STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, to implement the provisions of Sections 22 through 49 and related definitions of Public Act 235 of 2023.	Case No. U-21568
In the matter of the petition of **ENERGY MICHIGAN** for a declaratory ruling regarding the interpretation of Sections 28 and 29 of 2023 PA 235 concerning the bundling requirements for renewable energy credits.	Case No. U-22112
In the matter of the petition of **BILLERUD AMERICAS CORPORATION** for a declaratory ruling regarding the interpretation of Sections 28 and 29 of 2023 PA 235 concerning the bundling requirements for renewable energy credits.	Case No. U-22113

At the August 6, 2026 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER

On November 28, 2023, Governor Gretchen Whitmer signed into law Public Act 235 of 2023 (Act 235), which, among other things, amended Sections 22 through 49 of Public Act 342 of 2016 (Act 342), to increase the renewable portfolio standards (RPS) for electric providers from 15%

through 2029 to 50% in years 2030 through 2034, and 60% in 2035 and thereafter. Act 235 took effect on February 27, 2024.

Section 22(3) of Act 235 requires electric providers to file with the Commission their respective amended renewable energy plans (REPs) within one year of the effective date of Act 235. For rate-regulated electric providers, the amended REP shall include a mechanism for recovering the incremental cost of compliance within their rates and a forecast of the renewable energy resources needed to comply with the new RPS set forth in Section 28(1). For rate-regulated electric providers, the Commission shall conduct a contested case proceeding pursuant to the Administrative Procedures Act of 1969 (APA), MCL 24.201 *et seq*., and the Commission shall issue a final order in these matters approving the REP, approving the REP with changes consented to by the provider, or rejecting the REP within 300 days from the date of filing. MCL 460.1022.

On February 8, 2024, the Commission issued an order in this docket (February 8 order) setting a staggered schedule for the amended REP filings pursuant to Section 22 of Act 235 and requesting comments on several topics related to the implementation of Act 235. The Commission received several comments, and on April 25, 2024, the Commission issued an order in Case No. U-21568 (April 25 order) summarizing and responding to comments as well as seeking additional comment on the draft amended REP filing requirements attached to the order as Exhibit A. On May 23, 2024, the Commission issued an order in Case No. U-21568 (May 23 order) summarizing and responding to the comments and approving the amended REP filing requirements and template.

On January 6, 2026, Energy Michigan filed a request for a declaratory ruling in Case No. U-21568 (January 6 request), pursuant to Section 63 of Public Act 306 of 1969, the APA, MCL 24.263, and Mich Admin Code, R 792.10448 (Rule 448). In its request, Energy Michigan asks the Commission for a declaratory ruling and order stating that all renewable energy dockets have a risk of disclosure of confidential and/or commercially sensitive information to the public, and are therefore entitled to protections for confidential, commercially sensitive information they may contain. January 6 request, p. 1. On April 29, 2026, Energy Michigan also filed a request for a declaratory ruling in Case No. U-22112 (Energy Michigan's April 29 request) pursuant to Section 63 of the APA and Rule 448, regarding the interpretation of Sections 28 and 29 of Act 235 as they relate to the purchase or acquisition of renewable energy credits (RECs) for RPS compliance and the clean energy standard (CES). Also on April 29, 2026, Billerud Americas Corporation (Billerud) filed a request for a declaratory ruling in Case No. U-22113 (Billerud's request) pursuant to Section 63 of the APA, MCL 24.263, and Rule 448,[1] regarding the interpretation of Sections 28 and 29 of Act 235 as they relate to the requirements for the bundling of RECs generated from behind-the-meter (BTM) resources.

This order addresses all three requests.

Energy Michigan's January 6, 2026 Request for a Declaratory Ruling

Beginning with Energy Michigan's January 6 request, Energy Michigan states that the Commission has not explicitly ruled on protections for confidential or commercially sensitive information submitted in renewable energy plan dockets, such as filings of amended REPs. Energy Michigan argues that electric providers risk revealing information that may place them at a competitive disadvantage, as the submissions for such REP dockets are generally made public and

[1] In its request, Billerud erroneously cited to Section 81 of the APA and Mich Admin Code, R 792.10435 (Rule 435) as the legal authorities under which it filed its request. Billerud's request, p. 1. However, Section 81 of the APA pertains to proposals for decision and Rule 435 pertains to exceptions to proposals for decision. For accuracy and clarity, the Commission includes the correct citations to Section 63 of the APA and to Rule 448 in this order.

may also be subject to disclosure under the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq*., without the Commission taking action to ensure the applicability of an exemption under MCL 15.243(1)(f). January 6 request, pp. 1-2. Energy Michigan states that this concern can be addressed with the same approach used by providers in other proceedings before the Commission, such as capacity demonstration filings pursuant to Section 6w of Public Act 3 of 1939. January 6 request, p. 2. Energy Michigan then recites a brief procedural history leading to the February 8, 2024 order in Case No. U-21568, which sets a schedule for amended REP filings and stated that the Commission has opened these public comment periods in these filings without offering protections for commercially sensitive or confidential information as it has done in capacity demonstration cases and other proceedings. January 6 request, p. 3 (citing January 12, 2017 order in Case No. U-18197 (January 12 order), pp. 4-7, and July 26, 2023 order in Case Nos. U-21225 *et al*., p. 20).

Energy Michigan avers that it has met the legal standards for a declaratory ruling because Section 13 of FOIA authorizes a public body to exempt from disclosure a public record including trade secrets or financial information voluntarily provided to an agency under certain conditions. January 6 request, pp. 5-6 (citing MCL 15.243(1)(f)). Energy Michigan states that the Commission has previously protected such commercially sensitive material, and, therefore, Energy Michigan requests that the Commission apply the same process for submitting confidential and/or commercially sensitive information to REP filings, such as those required per the order in Case No. U-21568, as it applies for capacity demonstrations per the January 12 order. January 6 request, p. 6.

