

**BEFORE THE PUBLIC SERVICE
COMMISSION OF MARYLAND**

IN THE MATTER OF THE APPLICATION OF *
RICHFIELD SOLAR ENERGY LLC FOR A *
CERTIFICATE OF PUBLIC CONVENIENCE *
AND NECESSITY TO CONSTRUCT A 50 MW * Case No.
SOLAR PHOTOVOLTAIC GENERATING *
FACILITY IN DORCHESTER COUNTY,
MARYLAND

* * * * *

**APPLICATION OF RICHFIELD SOLAR ENERGY LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND
REQUEST FOR WAIVER OF TWO-YEAR NOTICE PROVISION**

Richfield Solar Energy LLC (“Applicant”), by its undersigned counsel, hereby submits this Application to the Public Service Commission (“Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a solar photovoltaic facility (“PV”) in Dorchester County, Maryland of up to a nominal 50 megawatt (“MW”) alternating current (“AC”) generating capacity (“Richfield Solar Center” or “Project”) pursuant to Md. Public Utilities Article (“PUA”) § 7-207.

The Application is comprised of this petition together with the attached Environmental Review Document (“ERD”) and associated figures and appendices. Section I of this petition provides an overview of the Project; Section II justifies the Commission’s approval of the application; Section III provides the information required by PUA § 7-207; and Section IV requests waiver of the two-year notice provision.

I. PROJECT INTRODUCTION

The Richfield Solar Center will be a 50 MW AC solar PV project involving a limit of disturbance of approximately 340 acres consisting of two components: (1) a solar PV array, which will occur on four parcels located in Dorchester County, Maryland (Tax Map 22, Parcel

19, Tax Map 22, Parcel 23, Tax Map 22, Parcel 23, and Tax Map 22, Parcel 24) and (2) an anticipated three additional parcels for the rights-of-way to run electrical collection facilities (Tax Map 22, Parcel 176, Tax Map 23, Parcel 90, Tax Map 23, Parcel 80) (the “Property”). The Project will involve a capital investment of approximately \$80 million to \$100 million. It will create approximately 200 temporary design, management, and construction jobs working remotely or on the site at the height of construction and an additional two to three full-time jobs once the Project is operational. Construction is estimated to be complete in mid-year 2019, subject to permitting restrictions. Because of the nature of solar installations, environmental and land use impacts from the Project will be minimal and the long-term benefits significant.

Maryland has established one of the most aggressive renewable portfolio standard goals in the country, aiming for 25% of its power to be renewable by 2020, including 2.5% from solar. In order to meet these goals Maryland needs not only small, residential rooftop installations, but large utility-scale facilities like the Richfield Solar Center.

In summary, there are compelling economic, environmental and legal reasons for the State and the Commission to expeditiously approve this CPCN application, with no countervailing harm. Accordingly, we ask the Commission to expeditiously approve the Project.

II. CPCN STANDARD

When the Commission considers whether to grant a CPCN, it must take into account “the effect of the generating station ... on:

- (i) the stability and reliability of the electric system;
- (ii) economics;
- (iii) esthetics;
- (iv) historic sites;
- (v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;
- (vi) when applicable, air and water pollution; and
- (vii) the availability of means for the required timely disposal of wastes produced by any generating station.”

PUA § 7-207(e)(2). Additionally, starting on October 1, 2017, the Commission must also consider “for a generating station:

- (i) 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
- (ii) 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.”

PUA § 7-207(e)(3). The attached Environmental Review Document (“ERD”) provides significant detail as to all applicable factors, but in summary each such factor weighs heavily in favor of granting the Applicant’s requested CPCN.

