

## Maryland Senate Education, Energy & Environment Committee

Dear Members of the Committee:

My name is **Dr. Mark Kukucka**, and I'm here in strong support of Senator Jennings' bill to strengthen intervenor rights and landowner protections for the CPCN process.

My experience in Case No. 9748 shows exactly why this legislation is necessary.

In July 2024, landowners were given a **single 30-day window** to intervene in a billion-dollar transmission project. That notice was buried in two newspaper ads. Most landowners never saw it. Even fewer understood what it meant.

By the time we realized what was happening, the window had already closed.

I live **within 400 feet** of the BGE transmission corridor — well within the zone that Maryland courts have long recognized as “aggrieved” for standing purposes. In *Sugarloaf Citizens v. Maryland Waste Disposal*, the Court of Appeals held that residents within roughly 1,000 feet of a major project have a legally protectable interest and the right to participate.

Yet despite this precedent, despite my proximity, and despite filing detailed concerns, **I was denied intervenor status — twice.**

**BGE fought aggressively to keep me out.** They filed immediate oppositions to both of my petitions. They argued I had “no standing.” They argued that other parties “already represented my interests.” I still don’t know who those other parties were but the Maryland PSC accepted BGE’s arguments wholesale.

Why would a utility work so hard to exclude a nearby resident?

Because intervention brings scrutiny. Because it brings cross-examination. Because it brings accountability. And because it brings the one thing utilities do not want: **independent eyes on their wild claims.**

The current system rewards utilities for keeping the public out.

Senator Jennings’ bill fixes this. It requires **real notice**, sent directly to landowners. It requires that landowners be told — in plain English — that they have a right to intervene.

This bill restores fairness, transparency, and due process. It ensures that Marylanders have a meaningful voice in decisions that affect their homes, their health, and their future.

Thank you!

Chairman and Members of the Committee,

**My name is Dr. Mark Kukucka, and I'm here in strong support of Senator Jennings' bill to strengthen intervenor rights and landowner protections in the CPCN process.**

My experience in **Case No. 9748 — the Brandon Shores Retirement Mitigation transmission project** — shows exactly why this legislation is urgently needed.

In July 2024, landowners were given a single 30-day window to intervene in a billion-dollar project. That notice was buried in two newspaper ads. Most landowners never saw it. Even fewer understood what it meant.

I live within 400 feet of the corridor — well within the distance Maryland courts have long recognized as “aggrieved.” Yet despite that, and despite filing detailed concerns, I was denied intervenor status twice. BGE fought aggressively to keep me out, and the PSC accepted those arguments.

**And in Case No. 9748, the PSC went even further.** The Commission created a category called “Limited Intervenor” — a category not found anywhere in statute. Landowners were allowed to testify, submit evidence, and brief

deed-level property-rights issues. Then, one month later, the PSC issued a ruling declaring those very issues “outside the scope” of the case — effectively erasing their voices after the fact.

In other words, the PSC allowed landowners to speak, and then retroactively cancelled the substance of what they said. **That is not meaningful participation. That is procedural theater.**

Senator Jennings’ bill fixes the *front end* of the process — real notice, real opportunity to intervene. But Maryland also needs to ensure that once landowners are in the room, their issues cannot simply be ruled irrelevant after the fact.

This bill is a critical first step toward restoring fairness, transparency, and due process for Maryland families whose homes, health, and property rights are affected by these projects.

Thank you!