



House Bill 1350

Public Service Commission – Application for Certificate of Public Convenience and Necessity – Consistency With Comprehensive Plan

MACo Position: **SUPPORT**

To: Finance Committee

Date: April 6, 2017

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1350 as amended. The bill would address a systemic and increasing problem of properly siting large-scale energy generation facilities and high voltage transmission lines. **This bill mirrors SB 931, already passed unanimously by the full Senate.**

As amended, HB 1350 would require the Public Service Commission (PSC), when reviewing an application for a certificate of public convenience and necessity for a generating station to duly consider: (1) the consistency of the application with the comprehensive plan and zoning of each county or municipal corporation where any portion of the generating station is proposed to be located; and (2) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station is proposed to be located. The bill also makes slight modifications to the notice process used by the PSC and clarifies how copies of an application will be delivered to specified parties.

Energy facility siting is based on decades-old law that envisions small and relatively compact facilities like coal, oil, and nuclear plants as primary energy generators. But increasingly, energy generation is becoming more “dispersed” as technologies like solar, wind, biomass, and gasification are now poised to be primary generators. These technologies bring many advantages but also some drawbacks – including a need for significant amounts of open space.

According to the Nature Conservancy, energy development now consumes more open space in the United States than residential, commercial, and industrial development. Maryland is seeing a “gold rush” as energy companies are optioning thousands of acres, regardless of local government plans and needs. Over 3,000 acres are already in the development pipeline for large-scale solar facilities alone. HB 1350 would solidify a needed local government voice in how the state’s energy landscape develops.

In its current form, HB 1350 represents a consensus bill among all engaged stakeholders, including MACo, the Maryland Municipal League, the PSC, utility scale solar developers, utilities, the Maryland Farm Bureau, environmental groups, and land preservation groups. This Committee has already passed an identical bill (SB 931) with all Committee members amending on as co-sponsors. SB 931 has also passed the Senate 47-0.

HB 1350 would provide a solution to a statewide problem that affects both counties and municipalities and imperils long-term development and land preservation goals. Accordingly, MACo urges the Committee to give HB 1350 a **FAVORABLE** report.