Act 233 Certificate for Solar Energy, Wind Energy, and Energy Storage Facilities

Pursuant to Public Act 233 of 2023

Application Instructions and Procedures

Staff Draft June 21, 2024

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Application Instructions for Renewable Energy & Storage Siting Certificate

These application instructions apply to an electric provider or independent power producer (applicant) application for Michigan Public Service Commission (MPSC or Commission) approval of a certificate for an energy facility under the provisions of MCL 460.1221, *et seq.* (effective November 29, 2024). The application shall be consistent with these instructions, with each item labeled as set forth below. Any additional information considered relevant by the applicant may also be included in the application.

Applicability

These application instructions are applicable to requests for a certificate from the MPSC as outlined in PA 233 with a nameplate capacity[1] measured in alternating current (AC):[2]

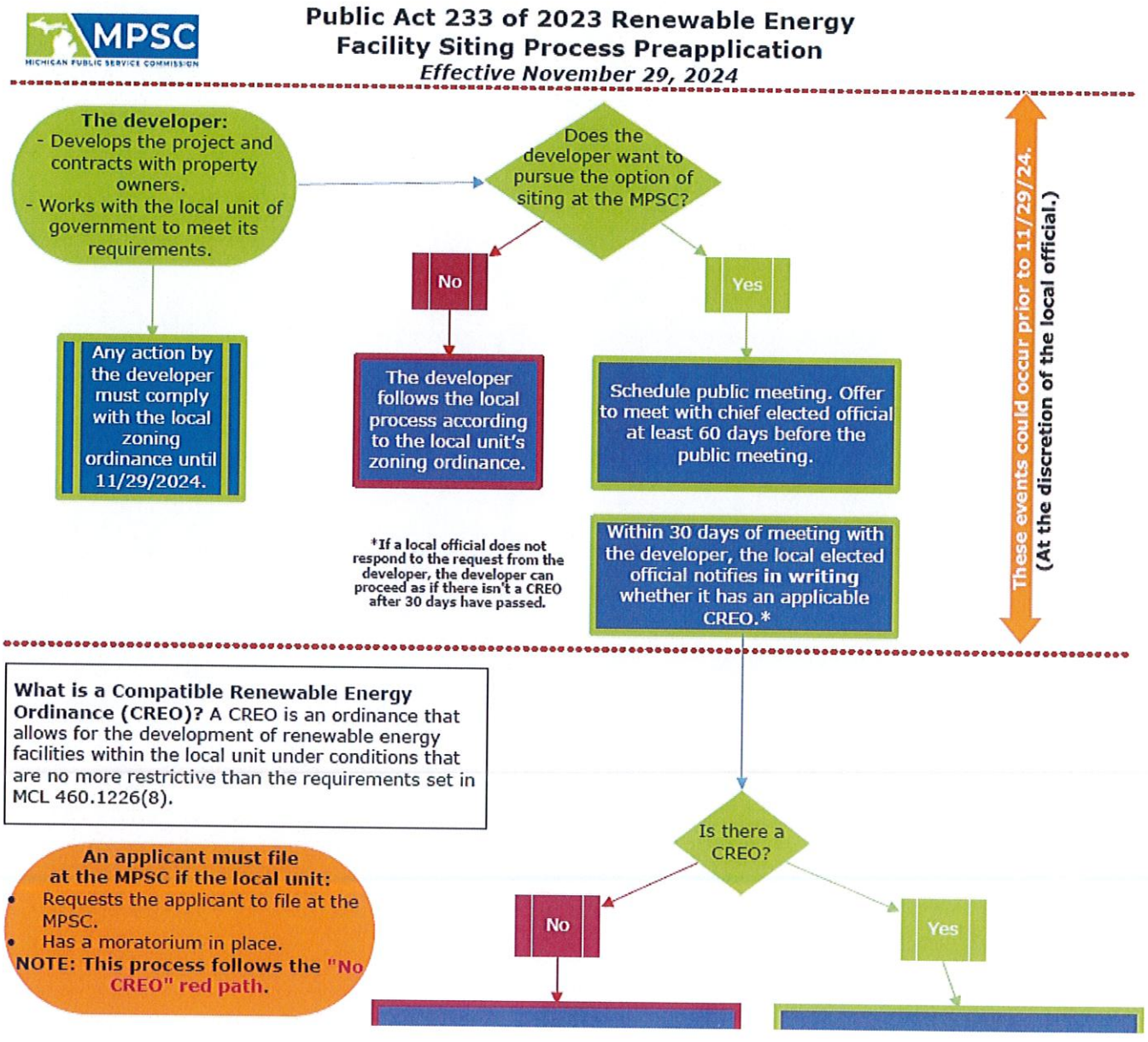
1. Solar facilities of 50 MW or more;
2. Wind facilities of 100 MW or more; or
3. Energy storage facilities of 50 MW or more with a discharge capability of 200 MWh or more.

Hybrid facilities composed of multiple technologies should also meet the same minimum size thresholds in total when multiple technologies are combined for siting pursuant to PA 233. Hybrid facilities comprised of solar and storage facilities must have a combined nameplate capacity of at least 50 MW in total which is the same minimum size threshold for solar or storage. Hybrid projects which are comprised of wind facilities combined with solar and/or storage facilities must have a nameplate capacity of at least 100 MW in total which is the minimum size threshold for wind facilities.

[1] Nameplate capacity, as referred to throughout these application instructions, shall be measured in alternating current (AC).

[2] These application instructions are applicable in instances where landowners have been willing to participate in allowing a solar, wind, or energy storage facility project on their property. Participating or not participating in a renewable energy or energy storage project is a decision for individual landowners. Commission approval of a certificate under PA 233 does not confer the power of eminent domain or require landowners to participate against their wishes.

Pre-Application Requirements



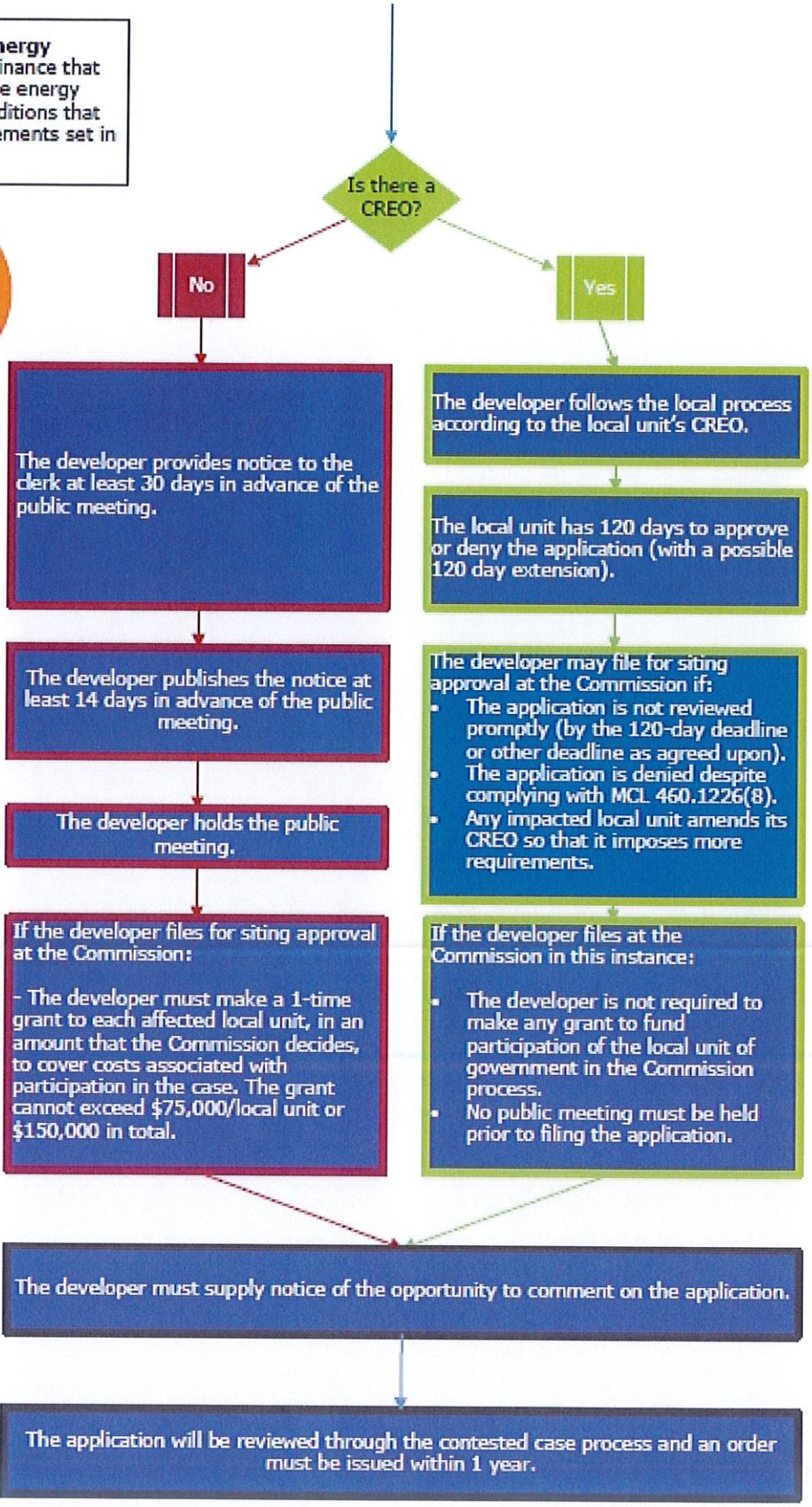
Pre-application flowchart continued on the next page.

