CCSA testimony_SB 983_3-6-2025.pdf
Uploaded by: Charlie Coggeshall
Position: FAV

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RE: SB 983 – Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity

Favorable

Chair Feldman, Senator Brooks, and members of the Senate Education, Energy, and Environment Committee,

The Coalition for Community Solar Access (CCSA) provides this written testimony regarding Senate Bill (SB) SB 983. CCSA's position on this legislation is Favorable.

CCSA is a national, business-led trade organization, composed of over 100 member companies, that works to expand access to clean, local, affordable energy nationwide through the development of robust community solar programs. Community solar projects involve medium-scale solar facilities that are shared by multiple community subscribers who receive credit on their electricity bills for their share of the power produced.

CCSA has been an active participant in the development and implementation of Maryland's community solar pilot program, and we are grateful to this Committee for supporting the passage of SB 613 (HB 908) in 2023, which made community solar a permanent solution in Maryland. As a result, community solar will play a critical role in helping the state meet its energy requirements while also ensuring electricity cost savings for those that need it most, ensuring at least 40% of all capacity benefits low-and-moderate income customers.

CCSA is witnessing firsthand through its members the excitement and growth of industry interest for community solar in Maryland due to this Committee advancing a permanent program in 2023. While the table is largely set at the regulatory level for launching the permanent program, the challenge now is to address barriers and bottlenecks outside of that process, of which siting is the greatest. CCSA applauds the Senate and House Leadership for taking up this thorny issue, and we support SB 931 and HB 1036 which establish siting standards for solar and storage systems. SB 983 builds on the direction of the Leadership bill by providing a narrower solution specific to siting and administrative challenges for community solar projects that require (between 2-5 megawatts) a Certificate of Public Convenience and Necessity.

Senator Brooks' SB 983 would:

1) Create a "Distributed Generation Certificate of Public Convenience and Necessity" ("DGCPCN") that can be issued by the Public Service Commission ("Commission") for qualifying community solar projects that are over two megawatts but not greater than five megawatts;
2) Require the Power Plant Research Program ("PPRP") to leverage public comment and develop proposed standard siting and design requirements and standard licensing conditions associated with the issuance of a DGCPCN in consultation with stakeholders;
3) Require the Commission to consider the PPRP proposal before adopting regulations and implementing the final siting and design requirements and licensing conditions, and for the Commission to specify the application and procedure for processing a DGCPCN; and

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4) Require the Commission to provide an opportunity for public comment and to hold a public hearing (in the county where the project is located or virtually) before considering a DGCPCN application.

SB 983 would create a DGCPCN that is more efficient and expedited relative to the standard CPCN process. However, it would only be available to qualifying community solar projects that meet the predetermined standards established by the PPRP and PSC. Projects that do not meet those standards would be defaulted to the more extensive CPCN process.

CCSA appreciates Senator Brooks championing SB 983, particularly two years after he championed, and this Committee supported, SB 613 (the permanent program legislation). SB 983 is a logical next step to enabling the continued growth and expansion of community solar in Maryland, as envisioned with the passage of SB 613. SB 983 addresses critical gaps in the CPCN process, while reducing barriers to development, creating efficiencies for state agencies, and driving community solar siting and design that meets state standards.

The current CPCN process is misaligned with community solar project type and volume.
Projects above 2 megawatts fall within the permitting jurisdiction of the state via the Commission's Certificate of Public Convenience and Necessity (CPCN) process, which was originally created through the Power Plant Siting Act of 1971. The CPCN was established as a means for conducting comprehensive reviews of proposed power generating and transmission facilities. It involves a wide range of subjective and open-ended review factors, which necessitate a lengthy evidentiary process before a judge for each CPCN application, potentially exceeding one year per application. If there is a disagreement amongst parties, the case is set for litigation involving testimony, in-person trials, and legal briefs (sometimes exceeding 60 pages), followed by a complex written order from the Commission. The process makes sense for the review and consideration of unique utility-scale generation and infrastructure projects, which can differ substantially in technology and complexity.

In 2022, the community solar project size cap increased from 2 megawatts to 5 megawatts, which is consistent with most other community solar markets. Community solar projects above 2 megawatts and up to 5 megawatts must obtain a CPCN. However, the CPCN process is misaligned with the review needs of most community solar projects which are modest in size and typically similar in design. As a result, the CPCN process creates an outsized burden for community solar developers, as well as for the state agencies involved in the review and approval process. For developers, it represents a significant time and cost investment that may deter development. For Maryland agencies, it represents a major administrative challenge managing the rising flood of CPCN applications driven by demand tied to the new permanent community solar program. As an example, prior to 2024, the PPRP and Commission reviewed 63 solar CPCN applications and approved 49 over a thirteen-year period. Yet, in the past twelve months alone they've received 33 applications and are aware of 27 forthcoming applications (i.e., 60 applications total). Further, an internal CCSA polling of its members indicates there are at least 130 more community solar projects under development that will require a CPCN application.

SB 983 will right size the permitting process for small solar projects and create administrative efficiencies that can respond to the influx of CPCN applications.
As noted, CCSA members have indicated there are at least 130 CPCN eligible community solar projects under development additional to the current heavy load already being experienced by the PPRP. The current CPCN

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review process was not designed to handle this level of volume. It treats each new CPCN application on a case-by-case basis, and because there are no design or siting standards, there can be significant variability from application to application. In addition, there can be extensive back and forth between the project and PPRP when trying to achieve a tailored solution to any issue, as well as a resource-intensive litigation process.

SB 983 would result in a front-loading of work by the PPRP and Commission to establish standard siting and design requirements and licensing conditions, that would in turn reduce the ongoing time and resource needs associated with the increased volume of applications. The standards would reduce project variability and provide the PPRP and Commission with more objective measures for determining whether a community solar project qualifies for a DGCPCN. This will not only make it easier for PPRP to review projects but also reduce the amount of back and forth that may occur between PPRP and a project.

If a proposed project qualifies for DGCPCN it can avoid the current litigation process and instead go directly to the Commission for consideration (with public comment). Conversely, if a proposed project does not meet the DGCPCN requirements it will be defaulted to the more extensive CPCN review for a deeper individual analysis. As such, the DGCPCN option is analogous to a District Court, versus what is required in the regular CPCN process, which is akin to Circuit Court.

SB 983 will drive solar development toward State-approved siting and design standards.
SB 983 tasks PPRP to lead the development of standard siting and design requirements and licensing conditions that will be used for determining whether a community solar project is eligible for a DGCPCN. In developing those standards, the PPRP will leverage county input and public comment, and consider a range of factors, from the state's clean energy commitments to reasonable setbacks and landscape screening requirements, to industry best practices. The Commission will then use that input to develop regulations associated with the DGCPCN.

The standards that result from this robust process will provide a clear signal to the market, and in turn drive the development of projects that meet the DGCPCN requirements. The public comment opportunities in the PPRP and Commission processes ensure there is broad stakeholder buy-in to the resulting standards, and in what is ultimately considered an acceptable community solar project sized between 2-5 megawatts.

CCSA urges a favorable report on SB 983 to reduce barriers to community solar development, create efficiencies for state agencies, and accelerate community solar deployment that meets preferred siting and design standards. Taken together, the solutions in SB 983 along with the siting standards established though Leadership's SB 931 and HB 1036, will make Maryland a national model on solar siting, while most importantly increasing the scale and pace for deployment of much-needed clean energy in the State.

Sincerely,
Charlie Coggeshall
Mid-Atlantic Director, CCSA
charlie@communitysolaraccess.org

SB 983_TPE_Fav_dgcpcn.pdf
Uploaded by: David Murray
Position: FAV

March 6, 2025

Honorable Brian Feldman, Chair
Honorable Cheryl Kagan, Vice Chair
Education, Energy, and Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

SB 983 – FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and Members of the Economic Matters Committee,

TurningPoint Energy ("TPE") is a solar and battery storage development company with over 240 megawatts in development or operation in Maryland. We are proud to have been participating in Maryland's community solar pilot program since its inception in 2015 and continue to invest heavily in the state's clean energy future.

It is an understatement to say Senator Brooks is a leader in clean energy. TPE is grateful for his longstanding efforts to bring about practical and significant solutions for growing Maryland's in-state renewable resources, both as a Member of the House of Delegates and now Senator.

The 2025 legislative session has focused on how the state can deploy more in-state energy resources while minimizing ratepayer impact - SB 983 is one of these solutions. The Certificate of Public Convenience and Necessity (CPCN) process was developed decades ago to manage the permitting process of large-scale, thermal power plants. However, a significant portion of Maryland's future energy resources – specifically medium-scale solar energy projects - do not accompany the types of land use, air and water quality, and other community impacts as traditional gas, coal or nuclear facilities. By creating a streamlined permitting process of qualifying solar projects fewer than 5 megawatts in size – Maryland will accelerate the deployment of distributed energy resources, while reducing administrative burdens on its state agencies.

TPE affirms SB 983 is fundamental to address a looming bottleneck in community solar applications to the Pubic Service Commission (PSC) and Power Plant Research Program (PPRP). In January, this Committee was briefed on how transmission-level projects have been backlogged at PJM for several years, and how inefficient processes and a lack of staff resources starved the region of meeting its full potential to deploy renewable energy over the last decade. SB 983 would ensure a similar process does not take place with distributed generation here in Maryland.

In the spirit of continuing the growth of Maryland's community solar deployment, I offer additional language related to cross utility crediting for low to moderate income households. This language, based off Senator Jackson's SB 1022, would ensure that the growth of medium-scale solar energy does not lose a step due to Maryland's more populous utility territories lacking a substantial number of sites for solar deployment.

Thank you for your time and consideration. I have included proposed language below, and urge a favorable vote on SB 983.

/s/
David Murray
dmurray[at]tpoint-e.com

Article – Public Utilities

7–306.2.

(d) (3) (I) Subscribers served by electric standard offer service, community choice aggregators, and electricity suppliers may hold subscriptions to the same community solar energy generating system.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A SUBSCRIBER MUST RESIDE IN THE SAME ELECTRIC SERVICE TERRITORY AS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO WHICH THE SUBSCRIBER HOLDS A SUBSCRIPTION.

2. AN LMI SUBSCRIBER MAY HOLD A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM LOCATED IN A DIFFERENT ELECTRIC SERVICE TERRITORY THAN THE ONE IN WHICH THE LMI SUBSCRIBER RESIDES.

(j) (2) (i) This paragraph applies to electric companies, electric cooperatives, and municipal utilities that participate in the Program.

(ii) A subscriber who has a change in the service address associated with the subscriber's subscription may maintain the subscription for the new address if the new address is within the same electric territory as the old address.

(iii) An electric company or a subscriber organization may not terminate a subscriber's subscription due to a change of address for the service address associated with the subscription if the requirements under subparagraph (ii) of this paragraph are met.

(iv) An electric company shall make any changes necessary to accommodate a subscriber's change of address on notification by a subscriber organization.

