



## House Bill 1046

### *Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity*

MACo Position: **OPPOSE**

To: Economic Matters Committee

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The Maryland Association of Counties (MACo) **OPPOSES** HB 1046. This bill, among other actions, removes virtually any community-level input into the siting and approval of energy projects from 2-5 megawatts in scope, and mandates that the Public Service Commission (PSC) approve, not merely consider, a project that meets certain modest guidelines, regardless of any other factors.

For several months before the 2024 General Assembly legislative session, MACo, the Maryland Municipal League, the Maryland League of Conservation Voters, multiple agencies across the executive branch, conservation organizations, varied representatives of solar industry, and other stakeholders were engaged in intense negotiations working toward legislation that would provide certainty, guardrails, and incentives for all stakeholders in meeting the state's solar energy goals. These negotiations came close to reaching a consensus package, until unexpectedly, representatives of the solar industry walked away from the table to pursue a dramatically fast-tracked process to fully remove any community input from siting projects, embodied in HB 1046. This disappointing turn undermined a potentially productive consensus outcome.

It is important to note that the Solar Incentives Taskforce, established by the General Assembly to develop recommendations for encouraging solar in Maryland, rejected the concepts in HB 1046. Furthermore, the sponsors and supporters of the "Brighter Tomorrow Act," the bill to implement those Task Force recommendations, also declined to add these elements into their final bill.

If enacted, HB 1046 would further neuter the minor remaining county input for projects of 2-5 MW and would establish a nearly "rubber stamp" state-level process with a very narrowly defined area for evaluation and review. 7-207.3 (E) and (F) establishes a requirement whereby the PSC must inform the governing body of a county where the project is located, must hold a public hearing, and must allow for public comment. Sections (G) and (H) outline that PSC must only consider if a project satisfies standards developed by the Maryland Department of Natural Resources Power Plant Research Program (PPRP), and – if deemed satisfied – then they "shall" approve. Therefore in its entirety, these sections establish a paper-thin review process with zero role for public comment, no matter what that comment period may reveal.

The establishment of the PPRP standards is the first and only opportunity to identify potential concerns for all 2-5 MW projects for anyone, now and forever. This extends far beyond any reasonable approval process, ignores important input on community health and safety, and represents an unreasonable departure from the already-streamlined Maryland approval process for major generation sites.

Even the most ardent clean energy supporter should take pause before endorsing such a shallow approval and siting process for these increasingly small energy sources. Accordingly, counties strongly urge the Committee to issue HB 1046 an **UNFAVORABLE** report.