What is a Compatible Renewable Energy Ordinance (CREO)? A CREO is an ordinance that allows for the development of renewable energy facilities within the local unit under conditions that are no more restrictive than the requirements set in MCL 460.1226(8).

An applicant must file at the MPSC if the local unit:

- Requests the applicant to file at the MPSC.
- Has a moratorium in place.

NOTE: This process follows the "No CREO" red path.



Meeting with Chief Elected Official

The applicant's offer to meet with the chief elected official[3] shall be delivered by email and by certified U.S. mail at least 60 days before the public meeting in each affected local unit (ALU) including the city, township, or village, and the county, regardless of zoning authority and including areas that are unzoned. A copy of the offer to meet with the chief elected official should be sent to the entire board or legislative body of the ALU that exists within the jurisdiction. The applicant may proceed as if there is not a Compatible Renewable Energy Ordinance (CREO) in the event that the local official has failed to respond to the offer to meet after thirty days following receipt of the certified mail have passed.

Compatible Renewable Energy Ordinance Notification

Compatible renewable energy ordinance (CREO) means an ordinance that provides for the development of energy facilities within the ALU, the requirements of which are no more restrictive than the provisions included in section 226(8) of PA 233. An ALU 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. If notification from chief elected local official(s) to the applicant states that the ALU has a CREO, then applicants must follow the ALU siting process in each ALU when notified by all jurisdictions that they have CREOs.

An unzoned area will be considered to have requirements for the development of energy facilities that are no more restrictive than the provisions included in Section 226(8) of PA 233. For purposes of Section 223 of PA 233, unzoned areas should be treated the same as ALUs with CREOs because they do not impose restrictions more stringent than those outlined in PA 233.

To harmonize PA 233 with provisions of the Michigan Zoning Enabling Act (MZEA), in a project spanning multiple jurisdictions, only ALUs with zoning jurisdiction will be required to have a CREO to require applicants to use the local siting process under Section 223(3) of Act 233. The Michigan Zoning Enabling Act states that a township that has enacted a zoning ordinance under the MZEA is not subject to an ordinance adopted by a county under the MZEA.

A CREO may be an ordinance for a single technology such as wind, solar, or energy storage facilities or it may be an ordinance that addresses multiple technology types. To be considered a CREO, the ordinance must be no more restrictive than PA 233 for the technology type(s) addressed in the ordinance. Any provision in PA 233 is an acceptable provision in a CREO, as long as the requirement utilized by the ALU is not more restrictive than the requirement for the Commission outlined in the statute. If the Commission determines in a contested case that the ALU does not have a CREO, the ALU may choose

[3] The titles of chief elected officials may vary between jurisdictions. Chief elected officials include mayors, village presidents, township supervisors, and board chairs.

to amend its ordinance to become a CREO in the future, however, the amendments must be adopted to bring the ordinance into conformance with the statute prior to notifying any future applicants that the ALU has a CREO.

When a local ordinance does not meet the definition of a CREO, following the ALU siting process is still encouraged in areas that have workable ordinances. A workable ordinance may not conform with the CREO definition, but it contains terms that allow for renewable energy projects to be sited in the ALU. Special land use approval processes may be another form that could be considered workable. For example, if a developer wanted to site a hybrid project containing solar and storage facilities in an ALU, the local process should be utilized in any of the following circumstances:

1. The ALU has a single ordinance that is a CREO addressing solar and storage facilities.
2. The ALU has two separate ordinances that are CREOs addressing solar and storage facilities.
3. The ALU has an ordinance that is a CREO either for solar or storage facilities and a workable ordinance or special land use approval processes for the facilities not addressed in the CREO that allow the facilities to be sited.
4. The ALU has workable ordinances or special land use approval processes for each technology that allow the facilities to be sited.

If a project is being sited in an area that crosses jurisdictional boundaries and one of the ALUs does not notify the applicant that it has a CREO or after attempts to site the project in one or more ALUs have failed, the applicant may file for a certificate pursuant to PA 233. If the ALU(s) that does not notify the applicant that it has a CREO or has a workable local ordinance, the applicant is encouraged to pursue siting through the ALU process.

When a project crosses multiple jurisdictional boundaries and one or more ALUs have CREOs or workable ordinances, and one or more ALUs do not have CREOs or workable ordinances or after attempts to site the project in ALUs have failed, the MPSC will review the entire project if an application is filed, including the portions of the project that are in areas with CREOs or workable ordinances. By stipulation of the parties in a contested case, particularly the ALU(s) with CREOs or workable ordinances and the applicant, the CREO or workable ordinance may be considered by the Commission for those portions of the project.

Filing for a certificate while the applicant is in dispute with the ALU regarding its CREO status is discouraged. Should an applicant apply for siting approval at the MPSC while it is in dispute with the ALU regarding whether its ordinance is a CREO, the ALU, the Staff, or another intervenor, may file a motion to dismiss or stay, which will be adjudicated by the administrative law judge pursuant to the Commission's rules of practice and procedure. The administrative law judge's ruling could be appealed to the Commission pursuant to the Commission's rules of practice and procedure.

The applicant should retain records of the notification from the chief elected official regarding CREO status for later submission in a contested case.

If the chief elected local official(s) would like to request the Commission to require the developer to obtain a siting certificate for the proposed facilities from the Commission pursuant to PA 233 Section 222(2), the chief elected official should send its request to the Commission by contacting LARA-MPSC-Edockets@michigan.gov to the attention of the MPSC Executive Secretary and to the Staff at Siting-Certificate-Coordinator@michigan.gov with a copy of the request provided to the developer.

Public Meetings

The applicant must hold a public meeting in each city and township where the proposed facilities are located before filing an application with the Commission except in cities and townships where at least one of the following is true:[4]

- The ALU notified the applicant that it had a CREO and the application was subsequently not reviewed promptly by the ALU (by the 120-day deadline or other deadline as agreed upon).
- The ALU notified the applicant that it had a CREO and subsequently denied the application despite the proposed project complying with the statute.
- The ALU notified the applicant that it had a CREO and later amends its CREO so that it imposes requirements more restrictive than Section 226(8).

Public meetings must be held in each city and township where the proposed project is located regardless of zoning authority and also serve to meet the requirement to hold a public meeting within the affected county as well as affected villages. Exceptions due to a lack of appropriate facilities to hold required public meetings within the city or township 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 local 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.

[4] Public meetings as outlined in PA 233 are not required when applicants are working to site facilities with ALUs utilizing workable ordinances and in those instances, the applicant should file the requirements of the ALU.

Public Notice for Public Meetings

Notice of the public meeting shall include the date, time, and location of the public meeting; a description and location of the proposed renewable energy and/or energy storage facilities; an internet site where the site plan is accessible to the public, and directions for submitting written comments to the developer for those unable to attend the public meeting.

The notice must be submitted to the clerk in each ALU at least 30 days in advance of the public meeting. A copy must be provided to the MPSC by emailing LARA-MPSC-Edockets@michigan.gov to the attention of the MPSC Executive Secretary and Siting-Certificate-Coordinator@michigan.gov on the same date in which the local clerk was provided notice.

At least 14 days prior to the public meeting, the developer shall publish notice of the meeting in a newspaper of general circulation in the ALU(s) or in a comparable digital alternative, and the developer shall send the notice of the public meeting by U.S. mail to postal addressees within one mile of proposed solar or proposed energy facilities, and within two miles of proposed wind energy facilities, including to those addressees within those specified boundaries that are not located within the bounds of the ALU where the facilities will be located.

Pre-Application Meeting with Staff

Thirty days before filing an application for a certificate, the Applicant shall contact the Staff (Siting-Certificate-Coordinator@michigan.gov) to schedule a pre-application meeting to be held virtually using Microsoft Teams or other videoconferencing software. During the meeting, the applicant will discuss the following:

- Overview of project
- Map of project
- Status of project
- Expected application filing date
- Questions related to the contested case process
- Questions related to filing requirements
- Other items of interest

ALUs that have renewable energy projects or energy storage projects proposed within their boundaries may request meetings with Staff by contacting the Staff (Siting-Certificate-Coordinator@michigan.gov) to schedule a meeting to be held virtually using Microsoft Teams or other videoconferencing software. Staff will answer questions regarding the contested case process, the filing requirements, and discuss other items of interest to ALU, however, consultations with Staff are not a substitute for the advice of counsel.

Notice of MPSC Public Hearing

The notice of public hearing provided by the applicant shall be published in a newspaper of general circulation in each ALU unit or a comparable digital alternative. The notice shall be written in plain, nontechnical, and easily understood terms and shall contain a title that includes the name of the application and the words "NOTICE OF INTENT TO CONSTRUCT _____ FACILITY", with the words "WIND ENERGY", "SOLAR ENERGY", or "ENERGY STORAGE", as applicable entered into the blank space.

The applicant shall send the notice of the public meeting by U.S. mail to postal addressees within one mile of proposed solar or proposed energy facilities, and within two miles of proposed wind energy facilities, including to those addressees within those specified boundaries that are not located within the bounds of the ALUs where the facilities will be located.

The Executive Secretary may provide further direction regarding public notice.

Application Schedule

The Commission shall grant the application and issue a certificate or deny the application not later than 1 year after a complete application is filed, pursuant to MCL 460.1226((5).

After receipt of an application, the Staff will determine whether the application is complete. If Staff determines that the application is incomplete, Staff will file a memo describing the application deficiencies in the case docket within 60 days of the application filing date. If a memo to notify the applicant that its application is incomplete is not filed in the docket timely, the application is considered to be complete.

