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PUBLIC SERVICE COMMISSION

November 9, 2023

Addressing CPCN Applications for Utility-
Scale Solar Energy Siting

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Administrative Docket
PC58

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NOTICE OF PUBLIC CONFERENCE AND OPPORTUNITY TO COMMENT

Maryland has consistently led states in pursuing energy policies that preserve and improve environmental quality for the State’s citizens, including policies designed to combat climate change. For example, Maryland enacted its Renewable Portfolio Standard (“RPS”) in 2004 (Senate Bill 869), to capture the economic, environmental, fuel diversity, and security benefits of renewable energy, to establish a market for renewable energy in Maryland, and to lower the cost of obtaining electricity generated from renewable sources.¹

Maryland’s RPS has been amended multiple times over the years to augment the renewable energy requirements under the law. In 2019, the Clean Energy Jobs Act (Senate Bill 516) increased the total renewable compliance requirements to 50% by the year 2030. That law also increased the solar carve-out requirement to 14.5% by 2030 and added additional offshore wind procurement requirements. Most recently, the Maryland Climate Solutions Now Act of 2022 (Senate Bill 528) set a goal of a 60% reduction in greenhouse gas emissions by 2031, set a goal for the State to achieve net-zero statewide greenhouse gas emissions by 2045, and required certain State agencies,

¹ See also the Greenhouse Gas Reduction Act of 2009, which required a 25% reduction in greenhouse gas emissions in the State by 2020, and which was later expanded to require a 40% reduction by 2030.

including the Commission, to consider the long-term impacts of their programs on the climate and disproportionately affected communities.

As a result of these policies, Maryland has successfully strengthened the market for renewable energy in Maryland, increased fuel diversity, and lowered the cost to consumers of electricity produced from renewable resources. The State has also significantly reduced harmful emissions that would otherwise have polluted Maryland air and water resources and contributed to climate change.

Nevertheless, the steep increase in renewable energy applications, including for utility-scale solar projects, imposes challenges on the Commission regarding how to most effectively and fairly weigh the environmental and economic benefits of proposed renewable projects with the potential burdens imposed on the communities in which they may be built.²

Accordingly, the Commission initiates Public Conference 58 (“PC58”) to receive the benefit of public input regarding how the Commission should meet the increasing solar energy requirements of Maryland law while adequately addressing potential adverse effects to local counties, municipalities, and landowners. The Commission appoints Advisor David Chy as leader of this public conference. Developers, local officials, and interested persons are encouraged to e-file brief written comments, no greater than five pages in length, by December 1, 2023.³ The comments should be addressed to Andrew S. Johnston, Executive Secretary, Maryland Public

² The Public Utilities Article (“PUA”) provides at § 7-207 *et seq.* a comprehensive scheme of requirements and considerations for reviewing an application for certificate of public convenience and necessity (“CPCN.”) The Commission has promulgated regulations in Subtitle 79 (COMAR 20.79.01.01 *et seq.*) that implement the requirements of the PUA.

³ Details of the e-file system can be found on the Commission’s website, www.psc.state.md.us.

Service Commission, William Donald Schaefer Tower, 6 St. Paul Street 16th Floor, Baltimore, Maryland 21202.

Commission Staff is directed to participate. State agencies with special expertise in renewable power plant siting, including the Power Plant Research Program of the Department of Natural Resources, the Maryland Energy Administration, and the Office of People's Counsel are also invited and encouraged to participate. Comments are welcome on the following issues with respect to utility-scale solar energy, among others:

- How the Commission can encourage consistency of the CPCN application with a county's comprehensive plan and zoning laws, and compatibility with existing and planned future land use designations, including any areas designated for environmental or agricultural preservation;
- How CPCN applicants can best avoid negatively impacting sites with historical, cultural, or environmental significance, including through the consultation of appropriate historical, cultural, or environmental associations;
- How CPCN applicants can maximize economic benefits to affected counties, including through the offer of community benefits, as well as adequately addressing negative impacts to tourism or land values;
- How CPCN applicants can adequately address negative aesthetic impacts, including through mitigation of any glare caused by the project, as well as the use of landscape buffers and fencing;
- How CPCN applicants can adequately address any adverse impacts related to construction, including noise impacts, traffic disruptions, and soil erosion;
- How the Commission can ensure full mitigation of any harms, including how to ensure an adequate decommissioning plan;
- Whether any process improvements for the filing and consideration of solar CPCN applications should be implemented, including what information should be included in an application, and the appropriate timeline for application adjudication;
- How to ensure adequate opportunity for stakeholder input, including specifically how to ensure county feedback on any CPCN application;
- Whether there are any standard licensing conditions that should be incorporated into all solar CPCN applications, which might help streamline the process; and

- What steps can be taken to streamline CPCN processes for backup generation stations that support data centers and other economic development initiatives that may be encouraged by State policy.

Participants may also raise any other issues they believe the Commission should consider that relate to the scope of this public conference. However, comments that are not relevant to the scope of this inquiry will not be considered. Where appropriate, parties should provide suggested regulatory language or other Commission action necessary to address issues or procedures identified.

The Commission hereby gives notice that it will conduct a one-day public conference on December 15, 2023, beginning at 10:00 a.m. in the Frank O. Heintz Hearing Room, 16th Floor, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland to be led by Commission Advisor Chy. Participants are free to make an oral presentation at the beginning of that conference. Afterwards, all stakeholders will be invited to participate in an interactive dialogue on the topics listed in this Notice. Commission Advisor Chy will be available to lead that conversation. Upon receipt of all written comments and the conference dialogue, the Commission will consider the next steps.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary