SB478.pdf
Uploaded by: David Burrier
Position: FAV

SB478/HB739

I strongly urge this committee to support SB478/HB739. I am writing as a Frederick County farmer who has seen firsthand what happens when the PSC overturns county ordinances regarding solar siting. In our county we promote solar siting on lower class soils to preserve the most productive soils for the production of food, fuel and fiber. Recently, maybe the very best farm in our county, with very high-class soils was brought before our county to consideration for a solar project. The solar company was denied approval by our county planning, and sought approval by the PSC to overturn the county rulings. The PSC over rode the county planning and now that farm is building a commercial solar complex. With this PSC ruling, any farm in our county is now eligible for solar without regard to production capability. Adoption of the legislation would protect our county zoning for solar projects by not allowing PSC to approve a solar project unless the county has written approval for the project. Maryland farmland is so diversified from county to county that local recommendations and approval are necessary to maximize having the right use on the right acre. Please support SB478/HB739

SB0478-EEE_MACo_SUP.pdf
Uploaded by: Dominic Butchko
Position: FAV

MARYLAND Association of COUNTIES

Senate Bill 478

Public Utilities - Solar Energy Generating Stations - Local Approval

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment Committee

Date: March 6, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 478. This bill prevents the Public Service Commission from approving a Certificate of Public Convenience & Necessity for a solar energy generating system until the project has received approval from the county in which it is located.

The 2025 Maryland General Assembly is grappling with an unprecedented number of complex, generational challenges. One of the most pressing issues is growing community opposition to solar projects. Across rural Maryland, solar energy developments are expanding rapidly—often without consideration for local communities. Many developers bypass collaboration with local officials, site projects on irreplaceable prime farmland, and pressure landowners into seemingly lucrative but ultimately costly agreements.

Since the 2019 *Board of County Commissioners of Washington County v. Perennial Solar, LLC* decision, counties have been largely preempted from imposing additional requirements that could help mitigate these concerns. SB 478 seeks to restore local authority over solar projects, ensuring that developers engage with communities, uphold responsible siting practices, and operate as good neighbors.

This is commonsense legislation which seeks to address conflicts between Maryland's growing demand for energy and the concerns of affected communities. For this reason, MACo urges the Committee to give SB 478 a **FAVORABLE** report.

SB 478 - Solar Energy Generating Stations - Local

Uploaded by: Grayson Middleton

Position: FAV

Educate. Advocate. Innovate.

Date: March 4, 2025
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Grayson Middleton, Government Affairs Manager
Re: SB0478 – Public Utilities – Solar Energy Generating Stations – Local Approval – **Support**

Delmarva Chicken Association (DCA) is the trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware. On behalf of our members, we support SB 478 and urge a favorable committee report.

SB 478 would prohibit the Public Service Commission from approving a certificate of public convenience and necessity for a solar energy generating project unless the Commission receives written approval from each county or municipal corporation where the project is proposed to be located. We believe this will serve as a vital protection for agricultural interests on the Eastern Shore.

Chicken growers were some of the first to widely adopt solar technology in Maryland, and DCA fully supports its use as a cost-effective and environmentally friendly energy source. We also support the thoughtful development of solar in our region that is congruent with the needs of the community and agricultural production, as determined by local planning and zoning authorities.

However, as an agricultural organization representing an overwhelmingly rural membership, we have serious concerns about the potential lack of consultation with local governments on solar development, especially in light of recently introduced legislation that would considerably diminish their authority. As many of you will recognize, the zoning of renewable energy facilities (particularly solar) is a contentious issue in rural areas. While we support its use and proliferation, we want to ensure that energy needs and environmental benefits are balanced with the economic and cultural interests of agrarian communities.

Because of their geography, prime agricultural lands on the Eastern Shore are some of the most attractive in the state for solar development. Modeling by the American Farmland Trust estimates that 83% of projected solar development will be on agricultural land, of which 43% will be on land ATF deems nationally significant due to high levels of productivity. Customary oversight by county and local governments will help ensure that this stimulus does not result in a significant reduction of agricultural outputs in Maryland.