(O) (1) AN LMI SUBSCRIBER THAT RESIDES IN A DIFFERENT ELECTRIC SERVICE TERRITORY THAN THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM SHALL RECEIVE THE SAME BILL CREDIT VALUE AS AN LMI

SUBSCRIBER THAT RESIDES IN THE SAME ELECTRIC SERVICE TERRITORY AS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(2) ON OR BEFORE JANUARY 1, 2026, BY ORDER OR REGULATION, THE COMMISSION SHALL ESTABLISH A PROCESS FOR THE APPLICATION OF COMMUNITY SOLAR BILL CREDITS TO THE BILL OF A LMI SUBSCRIBER REGARDLESS OF WHETHER THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS LOCATED IN THE SAME ELECTRIC SERVICE TERRITORY AS THE LMI SUBSCRIBER.

(3) ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL APPROVE OR AMEND AND APPROVE THE TARIFFS AND PROTOCOLS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SB983_Chaberton_Miller_FAV.pdf.pdf
Uploaded by: John Miller
Position: FAV

March 6, 2025

To: Senate Education, Energy, and the Environment Committee

Re: **SB 0983**: Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup - **FAVORABLE**

Chairs and members of the Senate Education, Energy, and the Environment Committee:

My name is John Miller. I live in Woodstock, Maryland located in Howard County. I represent Chaberton Energy ("Chaberton"). We are a Maryland based renewable energy company headquartered in Rockville, Maryland located in Montgomery County. We are a leading developer in the state's Community Energy Generating Systems ("CSEGS") Program. Just last year, Chaberton was named to the Inc. 5000 list as both the 34th fastest-growing private company and the 1st fastest-growing community solar company in the United States.

Chaberton's foundation was constructed around the framework that this body set up with the original Community Solar Pilot Program. In nearly five years, we have grown from just a company of just a few to one which now has over 50 employees. We have multiple solar projects operating in Maryland, as well as a robust pipeline of projects in construction and development. These projects are located in the very districts many of you represent.

The projects we develop deliver real and tangible benefits to your constituents. We save Marylanders an average of $150 per household annually on their utility costs. Each Community Solar project supports well over $2.5M in savings for subscribers, all of whom reside in Maryland and many of whom are Low-to-Moderate Income (LMI) subscribers. As an industry, we support ensuring the benefits of solar energy flow to those who need it most. The energy bill savings we can offer to LMI subscribers are often even greater than these average cost savings and provide a necessary lifeline to those struggling to meet basic needs, including increased energy costs.

These projects also support Maryland by delivering additional tax revenue to the state and its counties. Each project delivers hundreds of thousands of dollars in tax revenue while not requiring any local services or costs. Additionally, they support local job creation and retention. While delivering tangible financial benefits, these projects also provide significant environmental benefits to support Maryland's efforts of being a leader on climate change. Based on the EPA's Greenhouse Gas Equivalencies Calculator, a typical 2-megawatt ac project offsets carbon emissions by ~3,700 tons of CO2 per year compared with electricity generated from traditional sources. This saves equal to the emissions of over 3.7M pounds of coal burned and over 3.8M miles driven by gasoline-powered cars. It is also equal to the same amount of carbon captured by nearly 4,000 acres of local forests. Those numbers are all for a single project!

Chaberton Energy has led the way amongst in community solar with the Certificate of Public Convenience and Necessity ("CPCN") process. We were the first to receive a Final Order from the Public Service Commission ("PSC") for a community solar project. We have a total of 17 CPCN applications in various stages, 11 of which are currently filed and 6 more which we plan to file by summer 2025, which represent more than 70MWac of in-state solar capacity. We commend the Public Service Commission, Power Plant Research Program, and the Public Utility Law Judges for their work in reviewing and processing these applications. We have found the process to be straight forward and without undue delays. However, we do have concerns that the project load will become overwhelming and may lead to project delays which are highly concerning due to the possibility that interconnection timeframes may cause projects to need to make decisions on making large interconnection payments without yet their CPCN approval in hand. Furthermore, due to the nature that the CPCN process was designed for very large-scale power generation facilities, the process is not designed to be efficient for relatively small scale solar projects.

We believe that the DG-CPCN process as outlined in this bill will lead to a more efficient approval process, leading to projects being able to come online sooner. If this effort is paired with SB0931 / HB 1036, the Renewable Energy Certainty Act, this would facilitate the ability to develop more projects and do so more efficiently, helping the State to meet its climate and clean energy goals.

In order to keep building on the successes of Maryland, to keep fostering jobs for a strong local economy, stimulating tax revenue, saving the people of Maryland money on their energy bills, supporting energy equity to LMI residents, and providing energy choice to all residents, it is imperative that we install solar more efficiently. We respectfully request a favorable report on SB 983.

Respectfully Submitted,

John Miller
Chaberton Energy
Vice President of Development

SB 983 Testimony_ECA Solar_2025.pdf
Uploaded by: Kaitlin Kelly O'Neill
Position: FAV

ECA Solar
203 Crescent St., Suite 106
Waltham, MA 02453

Education, Energy, and the Environment Committee
Maryland State Senate
2 West Miller Senate Office Building
Annapolis, Maryland 21401

March 6, 2025

RE: SB 983 – Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity- Favorable

Chair Feldman, Senator Brooks, and members of the Senate Education, Energy, and Environment Committee,

ECA Solar provides this written testimony regarding Senate Bill (SB) SB 983. ECA Solar's position on this legislation is Favorable. ECA Solar develops community-scale solar projects that provide significant benefits to the local economy, community, and environment. Independently owned and operated for over 10 years, we conduct comprehensive due diligence and streamline operations for project development. As a trusted and reliable partner, we partner with landowners to create a solution that protects their land and secures their financial future. Investors trust us to secure land, permits, utility approvals, while keeping a pulse on the changing regulatory environment. With our decades of experience, a strong reputation, and proven industry leadership, we enable clean energy for the communities of tomorrow.

ECA Solar is engaged in the Maryland community solar market as a community solar developer. We are grateful to this Committee for supporting the passage of SB 613 in 2023, which made community solar a permanent solution in Maryland. The permanent Community Solar Energy Generating Systems (CSEGs) Program is helping to generate local economic investment with continued clean energy growth, while simultaneously strengthening the local grid, and directing savings to thousands of customers. The permanent program was a critical step to solidifying Maryland's clean energy future, but the bill before you today is necessary to make sure possible choke points in the approval process are streamlined to prevent unnecessary delays in building project capacity.

Senator Brooks' SB 983 would create a Distributed Generation Certificate of Public Convenience and Necessity (DGCPCN), that would streamline the permitting process for qualifying community solar projects between 2 and 5 megawatts. The bill directs the Power Plant Research Program (PPRP) to develop standard siting and design requirements through a stakeholder engagement process and for the Public Service Commission to consider that input in

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establishing the regulations and application requirements for a DGCPCN. Finally, when processing a DGCPCN application, the Commission must ensure public comment opportunities are available and hold a public hearing. SB 983 would drive greater transparency, efficiency, and consistency in permitting community solar projects in Maryland.

ECA Solar appreciates Chair Clippinger and Delegates Charkoudian and Fraser-Hidalgo for their leadership on SB 983 and their continued support for community solar. This bill is an important next step to reducing barriers for community solar and achieving the energy and equity benefits of the permanent program.

We urge a favorable report on SB 983.

Sincerely,

Kaitlin Kelly O'Neill
Director of Policy

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SB983-AHB-Favorable.pdf
Uploaded by: Kathleen Gramp
Position: FAV

Testimony of the Advocates for Herring Bay[1]
Regarding SB 983 – Solar Energy – DGCPCN
Submitted by Kathleen Gramp, March 4, 2025

Favorable, assuming adoption of technical amendment to stormwater provisions

SB 983 would establish a new regulatory framework for solar generation projects between 2 and 5 megawatts of capacity (or DGCPCN[2]), allowing those projects to be approved on an expedited basis if they meet standard conditions and procedural requirements. Those conditions include compliance with guidelines aimed at reducing impacts on forested lands and stormwater runoff.

The Advocates for Herring Bay (AHB) commend the sponsors for addressing those environmental impacts and recommend that the Committee issue a favorable report on SB 983 assuming it is amended to make certain technical corrections to the stormwater provisions. Benefits of enacting the bill as amended include:

Forest protection. The environmental preservation conditions in Section 7-207.4(B)(2)(III) would prohibit forest clearance except where necessary to reduce shading near the perimeter of the site or for certain specified needs. Linking that condition to expedited approval creates an incentive to avoid siting projects on parcels that are largely or completely forested while still allowing for incidental clearing. Without those protections, more projects like those shown in Attachment 1 will be built on forested land, including some in the jurisdictions that experienced the greatest forest loss over the 2013-2018 period according to a 2022 study by the Hughes Center on Agro-Ecology.[3]

Stormwater management. Section 7-207.4(B)(2)(IV) as amended would align Maryland's licensing conditions with best practices for estimating and minimizing runoff from solar projects. Those updates are urgently needed, especially in the state's MS4 jurisdictions. Maryland's existing solar stormwater guidelines were written over a decade ago, before the state began experiencing more intense rain events stemming from climate change or had experience with projects across Maryland's diverse geographic regions. They also predate recent studies that show that maintaining well-drained soils and deep-rooted vegetation under and between the panels—the site's "green infrastructure"—is key to reducing runoff from solar sites (See Attachment 2). [4]

The guidelines in SB 983 will encourage solar developers to take a holistic approach to estimating stormwater runoff, one that accounts for the characteristics of the soils at each site (before and after construction), the ground covers under and between the solar panels, and the impacts of the solar panels themselves, which may vary in size, distribution, and technology. That approach also allows for consideration of varied rainfall levels, unlike Maryland's current guidelines, which are designed for one inch of rain.

AHB is supportive of the stormwater provisions in SB 983, but we are concerned that the terminology in Section 7-207.4(B)(2)(IV) as introduced does not clearly require consideration of how the soil characteristics and ground covers will affect **runoff** from a site. (Calculations of the net

[1] The Advocates for Herring Bay, Inc. is a community-based environmental group in Anne Arundel County.
[2] DGCPCN refers to Distributed Generation projects receiving a Certificate of Public Convenience and Necessity.
[3] See Technical Study of Changes in Forest Cover and Tree Canopy in Maryland, November 2022.
[4] See National Renewable Energy Laboratory's (NREL) overview of the PV-SMaRT program, which includes a link to the PV-SMaRT calculator; Great Plains Institute, Best Practices: Photovoltaic Stormwater Management Research and Testing (PV-SMaRT), January 2023; and Penn State University, Solar Farms with Stormwater Controls Mitigate Runoff, Erosion, July 18, 2024.

runoff from a site determine whether other stormwater mitigation measures are needed.) Box 1 below provides illustrative language for amendments to address that concern. It is our understanding that other interested parties support making such technical changes.

Thank you for considering our views and supplemental information in Attachments 1 and 2. If you have any questions about our testimony or need additional information, please contact us at herringbay@gmail.com.

