

ORDER NO. 89520

IN THE MATTER OF THE APPLICATION
OF SPECTRUM SOLAR, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO CONSTRUCT A
5.6 MW SOLAR PHOTOVOLTAIC GENER-
ATING FACILITY IN PRINCE GEORGE'S
COUNTY, MARYLAND

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9608

Issued: January 31, 2020

PROPOSED ORDER OF PUBLIC UTILITY LAW JUDGE

Appearances:

David W. Beugelmans, Esquire, and Todd R. Chason, Esquire, on behalf of Spectrum Solar, LLC.

Sondra S. McLemore, Esquire, and Steven M. Talson, Esquire, on behalf of the Maryland Department of Natural Resources, Power Plant Research Program.

Philip Sheehan, Jr., Esquire, on behalf of the Maryland Office of People's Counsel.

Kenneth Albert, Esquire, and Peter A. Woolson, Esquire, on behalf of the Technical Staff of the Maryland Public Service Commission.

Procedural History

1. On May 17, 2019, Spectrum Solar, LLC ("the Applicant" or "the Company") filed an application for a Certificate of Public Convenience and Necessity ("CPCN") for authority to construct a 5.6 megawatt ("MW") solar photovoltaic generating facility in

Prince George's County, Maryland ("the Project"). Accompanying the Application was the Environmental Review Document ("ERD") for the Project.¹

2. By letter dated May 20, 2019, the Public Service Commission of Maryland ("Commission") initiated a new docket, Case No. 9608, to consider the Application and delegated the proceedings in this matter to the Public Utility Law Judge Division.

3. On June 21, 2019, Spectrum Solar filed a copy of the notices sent by the Applicant to members of the General Assembly pursuant to PUA § 7-207(c)(1)(ii)-(v).²

4. A pre-hearing conference was held on July 15, 2019. A procedural schedule was agreed upon at the hearing.

5. On August 9, 2019, the Company filed the Direct Testimony of Michael Alexander, Vice President at Lantian Development,³ who provided testimony about the Applicant, and sponsored portions of the Company's Environmental Review Document ("ERD"); and the Direct Testimony of Timothy J. Kellerman, Senior Environmental Scientist at Triad Engineering, Inc., who sponsored portions of the Company's ERD.⁴

6. On September 10, 2019, a hearing for public comments was held in Oxon Hill, Maryland. Attending the hearing were representatives of the parties, who provided brief presentations on their roles in the proceeding and on the project. Three members of the public attended this public hearing, including Delegate Veronica Turner and Senator Obie Patterson, both of whom represent the 26th legislative district.

¹ Applicant Ex. 4 ("ERD").

² Applicant Ex. 1.

³ Applicant Ex. 9 ("Alexander Direct").

⁴ Applicant Ex. 12 ("Kellerman Direct").

7. On October 30, 2019, the Maryland Department of Natural Resources ("DNR"), Power Plant Research Program ("PPRP") filed its Direct Testimony. The filing included a Secretarial Letter along with Proposed Initial Recommended Licensing Conditions, the Draft Project Assessment Report ("PAR") of the Spectrum Solar Project,⁵ the Direct Testimony of Shawn A. Seaman, a Program Manager with PPRP, who sponsored the draft PAR and summarized the findings and the preliminary recommended licensing conditions resulting from PPRP's evaluation of the Project,⁶ the Direct Testimony of Dr. Peter D. Hall, President of Metametrics, Inc., who addressed the socioeconomic impacts associated with the Project,⁷ and the Direct Testimony of Ginny Mercurio Rogers, a Senior Project Manager at Versar, Inc., who addressed certain environmental impacts and conditions.⁸

8. On October 30, 2019, Staff filed the Direct Testimony of Christopher Lo, an Electrical Engineer in the Commission's Engineering Division, who testified on the impact the Project will have on the reliability and stability of the electric system serving the State.⁹

9. On November 4, 2019, an evening hearing for public comment was held in Oxon Hill, Maryland. Attending the hearing were representatives of the parties, who provided brief presentations on their roles in the proceeding and on the project. Two members of the public attended this public hearing, including Thomas Clark, representing the International Brotherhood of Electrical Workers, who expressed interest in working on the Project.

