

ORDER NO. 86593

IN THE MATTER OF THE APPLICATION OF *
ONEENERGY CAMBRIDGE SOLAR, LLC FOR A *
CERTIFICATE OF PUBLIC CONVENIENCE *
AND NECESSITY TO CONSTRUCT A 3.3 MW *
SOLAR PHOTOVOLTAIC GENERATING *
FACILITY IN DORCHESTER COUNTY, *
MARYLAND. *

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9348

Issued: August 21, 2014

PROPOSED ORDER OF PUBLIC UTILITY LAW JUDGE

Appearances:

Todd R. Chason, Esquire, and Victor A. Kwansa, Esquire,
for OneEnergy Cambridge Solar, LLC.

Sondra S. McLemore, Esquire, and Brent Bolea, Esquire, for
the Maryland Department of Natural Resources, Power Plant
Research Program.

Theresa V. Czarski, Esquire, for the Maryland Office of
People's Counsel.

Lloyd J. Spivak, Esquire, for the Staff of the Maryland
Public Service Commission.

Executive Summary

On April 1, 2014, an application was filed by OneEnergy
Cambridge Solar, LLC ("OneEnergy," "OCS," "Company" or "Applicant")
requesting a Certificate of Public Convenience and Necessity
("CPCN") to construct a 3.3 megawatt ("MW") solar photovoltaic
generating facility ("Project") in Dorchester County ("County"),

Maryland ("Application").¹ Accompanying the Application was the Company's Environmental Review Document associated with the Project ("OCS ERD").²

On July 24, 2014, the Power Plant Research Program ("PPRP"), Maryland Department of Natural Resources ("DNR") filed testimony, draft initial recommended licensing conditions, and its draft Environmental Review Document ("PPRP ERD"). PPRP recommended grant of the Application, subject to the recommended licensing conditions. On July 25, 2014, Technical Staff ("Staff") of the Maryland Public Service Commission ("Commission") filed testimony and recommended grant of the Application subject to the condition that the Company submit the signed Wholesale Market Participant Agreement including the Interconnection Agreement as well as the recommended licensing conditions submitted by PPRP.

On August 11, 2014, the Company accepted the recommended licensing conditions.

Based on review of the record in this matter, I find that the CPCN, as requested and subject to the recommended licensing conditions, is in the public convenience and necessity and is hereby granted.

¹ OCS Exhibit ("Ex.") 1 (Application submitted April 1, 2014, Docket Item 1).

² OCS Ex. 2 (Environmental Review Document, Project No. 12718.B0, March 28, 2014, Docket Item 1).

Procedural History

The Application filed on April 1, 2014, included a request for expedited review and waiver of the two-year notice requirement under § 7-208(b)(1) of the Public Utilities Article, *Annotated Code of Maryland*.

By letter dated April 3, 2014, the Commission delegated the proceedings in this matter to the Public Utility Law Judge Division.

A prehearing conference was held on April 30, 2013, at which the above-noted appearances of counsel were entered. A procedural schedule was agreed upon at that conference and the requested waiver under § 7-208(b)(1) of the Public Utilities Article was granted.

On May 15, 2014, the Company filed the Direct Testimony of Leslie "Gia" Clark, Manager, Project Development of OneEnergy Renewables;³ the Direct Testimony of Mark S. Crissman, Vice President/Branch Office Manager, Daft-McCune-Walker, Inc.;⁴ and the Direct Testimony of Dane S. Bauer, Vice President, Diversified Building Solutions, LLC.⁵

On May 21, 2014, the Dorchester County Council was invited to sit jointly with the Chief Public Utility Law Judge at

³ OCS Ex. 3 (Direct Testimony of Leslie "Gia" Clark dated May 15, 2014, Docket Item 8).

⁴ OCS Ex. 4 (Direct Testimony of Mark S. Crissman dated May 15, 2014, Docket Item 8).