Box 1

Proposed amendment to Section 7-207.4(B)(2)(IV) in SB 983, page 5, lines 25-31
Strike canceled text and insert text in red

(IV) Stormwater management, erosion and sediment control, and site stabilization, accounting for:

1. *The effects ~~of~~ on runoff from solar panels and associated equipment;*
2. *The effects of soil characteristics and compaction on runoff ~~impacts of solar panels on soil density and compaction;~~ and*
3. *The effects of the ground cover under and between the solar panels on runoff ~~impacts of solar panels on ground cover under the panels~~;*

Attachment 1: Examples of Solar Projects Sited on Forested Parcel

Maps of ecosystems services values are from MD DNR's [Greenprint GIS]

7704 Croom Rd, Upper Marlboro MD (pending PSC review)

5 megawatts

Aerial image of parcel
Pre-construction

Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year

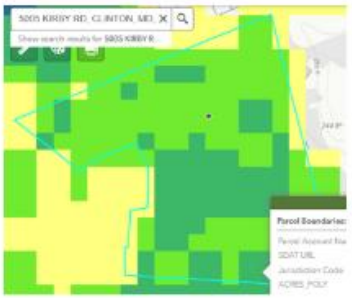
MD Habitat Connectivity Network
Shaded in green

5505 Kirby Road, Clinton, MD (in service)

1.32 megawatts

Aerial image of parcel
Pre-construction

Aerial image of parcel
Post-construction



Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year

10711 Cross Trail Road, Brandywine, MD (in service)

0.875 megawatts

Aerial image of parcel
Pre-construction

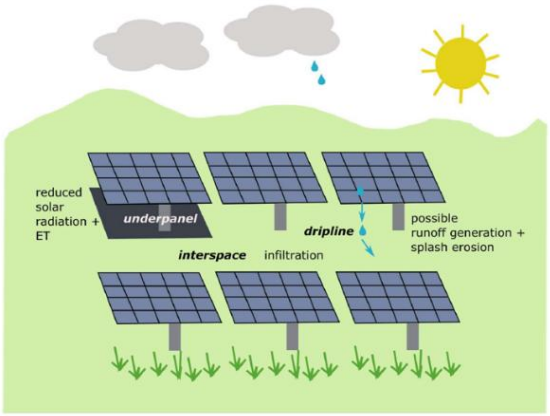
Aerial image of parcel
Post-construction

Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year

AHB Attachment 2: Background Information on Solar Stormwater Issues (continued >)

The challenges for solar differ from other commercial and industrial sites

Ground-mounted solar arrays need acres of functional green infrastructure *under and between* the solar panels to absorb runoff over the multi-decade operating life of the projects

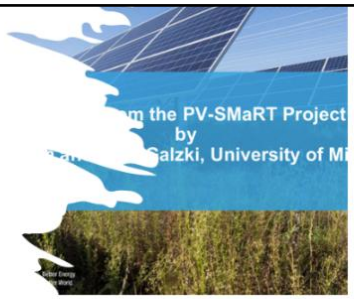


Graphic: Lauren McPhillips, Penn State

Recent Research Is Identifying Best Practices for Solar

Studies show that runoff can be reduced by maintaining well-drained soils and healthy vegetation under and between the panels

Maximizing the effectiveness of that **green infrastructure** also can lower the cost of stormwater mitigation



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SCHOOL OF PLANT AND ENVIRONMENTAL SCIENC
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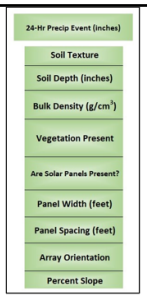
Position Paper

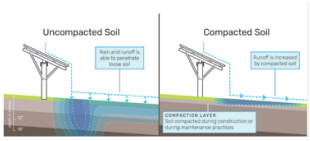
t Protocols & Best Management
Site Development and Manag

PennState

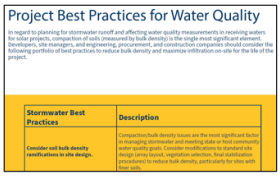
Those studies identify the key variables that affect runoff from solar projects

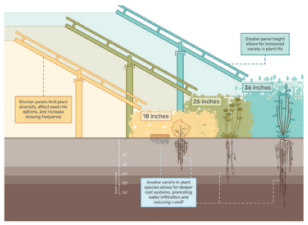
- Soil density—before and after construction
- Soil texture and depth
- Ground cover under and between panels throughout the life of the project
- Role of panels in amount and distribution of runoff
- Intensity of future rain events





Finding #1:
Compaction/Bulk Density





Finding #3:
Ground Cover

Graphics: PV-Smart project (NREL and Great Plains Research Institute)

AHB Attachment 2 (continued >)[5]

MDE has not issued updated guidelines to reflect research on best practices

- MDE's solar guidelines reference a design manual from 2000 and focus on treating 1-inch of rainfall
- Do not account for site-specific soil features or compaction
- Do not account for variations in the type or sustainability of vegetation under and between panels
- Do not account for variations in panel technology choices
- Result: using outdated rainfall assumptions underestimates runoff
- Result: generic calculations could underestimate or overestimate runoff at individual projects

Example 1 – Using Non-Rooftop Disconnection Where the Average Slope ≤ 5%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope does not exceed 5%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed according to Figure 1 below. In this scenario, the disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). Therefore, each row of panels is adequately disconnected and the runoff from 1.0 inch of rainfall is treated.

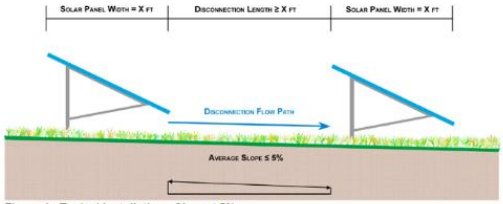
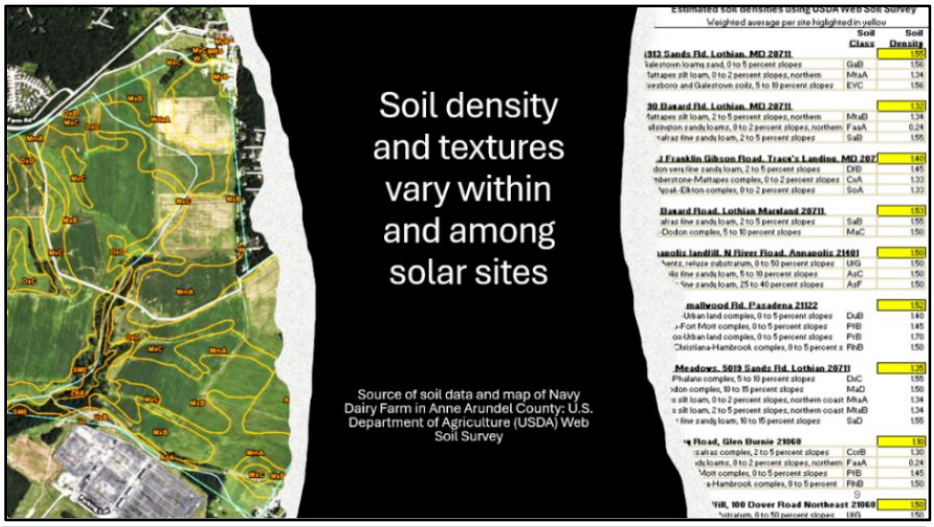
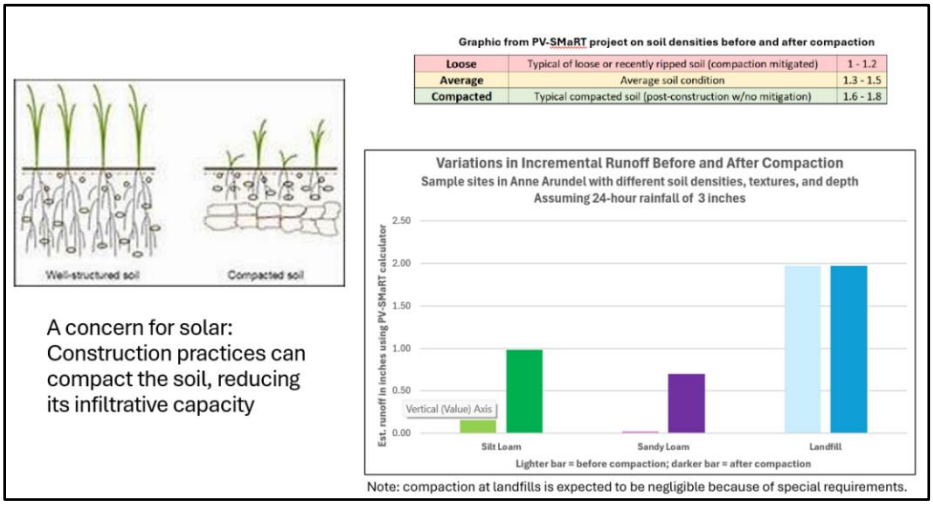


Figure 1. Typical Installation - Slope ≤ 5%

Source: Maryland Department of the Environment, *Stormwater Design Guidance, Solar Panel Installations*, extracted September 24, 2024





[5] The estimates of runoff presented in this Attachment were calculated using NREL's PV-SMaRT calculator, version 3.1. Unless otherwise noted, the estimates assume that the ground cover under the solar panels is turf grass. In addition, the estimates of runoff account for the mitigation benefits of the "disconnection" distances between rows of panels. That is, the amounts shown in the graphs are the incremental amounts of runoff not addressed by the vegetation between the rows.

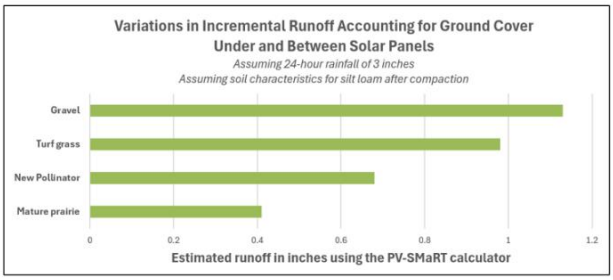
AHB Attachment 2 (end)

Runoff varies depending on the type of vegetation established under and between solar panels

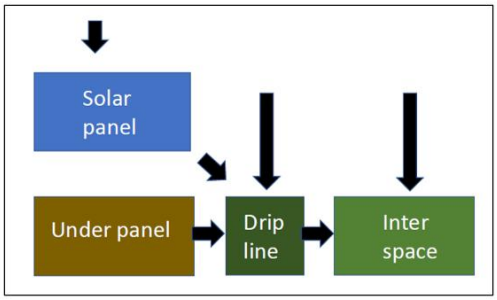
Summary of findings reported by Jeff Mulhollem, Penn State College of Engineering, July 18, 2024

In findings recently published in Journal of Hydrology, the team reported that healthy vegetation and well-draining soils can help manage runoff on solar farms, and where necessary on more challenging landscapes, engineered stormwater controls can manage any unmitigated runoff.

Photo credit: Penn State Creative Commons



Graphic: Lauren McPhillips, Penn State

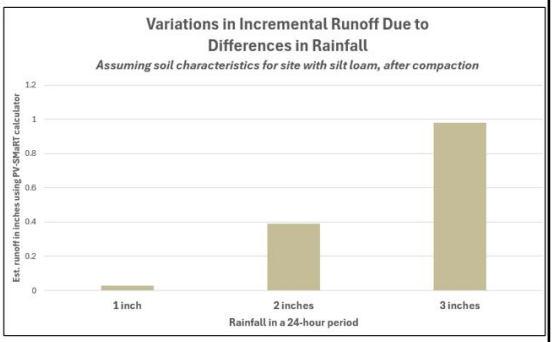


Runoff also is affected by the size and location of the panels and developers' choice of panel technology

The panels are impervious and concentrate runoff. The extent and distribution of those impacts will be affected by the contours of the site as well as whether the panels are fixed or tilt in response to environmental conditions

Estimates of runoff at solar sites need to be stress-tested for variations in the severity of future rainfall events

Photo credit: https://esemag.com/stormwater/lessons-learned-solar-project-present-unique-stormwater-management-challenges



Lightstar testimony_SB 983_3-6-2025.pdf
Uploaded by: Kelly Buchanan
Position: FAV

LIGHTSTAR

March 4, 2025

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

RE: SB 983 – Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity, **Favorable testimony**

Dear Chair Feldman, Senator Brooks, and members of the Senate Education, Energy, and Environment Committee:

Lightstar Renewables LLC (Lightstar) provides this written testimony regarding Senate Bill (SB) 983. Lightstar's position on this legislation is favorable.

