

# Order

Michigan Supreme Court  
Lansing, Michigan

September 19, 2025

Megan K. Cavanagh,  
Chief Justice

168346

Brian K. Zahra  
Richard H. Bernstein  
Elizabeth M. Welch  
Kyra H. Bolden  
Kimberly A. Thomas  
Noah P. Hood,  
Justices

*In re* APPLICATION OF ENBRIDGE ENERGY  
TO REPLACE AND RELOCATE LINE 5.

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FOR LOVE OF WATER,  
Appellant,

v

SC: 168346  
COA: 369163  
PSC: 00-020763

MPSC, MACKINAC STRAITS CORRIDOR  
AUTHORITY, MICHIGAN PROPANE GAS  
ASSOCIATION, NATIONAL PROPANE GAS  
ASSOCIATION, and MICHIGAN LABORERS'  
DISTRICT COUNCIL,  
Appellees,

and

ENBRIDGE ENERGY LIMITED  
PARTNERSHIP,  
Petitioner-Appellee.

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On order of the Court, the application for leave to appeal the February 19, 2025 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether: (1) in enacting MCL 324.1705(2) of the Michigan Environmental Protection Act, MCL 324.1701 *et seq.*, the Legislature required the Michigan Public Service Commission (MPSC) to comply with the common-law public trust doctrine; (2) if not, the common-law public trust doctrine nonetheless requires such compliance, see *Glass v Goeckel*, 473 Mich 667, 694-696 (2005); and (3) if the MPSC is required to comply with the common-law public trust doctrine, what a proper public trust analysis would entail in MPSC proceedings. The total time allowed for oral argument shall be 40 minutes: 20 minutes for the appellant and 20 minutes for the appellees, to be divided at their discretion. MCR 7.314(B)(1).

The State Bar of Michigan Environmental Law Section and Real Property Law Section are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *In re Application of Enbridge Energy: Little Traverse Bay Bands of Odawa Indians v MPSC* (Docket Nos. 168335-9).



b0916

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 19, 2025

*Elizabeth Kingston-Miller*  
Clerk