BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND

IN THE MATTER OF THE APPLICATION OF JADE MEADOW III LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 300 MW SOLAR PHOTOVOLTAIC GENERATING FACILITY IN GARRETT AND ALLEGANY COUNTIES, MARYLAND	* * * *	Case No.

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APPLICATION OF JADE MEADOW III LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND REQUEST FOR WAIVER OF TWO-YEAR NOTICE REQUIREMENT

Jade Meadow III LLC (the "Applicant"), by its undersigned counsel, hereby submits this Application to the Maryland Public Service Commission (the "Commission") for a Certificate of Public Convenience and Necessity ("CPCN") to construct an approximately 300 megawatt ("MW") alternating current ("AC") fixed-tilt solar photovoltaic ("PV") facility including associated interconnection facilities located in Garrett County, Maryland, with a small segment of the overhead collector line potentially located in Allegany County (collectively, the "Jade Meadow III Solar Project" or "Project") pursuant to Md. Public Utilities Article ("PUA") § 7-207.

The Application is comprised of this petition together with the attached Environmental Review Document ("ERD") and associated appendices. Section I of this petition provides an overview of the Project; Section II justifies the Commission's approval of the Application; Section III summarizes the information as required by PUA § 7-207 and COMAR 20.79.01.06; and Section IV requests a waiver of the Commission's two-year requirement.

I. PROJECT INTRODUCTION

The Project will be approximately 300 MWac and utilize solar PV modules mounted in a fixed configuration. The Project will involve a capital investment of over $544 million and create

approximately 1,269 design, management, and construction jobs working remotely or on the site at the height of construction. Construction is expected to begin in H2 2025, subject to permitting restrictions. Because of the nature of solar installations, environmental and land use impacts from the Project will be minimal and the long-term benefits significant.

Maryland (the "State") has established one of the most aggressive renewable portfolio standard ("RPS") requirements in the country, requiring 50% of its power to be covered by renewable energy credits by 2030, including 14.5% from solar connected to the electric system serving Maryland by 2028. In order to meet these goals, Maryland needs not only small rooftop installations, but utility-scale facilities like the Jade Meadow III 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, the Applicant respectfully requests that the Commission 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 … 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."

PUA § 7-207(e)(2). In addition, the Commission must consider "the effect of climate change on the generating station … based on the best available scientific information recognized by the

Intergovernmental Panel on Climate Change." PUA § 7-207(e)(3). Finally, the Commission must consider "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;
> (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;
> (iii) the impact of the generating station on the quantity of annual and long-term statewide greenhouse gas emissions, measured in the manner specified in § 2-1202 of the Environment Article and based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and
> (iv) the consistency of the application with the State's climate commitments for reducing statewide greenhouse gas emissions, including those specified in Title 2, Subtitle 12 of the Environment Article."

PUA § 7-207(e)(4). The attached ERD provides significant detail as to all applicable factors, but in summary, each such factor weighs heavily in favor of granting the Applicant's requested CPCN.

With respect to zoning, the Project is not located within a zoned district of Garrett County, and therefore the Project is permitted by right. ERD at § II.A. Further, Garrett County confirmed that "[c]ounty regulations and concerns have been addressed in the review. The project is located in an unzoned area of the County where there are no specific use regulations." *Id*. With respect to Allegany County, the Project's potential location is in the C district. ERD at § II.B. The principal purpose of the nonurban districts (A and C) as it relates to a solar generation facility states that "[n]onurban districts are designed to accommodate a number of nonurban land uses, including agriculture, forestry, mining, extractive industries, wildlife habitat, outdoor recreation and communication, transmission and transportation services, as well as to protect floodplain areas, steep slope areas, designated wetlands and habitat areas and public supply watersheds from intense urban development." *Id*. The Applicant will complete the local county reviews, if any, required by PPRP's licensing conditions prior to the start of construction. *Id*. Allegany County has advised

that "any site development, grading or forest harvest will have to adhere to the land development standards of Allegany County to acquire permitting." *Id.*

Although the proposed solar use may be in operation for 30 or more years, once the life of the Project is complete, the land will be restored to a condition reasonably similar to the condition prior to Project construction. ERD at § III.G.3. The esthetic impact to the surrounding area will be minimal. The Project will maintain appropriate buffers and setbacks for wetlands and agricultural drainage ditches. ERD at § III.D.6. The Project will feature vegetative screening and will produce no noise or vibration perceptible on neighboring properties. ERD at § II.H.

