

ORDER NO. 89499

U.S. Wind, Inc.'s Qualified Offshore
Wind Project's Compliance with
Conditions Approved in 2017

*
*
*
*
*
*

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9628

Issue Date: February 13, 2020

NOTICE OF INTENT TO CONDUCT EVIDENTIARY HEARINGS

On December 27, 2019, the Maryland Public Service Commission issued a Notice of Hearing establishing a public comment period to address changes in turbine selection size announced by Skipjack Offshore Energy, LLC (“Skipjack”) and U.S. Wind, Inc. (“U.S. Wind”) (together, “Applicants”) related to their respective offshore wind projects.¹ Pursuant to that Notice, the Commission conducted a well-attended public hearing on January 18, 2020 at the Roland E. Powell Convention Center in Ocean City, Maryland, where the public was afforded an opportunity to provide comments. Additionally, the Notice of Hearing afforded the opportunity for members of the public to submit written comments.² The Commission received several hundred written comments from members of the public, including property owners, elected officials, municipalities, government agencies, environmental and non-profit organizations, business interests, academic organizations, trade associations and labor unions. The Town of Ocean City, Maryland

¹ The Notice was also issued in Case No. 9629, *Skipjack Offshore Energy, LLC's Qualified Offshore Wind Project's Compliance with Conditions Approved in 2017*.

² The deadline for submitting public comments closed on January 31, 2020.

also filed a Supplemental Response to Notice of Opportunity to Comment, in which it renewed its request for an evidentiary hearing to address the impacts related to the Applicants' notice of intent to install larger offshore wind turbines.

Based on the record in this proceeding, including comments by parties and members of the public, the Commission finds that it is appropriate to conduct an evidentiary hearing regarding impacts related to the change in turbine size selected by U.S. Wind.³ The evidentiary hearing is limited to potential impacts related to the change in turbine selection. The Commission will not reconsider issues unrelated to that topic, including the issue of whether to grant offshore wind renewable energy credits ("ORECs").

In its most recent communication regarding turbine size, U.S. Wind indicated that it has not reached a final determination regarding turbine selection, but that it is considering turbines between 8 and 12 megawatts in size.⁴ U.S. Wind has also indicated that BOEM's review of its project is ongoing. Given the uncertainty regarding final turbine selection, the Commission will not schedule a date for evidentiary hearings at this time. Instead, U.S. Wind is directed to file with the Commission proposed dates for holding evidentiary hearings to address impacts related to change in turbine size selection.

³ As discussed during the January 18, 2020 public hearing, the federal government is in the process of conducting a significant review of the environmental and viewshed impacts of the Applicants' projects, including impacts related to final turbine selection. Specifically, the Bureau of Ocean Energy Management ("BOEM") will review each Applicant's Construction and Operations Plan ("COP"), which will trigger a full investigation under the National Environmental Policy Act ("NEPA"), including the development of an Environmental Impact Statement. BOEM's proceedings will engage federal, state, and local agencies and stakeholders. Despite this rigorous federal review, however, the Commission finds that it must independently consider the impacts of the change in turbine selection by U.S. Wind and Skipjack, including through the establishment of the evidentiary hearings discussed herein.

⁴ Public Hr'g Tr. at 9. *See also* U.S. Wind's October 1, 2019 correspondence, Mail Log No. 226999.

IT IS THEREFORE, this 13th day of February, in the year Two Thousand Twenty, by the Commission,

ORDERED: (1) That the Commission will conduct an evidentiary hearing regarding impacts related to the change in turbine size selected by U.S. Wind;

(2) That this inquiry will be limited to potential impacts related to a change in turbine size, and will not consider issues unrelated to that topic; and

(3) That U.S. Wind is directed to file with the Commission proposed dates for holding an evidentiary hearing regarding the potential impacts of its final turbine selection.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary