

**BEFORE THE PUBLIC SERVICE
COMMISSION OF MARYLAND**

IN THE MATTER OF THE APPLICATION OF *
CPV BACKBONE SOLAR, LLC FOR A *
CERTIFICATE OF PUBLIC CONVENIENCE *
AND NECESSITY TO CONSTRUCT A 175 MW * Case No.
SOLAR PHOTOVOLTAIC GENERATING *
FACILITY IN GARRETT COUNTY, *
MARYLAND *

* * * * *

**APPLICATION OF CPV BACKBONE SOLAR, LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

CPV Backbone Solar, LLC (the “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 175 megawatt (“MW”) alternating current (“AC”) generating capacity solar photovoltaic facility (“PV”) in Garrett County, Maryland (“Backbone 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 appendices. Section I of this petition provides an overview of the Project; Section II justifies the Commission’s approval of the application; and Section III summarizes the information required by PUA § 7-207 and COMAR 20.79.01.04.¹

I. PROJECT INTRODUCTION

The Backbone Solar Project is a 175 MW AC solar PV project involving a limit of construction of approximately 1,170 acres, consisting of a solar array and associated interconnection facilities located within Tax Map 0075, Grid 0022, Parcel 0018, Tax Map 0075,

¹ PUA § 7-208(c) requires an applicant to provide notice two years prior to construction of a generating station and an associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts unless the Commission waives the two-year notice requirement. The two-year notice requirement does not apply to the Application because the Project will interconnect directly to the existing Albright – Mt. Zion 138 kV transmission line already existing on the Project site.

Grid 0021, Parcel 0029, Tax Map 0075, Grid 0017, Parcel 0002, Tax Map 0075, Grid 0022, Parcel 0133, Tax Map 0075, Grid 0022, Parcel 0122, and Tax Map 0075, Grid 0022, Parcel 0129 (the “Site”). According to the Maryland Department of Environment (“MDE”) Bureau of Mines, the Site was deep mined for coal from the 1940’s to 1950’s, before State permitting laws and regulations were in place for mining activities. MDE permitted surface mining at the Site on August 12, 2002. Due to the previous coal mining activities, the Site has been significantly disturbed and altered such that very little remains in its natural condition. The mine permit was closed, and bond released, in February 2021. The Department of Natural Resources (“DNR”) Power Plant Research Program (“PPRP”) has previously indicated that surface mine reclamation sites are ideal locations for solar projects, similar to favored redevelopment on brownfields sites.

The Project will involve a capital investment of approximately \$250 million and create approximately 150-200 design, management, and construction jobs working remotely or on the site at the height of construction. Construction is expected to occur during the period from May 2022 to August 2023, 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 requirements in the country, requiring 50% of its power to be covered by renewable energy credits by 2030, including 14.5% from solar connected to the electric system serving Maryland by 2028. In order to meet these goals Maryland needs not only small rooftop installations, but large utility-scale facilities on optimal sites like the Backbone 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 respectfully request that the Commission 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, 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 is not located within a zoned district of Garrett County. As such, the County has confirmed a Special Exception is not required and the Project is permitted by right. *See* ERD at Appendix 8. The County will process this Project as a major site plan for commercial use. *See* ERD at § 4.E.2. Allowing a use by right (*i.e.*, as a permitted use) is absolute and establishes consistency with the jurisdiction’s comprehensive plan: “[a]n expressly permitted use by zoning designation is tantamount to a legislative finding that the use [is] in harmony with the general

zoning plan.”² The Applicant has received a letter of support for the Project from the Garrett County Commissioners, which states:

“We believe this project is a good reuse of this reclaimed coal mine property and is in an ideal location with minimal impacts to neighbors. Placing this renewable energy project in this location will provide a boost to the local economy during construction with local job creation and afterwards with additional tax revenue. This project, once operational, will help moderate electricity prices and will have minimal negative environmental impacts compared to the previous land use.”³

The esthetic impact to the surrounding area will be minimal. The Project is located in a remote location off of main roadways in a heavily wooded area of the County, requiring no additional landscape buffering to shield the Project from public view. ERD at § 5.A. 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.A.2. MHT determined that the Project will have no impact on historic or archeological resources. *Id.*

With respect to the stability and reliability of the electric distribution system, the Applicant initiated a process to interconnect with the Potomac Edison (“PE”) electric grid serving Maryland by filing an Interconnection Request with PJM and PE. *See* ERD at § 4.B.1. Interconnection of the Project will be accomplished by constructing a new 138 kV three breaker ring bus and switchyard on the Site and looping it into the Albright – Mt. Zion 138 kV line traversing the Site, avoiding the need for construction of new transmission lines. *Id.*

Pursuant to Federal Energy Regulatory Commission (“FERC”) rules, PJM and PE 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

² *S.E.W. Friel v. Triangle Oil Co.*, 76 Md. App. 96, (1988) (internal citations omitted).

³ ERD at Appendix 7.

to the stability or reliability of the electric power system. The Project has been assigned Queue Position AF2-356. As a result of the studies, it is expected that the Project will not negatively impact the system's stability or reliability after installation of the required upgrades. 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 PE'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. Per the Maryland Department of the Environment ("MDE") Tier II High Quality Waters Map, the Project has avoided the catchment areas of Tier II streams. *See* ERD at 5.B.1.a. Waste associated with decommissioning of the Project will be handled appropriately pursuant to a Decommissioning Plan the Applicant will submit to the Commission and PPRP for approval prior to the start of construction. *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 200 temporary design, management, and construction jobs. *See* ERD at § 2.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)

- A. The Applicant is CPV Backbone Solar, LLC.
- B. The Applicant's address is: CPV Backbone Solar, LLC, c/o Todd R. Chason, 1001 Fleet Street, Suite 700, Baltimore, MD 21202.

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

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

Garrett County
Department of Planning and Land Management
Permits & Inspection Division
Courthouse Administrative Building
203 South Fourth Street-Room 208
Oakland, MD 21550

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. Interconnection of the Project will be accomplished by constructing a new 138 kV three breaker ring bus and switchyard on the Site and looping it into the Albright – Mt. Zion 138 kV line traversing the Site, avoiding the need for construction of new transmission lines

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 and begin construction by March 2022. Operational startup anticipated within the third quarter of 2023.⁴

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

⁴ Dates are subject to change depending on delays, including those associated with permitting, equipment availability and construction.

IV. CONCLUSION

The Applicant respectfully requests that the Commission expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the Project in Garrett County, Maryland.

Respectfully submitted,

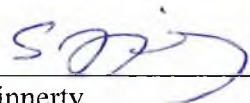
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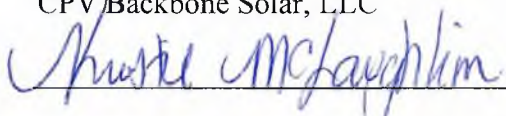
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Counsel for CPV Backbone Solar, LLC

VERIFICATION

Before me, the subscriber, a Notary Public, in and for Norfolk County, Massachusetts
this day personally appeared Sean J. Finnerty and made oath and due form of law that he is a
Officer at CPV Backbone Solar, LLC and the matters and facts set forth in the foregoing
Application for a Certificate of Public Convenience and Necessity for the Backbone Solar Project
are true and correct to the best of his/her information, knowledge, and belief.

WITNESS my hand and Notarial Seal this 27th day of April, 2021.


Sean Finnerty
Executive Vice President
CPV Backbone Solar, LLC



Kristie McLaughlin
Notary Public Name (Print)

My Commission Expires: December 2, 2022