In 2024, our five companies purchased over $1.3 billion in corn, soybeans, and wheat, comprising the vast majority of grain purchases on Delmarva. As the local output is reduced from the proliferation of solar and other development, the industry is required to import grain from other states and countries at higher prices. Aside from the economic harm to both our farmers and industry, this would also raise our net carbon emissions.

Educate. Advocate. Innovate.

Furthermore, we have serious concerns about the potential of large-scale solar projects to reduce grid capacity and thus prohibit some of our members from getting small-scale on-farm solar. We have already heard from numerous members who have sought to install solar on their farms but were told they were unable to do so because of the lack of grid capacity in their area.

We believe that county governments know the needs of their farmers and citizens best. They alone have the intimate knowledge of their localities that is required to responsibly site solar in a manner that prioritizes the preservation of agricultural lands while also supporting the proliferation of solar development.

For these reasons, we urge a favorable vote on SB 478.

Should you have any additional questions, please feel free to contact me at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Grayson Middleton
Government Affairs Manager

20250306 SB 0478 Public Utilities Solar Energy Gen

Uploaded by: Larry Porter

Position: FAV

CAROLINECOUNTY
you belong here
CAROLINE COUNTY COMMISSIONERS OFFICE

JAMES TRAVIS BREEDING, PRESIDENT
LARRY C. PORTER, VICE PRESIDENT
NORMAN FRANKLIN BARTZ, III., COMMISSIONER
109 Market Street, Room 123
Denton, Maryland 21629

Senate Bill 478

Support for Senate Bill 478—Public Utilities—Solar Energy Generating Stations—Local Approval

Position: **FAV** Date: March 6, 2025 To: **Education, Energy, and the Environment**

On behalf of the Caroline County Commissioners, we wish to express our **strong support** for **Senate Bill 478—Public Utilities—Solar Energy Generating Stations—Local Approval,** which would ensure that local governments retain the authority to approve or deny large-scale solar energy projects. This bill is critical for rural counties like ours, where unrestricted solar development threatens to consume prime agricultural land and undermine local zoning regulations designed to balance renewable energy expansion with land preservation.

Caroline County has carefully crafted zoning regulations—established in Ordinance #2017 and updated under Ordinance #2017-2—to guide responsible solar development while protecting farmland, rural landscapes, and designated growth areas. Under these regulations:

- Commercial Solar Energy Systems are permitted only in specific zoning districts (R – Rural, C-2 General Commercial, and I-2 Light Industrial) and require Special Use Exceptions and Site Plan Approval to ensure compatibility with surrounding land uses.
- A 2,000-acre cap is in place to prevent excessive conversion of farmland to solar farms, helping to preserve the county's agricultural economy.
- Solar projects are prohibited on parcels in Transferable Development Rights (TDR) receiving areas, on properties where TDRs have been lifted, and on land with preservation easements—safeguarding land already designated for long-term conservation.
- Minimum setbacks of 200 feet from property lines and roadways are required to minimize visual and environmental impacts.

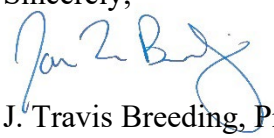
Despite these locally adopted regulations, the current Public Service Commission (PSC) approval process allows solar projects to move forward without county consent, disregarding zoning protections that were put in place with community input and careful planning. SB 478 ensures that local governments, not state agencies, have the final say in determining where and how solar projects fit into their jurisdictions.

This legislation is not an anti-solar measure—Caroline County fully supports renewable energy and has permitted solar development within the zoning framework established by our residents and elected officials. However, unregulated commercial-scale solar installations risk permanently

displacing productive farmland, altering rural landscapes, and conflicting with planned residential and economic growth areas. SB 478 would reinforce local control over solar siting decisions, ensuring that counties can enforce sensible caps, setback requirements, and land-use protections tailored to their specific needs.