<u>Energy Michigan's April 29, 2026 Request for a Declaratory Ruling</u>

Turning to Energy Michigan's April 29 request, Energy Michigan first provides the basis for its interest in the Commission's interpretation of Act 235 and recites the statutory history of Act 235's amendments pertaining to how RECs in Michigan can be applied to meet RPS and CES compliance. Per Energy Michigan:

> [T]wo apparent points of tension exist between these two provisions: the first regarding whether the purchase of "energy" must accompany the purchase of RECs and capacity in order for a REC to be considered "bundled" and thus eligible for compliance purposes; and the second whether or not capacity is required to be bundled with RECs generated in the state of Michigan. Energy Michigan respectfully submits that apparent inconsistencies between statutory provisions can be reconciled by applying the understanding of these provisions addressed here.

Energy Michigan's April 29 request, p. 2.

Energy Michigan further explains that Section 28(5) of Act 235 requires providers to meet the REC standard with RECs obtained by:

> (a) Generating electricity from renewable energy systems for sale to retail customers.
> (b) Purchasing or otherwise acquiring renewable energy and capacity.
> (c) Purchasing or otherwise acquiring renewable energy credits without the associated renewable energy or capacity.

Energy Michigan's April 29 request, p. 3 (quoting MCL 460.1028(5)). Per Energy Michigan, Section 28(5)(c) includes a further limitation that the RECs shall be produced within the territory of the regional transmission organization (RTO) of which the electric provider is a member, and, except for a municipally owned electric utility, shall not exceed 5% of an electric provider's RECs annually used to comply with the renewable energy standard. Additionally, RECs in subsection (5)(c) are not subject to the requirements of MCL 460.1029 and shall not be used for RPS compliance after 2035. Energy Michigan's April 29 request, p. 3 (quoting MCL 460.1028(5)).

Energy Michigan then states that subsection (b) appears to require the acquisition of both energy and capacity along with the RECs and, read in isolation, seems to be limited to a power purchase agreement that includes energy, capacity, and RECs. Energy Michigan's April 29 request, p. 3 (citing MCL 460.1028(5)(b)). Next, Energy Michigan recites Section 29(1) of Act 235, which provides as follows, in relevant part:

> a renewable energy system that is the source of renewable energy credits used to satisfy the renewable energy standards shall be located as described in either of the following:
>
> (a) Anywhere in this state.
>
> (b) Outside of this state, but only if the electric provider includes the capacity from the renewable energy system toward meeting its resource adequacy obligations to the applicable regional transmission organization.

Energy Michigan's April 29 request, pp. 3-4 (quoting MCL 460.1029(1)). Energy Michigan points out that Section 29(1) speaks only to capacity in the case of out-of-state RECs under subsection (1)(b) and imposes no express energy or capacity requirement on in-state RECs under subsection (1)(a). Further, Section 29(2) clarifies that Section 29(1) "does not require an electric provider to procure firm transmission rights to ensure deliverability to the resource adequacy zone where the load is served." Energy Michigan's April 29 request, p. 4 (quoting MCL 460.1029(2)).

In consideration of these statutory provisions, Energy Michigan requests a declaratory ruling answering the following questions:

> 1. Whether the reference to "renewable energy and capacity" in Section 28(5)(b) of Act 235 should be interpreted to mean "renewable energy credits and capacity," such that the purchase of the underlying commodity energy is not a prerequisite for a REC to qualify as "bundled" under the statute.
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> 2. Whether RECs generated by facilities located within the State of Michigan should be presumed to satisfy any bundling requirement under Sections 28(5) and 29(1) of Act 235, on the basis that in-state generation inherently provides capacity and energy benefits to the local grid and the applicable MISO [Midcontinent

> Independent System Operator, Inc.] Zone.
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> 3. Whether the phrase "or otherwise acquiring" in Section 28(5)(b) of Act 235 permits the Commission to find that a load-serving entity satisfies the capacity and energy components of the bundling requirement when in-state renewable generation reduces the load that the load-serving entity must otherwise serve. [MCL] 460.1029(2)).

Energy Michigan's April 29 request, pp. 4-5.

In support of its request, Energy Michigan argues first that there is a tension between Sections 28(5) and 29(1) regarding the necessity of purchasing energy as part of a REC purchase for that REC to be considered bundled. Section 28(5)(b) calls for the acquisition of "renewable energy and capacity," while Section 29(1) addresses only capacity and only in the context of out-of-state generation resources. Energy Michigan's April 29 request, p. 5 (quoting MCL 460.1028(5)(b)). Second, with the tension between Sections 28 and 29 regarding the purchase of energy, Energy Michigan argues that the only reasonable reading is that when Section 28(5)(b) speaks of "purchasing or otherwise acquiring renewable energy and capacity," the phrase "renewable energy" should be understood as "renewable energy credits[,]" which is an interpretation supported by the definitions provided in Act 235 and Section 39(1) of Act 235 as well as the practicalities of the REC market itself. Energy Michigan's April 29 request, pp. 5-7. Third, Energy Michigan contends that reading a separate capacity requirement into Section 28(5) for all RECs conflicts with Section 29(1)(a) around whether capacity is required with the purchase of in-state RECs and "effectively erases the difference between Section 29(1)(a) and 29(1)(b), which renders the whole of Section 29(1) surplusage." *Id.*, p. 7. Fourth, Energy Michigan argues that in-state RECs should be presumed to satisfy any bundling requirement because they provide capacity and energy benefits to the local grid and the applicable MISO zone. *Id.*, pp. 9-10.

