



## House Economic Matters Committee February 16, 2020

Testimony of Andrew Gohn on Behalf of the American Clean Power Association  
**SUPPORT – HB 777**

Andrew Gohn – Eastern Region Director of State Affairs

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Chairman Davis and members of the Committee, thank you for the opportunity to offer testimony in support of House Bill 777.

I am Andrew Gohn, Eastern Region Director of State Affairs for the American Clean Power Association (ACP), formerly known as the American Wind Energy Association (AWEA). ACP works to champion policies that will transform the U.S. power grid to a low-cost, reliable, and renewable power system.

ACP believes the passage of HB 777 will facilitate the permitting of renewable energy projects in the state while ensuring that these projects receive transparent and timely review in which stakeholders have broad and meaningful participation.

The process for granting a Certificate of Public Necessity and Convenience in Maryland is increasingly subject to regulatory delay, slowing deployment of renewable projects in the state and frustrating the state clean energy goals. ACP appreciates the attention to some of these issues in Rule Making 72 at the Public Service Commission (PSC). Legislative changes are also needed, however, to address issues outside the scope of RM 72.

### *Reinforce Existing Law*

Despite the clear direction from the Maryland Court of Appeals' 2019 *Perennial* holding that the PSC siting authority preempts local zoning, there have been cases in which the state's Power Plant Research Program (PPRP) has withheld or unreasonably delayed Project Assessment Reports (PARs) and recommended licensing decisions based on local permitting decisions. This has had the effect of slowing permitting and deployment of renewable projects in the state.

HB 777 would resolve this discrepancy by requiring PPRP to provide PARs, proposed licensing conditions, and recommendation to grant or deny permit applications to the PSC within 6 months of receiving a complete application.

### *Ensure Consistent Licensing Conditions*

HB 777 ensures that draft licensing conditions are consistent with state law with regard to wetlands, stormwater, and erosion control.

Under current law, PPRP has broad discretion to propose novel siting conditions and impose timelines for those conditions beyond those established by statute or precedent. These conditions are often submitted to the PSC at a late stage in the permitting process. Moreover, those conditions may not always be



consistent across projects. In combination, these factors can lead to significant regulatory uncertainty for project developers.

ACP appreciates the opportunity to offer comment.