



Order

Michigan Supreme Court
Lansing, Michigan

May 12, 2017

Stephen J. Markman,
Chief Justice

150695

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

In re APPLICATION OF MICHIGAN ELECTRIC
TRANSMISSION COMPANY FOR
TRANSMISSION LINE

CHARTER TOWNSHIP OF OSHTEMO,
Appellant,

v

SC: 150695
COA: 317893
MPSC No.: 00-017041

MICHIGAN ELECTRIC TRANSMISSION
COMPANY LLC,
Petitioner-Appellee,

and

MICHIGAN PUBLIC SERVICE COMMISSION,
Appellee.

On order of the Court, leave to appeal having been granted and the briefs and oral arguments of the parties having been considered by the Court, we AFFIRM the judgment of the Court of Appeals on the basis that appellant Oshtemo Township exercised control over its streets pursuant to clause three of Const 1963, art 7, § 29 when it enacted Zoning Ordinance No. 525 and that § 230.004(b) of such Ordinance—requiring that all new utility “lines, wires, and/or related facilities and equipment” within the Township be constructed underground “within the public road right-of-way and to a point within 250 feet either side of said public right-of-way”—is unconstitutional because it is unreasonable. See *People v McGraw*, 184 Mich 233, 238 (1915). Therefore, the certificate that appellee Michigan Public Service Commission issued to appellee Michigan Electric Transmission Company pursuant to the Electric Transmission Line Certification Act, MCL 460.564 *et seq.*, prevails over § 230.004(b) of Ordinance No. 525.

WILDER, J., took no part in the decision of this case.



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I, Larry S. Royster, 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.

May 12, 2017

Clerk