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**Committee: Economic Matters**

**Testimony on: HB30 – “Office of Climate Counsel – Establishment (Climate Counsel Act)”**

**Position: Support**

**Hearing Date: February 4, 2021**

The Maryland Sierra Club strongly supports this legislation and urges a favorable report. This bill will establish the Office of Climate Counsel in the Public Service Commission (PSC) to represent the environmental interests of the state and its residents in PSC proceedings. The new office will be funded through assessments on public service companies, i.e., the same mechanism used to fund the PSC and the Office of People’s Counsel (which represents the interests of residential utility customers in PSC proceedings). The new office’s administrative structure, and powers and duties, will mirror the structure, powers, and duties of the Office of People’s Counsel.

The PSC is one of the most important and consequential state actors in determining whether the state will achieve the climate change mitigation goals enacted by the General Assembly. Current law requires the state to reduce its greenhouse gas emissions by 40% by 2030 (compared to the 2006 level), and legislation before the General Assembly this session – the Climate Solutions Now Act (HB583) – would increase that target to 60% and require the state to achieve net-zero emissions by 2045.

The PSC’s role in regulating and managing Maryland’s greenhouse gas emissions includes the following activities:

- In-state electricity generation is one of Maryland’s largest sources of greenhouse gas emissions,<sup>1</sup> and the PSC is responsible for approving all large electricity generating facilities.<sup>2</sup> Future PSC decisions, accordingly, will have a substantial impact on greenhouse gas emissions in Maryland. It is crucial that the state move to 100% clean electricity, from sources like solar and wind.
- The PSC manages the state’s energy efficiency program, EmPOWER Maryland.<sup>3</sup> Increasing energy efficiency, and thus reducing energy demand, is an essential part of the state’s climate mitigation efforts.

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<sup>1</sup> State of Maryland 2017 Greenhouse Gas Emission Inventory Documentation, at 3-8, *available at* <https://mde.maryland.gov/programs/Air/ClimateChange/Documents/2019GGRAPlan/Appendices/Appendix%20D%20-%202017%20Greenhouse%20Gas%20Emission%20Inventory%20Documentation.pdf>.

<sup>2</sup> Pub. Util. Art. sec. 2-207. Certain smaller generating stations are exempted from the CPCN requirement (certain generating stations that have a capacity of 70 megawatts or less, and certain other generating stations that have a capacity of 25 megawatts or less). Pub. Util. Art. sec. 2-207.1.

<sup>3</sup> Pub. Util. Art. sec. 7-211.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

- The PSC also impacts Maryland’s largest source of greenhouse gas emissions, the transportation sector.<sup>4</sup> There is broad agreement that the transportation sector must be transitioned to rely on clean electricity. This underscores the importance of the PSC’s future decisions regarding new electricity generating facilities. In addition, the PSC is playing a role in establishing the infrastructure needed to support a vast increase in plug-in electric vehicles (EVs); in 2019, it issued an order approving a five-year EV charging infrastructure pilot program proposed by four of the state’s largest electric utilities.<sup>5</sup>

Notwithstanding these facts and circumstances, the PSC currently does not consider the impacts of its decisions on the state’s greenhouse gas emissions, based on its interpretation of its governing statute. As a result, the PSC currently places no importance on, and is essentially ignoring, the climate and clean energy commitments enacted by the General Assembly. Legislation is pending before this Committee (HB298) – supported by the Sierra Club – which would correct this by amending the PSC statute to require the PSC to consider climate change and the state’s climate commitments in all its decisionmaking.

The proposed Climate Counsel Act is a timely and important complement to HB298. It would strengthen the PSC’s consideration of climate and other environmental issues by institutionalizing expertise within the PSC to assist that body in analyzing the often complex and multifaceted scientific and public policy matters presented to the PSC. In this manner, the Climate Counsel Act is forward thinking and essential.

We urge a favorable report.

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<sup>4</sup> State of Maryland 2017 Greenhouse Gas Emission Inventory Documentation, at 3-8.

<sup>5</sup> Order No. 88997, Case No. 9478.