The Project will be consistent with Dorchester County’s zoning requirements and its most recent Comprehensive Plan. All of the Property is zoned “AC – Ag Conservation.” *See* ERD at § 4.6. Dorchester County’s Comprehensive Plan emphasizes the importance of making “investments for the future” to attract jobs and grow economically.¹ The Project is consistent with this economic development objective because it would develop and grow the local

¹ Dorchester County 1996 Comprehensive Plan, 3-3, 3-4, *available at* <http://docogonet.com/uploads/Planning&Zoning/Dorchester%20County%20Comprehensive%20Plan%20LQ.pdf>. This 1996 Comprehensive Plan is Dorchester County’s most recent.

renewable energy industry and support the creation of clean energy jobs in Dorchester County. *See* ERD at § 2. The Comprehensive Plan further indicates that “non-residential land uses may be compatible with agricultural area ... goals provided site development performance standards are met” and recommends that to extent Dorchester County desires to encourage non-residential land uses in agricultural areas it should “consider amending its zoning ordinance to incorporate floating zones and/or zoning with a site plan,” with performance standards to address “visual impacts on Dorchester’s flat landscape.”²

Dorchester County has implemented the vision outlined in its Comprehensive Plan by authorizing utility-scale solar farms in the AC district with a special exception permit, followed by site plan review subject to certain visual screening standards. Such projects must also meet the lot size, height, planting and other requirements of Dorchester County Code § 155-50. Dorchester County has shown its continued commitment to investing in its future and diversifying its economic base by approving four other similar special exception permits for utility scale solar projects. The Applicant submitted an application for a special exception on August 21, 2017 and will apply for site plan from Dorchester County approval prior to the construction of the Project. County special exception and site plan approval for the Project will ensure the consistency of the Project proposed in this Application with Dorchester County zoning requirements and, by extension, Dorchester County’s Comprehensive Plan. *See* ERD at § 4.6. This process will also ensure the Applicant addresses any issues raised by Dorchester County.

The esthetic impact to the Property and surrounding area will be minimal. The panels will be low to the ground and, where appropriate, screened from view and set back from adjacent

²Dorchester County 1996 Comprehensive Plan, 2-15.

properties. The Project also coordinated with the Maryland Historical Trust (“MHT”) to address any impacts to the historic built environment and/or archeological resources as determined appropriate by MHT. *See* ERD at § 6.1.2. MHT determined that there were no issues of concern within the Project’s area and that further surveys are not necessary. *See* ERD Appendix 3.

With respect to the stability and reliability of the electric distribution system, the Applicant initiated a process to interconnect with the Delmarva Power & Light (“DPL”) electric distribution grid serving Maryland by filing an Interconnection Request with PJM and DPL. *See* ERD at § 5.6. The Project will interconnect to the electric distribution grid serving Maryland through the installation of either new 34.5kV distribution feeder circuits running from the Project to the Todd Substation or a new 69kV cable running from the Project to the Todd Substation.

Pursuant to Federal Energy Regulatory Commission (“FERC”) rules, PJM and DPL undertake a multi-year, three-part interconnection study process to determine any upgrades that may be necessary to allow a proposed generator to interconnect without causing negative impacts to the stability or reliability of the electric power system. A Feasibility Study was completed in May of this year, System Impact Study was received in April of this year, and the Applicant expects PJM and DPL to issue the Facilities Study in October or November of this year. As a result of the studies, it is expected that the Project will not negatively impact the system’s stability or reliability and will only require minimal upgrades in order for the Project to connect to DPL’s substation. The installation of protective breaker equipment will allow remote operators to control circuit breakers, if necessary, as a safety measure. *See* ERD at § 5.3. PJM’s FERC-jurisdictional interconnection review process and operational safety measures will ensure the Project will not have a negative impact on the stability or reliability of DPL’s system.

Due to the nature of solar power, the Project will have no impact on aviation. Unlike traditional fossil generation, there is no stack that may pose a hazard to air aviation. There is no air or water pollution (there are no emissions or discharges) associated with the Project. There is also no wastewater or cooling water for which disposal is required. Waste associated with decommissioning of the Project will be handled appropriately pursuant to a Decommissioning Plan the Applicant will provide to the Commission and Power Plant Research Program. *See* ERD at § 5.9.