Therefore, Energy Michigan requests a declaratory ruling declaring the following:

> 1. That the reference to "renewable energy and capacity" in Section 28(5)(b) of Act 235 is synonymous with "renewable energy credits and capacity," consistent with language in the statutory definitions and a harmonious reading of Sections 28(5) and 29(1).
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> 2. That RECs generated by facilities located within the State of Michigan are presumed to satisfy any bundling requirement under Sections 28(5) and 29(1) of Act 235, because in state generation inherently provides capacity and energy benefits to the local grid and the applicable MISO Zone.
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> 3. That the phrase "or otherwise acquiring" in Section 28(5)(b) of Act 235 permits the Commission to find that a load-serving entity satisfies the capacity and energy components of any bundling requirement when in-state renewable generation reduces the load that the load-serving entity must otherwise serve.
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> 4. Such other and further relief as the Commission deems just and appropriate.

Energy Michigan's April 29 request, p. 10.

<u>Billerud Americas Corporation's Request for a Declaratory Ruling</u>

In Billerud's request, it provides a basis for its interest in this issue and a recitation of Act 235's requirements. Billerud contends that two apparent points of tension exist within Sections 28(5) and 29(1)'s provisions. Namely, the first is regarding whether the purchase of energy must accompany the purchase of RECs and capacity in order for a REC to be considered bundled and thus eligible for compliance purposes; and the second is regarding whether capacity must be bundled with RECs generated within the state of Michigan. Billerud's request, pp. 2-4. Billerud's arguments regarding the tension between Sections 28 and 29 mirror those in Energy Michigan's April 29 request and thus will not be repeated here but are available in Case No. U-22133 for review.

Billerud requests the Commission issue a declaratory ruling answering the following questions:

> 1. Whether the reference to "renewable energy and capacity" in Section 28(5)(b) of Act 235 should be interpreted to mean "renewable energy credits and capacity,"

> such that the purchase of the underlying commodity energy is not a prerequisite for a REC to qualify as "bundled" under the statute.
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> 2. Whether RECs generated BTM by facilities located within the State of Michigan should be presumed to satisfy any bundling requirement under Sections 28(5) and 29(1) of Act 235, on the basis that BTM in-state generation inherently provides capacity and energy benefits to that customer's electric provider, the local grid, and the applicable MISO Zone.
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> 3. Whether the phrase "or otherwise acquiring" in Section 28(5)(b) of Act 235 permits the Commission to find that a load-serving entity satisfies the capacity and energy components of the bundling requirement when in-state renewable generation serves the generator's own load and reduces overall demand on the local grid.

Billerud's request, pp. 4-5.

In support of its request, Billerud makes similar arguments to Energy Michigan beginning with the tension between Sections 28 and 29 regarding the purchase of energy, the only reasonable reading is that when Section 28(5)(b) speaks of "purchasing or otherwise acquiring renewable energy and capacity," the phrase "renewable energy" should be understood as "renewable energy credits[,]" which is an interpretation supported by the definitions provided in Act 235 and Section 39(1) of Act 235 as well as the practicalities of the REC market itself. Billerud's request, pp. 5-6. Second, reading a separate capacity requirement from Section 28(5) into Section 29(1)(a) would create a conflict between these two provisions because the Legislature clearly imposed an affirmative capacity obligation on out-of-state RECs but not in-state RECs; thus, in-state generation does not require the bundling of capacity. *Id*., pp. 7-8. Third, and distinct from the arguments made by Energy Michigan, Billerud contends that all in-state generated RECs would be presumed to be bundled, and, therefore, BTM generation should be recognized as providing the functional equivalent of acquiring energy and capacity. Billerud contends that the Commission has already affirmed this in the October 9, 2025 order in Case Nos. U-21809 *et al*. (October 9 order), which approved a revised settlement agreement in Upper Peninsula Power Company's

(UPPCo) consolidated integrated resource plan and REP case. Billerud quotes the following from the revised settlement agreement approved by the October 9 order:

> [t]he parties further agree that UPPCO acquires both capacity and energy benefits from the RTMP [real time market pricing] customer's [i.e., Billerud's] behind the meter renewable generator ("BTMRG") in the form of interruptible capacity used in the Company's annual capacity demonstration and in the direct reduction of RTMP load when the RTMP customer runs the BTMRG. Because UPPCO acquires both capacity and energy benefits from the RTMP customer's BTMRG, UPPCO's agreement to acquire RECs from the RTMP customer that are also generated by the BTMRG complies with MCL 460.1028(5)(b).

Billerud's request, p. 9 (quoting October 9 order, Exhibit A, p. 5). Billerud further argues that:

> [t]he statutory language further validates this understanding. Consistent with Act 235's definition of "resource adequacy," the MISO market and electric grid operations must have "sufficient resources to provide customers with a continuous supply of electricity at the proper voltage and frequency, virtually always and across a range of reasonably foreseeable conditions." MCL 460.1011(k). Capacity resources located anywhere within a MISO zone benefit the zone as a whole. By expressly subtracting distributed generation outflow, the Legislature recognized that BTM and distributed generation reduces the effective load the provider must serve. Therefore, grid benefits are achieved because BTM generation serves load that would otherwise create demand on the local grid. Billerud's self-generation results in a reduction of the load Billerud would otherwise draw from UPPCO or its Alternative Electric Supplier under UMERC [Upper Michigan Energy Resources Corporation]. The electric providers thus obtain a tangible benefit from the load-generating entity.

Billerud's request, pp. 9-10. Billerud contends that Section 28(5)(b) does not limit qualifying transactions to conventional purchases by including "or otherwise acquiring" and, therefore, it is reasonable to conclude that BTM renewable generation is the type of non-purchase acquisition that the statute contemplates. *Id*., p. 10. Billerud argues that the Commission can affirm that a provider is "otherwise acquiring" the capacity or energy associated with in-state REC because the in-state renewable generation reduces the load that the provider would otherwise have to meet. *Id*.