⁵ OCS Ex. 5 (Direct Testimony of Dane S. Bauer dated May 15, 2014, Docket Item 8).

the public hearing to be held on August 14, 2014. By letter dated June 2, 2014, the Council indicated that, as the Company is following the County's Planning and Zoning process, it did not feel it necessary to hold a joint public hearing.⁶

On July 24, 2014, PPRP filed the Direct Testimony of Frederick S. Kelley, a Program Manager for PPRP,⁷ a List of Proposed Initial Recommended Licensing Conditions,⁸ and a Draft Environmental Review of the Proposed OneEnergy Solar Farm Project.⁹

On July 25, 2014, Staff filed the Direct Testimony and Exhibits of Ralph De Geeter, a Transmission Engineer in the Commission's Division of Engineering.¹⁰

On August 11, 2014, the Company submitted a letter stating that it accepted PPRP's and Staff's recommended licensing conditions.¹¹ The letter also stated that the parties stipulated to the entry of the Application and associated attachments and all pre-filed testimony, including exhibits and attachments into the

⁶ See Docket Item 12.

⁷ PPRP Ex. 1 (Direct Testimony of Frederick S. Kelley dated July 24, 2014, Docket Item 13).

⁸ PPRP Ex. 2 (Secretarial Letter dated July 24, 2014 along with the Draft Initial Recommended Licensing Conditions, Docket Item 13).

⁹ PPRP Ex. 3 (PPRP Draft Environmental Review of the Proposed OneEnergy Cambridge Solar Farm in Dorchester, Maryland dated July 24, 2014, Docket Item 13).

¹⁰ Staff Ex. 1 (Direct Testimony and Exhibits of Ralph De Geeter dated July 25, 2014 (Public: Ex. 1A (excludes confidential exhibits), Docket Item 13; Confidential: Ex. 1C).

¹¹ See Docket Item 15.

administrative record. All parties also waived cross-examination. Accordingly, no evidentiary hearing was held.

A hearing for public comments was held on August 14, 2014, at the Dorchester County Public Library - Central Library in Cambridge, Maryland. Five members of the public attended the hearing, but only one individual spoke. The commenter supported the Project. She, however, wanted some assurance that Choptank had sufficient capacity on its facilities so that her home solar system contributions to the electrical grid would not be "blocked" and therefore adversely impact her ability to earn credits and renewable energy credits that she depends on to finance her system.¹² No written comments were filed in the docket.

On August 20, 2014, PPRP filed a letter indicating that it had no modifications to its Initial Recommended Conditions filed on July 24, 2014, which therefore became the Reviewing State Agencies' Final Recommended Conditions.¹³ PPRP asked these Conditions be incorporated into any CPCN that may be granted in this matter. Additionally, PPRP stated that it would not object to reduce the time for appeal from 30 to 14 days.

¹² Mr. Spivak responded to her question and explained the Mr. De Geeter, Staff's witness, had determined that interconnecting the Project through the Choptank substation would have no adverse impact on the reliability and stability of the electric system in Maryland.

¹³ See Maillog No. 157807.

Summary of Application and Testimony

OneEnergy

Ms. Clark sponsored Sections 1, 2, 3, 4A and 4B of the OCS ERD.¹⁴ Mr. Bauer sponsored Sections 4C-F, 5 and 6 of the OCS ERD.¹⁵ Mr. Crissman sponsored Sections 4C-F, 5 and 6 of the OCS ERD as well.¹⁶

According to the Company's ERD, the Project will consist of 3.3 MW alternating current solar photovoltaic units on an approximate 25-acre site that is privately owned, and the property owner has agreed to a long-term lease.¹⁷ The site is part of a larger, 365.32-acre leased farm located at Bucktown Road in Dorchester County, approximately one mile north of Indian Bone Road.¹⁸ The Company has provided notice to the agricultural lease tenant consistent with Section 8-402(b)(3)(i), Real Property Article, *Annotated Code of Maryland*.¹⁹

The OCS ERD indicates that there is no planned need for water and sewer for the Project as there are no planned operation or maintenance facilities as part of the Project²⁰ and no full-time personnel will be located at the site.²¹

¹⁴ Clark Testimony at 2.