The Project's vegetative grounds management plan ("VGMP") details how the Project will be vegetated, maintained, and monitored through the life of the Project. ERD at § V.G.1. The VGMP includes site preparation activities, seed mixes and practices, application of herbicides and pesticides for invasive species prevention, and mowing practices. *Id.* As the Project proceeds through the local site plan process, the VGMP will be further refined and ultimately sealed by a licensed landscape architect. *Id*. The Applicant is also proposing to plant vegetation supporting pollinators that will promote the health of bees and other pollinators. ERD at § V.G. Solar energy generation facilities present excellent opportunities to increase healthy habitats for pollinators. *Id.* Appropriate planting and maintenance plans will be submitted to both counties for review and approval. *Id.* The Project is not within the Chesapeake Bay Critical Area and is not subject to Critical Area buffers and setbacks. The Project will be located a minimum of fifty feet (50') from blueline streams, ephemeral streams, and intermittent streams, and thirty-five feet (35') from wetland features. ERD at § III.A.2. The Project is not located within a Tier II streams, or Tier II Catchment Area. ERD at § III.D.5.

With respect to historic impact, the Maryland Historic Trust ("MHT") requested additional site details in order to complete their review. ERD at § V.B. The Applicant's Registered Professional Archaeologist completed additional site visits, obtained requested site details, and provided the additional pictures, mapping, historical information, etc. *Id.* MHT is currently reviewing this additional information. *Id*.

With respect to the stability and reliability of the electric distribution system, the Applicant has initiated the PJM interconnection process. § ERD at II.K. The Applicant has performed the PJM Feasibility Study, System Impact Study and Facilities Study associated with the Project. *Id*. The Project will achieve interconnection by tapping into the Black Oak – Hatfield 500 kilovolt ("kV") line with a new three-breaker ring bus interconnection substation and looping the Black Oak – Hatfield 500 kV line into the point of interconnection ("POI"). *Id.* The Applicant will be responsible for constructing all of the interconnection facilities apart from any 500 kV transmission line facilities, which will be constructed by the Transmission Owner. The Applicant will be responsible for acquiring all easements, properties, and permits that may be required to construct both the new interconnection line tap, collector substation, switchyard, and any associated facilities/appurtenances. *Id*.

Pursuant to Federal Energy Regulatory Commission ("FERC") rules, PJM and Potomac Edison undertook a three-part interconnection study process to determine any upgrades that may be necessary to allow a proposed generator to interconnect without causing negative impacts to the stability or reliability of the electric power system. The Project has been assigned Queue Position AG1-363. ERD at § II.K. As a result of the studies, it is expected that the Project will not negatively impact the system's stability or reliability after installation of the required upgrades. PJM's FERC-jurisdictional interconnection review process and operational safety measures will

ensure the Project will not have a negative impact on the stability or reliability of Potomac Edison's system.