Billerud requests that the Commission issue a declaratory ruling confirming the following:

> 1. That the reference to "renewable energy and capacity" in Section 28(5)(b) of Act 235 is synonymous with "renewable energy credits and capacity," consistent

with language in the statutory definitions and a harmonious reading of Sections 28(5) and 29(1).

> 2. That RECs generated by facilities located within the State of Michigan are presumed to satisfy any bundling requirement under Sections 28(5) and 29(1) of Act 235, because in-state generation inherently provides capacity and energy benefits to the electric supplier, the local grid and the applicable MISO Zone.
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> 3. That the phrase "or otherwise acquiring" in Section 28(5)(b) of Act 235 permits the Commission to find that a load-serving entity satisfies the capacity and energy components of any bundling requirement when in-state renewable generation serves the generator's own load and reduces the demand that the electric provider must otherwise meet.
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> 4. That RECs generated by BTM renewable energy systems located within Michigan are eligible for use by electric providers under Section 28(5)(b) of Act 235, rather than being limited to the restrictions applicable to unbundled RECs under Section 28(5)(c), because such BTM generation provides energy and capacity benefits to the local grid by reducing the load that the electric provider must otherwise serve.
>
> 5. Such other and further relief as the Commission deems just and appropriate.

Billerud's request, pp. 10-11.

<u>Discussion</u>

Section 63 of the APA provides as follows:

> On request of an interested person, an agency may issue a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the agency or of a rule or order of the agency. An agency shall prescribe by rule the form for such a request and procedure for its submission, consideration and disposition. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by any court. An agency may not retroactively change a declaratory ruling, but nothing in this subsection prevents an agency from prospectively changing a declaratory ruling. A declaratory ruling is subject to judicial review in the same manner as an agency final decision or order in a contested case.

MCL 24.263.

Rule 448 provides as follows:

> (1) Any person may request a declaratory ruling as to the applicability to an actual state of facts of a statute administered by the commission or of a rule or order of the commission, pursuant to sections 33 and 63 of the act, MCL 24.233 and 24.263. A request for a declaratory ruling must contain, or by attached exhibits show, all of the following:
>
> > (a) A complete, accurate, and concise statement of the facts or situation upon which the request is based.
> > (b) A concise statement of the issues presented.
> > (c) Specific reference to all statutes, rules, and orders to which the request relates.
> > (d) An analysis by the person's legal counsel of the issues presented and a proposed conclusion, or the person's analysis of the issues presented and a proposed conclusion.
>
> (2) The commission may require that notice of the request for declaratory ruling be provided and may require a contested case proceeding instead of issuing a declaratory ruling.
>
> (3) The decision to issue a declaratory ruling is within the discretion of the commission and is binding only on the applicant and the commission.

Mich Admin Code, R 792.10448.

Beginning with Energy Michigan's January 6 request, the Commission finds that Energy Michigan's request for a declaratory ruling should be granted. While the Commission notes that a provider is already able to submit confidential filings in its REP filing, the Commission agrees that the same process which allows for the submission of confidential or commercially sensitive information in capacity demonstration and IRP proceedings should be explicitly included in the REP filing requirements and instructions. Therefore, the Commission revises the Filing Requirements and Instructions for REPs for Michigan Investor-Owned Retail Rate-Regulated Electric Utilities, Alternative Electric Suppliers, Member-Regulated Electric Cooperatives, and Municipally Owned Electric Utilities, attached to this order as Exhibit A, to reflect the allowance for the use of protective orders and/or confidential filings to protect confidential and/or commercially sensitive information, with the following language:

> Because some of the documentation that is required to be filed in REPs is commercially sensitive, competitive information, an electric provider may, in whole or in part, file its REP confidentially and the inclusion of such confidential or commercially sensitive material in an electric providers' REP may be subject to confidentiality agreements or protective orders, as appropriate.

Following the issuance of this order, the Commission Staff (Staff) shall update the Commission's webpage for renewable energy filings[2] with the revised filing requirements and instructions for use by electric providers going forward.

Turning to the requests for a declaratory ruling in Case Nos. U-22112 and U-22113, the Commission finds that more appropriate avenue to address the questions regarding the interpretation of Act 235 is through a comment period in Case No. U-21568 that will allow all interested persons to provide feedback regarding the issues posed by Energy Michigan and Billerud. As such, the requests for a declaratory ruling in Case Nos. U-22112 and U-22113 are denied. Instead, the Commission directs that any interested person may file initial comments and reply comments in Case No. U-21568 addressing the following questions:

1. Should the reference to "renewable energy and capacity" in MCL 460.1028(5)(b) be interpreted to mean "both renewable energy and capacity as well as the associated REC" or "renewable energy credits and associated capacity," such that the purchase of the underlying energy commodity is not a prerequisite for a REC to qualify as "bundled" under the statute?

2. If MCL 460.1028(5)(b) is interpreted to require renewable capacity and RECs without the associated energy, should the RECs be limited to the pro-rata share of capacity from a particular renewable energy system?
    a. If so, how should this be calculated?
    b. If not, why not?

3. Should the phrase "or otherwise acquiring" in MCL 460.1028(5)(b) be interpreted to allow a load-serving entity to satisfy the capacity and energy components of the bundling requirement under a presumption that in-state renewable generation reduces the load that the load-serving entity must otherwise serve?

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[2] The renewable energy filings page is available at: https://www.michigan.gov/mpsc/consumer/electricity/renewable-energy/renewable-energy-filings (last visited July 27, 2026).

   a. If this presumption is true, in what situation would the 5% limitations within MCL 460.1028(5)(c) take effect?