We urge your support for SB 478 to ensure that counties like Caroline can continue to manage solar growth responsibly, balancing renewable energy development with farmland preservation and smart growth principles.

Sincerely,



J. Travis Breeding, President

OFFICE OF THE COUNTY COMMISSIONERS
Katheleen Freeman, County Administrator | Daniel Fox, Deputy Administrator | R. Stewart Barroll, County Attorney
109 Market Street, Room 123 | Denton, Maryland 21629 | (410) 479-0660 | info@carolinemd.org

SB0478 written testimony by Valleys Planning Counc

Uploaded by: Renee Hamidi

Position: FAV

VALLEYS
PLANNING COUNCIL

thevpc.org | info@thevpc.org | 410.337.6877
118 W. Pennsylvania Avenue, Towson, Maryland 21204
P.O. Box 5402 Towson, Maryland 21285-5402

Committee: Education, Energy, and the Environment
Testimony on: SB0478 "Public Utilities – Solar Energy Generating Stations – Local Approval"
Position: Support
Hearing Date: March 6, 2025

Valleys Planning Council, a non-profit that conserves land and resources, preserves historic character and maintains the rural feel and land uses in northwestern Baltimore County, urges a favorable report on SB0478, prohibiting the Public Service Commission from approving a certificate of public convenience and necessity for a solar energy generating station unless each county where the generating station is proposed to be located gives written approval for construction to the Commission.

This bill would encourage discussion, negotiation, and compromise between counties and prospective solar developers. Many counties already, or would like begin to, limit or even prohibit large-scale solar installations on certain lands. If the PSC retains the power to grant a CPCN for such a solar installation, this bill might be the only way to allow a county to have *some* say in what happens on land within its borders.

Valleys Planning Council urges a favorable report on SB0478.

Renée Hamidi
Executive Director
Valleys Planning Council

MDFB - Support - SB478 Public Utilities - Solar En
Uploaded by: Tyler Hough
Position: FAV

Maryland Farm Bureau
3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 6, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Support – SB478 – Public Utilities - Solar Energy Generating Stations - Local Approval**

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in support of SB478 Public Utilities - Solar Energy Generating Stations - Local Approval. This proposed legislation would prohibit the Public Service Commission from approving a certificate of public convenience and necessity for a solar energy generating station unless the Commission receives written approval for the construction of the generating station from each county or municipal corporation where the generating station is proposed to be located.

Maryland Farm Bureau policy is supportive of local control, "We urge local control of any growth management programs and zoning regulations within our state." It is essential to manage the need for renewable energy as a part of the energy mix in Maryland, with preserving as much prime and productive soil as possible. Prime and productive soil is a resource that we cannot replace, and without this soil we do not have farmland. SB478 looks to find a needed balance between solar projects and preservation of prime and productive soils.

Tyler Hough
Director of Government Relations
Please reach out to Tyler Hough, though@marylandfb.org, with any questions

SB0478 (HB0739) - UNF - Public Utilities - Solar E

Uploaded by: Landon Fahrig

Position: UNF

Maryland Energy Administration

TO: Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee
FROM: MEA
SUBJECT: SB 478 - Public Utilities - Solar Energy Generating Stations - Local Approval
DATE: March 6, 2025

MEA Position: UNFAVORABLE

This bill would significantly limit the state's ability to lead in and regulate utility matters, shifting the responsibility for solar energy projects to local counties and municipalities.

Senate Bill 478 proposes that the progression of solar energy generating systems be determined incrementally at the local level. Such legislation regarding public utilities greatly undermines the state's decision-making authority, resulting in considerable obstacles to implementing, achieving, and effectively managing renewable energy initiatives in Maryland.