Lightstar develops, builds, and owns community solar projects with more than 1200 megawatts (MW) of projects completed or in development across the country. Of that 1200 MW portfolio, 500 MWs are agrivoltaics (the integration of agricultural and/or horticultural production and solar on a single parcel of land). In Maryland, we have 132 MWs of solely agrivoltaics projects under development across a variety of counties. Lightstar is diligently working with Maryland's county leadership and other policy stakeholders to communicate the benefits of preferred siting methods like agrivoltaics. Our mission is to build solar for both the land and the community. Lightstar is focused on community solar development that is built with ecological and agricultural needs at the forefront, which we believe is key to the next phase of securing energy independence and protecting valuable farmland.

We are grateful to this Committee for supporting the passage of House Bill (HB) 908 in 2023, which made community solar a permanent program in Maryland and, most importantly, created a definition of agrivoltaics and the ability to co-locate these projects under specific circumstances. Because of that, we are able to offer farmers a unique solution to improve their financial viability and the opportunity to continue farming, especially by keeping tenant farmers on the land.

Senator Brooks' SB 983 would create a Distributed Generation Certificate of Public Convenience and Necessity (DGCPCN), that would improve the permitting process for qualifying community solar projects between 2 and 5 megawatts. The bill directs the Power Plant Research Program (PPRP) to develop standard siting and design requirements through a stakeholder engagement process and for the Public Service Commission to consider that input in establishing the regulations and application requirements for a DGCPCN. Finally, when processing a DGCPCN application, the Commission must ensure public comment opportunities are available and hold a public hearing.

LIGHTSTAR

SB 983 would drive greater transparency, efficiency, and consistency in permitting community solar projects in Maryland. This would help Lightstar because we believe agrivoltaics projects must be sited responsibly and with a high bar for agricultural production. Ensuring that each project moves through the CPCN process in an efficient and thorough manner would ultimately save time and would appropriately protect farmers, farmland, counties, and landowners with responsible siting expectations.

Lightstar appreciates Chair Clippinger and Delegates Charkoudian and Fraser-Hidalgo for their leadership on SB 983 and their continued support for community solar. Lightstar also appreciates the Senate and House Leadership for taking up siting in SB 931 and HB 1036 which establish siting standards for solar and storage systems. SB 983 builds on the direction of the Leadership bill by providing a narrower solution specific to siting and administrative challenges for community solar projects that require (between 2-5 megawatts) a Certificate of Public Convenience and Necessity. This bill is an important next step to reducing barriers for community solar, including agrivoltaics, and achieving the energy and equity benefits of the permanent program.

Lightstar urges a favorable report on SB 983.

Sincerely,

Kelly Buchanan
Senior Policy & Strategy Manager, Lightstar
Kelly.buchanan@lightstar.com
303-956-1246

SB983 DGCPCN SEIA Testimony.pdf
Uploaded by: Leah Meredith
Position: FAV

March 6, 2025

Senator Brian Feldman
Chair
Senate Education, Energy, Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Senator Cheryl Kagan
Vice Chair
Education, Energy, Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: SEIA Support for SB983: Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup

Chair Feldman, Vice Chair Kagan, and Members of the Senate Education, Energy, and Environment Committee:

I am writing on behalf of the Solar Energy Industries Association (SEIA) in **support** of SB983 (Brooks). It was referred to the Senate Education, Energy, and Environment Committee on February 3, 2025.

Founded in 1974, SEIA is the national trade association for the solar and storage industries, building a comprehensive vision for the advancement of these technologies. SEIA is leading the transformation to a clean energy economy by supporting policy measures that will drive the needed investment in clean, domestic, local job-producing solar generation. We work with our 1,200+ member companies, which include solar and storage manufacturers, service providers, residential, community and utility-scale solar developers, installers, construction firms, and investment firms, as well as other strategic partners, to shape fair market rules that promote competition and the growth of reliable, low-cost energy storage and solar power.

In 2023 the Maryland General Assembly passed HB908, which established a permanent community solar program in the state of Maryland. Community solar provides homeowners, renters, and businesses equal access to the economic and environmental benefits of solar energy generation regardless of the physical attributes or ownership of their home or business. Community solar expands access to solar for all, in particular low-to-moderate income utility customers. Maryland's community solar program requires every project to dedicate at least 40% of its capacity for low and moderate income customers, and ensures all participating residential customers will have lower electricity costs.

Community solar projects above 2 megawatts fall within the permitting jurisdiction of the state via the Maryland Public Service Commission and its Certificate of Public Convenience and Necessity ("CPCN") process. Maryland's CPCN process is well equipped to handle complex utility-scale and transmission-based permitting reviews where each project is significantly different from the next. However, it is not well-aligned for most community solar projects, which are typically similar in size and design. Further, a CPCN can entail an adjudicated process that requires a disproportionate amount of time and cost for project developers relative to what's need for community solar project scale and impact. This misalignment between the permitting process and unique needs of community solar projects threatens to slow down and

undermine renewable energy deployment. It will create an outsized burden not just for solar developers, but also the state agencies involved in CPCN reviews. This issue is compounded by the fact that the number of CPCN applications will grow exponentially in the coming years due to community solar.

SB983 creates a distributed generation ("DG") CPCN process for qualifying community solar projects that will result in an optimal design and siting process for these projects. Developers will be incented to leverage the DG-CPCN in lieu of the standard CPCN process. To qualify, projects will need to meet the siting and design standards established by the state and informed by stakeholder input and industry best practices. SB983 will right-size the cost, time, and resource investments by community solar developers to be commensurate with project scale and impact. Public agencies will likewise benefit from an efficient yet robust process that facilitates clean energy deployment in the state. SB983 will enable faster deployment of community solar, contributing to the state's solar energy requirements and providing customers, especially those who are low-moderate income, with access to clean energy and electricity savings, thus also supporting the state's equity goals.

For these reasons, SEIA strongly supports this legislation and respectfully urges the Committee to issue a favorable report on SB983. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Leah Meredith

Leah Meredith
Mid-Atlantic Regional Director
Solar Energy Industries Association
lmeredith@seia.org

sb983 solar energy, siting, etc. 3-6-2025.pdf
Uploaded by: Lee Hudson
Position: FAV

Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Education, Energy and the Environment Committee
on
Senate Bill 983
March 6, 2025
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to support a cleaner energy future in Maryland by facilitating more green energy production in Maryland. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community within three judicatories across our State.

My community publicly supported a cleaner energy future in its 1993 statement on the environment, "Caring for Creation". We are called to advocate for reductions of current and future greenhouse gas emissions with public policies that influence energy consumption and production.

We have supported legislation in the Maryland General Assembly to advance a decarbonized future for decades. The *2022 Maryland Climate Solutions Act* committed Maryland's public decision-making to implement an energy transition, and we enthusiastically endorsed it. Increasing clean electric energy production is good policy to achieve that goal. And getting more power from the sun is feasible and increasingly popular as indicated by growing consumer interest in residential solar.

Despite what it has legislated, Maryland has repeatedly fallen behind its own clean energy goals. Between learnings about implementation and accelerating climate catastrophe events, it seems likely the State should do better. Making beneficial policy adjustments seems necessary. Getting more solar into the generation mix, a now cost-effective and immediately available choice, is a best-practice that could use more facilitation. We understand **Senate Bill 983** to do that by expanding the siting of solar at smaller scales.

As we have noted in testimony over decades, policies that are barriers to scaling green energy advance dirty energy. They favor the few by badly serving the whole with risk from climate catastrophe and its multitude costs. We continue to urge policies that facilitate as rapid a transition to cleaner energy as possible, here in Maryland and nationally.

Senate Bill 983 is incremental in ambition, but coherent in intention, and deserves your favorable report.

Lee Hudson

5699 Meridale Rd. Baltimore, MD 21228 410-230-2860 800-869-5492 fax 410-230-2871

SB0983_FAV_SolarDGCPCN_EEE_HoCoCA.org.pdf
Uploaded by: Liz Feighner
Position: FAV

SB0983 – Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup
Hearing Date: March 6, 2025
Bill Sponsor: Senator Brooks
Committee: Education, Energy, and the Environment
Submitting: Liz Feighner for **Howard County Climate Action, Indivisible Howard County**
Position: Favorable

HoCo Climate Action is a 350.org local chapter and a grassroots organization representing approximately 1,400 subscribers. We are also a member of the Climate Justice Wing of the Maryland Legislative Coalition. **Indivisible Howard County** represents 800+ members and is an active member of the Maryland Legislative Coalition (with 30,000+ members).

We urge you to vote favorably on the **Solar DGCPCN streamline bill, SB0983**, which aims to strengthen Community Solar in the state, by creating a streamlined permitting process for these relatively smaller projects. The bill will optimize the permitting process for Community Solar projects, create predictable design standards for approval, speed up deployment of critical generation assets in the state, and ensure continued access to clean, renewable energy especially for low-to-moderate income Maryland residents.

HoCo Climate Action along with many faith communities have been promoting Community Solar to members who wish to enjoy the benefits of participating in having their homes powered by renewable energy without the need and expense of installing solar directly at their homes. We have been frustrated that many times we encourage members to sign up, there is a waiting list because no community solar projects are available because of the long and arduous process of bringing community solar projects online.

SB983 creates a new Distributed Generation Certificate of Public Convenience and Necessity (DGCPCN) permitting structure, targeted specifically at Community Solar projects between 2-5MW. The current CPCN permitting process was designed for larger power generation and other public projects, which can be arduous and time-consuming for smaller developers.

The proposed legislation would task the Power Plant Research Program (PPRP) with creating standard siting and design requirements, and standard licensing conditions in order to receive a DGCPCN. It would be extremely beneficial in streamlining the process without compromising any standard licensing conditions. Instead of “fasttracking” expensive ill-conceived proposals like new gas-fired power plants and untested small modular nuclear reactors which would inevitably take longer to come online and jeopardize the state meeting its climate requirements, let’s “fasttrack” reliable, cost effective community solar to solve our adequacy issues now. People get on waiting lists to get community solar for their homes. No one wants gas-fired power plants and we don’t need them.

For all of these reasons, we strongly support **SB0983 and urge a FAVORABLE report** in Committee.

HoCo Climate Action

Indivisible Howard County

SB983_SUNaction_FAV_Veazey.pdf
Uploaded by: Liz Veazey
Position: FAV

Solar United Neighbors Action

1350 Connecticut Avenue NW,
Suite 412, Washington, DC 20036

RE: SB 983 – Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity

Favorable

March 3, 2025

Chair Feldman, Senator Brooks, and members of the Senate Education, Energy, and Environment Committee,

Solar United Neighbors Action provides this written testimony regarding Senate bill 983. SUN Action's position on this legislation is Favorable.

