



February 27, 2024

To: House Economic Matters Committee

Re: **HB1382: Solar Energy and Energy Storage - Development and State Procurement– Favorable With Amendments**

Dear Members of the Economic Matters Committee of the Maryland General Assembly:

My name is John Miller. I live in Woodstock, Howard County, Maryland. I represent Chaberton Energy, a local Maryland based renewable energy developer with offices at 1700 Rockville Pike, Suite 305, Rockville, Montgomery County, Maryland. Chaberton Energy was built upon the framework that the State set up with the Community Solar Program. In nearly four years, we have grown and now employ 45 people, with 18 located in Maryland. We have multiple solar projects operating in Maryland, as well as a robust pipeline of projects in construction and development.

I have worked in solar energy for nearly 15 years, working on residential, commercial, utility scale, and, for the last 8 years, Community Solar. I have developed dozens of projects throughout the Northeast, Mid-Atlantic, and the Mid-West.

The most recent report on the Renewable Portfolio Standard shows that the State is behind in meeting its energy goals. Specifically, per the latest report for 2022, the State only met ~55% of its obligations of the solar-carve out, which led to over \$80M in penalty payments levied on the utilities. The solar carve-out is scheduled to increase significantly from 5.5% for 2022 to 14.5% by 2023, and based on current projections the State will continue to fall further behind on meeting these goals. As a Maryland based developer, who operates in Maryland, a primary reason for this deficit is due to local permitting prohibitions and restraints. We simply are not going to be able to keep up with the increasing RPS goals, and most likely are going to continue to fall further behind, unless we are able to get these projects permitted.

We respectfully recommend the following amendments to HB1328:

- Regarding the Article on Local Government:
 - We recommend the removal of a Conservation and Restoration Fund. In previous discussions of this concept, there were other considerations, such as a ban on local prohibitions, and the concept of a Fund was agreeable due to receiving that ban on prohibitions, as well as other considerations. Essentially, it was trading the fee for permitting certainty. If we are able to reinsert the prohibition on local bans, the concept of this Fund would be acceptable.
 - We recommend that any Conservation and Restoration Fund fees be applicable to all types of development on land zoned for agricultural or silvicultural use. Part of the issue is that solar development is unfairly



targeted in these areas versus other types of development, which causes undue harm to solar, especially considering solar is not a threat to agricultural zoned land compared to other development, such as residential.

- We recommend the amount of the fee is determined by a State agency and suggest the PPRP with guidance from the MEA. Having the fee be determined County by County will lead to inefficiency and can be used as a tool to prohibit local solar development defeating the purpose of this bill.
- Regarding Natural Resources:
 - For efficiency we recommend against the creation of a Utility Scale Solar Design and Siting Advisory Commission and instead house the responsibility of this Commission underneath an existing government agency. We recommend that the PPRP, with guidance from the Maryland Energy Administration, Public Service Commission, Department of Planning, and Department of Agriculture fulfill the tasks of this proposed Commission.
 - We are concerned that this Commission and the subsequent studies can be the reason for the County to delay (or request delays) under the Certificate of Public Convenience and Necessity (CPCN) process, as stakeholders may want to wait for the Commission to complete its work before any project decisions are made. This would be significantly problematic for the industry. To further ensure the intent of the bill is clear, we recommend adding language stating that “Neither Counties nor the PPRP shall delay permitting of any projects awaiting results of the recommendations.”
- Regarding State Government:
 - We understand potential public safety concerns from Utilities sharing certain information; however, we feel this is often used as an excuse to not provide useful and harmless information. As a way to protect this information, we recommend making this information only available via a password protected portal, to which companies will need to apply and receive approval to view the materials.

In order to keep building on the successes of Maryland, and to keep fostering jobs for a strong local economy, stimulating tax revenue, saving the people of Maryland money on their energy bills, supporting energy equity to LMI residents, and providing energy choice to all residents, it is imperative that there is a path to get local solar projects permitted and approved. We ask that the Economic Matters Committee consider and include the proposed amendments, and then issue a favorable report on HB1328.

Respectfully submitted,

John Miller
Director, Community Impact