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**TESTIMONY IN SUPPORT WITH AMENDMENT OF HB777
POWER PAN RESEARCH PROGRAM-REVIEW OF APPLICATION FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY-
ALTERATIONS**

Economic Matters Committee
February 18, 2021

Chair Davis, Vice-Chair Dumais and Members of the Committee,

Thank you for the opportunity to testify before you on HB777, Power Pant Research Program- Review of Application for Certificate of Public Convenience and Necessity-Alterations. The purpose of this bill is to alter the circumstances in which the Public Service Commission (PSC) notifies the Department of Natural Resources and the Department of the Environment about an application for a Certificate of Convenience and Necessity (CPCN) associated with power plant construction and alters the timeframe under which these agencies must conduct a study and investigation after the PSC determines the application to be complete.

The state Certificate of Public Convenience and Necessity (CPCN) process which governs solar siting is increasingly experiencing delays which will prevent the in-state solar additions required under Clean Energy Jobs Act (CEJA) by 2028. Over the interim, the utility scale solar industry worked with the Public Service Commission (PSC) and the Power Plant Research Program (PPRP) on rulemaking that addresses some of these issues, but others can only be addressed via legislation.

The Perennial ruling affirmed that the PSC has ultimate authority over projects subject to CPCN and must give the county “due consideration” to a project’s consistency with local comprehensive planning. Some local governments and PPRP interpreted “due consideration” to require an applicant to go through the local zoning permit process which is void under Perennial. As a result, PPRP has withheld from the PSC key information and reports that are necessary for the PSC to make an informed siting decision (specifically the Project Assessment Report (PAR) and the proposed Licensing Conditions.)

Under current statute, PPRP is only required to provide the PAR and Licensing Conditions when they are recommending approval of a CPCN. This bill requires PPRP to provide the Public Service Commission the PAR and Licensing Conditions within 6

months of receiving a complete application and to make a recommendation to the Public Service Commission to either grant or deny the CPCN. Nothing in this bill requires PPRP or the PSC to grant a CPCN. This bill just requires PPRP to provide the information to the Public Service Commission within 6 months and let the Commission make the final decision.

For these reasons, I am requesting a favorable report.

With kindest regards,

Benjamin Brooks