

Maryland CPCN Current Process Summary

1. Pre-Application Activities
 - Potentially years of local outreach, landowner and neighbor discussions, and consultations with local officials as a potential project takes shape.
 - Hundreds of thousands of dollars in environmental survey costs.
 - Pre-application meeting with PPRP to introduce project.
 - Preparation of a lengthy Environmental Review Document (“ERD”) summarizing the project and assessment of impacts.
2. CPCN Application Submittal
 - \$10,000 application fee.
 - Submittal of Application and ERD to Public Service Commission (“PSC”).
 - Historically applications for solar projects have been delegated by the PSC to a Public Utility Law Judge (“PULJ”) for consideration.
 - Docket is created and all application files and subsequent submittals are posted in case jacket on PSC website.
3. First Public Hearing
 - Held locally and noticed for about 1 month on PSC website, social media, Applicant’s website, and local periodical. Also noticed physically at hearing location.
 - For most solar projects, presided over by PULJ with stenographer. PPRP and other agencies typically attend.
 - Applicant may give brief overview of project before public comments.
4. Local Permitting Application (required by PPRP)
 - Under the Perennial decision, the CPCN process preempts local zoning, and the PSC is required to give due consideration to a variety of factors including consistency with local planning and zoning.
 - However, PPRP as standard practice requires Applicants to file for a local conditional use permit and work through to the final decision by the local government before completing their review.
 - If an Applicant does not apply for a conditional use permit and the local government objects, PPRP has refused to submit the results of its review and propose licensing conditions.
5. PPRP Environmental Review & Proposed Permitting Conditions
 - PPRP gathers input from various stakeholders including state agencies and local governments and ultimately provides a report summarizing their review, recommendation, and proposed permitting conditions to the PSC for consideration.
6. Second Public Hearing
 - A 2nd public hearing is held locally and similarly noticed.
7. Evidentiary Hearing
 - An evidentiary hearing is held at the PSC.
 - If the case settles, the evidentiary hearing allows the PULJ to receive uncontested evidence into the record and ask any outstanding questions of representatives of the parties.
 - If the case does not settle, the evidentiary hearing involves cross-examination of witnesses. Legal briefs typically follow the evidentiary hearing in cases that do not settle.
8. Permitting Decision by PSC
 - The PULJ typically issues a permitting decision which can be appealed to the full PSC who has the final authority to issue a decision.
9. Post-CPCN Approval Activities
 - Numerous conditions require local input and coordination, including approval of a site plan that incorporates the various conditions imposed by the PSC in the CPCN permit.