



Maryland

Energy Administration

TO: Members of the Senate Education, Energy, and the Environment Committee & the House Economic Matters Committee

FROM: MEA

SUBJECT: HB1036/SB0931 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

DATE: February 28, 2025

MEA Position: LETTER OF INFORMATION

The bill will require that the Public Service Commission (“the Commission”) and the Maryland Energy Administration (“MEA”) shall: (1) develop technical safety standards for the installation and maintenance of residential rooftop solar energy generating systems; and (2) establish minimum qualifications for individuals installing and maintaining residential rooftop solar energy generating systems.

The bill does not specify which agency –the Commission or MEA– would cover the cost of developing these standards. MEA is not a regulatory body, and does not typically create standards of this sort nor collect fines as prescribed in the bill. Since solar installation and maintenance is outside of MEA’s expertise, MEA would need a consultant for \$100,000 to assist with this effort unless the Commission would cover that cost.

This bill would also provide a significantly greater deal of siting certainty for the development of solar energy generation. The Maryland Supreme Court upheld state preemptive authority for generation in excess of 2 megawatts¹. This bill specifically applies to *solar* projects over 2 megawatts that are not located on a rooftop, carport, brownfield or those sighted behind the meter of a retail electricity customer. The bill sets specific requirements for siting including boundaries from property lines and occupied buildings, fencing, and vegetative buffers. The bill also prohibits jurisdictions from adopting zoning laws or regulations that prohibit the construction or operation of solar energy generating stations, denying site development plans that meet the siting requirements laid out in the bill, and requires local jurisdictions to expedite the review and approval of site development plans that meet the requirements of the legislation. Ultimate siting authority is maintained by the Public Service Commission (“the Commission”).

Similarly, the bill creates siting standards for energy storage devices. “Energy storage device” is defined as a resource capable of absorbing electrical energy, storing it for a period of time, and delivering the energy for use at a later time as needed, regardless of where the resource is located on the

¹Board of County Commissioners of Washington County, Maryland v. Perennial Solar, LLC, No.66, September Term, 2018

electric distribution system. In particular, within the legislation, certain aspects of the current CPCN process –including public comment opportunities, public hearings, and notice thereof– would apply to energy storage devices in excess of 100 kilowatts [sic.]. Because the definition of “energy storage device” does not require interconnection to the distribution grid, MEA would note that this broad definition and the overall small battery size limitation may inadvertently include some passenger electric vehicles within the definition of “energy storage device” in excess of 100 kilowatt-hours(*emphasis added*).

Lastly, the bill creates an “automatic enrollment project”, a local government owned and operated community solar energy generating system which (either the local government or its designee) serves as the subscription coordinator to automatically enroll customers, at least 51% of which must be low- to moderate-income subscribers. MEA would note that, though there is a requirement for subscribers to be low- to moderate-income or live in overburdened or underserved census tracts, there is no requirement for low-income subscribers. This means an automatic enrollment project is not guaranteed to reach low-income residents.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Landon Fahrig, Legislative Liaison, directly (landon.fahrig@maryland.gov, 410.931.1537).