The time for the Commission to issue a certificate or deny the application within 1 year begins at the point a complete application is filed in the docket.

Site Plan Copy to Affected Local Unit

When the application is submitted to the Commission, the applicant shall submit a copy of the Site Plan (or an internet address where the Site Plan can be reviewed) to the clerk of each ALU unless it is identical to the site plan previously provided to the clerk along with notice 30 days ahead of the public meeting.

Level 2 One-Time Grant to Affected Local Units

Contemporaneously with the filing of the application, the applicant must make a one-time grant[5] to each ALU unless at least one of the following is true:

- The ALU notified the applicant that it had a CREO and the application was subsequently not reviewed promptly by the ALU (by the 120-day deadline or other deadline as agreed upon).
- The ALU notified the applicant that it had a CREO and subsequently denied the application despite it complying with the statute.[6]
- The ALU notified the applicant that it had a CREO and later amends its CREO so that it imposes requirements more restrictive than 226(8).

In the event that the proposed facilities are located in multiple ALUs, each ALU, including counties, cities, townships and villages, is eligible for a one-time grant. Only the specific ALUs where one of the above conditions is true would be ineligible to receive a one-time grant. The rest of the ALUs where those conditions are not true would still be eligible for one-time grants even if one specific ALU met the conditions above. The grant shall be used to cover the ALU's costs to participate in the contested case proceeding on the application for a certificate.

The Commission has, at this time, established the one-time grant amount as $150,000 with each ALU receiving no more than $75,000. The local grant amount shall be split equally among all ALUs, and the one-time grant to each ALU should be delivered contemporaneously with the application filed pursuant to PA 233.

Each ALU shall deposit the grant in a local intervenor compensation fund for use in covering costs associated with the ALU's participation in the contested case proceeding on the application for a certificate. ALUs may pool one-time grant funds allocated for the purposes of participating in the contested case proceeding.

Within 15 days following the pre-hearing, one-time grants to ALUs that have not intervened in the case shall be refunded to the applicant. ALUs that have participated as intervenors in the case, are directed to file an official exhibit in the case prior to the conclusion of cross examination or the close of the record containing paid invoices for legal services for participation in the case and an estimate for funds to be spent on legal services for briefing and exceptions. Remaining one-time grant funds not utilized for participation in the case shall be refunded to the applicant within 30 days following the

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[5] Grants are intended to cover the cost of participation in the contested case proceeding for ALUs. Individual landowners seeking to participate in proceedings will continue to follow established processes for intervention, subject to MCL 460.1226(3), and public comment but are not eligible recipients for grant funding.

[6] ALUs that deny applications under a local ordinance that is not a CREO are eligible for one-time grants if an application for the facilities is filed with the MPSC pursuant to PA 233.

date on which answers to petitions for rehearing on the Commission's final order are due, when applicable.

Application Fees

The applicant[7] is required to pay an application fee designed to cover the Commission Staff's administrative cost in processing the evaluation, including the costs for retaining consultants on specialty issues outside of the commission Staff's expertise.

At the time of the prehearing, the applicant is required to pay a one-time Base Application Fee of $10,000 to the MPSC Executive Secretary. Payments must be made by check. Additional fees, such as contracting with subject matter expert consultants or costs pertaining to additional ongoing compliance may follow.

Once an application is deemed complete, within 30 days of initial evaluation of the application, Staff will provide an estimate of reasonable assessed fees, including the costs of consultants, and share this exhibit on the docket, labeled, "Fee Exhibit". The applicant has an opportunity to contest the final assessed fees after the evidentiary record is closed.

[7] MCL 460.112 provides a funding system where regulated utilities are assessed for the cost of regulation. Since regulated utilities are already subject to an annual assessment, the Public Utilities Assessment, they are exempt from the Base Application Fee described here. However, if the applicant is a regulated utility, it may still be subject to additional fees as described in the Fee Schedule table.

RENEWABLE ENERGY & STORAGE SITING APPLICATION FEE SCHEDULE	
Base Application Fee Applicable to third-party developers not regulated by the MPSC	
Contested case (includes up to 150 Staff hours)	$10,000
Additional Fees Applicable to both third-party developers and IOUs regulated by the MPSC	
Additional Staff hours [8]	Billed hourly above application fee
Consultant Expert testimony	Actual Fees
External Public Meetings	Actual Fees
Court Fees- including transcription & court reporting[9]	Actual Fees
Environmental Reporting & Testing[10]	Actual fees
Miscellaneous Filings & Additional Fees	
Miscellaneous maintenance following issuance of certificate	Actual fees billed hourly
Formal Complaints	$500
Requests for Exceptions to Standard Rules	$1,000

Further details about fees are included below:

1. At the cross-examination or final evidentiary hearing in a contested case proceeding, whichever is later, Staff shall file an exhibit containing the total assessed fee, labeled, **Exhibit S-1.**

2. Within 14 days of the filing and service of the Fee Exhibit, the applicant shall file any objections to the total assessed fees.

3. Within 14 days of any objections filed, Staff shall file a response indicating its position on the disputed issues.

4. If a dispute remains after the required filings, the administrative law judge (ALJ) who presided over the proceedings shall include a decision regarding the total assessed

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[8] Includes MPSC staff time associated with the case proceeding through the completion of cross examination or final evidentiary hearing, whichever is later. This item also includes an additional forty (40) hours of MPSC staff time to allow for working on briefs, reply briefs, and exceptions to the PFD.

[9] All hearing costs associated with MPSC Staff hours will be included in Additional MPSC Staff hours, not in "Court Fees". The applicant will not be responsible for any attorney fees accrued by any third-party intervenors to a contested case proceeding. Fees associated with the attorneys representing MPSC Staff will not be included in any fees assessed to the applicant.

[10] Any fees in this category are limited to those necessary to satisfy the Commission's required agency review and environmental obligations under MEPA, Part 17 of MREPA, MCL 324.1701 et seq.

fees in the proposal for final decision (PFD) without further proceedings unless an additional hearing is deemed necessary.

5. The Commission may choose to "read the record", in which case a PFD will not be issued. In this event, the Commission reserves the right to address disputed issues and the total assessed fees in the final order.

6. If a contested case is settled prior to the issuance of a PFD, the applicant shall file any objection to the total assessed fees within 14 days of the filing and service of the Fee Exhibit.

7. The Commission will render a decision with regard to the total assessed fee in its final order.

8. Furthermore, if a contested case proceeding is settled by the parties and accrued Staff time does not exceed 150 hours, the base application fee of $10,000 must still be paid by the applicant, along with the additional fees.

9. There will be no reduction in the base application fee for a contested proceeding if Staff hours are less than 150 hours.

10. Environmental reporting and testing fees are limited to those related to the Commission's required agency review and environmental obligations.

11. Staff may provide a non-binding estimate of its expected hours and anticipated additional fees, upon the reasonable request of an applicant.

12. Staff should work informally with the applicant to give the applicant a sense of whether the fees associated with outside expert witnesses would be expected to support the Staff's case and the magnitude of such costs.

13. Fees associated with attorneys representing Staff will not be included in any fees assessed to the applicant under the provisions of MCL 460.1221 – 460.1232.

14. Staff hours associated with any appeal of a final Commission order will not be included in any fees assessed to the applicant under the provisions of MCL 460.1221 – 460.1232.

15. Staff hours included in the assessed fees for a contested case proceeding shall be hours associated with the contested case proceeding through the completion of cross examination, or final evidentiary hearing, whichever is later. Additionally, another 40 hours of Staff time will be included in assessed fees to account for Staff's efforts to work on initial briefs, reply briefs, and exceptions/replies to exceptions.

16. Staff may provide a summary of accrued Staff hours associated with a contested case proceeding and other known expenses that will be assessed as part of the additional fees, upon the reasonable request of an applicant.

17. The Commission may charge reasonable fees of ongoing Staff billable hours after a certificate has been granted for the lifetime of the project. Examples of such costs may include but are not limited to: environmental site analysis if site plan has been altered, any project follow-up considerations post construction & operation, other accounting, engineering, or legal aspects.

18. The cost for processing the application as a contested case shall not exceed $250,000, excluding costs for retaining consultation for specialty issues outside of MPSC expertise. Total costs for processing an application inclusive of consultation may exceed $250,000.[11]

Application Filing Requirements

The application shall include expert witness testimony and exhibits presenting the information listed below.

- The complete name, address, and telephone number of the applicant.
- Detailed schedule of planned construction activities supplemented by testimony describing each element within the construction schedule including planned construction start date and expected duration of construction.
- Description of the energy facility.
- Description of the expected use of the energy facility.
- Description of the portion of the community where the energy facility will be located.
- The percentage of land within the township, city, or village, and the percentage of land within the county dedicated to energy generation at the time of the application.
- Queue number or other information providing the ability to identify the proposed facility within the interconnection queue, copies of all studies completed by the regional transmission organization including feasibility studies, system impact studies, and any other studies completed by the regional transmission operator. If a generator interconnection agreement has been executed, the executed generator interconnection agreement may be submitted in lieu of the studies. The generator interconnection agreement and/or studies may be filed subject to a protective order and non-disclosure agreement.

[11] Costs incurred by the applicant for one-time grants, host and community agreements payments, or agreements with third-party independent monitors to comply with conditions of the permit (e.g. acoustics experts for sound modeling and measurements) are outside of the scope of application fees to process the contested case and are not included in the $250,000 cap.

