

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of  
HEADLAND SOLAR, LLC for a Renewable Case No. U-22004  
Energy or Storage Siting Certificate to  
construct a solar energy facility.

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**LIVINGSTON COUNTY’S PETITION TO INTERVENE**

NOW COMES Livingston County (“County”), by and through its counsel, Cohl, Stoker & Toskey, P.C., who hereby petitions the Michigan Public Service Commission (“MPSC” or “Commission”) for intervention by right in the above-captioned proceeding pursuant to Public Act 233 of 2023 (“PA 233”) and Michigan Administrative Code, Rule 792.10410 (“Rule 410”) of the Commission’s Rules of Practice and Procedure.

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

1. Headland Solar, LLC filed the present siting certificate application for a solar energy facility with a proposed capacity of approximately 220 MW, with potential expansion up to 250 MW, to be located within Cohoctah and Conway Townships in Livingston County (the “Project”). The Project is proposed on approximately 1,240 acres of fenced-in area and 2,375 acres of participating land.

2. Pursuant to Section 226(3) of PA 233, an “affected local unit” is explicitly authorized to intervene as a third party in such a proceeding as a matter of right. MCL 460.1226(3). 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); *In re Implementing Provisions of Public Act 233 of 2023*, \_\_\_ Mich App \_\_\_ ; \_\_\_ NW3d \_\_\_ (2026) (Docket No. 373259).

3. Because the Project is proposed to be located entirely within Livingston County, the County qualifies as an affected local unit (“ALU”) under MCL 460.1221(a) and is expressly authorized to intervene in this proceeding as a matter of right under MCL 460.1226(3).

4. To the extent the Commission applies its traditional standing analysis under Rule 410, the County also satisfies that standard as described in *Association of Data Processing Service Organizations, Inc v. Camp*, 397 US 150 (1970), adopted by the Commission in its November 10, 1988 Order in Case No. U-9138.

5. The Commission’s test for standing requires a showing that (1) the prospective intervenor will suffer an injury in fact as a result of the outcome of the case; and (2) the interests allegedly endangered fall within the zone of interests intended to be protected or regulated by the statute or constitutional guarantee 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.

6. The interests of the County are impacted by the activity proposed in the application and the location of the proposed Project.

7. The Project will be constructed, developed, and operated within the geographic boundaries of the County.

8. Utility-scale solar installations within an ALU 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. communication and signal interference, MCL 460.1225(1)(o); 4. stormwater patterns, MCL 460.1225(1)(p); 5. 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 farmland, MCL 460.1226(6); and 8. sound impacts or nuisances, MCL 460.1226(8)(a)(iv).

9. With regard to the second prong, the County's interests fall within the zone of interests intended to be protected or regulated by PA 233. Several provisions of PA 233 are designed to protect against potential adverse impacts or nuisance conditions caused by utility-scale renewable energy projects. See MCL 460.1226(6)(a)-(d). Those provisions authorize the Commission to consider feasible alternative developed locations, evaluate the impact of the proposed facility on local land use, and condition approval on the applicant taking additional reasonable actions to address the impacts of the proposed energy facility.

10. The County meets the two-prong test set by the Commission for intervention by right.

11. Alternatively, the County satisfies the Commission's criteria for permissive intervention. "[T]he Commission's discretion to grant leave to intervene is broader than the two prong 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.

12. The Commission has granted permissive intervention where a proceeding "raises novel questions and important issues of policy" and the intervenor will "bring a unique perspective to the case." *In re Consumers Energy to Fully Comply with Public Act 295 of 2008*, MPSC Case No. U-17771, October 27, 2015, Order, p 6.

13. The County has a unique perspective and distinct concerns regarding the effects the Project may have on its residents, infrastructure, land use, emergency services, and local public interests. These perspectives will aid the Commission during the pendency of this contested case.

14. The County also reserves the right to raise procedural and substantive issues relating to the completeness of the siting application and the treatment of Livingston County as an ALU. The County was not initially treated as an ALU by either the Commission or Headland Solar. Following the Court of Appeals' decision in *In re Implementing Provisions of Public Act 233 of 2023*, \_\_\_\_ Mich App \_\_\_\_; \_\_\_\_ NW3d \_\_\_\_ (2026) (Docket No. 373259), however, Livingston County qualifies as an ALU under PA 233.

15. The County should be given the opportunity to participate as a full party in this contested case so that it may examine and, if appropriate, challenge the reasonableness of Headland Solar's proposed Project.

16. The County's interests are separate and distinct from those of the other parties already participating in this contested case. Denying intervention would impair the County's ability to protect those interests and would be contrary to the public interest.

17. The County's Petition is timely filed as it is being filed by the July 21, 2026, deadline established in this proceeding.

18. The County reserves the right to take additional positions and seek other relief based on its review of the filings, responses to discovery, testimony, evidence and legal positions submitted in this contested case.

WHEREFORE, Livingston County respectfully requests that the Commission grant its Petition to Intervene, allow the County to participate as a full party in this contested case, and grant such and further relief as the Commission deems just and warranted under the circumstances.

Respectfully submitted,

Cohl, Stoker & Toskey, P.C.

Dated: July 20, 2026

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