

IN THE MATTER OF THE
APPLICATION OF PERENNIAL
SOLAR LLC FOR A CPCN TO
CONSTRUCT A 8.0 MW SOLAR PV
GENERATING FACILITY IN
WASHINGTON COUNTY,
MARYLAND

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

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

Perennial Solar LLC (“Perennial” 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 8.0 megawatt (“MW”) alternating current (“AC”) solar photovoltaic facility in Washington County, Maryland (“Perennial” or “Project”) pursuant to Public Utilities Article §7-207.

Perennial’s Application is comprised of this petition together with the attached Environmental Review Document (“ERD”), including respective appendices. Additionally, Perennial Solar 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 Perennial Solar Project will be a nominal 8.0-MW AC solar voltaic project located on two contiguous privately owned agricultural properties (Properties) owned by the Barr Family, LLC (Tax Map 23, Parcel 65) and Lauren G. and Mary E. Eby (Tax Map 23, Parcel 200). The Project will occupy approximately 70 acres of land (Site), which is comprised of a portion of the Barr Family, LLC property and the entirety of the

Eby property. The Properties are located in the southwestern quadrant of the intersection of Maryland Route 494 (Fairview Road) and Maryland Route 63 (Greencastle Pike), approximately 0.23 mile west of Cearfoss (an unincorporated community in Washington County, Maryland).

Approximately 30-50 design, management, and construction personnel will work on the Project at the height of construction which is anticipated in summer 2016 subject to permitting timeframes. ERD at 10. 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 Perennial 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 Perennial’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 30-50 jobs at the height of construction. *See* ERD at 10. 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 2. Additionally, dense visual buffering will be provided to minimize visibility from closest properties. ERD at 22.

With respect to the stability and reliability of the system, Perennial initiated a process to interconnect the Project with the PJM and Potomac Edison-First Energy (FE)

systems by filing Interconnection Requests and completing project feasibility, system impact and facilities studies assessments. Interconnection will occur through a direct line tap on the Potomac Edison 34.5 kV Halfway - Milnor circuit. The Project will sell energy into the PJM Interconnection, LLC (PJM) wholesale market. ERD at 2. The Project received favorable feedback from FE on its proposal as a result of the simplicity of the interconnection and the adequate capacity on the Halfway – Milnor 34.5 kV distribution circuit. FE has estimated that the work will take an estimated 12 months to complete. ERD at 12. Thus, 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 Perennial Solar LLC.
- B. The Applicant’s address is Perennial 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
Perennial 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:
- Triad Engineering Inc.
1075 D. Sherman Avenue
Hagerstown, Maryland 21740
Fox & Associates Inc.
981 Aetna Road
Hagerstown, Maryland 21740
- 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. Other than the physical interconnection at the 34.5 kV Halfway-Milnor distribution circuit, no upgrade to electric distribution is expected.
- 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: April 2015 – February 2016.
 - Procurement: March 2016 – July 2016.
 - Construction: June 2016 – October 2016.
 - Commence Commercial Operation: Fall 2016.
- I. Perennial 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, Perennial Solar submits that good cause exists to support the waiver of the two-year notice requirement.

Perennial Solar further requests an expeditious approval of tis Application. Ideally, Perennial Solar is targeting a construction start in summer of 2016. Perennial Solar is now investing significant capital in permitting and project design and needs to minimize the delay before commercial operation begins.

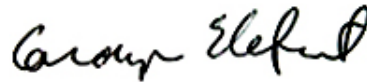
Perennial Solar will be as cooperative as possible to help the Commission review and approve the Application within the requested timeframe.

V. CONCLUSION

Perennial 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 8.0 MW solar photovoltaic Perennial Solar Farm in Washington County, Maryland.

Respectfully submitted,



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(202 297-6100
Counsel for Perennial Solar, LLC

VERIFICATION

Before me, the subscriber, a Notary Public, in and for Santa Fe County, New Mexico, this day personally appeared Thomas A. Anderson and made oath and due form of law that he is the Development Director of Perennial Solar, LLC and the matters and facts set forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the Perennial Solar Farm are true and correct to the best of his information, knowledge and belief.

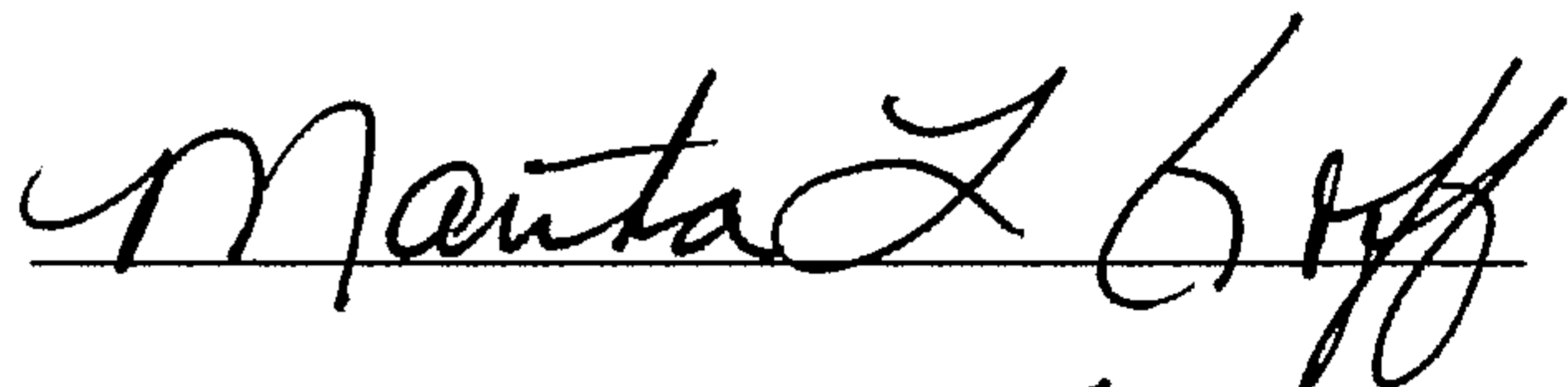
WITNESS my hand and Notarial Seal this 24th day of Nov, 2015.


Thomas A. Anderson



OFFICIAL SEAL
MARTHA L GOFF
NOTARY PUBLIC - State of New Mexico

My Commission Expires 8/3/16


MARTHA L GOFF
Notary Public Name (Print)

My Commission Expires: 8/3/16