



TO: Members, Senate Finance Committee
FROM: Mary Beth Tung – Director, MEA
SUBJECT: SB 110 - Electricity - Community Solar Energy Generating Systems - Generating Capacity
DATE: February 1, 2022

MEA POSITION: Letter of Information

Senate Bill 110 will increase the maximum permissible project size for community solar projects from 2 to 5MW. Though this change may seem simple, to implement the changes, the Maryland Energy Administration (MEA) believes that it is likely that the Public Service Commission will need to initiate a rulemaking. MEA also notes that some community solar projects would now be subject to the Certificate of Public Convenience and Necessity (CPCN) process.¹

The rulemaking may put the timeline for implementation prescribed by the bill in question. The rulemaking process is thorough and invites significant public input. Additionally, in that rulemaking process the PSC will have the onerous task of reconciling the existing rules for both community solar and the CPCN process. MEA will likely have to assign a Policy Manager and counsel to work on the assumed rulemaking. Local government zoning authority will also be impacted. Under current law, community solar projects are not required to obtain a CPCN. This means that local zoning authority controls for community solar projects. The bill will allow larger community solar projects that *will* require a CPCN. Therefore, assuming those projects receive the CPCN, placement of those projects will bypass the local zoning authority.² This places an additional class of solar (or, at least some of them) on par with utility-scale solar energy generating systems in the context of local vs. state control of what is traditionally a local privilege: zoning and permitting.

MEA requests that the committee consider this information when rendering a decision on the report for SB110.

¹ Dependent on overall project capacity.

² See *Washington County v. Perennial Solar, LLC*.