SUN Action is a 501(c)4 non-profit organization that represents the needs and interests of solar owners and supporters in Maryland and across the country. Together with our 501(c)3 affiliate Solar United Neighbors (SUN), we help people go solar, join together, and fight for their energy rights. SUN is dedicated to creating a clean, equitable, resilient energy system that benefits everyone. SUN has helped more than 1,600 Marylanders add 13.5 MW of solar to their homes and businesses and represents forty thousand solar owners and supporters across the state. These comments are on behalf of SUN Action.

SUN helped develop the original community solar pilot program in Maryland, which launched in 2015 and helped make community solar permanent in 2023 with the passage of SB 613 (HB 908). Community solar supports state clean energy and climate goals with local, clean energy and provides at least 40% of the energy to benefit low-and-moderate income customers.

Since the program has become permanent, there is a lot of potential for community solar in Maryland. However, some challenges exist, especially around siting of community solar projects. SUN Action is supportive of the solutions proposed within SB 983 including a new "Distributed

Generation Certificate of Public Convenience and Necessity" (DGCPCN) process.

SUN Action urges a favorable report on SB 983 to help lower Marylander's energy bills with more local solar energy from community solar. SB 983 will help streamline and accelerate community solar deployment that meets the standard siting and design conditions determined by the Power Plant Research Program. SB 983 will accelerate clean energy development in Maryland and help the state reach our ambitious goals including 14.5% local solar.

From,

Liz Veazey
Director of State Policy Campaigns

lveazey@solarunitedneighbors.org

3-6-25 Testimony SB 955 Patti Hankins.pdf

Uploaded by: Patti Hankins
Position: FAV

Chairman and Members of the Education, Energy and Environment Committee

March 6, 2025

SB 955 Overhead Transmission Lines – Eminent Domain

I support Senator West's Bill 955 to provide landowners with protections against Eminent Domain in high voltage transmission line proceedings. Our Community in Northwestern Harford County experienced eminent domain filings against their properties in the MD PSC Case No. 9471 Transource Independence Energy Connection PJM Project in 2018 through 2020. To protect their rights, our landowners had to hire legal representation at their expense to protect their land from seizure. Transource had not even received an approved CPCN to build the IEC project when these eminent domain filings were made.

Property owners should not have to bear the financial burden to defend their land from transmission project Right of Way takings. PJM ratepayers pay the PJM transmission developers to build these projects via electricity rates. PJM's designated entity transmission developers receive monetary incentives paid by the 65 million PJM ratepayers even before a State CPCN process comes to a determination through the FERC incentive process.

Please read FERC Commissioner Christie's July 30, 2024 dissent from approving incentives for transmission developer PPL regarding the Chanceford Project that will bring the electricity from PA to connect with the MPRP in MD – see link:

Commissioner Christie's Dissent to PPL's Abandoned Plant Incentive, ER24-2144

https://www.ferc.gov/news-events/news/commissioner-christies-dissent-ppls-abandoned-plant-incentive-er24-2144

"The Commission's incentive policies—particularly the Construction While In Progress Incentive, which allows recovery of costs before *a project has been put into service—run the risk of making consumers "the bank" for the transmission developer; but, unlike a real bank, which gets to charge interest for the money it loans, under our existing incentives policies the consumer not only effectively "loans" the money through the formula rates mechanism, but also pays the utility a profit, known as Return on Equity, or "ROE," for the privilege of serving as the utility's* de facto *lender."*

"Further, just as the CWIP Incentive effectively makes consumers the bank for transmission developers, the Abandoned Plant Incentive effectively makes them the insurer of last resort as well. This incentive allows transmission developers to recover from consumers the costs of investments in projects that fail to materialize and thus do not benefit consumers. Just as consumers receive no interest for the money they effectively loan transmission developers through the CWIP Incentive, they receive no premiums for the insurance they provide through the Abandoned Plant Incentive if the project is never built. And if the CWIP Incentive is a de facto *loan and the Abandoned Plant Incentive is* de facto *insurance — both provided by consumers — then the RTO participation adder, which increases the transmission owner's ROE above the market cost of equity capital, is an involuntary gift from consumers.**[22]** There has been and continues to be something really wrong with this picture."*

If transmission developers can obtain the above funding for PJM approved projects without a CPCN in hand, then impacted landowners should be afforded monetary means to protect their own land and their interests. Impacted landowners deserve these protections outlined in Senator West's Bill 955. Please provide a favorable report on SB 955.

Patti Hankins
229 St. Mary's Rd
Pylesville, MD 21132

CHESSA - MD - EEE Favorable SB983 DGCPCN 20250306.
Uploaded by: Robin Dutta
Position: FAV

6 March 2025

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

Written Testimony
SB983: Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup
Position: Favorable

Chair Feldman, Vice Chair Kagan, Members of the Education, Energy, and the Environment Committee, thank you for the opportunity to testify on Senate Bill 983, Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup

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 favorable testimony on SB983, Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup. This bill would create a streamlined bureaucratic path for certain community solar projects, right-sizing the CPCN process for smaller projects that do not have the complex impacts that larger projects do.

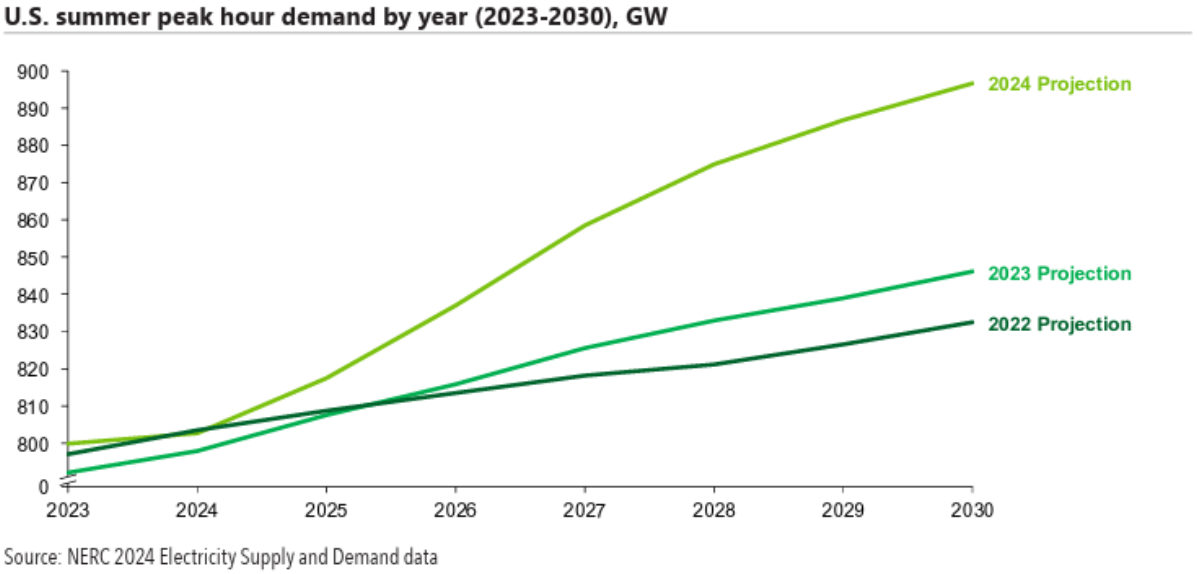
The Problem: Maryland's Widening Energy Gap

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.

A Better Process

Maryland energy policy needs to reflect the urgency to deploy more in-state solar, not only to meet the solar-specific targets but because near-term solar deployments should be a major part of the strategy to grow in-state electric generation.

SB983 would re-align the PSC's processes around the Certificate of Public Convenience and Necessity (CPCN) to evaluate certain smaller groundmount solar facilities greater more appropriately than 2 MW and up to 5 MW, such as community solar projects, under different rules than large-scale renewables. The CPCN process was originally conceived for large power plants and energy infrastructure siting, permitting, and approvals well before Maryland embarked on the clean energy transition. Community solar projects are not the size and scale of transmission lines or fossil fuel electric generation plants.

The project criteria creating this Distributed Generation CPCN for certain community solar projects would be decided through a stakeholder process at the Power Plant Research Program. It would be a consensus criteria that would be clear direction for project development. The industry would have clear guidance on how to design and develop projects in order to use this Distributed Generation CPCN.

Conclusion

Maryland solar needs to be built on homes, businesses, and on open land. SB983 allows the PSC process to better help this "all of the above" solar strategy.

CHESSA asks for a favorable report on SB983. 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

Pivot Energy Testimony_SB 983_DGCPCN_FAV_3-6-2025.
Uploaded by: Sophia Hill
Position: FAV

Re: SB 983 – Public Utilities - Distributed Generation Certificate of Public Convenience and Necessity (FAVORABLE)

Chair Feldman, Senator Brooks, and members of the Senate Education, Energy, and Environment Committee,

Pivot Energy submits testimony in support of Senate Bill (SB) 983, a targeted and pragmatic solution to modernize Maryland's permitting approach for community solar projects between 2 and 5 megawatts (MW), while ensuring responsible siting and continued community engagement. We respectfully urge a favorable report on SB 983.

About Pivot Energy

Pivot Energy is a renewable energy provider and independent power producer that develops, finances, builds, owns, and manages solar and energy storage projects. Pivot has over 3.5 gigawatts (GW), nearly 1,800 solar projects completed or under development. Pivot is a US-based, Certified B-Corporation that proudly follows a corporate strategy aimed at providing a positive impact on society as measured by Environmental stewardship, Social leadership, and responsible Governance factors. We have been participating in Maryland's community solar market since 2017 and maintain an office in Elkridge, Maryland.

The Challenges with Maryland's Current CPCN Process

Maryland's Certificate of Public Convenience and Necessity (CPCN) process is well suited for large utility-scale and transmission-based projects, where each development is unique and requires an extensive review process. However, the current CPCN approach is misaligned with the permitting needs of most community solar projects, which tend to be similar in size and design.

The existing CPCN framework commonly entails an adjudicated review, requiring extensive evidentiary proceedings, legal filing, and procedural hurdles. This process frequently extends to nearly a year, driving up costs and creating uncertainty for developers, while also placing a significant administrative burden on state agencies tasked with reviewing applications.

The growth of community solar is compounding these challenges. The volume of CPCN applications has surged in recent years, slowing development and overburdening regulators and state agencies. To illustrate this shift, prior to July 2024, Pivot Energy had not developed any projects that qualified for review under Maryland's CPCN process. As of March 2025, Pivot has submitted three CPCN applications and plans to submit an additional ten in the coming months, all for community solar projects sized between 2 and 5 MW. Without reform, this process will continue to create unnecessary obstacles for developers, burden state regulators, and hinder Maryland's ability to meet its renewable energy goals.

SB 983: Right-Sizing the Permitting Process for Community Solar

SB 983 creates a Distributed Generation Certificate of Public Convenience and Necessity (DGCPCN), providing a streamlined permitting path for community solar projects between 2-5

MW that adhere to high-bar standards. The bill does not reduce oversight. Rather, it ensures that qualifying projects that meet predetermined standards can proceed efficiently while maintaining ample opportunities for public input.