⁵ PPRP Ex. 2 ("PAR").

⁶ PPRP Ex. 1 ("Seaman Direct").

⁷ PPRP Ex. 3 ("Hall Direct").

⁸ PPRP Ex. 4 ("Hall Direct").

⁹ Staff Ex. 1 ("Lo Direct").

10. On November 12, 2019, an evidentiary hearing was held, at which time the Parties were in agreement that a CPCN should be issued, subject to the Licensing Conditions provided by both PPRP and Staff. The parties, at the time of the evidentiary hearing, were still in discussion whether there would be an amendment to PPRP's conditions 17 and 19 with regards to traffic, and asked that the record be held open until they could further discuss those conditions and provide a supplemental filing. On December 3, 2019, PPRP filed a letter indicating that there would be no revision to its proposed conditions and that the Initial Recommended Conditions filed on October 30, 2019 would be the State's final recommended conditions.

Summary of Parties' Testimony

Company

11. The Company's ERD included a Project Overview (Section 1), a Statement of Need and Purpose (Section 2), the Applicant's Information (Section 3), the State and Local Permits and Approvals (Section 4), COMAR 20.79.03.01 - Description of Generating Station (Section 5), and COMAR 20.79.03.02 - Environmental Information (Section 6), as well as eight appendices.¹⁰

12. According to the ERD, the Project will be constructed on a 30-acre parcel of a 70.342-acre property owned by Lantian Hills, LLC, and addressed as 4700 Full Gospel Boulevard, in Oxon Hill, Prince George's County, Maryland.¹¹ The Company described the site as an unmaintained asphalt-paved access road and asphalt parking lots, a large

¹⁰ See Applicant Ex. 4, ERD.

¹¹ ERD at 1.

un-stabilized excavation where a church building was intended, stormwater management structures, utilities, and a perimeter chain-link fence, with several small shed-like accessory structures, left over from an unfinished construction project from the late 1990s where the building of a mega-church was initiated and then abandoned.¹²

13. The Company states that the parcel is not located in the Chesapeake Bay Critical Area, designated Priority Funding Areas, Priority Preservation Area, Revitalization Tax Credit Area, Marlboro Clay District, Aviation Policy Area, 2009 Joint Base Andrews Noise Contour Area, or the Sustainable Growth and Agricultural Preservation Act District. The Company identified the permits and approvals it will need from local, State, and other agencies in addition to the grant of the CPCN from the Commission and described the Prince George's County Mandatory Referral Process.¹³

14. The Site is already under a Type 2 Tree Conservation Plan with Prince George's County due to its prior development activities. The Applicant indicated that should Prince George's County require an updated Natural Resources Inventory/Forest Stand Delineation Plan, the Applicant would comply.

15. The Company notes that Maryland has enacted aggressive legal and policy standards to develop more renewable generation within the State's borders. The Company asserts that its construction and operation of the proposed 5.6 MW solar generation facility will increase the State's current solar electricity output.¹⁴ Further, the Company states that the Project will provide significant economic benefits to the State, including a capital cost of

¹² *Id.*

¹³ *Id.* At 2.

¹⁴ *Id.* at 8.

approximately \$10 million and approximately 50 design, management, and construction personnel working remotely or on the site at the height of construction.¹⁵ It expects the tax revenue yield to the State to be significant as well.

16. The Project will consist of approximately 20,000 solar panels,¹⁶ and the array will be installed using a single-axis tracking with pile-driven post-supported racking system.¹⁷ The maximum height of the top edge of the modules will be approximately ten feet from grade.¹⁸ Each post will be driven to a depth of approximately six to ten feet below grade.¹⁹

17. There are existing storm drainage systems and stormwater management ponds. The Applicant intends to perform maintenance on existing stormwater maintenance infrastructure and supplement or rebuild where needed. No significant ground disturbance or grading will be required.