4. Should BTM in-state generation be presumed to provide capacity and energy benefits to that customer's electric provider, the local grid, and the applicable RTO zone so that RECs generated BTM by facilities located within the state of Michigan are presumed to satisfy any bundling requirement under MCL 460.1028(5) and MCL 460.1029(1)?
   a. Why (or why not) would this situation be different than the situation contemplated in question 3?

5. MCL 460.1029(1)(b) makes no mention of energy, only capacity and RECs. Should out-of-state resources be treated differently from in-state resources with respect to the provisions in MCL 460.1028(5)?

6. If MCL 460.1029(1)(b) is intended to apply only to capacity and RECs without the associated energy, should it be interpreted such that the RECs and capacity acquired out-of-state must both be acquired from the same facility?

Interested persons filing initial comments and reply comments may include any further clarifying comments relevant to the interpretation of the RPS requirements in Act 235 that are not specifically included in the above list of questions. Following the submission of initial comments and reply comments, the Commission will issue an order with a determination as to the interpretation of Act 235 moving forward.

Any person may submit written initial and reply comments on the enumerated issues or other issues. All comments should be paginated and must reference Case No. U-21568. Initial comments must be received no later than 5:00 p.m. (Eastern time (ET)) on August 27, 2026, and reply comments must be received no later than 5:00 p.m. (ET) on September 10, 2026. Written comments should be mailed to: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Comments submitted in electronic format may be filed via the Commission's E-dockets website or, for those persons without an E-dockets account, via email to LARA-MPSC-Edockets@michigan.gov, or via the Submit Comments option located within the E-dockets file for the case. Any person requiring assistance prior to filing comments may contact the Staff at (517) 284-8090. All filed comments will become public information available on the Commission's E-dockets website (either under the Filings or Case Comments section) and will be subject to disclosure.

THEREFORE, IT IS ORDERED that:

A. The January 6, 2026 request for a declaratory ruling filed in Case No. U-21568 by Energy Michigan and the relief requested therein is granted, as described in this order.

B. The Filing Requirements and Instructions for Renewable Energy Plans for Retail Rate-Regulated Investor-Owned Utilities, Alternative Electric Suppliers, Member-Regulated Electric Cooperatives, and Municipally Owned Electric Utilities are revised, as described in this order, approved for use by electric providers in the filing of renewable energy plans, and attached to this order as Exhibit A. The Commission Staff shall update the Commission's website with the revised filing requirements and instructions.

C. Energy Michigan's April 29, 2026 request for a declaratory ruling in Case No. U-22112 is denied, as described in this order.

D. Billerud Americas Corporation's April 29, 2026 request for a declaratory ruling in Case No. U-22113 is denied, as described in this order.

E. Initial comments on the topics described in this order in Case No. U-21568 must be received no later than 5:00 p.m. (Eastern time) on August 27, 2026, and reply comments must be received no later than 5:00 p.m. (Eastern time) on September 10, 2026.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheac1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Shaquila Myers, Commissioner

By its action of August 6, 2026.

Lisa Felice, Executive Secretary

Michigan Public Service Commission
2023 Public Act 235

Filing Requirements and Instructions for Renewable Energy Plans for Michigan Investor-Owned Retail Rate-Regulated Electric Utilities

PA 235 of 2023 Section 22 *Within 1 year after the effective date of the amendatory act that added section 51 and within 2 years after the Commission issues an order approving the electric provider's last amended renewable energy plan,* ***an electric provider shall file an amended renewable energy plan*** *that includes a forecast of the renewable energy resources needed to comply with the renewable energy credit standard pursuant to a filing schedule established by the commission.*

PA 235 of 2023 Section 28 (1) *An electric provider shall achieve a renewable energy credit portfolio of at least the following:*

(a) Through 2029, 15%.
(b) In 2030 through 2034, 50%.
(c) In 2035 and each year thereafter, 60%.

(2) An electric provider's renewable energy credit portfolio shall be calculated as follows:

(a) Determine the number of renewable energy credits used to comply with this subpart during the applicable year.

(b) Divide by 1 of the following at the option of the electric provider as specified in its renewable energy plan:

(i) The number of weather normalized megawatt hours of electricity sold by the electric provider during the previous year to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(ii) The average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(c) Multiply the quotient under subdivision (b) by 100.

(3) Notwithstanding subsection (1) and subject to subsection (4), in any year a cooperative electric provider or a multistate electric provider may calculate its maximum renewable energy credit portfolio requirement as follows:

(a) Determine the number of megawatt hours of electricity sold by the electric provider to retail customers in this state using the option the electric provider selected under subsection (2)(b).

(b) Subtract the number of megawatt hours of nuclear energy that the electric provider obtained from a system located in this state that the electric provider owned or from which the electric provider had contracted to receive nuclear energy on or before January 1, 2024.

(4) An electric provider described in subsection (3) is required to achieve a renewable energy credit portfolio equal only to the electric provider's maximum renewable energy credit portfolio requirement if the electric provider's maximum renewable energy credit portfolio requirement is less than the number of renewable energy credits required to comply with the applicable standard in subsection (1). If the electric provider is a multistate electric provider, and the electric provider's maximum renewable energy credit portfolio requirement is less than the number of renewable energy credits required to comply with the applicable standard in subsection (1), then the electric provider is required to achieve a renewable energy credit portfolio equal only to the electric provider's maximum renewable energy credit portfolio requirement if all of the following requirements are met:

(a) The electric provider's electricity generation systems located within this state produce energy exceeding the electric provider's electricity sales in this state.

(b) All of the electric provider's electricity generation systems located within this state are clean energy systems.

(c) All of the renewable energy credits generated in this state are used by the electric provider toward compliance with the renewable energy credit portfolio as calculated under subsection (2).

(d) Renewable energy and clean energy generated in this state equal to or exceeding the provider's electricity sales in this state are not used by the provider or any other provider to comply with any similar standards.