¹⁵ Bauer Testimony at 1.

¹⁶ Crissman Testimony at 1.

¹⁷ OCS Ex. 2 at 1, 13.

¹⁸ *Id.*

¹⁹ *Id.* at 1.

²⁰ *Id.* at 1, 14, 27-28.

²¹ *Id.* at 1, 14.

The Company asserts that the Project will contribute to the local economy as well as the State's commitment for more in-state renewable energy generation. According to the Company, the proposed solar generation facility will increase the State's current solar electricity output.²² The Company expects a significant economic benefit from the Project to include a capital cost of approximately \$9 million as well as the construction position during the height of construction.²³ The construction will take approximately four to five months, and the Company states that significant local resources will be employed during that period.²⁴ The Project is expected to create approximately 25-40 construction jobs at the height of construction of the Project, which work will be performed either at the site or remotely.²⁵

A Generation Interconnection Combined Feasibility and System Impact Study Report has been completed by PJM Interconnection, LLC ("PJM").²⁶ PJM found, among other things, no transmission network impacts, no need for new system reinforcements, and no potential congestion due to local energy deliverability.²⁷

²² *Id.* at 22.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 10, Appendix 1.

²⁷ *Id.*

Interconnection is planned at the Choptank Electric Cooperative, Inc. ("Choptank") Airey substation.²⁸ Choptank gave favorable feedback on the Project's interconnection because of its simplicity and the adequate capacity at the Choptank Airey substation.²⁹

The Project does not require the removal of any trees or any material grading at the Project site.³⁰ It will be enclosed by a six-foot high chain link fence and a buffer/landscaping plan will be designed in keeping with the Dorchester County buffer/landscape requirements.³¹ The Project does not have any wetlands on the Project site and fronts.³² There are no rare, threatened or endangered species at the site.³³ No forested areas will be cut and no fauna or flora impacts will be observed.³⁴ The Project is not in a FEMA-designated flood plan.³⁵ The Maryland State Historic Preservation Office ("MHT") was provided a full report of the Phase I site architectural and archeological investigation, and MHT concluded the site possesses very little archeological research potential and warrants no further investigation.³⁶

²⁸ *Id.* at 10, 22.

²⁹ *Id.* at 10.

³⁰ *Id.* at 1, 14, 23, 25-26.

³¹ *Id.* at 14, 16.

³² *Id.* at 15, 25, 28, Appendix 6.

³³ *Id.* at 23-24, 26, Appendices 8 and 9.

³⁴ *Id.* at 23-25, 28.

³⁵ *Id.* at 15, 23-26, Appendix 5.

³⁶ *Id.* at 23, 25-26, Appendix 7.

As a solar generation facility, after completion of construction, the Project will emit no pollutants.³⁷ During construction there will be fugitive dust as well as potential sources of pollutants by the use of internal combustion engines from earthwork equipment and an increase in vehicle traffic by workers.³⁸ Emissions from these sources will have little impact.³⁹

PPRP

According to Mr. Kelley, PPRP performed an independent environmental and socioeconomic evaluation of the Project by reviewing application materials and testimony provided by OneEnergy. Mr. Kelley stated that PPRP also participated in a field review of the Project on April 29, 2014.⁴⁰ As a result of the evaluation, PPRP along with other interested State agencies⁴¹ recommended grant of the application subject to the initial recommended licensing conditions accompanying Mr. Kelley's testimony.⁴²

³⁷ *Id.* at 27.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Kelley Testimony at 5.

⁴¹ The State agencies are the Maryland Department of Agriculture, the Maryland Department of Business and Economic Development, the Maryland Department of Planning, the Maryland Department of Transportation, the Maryland Energy Administration, the Maryland Department of the Environment ("MDE"), and DNR.

⁴² Mr. Kelley noted that, unless additional issues arise as a result of the hearings which would require modifications, the proposed initial licensing conditions submitted will serve as the State's final recommended conditions and should be incorporated into an Order issuing the CPCN in this matter. Kelley Testimony at 6.

