

## Michigan Law Allows Delay For Good Cause

Michigan Act No. 235 Public Acts of 2023 Approved by the Governor November 28, 2023 Filed with the Secretary of State November 29, 2023 EFFECTIVE DATE: February 27, 2024<sup>1</sup>

...

(c) “Renewable energy credit” means a credit granted under a certification and tracking program established under section 41, which represents generated renewable energy.

...

Sec. 28. (1) An electric provider shall achieve a renewable energy credit portfolio of at least the following:

(a) Through 2029, 15%.

(b) In 2030 through 2034, 50%.

(c) In 2035 and each year thereafter, 60%.

...

Sec. 32. (1) **Upon petition by an electric provider, the commission may, upon a showing of good cause, grant an extension of a renewable energy credit portfolio deadline** under section 28. Each extension shall not exceed 2 years. An extension of a deadline does not affect a subsequent deadline.

(2) In a petition under subsection (1), an electric provider must include a plan for resolving the barrier to compliance and must make a showing of good cause by demonstrating any of the following:

(a) Despite all commercially reasonable efforts by the electric provider to comply with the deadline, compliance is not practically feasible for reasons that may include, but are not limited to, zoning, siting, permitting, supply chains, transmission interconnection, labor shortages, delays in project deliverability from developers, or unanticipated load growth. Issuing a request for proposals to purchase renewable energy and not receiving a commercially viable offer creates a rebuttable presumption that compliance with the deadline is not practically feasible.

(b) Compliance would be excessively costly to customers despite commercially reasonable efforts by the electric provider to contain costs.

(c) Compliance would result in a deficiency in meeting resource adequacy requirements in the electric provider’s service territory.

**(d) Compliance would result in a local grid reliability issue.**

(3) Upon granting an additional extension for a particular renewable energy credit portfolio deadline beyond the first 2 extensions, the commission shall notify the speaker of the house, the majority leader of the senate, and the chairpersons of the committees of the legislature having jurisdiction over energy issues that it has granted an additional extension to the electric provider and the reasons for the extension.

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<sup>1</sup> <https://www.legislature.mi.gov/documents/2023-2024/publicact/pdf/2023-PA-0235.pdf>