(5) Each electric provider shall meet the renewable energy credit standard, subject to subsection (3), with renewable energy credits obtained by any of the following means:

(a) Generating electricity from renewable energy systems for sale to retail customers.

(b) Purchasing or otherwise acquiring renewable energy and capacity.

(c) Purchasing or otherwise acquiring renewable energy credits without the associated renewable energy or capacity. Renewable energy credits acquired under this subdivision shall be produced within the territory of the regional transmission organization of which the electric provider is a member, and, except for a municipally owned electric utility, shall not exceed 5% of an electric provider's renewable energy credits annually used to comply with the renewable energy standard. Renewable energy credits acquired under this subdivision are not subject to the requirements of section 29 and shall not be used to comply with the renewable energy standard after 2035.

PA 235 of 2023 Section 45 (1) *For an electric provider whose rates are regulated by the commission, the commission shall determine a revenue recovery mechanism, subject to section 47, for the electric provider's tariffs that permit recovery of the incremental cost of compliance to implement the amended renewable energy plan.*

(2) An electric provider's incremental cost of compliance shall be recovered through a revenue recovery mechanism that is designed consistent with the production allocation approved in the provider's most recent general rate case under section 6a of 1939 PA 3, MCL 460.6a. An electric provider may propose a revenue recovery mechanism in an amended renewable energy plan to include all or a portion of the electric provider's incremental cost of compliance in base

rates. If an electric provider proposes to include all or a portion of the incremental cost of compliance in base rates, the commission shall review and approve, approve with modifications, or deny the revenue recovery mechanism proposed by the electric provider.

(3) The incremental cost of compliance shall be calculated for a 20-year period beginning with approval of the amended renewable energy plan and may be recovered on a levelized basis.

The following suggests several elements that address the specific items to be included in the amended plan filings. These elements are based on current rate case standard filing requirements, PSCR filing requirements as well as RPS filing requirements of other utilities across the country. These suggestions are intended to be used only as initial guidance. They are not necessarily exhaustive. For any sections that are not applicable, please state as such.

Because some of the documentation that is required to be filed in REPs is commercially sensitive, competitive information, an electric provider may, in whole or in part, file its REP confidentially and the inclusion of such confidential or commercially sensitive material in an electric providers' REP may be subject to confidentiality agreements or protective orders, as appropriate.

1. Detailed renewable resource plan.

a) Forecast expected compliance levels by year to meet the renewable portfolio targets.
b) Identify key assumptions used in developing these forecasts and the proposed resource portfolio.
c) Identify risks which may drive performance to vary.

2. Sales forecast through 2045 for compliance with the renewable energy standard in PA 235 Section 28.

a) Specify whether megawatt hours of electricity used in the calculation are weather-normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to full-service retail customers in the state.

3.) Forecasted megawatt hour outflow from distributed generation customers through 2045.

a) Specify if renewable energy credits from distributed generation outflow are utilized towards compliance with the standard.

4. Forecasted megawatt hours attributable to the voluntary green pricing program through 2045.

5. Forecasted megawatt hours from nuclear energy for electric providers subject to PA 235 Sections (3) and (4) through 2045.

a) Include the energy system type of each electric generating system within the state.
b) Confirm that all renewable energy credits generated within the state are used to comply with the portfolio standard.

6. Forecast of meters by customer class through the end of the plan period if a monthly per meter surcharge is being utilized for recovery of the incremental cost of compliance.

7. Quantity of renewable energy credits

a) Outline the quantity of renewable energy credits the Company forecasts it must obtain each year to meet the renewable standard (PA 235 of 2023 Section 28(1)).
b) Forecast of renewable energy credits subject to the 5% limit as defined by PA 235 Section 28(5)(c) through 2035.
c) Forecast of energy waste reduction credits substituted in each year.
d) Describe the Company's planned renewable portfolio forecasted renewable energy credits obtained via the Michigan incentive renewable energy credits as provided for in PA 235 of 2023 Section 39

8. "Transfer Price" forecast

a) Forecast a price per MWh for each year of the remaining plan period ending in 2045 for renewable **energy** sold to full service retail customers, which will be used in calculating net incremental cost. (PA 235 Section 47)

9. Revenue requirement and cost recovery mechanism

a) Explain in detail the method to recover incremental cost of compliance.
b) Forecast incremental cost of compliance through the end of the plan period in 2045.
c) If applicable, forecast through the end of the plan period in 2045, the regulatory asset/liability balance.
d) Include the forecasted incremental cost of compliance over the plan period. Per (PA 342 of 2016 Section 47) Incremental costs of compliance shall be calculated to include the following:

- Capital, operating, and maintenance costs of renewable energy systems, including property taxes, insurance, and return on equity associated with an electric provider's renewable energy systems, including the electric provider's renewable energy portfolio established to achieve compliance with the renewable energy standards and any additional renewable energy systems that are built or acquired by the electric provider to maintain compliance with the renewable energy standards.

- Financing costs attributable to capital, operating, and maintenance costs of capital facilities associated with renewable energy systems used to meet the renewable energy standard.
- Costs that are not otherwise recoverable in rates approved by the Federal Energy Regulatory Commission and that are related to the infrastructure required to bring renewable energy systems used to achieve compliance with the renewable energy standards on to the transmission system, including interconnection and substation costs for renewable energy systems used to meet the renewable energy standard.
- Ancillary service costs determined by the commission to be necessarily incurred to ensure the quality and reliability of renewable energy used to meet the renewable energy standards, regardless of the ownership of a renewable energy system.
- Expenses incurred as a result of state or federal governmental actions related to renewable energy systems attributable to the renewable energy standards, including changes in tax or other law.
- Any additional electric provider costs determined by the commission to be necessarily incurred to ensure the quality and reliability of renewable energy used to meet the renewable energy standards.
- Subtract from the sum of costs not already included in electric rates determined under subdivision (a) PA 235 Section 47 2(a)(i-vii) – ex. transfer price, environmental attributes, interest on regulatory liability etc.

e) Recovery to include the authorized rate of return on equity, will remain fixed at the rate of return and debt to equity ratio that was in effect in base rates when the renewable plan was approved for any renewable energy system included in plans prior to February 27, 2024. For all renewable energy systems approved by the commission after amended plans are approved, the electric providers shall use it authorized rate of return to be recovered through base rates. (PA 235 Section 47(1)).