Mr. Kelley testified that the construction and operation of the Project will have no significant impact on vegetation resources.⁴³ He stated that the Company will have no mitigation obligations under the Maryland Forest Conservation Act because no trees will be cleared.⁴⁴ Additionally, Mr. Kelley indicated that the construction and operation of the Project has no impact on wildlife as the site currently offers little wildlife habitat and may provide benefits to wildlife because of the establishment and maintenance of warm season grasses below and between the solar panels.⁴⁵

PPRP also does not believe the Project will have an impact on rare, threatened and endangered species relying upon a letter dated February 14, 2012, from DNR, Wildlife and Heritage Service to the Company.⁴⁶ Mr. Kelley indicated that OneEnergy had contacted the U.S. Fish and Wildlife Service ("USFWS"). By letter dated January 3, 2012, USFWS stated that except for occasional transient individuals, no federal proposed or listed Endangered or Threatened species are known to occur in the vicinity of the Project.⁴⁷

Mr. Kelley also testified that the Project will have no direct effect on any streams or wetlands during its construction

⁴³ Kelley Testimony at 6; PPRP Ex. 3 at 6-7.

⁴⁴ Kelley Testimony at 7.

⁴⁵ *Id.* at 7-8.

⁴⁶ *Id.* at 9; OCS Ex. 2, Appendix 9.

⁴⁷ *Id.* at 9-10; OCS Ex. 2, Appendix 8.

and operations. He cited a June 3, 2013 letter from MDE, which indicated that the Project site contains no jurisdictional nontidal wetlands and its field observations resulted in a finding that no approvals would be necessary to construct the Project on the proposed site.⁴⁸ Mr. Kelley noted that PPRP, based on its independent April 2014 field review of the Project site, concurs with MDE's finding.⁴⁹

Mr. Kelley discussed the economic, demographic and fiscal impacts of the proposed Project. He indicated that PPRP estimates the Project could generate up to 54 total full-time equivalent jobs in the State during construction, of which a number of the jobs may be filled by the local labor pool, which PPRP determined would have a positive effect on the local economy.⁵⁰ He noted that not all benefits would accrue to Maryland because certain specialized components, such as PV panels, are manufactured elsewhere.⁵¹ Because most construction workers will reside within daily commuting distance to the Project site, PPRP found no effect upon population and housing or population-related public service provision.⁵² Overall, PPRP determined the net fiscal benefit of the Project would be positive, although not significant in the

⁴⁸ *Id.* at 10; OCS Ex. 2, Appendix 6.

⁴⁹ Kelley Testimony at 10.

⁵⁰ *Id.* at 10-11.

⁵¹ *Id.* at 11.

⁵² *Id.*

aggregate, for the County and State.⁵³ Additional fiscal benefits, according to Mr. Kelley, would be in the form of corporate income tax revenues and income taxes on lease payments to the landowner.⁵⁴

Mr. Kelley described the transportation impacts that may occur during the construction of the Project. Deliveries to the Project will be done by truck over US 50 and Bucktown Road. PPRP found that this truck traffic is not expected to adversely affect existing traffic in the vicinity of the Project.⁵⁵ PPRP, however, recommended a license condition that requires the Company to comply with all permit requirements for use of State and Dorchester County roads and obtain appropriate approvals as necessary.⁵⁶

Mr. Kelley noted that US 50, in nearby Cambridge, is often congested for a number of reasons, particularly in the summer months.⁵⁷ Mr. Kelley indicated that the additional construction worker traffic is not expected to adversely affect the level of service of the major or minor roads in the vicinity of the Project even if coincident with morning and evening peak hour traffic.⁵⁸

Mr. Kelley discussed the Federal Aviation Administration's ("FAA") requirements for the conduct of aeronautical studies of proposed activities that affect airspace. The

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 12-13.

⁵⁶ *Id.* at 13; PPRP Ex. 2, Licensing Condition No. 13.

⁵⁷ Kelley Testimony at 12.

