



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 13, 2026

BILL NUMBER: HOUSE BILL 1287 - FIRST READER

**SHORT TITLE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY-BURDEN ANALYSIS
(CHERISH OUR COMMUNITIES ACT)**

DEPARTMENT'S POSITION: LETTER OF INFORMATION

EXPLANATION OF DEPARTMENT'S POSITION

The Department of Natural Resources provides the following information on HB 1287.

This legislation would add additional requirements to the Certificates of Public Convenience and Necessity (CPCN) process for specific generating stations (including coal, natural gas, and nuclear) located within an "at-risk census tract. The bill, as written, would require these applicants to submit a BURDEN report with their application. The Power Plant Research Program (PPRP) would be required to review and validate the findings of a BURDEN report submitted by the applicant for projects located within at-risk census tract and prepare an environmental assessment with a determination of whether approving the proposed application for a CPCN will cause or contribute to adverse environmental or public health stressors or indicators in the at-risk census tract and surrounding tracts in a 1.5 mile radius that are higher than those in other areas in the State.

Additionally, the bill as currently drafted, would require PPRP propose additional recommended conditions for the Public Service Commission (PSC) to consider. These conditions would be applied if the Commission chooses to grant the CPCN, and would require the applicant to demonstrate that the activity outlined in the CPCN will benefit the public interest within the at-risk census tract where the project is planned. PPRP's verification of the information and preparation of conditions for the PSC may require additional public engagement with communities in at-risk census tracts in the BURDEN report submitted by the applicant.

If the bill were to be amended to remove the PSC's discretionary authority, or mandating the denial of a project based solely on the findings of a BURDEN report, could impede the introduction of new generation to the grid. Consequently, this action could negatively affect ratepayers.

The Department has had additional conversations with the bill sponsor, who has provided further insight into how this bill would intersect with SB 781/HB1268. The BURDEN report requirements in both bills are consistent, and much of the necessary data can be found in the Maryland EJ tool created and maintained by the Maryland Department of the Environment. This could reduce the fiscal and operational impact of this legislation on PPRP.

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BACKGROUND INFORMATION

The PSC relies on PPRP for an independent technical, environmental, and socioeconomic analyses. Presently, CPCN applications include an EJ Report describing the EJ Score for the proposed site and surrounding census tracts in a 3-mile radius using MDE's EJ Tool and signed statement of public engagement and participation certification that the applicant made at least one attempt to engage affected communities prior to filing the application if in an EJ census tract (See COMAR 20.79.01.06 and 20.79.01.04). PPRP checks for whether the application includes this information and verifies the EJ Score using MDE's EJ tool. The information is presented to the PSC in PPRP's PAR for the PSC. In addition to this information, this bill will require PPRP to review the BURDEN report and present findings in its project assessment review to the PSC as described above.

BILL EXPLANATION

House Bill 1287 adds several additional requirements to the existing law regarding applications for CPCNs for specific generating stations located within an "at-risk census tract. The bill requires the PSC to determine if the proposed facility will contribute to adverse environmental or public health stressors that are higher than those borne by other areas in the state. The Commission is required to determine if the application, combined with other stressors, will cause or contribute to adverse environmental or public health stressors higher than those in other areas of the state. The Commission must deny the application if such adverse stressors are found, unless the applicant demonstrates an overriding public interest served by the station in that specific location. If approved under this condition, the Commission must impose protective conditions on the certificate