

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND**

<b>In the Matter of the Application</b>	)	
<b>of Citizens UB Solar, LLC for a Certificate</b>	)	
<b>Of Public Convenience and Necessity</b>	)	<b>Case No. 9483</b>
<b>to Construct an 8.2 MW Solar</b>	)	
<b>Photovoltaic Generating Facility in</b>	)	
<b>Carroll County, Maryland</b>	)	

**SUPPLEMENTAL TESTIMONY OF FREDERICK S. KELLEY**

**ON BEHALF OF THE  
  
MARYLAND DEPARTMENT OF NATURAL RESOURCES  
  
POWER PLANT RESEARCH PROGRAM**

Tawes State Office Bldg., B-3  
Annapolis, MD 21401  
410-260-8672

August 30, 2019

1     **Q.     PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2     A.     Frederick S. Kelley, Program Manager, Power Plant Research Program  
3             (PPRP), Department of Natural Resources (DNR), Tawes State Office  
4             Building, Annapolis, Maryland 21401.

5     **Q.     ARE YOU THE SAME FREDERICK S. KELLEY THAT SUBMITTED DIRECT**  
6             **TESTIMONY IN THIS PROCEEDING?**

7     A.     Yes, I am.

8     **Q.     WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL TESTIMONY?**

9     A.     The purpose of my supplemental testimony is to respond to the rebuttal  
10            testimony of Brian Morrissey on behalf of Citizens UB Solar, specifically as it  
11            relates to his proposed revisions to recommended "Condition 26 - Glare  
12            Mitigation."

13    **Q.     DO YOU AGREE WITH THE REVISIONS CITIZENS UB SOLAR**  
14            **SUGGESTED FOR REVIEWING STATE AGENCIES' RECOMMENDED**  
15            **CONDITION 26?**

16    A.     No, not entirely. I agree that Citizens UB Solar should be able to use the facility's  
17            security fencing to augment visual buffering of the project. This would include  
18            having the option to add opaque materials to the security fence, i.e., slats or  
19            fabric, to obscure glare that may result from the project. However, I disagree  
20            with the way the applicant eliminated the basis of the condition, that is, requiring  
21            actions to create a "temporary buffer" that could be removed once the  
22            permanent buffer was installed and performing effectively. Understanding that  
23            permanent buffers take time to become established, PPRP recommended  
24            Condition 26 to safeguard from glare the viewshed of surrounding properties,  
25            and along the public roadway entering the Union Bridge Historic District. Also,

complementary to condition 26, PPRP's "recommended Condition 27 – Visual Impact Complaint Resolution" establishes a process to resolve complaints related to glare from the project's solar panels.

**Q. IS PPRP PROPOSING ANY REVISED LANGUAGE TO RECOMMENDED CONDITION 26 THAT SUFFICIENTLY ADDRESSES PPRP'S CONCERNS BUT STILL ALLOWS CITIZENS UB SOLAR TO USE THE PROJECT'S SECURITY FENCING AS A MEANS TO OBSCURE GLARE?**

A. Yes, we have revised Recommended Condition 26 as follows:

26. Glare Mitigation – Prior to ~~construction~~ **installation of the solar panels**, Citizens UB Solar shall ~~construct a temporary~~ **take the following actions to provide an** opaque buffer ~~within the setback to mitigate~~ **that mitigates** glare impacts upon surrounding public roads and properties. The ~~buffer shall be~~ **Applicant may add an opaque addition to the Project's perimeter fencing (such as slats or fabric) to initially comply with this requirement. However, if not sufficient to mitigate glare, the Applicant shall construct a temporary, opaque buffer that may include** any combination of additional fencing, landscaping and berms that completely screens Green Valley Road from the sun's reflections off solar arrays from the time the panels are mounted on supports. The temporary buffer shall be installed within the setback where permanent landscaping has been proposed or required, as described in Recommended Condition 22, and ~~will~~ **must** be maintained until the permanent landscape buffer provides an opaque visual barrier. The temporary buffer ~~will~~ **shall** be in conformance with all applicable State and local laws and regulations.

A full set of the conditions, with this revised language, is included. These are the only revisions made to the initial recommended changes filed by PPRP on July 12, 2019.

**Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL TESTIMONY?**

A. Yes, it does.