Finally, the Project will include significant economic benefits to the State by making more solar power and solar renewable energy credits available and by creating approximately 100–200 temporary design, management, and construction jobs and two to three full-time jobs once the Project is operational. *See* ERD at § 2.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)

- A. The applicant is Richfield Solar Energy LLC.
- B. The applicant's address is: One South Wacker Drive, Suite 1800, Chicago, Illinois 60606.
- C. The following persons are authorized to receive notices and communications with respect to this Application:

Zach Nelson
Richfield Solar Energy LLC
c/o Invenergy LLC
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D. Copies of this application are being made available for public inspection and copying at:

Dorchester County Planning & Zoning Office
Dorchester County Office Building
Room 107
501 Court Lane
Cambridge, MD 21613
(410) 228-3234

E. A list of each local, state, and federal government agency having authority to approve or disapprove the construction or operation of the Project is set forth in Appendix 1 to the ERD.

F. The Project will interconnect to the electric distribution grid serving Maryland through the installation of either new 34.5kV distribution feeder circuits running from the Project to the Todd Substation or a new 69kV cable running from the Project to the Todd Substation.

G. A general description of the generating station under COMAR 20.79.03.01 is provided in Section 5 of the ERD.

H. Implementation schedule: The Applicant expects to receive all necessary local and state approvals and engineering documents by the first quarter of 2018. Construction is anticipated to be initiated in the second quarter of 2018 with completion and operational startup in early 2019.³

I. The Applicant has provided the environmental information for the generating station in Section 6 of the ERD.

³ Dates are subject to change depending on delays, including those associated with permitting, equipment availability and construction.

IV. REQUEST FOR WAIVER AND EXPEDITED REVIEW

Although PUA § 7-208 requires the filing of CPCN applications at least two years prior to the commencement of construction for projects that involve the construction of an associated transmission facility of 69kv or more, the Commission has authority to waive that notice requirement upon a showing of good cause. PUA § 7-208(c). *See also* COMAR 20.79.01.07 (granting the Commission authority to “waive or modify any provision of this subtitle”). The Commission routinely grants such requests. *See, e.g.*, Case No. 9370, Order No. 87012 (May 8, 2015) (granting OneEnergy Dorchester LLC’s request for waiver); Case No. 9375, Order No. 87061 (June 15, 2015) (granting OneEnergy Wye Mills Solar, LLC’s request for waiver); Case No. 9314, Order No. 85683 (May 31, 2013) (indicating grant of Church Hill Solar Farm, LLC’s request for waiver); Case No. 9272, Order No. 84059 (May 26, 2011) (granting Maryland Solar LLC’s request for a waiver).

Imposing a two-year notice requirement may make sense for certain generating facilities, but not for the type of project proposed here where impacts will not extend beyond the borders of the site. There are no emissions that will impact adjacent properties and the installation of solar PV panels will not materially impact property values for nearby residents. Requiring a two-year delay of the Project to satisfy this requirement would simply delay Maryland receiving the benefits offered by the Project without corresponding benefit. Accordingly, the Applicant submits that good cause exists to support the waiver of the two-year notice requirement.

V. CONCLUSION

The Applicant respectfully requests that the Commission (1) expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the proposed nominally rated 50 MW solar photovoltaic Richfield Solar Center Project in Dorchester County, Maryland and (2) waive the two-year notice requirement of PUA § 7-208.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd R. Chason" followed by a large, stylized "DWB" to the right.

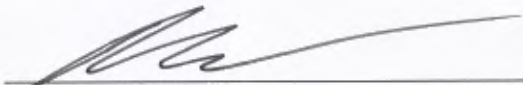
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Counsel for Richfield Solar Energy LLC

VERIFICATION

Before me, the subscriber, a Notary Public, in and for Cook County, Illinois
this day personally appeared Michael Kaplan and made oath and due ~~form~~ of law that he is Vice
President at Invenergy Solar Development North America LLC and the matters and facts set
forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the
Richfield Solar Center are true and correct to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal this 10th day of August, 2017.





Michael Kaplan
Vice President
Invenergy Solar Development North
America LLC

Carly M. Goranson
Notary Public Name (Print)

My Commission Expires: 9/21/2020