

IN THE MATTER OF THE
APPLICATION OF GATEWAY
SOLAR LLC FOR A CPCN TO
CONSTRUCT A 12.0 MW SOLAR
PV GENERATING FACILITY IN
WORCESTER COUNTY,
MARYLAND

* BEFORE THE
* PUBLIC SERVICE COMMISSION
* OF MARYLAND
*
* _____
* CASE NO.
* _____

**APPLICATION OF GATEWAY SOLAR LLC FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AND REQUEST FOR WAIVER OF TWO-YEAR
NOTICE REQUIREMENT**

Gateway Solar LLC (“Gateway” or Applicant), by its undersigned counsel, hereby submits this Application to the Public Service Commission for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a nominal 12.0 megawatt (“MW”) alternating current (“AC”) solar photovoltaic facility in Worcester County, Maryland (“Gateway Solar Project” or “Project”) pursuant to Public Utilities Article §7-207.

Gateway’s Application is comprised of this petition together with the attached Environmental Review Document (“ERD”), including respective appendices. Additionally, Gateway requests a waiver of the two-year notice requirement. 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 PU §2-207; and Section IV requests a waiver of the two-year requirement.

I. PROJECT OVERVIEW

The Gateway Solar Project will be a nominal 12.0-MW AC solar voltaic project that will be located on an approximate 120-acre portion of an approximate 426-acre privately owned, agricultural property (Property) located in Worcester County, Maryland. The Applicant has entered into a long-term land lease with the Landowner for use of a

portion of the Property for the Project. The Property (Worcester County Assessor's Office Tax Map: 0019, Grid: 0003, Parcel: 0006) is owned by Tull Brothers LLC (Landowner), and is zoned Agricultural 1 (A1). Utility-scale solar farms are a permitted use on Worcester County A1 parcels.

Approximately 40-60 temporary jobs will be created throughout the construction and supply chain process at the height of construction which is anticipated in summer 2016 subject to permitting timeframes. Because of the nature of solar installations, environmental 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 20 percent of its power to be renewable by 2022, including two percent from in-State solar by 2020. While the solar carve-out phased in relatively slowly in the early years, its pace is increasing and now requires significant new build in a compressed timeframe to meet rising demand for solar renewable energy credits ("SRECs"). In order to meet its ambitious requirements at a reasonable cost, Maryland needs not only small residential rooftop installations, but also larger facilities like the Gateway 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, overhead transmission line, or qualified generator lead line on:

- (i) the stability and reliability of the electric systems;
- (ii) economics;
- (iii) aesthetics;
- (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.

PU §7-207(e)(2). The attached Environmental Review Document (“ERD”) provides significant detail as to all applicable factors, but in summary each such factor weight heavily in favor of granting Gateway Solar’s requested CPCN.

The Project will include significant economic benefits to the State by making more solar power and SRECs available, and by creating approximately 40-60 jobs at the height of construction. *See* ERD at 2. At the same time, the aesthetic impact to the site and surrounding area will be minimal because the panels are low to the ground (ERD at 16) and landscape buffers will be implemented on the outside of the fence (i.e. shielding the fence from view) where there are adjoining residential uses. ERD at 20.

With respect to the stability and reliability of the system, Gateway Solar in 2014, the Applicant initiated the interconnection of the Project with the PJM electricity grid

and Delmarva Power distribution system by filing an Interconnection Request for connecting to circuits MD 2224 and MD 2282, which originate out of the Worcester Substation. The Site is immediately adjacent to both the DPL MD 2224 25 kV distribution circuit and the DPL MD 2282 25 kV distribution circuit: MD 2224 runs along Old Ocean City Road; MD 2282 runs along US Hwy 50. As a general rule, proximity to distribution infrastructure reduces the cost of system upgrades needed to safely interconnect a project. In the case of the Project, interconnection costs are low because minimal equipment is required to facilitate the interconnection line tap and few upgrades are required to the related distribution substations. *See* ERD at 22. PJM has issued Feasibility Study and System Impact Study Reports; the studies evaluated Network Impacts, Generator Deliverability, Multiple Facility Contingency, Contribution to Previously Identified Overloads, New System Reinforcements, Contribution to Previously Identified System Requirements, Short Circuit and Energy Portion of Interconnection Request. These studies have verified the ability to interconnect to the DPL 25 kV MD 2224 and 25 kV MD 2282 circuits with no adverse impact on the stability and reliability of the electric system. The System Impact Studies described distribution system upgrades required to interconnect the Project while ensuring the safety and reliability of the DPL electric system. The Facilities Study report is expected in November 2015. *See* ERD at 22.

