

Committee: Education, Energy, and the Environment
Testimony on: SB983 – Solar Energy – Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup
Submitting: Deborah A. Cohn
Position: Favorable with Amendments
Hearing Date: March 6, 2025

Dear Chair and Committee Members:

Maryland has consistently fallen short of its Renewable Portfolio Standard (RPS) targets that call for 7% of the state’s renewable energy to come from solar in 2025 and 14.5% by 2030.¹ SB983 seeks to reduce this gap by simplifying and accelerating an application’s review, thereby reducing time, risk, uncertainty and regulatory costs for applicants seeking to construct solar energy generating systems producing more than 2MW but not more than 5MW of alternating current.

For projects designed to produce more than 2MW but less than 5MW, the bill calls for simplifying and accelerating the process for securing a Distributed Generation Certificate of Public Convenience and Necessity (DGPCN) from the Public Service Commission (PSC). SB983 requires the Department of Natural Resources’ Power Plant Research Program (PPRP) to submit to the PSC proposed siting and design requirements and licensing conditions for new community solar projects seeking state approvals. Once it approves these requirements and conditions, the PSC would be required to approve proposals meeting the requirements and conditions within a specific time period. Importantly, SB983 creates opportunity for public comment by affected communities at each step of both the PPRP and PSC reviews.

While the bill would reduce delays in the PSC’s issuance of DGPCNs, a proposed sponsor amendment would undermine the purpose of the bill by removing Section 5 of SB983. This section protects the Maryland Supreme Court [decision](#), upholding *Board of County Commissioners of Washington County, Maryland v. Perennial Solar, LLC.*, [464 MD.610 \(2019\)](#) that the Public Service Commission’s responsibilities under the Renewable Energy Portfolio Standard allow it, after due consideration, to override decisions by local jurisdictions to deny local permits required by the PSC’s CPCN. This portion of the proposed sponsor amendment would permit county governments, whether in accordance with existing zoning laws or

¹ The RPS calls for 38% of the state’s *total* energy to come from renewable sources by 2025 and 52.5% by 2030. <chrome-extension://efaidnbmnnnibpcaipcgjclefindmkaj/https://dls.maryland.gov/pubs/prod/NatRes/IntroductiontheRenewableEnergyPortfolioStandard.pdf>

regulations or due to political pressures to protect agricultural land, to veto new community solar facilities by withholding or denying permits or approvals. Unreasonable delays or denials would eviscerate SB983 and impede the state's ability to meet its RPS targets for solar energy.

A recent New York Times [opinion piece](#) by David Brooks suggests that developments since the late 1960's allow neighborhoods to stymie government action, often through local zoning laws, to the point that "[w]hen government tries to do big things, like build clean energy...it can't act." That, I suggest, is happening with this amendment that would allow local governments to refuse to grant local permits needed to effectuate the PSC's decision without the safeguards provided by the Maryland Supreme Court.

Accordingly, I recommend that this Committee reject the sponsor's proposal to delete Section 5 of SB983, which protects the existing Supreme Court precedent.

Conclusion. Maryland needs to fast-track new clean energy projects. Maryland does not have an energy generation and transmission friendly reputation. This needs to change. But that change needs to favor low-cost, zero emissions energy. SB983 carefully balances the importance of meaningful public involvement and local decisions on local permitting with the need to accelerate and reduce the cost of attracting more solar projects in Maryland.

For these reasons I urge this Committee to reject the sponsor's proposal to delete Section 5 of SB983 and then issue a FAVORABLE report on SB983.