- Site Plan **(Exhibit A-1: Site Plan)**
- Confirmation that the energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems"
- A description and copy of applicant's offer to meet with the chief elected official in each ALU, the chief elected official responses to the meeting request, and a summary of all meetings, including meeting dates held between the applicant and the chief elected officials. **(Exhibit A-2: Local Outreach)**
- A summary of the community outreach and education efforts undertaken by the applicant, including a description (copy of applicant's presentation, number of attendees, meeting length, number of commenters and topics) of the public meetings and meetings with elected officials. **(Exhibit A-2: Local Outreach)**
- Accommodations or changes made by the applicant to address the public comments received.
- A summary of consultations, before submission of the application, with federal, state, and local agencies including but not limited to the following list. At a minimum, the date and time the consultation took place, who participated in the consultation, and copies of correspondence listing necessary permits, next steps, and associated timeline should be provided for each consultation. Provide a justification for any consultations the applicant deemed not necessary. **(Exhibit A-2: Local Outreach)**
    - Federal agencies – where applicable
    - Michigan Department of Natural Resources
    - State Historic Preservation Office
    - Michigan Department of Environment, Great Lakes, and Energy
    - Michigan Department of Agriculture and Rural Development
    - County Drain Commission
    - County Road Commission
    - Owners of major facilities for electric, gas, or telecommunications lines
    - Michigan Department of Transportation – Aeronautics Commission (if applicable)
- A summary of tribal engagement, if applicable.
- The soil and economic survey report under section 60303 of the Natural Resources and Environmental Protection Act (NREPA). **(Exhibit A-3: Soil and Economic Survey Report)**
- If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.
    - An applicant for wind turbine facilities should provide evidence of prior consultation with nearby communication tower operators. If

communication issues arise post-construction, additional transmitter masts should be installed at the wind developer's expense or the developer should provide evidence that another mutually agreeable solution has been planned and implemented. Note that the Military Needs and Interest Assessment (MNIA) found that some military areas of operation, signal analysis, and radar footprints that are not publicly available could not be included in the Tool's military footprint and its notification functionality – but are still critical to national security and defense operations. Early coordination with local military liaisons is needed to identify when these features may be present at a site and can then be addressed on a case-by-case basis.

- A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts and any additional guidance received during a consultation with the county drain commissioner. The assessment and plan may be preliminary. At a minimum, the date and time the consultation took place, who participated in the consultation, and copies of correspondence listing necessary permits, next steps, and associated timeline should be provided for each consultation. **(Exhibit A-4: Stormwater Assessment and Plan)**
- A report describing how the proposed energy facility complies with NREPA including Section 1705(2). **(Exhibit A-5: NREPA Compliance)**
- A description of the expected direct impacts of the proposed energy facility on the environment and natural resources and a plan describing how the applicant intends to address and mitigate these impacts.
- A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws including NREPA.
    - Provide a list of all permits necessary prior to construction including the subject of the permit, the responsible agency to issue the permit, the date the permit application was or will be filed, and the date the permit was or is expected to be issued. Permits received prior to filing an application with the MPSC pursuant to PA 233 should be included following the list of necessary permits. **(Exhibit A-6: Permit List and Status)**
- Decommissioning Plan and Proposed Decommissioning Agreement (**Exhibit A-7: Decommissioning)**
- A description of the expected public benefits of the proposed energy facility including but not limited to the list below. Explain how the public benefits of the proposed energy facility justify its construction.
    - Expected tax revenue paid by the energy facility to local taxing districts
    - Payments to owners of participating property
    - Host community agreements and community benefits agreements

- Host community agreements or community benefits agreements are required for each ALU, including cities, townships, villages, and counties, according to the nameplate capacity located within the ALU, as defined in PA 233.[12] If host community agreements are not signed after good-faith negotiations with an ALU, community benefit agreements may be entered into with one or more community-based organizations in each ALU without a signed host community agreement.
- The applicant should include copies of all signed host community agreements and community benefit agreements in **Exhibit A-8 – Host and Community Agreements**. In the event that host community agreements or community benefits agreements were proposed and were not signed, those may be provided in lieu of signed host community agreements and/or community benefits agreements with an explanation of why the proposed agreements have not yet been executed.
- If there is a host community agreement, confirm that the host community agreement requires that, upon commencement of any operation, the energy facility owner must pay the host ALU $2,000.00 per megawatt of nameplate capacity located within the ALU. The payment shall be used as determined by the ALU for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the ALU and the applicant.
- If there is a community benefits agreement with 1 or more community-based organizations within, or that serve residents of, the ALU, the amount paid by the applicant must be equal to, or greater than, what the applicant would have paid pursuant to a host community agreement.
    - The topics and specific terms of the agreements may vary and may include, but are not limited to, any of the following:
        - Workforce development, job quality, and job access provisions that include, but are not limited to, any of the following:
            - Terms of employment, such as wages and benefits, employment status, workplace health and safety, scheduling, and career advancement opportunities.
            - Worker recruitment, screening, and hiring strategies and practices, targeted hiring planning and execution, investment in workforce training and education, and worker input and representation in decision making affecting employment and training.
        - Funding for or providing specific environmental benefits.

[12] Because each geographic location will have at least two ALUs, such as a township and a county, the provisions of PA 233 indicate that both of the ALUs, the township and the county, qualify for host benefit agreements in the amount of $2,000/MW each. If there is a portion of a facility in a village, that is also part of a township and a county, in that instance for that portion, each of the three ALUs would qualify for host benefit agreements in the amount of $2,000/MW each.

        - Funding for or providing specific community improvements or amenities, such as park and playground equipment, urban greening, enhanced safety crossings, paving roads, and bike paths.
        - Annual contributions to a nonprofit or community-based organization that awards grants.
    - Local job creation
        - Explain whether the applicant will enter into a project labor agreement or operate under a collective bargaining agreement for the work to be performed and provide a copy of project labor agreement or collective bargaining agreement if applicable.
    - When applicable, contributions to meeting Michigan's identified energy, capacity, reliability, or resource adequacy needs such as approved Integrated Resource Plans and Renewable Energy Plans.
- An explanation for how the proposed facility will not unreasonably diminish farmland, including, but not limited to prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops. Include the total amount of farmland in each ALU and the percentage of that farmland included in the proposed energy facility utilizing publicly available data.
- An explanation describing the effects of the proposed energy facility on public health and safety.
- If the proposed site of the energy facility is undeveloped land, the applicant must provide a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- The testimony shall include a commitment from the applicant to file a completion report before commencing commercial operations certifying compliance with the requirements of Act 233 of 2023 and any conditions contained in the Commission's certificate.
    - See Conditions section of these application instructions for more information.
- Other information reasonably required by the Commission.

Technical Conference

The applicant is encouraged to work with Staff to hold a technical conference with invitations provided to all intervening parties. The technical conference may be held virtually and is encouraged to be scheduled approximately 4 weeks following the pre-hearing. The purpose of the technical conference is to allow Staff and intervening parties to ask questions and view the site plan in an electronic format where the applicant can zoom in on specific areas where questions are arising. The goal of the

technical conference is to reduce the burden associated with multiple rounds of discovery questions and to allow for direct communication between case participants early in the case.

Completion Report

Before commencing commercial operations, the applicant shall file a completion report in the case docket certifying compliance with the statute as well as any conditions associated with an approved certificate. At a minimum, the completion report should include finalized site plans, finalized schematics, dimensioned drawings, and descriptions demonstrating compliance with Section 226(8) for the relevant technologies included within the facility, and a list of all permits received including the permitting agency, the date the permit was received, and special conditions attached to each permit.

SITE PLAN

SITE PLAN SECTION 1 – PLANNED FACILITIES

(a) Latest- or recent-edition USGS maps (1:24,000 topographic edition and should be created utilizing GIS mapping to the extent available),[13] of the proposed facilities showing:

(1) The proposed location of the facility and potential right-of-way extents, including proposed electric collection and transmission lines and interconnections, all fenced in or secured areas, as well as ancillary features located on the facility site such as roads, railroads, switchyards, energy generation, storage or regulation facilities, substations and similar facilities;

(2) The proposed location of any off-site utility interconnections that are available to the applicant at the time of application, including all electric transmission lines, communications lines, stormwater drainage lines, county and intercounty drains, and appurtenances thereto, to be installed connecting to and servicing the site of the facility;

(3) The proposed limits of clearing and disturbance for construction of all facility components and ancillary features, including laydown yards and temporary staging or storage areas;

[13] Geospatial source data used to create the maps submitted as part of the site plan shall be provided to MPSC Staff in KMZ, zipped shapefile, Geodatabase, or GeoPackage format upon request. The applicant shall provide the geospatial data to other parties to the case upon request and as practicable.

(4) Major institutions, parks, and recreational areas;
(5) Lakes, reservoirs, streams, canals, rivers, wetlands, and other waterbodies;
(6) Legal boundaries of cities, villages, townships, and counties;
(7) Sensitive receptors within 1000 feet of the site (such as occupied buildings);
(8) The location of inverters and other noise-emitting facilities showing the distance to sensitive receptors, property lines, and public rights-of-way;
(9) The area of the proposed site or right-of-way for the facility, and the identification of participating properties and adjacent properties; and
(10) The location of any deeded easement that exists within the footprint of the facility.

The applicant should ensure that all items provided are clear and legible which could entail providing some of the requested items on separate layers, separate pdf maps, or by showing some areas on another scale.

(b) An aerial photograph or a map using satellite imagery with depictions of planned facilities, fences, roads, occupied buildings, and planned screening, landscaping, and vegetative cover.

