

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 750 (Delegate Beitzel)  
Economic Matters

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**Public Utility Companies - Wind Turbines - Performance Standards**

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This bill requires the Public Service Commission (PSC) and the Maryland Department of the Environment (MDE) to jointly develop general performance standards for wind-powered electric generating turbines erected in the State. These standards must include the individual turbine electricity generating capacity, turbine type or model, tower height, number and size of blades, rotor diameter, noise, lighting on and near turbines, and setbacks. PSC must adopt these standards by regulation.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled by PSC and MDE with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** State law does specify performance standards for wind-powered electric generating turbines. For wind-powered generating facilities with a capacity over 70 megawatts the performance standards of the turbines are reviewed during the certificate of public convenience and necessity (CPCN) application process. If a facility is granted a CPCN the generating facility may be constructed without regard to local zoning rule, regulation, law, or ordinance. For turbines that are exempt from the CPCN requirement, local zoning ordinances may determine the maximum tower height, noise, setback, and other specifications.

Local zoning restrictions for wind turbines vary by jurisdiction. The Maryland Energy Administration provides a model zoning ordinance for small wind energy systems (less than 100 kilowatts), which has been adopted by some counties and municipalities. As advised by the Maryland Energy Administration, six counties (Calvert, Carroll, Kent, Queen Anne's, St. Mary's, and Talbot) allow wind turbines by law.

Wind-power generating facilities with a capacity under 70 megawatts may request an exemption from CPCN requirements. PSC may grant an exemption from CPCN requirements as long as certain conditions are met: (1) the wind-powered facility is land-based; (2) the generating capacity is 70 megawatts or less; (3) the excess electricity is sold on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; and (4) PSC provides an opportunity for public comment at a public hearing. The Code of Maryland Regulations (COMAR 20.79.01.02) specifies that a small generating facility under 373 kilowatts does not need prior approval of PSC.

**State Fiscal Effect:** The bill requires staff from both PSC and MDE to develop performance standards for wind-powered electric generating turbines. It is assumed that the bill's requirements can be handled within existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 771 (Senator Edwards) - Finance.

**Information Source(s):** Allegany and Garrett counties, Maryland Department of the Environment, Maryland Energy Administration, Public Service Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2009  
mlm/rhh

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