⁵⁸ *Id.*

Project is slightly south of the threshold of Runway 34 of the Cambridge-Dorchester Airport, and an approach to this runway places the glide path slightly to the east of the Project.⁵⁹ As a result of PPRP's preliminary glare analysis of the Project, the predicted glare from the Project is significant enough to cause a pilot to experience a temporary after-image.⁶⁰ Mr. Kelley indicated that it is unknown whether the model predictions would trigger an objection from the FAA.⁶¹ Consequently, PPRP recommended a license condition that requires the Company to file, prior to commencing construction of the Project, a Notice of Proposed Construction or Alteration to the FAA for a formal determination of the Project's effect on navigable airspace by aircraft.⁶² The recommended licensing condition also requires that the Company notify the Commission and PPRP that the Project will be in compliance with FAA and Maryland Aviation Administration standards and notification requirements for objects affecting navigable airspace.⁶³

Mr. Kelley provided PPRP's conclusions on land use impacts of the Project. After review, PPRP does not recommend including any licensing conditions regarding land use.⁶⁴ PPRP also concluded that the Company must mitigate visual impacts upon

⁵⁹ *Id.* at 14.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.* at 14; PPRP Ex. 2, Licensing Condition No. 18.

⁶³ Kelley Testimony at 14.

⁶⁴ *Id.* at 14-15.

surrounding properties, including landscaping to buffer areas between the property line and panel arrays as well as conforming its minimal lighting requirements to Dorchester County's Supplementary Use Regulations for utility scale solar energy systems.⁶⁵

Mr. Kelley stated that a review of the Maryland Inventory of Historic Properties revealed no historic structure within two miles of the Project area nor are there any nearby Maryland Historical Trust easements or properties on the National Register of Historic Places.⁶⁶ The Maryland Historical Trust has determined that there are no historic properties that will be affected by the Project.⁶⁷

Although the Project is within the programmatic boundary of the Heart of Chesapeake Country Certified Heritage Area, PPRP concluded that it was unlikely that the Project would have an adverse effect upon cultural awareness or heritage tourism that the CHA seeks to promote.⁶⁸

Mr. Kelley noted that the Harriet Tubman Underground Railroad Byway ("Byway"), one of the two of Maryland's Scenic Byways which traverse Dorchester County, does pass by the property as it follows Bucktown Road from US 50 south to Bucktown Village

⁶⁵ *Id.* at 16; PPRP Ex. 2, Licensing Condition No. 17.

⁶⁶ Kelley Testimony at 17.

⁶⁷ *Id.*; OCS Ex. 2, Appendix 7.

⁶⁸ Kelley Testimony at 17.

and the Blackwater National Wildlife Refuge.⁶⁹ PPRP, however, found no identified key view or scenic resources associated with this Byway in the vicinity of the Project.⁷⁰

Mr. Kelley discussed a potential adverse impact of the increased truck traffic during construction of the Project on a Dorchester Tourism-designated bicycle route on Bucktown Road from Cambridge to the Blackwater National Wildlife Refuge. The increased truck traffic during construction of the Project may adversely affect cycling safety on this designated route, which is a narrow two-lane paved roadway with no shoulders.⁷¹ PPRP concluded that the impact to cyclists may be mitigated because construction will begin in the fall of 2014 when a seasonal decline of cycling activity typically occurs as well as the low number of trucks delivering materials to the Project site.⁷² To address PPRP's concerns, it recommended a licensing condition that requires the Company to instruct its contractors to be aware of Bucktown Road's on-road bicycle route designation and Maryland traffic laws regarding bicycles on the road.⁷³ It also recommends a similar instruction to be contained in all contracts with suppliers or

⁶⁹ *Id.* at 17-18.

⁷⁰ *Id.* at 18.

⁷¹ *Id.*

⁷² *Id.* at 18.

