

**BEFORE THE PUBLIC SERVICE  
COMMISSION OF MARYLAND**

IN THE MATTER OF THE APPLICATION OF \*  
CHERRYWOOD SOLAR I, LLC FOR A \*  
CERTIFICATE OF PUBLIC CONVENIENCE \*  
AND NECESSITY TO CONSTRUCT A 202 MW \*  
SOLAR PHOTOVOLTAIC GENERATING \* Case No.  
FACILITY IN CAROLINE COUNTY,  
MARYLAND

\* \* \* \* \*

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

Cherrywood Solar I, LLC (“Applicant”), by its undersigned counsel, hereby submits this Application to the Maryland Public Service Commission (the “Commission”) for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a nominally rated 202 megawatt (“MW”) alternating current (“AC”) generating capacity solar photovoltaic (“PV”) facility in Caroline County, Maryland (“Cherrywood Solar I 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 Project as proposed is a 202 MW AC single-axis tracking solar PV facility occupying portions of sixteen parcels<sup>1</sup> (the “Solar PV Parcels”) and approximately four additional parcels with easements to accommodate the buried connector lines (the “Utility Connections”) (collectively the “Properties”). Additionally, the Project will include a new electric substation on one of the Solar PV Parcels (Property 12).

The Project will involve a capital investment of up to approximately \$200 million. It will create approximately 250 to 350 temporary design, management, and construction jobs working remotely or on the site at the height of construction. Construction is estimated to be complete in the Summer of 2020, 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 PV installations, but large utility-scale PV facilities like the 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.

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<sup>1</sup> These properties are as follows: Tax Map 0011, Grid 0004, Parcel 0052 (“Property 1”), Tax Map 0011, Grid 0005, Parcel 0158 (“Property 2”), Tax Map 0011, Grid 0004, Parcel 0053 (“Property 3”), Tax Map 0011, Grid 0009, Parcel 0056 (“Property 4”), Tax Map 0011, Grid 0009, Parcel 0058 (“Property 5”), Tax Map 0011, Grid 0003, Parcel 0005 (“Property 6”), Tax Map 0010, Grid 0011, Parcel 0034 (“Property 7”), Tax Map 0011, Grid 0017, Parcel 0025 (“Property 8”), Tax Map 0010, Grid 0018, Parcel 0011 (“Property 9”), Tax Map 0011, Grid 0020, Parcel 0007 (“Property 10”), Tax Map 0011, Grid 0020, Parcel 0051 (“Property 11”), Tax Map 0015, Grid 0001, Parcel 0066 (“Property 12”), Tax Map 0015, Grid 0007, Parcel 0067 (“Property 13”), Tax Map 0014, Grid 0012, Parcel 0008 (“Property 14”), Tax Map 0014, Grid 0024, Parcel 0016 (“Property 15”); and Tax Map 0014, Grid 0023, Parcel 0038 (“Property 16”).

## 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, as of 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 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 the zoning requirements of Caroline County (the “County”) and undergo review for consistency with the County’s Commercial Site Plan Checklist. The underlying zoning for the Properties is Rural (“R”), with the predominant use Agriculture. The County established an eight-member task force to adopt a Comprehensive Solar Ordinance (the “Ordinance”), which was adopted in December 2017. The Applicant actively participated in the task force process. The Project is a permitted use in the R district by special exception under the Ordinance. The Applicant has designed the Project to substantially conform

to the requirements of the Ordinance and will apply for all local reviews, including special exception and site plan review. *See* ERD at § 4.E.1. This will ensure the Project is consistent with the County's zoning requirements, and allow the Applicant to address any issues raised by the County. The Applicant also coordinated planning efforts with farming tenants in order to minimize possible disruption of farming activity. *Id.*

The Ordinance prohibits construction of utility scale solar projects in established "planned growth districts" within the County. *Id.* In addition, the Ordinance limits all utility scale solar projects, combined, to 2,000 acres within areas of the County where utility scale solar projects are allowed. The Project falls outside of the planned growth districts where utility scale solar is prohibited and falls within the 2,000-acre cap. *Id.* Additionally, the County amended the Comprehensive Plan to include specific design requirements, setbacks, and landscape buffers on the proximity of solar facilities to residential dwellings. These requirements are incorporated into the Project's final design. *Id.* For these reasons, the Project is consistent with the County's Comprehensive Plan.

