In early July 2025, I instructed our team members and contractors to coordinate with officials at Palmyra Township to determine a suitable location for a public meeting. A representative for Rouget Road and the Clerk for Palmyra Township subsequently exchanged email correspondences, in which it became clear the Township would not allow Rouget Road to

rent the Township Hall for the public meeting under MCL 460.1123(1). In that same correspondence, the Township's Clerk shared her position that the local American Legion in Blissfield Township would be a "good place" for the public meeting.

4. After learning that the Township Hall was not available for Rouget Road to rent, our team was unaware of any other facility within the Palmyra Township boundaries that we could be assured had both the capacity and accessibility needed to host the public meeting.

5. In finding a location for the public meeting, the Rouget Road team attempted to balance the need for adequate space to allow sufficient public access with the need for holding the meeting in proximity to the Township and the location of the Project. The location that best allowed Rouget Road to achieve those goals was the local American Legion.

6. Rouget Road confirmed that the American Legion had both the proximity and capacity appropriate to hold the public meeting. Finding a facility of adequate size was important because we wanted to accommodate all individuals interested in the Project. The American Legion contains a large banquet hall with capacity for up to 300 people. We also learned that the America Legion would allow access to two 70-inch monitors that could be used to present information to meeting attendees. Further, the American Legion is also centrally located to both Palmyra Township residents and the location of the Project. Specifically, it is about .69 miles from the Palmyra Township border and approximately 3.6 miles from the Project's closest participating parcel.

7. The information above, and other documents attached to Rouget's Road's Omnibus Response, demonstrate that our team made a good effort to hold the public meeting as close to the Project and to residents as we could. In doing so, we ensured that members of the public could attend the meeting to share their views and learn details of the Project.

FURTHER AFFIANT SAYETH NOT.

Kevin Cole

Subscribed and sworn to before me,
a Notary Public, this 6th day of
March 2026.

Russell S. Shinevar
Notary Public Eaton County, Michigan
Acting in Ingham County, Michigan
My Commission Expires: April 10, 2027