18. During construction, the Company asserts that all noise will be maintained below the average daily 90 dB rating at the property lines.²⁰ After operation, as the Project has no moving parts, the only noise generated from the electrical equipment at the facility will be from transformers and inverters at each pad. According to the Company, typical transformers used for a solar facility have a less than 46 dB rating at 100 feet. The Applicant anticipates low-level noise from the interior to the perimeter fence, and notes that noise reduction occurs at 6 dB for every 100 feet of added distance. The closest residential

¹⁵ *Id.* at 23.

¹⁶ ERD at Section V.

¹⁷ ERD at 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

dwelling is more than 100 feet from the closest inverter pad and the dB levels during operations will be well below the 65/55 dB levels specified in COMAR 26.02.03, according to the Applicant.²¹

19. The Company indicates that there is no lighting planned for the project. The Project will be enclosed and protected using a seven-foot high chain-link fence with secured access gates.²² A buffered/landscaped plan will ensure a 25-foot wide buffer where necessary to supplement the existing tree cover and woodland conservation areas in accordance with County rules.²³

20. During construction, major material and equipment will be delivered by tractor-trailers and off loaded by construction vehicles.²⁴ Daily construction traffic will include cars, pickup trucks, and other construction personnel vehicles. Excavation and other equipment will be utilized during construction, including dump trucks, trenching equipment, concrete trucks, front loaders, backhoes, post-installation equipment, excavators, and other equipment.²⁵ Once constructed and operational, there will be limited traffic to the site. Mostly the traffic will be associated with crews driving to the site to maintain the vegetation.²⁶ Quarterly to yearly maintenance of the array components will be necessary as well as site visits for any operational issue arising during normal operations.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 6-7.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

21. During construction, the Applicant identified the air quality issue as being dust from non-point sources such as earthwork and construction traffic on unpaved roads, or so-called fugitive dust. The Applicant expects the fugitive dust to be less than normal construction projects because of the limited earthwork activities needed at the site. Other potential sources of pollution during construction are mobile internal combustion engines from earthwork equipment and an increase in vehicle traffic by workers.²⁷ The Applicant states the emissions from these sources will have little impact. After construction, the Project will generate no air pollution emissions during its operations.²⁸

22. The Applicant represents that the unmanned facility will need limited water and has no sewer requirements. Nor will the Project require surface or groundwater for construction or operation.²⁹ If required, the Applicant may use water tanks to manage dust during construction for dust control. Nor is any impact to other water uses anticipated as a result of the Project.³⁰

23. The Applicant will collect any waste material during construction and remove it from the Site to an approved waste handling facility.³¹ The Company does not anticipate a large amount of waste to be generated during construction or during operations at the site. Any waste generated will be collected and removed from the site and disposed of at an approved waste handling facility.³²

²⁷ *Id.* at 29.

²⁸ *Id.*

²⁹ *Id.* at 29.

³⁰ *Id.*

³¹ *Id.* at 31.

³² *Id.*

24. The Company stated that any waste associated with decommissioning and deconstruction of the project will be handled appropriately pursuant to the Decommissioning Plan. The Decommissioning Plan will be provided to the Commission and PPRP, and the land will revert to its original condition.³³

PPRP

25. PPRP witness Seaman provided a description of the Project and a description of the Project site. Mr. Seaman testified that PPRP participated in a field review of the Site on June 25, 2019. He said PPRP also performed an independent environmental and socioeconomic evaluation of the Project by reviewing application materials and the pre-filed testimony filed by the Applicant.

