



House Bill 1188

*Public Utilities - Certificate of Public Convenience and
Necessity - Solar Photovoltaic Systems*

MACo Position: **SUPPORT**

To: Economic Matters Committee

Date: March 9, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1188. This bill simply seeks to put in statute already existing practice – that solar facilities producing under 2 megawatts (MW) of alternating current must follow local policy and are not required to receive a Certificate of Public Convenience and Necessity from the Public Service Commission (PSC).

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 widespread deployment of solar facilities, also apply to solar facilities if they are of a suitably large scale. Local authority is limited in the oversight of the location and approval of such facilities – primarily, facilities under 2MW must follow local policy while facilities above 2MW are the purview of the PSC, with limited local input.

HB 1188 simply codifies current practice (i.e. the 2MW or below principle) into statute, removing ambiguity and providing predictability for all stakeholders. Local government and industry are united in wanting to preserve this already well-thought-out and existing practice. Without the clarity provided by HB 1188, Maryland risks losing out on positive future development or complicating already successful ventures.

The predictability and clarity provided by HB 1188 are important to Maryland’s continued safe and responsive deployment of community-scale solar facilities. Accordingly, MACo requests a **FAVORABLE** report on HB 1188.