(c) A dimensioned drawing or map with dimensions added showing setbacks from the project boundary and fences to all structures on participating properties, road rights-of-way, waterways, wetlands, occupied buildings and structures on non-participating properties, and property lines of non-participating properties.

(d) A description of the maximum height of solar panels, wind turbines, storage facilities, and associated electrical equipment in relation to existing overhead communication and electric transmission lines.

SITE PLAN SECTION 2– AREA LAND USE INFORMATION

(e) Latest- or recent-edition USGS maps (utilizing GIS mapping to the extent available) showing the proposed facilities and surrounding area within 1000 feet of the perimeter:

(1) Maps clearly showing the location of the facility and all ancillary features not located on the facility site in relation to municipal boundaries and taxing jurisdictions, at a scale sufficient to determine and demonstrate relation of facilities to those geographic and political features.
(2) A map showing existing and proposed land uses within the facility and surrounding area including, but not limited to, the identification of land being utilized for agriculture including the cultivation of specialty crops.
(3) A map identifying the farmland, including but not limited to prime farmland in the city, village, or township, and the county, including the total number of acres

identified as farmland and the total number of acres identified as prime farmland in the jurisdictional area.

(4) A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area and a summary of any consultations with owners of major facilities for electric, gas or telecommunications that may be impacted by the facility (crossing existing utilities or otherwise).

(5) A map of all properties upon which any component of a facility or ancillary feature would be located, and for wind facilities, all properties within two thousand (2,000) feet of such properties, and for solar or storage projects, all properties within one thousand (1,000) feet, that shows the current land use, tax parcel number and owner of record of each property, and any publicly known proposed land use plans for any of these properties. Also identify any parcels within the project boundaries participating in farmland development rights agreements under Michigan's Farmland and Open Space Preservation Program (PA 116).

(6) A map of existing local zoning districts within the facility and surrounding area.

(7) Maps showing designated coastal areas, inland waterways, groundwater management zones, designated agricultural districts, flood-prone areas, and coastal erosion hazard areas, that are located within the facility and surrounding area.

(8) Maps showing recreational and other land uses within the facility and surrounding area that might be affected by the sight or sound of the construction or operation of the facility, interconnections and related facilities, including wild, scenic, and recreational river corridors, open space, and any known archaeological, geologic, historical, or scenic area, park, designated wilderness, forest lands, scenic vistas, conservation easement lands, federal or state designated scenic byways, nature preserves, designated trails, and public-access fishing areas, major communication and utility uses and infrastructure, and institutional, community and municipal uses and facilities.

(9) A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit and any limits that have been adopted in administrative rules by the MPSC (not applicable at this time).

(10) A map or schematic showing the area including sensitive receptors that will be impacted by shadow flicker for wind facilities, including isolines indicating areas expected to experience 30 hours or more per year of shadow flicker.

The applicant should ensure that all items provided are clear and legible which could entail providing some of the requested items on separate layers, separate pdf maps, or by showing some areas on another scale.

SITE PLAN SECTION 3 – EXPLANATORY INFORMATION

(f) Written explanations of the elements and features shown on all provided maps as well as other planned site/facility information including a description of the project area and the portion of the community where the project will be sited including socioeconomic and demographic profiles and major industries in the area. Examples of relevant project area information include: geography, topography, cities, villages, townships, counties, major industries, and landmarks.

(1) Provide justification for how the proposed project location, layout, construction methods, etc. minimize:
    a) Environmental impacts
    b) Noise
    c) Visual impacts
    d) Impacts to traffic
    e) Impacts to solid waste disposal capacity
    f) Impacts to county and intercounty drains and preliminary plans to minimize, mitigate, and repair drainage issues.
    g) Other impacts to non-participating property owners during construction and operation.

(2) The number of acres of the proposed site for the facility.

(3) Written descriptions explaining the relation of the location of the facility site, and all ancillary features not located on the facility site, to the ALUs of government.

(4) A qualitative assessment of the compatibility of the facility, including any off-site staging and storage areas, with existing, proposed and allowed land uses located within a 1,000-foot radius of the facility site. The assessment shall identify the nearby land uses of and shall address the land use impacts of the facility on residential areas, schools, civic facilities, recreational facilities, and commercial areas. The assessment and evaluation shall demonstrate that conflicts from facility-generated noise, traffic and visual impacts with current and planned uses have been minimized to the extent practicable.

(5) A description of the planned screening, landscaping, and vegetative cover. Describe the plan to establish and maintain vegetative ground cover for the life of the proposed facility. This information is not required if the proposed facility is located entirely on brownfield land.
    - Describe the plan to meet or exceed pollinator standards throughout the lifetime of the proposed facility as established by the "Michigan Pollinator Habitat Planning Scorecard for Solar Sites" developed by the Michigan State University Department of Entomology in effect on the effective date of the amendatory act that added this section or any applicable successor standards approved by the commission.
    - Explain how the seed mix used to establish pollinator plantings shall not include invasive species as identified by the Midwest Invasive Species

Information Network, led by researchers at the Michigan State University Department of Entomology and supporting regional partners.

(6) A written description of how planned fencing complies with the latest version of the National Electric Code.

(7) A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities in accordance with sound modeling and measurement procedures adopted by the Commission.[14] **(Appendix I – Sound Report)**

(8) Plans to comply with dark sky-friendly lighting solutions for solar or storage facilities and light-mitigation plans for wind facilities, including exemptions requested for during the construction period.

(9) A report detailing the flicker modeling results for wind facilities along with mitigation plans to ensure that flicker will remain below the statutory limit throughout the operational life of the facilities. The report must be prepared by a qualified third party using the most current modeling software available establishing that no Occupied Residence will experience more than thirty (30) hours per year, or more than thirty (30) minutes per day, of shadow flicker at the nearest external wall based on real world or adjusted case assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all Occupied Residences as a result of the individual Turbines in the Project. **(Appendix II – Shadow Flicker Report for Wind Facilities)**

(10) An emergency response plan and fire response plan for the facilities. **(Appendix III – Emergency and Fire Response Plans)**

(11) The anticipated impacts and plans to mitigate impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species.

(12) An Unanticipated Discoveries Plan (UDP) including the following:

A. A set of procedures to be followed if cultural resources are discovered. Examples of cultural materials include, but are not limited to **(Appendix IV – Unanticipated Discoveries Plan)**:

(a) An accumulation of shell, burned rocks, or other food related materials
(b) Bones or small pieces of bone
(c) An area of charcoal or very dark stained soil with artifacts
(d) Stone tools or waste flakes (i.e., an arrowhead, or stone chips)
(e) Clusters of tin cans or bottles
(f) Logging or agricultural equipment that appears to be older than 50 years

[14] Procedures for modeling sound emissions from facilities are under development with the help of a consultant. When the sound modeling and measurement procedures are ready for review, Staff will request additional comments on the procedures.

(g) Buried railroad tracks, decking, or other industrial materials

B. A set of procedures to be followed if human remains are discovered

C. A contact list that includes the following:

(a) Contact for the State Historic Preservation Office

(b) Contacts for Tribal Historic Preservation Offices of Michigan

(c) Local, project specific, emergency contacts (i.e., County Sheriff, County Medical Examiner, etc.)

(13) A list of all parcels that are participating or adjacent to the proposed facilities, including land-owner information for each parcel. Land-owner information may be redacted and filed confidentially pursuant to protective order at the discretion of the applicant if the land-owner information is not available publicly. **(Appendix V – Participating Parcel List)**

(14) Proposed complaint resolution process for the site. The complaint process should include the name of a designated developer/operator representative provided with the authority to resolve local complaints, a dedicated phone number for complaints, an email address for complaints, and website information instructing the public on the complaint resolution process. The complaint process should include regular reporting of complaints received and how each complaint was resolved to be filed on a periodic basis in the docket. **(Appendix VI – Complaint Resolution Process)**

SITE PLAN SECTION 4 - CONSTRUCTION INFORMATION

(g) Describe the project's proposed installation methods. The proposed site clearing, construction methods, and reclamation operations, including:

(1) Soil Surveying and testing, pursuant to NREPA.

(2) Grading and excavation.

(3) Construction of temporary and permanent access roads, staging areas, and laydown areas and trenches.

(4) Stringing of cable and/or laying of pipe.

(5) Installation of electric transmission line poles and structures, including foundations.

(6) Depth of underground facilities.

(7) Post-construction restoration.

(8) Maps showing the following:

A. The planned routes (may be preliminary) for cranes and other heavy equipment.

B. The location of any existing deeded easement granted to any entity within the footprint of the facility.

C. The location of known existing and proposed county and intercounty drains, drain easements, and underground drainage tile including data provided by

the county drain commission or the property owner as applicable and to the extent available.

SITE PLAN SECTION 5–ALTERNATIVES

A map and description of each alternative site location, proposed site layout, or other alternatives that are or were considered, including rationale for why alternative locations were not selected for development.

SITE PLAN SECTION 6–CHANGES

A map and description of any known modifications or variations in the proposed site plan that are being considered at the time of filing, and that will be finalized prior to construction.

SITE PLAN MINOR CHANGE DEFINITION / GUIDANCE:

A minor change is any change within the project footprint that still allows the facilities to meet all of the criteria outlined in PA 233, does not create new or additional impacts or require new permits; however, a minor change does not include any of the following:

i. a change that would alter the footprint or perimeter of the site plan;
ii. a change in planned technologies (such as the addition of an energy storage facility to an existing site or other technological changes impacting noise or permit requirements);
iii. reduced setback distances from any part of the planned facilities to occupied structures, non-participating property lines, or rights-of-way;
iv. an increase in the height of the tallest equipment or structures; or
v. repowering.