State authority over public utility matters has been established through various legal rulings against local zoning authorities, particularly through the principle of "implied preemption" outlined in Public Utilities Article § 7-207. This principle indicates that, while collaboration with local entities is encouraged for public utility projects, the state intends to maintain comprehensive control over these areas.

Multiple court cases, such as Washington County v. Perennial Solar LLC and Howard County v. Potomac Electric Power Co., have upheld the Legislature's intent for local governments to play a significant advisory role in the Certificate of Public Convenience and Necessity (CPCN) process. However, the Public Service Commission is granted exclusive jurisdiction for approvals.

For Maryland's energy policy to advance effectively, it is crucial that decision-making authority remains with the state, as it historically has. As the state faces growing resource adequacy challenges, requiring local approval for large solar projects would slow down an industry vital to the state's energy strategy. Robust local input paired with state decision-making strikes the appropriate balance in solar siting. Senate Bill 478 represents a significant obstacle to the government's efforts to achieve a cleaner Maryland. For these reasons, the Maryland Energy Administration (MEA) urges the committee to issue an **unfavorable report**.

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).

CHESSA - MD - EEE Unfavorable SB478 20250306.pdf
Uploaded by: Robin Dutta
Position: UNF

6 March 2025

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Written Testimony
SB478: Public Utilities - Solar Energy Generating Stations - Local Approval
Position: Unfavorable

Chair Feldman, Vice Chair Kagan, Members of the Education, Energy, and the Environment Committee, thank you for the opportunity to testify on Senate Bill 478, Public Utilities - Solar Energy Generating Stations - Local Approval.

I am Robin Dutta, the Executive Director of the Chesapeake Solar and Storage Association (CHESSA). Our association advocates for our over 100 member companies in all market segments across the solar and energy storage industries. Many members are Maryland-based. Others are regional and national companies with an interest and/or business footprint in the state. Our purpose is to promote the mainstream adoption of local solar, large-scale solar, and battery storage throughout the electric grid to realize a stable and affordable grid for all consumers.

I am here to provide unfavorable testimony on SB478, Public Utilities - Solar Energy Generating Stations - Local Approval. Maryland needs more in-state generation in order to prioritize grid affordability, resiliency, and reliability. Overly relying on out-of-state electricity in critical grid events creates upward pressure on electric rates and increases grid risks. The state's Certificate of Public Convenience and Necessity (CPCN) already balances the perspectives of the community with statewide needs of the public. We believe that balance in current law should remain.

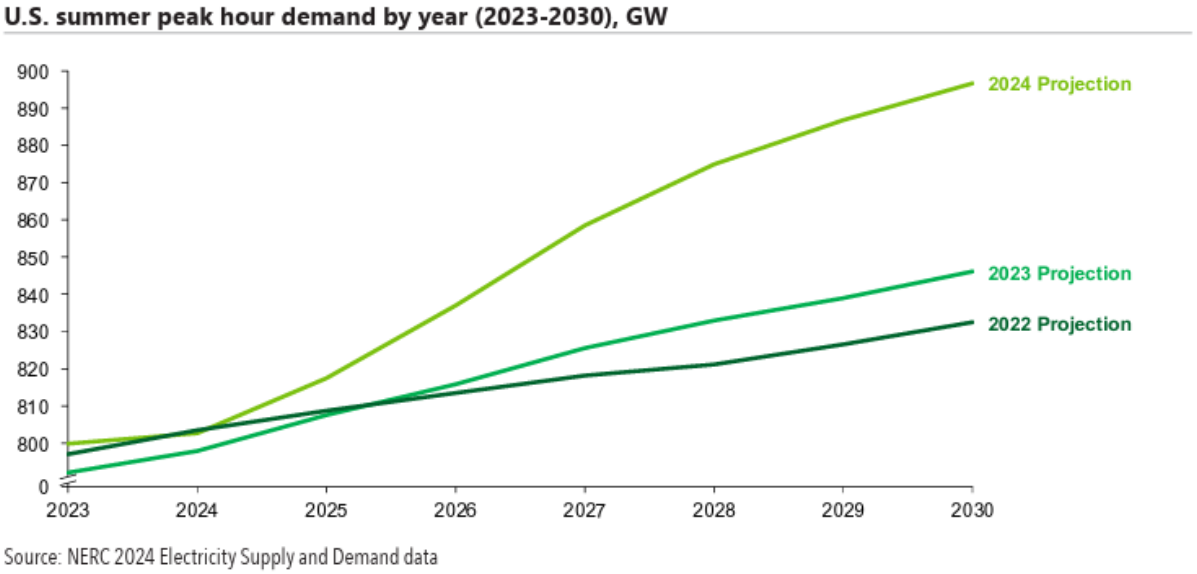
The Problem: Maryland's Widening Energy Gap