26. According to Mr. Seaman, after its evaluation of the Project, PPRP concluded the Project is viable.³⁴ Mr. Seaman identified several reasons for the conclusion: the State's Renewable Portfolio Standard provides a financial incentive for the Applicant to construct the Project among other financial incentives such as State tax credits, grants, loans, and rebate programs; the Applicant proposes to install a solar PV technology that is sound and well tested; and the Site selected by the Applicant is open land free from shading impacts caused by trees and high buildings.

27. Ms. Rogers described the existing vegetation found on the Site as a previously paved asphalt parking lot, and verified that no trees are required to be removed for construction. Ms. Rogers indicated that there are some vegetated areas onsite. PPRP

³³ *Id.* at 31.

³⁴ Seaman Direct at 8.

recommends that the Applicant develop a stormwater pollution prevention plan and upgrade stormwater controls that currently exist on the property. *See* Recommended Licensing Conditions Nos. 12 and 13. PPRP further recommends, as a licensing condition, a vegetation management program that is consistent with the goals and purpose of the Project, preserves the natural resources of the site, creates wildlife and pollinator habitat, protects the flow of jurisdictional drainages on the site, and includes a landscape plan. *See* Recommended Licensing Conditions Nos. 12 and 13.

28. Ms. Rogers stated that the Forest Conservation Act ("FCA") applies to the Project because the Applicant's proposed development of the property encompasses 40,000 square feet or greater; thus, the Applicant must have a Forest Conservation Plan prepared by a licensed forester, licensed landscape architect, or other qualified profession. Ms. Rogers explained that forest mitigation, under the FCA, is triggered, even if no trees are removed, once land is taken out of agricultural use and structures are installed on the land. She identified that a Forest Conservation Easement would be established on the property using the wooded areas that will surround the Project. *See* Recommended Licensing Condition No. 11.

29. Ms. Rogers described the Site as offering limited wildlife habitat. She explained the Applicant's proposal to use best management practices to minimize disturbance to the jurisdictional drainages from runoff and construction work as well as the Applicant's plans to establish a permanent vegetation cover throughout the array portion of the site. According to Ms. Rogers, these plans should have a positive impact on wildlife and provide pollinator habitat. PPRP recommends licensing conditions to protect wildlife habitat while directly addressing the impacts of construction in and near wetlands and waters, the need for

sediment and erosion control, and the protection and enhancement of habitat for wildlife. *See Recommended Licensing Conditions Nos. 8 through 14.*

30. According to Ms. Rogers, DNR, Wildlife and Heritage Service ("WHS") determined there was no State or federal records of rare, threatened, or endangered species ("RTE") within the Project site. Although PPRP determined that no direct impacts on RTE species are expected from construction and operation of the Project, PPRP recommended a licensing condition requiring the Applicant to coordinate with WHS to institute appropriate avoidance and/or minimization measures if any RTE species are identified in the Project area prior to or during construction. *See Recommended Licensing Condition No. 14.*

31. Next, Ms. Rogers noted that there are jurisdictional waters, including wetlands, on the property, but not within the Project site.³⁵ She explained that the Applicant should be required to implement an Erosion and Sediment Control Plan, as approved by Prince George's County that contains appropriate stormwater quality and quantity control measures to prevent adverse effects from construction-related stormwater runoff to streams. *See Recommended Licensing Condition No. 9.*

32. Overall, Ms. Rogers anticipates that biological impacts due to the construction and operation of the Project will be minimal.³⁶ She noted that, during construction, short-term direct impacts should be minor as long as the Applicant complies with the reviewing State Agencies' recommended licensing conditions addressing erosion and sediment controls, weed control, pollinator habitat, and forest conservation.

³⁵ Rogers Direct at 9.

³⁶ Rogers Direct at 10.

33. During the construction period of six to nine months, Mr. Hall agreed with the Applicant's estimate of creation of approximately 50 design, management, and construction jobs on site or at remote locations.³⁷ He believed that many of the construction jobs would be sources from the local labor pool if the subcontractors competitively bid the work, which would create a positive effect on the local economy. He noted that not all benefits will accrue to Maryland because of the specialized components, such as solar PV panels, that will be imported into the State. Further, as the construction workforce would be local, he indicated the Project will have no effect upon population and housing, or on population-related public service provisions.