Fire and Emergency Response Plans

1. The application shall include an Emergency Response Plan (ERP). The ERP shall include:

a. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
b. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate Fire Response Plan);
c. Emergency response measures by contingency;
d. Evacuation control measures by contingency;
e. Community notification procedures by contingency;
f. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
g. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
h. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
i. Other information the applicants finds relevant.

2. The application shall include a Fire Response Plan (FRP). The FRP shall include:
    a. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
    b. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
    c. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
    d. For energy storage projects, a commitment to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and at least once per year while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
    e. For wind and solar projects, a commitment to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.

f. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
g. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
h. Other information the applicants finds relevant.

3. Changes to the design, type, manufacturer, etc. of facilities or equipment after the initial filing must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local fire departments, first responders, and county emergency managers is required for amended plans.
4. In addition to the requirements above, applications for energy storage projects shall include the following in compliance with NFPA 855:
    a. Commissioning Plan (4.2.4 & 6.1.3.2)
    b. Emergency Operation Plan (4.3.2.1.4)
    c. Hazard Mitigation Analysis (4.4)

Decommissioning Plan and Proposed Decommissioning Agreement

Decommissioning plans submitted with applications must include the following elements:

1. An overview of the proposed energy facility including the following:
    (a) A detailed description of the proposed energy facility above and below ground and overview of the current land use of the site where the proposed energy facility will be located.
    (b) The expected useful life of the proposed energy facility.
    (c) A description of events which would trigger developer-initiated decommissioning.
    (d) A chemical analysis of the soil which can be used to ensure a soil is returned to its original condition.
    (e) A list of known hazardous substances at the time of development.
    (f) Appendix I - Energy Facility Layout

2. A description of the energy facility removal process including the following:
    (a) A proposed decommissioning schedule.
    (b) A description of facilities that will be removed and those that will be kept in place.
    (c) A description of removal methods and site clearance activities.
    (d) A description of hazardous material use and removal from the site based upon what is known at the time the application is filed.

(e) A description of planned materials management methods and transportation plans and an initial plan as to whether components will be sold, landfilled, recycled or other, with the understanding that such plans will be updated periodically as described in paragraph 9.
(f) A description of resources, conditions, or activities potentially affected by decommissioning and mitigation measures to be employed during the decommissioning process.

3. A description of the site restoration plan and process including PA 116 restoration requirements.

4. A commitment and plan to coordinate with landowners and ALUs, to the extent possible, prior to beginning decommissioning activities.

5. A list of expected necessary permits for demolition or new temporary construction which may be required for component removal and a statement that such permits will be obtained prior to the start date of decommissioning.

6. An assurance statement from the applicant that restoration will be in accordance with agreements with landowners.

7. A decommissioning cost estimate for restoration of participating properties to useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The estimate must include the following: **(Appendix II - Detailed Decommissioning Cost Estimate)**:
   (a) Detailed cost estimates for removal of energy facility equipment and infrastructure, land restoration and reclamation, and liability insurance requirements calculated by a third party with expertise in decommissioning.
   (b) An estimate of salvage value for energy facility equipment and infrastructure calculated by a third party with expertise in decommissioning.
   (c) An estimate of the cost to hire a decommissioning consultant to manage the decommissioning process in the event of owner abandonment or bankruptcy.

8. Details describing the financial assurance:
   (a) The type and manner of financial assurance the developer plans to provide (cash is prohibited), subject to the terms of any future Commission approval and Commission-approved decommissioning agreement:
      i. Bond; or
      ii. Parent company guarantee; or
      iii. Irrevocable letter of credit.

(b) Such financial assurance shall be expressly held by and for the benefit of the Michigan Public Service Commission.
(c) A plan for annual proof to the Commission that the financial assurance remains sufficient and in effect.

9. A commitment to providing decommissioning plan and cost updates on a 5-year basis for the first 20 years of commercial operation and every 3 years thereafter:
(a) Decommissioning plans shall be updated to incorporate any improvements in the decommission process or necessary changes.
(b) The decommissioning cost estimate must be updated by a third party with expertise in decommissioning based on the updated decommission plan.
(c) The updated decommissioning plan and cost estimate shall be filed in the MPSC docket assigned to the energy facility.
(d) The financial assurance shall be updated according to such periodic updated cost estimates.

10. A decommissioning agreement addressing the decommissioning process. **(Appendix III – Proposed Decommissioning Agreement)**

11. A statement agreeing to provide a decommissioning completion report shall be provided:
(a) Within 60 days of completing decommissioning activities, the applicant must notify the Commission and submit a decommissioning report in the MPSC docket assigned to the project that includes a summary of decommissioning activities and a description of any mitigation measures used during decommissioning.

Appendix I – Energy Facility Layout
Appendix II – Detailed Decommissioning Cost Estimate
Appendix III – Proposed Decommissioning Agreement
(Provide the Sample Decommissioning Agreement with proposed changes in Track Change)

SAMPLE DECOMMISSIONING AGREEMENT

This Decommissioning Agreement is entered into between **[INSERT DEVELOPER NAME]** a **[INSERT BUSINESS STRUCTURE AND STATE OF ORGANIZATION]** at **[INSERT BUSINESS ADDRESS]** ("Developer") and the Michigan Public Service Commission (the "Commission" or "MPSC") at 7109 W Saginaw Hwy, Lansing, MI 48917.

WHEREAS, Public Act 233 of 2023 (the "Act") provides siting authority to the Commission for utility-scale solar, wind, and energy storage projects under specific conditions and requires applications under the Act to include a "decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose";

WHEREAS, the ACT provides that the "decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash";

WHEREAS, on **[INSERT APPLICATION DATE]** the Developer applied to the Commission for a certificate pursuant to MCL 460.1221 *et seq.* (the "Application") for a _____ megawatt **[INSERT ONE OF THE FOLLOWING: solar energy facility, wind energy facility, or energy storage facility]** referred to as **[INSERT NAME OF PROJECT]** located at **[INSERT PROJECT LOCATION]** (the "Project"); and

WHEREAS, the Commission opened a contested case pursuant to MCL 460.1226(3) entitled MPSC Case No. **[INSERT CASE NUMBER]** to conduct a proceeding on the Application and found, pursuant to MCL 460.1226(7), that the Application should be approved, subject to the conditions set forth in the Commission's **[INSERT ORDER DATE]** Order (Attachment A to this Agreement) and the Commission-approved decommissioning plan (Attachment B to this Agreement).

NOW, THEREFORE, the parties to this Agreement set forth the following terms and conditions of the Project decommissioning to which the parties, as well as any subsequent successors in interest, are bound:

1. **Term.** This Agreement is effective **[INSERT EFFECTIVE DATE]** and will continue until terminated as provided below.

2. **Decommissioning Obligations.** The Developer shall satisfy all obligations for decommissioning the Project as provided in this Agreement, the Commission order approving the Project certificate, and the Commission-approved Decommissioning Plan. These obligations shall ensure the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. Specifically, these decommissioning obligations include:

   2.1. **[INSERT OTHER PROJECT-SPECIFIC DECOMISSIONING ACTIVITIES CONSISTENT WITH THE ORDER AND DECOMMISSIONING PLAN]**

   2.2. **State and Local Units of Government Requirements.** The Developer remains bound to obtain any permits or other authorizations required by the State or any local unit of government for purposes of decommissioning activities.

3. **Decommissioning Process.**

   3.1. **Initiation.** Decommissioning of the Project shall commence under any of the following conditions ("Decommissioning Trigger Events"):

      3.1.1. **Developer-Initiated Decommissioning.** The Developer may, subject to its agreements with the participating landowners and the terms of Commission approval, provide written notice to the parties of this Agreement of its intent to decommission the Project or a portion thereof.

      3.1.2. **Landowner Agreements.** The Developer has entered into separate agreements with the owners of the land on which the Project will be developed. To the extent these agreements require decommissioning within a stated period or upon specific events, decommissioning shall

commence no later than upon the triggering of such terms. This decommissioning agreement is intended to be consistent with applicable landowner agreements to the extent possible.

3.1.3. **Depowering. [ADJUST THIS TERM BASED ON RESOURCE TYPE]** If the Project or portion of the project ceases to generate, store, or produce electricity for twelve (12) consecutive months, the project or relevant portion of the project shall be deemed depowered and decommissioning shall commence unless the Developer can demonstrate that the lack of generation, storage, or production is the result of a reasonable and temporary condition for which there is an appropriate remedy approved through a Commission proceeding. If a Project fails to generate, store, or produce electricity within 5 years of commencing construction, it shall be deemed depowered, and decommissioning shall commence unless the Developer can demonstrate through a Commission proceeding that generation, storage, or production will proceed within a reasonable time and manner. If the Project begins to generate, store, or produce electricity in accordance with the requirements of this Agreement and the Commission order approving the Project certificate before a decommissioning activity commences, the depowering may be deemed reversed pursuant to a Commission proceeding.

3.1.4. **Failure of Financial Assurance.** The developer must replace any expiring financial assurance instrument meeting the requirements of this Agreement and the Commission order approving the Project (including any Estimated Decommissioning Cost updates pursuant to Paragraph 4.2.3) no less than ninety (90) days prior to the expiration date of the financial assurance instrument. If the Developer fails to do so, then decommissioning shall commence; provided, that prior to commencing decommissioning for failure to replace the expiring financial assurance instrument, the Developer shall have at least thirty (30) days to cure such failure. If the Developer's financial assurance is to be revoked, terminated, or otherwise ceases to meet the requirements of the Act and Commission order approving the Project certificate, the Developer must immediately notify the parties to this Agreement. If the Developer cannot cure this inadequacy and bring the Project into conformance with the Act and Commission order approving the Project certificate within thirty (30) days, then decommissioning shall commence.