Marylanders are becoming much more sensitive to grid disruptions and electric price spikes. The state is on the path to seeing increasing electric demand over the long term. And, there is already straining in its electric system. Maryland only generates about 60 percent of the electric generation it demands[1]. But, importing electricity isn't an automatic solution. Nine of the 13 states in the PJM Interconnection (where Maryland resides) also must import electricity to serve their electric demand. And the Maryland Energy Administration (MEA) is projecting load growth,

[1] https://www.eia.gov/state/analysis.php?sid=MD

potentially as much as 2 percent per year[2]. There's growing demand and competition for an energy supply that needs to increase.

Contributing Problem: Higher Electric Demand Across the County



Source: NERC 2024 Electricity Supply and Demand data

The grid of the not-so-distant future will have the combined roles that today's electricity, natural gas system, and gas stations have. For the grid to serve those roles, it will need to look and act differently. It will have higher statewide electric loads, and greater electric demand in peak periods. And, the higher peak demand gets, the more expensive the electric grid becomes, due to expensive infrastructure expansion and higher peak energy pricing. By lowering peak demand, clean energy can lower the cost of the grid.

A January 2025 report from the U.S. Department of Energy shows that projected peak demand growth is only increasing, with electricity supply and demand data from the North American Energy Reliability Council showing the estimates being revised upwards each year since 2022.[3] If Maryland's electric future follows the projected national trend, it needs to step up the clean energy build-out throughout the state at the same time as handling fossil fuel retirements. That means scaling up statewide solar adoption of all kinds, as soon as possible.

Layering on the problem are the faults within the PJM Interconnection, both with their capacity markets and their interconnection processes. The recent PJM capacity auction could cause electric bills in Maryland to increase as much as 24 percent, according to an August 2024 report from the Maryland Office of People's Counsel. The MEA describes the Baltimore Gas & Electric

[2] Maryland Energy Administration. "Reaching 100 Percent Net Carbon-Free Electricity in Maryland". January 2025. p.19

[3] U.S. Department of Energy. "Pathways to Commercial Liftoff: Virtual Power Plants 2025 Update". January 2025. p.7

service area as a "congested territory".[4] There are then certain generating units that must run and can drive up capacity prices, as it happened in the most recent PJM capacity auction. The way to relieve congestion and grid strain is to lower peak demand, offset consumer electric load, and build a lot of new local generating capacity.

For Everyone's Benefit

Creating a local government veto for projects in the CPCN process would create an unstable business environment for solar and storage developers trying to work in Maryland. Solar adoption is voluntary on the landowner's part. And they can benefit financially from the arrangement, helping them with secondary sources of income. In the case of a farm owner adopting solar on part of their land, that additional income could be the difference between maintaining the business and insolvency. Those property owners' decisions should be respected.

Today, the increasing demand for electricity in Maryland makes this a critical issue of importance for the entire state. Large-scale solar systems present the lowest cost option available, among all forms of new electric generation technologies. And, solar and battery storage can serve that demand in the critical peak periods where demand is highest, relative to available supply. That could eliminate the need for added distribution and transmission lines to serve those communities in question.

