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PUBLIC SERVICE COMMISSION

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

RE: SB 780 – Information – Certificate of Public Convenience and Necessity - BURDEN Analysis (CHERISH Our Communities Act)

Dear Chair Korman and Committee Members:

The Public Service Commission (the Commission) appreciates the opportunity to provide this informational testimony for SB 780. The Public Utilities Article (PUA) section §7–207 gives the Commission authority to approve applications for the siting of generating stations through the issuance of a Certificate of Public Convenience and Necessity (CPCN). Through that process, the Commission must review a number of factors to determine if the project is necessary and in the public’s interest. For fossil fuel generating station applications, an applicant-submitted EJ Score (environmental justice score) is one of those factors. SB 780 expands CPCN application requirements for non-wind, non-solar or non-geothermal generating stations to include a baseline understanding of risk, disparities, and environmental needs (“BURDEN”) report.

While the Commission is committed to an ongoing focus on environmental and climate matters, SB 780 removes the Commission’s discretion by compelling the Commission to make specific CPCN application adjudications in certain circumstances based only on the results of the BURDEN report. This creates a CPCN approval process that differs from any other CPCN application under the current PUA provisions, where the Commission weighs several factors, including the county’s recommendation, economics, aesthetics, historic sites, and the effects on climate change. Maintaining the Commission’s discretion in determining the public interest when considering a generating station project is critical to making a sound decision based on the totality of the evidence in the record.

The Commission notes that the bill may hinder the General Assembly’s recent efforts to attract new baseload generating stations to Maryland. The Next Generation Energy Act (2025) requires the Commission to establish a procurement process to support the development of additional generating facilities, including nuclear, to meet the State’s long-term resource needs. In December, the Commission confirmed that two natural gas generating station proposals met the criteria for inclusion in an expedited CPCN process enacted by the Next Generation Energy Act.

Under SB 780, these projects would be subject to the new BURDEN reporting and CPCN requirements. This added complexity will affect the State's ability to bring new baseload generation online in a timely manner.

The Public Service Commission appreciates the opportunity to provide this informational testimony for your consideration for bill SB 780. Please contact the Commission's Director of Legislative Affairs, Niki Wiggins at irene.wiggins3@maryland.gov, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kumar', with a stylized flourish at the end.

Kumar P. Barve
Chair, Maryland Public Service Commission