MARYLAND Association of COUNTIES

House Bill 692

Public Service Commission – Certificates of Public Convenience and Necessity – Local Permits

MACo Position: **OPPOSE**

To: Economic Matters Committee

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From: Dominic J. Butchko and Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 692. This bill would effectively eliminate any ability of a local jurisdiction to place any regulation or restriction on the development of large-scale solar installations.

Decades ago, the General Assembly chose to create a state-level process to authorize and site utility scale power generation facilities. Recent court decisions have confirmed that these laws, written long before the advent of the modern widespread deployment of solar facilities, also apply to them if they are of a suitably large scale. Local authority is limited in the oversight of the location and approval of such facilities – but communities still have a stake in reasonable provisions including setbacks, line-of-sight limitations, and the like.

HB 692 seeks to end even the most modest local oversight, and simply directs local government to approve and process virtually any request from a planned facility that has received State-level approval from the Public Service Commission. The stark denial of any local input in this legislation poses several problems:

1. **Preservation** – If HB 692 becomes law, all local ability to ensure sensitive, historic, and natural areas remain preserved in their pristine state is eliminated. Should the Public Service Commission award a Certificate of Public Convenience and Necessity (CPCN) for a project on or overlapping with any preserved site, the local jurisdiction is made powerless to stop it.

2. **Legal** – Requiring a jurisdiction to award permits or approvals that fail to meet the basis for the permits is fraught with legal complications. HB 692 does just that, as it requires counties to approve permits for solar installations once a CPCN has been awarded, regardless of whether that installation complies with any local requirements. This practice would bring about uncertainty concerning whether the local governments are then liable or accountable for the actions of the holder of a permit approved, in effect, by this state statute's direction.

3. **Community** – One of the most fundamental powers of county government is the ability to shape the look and feel of a community. HB 692 effectively eliminates any last trace of this power once a CPCN is awarded. No setbacks, no stormwater standards, no vegetation requirements. Marylanders support renewable energy, but HB 692 poses a dramatic policy shift that could fundamentally alter many Maryland communities.

4. **Doesn't Prioritize Smart Solar** – Most would agree that finding practical routes to install solar on rooftops − in developed areas, on brownfield restoration sites, and similar areas − would be wise policymaking. But HB 692, with its fast-track process for any approved project, likely favors the easiest-to-build and easiest-to-buy sites – mostly our state's prime farmland – as the resulting "sprawl."

HB 692 resets the "rules of the game" for large scale solar, and effectively removes communities from the table entirely. Maryland's nuanced approach to balancing energy policy and proper local land use is replaced with a unilateral fast track – jeopardizing sensitive areas, ignoring community feedback, and overriding stakeholder-driven land use laws. Accordingly, MACo requests an **UNFAVORABLE** report on HB 692.