3.1.5. **Change of Ownership.** If the ownership of the Project is transferred, the Developer seeks to dissolve, or the ownership structure of the Developer is otherwise changed, the Developer must immediately file a demonstration in the MPSC docket assigned to the Project confirming the continued compliance with the Project certificate and the continued validity of the financial assurance. If the Developer fails to make any such demonstrations within 30 days of the underlying change, then decommissioning shall commence.

3.1.6. **Repowering.** If the Developer attempts to repower the Project, as defined by MCL 460.1221(v), the Developer must seek a new certificate pursuant to MCL 460.1222. If the Developer begins repowering but fails to seek a new certificate, then decommissioning shall commence unless the Developer halts all repowering activities and initiates the procedures for seeking local approval or a certificate to the satisfaction of the Commission within thirty (30) days of the start of repowering activities.

3.2. **Decommissioning Notice.** Upon the occurrence of any of the above-specified Decommissioning Trigger Events, the Developer shall immediately provide written notice to the parties to this agreement and the affected local units of government and file such notice in the MPSC docket assigned to the Project.

3.3. **Completion Notice.** Within sixty (60) days of completing decommissioning activities, the Developer must notify the Commission and submit a decommissioning report that includes a summary of decommissioning activities and a description of any mitigation measures used during decommissioning in the MPSC docket assigned to the Project.

3.4. **Commission Decommissioning Authority.**

3.4.1. **Commission-Initiated Decommissioning.** If the Developer, its successors or assigns, or any other person controlling the Project fails, refuses, or neglects to initiate decommissioning within 180 days of any of the Decommissioning Trigger Events, the Commission shall itself have the right, but not the obligation, to perform the Developer's decommissioning obligations under this Agreement, the Commission order approving the Project certificate, and the Commission-approved Decommissioning Plan. In such event, the Developer (or its successors or

assigns) agrees to give the Commission and its contractors or agents the right to possess, dispose of, and otherwise decommission the property that makes up the Project and shall defend, hold harmless, and indemnify the Commission for any and all claims, liability, loss, or damage arising out of its exercise of its right to decommission the Project as provided for herein, except in cases of negligence by the Commission or any of its contractors or agents. The Commission shall not be required to expend funds beyond those funds provided through the financial assurances in order to perform the Developer's decommissioning obligations. In the event the Developer (or its successors or assigns) subsequently takes steps to initiate such activities and a decommissioning proceeding before the Commission within a reasonable time, the Commission may refrain from decommissioning activities and allow the Developer (or its successors or assigns) to commence the necessary actions.

3.4.2. **Access Representations.** The Developer hereby represents that it has the rights of ingress, egress, access, and possession to the Project location pursuant to its agreements with Landowners and that the Commission's rights under this Agreement are consistent with the terms of such agreements with the landowners. The Commission shall provide reasonable notice to the Developer and Landowner before entering the Project location if Commission-initiated decommissioning is warranted. The Developer hereby represents it possesses the authority to grant such authority pursuant to its lease agreements and property rights.

3.4.3. **Future Obligations.** The parties to this Agreement acknowledge and agree that appropriation of funds is a legislative function that the Commission cannot contractually commit itself to perform. The Commission's obligations under this Agreement will not constitute a general obligation of the State of Michigan and the Commission's obligations under this Agreement will not constitute either a pledge of the full faith and credit or the taxing power of the State of Michigan.

4. **Financial Assurance. [ADJUST THESE TERMS FOR IRREVOCABLE LETTERS OF CREDIT OR PARENT COMPANY GUARANTEES]**

4.1. **Estimated Decommissioning Cost.** Pursuant to MCL 460.1225(r) and the Commission order approving the Project certificate, the estimated cost of decommissioning the project ("Estimated Decommissioning Cost"), which is

subject to the periodic updates described below, is initially $_____. The Estimated Decommissioning Cost is intended to include the following:

4.1.1. Costs for removal of energy facility equipment and infrastructure, land restoration and reclamation, and insurance requirements calculated by a third party with expertise in decommissioning.

4.1.2. Emergency decommissioning costs for energy storage projects.

4.1.3. Salvage value for energy facility equipment and infrastructure calculated by a third party with expertise in decommissioning.

4.1.4. The cost to hire a decommissioning consultant to manage the decommissioning process in the event of Developer abandonment or bankruptcy.

4.2. **Bond Acquisition. [ADJUST THIS TERM BASED ON APPROVED FINANCIAL ASSURANCE SCHEDULE]** No later than the start of construction, the Developer shall post a Decommissioning Bond in the amount of at least $_____ for the benefit of the Commission, which is 25% of the Estimated Decommissioning Cost. No later than one year from the beginning of construction, the Developer shall post a Decommissioning Bond in the amount of at least $_____ for the benefit of the Commission, which is 50% of the Estimated Decommissioning Cost. No later than the start of full commercial operation, the Developer shall post a Decommissioning Bond in the amount of at least $_____ for the benefit of the Commission, which is 100% of the Estimated Decommissioning Cost. The bond shall conform to the Bond Agreement (Attachment C to this Agreement).

4.2.1. **Renewal.** The Developer or its successor in interest to the Project shall be responsible for renewing the Bond until the financial assurance requirement is terminated pursuant to this agreement and the Commission order approving the Project certificate. At the end of each bond term, the Developer shall renew the bond.

4.2.2. **Decommissioning Cost Update.** The Estimated Decommissioning Cost shall be updated as follows:

4.2.2.1. **Timeline.** For the first twenty (20) years of commercial operation, the Estimated Decommissioning Cost will be updated

every five (5) years. Starting in the twenty-first (21st) year of commercial operation and continuing until the financial assurance requirement is terminated pursuant to this agreement and the Commission order approving the Project, the Estimated Decommissioning Cost will be updated every three (3) years. The amount of any bond obtained subsequent to an Estimated Decommissioning Cost update must be based on such updated costs.

4.2.2.2. **Expert Review.** The Estimated Decommissioning Cost must be updated by a third party with expertise in decommissioning based on the updated decommissioning plan.

4.2.2.3. **Updated Decommissioning Plan.** Upon the Estimated Decommissioning Cost update, the Decommissioning Plans must be updated to incorporate any improvements in the decommissioning process or necessary changes. The Developer will file the updated Decommissioning Plan with the Commission in the MPSC docket assigned to the Project.

4.2.2.4. **Updated Financial Assurance.** Upon the Estimated Decommissioning Cost update, the financial assurance shall be updated according to such updated cost estimates.

4.3. **Use of Funds.** If a Decommissioning Trigger Event occurs, the financial assurance is called upon, and the Commission performs some or all of the Developer's decommissioning obligations, all funds received by the Commission through the Commission's claims on the financial assurances for the Project shall be used for reasonable costs incurred by the Commission in connection with performing the Developer's decommissioning obligations for the project and expenses related thereto (including, but not limited to, third-party consultant and administrator fees, litigation expenses, attorney fees, and expert fees).

5. **Annual Showing.** Every year, **no later than [ADD DATE SPECIFIED BY THE COMMISSION],** the Developer must file proof that the financial assurance requirements are satisfied in the MPSC docket assigned to the Project along with a summary of the power generated, stored, or produced for the proceeding twelve (12) month period and a description of any portions of the Project that have failed to generate, store, or produce electricity during the proceeding twelve (12) months, including the extent and length of such depowering.

6. **Termination.**

6.1. **Commission-Approved Decommissioning.** Upon completion of all decommissioning obligations described in this agreement, the Commission order approving the Project certificate, and the Commission-approved Decommissioning Plan, the Developer may apply to the Commission for termination of this Agreement. The Commission shall determine whether any outstanding obligations exist. Otherwise, the Commission shall terminate this Agreement.

6.2. **Financial Assurance Termination.** If the Developer applies for, and is granted, termination of this Agreement upon completion of all decommissioning obligations as addressed in the preceding paragraph, then the Commission may terminate the applicable financial assurance requirements.

7. **Miscellaneous.**

7.1. **Assignment.** No party may assign all or any part of this Agreement without the other parties' prior written consent. This Agreement inures to the benefit of the parties hereto and their successors and permitted assigns and is binding on each other and each other's successors and permitted assigns.

7.2. **Conflicts.** In the event of a conflict between the Commission order approving the Project certificate and this Agreement or any agreements between the Developer and Landowner, the Commission order shall control.

7.3. **Severability.** Any provision of this Agreement held to be void or unenforceable will not affect the validity of its remaining provision.

7.4. **Amendment.** This Agreement cannot be modified or waived in any way without express agreement signed by all parties.

7.5. **Counterparts.** This Agreement may be executed and delivered in counterparts and duplicate originals, including by a facsimile and/or electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically.

7.6.

7.7. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

[INSERT DEVELOPER NAME]

_____

Print Name: _____

MICHIGAN PUBLIC SERVICE COMMISSION

_____

Print Name: _____

Definitions

"Affected local unit" means a unit of local government in which all or part of a proposed energy facility will be located.

"Aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.

"Applicant" means an applicant for a certificate.

"Certificate" means a certificate issued for an energy facility under section 226(5).

"Community-based organization" means a workforce development and training organization, labor union, local governmental entity, Michigan federally recognized tribe, environmental advocacy organization, or an organization that represents the interests of underserved communities.

"Compatible renewable energy ordinance" means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8). 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.

"Construction" means any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.

