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**TESTIMONY IN SUPPORT OF HB1390
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY-
ELECTRIC FACILITIES- STUDY AND PROCEDURES**

Economic Matters Committee
March 5, 2020

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

Thank you for the opportunity to testify before you on HB1390, Certificate of Public Convenience and Necessity-Electric Facilities- Study and Procedures. The purpose of this bill, as amended, modifies the Certificate of Public Convenience and Necessity (CPCN) process and prohibits a local government from taking specified adverse action related to CPCN projects. The bill also establishes specific requirements for CPCNs for solar photovoltaic (PV) systems and excludes the installation of visual buffering, including vegetative screening and fencing from the definition of “construction” for the proposes of the CPCN process.

The Public Service Commission (PSC), along with the involvement of the Department of Natural Resources (DNR) and it’s Power Plant Research Program (PPRP) and the Maryland Department of Environment (MDE), is responsible for licensing the siting, construction and operation of power plants and related facilities in the State through the CPCN process. An individual may not begin construction in the state of a generating station, overhead transmission line, or a qualified generator lead line unless a CPCN is first obtained from the PSC. However, duplicative and inefficient elements of the CPCN process continue to add unnecessary cost and complexity and create public confusion and frustration. HB1390 merely streamlines the CPCN process to make it more fair and efficient and ensure we meet our in-state solar deployment goals.

HB1390 preserves the weight given to local voice in current law. Maryland law requires that the PSC give due consideration to a number of variables including consistency with local zoning and comprehensive plan, as well as efforts of the CPCN applicant to address local concerns. In 2018, the solar industry worked with MaCo to pass legislation that strengthened the local voice in solar siting. HB1390 does not make changes to that language and preserves the PSC’s obligation to give locals due consideration, does not

make changes to existing avenues for local governments and member of the public to participate in public hearings or to intervene and file testimony in CPCN cases and does not limit the ability of the state to recommend denial of a CPCN application based on its independent review of the application.

HB1390 does create a specific process for local government input into the CPCN process. It creates a defined process for local planning officials to provide a report to the PSC addressing a proposed project's consistency with local planning and zoning and automatically adds local zoning officials to the PSC's notice list.

Further HB1390 ensures that the PSC receives environmental review and permitting conditions. Current statute requires that the PSC make the ultimate siting decision but does not specifically require PPRP to submit the environmental review and draft permitting conditions to the PSC for all projects under PSC review. PPRP has pointed to this ambiguity as justification to withhold environmental review and/or draft permitting conditions on projects for which PPRP does not recommend approval to the PSC, effectively preventing the PSC from having the information it needs to make a fully informed decision. HB1390 makes it clear that PPRP must provide environmental review and draft permitting conditions for all cases.

Lastly, HB1390 calls on the PSC to pre-define common permitting conditions so that developers have an opportunity to plan ahead as they go through the CPCN process.

For these reasons, I am requesting a favorable report.

With kindest regards,

Benjamin Brooks