

Order

Michigan Supreme Court
Lansing, Michigan

September 19, 2025

Megan K. Cavanagh,
Chief Justice

168335-9

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

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

LITTLE TRAVERSE BAY BANDS OF ODAWA
INDIANS, BAY MILLS INDIAN COMMUNITY,
GRAND TRAVERSE BAND OF OTTAWA
AND CHIPPEWA INDIANS, NOTTAWASEPPI
HURON BAND OF THE POTAWATOMI, and
ENVIRONMENTAL LAW & POLICY CENTER
and MICHIGAN CLIMATE ACTION NETWORK,
Appellants,

v

SC: 168335-9
COA: 369156, 369159, 369161,
369162, 369165
PSC: 00-020763

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

and

ENBRIDGE ENERGY LIMITED
PARTNERSHIP,
Petitioner-Appellee.

On order of the Court, the application for leave to appeal the February 19, 2025 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the Court of Appeals erred by: (1) applying a deferential standard of review rather than determining de novo whether the proposed conduct will pollute, impair, or destroy the air, water, or state's other natural resources or the public trust in these resources under MCL 324.1705(2) of the Michigan Environmental Protection Act (MEPA), MCL 324.1701 *et seq.*, in accordance with *West Mich Environmental Action Council, Inc v Natural Resources Comm*, 405 Mich 741, 752-755 (1979); and (2) affirming

the Michigan Public Service Commission's limitation on the scope of the evidence to be reviewed regarding its determinations under MCL 324.1705(2) of MEPA and its decision to exclude evidence of the history and risk of oil spills along the entire length of Line 5 in those determinations. The total time allowed for oral argument shall be 40 minutes: 20 minutes for the appellants, to be divided at their discretion, and 20 minutes for the appellees, to be divided at their discretion. MCR 7.314(B)(1).

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

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *In re Application of Enbridge Energy: For Love of Water v MPSC* (Docket No. 168346).



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

September 19, 2025

A handwritten signature in cursive script, reading "Elizabeth Kingston-Miller", written over a horizontal line.

Clerk