"Dark sky-friendly lighting technology" means a light fixture that is designed to minimize the amount of light that escapes upward into the sky.

"Energy facility" means an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

"Energy storage facility" means a system that absorbs, stores, and discharges electricity. Energy storage facility does not include either of the following:

(i) Fossil fuel storage.

(ii) Power-to-gas storage that directly uses fossil fuel inputs.

"Independent power producer", or "IPP", means a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.

"Light intensity dimming solution technology" means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

"Light-mitigating technology system" means an aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

"Local unit of government" or "local unit" means a county, township, city, or village.

"Maximum blade tip height" means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.

"Nameplate capacity" means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

"Nonparticipating property" means a property that is adjacent to an energy facility and that is not a participating property.

"Occupied community building" means a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.

"Participating property" means real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

"Person" means an individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.

"Prime farmland" means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest and, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content,

and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmland are Palouse silt loam, 0 to 7 percent slopes; Brookston silty clay loam, drained; and Tama silty clay loam, 0 to 5 percent slopes.

"Project labor agreement" means a prehire collective bargaining agreement with 1 or more labor organizations that establishes the terms and conditions of employment for a specific construction project and does all of the following:

(i) Binds all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents.

(ii) Allows all contractors and subcontractors on the construction project to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements.

(iii) Contains guarantees against strikes, lockouts, and similar job disruptions.

(iv) Sets forth the effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement.

(v) Provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(vi) Complies with all state and federal laws, rules, and regulations.

"Repowering", with respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

“Specialty Crops” means land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables. (Definition is adopted from the USDA definition of “Unique Farmland.”)

"Solar energy facility" means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

"Wind energy facility" means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

List of Acronyms

AC – Alternating Current

ALJ – Administrative Law Judge

ALU – Affected Local Unit

CREO – Compatible Renewable Energy Ordinance

MNIA - Military Needs and Interest Assessment

MPSC – Michigan Public Service Commission

MZEA – Michigan Zoning Enabling Act

NREPA – Natural Resources and Environmental Protection Act

PFD – Proposal for Decision

USGS – United States Geological Survey

Exhibit List

Each of the following exhibits and appendices must be included in the application using the exhibit or appendix number provided. If the Exhibit or Appendix is not applicable to the type of application, please include the exhibit or Appendix page and indicate "Intentionally left blank". If additional exhibits are necessary, they may be labeled using two or three letters and exhibit number beginning with 1. For example, ABC Solar could use ABC-1, 2, etc. to identify additional exhibits.

If additional Site Plan Appendices are necessary, they may be added to the end of the Appendix list.

Exhibit Number	Description
A-1	Site Plan
	Appendix I – Sound Report
	Appendix II – Shadow Flicker Report for Wind Facilities
	Appendix III – Emergency and Fire Response Plan
	Appendix IV – Unanticipated Discoveries Plan
	Appendix V – Participating Parcel List
	Appendix VI – Complaint Resolution Process
A-2	Local Outreach
	Chief Elected Official Meeting Offer, Response, and Meeting Summary
	Copy of Public Meeting Notice and Meeting Summary
	Summary of Public Outreach
	Summary of consultations with federal, state, and local representatives: Date, Attendees, Discussion summary, and Outcome
A-3	Soil and Economic Survey Report
A-4	Stormwater Assessment and Plan
A-5	NREPA Compliance
A-6	Permit List and Status
A-7	Decommissioning
	Appendix I - Energy Facility Layout
	Appendix II - Detailed Decommissioning Cost Estimate
	Appendix III - Proposed Decommissioning Agreement
A-8	Host Community Agreements and Community Benefits Agreements

Conditions

1. The applicant is encouraged to consider including proposals to meet the following conditions (**at a minimum**) when filing an application. Those participating in the case are encouraged to evaluate the efficacy of proposed conditions made by the applicant in its application and to propose modifications or additions to proposed conditions in contested cases filed pursuant to PA 233. An agreement from the applicant to obtain and comply with construction or building permits from the ALU for the renewable energy and energy storage facilities; or to enter into a third-party independent monitor agreement, funded by the applicant, where the monitor is selected in consultation with the Staff to be onsite during the periods when construction is taking place on a weekly basis to monitor the construction activities. The independent monitor would be granted authority to resolve complaints and request immediate cessation of activities the monitor can document are in material breach of any plan, permit or agreement pertaining to the construction of the facility. The third-party independent monitor shall provide periodic reports to the Staff, the ALU, and the applicant from the start of construction and continuing through the first 3 months of commercial operation. The cadence of the reports will be determined by the independent monitor in consultation with the Staff.
2. An agreement from the applicant to participate in a pre-construction meeting with the Staff and either the ALU who has issued a construction or building permit, or a third-party independent monitor, to ensure the Staff has access to the latest information and final documentation prior to construction for use in answering questions and assisting with complaints. Invitations to attend the pre-construction meeting should be extended to representatives of ALUs, however, their attendance would not be required. The certificate may also be conditioned on the applicant's agreement to file the final drawings, plans, and permits received in the docket prior to the start of construction. The filing of final drawings, plans, and permits received are for completeness and transparency in the record and the pre-construction meeting serves to ensure that the final plans conform with the certificate approved by the Commission.
3. An agreement by the applicant to repair or replace all public and private drainage systems, damaged from construction or decommissioning processes except for those drainage systems that are already specifically addressed in lease agreements or other agreements in place. This shall include county or intercounty drains in the event there are established county or intercounty drains that are part of the public drainage system.
4. An agreement by the applicant to file mechanical completion certificates for the facilities in the docket.
5. An agreement by the applicant to implement a complaint resolution process as approved by the Commission as a condition of certificate approval that includes the name of a designated developer/operator representative provided with the

authority to resolve local complaints, a dedicated phone number for complaints, an email address for complaints, and website information instructing the public on the complaint resolution process.

6. An agreement by the applicant to provide emergency contact information for the site in the docket and to file updated emergency contact information on an annual basis.
7. An agreement by the applicant to implement screening as approved by the Commission as a condition of the siting certificate.[15]
8. An agreement by the applicant to implement vegetative ground cover in consideration of Michigan State University's "Michigan Pollinator Habitat Planning Scorecard for Solar Sites" and avoiding invasive species as approved by the Commission as a condition to the siting certificate.
9. An agreement by the applicant to bury underground facilities to a depth of 4 feet or as approved by the Commission as a condition to the siting certificate.
10. An agreement by the applicant to contract with and pay for a third-party acoustics expert to conduct post-construction sound measurements in accordance with sound modeling and measurement procedures[16] adopted by the Commission and file the results in a report in the docket. An agreement that if the post-construction sound measurements do not meet the statutory requirements, noise mitigation plans will be implemented and the post-construction sound measurements will be repeated and the results will be filed in a subsequent report in the docket.
11. An agreement by the applicant to demonstrate compliance in accordance with sound modeling and measurement procedures adopted by the Commission with the sound provisions in the statute upon request by the MPSC in response to customer complaints and to maintain compliance with the sound provisions in the statute by implementing additional noise mitigation measures during facility operations should the sound levels be non-compliant with the statute.
12. An agreement by the applicant to mitigate shadow flicker that does not meet the statutory provisions, report to the Commission on the mitigation plans, and report to the Commission on the results of the mitigation to reduce the shadow flicker.
13. An agreement by the applicant to, at the applicant's cost, contract with a third party to conduct a pre-construction study of reception near planned installation of wind facilities and to remedy, at the applicant's cost, any impacts to reception caused by the wind energy facility and restore reception to at least the levels present before the wind energy facility began operations.
14. For battery storage projects, an agreement by the applicant to provide annual training for local fire departments and other first responders. For wind and solar projects, an agreement to conduct additional training for local fire departments and other first responders upon request.

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[15] Brownfield sites may have unique requirements related to fencing, screening, landscaping, and vegetative cover.

[16] Sound modeling and measurement procedures are under development.

15. Approval contingent upon receiving approval for all necessary applicable state, federal, and local permits and all permits need to be obtained before beginning construction on the portion of the project for which the permit is necessary.
16. Approval contingent upon the execution of a decommissioning agreement approved by the Commission and an agreement by the applicant to demonstrate that financial assurance has been acquired and will be maintained throughout the operational life of the facilities, as outlined in the decommissioning agreement.
17. An agreement by the applicant to comply with all other applicable (non-zoning) ordinances throughout the operational life of the facilities that were in effect at the time the MPSC certificate was issued.
18. An agreement by the applicant to comply with the provision of periodic reports over time (as specified by the Commission as a condition of approval) on the amount of electricity produced per turbine or per parcel, a report listing complaints received during the time period as well as the developer/operators' response including resolution and/or plans for mitigation, a report outlining the operating condition and performance of the facilities on the site (including non-producing ancillary equipment, structures, fencing, locks, gates, screening, vegetative ground cover and other items specifically listed in the condition), a report listing any failures of equipment or structures that took place during the period as well as repairs that have been made during the time period or are planned or underway, and a report of any improvements made to the site or facilities during the period as well as any planned improvements or planned changes to the site or facilities including changes to fencing or ancillary equipment during the reporting period, to be filed in the docket.
19. An agreement by the applicant to provide annual maintenance plans and annual inspection results in the docket.
20. An agreement by the applicant to utilize a project labor agreement or operate under a collective bargaining agreement for the construction and maintenance work to be performed.
21. An agreement by the applicant to enter into an agreement with the County Road Commission regarding reimbursement for the repair and restoration of County roads modified or damaged during the construction process.
22. An agreement by the applicant confirming the applicant's acceptance and agreement to comply with all terms and conditions in the certificate.