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 properties. The Project will feature fifty-foot setbacks from property lines, with two hundred foot setbacks from non-participating residences. The depth of the buffers in most areas will be twenty feet and comprised of different mixes and densities of trees, shrubs, pollinators, and other planting materials. In a few sensitive areas, the buffers are fifty feet deep. Where the Project abuts nearby residences, screening will go beyond what is required under local ordinance and there will be a voluntary, more robust fifty foot landscape buffer. This proposed design and screening regime will obscure and soften views of the Project consistent with the Ordinance. *See*

ERD at § 1. The Applicant 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. Completion of this consultation process will ensure that any identified impacts to the historic built environment and/or archeological resources will be appropriately mitigated. *See* ERD at § 6.A.2.

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 grid through a new three-breaker 230 kV ring bus substation adjacent to the Keeney-Steele 230 kV circuit.

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. The Project has been assigned Queue Position AB2-037. Based on the findings from the Generation Interconnection Feasibility Study and System Impact Study Reports, the estimated cost to build the substation is \$6,491,000 with an estimated construction time of twenty-four months. The installation of protective breaker equipment will allow remote operators to control circuit breakers, if necessary, as a safety measure. *See* ERD at § 4.B.1. 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 will be no stack that may pose a hazard to air aviation. There

will be no air or water pollution (there are no emissions or discharges) associated with the Project. There also will be 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 bring significant economic benefits to the State by making more solar power and solar renewable energy credits available and by creating approximately 250 to 350 temporary design, management, and construction jobs. *See* ERD at § 2. The Project is also expected to have a significant impact on annual tax revenue estimated at \$2,626,00 in personal property taxes and an increase of land property taxes from \$4,513 to \$118,776. *See* ERD at § 5.F.

### **III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)**

A. The applicant is Cherrywood Solar I, LLC.

B. The applicant's address is:

Cherrywood Solar I, LLC  
c/o Todd R. Chason  
233 East Redwood Street  
Baltimore, MD 21202

C. The following persons are authorized to receive notices and communications with respect to this Application:

Mr. Cyrus Tashakkori  
Cherrywood Solar I, LLC  
1105 Navasota St.  
Austin, TX 78702  
Phone 512.921.8643  
cyrus@openroadrenewables.com

Mr. Todd R. Chason  
Mr. David W. Beugelmans  
Chastity Threadcraft  
Gordon Feinblatt LLC  
233 East Redwood Street  
Baltimore, MD 21202  
tchason@gfrlaw.com  
dbeugelmans@gfrlaw.com  
cthreadcraft@gfrlaw.com

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

Caroline County Department of Planning and Codes  
Health & Public Services Building  
403 South Seventh St., Suite 210  
Denton, MD 21629

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 a new three-breaker 230 kV ring bus substation adjacent to the Keeney-Steele 230 kV circuit.

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 September 2018. Construction is expected to begin in November 2019, with completion and operational startup in 2020.<sup>2</sup>

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

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<sup>2</sup> Dates are subject to change depending on delays, including those associated with permitting, equipment availability and construction.

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).

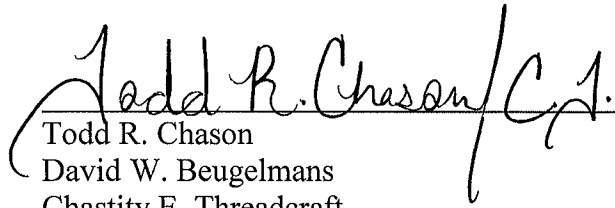
Although imposing a two-year notice requirement may make sense for certain generating facilities, such a requirement serves no purpose for the type of project proposed here, where impacts will not extend beyond the borders of the site. There are no emissions that will impact adjacent properties and the 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 Project in Caroline County, Maryland and (2) waive the two-year notice requirement of PUA § 7-208.



Respectfully submitted,

A handwritten signature in black ink, reading "Todd R. Chason / C.A.", written over a horizontal line.

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