Key provisions of SB 983:

- **Standards for High-Quality Development:** The Power Plant Research Program (PPRP) will develop standard siting and design requirements, as well as standard licensing conditions, through a stakeholder engagement process. These standards, once adopted by the Public Service Commission (PSC) through a formal and public process, will guide the regulations and application requirements for a DGCPCN, ensuring consistency and accountability.
- **A More Efficient Pathway for Qualified Projects**: Projects that meet these rigorous standards will have a clearer, more predictable permitting process —reducing administrative burdens while maintaining necessary regulatory oversight and public input.
- **Incentivizing Best Practices:** Developers like us will be motivated to meet PPRP's high standards in order to access the streamlined process, fostering responsible solar development across Maryland.
- **Maintaining Oversight and Accountability**: The PSC will retain full discretion in granting DGCPCNs, ensuring that only projects aligned with Maryland's energy and environmental goals are approved, and considering public input in their decision. Projects that fail to meet the criteria will revert to the traditional CPCN process.
- **Continued Public Engagement:** The development of standards and the DGCPCN process itself will include opportunities for public input via comments and hearings.

Conclusion

SB 983 represents a smart and necessary step forward, ensuring that Maryland's permitting framework evolves to meet the needs of today. By balancing efficiency with strong environmental and community safeguards, this bill will create regulatory certainty, reduce administrative burdens, and accelerate the responsible growth of community solar in Maryland.

For these reasons, I respectfully urge the Committee to issue a favorable report on SB 983.

Thank you for your time and consideration.

Sincerely,

Sophia Hill
Senior Manager of Policy & Market Strategy, Eastern Region
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SENATE BILL 983

C5, M5 5lr0809
SB 1025/24 - EEE CF HB 827

By: **Senator Brooks**
Introduced and read first time: January 28, 2025
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

AN ACT concerning

Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity~~, Ground-Mounted Solar, and Small Solar Siting Workgroup~~

FOR the purpose of establishing a distributed generation certificate of public convenience and necessity to authorize the construction and operation of a certain distributed solar energy generating system; requiring the Power Plant Research Program, by a certain date, to develop and submit to the Public Service Commission proposed siting and design requirements and licensing conditions; prohibiting a person from beginning construction of a distributed solar energy generating system unless a distributed generation certificate of public convenience and necessity or certificate of public convenience and necessity is first obtained from the Commission; ~~prohibiting a county from enacting zoning laws or adopting regulations restricting or prohibiting the construction or operation of certain ground-mounted solar systems and facilities; establishing a Small Solar Siting Workgroup to review, determine, and make recommendations regarding certain best practices and statewide model policies for certain solar energy generating systems;~~ and generally relating to solar energy.

BY repealing and reenacting, with amendments,
Article - Natural Resources
Section 3-306(a)(1)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article - Public Utilities
Section 7-207(b)(1)(i) and (ii) and (h) and 7-207.1(c)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article - Public Utilities~~

~~Section 7-207(h)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2024 Supplement)~~

BY adding to
Article - Public Utilities
Section 7-207.4
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

Preamble

WHEREAS, The State has set aggressive minimum renewable energy requirements, recognizing that a shift toward sustainable energy sources is crucial for the health of our planet and the well-being of future generations; and

WHEREAS, The State has committed to reducing greenhouse gas emissions by 60% from 2006 levels, reflecting a proactive stance in the global effort to combat climate change; and

WHEREAS, Distributed solar energy generation is an essential component of meeting these aggressive policies, offering both economic opportunities and environmental benefits; and

WHEREAS, The General Assembly finds that an efficient permitting process for distributed solar energy generating stations with consistency across jurisdictions is necessary to meet the State's renewable energy and greenhouse gas reduction commitments and can be structured to preserve farmland and forests; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

3-306.

(a) (1) Notwithstanding anything to the contrary in this article or the Public Utilities Article, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction **IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES ARTICLE**, the Commission shall notify immediately the Department **[**of Natural Resources**]** and the Department of the Environment of the application.

Article - Public Utilities

7-207.

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(b) (1) (i) **[**Unless**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS** a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) **[**If a person obtains Commission approval for construction under § 7-207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.**]** **A PERSON IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER THIS SECTION IF THE PERSON OBTAINS:**

1. COMMISSION APPROVAL FOR CONSTRUCTION UNDER § 7-207.1 OF THIS SUBTITLE; OR

2. A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7-207.4 OF THIS SUBTITLE.

(h) (1) A county or municipal corporation has the authority to approve or deny any local permit required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE**.

(2) A county or municipal corporation shall approve or deny any local permits required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE**:

(i) within a reasonable time; and

(ii) to the extent local laws are not preempted by State law, in accordance with local laws.

(3) A county or municipal corporation may not condition the approval of a local permit required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE** on receipt of any of the following approvals for any aspect of a generating station, an overhead transmission line, or a qualified lead line proposed to be constructed under the certificate:

(i) a conditional use approval;

(ii) a special exception approval; or

(iii) a floating zone approval.

7-207.1.

(c) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity **UNDER § 7-207(B)(1)(II)1 OF THIS SUBTITLE** to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (b) of this section.

7-207.4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY" OR "DGCPCN" MEANS A CERTIFICATE ISSUED BY THE COMMISSION UNDER THIS SECTION THAT AUTHORIZES THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM.

(3) "DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM" MEANS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS DEFINED IN § 7-306.2 OF THIS TITLE, THAT:

(I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7-207 OF THIS SUBTITLE IF THE SYSTEM DOES NOT OBTAIN A DGCPCN UNDER THIS SECTION;

(II) HAS A CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS BUT NOT MORE THAN 5 MEGAWATTS OF ALTERNATING CURRENT; AND

(III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.

(4) "FOREST" HAS THE MEANING STATED IN § 5-1601 OF THE NATURAL RESOURCES ARTICLE.

(5) "POWER PLANT RESEARCH PROGRAM" MEANS THE PROGRAM WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3 OF THE NATURAL RESOURCES ARTICLE.

(6) "STANDARD LICENSING CONDITIONS" MEANS THE PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS SECTION.

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(7) "STANDARD SITING AND DESIGN REQUIREMENTS" MEANS THE PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS SECTION.

(B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT, SHALL DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS FOR THE ISSUANCE OF A DGCPCN.

(2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER:

(I) ACHIEVEMENT OF THE STATE'S CLIMATE AND RENEWABLE ENERGY COMMITMENTS;

(II) REASONABLE SETBACKS AND LANDSCAPE SCREENING REQUIREMENTS;

(III) ENVIRONMENTAL PRESERVATION, INCLUDING PROHIBITIONS ON FOREST CLEARANCE EXCEPT WHERE NECESSARY TO:

1. REDUCE SOLAR PANEL SHADING NEAR THE PERIMETER OF THE PROJECT SITE;

2. FACILITATE INTERCONNECTION INFRASTRUCTURE; AND

3. ENSURE ADEQUATE SITE ACCESS;

(IV) STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND SITE STABILIZATION, ACCOUNTING FOR:

1. THE EFFECTS ~~OF~~ ON RUNOFF FROM SOLAR PANELS AND ASSOCIATED EQUIPMENT;

~~2. THE IMPACTS OF SOLAR PANELS ON SOIL DENSITY AND COMPACTION; AND~~

~~3. THE IMPACTS OF SOLAR PANELS ON GROUND COVER UNDER THE PANELS;~~

2. THE EFFECTS OF SOIL CHARACTERISTICS AND COMPACTION ON RUNOFF; AND

3. THE EFFECTS OF THE GROUND COVER UNDER AND BETWEEN THE SOLAR PANELS ON RUNOFF;

(V) MINIMIZATION AND MITIGATION OF THE EFFECTS OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM ON HISTORIC SITES;

(VI) PUBLIC SAFETY;

(VII) INDUSTRY BEST PRACTICES; ~~AND~~

(VIII) ENSURING THE STABILITY AND RELIABILITY OF THE ELECTRIC SYSTEM BY REQUIRING THE APPLICANT TO SUBMIT A SIGNED INTERCONNECTION AGREEMENT WITH THE ELECTRIC COMPANY BEFORE THE START OF CONSTRUCTION;

(IX) LICENSING CONDITIONS PREVIOUSLY ADOPTED BY THE COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING REQUIREMENTS RELATED TO DECOMMISSIONING ; AND

(X) ANY OTHER REQUIREMENTS DETERMINED NECESSARY BY THE POWER PLANT RESEARCH PROGRAM.

(C) (1) ON OR BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT REGULATIONS TO:

(I) IMPLEMENT STANDARD SITING AND DESIGN REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN;

(II) SPECIFY THE FORM OF THE APPLICATION FOR A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGCPCN AND ANY APPLICATION FEE; ~~AND~~

(III) SPECIFY THE COMMISSION'S PROCEDURE FOR PROCESSING AN APPLICATION FOR A DGCPCN ; AND

(IV) ESTABLISH THE TIME PERIOD WITHIN WHICH THE POWER PLANT RESEARCH PROGRAM MUST MAKE THE DETERMINATION UNDER SUBSECTION (F) OF THIS SECTION.

(2) THE COMMISSION SHALL CONSIDER THE PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN ADOPTING THE REGULATIONS UNDER THIS SUBSECTION.

(3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN.

(II) THE PROCESS FOR SOLICITING PUBLIC COMMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE SAME AS THE PROCESS FOR SOLICITING PUBLIC COMMENT REGARDING THE ADOPTION OF A REGULATION.

(4) (I) THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES MAY JOINTLY SET AN APPLICATION FEE FOR A DGCPCN APPLICATION AT AN AMOUNT THAT THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES ~~DETERMINES~~ DETERMINE MAY OFFSET THE ADMINISTRATIVE COSTS OF THE DGCPCN APPROVAL PROCESS THAT ARE INCURRED BY THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES.

(II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGCPCN APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.

(D) (1) A PERSON MAY NOT BEGIN CONSTRUCTION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM UNLESS:

(I) A DGCPCN IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH THIS SECTION; OR

(II) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH § 7-207 OF THIS SUBTITLE.

(2) AT LEAST 30 DAYS BEFORE SUBMITTING AN APPLICATION FOR A DGCPCN TO THE COMMISSION, THE APPLICANT SHALL SUBMIT A COPY OF THE APPLICATION TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

(3) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGCPCN TO THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO:

~~(I)~~ THE POWER PLANT RESEARCH PROGRAM~~; AND~~

~~(II) THE GOVERNING BODY OF THE COUNTY WHERE THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED~~.

(E) (1) AFTER RECEIVING AN APPLICATION FOR A DGCPCN BUT BEFORE A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD A PUBLIC HEARING ON AN APPLICATION FOR A DGCPCN IN EACH COUNTY IN WHICH ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

(2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.

(F) (1) ~~WITHIN 90 DAYS AFTER~~ AFTER THE DATE AN APPLICATION FOR A DGCPCN IS FILED WITH THE COMMISSION AND WITHIN THE TIME PERIOD SET BY THE COMMISSION UNDER SUBSECTION (C)(1)(IV) OF THIS SECTION, THE POWER PLANT RESEARCH PROGRAM SHALL:

(I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS FOR THE DGCPCN; AND

(II) NOTIFY THE COMMISSION IN WRITING AS TO THE DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING HOW AN

APPLICATION THAT IS DETERMINED NOT TO SATISFY THE STANDARD SITING AND DESIGN REQUIREMENTS CAN CURE THE DEFICIENCY.

