



RECENT DEVELOPMENTS IN RENEWABLE ENERGY SITING IN MARYLAND

- Maryland has a Renewable Portfolio Standard that requires that 2.5% of in-State power be generated by solar power by 2020.
- There are 12 applications for CPCNs for solar generating facilities pending before the MD Public Service Commission.
- Recently, several counties have enacted ordinances or regulations placing restrictions on the siting of solar facilities.

- Mills Branch Solar – PSC denied a CPCN for a 60 MW solar facility in Kent County in view of county and citizen opposition. Local zoning is preempted, but significant weight given to local concerns. Order 88021, Feb 10, 2017.
- Dan’s Mountain Wind: PSC denied a CPCN for a 60 MW wind facility in Allegany County. Local rules preempted, but significant county and local opposition outweighed benefits. Order 88266, June 16, 2017.

- But, LeGore Bridge Solar CPCN (20 MW) *granted* over strident Frederick County opposition based, in part, on preemption. PPRP did not oppose CPCN. Proposed Order issued October 3, 2017, and Notice of Appeal by County filed November 1, 2017.
- Biggs Ford Solar (15 MW) in Frederick County, where County was a party and asserted its new zoning ordinance making solar very difficult to site, now under submission to PULJ. PPRP opposed CPCN.

WHERE ARE WE HEADED?

- Queen Anne's (County Ordinances 17-15 & 17-17) and Caroline (Resolution # 2017-008) counties in the process of enacting restrictive ordinances or limits on utility-scale solar.
- Others will likely follow.
- Recent amendment creating PUA 7-207(e)(3) now requires due consideration be given to whether CPCN is consistent with county comprehensive plan and with local zoning. Also requires coordination with county and attempts to resolve differences.



LITIGATION!

- Maryland's controlling law on the siting of power plants is almost 30 years old, and was not drafted or issued with renewable and distributed generation in mind.
- It appears likely that one case will be used to challenge the existing structure, and will require either legislative or judicial resolution, and likely both.
- The outcome is uncertain.