⁷³ *Id.*; PPRP Ex. 2, Licensing Condition No. 14.

contractors to make their employees aware of these designations and the Maryland laws.⁷⁴

Mr. Kelley also concluded that because the local environment will be minimally affected by the Project, visually and otherwise, property values should not be affected by the Project.⁷⁵

He also discussed the State's Renewable Portfolio Standards ("RPS") in relation to the viability of the Project. He noted that the RPS is not the lone policy mechanism to provide incentives for the development of solar power in Maryland, as there are State tax credits, grants, loans and rebate programs.⁷⁶ He concluded that as long as the remaining approvals and financing are successfully obtained, the Project appears to be a viable project in support of the RPS.⁷⁷

The operation of the Project will not produce air emissions because it is a non-combustion process relying on direct conversion of solar energy into electrical energy.⁷⁸ No significant water withdrawals or wastewater discharges are anticipated, so no impact on surface or groundwater resources.⁷⁹

Finally, PPRP recommended that the Company provide the Commission and PPRP with a Decommissioning Plan to ensure that the

⁷⁴ Kelley Testimony at 18.

⁷⁵ *Id.* at 19.

⁷⁶ *Id.* at 20.

⁷⁷ *Id.* at 21.

⁷⁸ PPRP Ex. 3 at 26.

⁷⁹ *Id.* at 26.

Project site is returned to its original state at the end of the facility's useful life.⁸⁰ Included in the licensing condition is a requirement that the Company secure a funding mechanism to ensure that the decommissioning costs are not borne by the County and/or the State at the end of the facility's useful life.⁸¹

Staff

Staff witness De Geeter's testimony addressed the effect that the proposed Project will have on the reliability and stability of the electric system in Maryland.⁸² Mr. De Geeter gave an overview of the process for obtaining approval of a generation project in Maryland and described the proposed Project as set forth in the Application. Mr. De Geeter identified PJM as the Regional Transmission Organization which is responsible for assessing transmission system reliability and stability in Maryland.⁸³ He explained the process by which PJM reviews proposed generation projects that seek to connect to the transmission system in Maryland.

Mr. De Geeter stated that the Company submitted the interconnection request for the Project to PJM on April 30, 2012.⁸⁴ According to Mr. De Geeter, as a result of the request, PJM

⁸⁰ *Id.* at 27; PPRP Ex. 2, Licensing Condition No. 20.

⁸¹ *Id.*

⁸² *See Md. Ann. Code Publ. Util. Art.*, § 7-207(e)(2)(i).

⁸³ De Geeter Testimony at 4.

⁸⁴ *Id.* at 8.

initiated the required interconnection study process and has completed a Generation Interconnection Combined Feasibility and System Impact Study ("Study").⁸⁵ He indicated that the Study did not identify any need for any transmission line or substation/switchyard facilities nor for any transmission line upgrades.⁸⁶

He noted, however, that PJM has not tendered the Project a Wholesale Market Participant Agreement ("WMPA").⁸⁷ Mr. De Geeter explained that the WMPA is an option that is available to generation projects that are seeking to interconnect with the PJM transmission system through a state regulated local electric distribution system prior to commercial operation, in lieu of PJM's Interconnection Service Agreement.⁸⁸ He stated that the WMPA largely removes the interconnection request from the Federal Energy Regulatory Commission ("FERC") jurisdiction.⁸⁹ Mr. De Geeter indicated that the Project complies with the PJM criteria to interconnect pursuant to a WMPA because the Project will physically interconnect with Choptank's electric distribution system, which is not regulated by FERC.⁹⁰ He indicated that the WMPA would be a

⁸⁵ *Id.* at 9.

⁸⁶ *Id.*

⁸⁷ *Id.* at 8.

⁸⁸ *Id.* at 7.

⁸⁹ *Id.*

⁹⁰ *Id.* at 7.

three-party Agreement between PJM, the FERC-regulated transmission owner, Delmarva Power & Light Company, and the Company.⁹¹

He therefore recommended as a licensing condition that, prior to commencing operations, the Company submit to the Commission the fully executed WMPA including the executed Interconnection Agreement with Choptank.⁹² He testified that the Project's compliance with the agreement would assure no adverse impact to the reliability and stability of the electric transmission system.⁹³ He indicated that renewable energy projects, such as solar and wind farms, have been promoted and mandated by the State.⁹⁴ He asserted that the Project will contribute toward meeting the goals of the State's Renewable Portfolio Standards, which has a target of 20% with 2% being supplied by solar generation.⁹⁵ Accordingly, subject to the recommended licensing conditions, he recommended that a CPCN be issued for the Project.

