

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,	)	
regarding the regulatory reviews, revisions,	)	
determinations, and/or approvals necessary for	)	Case No. U-15805
CONSUMERS ENERGY COMPANY to	)	
fully comply with Public Acts 286 and 295	)	
of 2008.	)	
_____	)	

At the June 12, 2025 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Alessandra R. Carreon, Commissioner

ORDER

On March 14, 2025, Consumers Energy Company (Consumers) filed an application in this docket (March 14 application) with supporting attachments and an affidavit, pursuant to Section 28 of Public Act 295 of 2008, as amended (Act 295), MCL 460.1028, requesting *ex parte* approval of contracts related to the Blackman Solar Project in support of the company's Solar Gardens Program (Solar Gardens), including: (1) the Engineering, Procurement, and Construction (EPC) Agreement with Kokosing Industrial, Inc. (d/b/a Kokosing Solar), and (2) Module Supply Contract (MSC) with Trina Solar (U.S.), Inc. (Trina Solar).

In its application, Consumers states that the Commission conditionally approved the Solar Gardens pilot as part of Consumers' renewable energy program for up to 10 megawatts (MW) of community solar generation in the May 14, 2015 order in Case No. U-17752 (May 14 order) and

approved Solar Gardens as a voluntary green pricing (VGP) program, pursuant to MCL 460.1061, in the October 5, 2018 order in Case No. U-18351. Consumers states that Solar Gardens currently has 4.5 MW of supply and is 99.8% subscribed. The Blackman Solar Project is a new 30-acre solar array in Jackson County, Michigan that will add up to 2.5 MW of community solar to Solar Gardens, including additional supply for Consumers' income-qualified Solar Gardens program, MI Sunrise Solar. March 14 application, pp. 2-3.

Consumers explains in the March 14 application that it conducted a request for proposals and developed a bid evaluation process for the EPC Agreement. Pursuant to this process, Consumers selected Kokosing Solar as the EPC contractor for the Blackman Solar project. Consumers states that it also completed a competitive solicitation to procure photovoltaic modules for numerous projects under development by the company. The competitive solicitation resulted in the selection of Trina Solar as the vendor based on multiple factors, including cost, schedule, quality, and availability. Consumers filed a copy of the EPC Agreement and the MSC with sensitive portions redacted to protect confidential information that might negatively affect the competitive market. *See*, March 14 application, Attachments A and B. Consumers asserts that it would make the original unredacted contracts available to the Commission Staff (Staff) for review. *Id.*, pp. 3-5.

Consumers notes that the company modeled future proxy additions to Solar Gardens in its amended renewable energy plan (REP) in Case No. U-21374, approved in the August 22, 2024 order in that case (August 24 order), at a levelized cost of energy of \$113.91 per megawatt-hour (MWh). Based on the EPC Agreement, the MSC, and the other forecasted project costs, Consumers states that the capital costs for the Blackman Solar project are expected to be

approximately \$2,345 per installed kilowatt (kW),¹ with a levelized cost of energy of approximately \$101 per MWh. March 14 application, p. 4.

Consumers requests to use the Staff's 2024 Transfer Price Schedule for the Blackman Solar Project, as provided in Attachment D to the March 14 application.² Consumers also requests that the Commission provide assurance that the full costs of the Blackman Solar project will be recoverable through the combined application of the transfer price mechanism; the revenue recovery mechanism, if necessary; or other mechanisms as determined by the Commission to recover these costs. The company explains that Solar Gardens subscriptions will be used to offset the costs of the Blackman Solar project. Consumers states that the requested contract approval will not result in an alteration or amendment in rates or rate schedules and will not result in an increase in the cost of service to customers because the contracts are consistent with the planned activities, expenses, and revenue recovery mechanisms described in Consumers' amended REP in Case No. U-21374. March 14 application, pp. 5-6.

Discussion

MCL 460.1028(6) states:

For an electric provider whose rates are regulated by the commission, the electric provider shall submit a contract entered into for the purpose of subsection (5) to the commission for review and approval. If the commission approves the contract, it is considered consistent with the electric provider's renewable energy plan. The commission shall not approve a contract based on an unsolicited proposal unless the commission determines that the unsolicited proposal provides opportunities that

¹ Consumers specified that this cost was \$2,345 per "kWdc[.]" which stands for kilowatt of direct current. March 14 application, p. 4.

² As Consumers notes, the 2024 Transfer Price Schedule filed in Case No. U-15800 appears to contain a typo that identified the transfer price in 2027 as \$670.40 instead of \$70.40. The Staff has corrected this in the 2024 Transfer Price Schedule pre-filed as Exhibit S-1 in Case No. U-21549. March 14 application, p. 5, n. 1; *see also*, March 14 application, Attachment D.

may not otherwise be available or commercially practical through a competitive bid process.

The Commission has reviewed the contracts, including the unredacted confidential versions provided for review to the Staff, and supporting documents submitted by Consumers pursuant to Act 295, as amended, and finds that the contracts are consistent with Consumers' approved REP and should be approved. The Commission further finds that the 2024 Transfer Price Schedule should apply to the Blackman Solar Project. The Commission finds that *ex parte* review and approval is appropriate because the contracts will not affect rates or rate schedules resulting in an increase in the cost of service to customers. *See*, MCL 460.6a(3).

THEREFORE, IT IS ORDERED that:

A. Consumers Energy Company's Engineering, Procurement, and Construction Agreement with Kokosing Industrial, Inc. (d/b/a Kokosing Solar) and Module Supply Contract with Trina Solar (U.S.), Inc., for the Blackman Solar Project are approved as in compliance with Public Act 295 of 2008, as amended, and consistent with Consumers Energy Company's approved amended renewable energy plan.

B. The Commission Staff's 2024 Transfer Price Schedule, provided in Attachment D to the company's March 14, 2025 application, shall be applied to the Blackman Solar Project.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Alessandra R. Carreon, Commissioner

By its action of June 12, 2025.

Lisa Felice, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

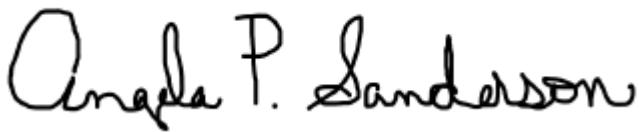
Case No. U-15805

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on June 12, 2025 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 12th day of June 2025.



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

Service List for Case: U-15805

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