In addition, The Project received favorable feedback from DPL on its proposal as a result of the simplicity of the interconnection and the adequate capacity on the MD 2224 and MD 2282 25 kV distribution circuits. DPL has estimated that the work will take an estimated 12 months to complete.

Overall, the Project should not have a negative impact on the stability or reliability of the system.

Finally, because of the nature of solar power, the Project will have no impact on aviation (because there is no stack), air or water pollution (there are no emissions or discharges), and there is no wastewater or cooling water for which disposal is required.

III. CPCN APPLICATION FILING REQUIREMENTS

- A. The Applicant is Gateway Solar LLC.
- B. The Applicant's address is Gateway Solar LLC, 100 Matsonford Road, Radnor, Pennsylvania 19087.
- C. The following persons are authorized to receive notices and communications with respect to this application:
 - Thomas A. Anderson
Gateway Solar LLC
100 Matsonford Road
Radnor, Pennsylvania 19087
 - Carolyn Elefant
Law Offices of Carolyn Elefant PLLC
2200 Pennsylvania Avenue NW
4th Floor East
Washington DC 20037
- D. Copies of this application are being made available for public inspection

and copying at:

Timothy Kellerman
Triad Engineering Inc.
1075 D Sherman Avenue
Hagerstown, Maryland 21740
Fox & Associates Inc.
981 Aetna Road
Hagerstown, Maryland 21740

Kevin Shearon
Davis, Moore, Shearon & Associates
P.O. Box 80
Centerville, Maryland 21617

- 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 of the ERD portion of this Application.
- F. The line taps will be accomplished by feeding energy from the Project directly into the 25 kV MD 2224 and 25 kV MD 2282 circuits, and constructing protection equipment as required by DPL, including a recloser and communications equipment that will allow DPL to isolate the solar Project during certain contingencies on the grid. The interconnection customer, the Applicant, will be responsible for all costs of the interconnection upgrades noted in the interconnection studies.
- 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:¹
- Engineering and Permitting: July 2015 through May 2016
 - Procurement: March 2016 through July 2016
 - Construction: June 2016 through October 2016
 - Commercial Operation: Fall 2016
- I. Gateway Solar has provided the environmental information for the generating station in Section VI of the ERD.

¹ 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 Maryland law requires the filing of CPCN applications at least two years prior to the commencement of construction, the Commission has authority to waive that notice requirement upon a showing of good cause. PU §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)(granting Church Hill Solar Farm LLC’s request for a waiver); Case No. 9272, Order No. 84059 (May 26, 2011)(granting Maryland Solar LLC’s request for waiver).

Imposing a two-year notice requirement may make sense for 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 cells 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, Gateway Solar submits that good cause exists to support the waiver of the two-year notice requirement.

Gateway Solar further requests an expeditious approval of this Application. Ideally, Gateway Solar is targeting a construction start in summer of 2016. Gateway Solar is now investing significant capital in permitting and project

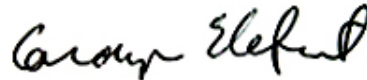
design and needs to minimize the delay before commercial operation begins. Gateway Solar will be as cooperative as possible to help the Commission review and approve the Application within the requested timeframe.

V. CONCLUSION

Gateway Solar respectfully requests that the Commission:

- (1) waive the two-year notice provision of Public Utilities Article §7-208; and
- (2) expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the proposed nominally rated 12.0 MW solar photovoltaic Gateway Solar Project in Worcester County, Maryland.

Respectfully submitted,



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VERIFICATION

Before me, the subscriber, a Notary Public, personally appeared Thomas A. Anderson and made oath and due form of law that he is the Gateway Solar project Development Director and the matters set forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the Gateway Solar Farm are true and correct to the best of his information, knowledge and belief.

WITNESS this 20th day of November 2015.


Thomas A. Anderson


Notary Public