Applicable Law

The Application was filed pursuant to § 7-207 and § 7-208 of the Public Utilities Article, *Annotated Code of Maryland*. Pursuant to § 7-207(e), the Commission shall take action

⁹¹ *Id.*

⁹² *Id.* at 10.

⁹³ *Id.*

⁹⁴ *Id.* at 10-11.

⁹⁵ *Id.* at 11.

on an application for a CPCN only after due consideration of the following factors:

- (1) The recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station or overhead transmission line is proposed to be located; and
- (2) The effect of the generating station or overhead transmission line 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.

Under § 7-208 of the Public Utilities Article, the Commission shall include in the CPCN it issues the requirements of the federal and state environmental laws and standards that are identified by MDE and the methods and conditions that the Commission determines are appropriate to comply with those environmental laws and standards.

Findings

I find that the County appears satisfied with the Company's actions in following the County's Planning and Zoning process to obtain appropriate approvals for the Project. I further find that the County has raised no opposition to the Project.

I find that the evidence is undisputed that the Project can be built and operated without any negative effects to the stability and reliability of the electric system and grid.

I find that the Project will have some, but limited, benefit to the economy by creating construction jobs. I find that the Project will contribute to the State's Renewable Energy Standards Portfolio as it will add approximately 3.3 MW to the Portfolio.

Subject to the Final Licensing Conditions, I find that the Project will have no negative effects on esthetics of the Project site and nearby properties.

I find that the Project will have no negative effects on historical sites and no adverse impact on heritage tourism in Dorchester County.

I find that, subject to the Company's compliance with Final Licensing Condition No. 18, the Project will have no adverse effect on aviation safety as determined by the FAA and the Maryland Aviation Administration.

I find that the Project will have no adverse effects on air or water pollution.

I find that the Project produces little or no waste that will require disposal.⁹⁶

Subject to the Final Licensing Conditions, I find that the Project meets all federal and State environmental laws and standards.

I therefore find that grant of the CPCN, as requested and which includes the Final Recommended Conditions attached hereto as Appendix A and made a part hereof, as well as the Staff's recommended condition, is in the public convenience and necessity.

Finally, because the Company sought an expedited review and there has been no opposition or objections to the Project proceeding as described (and subject to the Final Recommended Conditions and Staff's recommended condition), I find that a shortened appeal period is appropriate. Accordingly, a 14-day appeal period is hereby adopted.

IT IS THEREFORE, this 21st day of August, in the year Two Thousand Fourteen,

ORDERED: (1) That the application filed by OneEnergy Cambridge Solar, LLC for a Certificate of Public Convenience and Necessity to construct a 3.3 MW solar photovoltaic generating facility in Dorchester County, Maryland is hereby granted in accordance with the findings and decision rendered herein.

(2) That the conditions in Appendix A attached and incorporated herein are hereby accepted as licensing

⁹⁶ See OCS Ex. 2 at 29.

conditions of the Certificate of Public Convenience and Necessity in accordance with the findings of this Proposed Order.

(3) That OneEnergy Cambridge Solar, LLC is hereby directed to file with the Commission the signed Wholesale Market Participant Agreement, including the signed Interconnection Agreement with Choptank Electric Cooperative, Inc., prior to commencing operation of its Dorchester County generating facility.

(4) That this Proposed Order will become a final order of the Commission on September 5, 2014, unless before that date an appeal is noted with the Commission by any party to this proceeding as provided in Section 3-113(d)(2) of the Public Utilities Article, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 3-114(c)(2) of the Public Utilities Article.

Terry J. Romine
Chief Public Utility Law Judge
Public Service Commission of Maryland