34. After construction, Mr. Hall noted that no on-site operations or maintenance facilities will be on the Site and no permanent operations and maintenance workforce is planned. According to Mr. Hall, the State will experience fiscal benefits from taxes on construction worker wages, and utility (business personal property) tax revenues to Prince George's County.

35. Mr. Hall described the properties surrounding the Site. He noted that the Project is located in an unincorporated part of Prince George's County near the District of Columbia line. The Project is not located within the County's Priority Preservation Area. The Project is not under any land preservation easement, and is not in the Chesapeake Bay Critical Area. The parcel is a split-zoned M-X-T (Mixed Use – Transportation Oriented) and R-55 and R-80 (both One-Family Detached Residential), although the Project will be sited only on M-X-T zoned land. The Project is undergoing Mandatory Referral review by the

³⁷ Hall Direct at 3.

Prince George's County Planning Department. PPRP recommends Condition No. 15, (Land Use) to require the Applicant to certify to the Commission and to PPRP that it has received Mandatory Referral approval for the Project and has obtained all required local permits for the Project's construction and operation. *See Recommended Licensing Condition No. 15.*

36. Subject to the Applicant's compliance with the State Agencies' recommended licensing conditions, Mr. Hall does not expect the Project to influence land uses of other properties in the area. Nor does he expect the Project to adversely influence property values because he notes that the Project will be largely out of sight from nearby properties and the project will have a "moderately benign local presence once the facility is operational."³⁸

37. Mr. Hall described the traffic and transportation needs for the construction and operation of the Project. PPRP recommends a licensing condition to require the Applicant to comply with all permit requirements for use, crossing, and occupancy of State and City roads. PPRP further recommends a licensing condition to ensure that any and all road conditions caused by construction vehicles be corrected. *See Recommended Licensing Condition Nos. 17 through 19.*

38. PPRP also conducted an independent assessment of glare upon glide paths into the Ronald Reagan Washington National Airport, which is approximately 3.6 miles from the Project, and of Joint Base Andrews, Potomac Airfield, and Washington Executive/Hyde Field airports, each approximately six miles from the Project, and concluded that in no case was glare predicted upon any of the glide paths into the airports.³⁹ Green Glare, with a low potential for temporary after-image is possible for the Joint Base Andrews air traffic control

³⁸ Hall Direct at 11.

³⁹ Hall Direct at 6-7.

tower in late afternoon or early evening during part of the year; however, due to the distance and direction of the possible glare, PPRP concluded that the Project will not have an adverse effect upon air navigation.

39. Mr. Hall indicated that the terrain of the Project is mostly flat, and views of the property from most directions is fully or partially obscured by woodland buffer. Additional landscaping is needed on Wheeler Hills Road, Carozza Court, and from some units in Forest Hills Apartments. PPRP concluded that the Project is exempt from the requirements of the 2010 Prince George's County Landscape manual, but nevertheless will satisfy the buffering requirements with some additional landscaping around part of the cul-de-sac that terminates Wheeler Hills Road at the Project's entrance. PPRP, after consultation with the Prince George's County Planning Department staff, concludes that landscape buffering will satisfy Prince George's County's Mandatory Referral requirements regarding buffer yards and that fencing will mitigate views of the facility structures from adjoining public roads and properties, enhancing the appearance of the Project. *See* Recommended Licensing Condition Nos. 16 and 21. PPRP further offered a condition to set forth a process for complaint resolution should there be any reflective glare or visibility of structures on the Project that might impact nearby roads or residences. *See* Recommended Licensing Condition No. 20.