(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION.

(G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH PROGRAM MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS SECTION, THE COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE APPLICATION FOR A DGCPCN.

(2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS.

(II) THE COMMISSION SHALL ISSUE A DGCPCN TO AN APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE COMMISSION DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS.

(III) THE COMMISSION MAY NOT ISSUE A DGCPCN TO AN APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.

(3) IN MAKING A DETERMINATION UNDER THIS SUBSECTION, THE COMMISSION ~~MAY~~ SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION UNDER SUBSECTION (E) OF THIS SECTION.

(H) (1) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION SHALL REQUIRE THE PERSON CONSTRUCTING THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO OBTAIN THE FOLLOWING PERMITS AND APPROVALS FROM THE COUNTY, MUNICIPAL CORPORATION, OR SOIL CONSERVATION DISTRICT IN WHICH THE SYSTEM IS TO BE CONSTRUCTED:

(I) SITE PLAN APPROVAL;

(II) STORMWATER MANAGEMENT PLAN APPROVAL;

(III) EROSION AND SEDIMENT CONTROL PLAN APPROVAL;

(IV) ALL APPLICABLE BUILDING AND ELECTRICAL PERMITS; AND

(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE STANDARD LICENSING CONDITIONS.

(2) THE PROVISIONS OF § 7-207(H) OF THIS SUBTITLE SHALL APPLY TO ANY PERMITS AND APPROVALS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(I) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION HAS THE SAME FORCE AND EFFECT AS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207 OF THIS SUBTITLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That a county may not enact zoning laws or adopt regulations that restrict or prohibit the construction or operation of energy generating systems or facilities that are ground-mounted solar with a capacity to produce up to 2 megawatts of alternating current.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) There is a Small Solar Siting Workgroup.~~

~~(b) The Workgroup consists of the following members:~~

~~(1) one member of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) one member of the House of Delegates, appointed by the Speaker of the House;~~

~~(3) one representative of the Maryland Energy Administration, designated by the Director of the Administration;~~

~~(4) one representative of the Department of Natural Resources, designated by the Secretary of Natural Resources;~~

~~(5) one representative of the Department of the Environment, designated by the Secretary of the Environment;~~

~~(6) one representative of the Department of Agriculture, designated by the Secretary of Agriculture;~~

~~(7) one representative of the Department of Planning, designated by the Secretary of Planning;~~

~~(8) one representative of the Chesapeake Solar and Storage Solar Association, designated by the President of the Association;~~

~~(9) one representative of the Solar Energy Industries Association, designated by the President of the Association;~~

~~(10) one representative of the Coalition for Community Solar Access, designated by the President of the Coalition;~~

~~(11) one representative of the Maryland Association of Counties, designated by the President of the Association;~~

~~(12) one representative of the Maryland Farm Bureau, designated by the President of the Bureau;~~

~~(13) one representative of Forever Maryland, designated by the Executive Director of Forever Maryland;~~

~~(14) one representative of the League of Conservation Voters, designated by the Chair of the Board of Directors of the League;~~

~~(15) one representative of the Chesapeake Climate Action Network, designated by the Executive Director of the Network; and~~

~~(16) one representative of the Maryland Sierra Club, designated by the Director of the Club.~~

~~(c) The representative of the Maryland Energy Administration shall serve as chair of the Workgroup.~~

~~(d) The Maryland Energy Administration shall provide staff for the Workgroup.~~

~~(e) A member of the Workgroup:~~

~~(1) may not receive compensation as a member of the Workgroup; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(f) The Workgroup shall review, determine, and make recommendations regarding:~~

~~(1) best practices for solar energy generating systems with capacities of up to 2 megawatts of alternating current, including:~~

~~(i) the possibility of statewide setback and screening requirements;~~

~~(ii) whether there should be additional State or local incentives for the development of solar energy generating systems on brownfields, parking lots, and other non-agriculturally zoned land;~~

~~(iii) whether there should be additional State or local incentives for agrivoltaics development; and~~

~~(iv) what other forms of standardization should apply to these solar energy generating systems; and~~

~~(2) the establishment of a statewide model policy for solar energy generating systems with capacities of up to 2 megawatts of alternating current.~~

~~(g) On or before December 1, 2025, the Workgroup shall submit an interim report of its initial findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.~~

~~(h) On or before December 1, 2026, the Workgroup shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.~~

SECTION ~~4.~~ 2. AND BE IT FURTHER ENACTED, That ~~Sections 1 and 2~~ Section 1 of this Act may not be applied or interpreted to have any effect on or application to the construction or modification of any solar energy generating system for which a certificate of public convenience and necessity or other required approval was obtained before the effective date of the regulations adopted by the Public Service Commission under § 7-207.4(c) of the Public Utilities Article, as enacted by Section 1 of this Act.

~~SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that nothing in Section 2 or 3 of this Act be construed to abrogate, modify, or limit the holding of the Supreme Court of Maryland in Board of County Commissioners of Washington County, Maryland v. Perennial Solar, LLC, 464 Md. 610 (2019).~~

SECTION ~~6.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. ~~Sections 2 and 3 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2027, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

SB983_Brooks.pdf
Uploaded by: Benjamin Brooks
Position: FWA

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal Service Program Workgroup

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TESTIMONY IN SUPPORT OF SB 983
Solar Energy – Distributed Generation Certificate of Public Convenience and Necessity

Education, Energy and the Environment Committee
March 6, 2025

Chair Feldman, Vice-Chair Kagan and Members of the Committee

Thank you for the opportunity to testify before you on SB 983: Solar Energy – Distributed Generation Certificate of Public Convenience and Necessity. This bill will establish the Distributed Generation Certificate of Public Convenience and Necessity (DG-CPCN), a new certification process required for constructing and operating solar energy projects (2-5 MW) in the State of Maryland. This new process is designed to streamline the development of renewable energy infrastructure while ensuring environmental protection and public safety.

What's the Problem That This Bill Fixes?

Two years ago, I sponsored legislation making the Community Solar Program (CSP) permanent in Maryland. Those projects are being implemented and we are poised to be a leader in that arena. SB 983 builds off the success of the CSP and serves to work in conjunction with that legislation. While we provided additional incentives in 2023 to build community solar on rooftops, brownfields, industrial zones and parking lots, the truth is, community solar will also need to be constructed on the ground.

According to the Power Plant Research Program (PPRP), which conducts the initial CPCN review, they are anticipating nearly 60 CSP applications in the next few months – just two years ago, PPRP reviewed only 7 CPCN applications. According to the Coalition for Community Solar Access (CCSA), which has polled its members, there are 130 more community solar projects under development that will require a CPCN application.

Under current law, 2-5 MW community solar projects must go through a CPCN process that was initially designed for large-scale power plants. For reference, the CPCN process was originally created through the Power Plant Siting Act of 1971 in response to concerns over the ability of the State to provide significant technical review of the impacts of the proposed Calvert Cliffs nuclear plant. However, this comprehensive review process does not make sense for smaller community solar projects which are usually sized between 2-5 megawatts. While

the current CPCN review is valuable for ensuring high standards for new power plant projects, the rise in community solar projects may in fact overburden state agencies and developers with unnecessary roadblocks.

The Solution

SB 983 would require the Power Plant Research Program (PPRP) to develop standard siting and design requirements for community solar projects and submit it to the Public Service Commission (PSC). These requirements must be in line with the State's renewable energy commitments, incorporating environmental preservation, reasonable setbacks, landscape screening, and strict adherence to stormwater management, erosion control, and site stabilization. Additionally, these projects are required to ensure public safety, follow industry best practices, and comply with specific licensing conditions previously established by the Commission for solar energy generating systems. This process would be developed in collaboration with local governments, agricultural interests, environmental advocates, and the solar industry. Once these regulations are adopted, DGCPCNs will be issued after a review by the PSC.

SB 983 should work well with the Chairman's SB 931, Renewable Energy Certainty Act, which we heard this past Friday that will set certain siting standards for all solar projects. My legislation will likely lead to more stringent siting standards, which will be developed through a collaborative process with many stakeholders, in exchange for a more expedited path to obtaining a CPCN. If both SB 931 and SB 983 pass, then community solar developers would have the choice to apply for a traditional CPCN under the new siting standards envisioned in the Chairman's bill or for a more expedited CPCN with more stringent siting standards under my bill.

The benefits of this bill are clear:

1. Streamlining the CPCN process for community solar projects will accelerate the deployment of clean energy, contributing to Maryland's climate and renewable energy goals.
2. By establishing clear, standardized requirements, we reduce uncertainty for developers and simplify participation for counties and interested parties, ultimately making the development process more efficient and predictable.
3. By facilitating the inclusion of more community solar projects that can serve low-and moderate-income families, we reinforce our commitment to equitable access to renewable energy.

SB 983 actively involves local governments and other stakeholders in the decision-making process as we seek to identify certain standards for these smaller power generating projects uniformly across all 24 jurisdictions, based on stakeholder input and industry best practices. Notably, the bill with proposed amendments developed in collaboration with the PSC and the PPRP has garnered support from the Maryland Association of Counties (MACo), the Coalition from Community Solar Access (CCSA), the Chesapeake Solar and Storage Association (CHESSA), the Solar Energy Industry Association (SEIA) and environmental advocacy groups.

This bill will help guide solar development in Maryland and ensure that the community solar projects can be constructed in a timely manner so we can accomplish the equity, energy, and economic benefits promised by the legislation this body has already passed.

For these reasons, I am requesting a favorable report on SB 983, as amended.

With kindest regards,

Benjamin Brooks

Summary of Senator Brooks Amendments to Senate Bil

Uploaded by: Benjamin Brooks

Position: FWA

Summary of Senator Brooks' Amendments to Senate Bill 983

- **At the request of MACo**:
    - Remove the proposed Small Solar Siting Workgroup and the ban on local restrictions for projects up to 2 megawatts.
    - Clarify that existing law regarding local permitting after a CPCN is issued also applies to DG-CPCNs.
    - Add a catchall provision that allows PPRP to propose any standard design requirements and licensing conditions it deems necessary.
    - Require an applicant for a DG-CPCN to provide a copy of an application to the county where the project is located 30 days prior to filing the application with the PSC.
    - Change the PSC's duty to consider public comments from "may" to "shall."

- **At the request of the PSC**:
    - Ensure standard design requirements and licensing conditions cover the solar project's impact on the electric grid.

- **At the request of the PSC, PPRP, and MACo**:
    - Clarify that the PSC (through its regulations) sets the due date for PPRP's review of DG-CPCN applications.
    - Allow the DG-CPCN application fee to cover both PSC and PPRP costs

- **At the request of the Advocates for Herring Bay**:
    - Clarify how PPRP's design requirements and licensing conditions will address stormwater runoff.

Testimony DAC Solar Siting DGCPCCN Brooks v4.pdf
Uploaded by: Debbie Cohn
Position: FWA

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 (DGCPCN) 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 DGCPCNs, 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://efaidnbmnnnibpcajpcglclefindmkaj/https://dls.maryland.gov/pubs/prod/NatRes/***Introduction theRenewableEnergy Portfolio Standard***.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.

