



Senate Bill 851

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

MACo Position: **SUPPORT**

Date: March 14, 2017

To: Finance Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 851. The bill would address a systemic and increasing problem of properly siting large-scale energy generation facilities and high voltage transmission lines.

SB 851 would require the Public Service Commission (PSC), upon receipt of an application for a certificate of public convenience and necessity for a generating station or high voltage overhead transmission line, to send the application materials to each local government where the project will be located. Each local government must review the application materials and determine whether the application is consistent with its comprehensive plan per § 1-303 of the Land Use Article. If the local government determines that the application is not consistent, then the PSC may not hold a public hearing or move forward on the application.

Maryland is nationally recognized as a state that embraces robust long-term comprehensive planning and Smart Growth. Counties set development plans; agriculture, open space, and historic preservation goals; and environmental protection targets within their comprehensive plans and related planning tools. These plans and goals are all designed to properly manage long-term growth and preserve the unique identities of Maryland's diverse communities. However, energy generation facilities are not subject to the same land use planning requirements.

Instead, 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. SB 851 would solidify a needed local government voice in how the state's energy landscape develops.

SB 851 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 SB 851 a **FAVORABLE** report.