40. According to Mr. Hall, no property on the National Register of Historic Places is within one mile of the Site. He noted several properties on the Maryland Inventory of Historic Properties are within one mile of the Project. Mr. Hall indicated that the MHT has

determined there are no historic properties in the Project's area of potential effect.⁴⁰ PPRP recommends a licensing condition should any relics or unforeseen archeological sites be found or identified during construction. *See* Recommended Licensing Condition No. 22. Mr. Hall indicates that there are no heritage areas or scenic byways near the Project. There is a planned bicycle trail on Wheeler Road and a State-designated bicycle route on Indian Head Highway. However, PPRP does not expect the additional traffic generated by the Project during construction to adversely affect cyclists.

41. Mr. Hall reported that no additional public services will be required to support the Project under normal conditions, and that the Prince George's County's Mandatory Referral public safety requirements will ensure the Project conforms to national fire and electrical codes and that emergency response protocols are in place in the unlikely event of a fire or other emergency at the Site, thus PPRP does not require any further conditions related to public safety.

42. PPRP conducted an independent evaluation of the potential noise impact expected to occur during construction and operation of the proposed facility. PPRP concluded the Project will comply with both the construction and operational noise limits specified in COMAR 26.02.03.

43. PPRP also projected the electromagnetic field ("EMF") levels from the Project to fall below threshold human health standards at a distance of three feet. It does not anticipate the Project will pose a potential health risk to nearby residents because of the sufficient buffer distance from the fence line and between the adjacent properties.⁴¹

⁴⁰ Hall Direct at 9.

⁴¹ PAR at 20.

44. PPRP also recommended that the Applicant be directed to submit a decommissioning plan to the Commission and PPRP for review to ensure that the costs of the decommissioning of the Project will not be borne by the State's or County's taxpayers at the end of the Project's life or in the event the Project is abandoned. *See* Recommended Licensing Condition No. 23.

Staff

45. Staff witness Lo described the Project and discussed the PJM interconnection process. He testified that compliance with the Wholesale Market Participation Agreement ("WMPA") and with Pepco's interconnection requirements would assure no adverse impact on the reliability or stability of the electric transmission system."⁴² He also stated that the Project's generation capacity would be of benefit to Maryland and the PJM system. He recommended the Commission grant the Applicant a CPCN for authority to construct a 5.6 MW solar energy generating facility, subject to the following conditions:

1. Require the filing of a request for CPCN amendment with the Commission for any generation capacity in excess of 5.6 MW;
2. Require the signed IA executed by Spectrum Solar with the state regulated Pepco to be filed with the Commission prior to the commencement of construction;
3. Require the signed WMPA executed by Spectrum Solar with the regional transmission operator, PJM, and Pepco to be filed with the Commission prior to the commencement of construction;

⁴² Lo Direct at 12.

4. Require Spectrum Solar, its successors and assigns to (a) provide sixty (60) days written notice to the Commission of any non-wholesale electricity sale to a Maryland retail electric customer, and (b) comply with all regulations regarding such sale including obtaining any requisite Interconnection Agreement(s), and (c) obtain retail supplier approval(s) from the Commission prior to delivering electricity into respective distribution systems of Maryland electric companies;
5. Recommend Spectrum Solar, its successors and assigns to provide a written notice of any change in ownership of all, or any portion of the Project, at least thirty (30) days prior to the closing date of any sale to a third party. The written notice should include, but not be limited to, identifying the third party providing contact information to receive any Commission inquiries, the proposed effective date of any change in ownership, and providing documentation that demonstrates the capability of the prospective owner to operate and maintain the Project to perform in accordance with any CPCN issued in this proceeding; and
6. Recommend the Commission to include any additional conditions proposed by the other State agencies having jurisdiction in this proceeding.

Applicable Law

46. Pursuant to PUA § 7-207(e), the Commission shall take action 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, or qualified generator lead line is proposed to be located;

- (2) the effect of the generating station, overhead transmission line, or qualified generator lead lines 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 and means for the required timely disposal of wastes produced by any generating station; and
- (3) 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.