10. Tariff filings reflecting the cost recovery mechanism if applicable.

Michigan Public Service Commission
2023 Public Act 235

Filing Requirements and Instructions
for Renewable Energy Plans
for Alternative Electric Suppliers

PA 235 of 2023 Section 22 *Within 1 year after the effective date of the amendatory act that added section 51 and within 2 years after the Commission issues an order approving the electric provider's last amended renewable energy plan,* ***an electric provider shall file an amended renewable energy plan*** *that includes a forecast of the renewable energy resources needed to comply with the renewable energy credit standard pursuant to a filing schedule established by the commission.*

PA 235 of 2023 Section 28 (1) *An electric provider shall achieve a renewable energy credit portfolio of at least the following:*

(a) Through 2029, 15%.
(b) In 2030 through 2034, 50%.
(c) In 2035 and each year thereafter, 60%.

(2) An electric provider's renewable energy credit portfolio shall be calculated as follows:

(a) Determine the number of renewable energy credits used to comply with this subpart during the applicable year.

(b) Divide by 1 of the following at the option of the electric provider as specified in its renewable energy plan:

(i) The number of weather normalized megawatt hours of electricity sold by the electric provider during the previous year to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(ii) The average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(c) Multiply the quotient under subdivision (b) by 100.

(5) Each electric provider shall meet the renewable energy credit standard, subject to subsection (3), with renewable energy credits obtained by any of the following means:

(a) Generating electricity from renewable energy systems for sale to retail customers.

(b) Purchasing or otherwise acquiring renewable energy and capacity.

(c) Purchasing or otherwise acquiring renewable energy credits without the associated renewable energy or capacity. Renewable energy credits acquired under this subdivision shall be produced within the territory of the regional transmission organization of which the electric provider is a member, and, except for a municipally owned electric utility, shall not exceed 5% of

an electric provider's renewable energy credits annually used to comply with the renewable energy standard. Renewable energy credits acquired under this subdivision are not subject to the requirements of section 29 and shall not be used to comply with the renewable energy standard after 2035.

The following suggests several elements that address the specific items to be included in the amended plan filings. These suggestions are intended to be used only as initial guidance. They are not necessarily exhaustive. For any sections that are not applicable, please state as such.

Because some of the documentation that is required to be filed in REPs is commercially sensitive, competitive information, an electric provider may, in whole or in part, file its REP confidentially and the inclusion of such confidential or commercially sensitive material in an electric providers' REP may be subject to confidentiality agreements or protective orders, as appropriate.

1. Detailed renewable resource plan.

    a. Forecast expected compliance levels by year to meet the renewable portfolio targets.
    b. Identify key assumptions used in developing these forecasts and the proposed resource portfolio.
    c. Identify risks which may drive performance to vary.

2. Sales forecast through 2045 for compliance with the renewable energy standard in PA 235 Section 28.

    a. Specify whether megawatt hours of electricity used in the calculation are weather-normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to full-service retail customers in the state.

3. Forecasted megawatt hour outflow from distributed generation customers through 2045.

    a. Specify if renewable energy credits from distributed generation outflow are utilized towards compliance with the standard.

4. Forecasted megawatt hours attributable to the voluntary green pricing program through 2045.

5. Quantity of renewable energy credits

a. Outline the quantity of renewable energy credits the Company forecasts it must obtain each year to meet the renewable standard (PA 235 of 2023 Section 28(1)).

b. Forecast of renewable energy credits subject to the 5% limit as defined by PA 235 Section 28(5)(c) through 2035.

c. Describe the Company's planned renewable portfolio forecasted renewable energy credits obtained via the Michigan incentive renewable credits as provided for in PA 235 of 2023 Section 39.

Michigan Public Service Commission
2023 Public Act 235

Filing Requirements and Instructions
for Renewable Energy Plans
for Member-Regulated Electric Cooperatives

PA 235 of 2023 Section 22 *Within 1 year after the effective date of the amendatory act that added section 51 and within 2 years after the Commission issues an order approving the electric provider's last amended renewable energy plan,* ***an electric provider shall file an amended renewable energy plan*** *that includes a forecast of the renewable energy resources needed to comply with the renewable energy credit standard pursuant to a filing schedule established by the commission.*

PA 235 of 2023 Section 28 (1) An electric provider shall achieve a renewable energy credit portfolio of at least the following:

(a) Through 2029, 15%.
(b) In 2030 through 2034, 50%.
(c) In 2035 and each year thereafter, 60%.

(2) An electric provider's renewable energy credit portfolio shall be calculated as follows:

(a) Determine the number of renewable energy credits used to comply with this subpart during the applicable year.

(b) Divide by 1 of the following at the option of the electric provider as specified in its renewable energy plan:

(i) The number of weather normalized megawatt hours of electricity sold by the electric provider during the previous year to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(ii) The average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(c) Multiply the quotient under subdivision (b) by 100.

(3) Notwithstanding subsection (1) and subject to subsection (4), in any year a cooperative electric provider or a multistate electric provider may calculate its maximum renewable energy credit portfolio requirement as follows:

(a) Determine the number of megawatt hours of electricity sold by the electric provider to retail customers in this state using the option the electric provider selected under subsection (2)(b).