Conclusion

Maryland solar needs to be built on homes, businesses, and on open land. The deployment of solar and storage generation projects benefit the entire electric grid. The current CPCN process balances those broader potential benefits with any concerns in the community. And, the current process respects the rights of the property owner to enter into such an arrangement, instead of a potentially arbitrary and capricious decision made by a local government.

CHESSA asks for the committee to vote unfavorably on SB478. Please reach out with any questions on solar and storage policy. CHESSA is here to be a resource to the committee.

Sincerely,

Robin K. Dutta

Robin K. Dutta
Executive Director
Chesapeake Solar and Storage Association
robin@chessa.org

[4] Maryland Energy Administration. "Reaching 100 Percent Net Carbon-Free Electricity in Maryland". January 2025. p.22

SB 478_Information_PSC.pdf
Uploaded by: Frederick Hoover
Position: INFO

STATE OF MARYLAND

PUBLIC SERVICE COMMISSION

Chair Brian Feldman
Education, Energy and the Environment Committee
3 West, Miler Senate Office Building
Annapolis, MD 21401

RE: **SB 478 - Information - Public Utilities - Solar Energy Generating Stations - Local Approval**

Dear Chair Feldman and Committee Members:

The Public Service Commission (the Commission) appreciates the opportunity to provide this informational testimony for Senate Bill (SB 478.) SB 478 would prohibit the Public Service Commission from approving a certificate of public convenience and necessity (CPCN) for a solar energy generating station unless the Commission receives written approval for the construction of the generating station from each county or municipal corporation where the generating station is proposed to be located. The bill would make it materially more difficult for the Commission to facilitate the State reaching its climate goals, including the reduction of greenhouse gas emissions and the achievement of increasingly more stringent renewable portfolio standard (RPS) goals.

Should the legislature approve the policy put forth in the bill, SB 478 would overrule the Maryland Supreme Court's decision in *Bd. of Cty Comm'rs v. Perennial Solar LLC* , 464 Md. 610 (2019). That case provided unequivocally that the General Assembly intended to vest final authority for the siting and location of solar energy generating systems requiring a CPCN with the Commission. The case further found that the Legislature intended to create an all-compassing statutory scheme of solar energy regulation, addressed all regulatory matters associated with the approval and operation of generating stations, including siting and locational approvals, and did not intend for local government to have veto authority through the use of local planning or zoning. This "one-stop-shop" approach to siting power plants creates regulatory efficiency, by authorizing one entity—the Commission—to review all the permitting requirements of a project and to weigh the costs and benefits of the project to the entire State. The bill could undermine those benefits by requiring that each affected county provide written consent to the project, which could balkanize the review process.

Maryland's Renewable Portfolio Standard (RPS) requires that a specified portion of retail electricity sold by electricity suppliers in the State come from "renewable" sources as defined by the General Assembly. The required percentage of renewable resources has been elevated repeatedly by the General Assembly since the inception of the RPS in 2006. Currently, the RPS requires that 50% of the electricity delivered to customers by load serving entities be derived from Tier 1 sources by the year 2030. Solar energy is defined as a Tier 1 resource and forms a significant portion of the State's RPS. Additionally, Maryland's RPS contains a carve out for solar energy, which requires that 14.5% of the renewable energy provided come from solar energy. Unlike most other renewable resources, which may come from anywhere within PJM or adjacent to PJM, energy meeting the solar carve out must come from solar farms that are

connected to the Maryland electric distribution system. County governments have frequently opposed the development of solar farms within their boundaries. It is reasonable to conclude, therefore, that if proposed solar projects require county acquiescence before a CPCN may be granted, the number of solar farms certificated by the Commission will materially decrease.

The Public Service Commission appreciates the opportunity to provide informational testimony on SB 478. Please contact the Commission's Director of Legislative Affairs, Christina M. Ochoa, if you have any questions.

Sincerely,

Frederick H. Hoover, Chair
Maryland Public Service Commission