The burden is on the applicant to demonstrate that the Project meets the public convenience and necessity.⁴³

⁴³ *In Re Potomac Edison Co. dba Allegheny Power*, 97 Md. P.S.C. 239, 243 (2006).

Findings on PUA 7-207(e) Factors

47. The Applicant accepted all of PPRP's and Staff's Recommended Licensing Conditions. No party disputed the Applicant's evidence to demonstrate the grant of the CPCN is in the public convenience and necessity. As required by PUA § 7-207(e), I have considered each of the factors and I make the following findings:

48. I find that no recommendation on this Project was received from the County. The Applicant has agreed to comply with County Zoning and Ordinances.

49. 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.

50. I find that the Project will have positive benefits to the economy in the form of creating construction jobs and increasing tax revenues to the County and State. I find the construction and operation of the Project results in an overall positive economic benefit to the County and the State. Additionally, once completed, the Project's energy capability will contribute to Maryland's Renewable Energy Standards Portfolio.

51. I find that the any negative effect on the esthetics at the Site or nearby properties will be mitigated by subjecting the CPCN to the applicable PPRP licensing conditions. Further, subject to the applicable licensing conditions requiring landscape buffers, I find the construction of the Project will not adversely affect adjacent or nearby property use or value.

52. Subject to the applicable licensing conditions, I find that the Project will have no negative impacts on historic sites and, if any archeological resources are found on the site, the Applicant will coordinate with MHT to preserve the resources.

53. I find that the Project will have no adverse impact on aviation safety.

54. Subject to the applicable licensing conditions, I find that the Project will have no adverse effects on air or water pollution.

55. I find that the Project will produce minimal quantities of waste, which waste will be timely disposed of at an off-site licensed landfill.

Findings on Other Factors

56. I find PPRP's Condition No. 11 (Forest Conservation Act compliance) to be appropriate, especially as the Applicant has stated that it will voluntarily comply with the County's Forest Conservation Ordinance and the State's FCA.

57. Subject to applicable licensing conditions, I find construction and operation of the Project will not adversely impact any rare, threatened, and endangered species.

58. Subject to applicable licensing conditions, I find the noise levels, during construction and after the facility begins operation, will not adversely affect any persons residing adjacent to or near the Project. Nor will the EMF result in any adverse affects on persons residing adjacent to or near the Project.

59. Subject to the applicable licensing conditions, I find that neither the potential glare nor lighting from the Project will create any significant disturbance to residential neighbors or aviation safety.

60. Subject to the applicable licensing conditions, I find the traffic during construction and operation of the Project will have minimal adverse impact on the adjacent properties and other properties in the surrounding areas.

61. Subject to the applicable licensing conditions, I find that no additional public services will be required to support the Project, but the Applicant shall develop appropriate protocols for addressing on-site emergencies.

62. Subject to the applicable licensing conditions, I find no financial costs will be borne by the State's or County's taxpayers at the time the Project is decommissioned.

Conclusion

63. I therefore find, subject to and including the Final Licensing Conditions as proposed by PPRP and by Staff attached hereto as Appendices A and B, respectively, and made a part hereof; the grant of the Application is in the public convenience and necessity.

IT IS, THEREFORE, this 31st day of January, in the year Two Thousand Twenty,

ORDERED: (1) That the application of Spectrum Solar, LLC for a Certificate of Public Convenience and Necessity to construct a 5.6 MW solar photovoltaic generating facility in Prince George's County, Maryland, is hereby granted in accordance with the findings and decision rendered herein.

(2) That the conditions in Appendices A and B attached hereto and incorporated herein are hereby imposed as licensing conditions of the Certificate of Public Convenience and Necessity in accordance with the findings of this Proposed Order.

(3) That this Proposed Order will become a final order of the Commission on March 2, 2020, unless 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.

/s/ Jennifer J. Grace
Jennifer J. Grace
Public Utility Law Judge
Public Service Commission of Maryland

Appendix A: PPRP Final Licensing Conditions
Appendix B: Staff Licensing Conditions