(b) Subtract the number of megawatt hours of nuclear energy that the electric provider obtained from a system located in this state that the electric provider owned or from which the electric provider had contracted to receive nuclear energy on or before January 1, 2024.

(4) An electric provider described in subsection (3) is required to achieve a renewable energy credit portfolio equal only to the electric provider's maximum renewable energy credit portfolio requirement if the electric provider's maximum renewable energy credit portfolio requirement is less than the number of renewable energy credits required to comply with the applicable standard in subsection (1).

(5) Each electric provider shall meet the renewable energy credit standard, subject to subsection (3), with renewable energy credits obtained by any of the following means:
(a) Generating electricity from renewable energy systems for sale to retail customers.
(b) Purchasing or otherwise acquiring renewable energy and capacity.
(c) Purchasing or otherwise acquiring renewable energy credits without the associated renewable energy or capacity. Renewable energy credits acquired under this subdivision shall be produced within the territory of the regional transmission organization of which the electric provider is a member, and, except for a municipally owned electric utility, shall not exceed 5% of an electric provider's renewable energy credits annually used to comply with the renewable energy standard. Renewable energy credits acquired under this subdivision are not subject to the requirements of section 29 and shall not be used to comply with the renewable energy standard after 2035.

The following suggests several elements that address the specific items to be included in the amended plan filings. These suggestions are intended to be used only as initial guidance. They are not necessarily exhaustive. For any sections that are not applicable, please state as such.

Because some of the documentation that is required to be filed in REPs is commercially sensitive, competitive information, an electric provider may, in whole or in part, file its REP confidentially and the inclusion of such confidential or commercially sensitive material in an electric providers' REP may be subject to confidentiality agreements or protective orders, as appropriate.

1. Detailed renewable resource plan.

    a. Forecast expected compliance levels by year to meet the renewable portfolio targets.
    b. Identify key assumptions used in developing these forecasts and the proposed resource portfolio.
    c. Identify risks which may drive performance to vary.

2. Sales forecast through 2045 for compliance with the renewable energy standard in PA 235 Section 28.

a. Specify whether megawatt hours of electricity used in the calculation are weather-normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to full-service retail customers in the state.

3. Forecasted megawatt hour outflow from distributed generation customers through 2045.

a. Specify if renewable energy credits from distributed generation outflow are utilized towards compliance with the standard.

4. Forecasted megawatt hours attributable to the voluntary green pricing program through 2045.

5. Forecasted megawatt hours from nuclear energy for electric providers subject to PA 235 Sections (28)(3) and (4) through 2045.

6. Quantity of RECs

a. Outline the quantity of renewable energy credits (REC) the Company forecasts it must obtain each year to meet the RPS (PA 235 of 2023 Section 28(1)).

b. Forecast of RECs subject to the 5% limit as defined by PA 235 Section 28(5)(c) through 2035.

Michigan Public Service Commission
2023 Public Act 235

Filing Requirements and Instructions
for Renewable Energy Plans
For Municipally-Owned Electric Utilities

PA 235 of 2023 Section 22 *Within 1 year after the effective date of the amendatory act that added section 51 and within 2 years after the Commission issues an order approving the electric provider's last amended renewable energy plan,* ***an electric provider shall file an amended renewable energy plan*** *that includes a forecast of the renewable energy resources needed to comply with the renewable energy credit standard pursuant to a filing schedule established by the commission.*

PA 235 of 2023 Section 28 (1) An electric provider shall achieve a renewable energy credit portfolio of at least the following:

(a) Through 2029, 15%.
(b) In 2030 through 2034, 50%.
(c) In 2035 and each year thereafter, 60%.

(2) An electric provider's renewable energy credit portfolio shall be calculated as follows:

(a) Determine the number of renewable energy credits used to comply with this subpart during the applicable year.

(b) Divide by 1 of the following at the option of the electric provider as specified in its renewable energy plan:

(i) The number of weather normalized megawatt hours of electricity sold by the electric provider during the previous year to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(ii) The average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state, less the amount of sales attributable to customers participating in an electric provider's voluntary green pricing program under section 61 and the outflow from customers participating in the distributed generation program under section 173 for that year.

(c) Multiply the quotient under subdivision (b) by 100.

The following suggests several elements that address the specific items to be included in the amended plan filings. These suggestions are intended to be used only as initial guidance. They are not necessarily exhaustive. For any sections that are not applicable, please state as such.

Because some of the documentation that is required to be filed in REPs is commercially sensitive, competitive information, an electric provider may, in whole or in part, file its REP confidentially and the inclusion of such confidential or commercially sensitive material in an electric providers' REP may be subject to confidentiality agreements or protective orders, as appropriate.

1. Detailed renewable resource plan.

a. Forecast expected compliance levels by year to meet the renewable portfolio targets.
b. Identify key assumptions used in developing these forecasts and the proposed resource portfolio.
c. Identify risks which may drive performance to vary.

2. Sales forecast through 2045 for compliance with the renewable energy standard in PA 235 Section 28.

a. Specify whether megawatt hours of electricity used in the calculation are weather-normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to full-service retail customers in the state.

3. Forecasted megawatt hour outflow from distributed generation customers through 2045.

b. Specify if renewable energy credits from distributed generation outflow are utilized towards compliance with the standard.

4. Forecasted megawatt hours attributable to the voluntary green pricing program through 2045.

5. Forecasted megawatt hours from nuclear energy for electric providers subject to PA 235 Sections (28)(3) and (4) through 2045.

6. Quantity of RECs

a. Outline the quantity of renewable energy credits (REC) the Company forecasts it must obtain each year to meet the RPS (PA 235 of 2023 Section 28(1)).

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-21568 *et al.*

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on August 6, 2026 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

Brianna J. Brown

Brianna Brown

Subscribed and sworn to before me
this 6th day of August 2026.

Angela P. Sanderson

Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

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