Order

Michigan Supreme Court
Lansing, Michigan

November 20, 2026

Megan K. Cavanagh,
Chief Justice

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

SC: 170249 & (146)(150)(151)
COA: 373259
MPSC: 00-021547

In re IMPLEMENTING PROVISIONS OF PUBLIC ACT 233 OF 2023.

MICHIGAN PUBLIC SERVICE COMMISSION,
Appellee/Cross-Appellant/
Cross-Appellee,

and

MICHIGAN ENERGY INNOVATION BUSINESS COUNCIL, INSTITUTE FOR ENERGY INNOVATION, CLEAN GRID ALLIANCE, and ADVANCED ENERGY UNITED,
Intervenor Appellees/
Cross-Appellants,

v

ALMER CHARTER TOWNSHIP, ARGENTINE TOWNSHIP, AUGUSTA CHARTER TOWNSHIP, BEAVER TOWNSHIP, BENGAL TOWNSHIP, BINGHAM TOWNSHIP, BLISSFIELD TOWNSHIP, BRIDGEHAMPTON TOWNSHIP, BROCKWAY TOWNSHIP, CASCADE CHARTER TOWNSHIP, CATO TOWNSHIP, CLINTON COUNTY, COHOCTAH TOWNSHIP, COLUMBIA TOWNSHIP, COLUMBUS TOWNSHIP, CONWAY TOWNSHIP, COOPER CHARTER TOWNSHIP, DALLAS TOWNSHIP, DEERFIELD TOWNSHIP, DENMARK TOWNSHIP, DOUGLASS TOWNSHIP, DUPLAIN TOWNSHIP, EAGLE TOWNSHIP, EASTON TOWNSHIP, ELLINGTON TOWNSHIP, ELMWOOD TOWNSHIP, ESCANABA TOWNSHIP, FRANKENLUST TOWNSHIP, FREMONT TOWNSHIP, GARDEN TOWNSHIP, GARFIELD TOWNSHIP, GENOA TOWNSHIP, HANDY TOWNSHIP, IDA TOWNSHIP, INGHAM TOWNSHIP, IONIA COUNTY, IOSCO TOWNSHIP, ISABELLA TOWNSHIP, JOYFIELD TOWNSHIP, JUNIATA TOWNSHIP, KAWKAWLIN TOWNSHIP, KEENE TOWNSHIP, KIMBALL TOWNSHIP, LAKE TOWNSHIP, LEROY TOWNSHIP, MARION TOWNSHIP, MILAN TOWNSHIP, MONITOR CHARTER TOWNSHIP, MONTAGUE TOWNSHIP, MONTCALM TOWNSHIP, MOORE

TOWNSHIP, NORTH BRANCH TOWNSHIP, OGDEN TOWNSHIP, ORLEANS TOWNSHIP, RIGA TOWNSHIP, SANILAC COUNTY, SCHOOLCRAFT COUNTY, SEVILLE TOWNSHIP, SHIAWASSEE COUNTY, SIDNEY TOWNSHIP, SPEAKER TOWNSHIP, STOCKBRIDGE TOWNSHIP, SUMMERFIELD TOWNSHIP, TUSCOLA COUNTY, TYRONE TOWNSHIP, VENICE TOWNSHIP, WALES TOWNSHIP, WATERLOO TOWNSHIP, WATERTOWN TOWNSHIP, WHITE OAK TOWNSHIP, WHITE RIVER TOWNSHIP, WILLIAMS CHARTER TOWNSHIP, WORTH TOWNSHIP, YORK CHARTER TOWNSHIP, and PARIS TOWNSHIP,
Appellants/
Cross-Appellees.

On order of the Court, the motion to expedite is GRANTED in part. The application for leave to appeal the May 7, 2026 judgment of the Court of Appeals and the applications for leave to appeal as cross-appellants are considered. The application for leave to appeal is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. We direct the Clerk to schedule oral argument on the applications for leave to appeal as cross-appellants. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether the Court of Appeals afforded the Michigan Public Service Commission's interpretation of MCL 460.1223(3), regarding the statutory deadline to be followed in which the chief elected official of an affected local unit (ALU) must notify an electric provider or independent power producer that the ALU has a compatible renewable energy ordinance (CREO), respectful consideration in accordance with this Court's decisions in *In re Complaint of Rovas Against SBC Michigan*, 482 Mich 90, 103 (2008), and *O'Halloran v Secretary of State*, 515 Mich 606, 636 (2024); (2) whether the Court of Appeals erred in reversing the Commission's finding that an electric provider or independent power producer planning to construct a qualifying energy facility may proceed as if there is not a CREO if they do not receive a response within 30 days of an offer to meet with the chief elected official; or (3) alternatively, whether a different interpretation of MCL 460.1223(3) should be adopted with respect to instances in which no elected official meeting is held or when such meetings face an unreasonable delay. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The total time allowed for oral argument shall be 40 minutes: 20 minutes for cross-appellants, and 20 minutes for cross-appellees, to be divided at their discretion. MCR 7.314(B)(2).

The Clerk of the Court shall place this case on the January 2027 session calendar for argument. Cross-appellants' briefs and appendices must be filed no later than December 11, 2026, and cross-appellees' briefs and separate appendices (if any) must be filed no later than December 28, 2026. Cross-appellants may file reply briefs no later than January 4, 2027.

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae, to be filed no later than January 4, 2027. 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, to be filed no later than January 4, 2027.

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.

November 20, 2026

Clerk