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PUBLIC SERVICE COMMISSION

September 23, 2020

NOTICE OF INTENT TO INITIATE RULEMAKING TO REVISE REGULATIONS GOVERNING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR GENERATING STATIONS

To: All Interested Persons

The Maryland Public Service Commission is the State of Maryland's siting authority for large-scale generating stations, including utility-scale solar facilities greater than 2 megawatts in capacity. With limited exception, all utility-scale solar projects must first obtain a Certificate of Public Convenience and Necessity ("CPCN") from the Commission prior to beginning construction. The CPCN application process is governed under the Public Utilities Article, *Annotated Code of Maryland*, §§ 7-207 through 7-208, and the Code of Maryland Regulations ("COMAR") 20.79. Each CPCN application is subject to a comprehensive review by the Commission based on evidence submitted by the parties to the proceeding, which includes an independent project evaluation by seven reviewing State agencies. Nevertheless, the Commission is committed to exploring ways to enhance this process for the benefit of all parties and the public.

In 2019, the Maryland General Assembly passed the Clean Energy Jobs Act, which took effect in October 2019 and requires that 14.5 percent of the State's energy must come from in-State solar resources. Even though over 35 CPCNs have been issued since 2011 for solar projects across the State, some solar developers have expressed concern regarding delays due to zoning processes at the local level and the statutory due consideration that the Commission must give to local concerns. In order to ensure that the Commission continues to meet its statutory duty to promote adequate, economical, and efficient delivery of utility services, the Commission seeks to provide additional clarity on certain CPCN application requirements to better assist parties and the Commission in determining when an application is considered complete.

The Commission hereby gives notice that it will initiate a rulemaking at a future date to consider revisions to COMAR 20.79, which governs applications concerning the construction or modification of generating stations, qualified generator lead lines, and overhead transmission lines. Specifically with respect to generating stations, the Commission directs the Commission's Technical Staff ("Staff") to submit a petition to initiate a rulemaking by December 18, 2020. A future notice to initiate the rulemaking will provide the dates on which the Commission will conduct a legislative-style hearing to consider the proposed revisions to COMAR 20.79.

Any party wishing to submit comments or a rulemaking proposal for Staff's consideration shall e-file using the Commission's e-File system **by November 2, 2020**.¹ Comments and proposals should be addressed to:

Andrew S. Johnston, Executive Secretary
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul Street, 16th Floor
Baltimore, Maryland 21202

The subject line shall reference "**COMAR 20.79 Rulemaking, Attn: Joey Chen.**"

For questions related to this CPCN rulemaking, please contact Joey Chen, Senior Advisor to the Chairman, at joey.chen@maryland.gov.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

¹ Details of the e-File system can be found on the Commission's website, www.psc.state.md.us.