SB0983-EEE_MACo_SWA.pdf
Uploaded by: Dominic Butchko
Position: FWA

MARYLAND Association of COUNTIES

Senate Bill 983

Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup

MACo Position: **SUPPORT WITH AMENDMENTS**

To: Education, Energy, and the Environment Committee

Date: March 6, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 983 **WITH AMENDMENTS.** This bill would establish an expedited approval process for solar energy generating systems between 2MW and 5MW.

For more than a year, county officials and professionals, in partnership with MACo, have worked closely with the administration, advocacy groups, and industry leaders to advance Maryland's renewable energy goals through clear, effective, and balanced policies. Counties remain steadfast in their commitment to solutions that address shared challenges and serve the best interests of our communities.

With the amendments developed by the bill sponsors, MACo, industry stakeholders, and the Administration, SB 983 represents a smart, well-balanced approach to accelerating the deployment of small- and medium-scale solar projects. These amendments ensure that increased efficiency does not come at the expense of community input, environmental protections, or other key considerations.

MACo extends its appreciation to the House and Senate sponsors, as well as stakeholders, for their collaboration in addressing county concerns. Counties remain unwavering in their commitment to being the State's partner in government, working alongside the General Assembly to achieve better outcomes for our shared constituents.

If enacted with amendments, SB 983 is a smart and well-balanced policy that will forward Maryland's energy commitments without sacrificing other goals and considerations. For this reason, MACo urges the Committee to give SB 983 a **FAVORABLE WITH AMENDMENTS** report.

SB0983_ FAV WAMEND_PSC.pdf
Uploaded by: Frederick Hoover
Position: FWA

STATE OF MARYLAND

PUBLIC SERVICE COMMISSION

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

RE: SB 983 – Favorable with Amendments – Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity

Dear Chair Feldman and Committee Members:

The Public Service Commission (the Commission) requests a favorable report for Senate Bill 983 (SB 983) with the amendments detailed in this testimony.

The Commission regulates certificates of public convenience and necessity (CPCNs) for generating systems greater than two megawatts. SB 983 would amend § 7-207 of the Public Utilities Article to establish a new type of "distributed generation" CPCN (DG-CPCN) for the construction and operation of community solar energy generating systems (CSEGS) with capacities between two and five megawatts (MW) that are not located within a municipal corporation. The bill would require the Department of Natural Resources (DNR) Power Plant Research Program (PPRP) to develop and propose, for submission to the Commission, standard siting and design requirements and standard licensing conditions for DG-CPCN projects, subject to public comments, within one year of the bill's effective date. The Commission would subsequently be required to adopt standard siting, design, and licensing regulations within one year of PPRP's submission to the Commission. The bill vests the Commission with responsibility for overseeing the proceedings and ultimate approval of DG-CPCN applications.

Section 7-207.4(C)(1), as proposed, requires the Commission, by July 1, 2027, to adopt regulations, based on the proposal submitted by PPRP. Section 7-207(B) would require PPRP to submit to the Commission, by July 1, 2026, proposed regulations for the standard siting, design, and licensing requirements. In developing the proposal, PPRP would be required to consider criteria enumerated in the bill. The Commission recommends against prescriptive criteria that may make adjudication of unique projects difficult. It may be useful to provide PPRP with added flexibility as to what requirements should be considered for a DG-CPCN application, due since the list of requirements within the statute may not be exhaustive. The Commission also suggests consideration of electric distribution grid reliability, especially as it relates to distribution grid interconnection, when developing siting, design, and licensing conditions for DG-CPCN applications.

Section 7-207.4(F) would require PPRP to submit an analysis on whether a DG-CPCN application meets the established application requirements to the Commission within 90 days after the date that a DG-CPCN application is filed with the Commission. Section 7-207.4(G) would require that the Commission schedule a hearing on a DG-CPCN application within 60 days after PPRP submits their analysis and determination on the DG-CPCN application to the Commission. This timeframe to fully analyze a DG-CPCN application and schedule a hearing within 150 days may not be feasible given the analysis required of each project application, even with project standardization, due to unique issues that may arise, as well as the sheer volume increase in applications expected as a result of this legislation. The Commission suggests that the bill provide PPRP and the Commission with the flexibility to determine these timeframes or otherwise allow for increased time for PPRP and the Commission.

Section 7-207.4(G)(2)(II) states that the Commission shall issue a DG-CPCN to an applicant if the Commission determines that the applicant satisfies the established standard siting and design requirements. The Commission notes that, in the future, there may be issues with a DG-CPCN application unforeseen by the established standard siting and design requirements. In such a scenario, the nondiscretionary language of § 7-207.4(G)(2)(II)would require the Commission to grant the DG-CPCN, notwithstanding the unique and unforeseen issue(s), if the project otherwise meets the standard siting and design requirements. The Commission notes that increased flexibility in approving a DG-CPCN may be useful.

The Commission has been working with the sponsors extensively on this bill and understands that amendments have been proposed that may address some of the concerns mentioned in this testimony. The Commission will continue to work with sponsors on this bill moving forward.

The Public Service Commission appreciates the opportunity to provide testimony for your consideration for bill SB 983. We request a favorable report with support for the amendments detailed above. Please contact Christina Ochoa, Director of Legislative Affairs at christina.ochoa1@maryland.gov if you have any questions.

Sincerely,

Frederick H. Hoover, Chair
Maryland Public Service Commission

SB983 Solar Energy - Distributed Generation Certif

Uploaded by: Laurie McGilvray

Position: FWA

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
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Richard Deutschmann
Position: Favorable With Amendments
Hearing Date: March 6, 2025

Dear Chair Feldman and Members of the Committee:

Thank you for your consideration of our testimony today in support of SB983 with amendments. The Maryland Legislative Coalition Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably on SB983, with suggested amendments.

The Renewable Portfolio Standard (RPS) calls for 14.5% of Maryland's clean electricity to be contributed by solar energy by 2030, but the State has repeatedly fallen significantly short of this goal. According to the 2023 Maryland Climate Pathways Report, both wind and solar generation must increase fivefold by 2031, with solar accounting for 33% of in-state energy generation. Additionally, Community Solar has been an incredibly important market segment of the industry in Maryland, addressing the needs of low-to-moderate income residents, renters, and those who are not able to have solar installed on their property. SB983 aims to strengthen Community Solar in the state, by creating a streamlined permitting process for these relatively smaller projects.

SB983 creates a new Distributed Energy Certificate of Public Convenience and Necessity (DGCPCN) permitting structure, targeted specifically at Community Solar projects between 2-5MW. The current CPCN permitting process was designed for larger power generation and other public projects, which can be arduous and time-consuming for smaller developers. The proposed legislation would task the Power Plant Research Program (PPRP) with creating standard siting and design requirements, and standard licensing conditions in order to receive a DGCPCN. These requirements would include reasonable setbacks, landscaping and screening, deforesting limits, and stormwater management. The DGCPCN would continue to engage a robust process of public comment and hearings, in order to gather input from local communities. Local governing bodies will still have responsibility over issuance of site plan, stormwater management and erosion/sediment control approvals, along with building and electrical permits. However, the legislation would also impose strict time limits, given the state's interest in incentivizing new, in-state power generation. We believe that this legislation will right-size the

permitting process for these Community Solar projects, create predictable design standards for approval, speeding up deployment of critical generation assets in the state, and ensuring continued access to clean, renewable energy especially for low-to-moderate income Maryland residents.

We understand that sponsor amendments are being worked out in committee, and we think it is important that they address a compromise balance between clearing a path for clean energy development and local zoning concerns. At a minimum, the bill should provide an exemption to the prohibition on county regulation or a specific PSC review process in instances where a county holds an agricultural preservation or forest or other conservation easement on a property proposed for solar development. Easements represent county ownership of a right or rights in the bundle of property rights that should not be rendered meaningless by this bill. Our testimony does not directly address these amendments as we will not have a chance to fully review before the hearing.

For all of these reasons, we strongly support SB983 with changes suggested, and urge a FAVORABLE WITH AMENDMENTS report in Committee.

350MoCo
Adat Shalom Climate Action
Chesapeake Earth Holders
Climate Parents of Prince George's
Climate Reality Project
ClimateXChange – Rebuild Maryland Coalition
Coming Clean Network, Union of Concerned Scientists
DoTheMostGood Montgomery County
Echotopia
Elders Climate Action
Fix Maryland Rail
Glen Echo Heights Mobilization
Greenbelt Climate Action Network
HoCoClimateAction
IndivisibleHoCoMD
Maryland Legislative Coalition
Mobilize Frederick
Montgomery County Faith Alliance for Climate Solutions
Mountain Maryland Movement
Nuclear Information & Resource Service
Progressive Maryland
Safe & Healthy Playing Fields
The Climate Mobilization MoCo Chapter
Unitarian Universalist Legislative Ministry of Maryland
WISE

20250306 SB 983 Solar Enegery Distributed Generati

Uploaded by: Larry Porter

Position: UNF

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 0983

Solar Energy - Distributed Generation Certificate of Public Convenience and Necessity, Ground-Mounted Solar, and Small Solar Siting Workgroup

Position: **UNF** | Date: March 6, 2025 | To: Education, Energy and Environment

On behalf of the Caroline County Commissioners, we write to express our **strong opposition** to Senate Bill 983, which seeks to establish a **Distributed Generation Certificate of Public Convenience and Necessity (DGCPCN)** while overriding local land use authority on solar energy projects.

Caroline County has already implemented responsible solar regulations that balance renewable energy development with the protection of our rural character, farmland preservation, and community interests. This bill threatens to undermine our local autonomy by prohibiting counties from enacting zoning laws that restrict or regulate ground-mounted solar facilities under 2 megawatts.

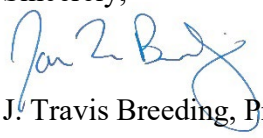
Key Concerns with SB 983

1. Undermines Local Control & Land Use Planning
    - Caroline County has carefully crafted solar policies to ensure responsible development while protecting prime agricultural land and rural communities.
    - SB 983 removes the ability of counties to regulate smaller solar projects, forcing rural counties to accept projects that may not align with their land use priorities.
2. Threat to Farmland & Rural Character
    - Caroline County's economic and cultural identity is rooted in agriculture. Large-scale and unchecked solar development on productive farmland undermines generations of farming heritage.
    - Encouraging solar projects without local oversight could lead to fragmentation of farmland and limit future agricultural use.
3. One-Size-Fits-All Approach Does Not Work for Rural Counties
    - What works for urban and suburban areas may not work for rural agricultural counties like Caroline.
    - SB 983 disregards the unique zoning, environmental, and land use policies already established by local jurisdictions.
4. State Preemption Sets a Dangerous Precedent

- Caroline County supports renewable energy, but it must be implemented through a process that respects local decision-making.
- The Supreme Court of Maryland has previously ruled in *Board of County Commissioners v. Perennial Solar, LLC (2019)* that state law preempts local solar zoning authority. This bill further erodes local governance by expanding preemption even more.

Senate Bill 983 is an overreach that disregards the careful planning efforts of rural counties like Caroline. While we recognize the importance of renewable energy, this bill imposes a top-down approach that threatens farmland, dismisses local regulations, and weakens county authority. We strongly urge the General Assembly to reject SB 983 and instead allow local governments to determine the best approach for solar development within their jurisdictions.

Sincerely,



J. Travis Breeding, President