

**ORDER NO. 87497**

IN THE MATTER OF THE APPLICATION	*	BEFORE THE
OF ENERGY ANSWERS	*	PUBLIC SERVICE COMMISSION
INTERNATIONAL, LLC FOR A	*	OF MARYLAND
CERTIFICATE OF PUBLIC	*	
CONVENIENCE AND NECESSITY TO	*	_____
CONSTRUCT A 120 MW GENERATING	*	
FACILITY IN BALTIMORE, MARYLAND	*	CASE NO. 9199
_____	*	_____

**Issue Date: April 15, 2016**

**ORDER TO SHOW CAUSE**

The Commission has reviewed Staff’s request for issuance of an order requiring Energy Answers (“the Applicant”) to show cause why an Order should not be issued revoking the Applicant’s Fairfield Facility Certificate of Public Convenience and Necessity (“CPCN”) as a result of the expiration of the air permit issued by the Maryland Department of Environment (“MDE” or “Department”). Condition A-6 of the CPCN required Energy Answers to comply with MDE-ARMA Regulations. After taking this matter under advisement at the April 13, 2016 Administrative Meeting, the Commission hereby issues an order directing Energy Answers to show cause why its Fairfield Facility CPCN should not be revoked.

Code of Maryland Regulations (“COMAR”) 26.11.02.04B states the air quality provisions expire if, as determined by MDE-ARMA:

a) Construction is not commenced within 18 months after the date of issuance of a final CPCN;

b) Construction is substantially discontinued for a period of 18 months or more after it has commenced; or

c) Construction is not completed within a reasonable period of time after the issuance of a final CPCN.

By letter dated March 17, 2016 MDE informed the Applicant of its final decision concluding that the air quality provisions of the CPCN have expired and are no longer valid. The Commission received timely notification of the Department's action.

During discussion of this matter at the Administrative Meeting, the representative for Energy Answers conceded that there are no perceived factual or legal issues in dispute in this case. The Applicant does not oppose responding to a Show Cause Order, but requests a reasonable period of time to submit comments addressing this issue. The Applicant's representative accepted that two weeks, rather than 30 days, should be sufficient time for the Applicant to respond.

Accordingly, the Applicant is directed to show cause why Energy Answers' Fairfield Facility CPCN should not be revoked as a matter of law based on the expiration of its air permit, pursuant to Condition A-6.

**IT IS THEREFORE**, this 15th day of April, in the year Two Thousand Sixteen by the Public Service Commission of Maryland,

**ORDERED:** (1) That Energy Answers shall provide a written response within 14 days explaining why the Certificate of Public Convenience and Necessity issued for the Fairfield Facility should not be revoked;

(2) That the Department and Staff shall be permitted 14 days from receipt of the Applicant's response to file reply comments; and

(3) That pending the Commission's further decision in this matter (if any), the Applicant shall forebear from any activity in furtherance of the previously authorized CPCN.

By Direction of the Commission,

*/s/ David J. Collins*

David J. Collins  
Executive Secretary