

**BEFORE THE PUBLIC SERVICE
COMMISSION OF MARYLAND**

IN THE MATTER OF THE APPLICATION OF *
MD SOLAR 2, LLC FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY *
TO CONSTRUCT A 27.5 MW SOLAR
PHOTOVOLTAIC GENERATING FACILITY IN * Case No.
CHARLES COUNTY, MARYLAND

* * * * *

**APPLICATION OF MD SOLAR 2, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
AND REQUEST FOR WAIVER OF TWO-YEAR NOTICE PROVISION**

MD Solar 2, 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 nominal 27.5 megawatt (“MW”) alternating current (“AC”) generating capacity solar photovoltaic facility (“PV”) and associated interconnection facilities in Charles County, Maryland (“Ripley Road Solar Project” 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 Ripley Road Solar Project will be a 27.5 MW AC solar PV project involving (1) solar PV facilities on one hundred ninety-three (193) acres located on Tax Map 31, Parcel 25, Parcel 258, and Parcel 259 in Charles County, Maryland (the “Property”) and (2) associated

interconnection facilities. The Project will involve a capital investment of approximately \$26 to \$29 million. It will create approximately 60-80 temporary design, management, and construction jobs working remotely or on the site at the height of construction. The construction schedule is estimated to be 5-7 months, with scheduled completion prior to December 2018. 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 sources. In order to meet these goals, Maryland needs not only small, residential rooftop installations but large utility-scale facilities like the Ripley Road Solar Project.

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 Charles County’s zoning requirements and its most recent Comprehensive Plan. The Property is zoned “Rural Conservation (RC),” where the Project is permitted by Special Exception. *See* ERD at § 4.E. In 2016, Charles County updated its Comprehensive Plan to include a new Chapter 6, entitled “Energy Conservation.” Goal 6.6 creates the objective to “[g]row a green economy with an increased number of jobs in the clean energy and energy efficiency sector.” Converting part of this site to a green energy project will implement Goal 6.6 of Charles County’s 2016 Comprehensive Plan, creating clean energy jobs and increasing revenue for businesses in Charles County. *See* ERD at § 1. The Applicant will apply for a Special Exception from Charles County, which will ensure the Project is consistent with local zoning requirements and allow the Applicant to address any issues raised by Charles County. *See* ERD at § 1.

The esthetic impact to the Property and surrounding area will be minimal. The Property is currently forested and will retain a natural forest buffer on all sides in order to completely shield the Project from public view. The Project will also implement a vegetative screening buffer adjacent to several small rural housing developments that border the Property. *See* ERD at § 1. Appropriate landscape buffers will be planted in accordance with local site plan and CPCN conditions. The Project has 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. MHT determined that there were no issues of concern within the Project's area and that further surveys are not necessary. *See* ERD at § 6.A.2.b-c.

With respect to the stability and reliability of the electric distribution system, the Applicant initiated a process to interconnect with the SMECO electric distribution grid serving Maryland by filing an Interconnection Request with PJM. *See* ERD at § 5.G-H. The Project will interconnect to the SMECO distribution grid serving Maryland at the Hawkins Gate 69 kV Substation via the SMECO transmission system at an open 69 kV bay within the existing SMECO 69 KV Ripley switching station, which is in close proximity to the Project. *Id.*

Pursuant to Federal Energy Regulatory Commission ("FERC") rules, PJM and SMECO 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. The Applicant has received a Feasibility Study from PJM, and will receive a complete System Impact Study and Facilities Study from PJM prior to construction. As a result of the studies, it is expected that the Project will not negatively impact the system's stability or reliability. The installation of protective breaker equipment will allow remote operators to control circuit breakers, if necessary, as a safety measure. *Id.* 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 SMECO'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 § 6.E.

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 40-60 temporary design, management, and construction jobs. *See* ERD at § 2.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)

- A. The applicant is MD Solar 2, LLC.
- B. The applicant's address is: 800 Brickell Avenue, Suite 110, Miami, FL 33131.
- C. The following persons are authorized to receive notices and communications with respect to this Application:

Mr. Jean David
MD Solar 2, LLC
800 Brickell Avenue, Suite 1100
Miami, FL 33131
(786) 310-8365
jean.david@origisenergy.com

Todd R. Chason
David W. Beugelmans
Chastity E. Threadcraft
Gordon Feinblatt LLC
233 East Redwood Street
Baltimore, MD 21202
(410) 576-4104
dbeugelmans@gfrlaw.com
cthreadcraft@gfrlaw.com

- D. Copies of this application are being made available for public inspection and copying at:

Charles County Department of Planning and Growth Management
200 Baltimore Street
La Plata, MD 20646

- 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 Table 1 in the ERD.

F. The Project will interconnect to the SMECO distribution grid serving Maryland at the Hawkins Gate 69 kV Substation via the SMECO transmission system at an open 69 kV bay within the existing SMECO 69 KV Ripley switching station. *See* ERD at § 5.G-H.

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: Construction is estimated to take 5-7 months, with scheduled completion prior to December 2018.

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

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).

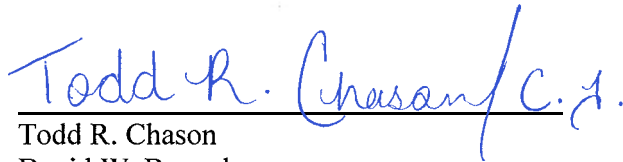
Imposing a two-year notice requirement may make sense for certain generating facilities, but not for the type of project proposed here where impacts will not extend beyond the borders of

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 Ripley Road Solar Project and (2) waive the two-year notice requirement of PUA § 7-208.

Respectfully submitted,



Todd R. Chason
David W. Beugelmans
Chastity E. Threadcraft
Gordon Feinblatt LLC
233 East Redwood Street
Baltimore, Maryland 21202
(410) 576-4104
Counsel for MD Solar 2, LLC

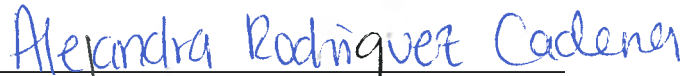
VERIFICATION

Before me, the subscriber, a Notary Public, in and for Miami-Dade, Florida this day personally appeared Samir Verstyn and made oath and due form of law that he/she is the Secretary at MD Solar 2, LLC and the matters and facts set forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the Shugart Solar Project are true and correct to the best of his/her information, knowledge and belief.

WITNESS my hand and Notarial Seal this 20th day of September, 2017.



Samir Verstyn
Secretary
MD Solar 2, LLC



Notary Public Name (Print)



Alejandra Rodriguez Cadena
Commission # GG108916
Expires: May 29, 2021
Bonded thru Aaron Notary

My Commission Expires: _____