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**Testimony of Bryan Dunning
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**Before the Maryland House of Delegates' Environment and Transportation Committee
Requesting a Favorable Report on HB1278: Certificate of Public Convenience and
Necessity – BURDEN Analysis (CHERSH Our Communities Act)**

Dear Chairman Korman, Vice-Chair Guyton, and the members of the Environment and Transportation Committee,

Thank you for the opportunity to provide testimony on HB1278 (the CHERISH Act) on behalf of the Center for Progressive Reform. The Center is a research and advocacy organization that focuses on advancing good governance and achieving equitable public protections. The CHERISH Act requires that the Maryland Public Services Commission (MD PSC) review Certificates for Public Convenience and Necessity (CPCN) for certain types of polluting generation facilities to evaluate the impact said facilities will have upon disproportionately impacted communities. The Cherish Act is a critical step for protecting historically impacted communities from some of the most intensive sources of pollution contemplated in the state, and is a necessary step on the road to Maryland fulfilling its longstanding promises to not just advance, but achieve, environmental justice in the state. For the following reasons, the Center for Progressive Reform requests a **Favorable** report on HB1278.

History and Timeliness

Environmental justice considerations as relates to the siting of polluting power plants in the state of Maryland are longstanding issues in the state, with polluting generation facilities tending to be built in clusters in communities near to existing facilities and contributing to significant pollution burdens.

A historic example of this is the cluster of gas generation facilities in and around Brandywine in Prince George's County, which has four gas generation facilities within 13 miles of the community of around 11,000 people. Although these facilities were built to serve Maryland's

broader energy demands, the onus of the pollution from these facilities falls squarely on the shoulders of community.

Although the late 2010s and early 2020s largely saw proposed development of renewable non-polluting facilities in the state, in recent years, Maryland is again turning to polluting generation sources to meet increased load demand (largely driven by regional build out of large-load facilities, notably data centers).

It is, perhaps, unsurprising given the history of where such polluting generation facilities are sited, that the first applications under the expedited CPCN process set up by 2025's Next Generation Energy Act for "dispatchable" generation, were located in Brandywine (Alpha Generation LLC's application for to expand the gas generation Keys energy center)¹ and Aberdeen MD, another disproportionately impacted community (two gas generation facilities to be constructed by Constellation Energy).² The Constellation projects have been approved for an expedited CPCN.

The CHERISH Act is a necessary law to ensure that environmental justice considerations as relates to the increased burden from such projects on historically disproportionately impacted communities are considered in such applications, and empower MD PSC to act upon them. Doing so is necessary to ensure that Maryland, in its return to siting gas facilities, does not continue to place to onus upon these communities in its desire to expand generation that will broadly serve residents of the state – or more narrowly, the demand of large load interests.

CHERISH is limited in scope and is in line with existing EJ procedures

CHERISH does not broadly increase the administrative burden on either MD PSC, the Maryland Power Plant Research Program (PPRP), or on energy developers. The development of a BURDEN report to identify the cumulative impacts of a new polluting facility applies only for polluting facilities. Clean generation (solar, wind, geothermal, all of which fall under Maryland's clean energy development policy priorities) are not impacted by the bill. Neither, for that matter, does it apply to polluting facilities seeking to site projects in communities not historically subject to disproportionate burdens.

CHERISH also slots into existing environmental review conducted in the pre-application and application phases of a CPCN. The BURDEN report describes the existing landscape of pollution and the potential additional contributions to environmental and public health burdens from the proposed facility. It also is complementary to existing regulatory requirements for

¹ Alpha Generation, LLC – Dispatchable Generation and Large Capacity Energy Resource Program Proposal. PC 74 (October 31, 2025)

² Constellation Energy Generation LLC – Dispatchable Generation and Large Capacity Energy Resource Program Proposal 1. PC74 (October 31, 2025); Constellation Energy Generation LLC – Dispatchable Generation and Large Capacity Energy Resource Program Proposal 2. PC74 (October 31, 2025); *note* – Constellation's applications redact the location of the site, but [subsequent reporting](#) place the facilities near to the existing Perryman generation facility in Aberdeen MD.

polluting CPCN applications as relates to disclosures and public notice.³ Importantly, CHERISH takes the crucial next step to give MD PSC the authority to act on this information to protect disproportionately impacted communities from further harm.

Conclusion

CHERISH empowers MDE to act and provides a pathway forward for Maryland to meet the challenge of its long promise to make good on advancing environmental justice in the state. As such the Center for Progressive Reform requests a **Favorable** report on HB1278.

³ See, e.g. COMAR 20.79.01.04