The Applicant utilized the Solar Glare Analysis Hazard Tool ("SGAHT"), including the Federal Aviation Administration ("FAA") 2021 (86 FR 25801) Policy Adherence component, to conduct a desktop analysis of the proposed solar generation facility. ERD at § V.E. Based on the results, there is no glare predicted for the Potomac Valley Hospital or the Kitzmiller Landing zone helipads, the only aerodrome facilities within ten (10) miles of the Project under FAA and Maryland Aviation Administration ("MAA") jurisdiction. *Id*. Further, no red glare is predicted for drivers along roadways or for residents' homes in the vicinity of the Project. *Id.*

Waste associated with decommissioning of the Project will be handled appropriately pursuant to a Decommissioning Plan that the Applicant will submit to PPRP during the CPCN process to allow for adequate review prior to CPCN issuance. ERD at § III.G.3. According to the Maryland Department of Environment ("MDE") Bureau of Mines, and to the best of MDE's knowledge, most parcels associated with the proposed Project were permitted and mined (deep and surface) for coal starting in the 1970's. ERD at § II. However, mining activities took place prior to these dates, most notably surface mining between the 1940's and 1950's before State permitting laws and regulations were in place for mining activities. *Id.* In addition, deep mines were prevalent in Garrett County, including this area, dating back to the 1800's with little official documentation. *Id.*

With respect to greenhouse gas emissions, the Project will emit no pollutants. ERD at § III.B.1. The United States Environmental Protection Agency ("EPA") maintains an online calculator called the AVoided Emissions and geneRation Tool ("AVERT"). In addition to other pollutants, AVERT calculates the reduction of carbon dioxide emissions in a selected state and

regional grid based on the generating capacity of additional renewable generation, including specifically, new utility-scale solar PV generating capacity. ERD at § III.B.4. AVERT estimated that the addition of a 300 MW utility-scale solar PV project in Maryland would yield a reduction of approximately 20,430 tons of carbon dioxide emissions in Maryland per year, and a reduction of approximately 11,379 tons of carbon dioxide emissions in the PJM area per year. *Id.* Over the projected 30-year life of the Project, this equates to approximately 612,900 tons of carbon dioxide emissions in Maryland and a reduction of approximately 341,370 tons of carbon dioxide emissions in the PJM area. *Id.* With respect to climate change impacts, according to Climate Central, the project area is "not projected to be below annual flood level in 2050." ERD at § IV.H. Sea level rise does not affect the property. *Id.*

Finally, the Project will include significant economic benefits to the State by creating approximately 1,269 new local jobs at the peak of construction. *See* ERD at § V.H.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.06)

A. The Applicant is Jade Meadow III LLC.

B. The Applicant's address is Jade Meadow III LLC c/o Maxwell T. Cooke, 1001 Fleet Street, Suite 700, Baltimore, MD 21202.

C. The following persons are authorized to receive notices and communications with respect to this Application:

Mr. Michael Svedeman
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D. Copies of this application are being made available for public inspection and copying at:

Garrett County
Department of Community Development
Planning & Land Management Division
203 South Fourth Street-Room 207
Oakland, MD 21550

Allegany County
Department of Planning and Zoning
701 Kelly Rd.
Cumberland, MD 21502

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 in the ERD.

F. Interconnection of the Project will be achieved by tapping into the Black Oak – Hatfield 500 kV line with a new three-breaker ring bus interconnection substation and looping the Black Oak – Hatfield 500 kV line into the POI.

G. A general description of the generating station under COMAR 20.79.03.01 is provided in Section II of the ERD.

H. Implementation schedule: The Applicant expects to receive all necessary local and state approvals and engineering documents and begin construction by the second half of 2025, with completion and operational start-up in the second half of 2027.

I. The Applicant has provided the environmental information for the generating station in Section III of the ERD.

IV. REQUEST FOR WAIVER

Although Maryland law requires the filing of certain 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. PUA § 7-208(c). *See also* COMAR 20.79.01.09

(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 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 certain generating facilities, but not for the type of project proposed here, where impacts will be minimal beyond the borders of the Project. There are no emissions that will impact adjacent properties, and the installation of the Project will not materially impact property values for nearby residents. Further, much of this land is located on a reclaimed coal mine, which is an ideal site for solar development. Requiring a two-year delay of the Project to satisfy this requirement would simply delay the development of the largest planned solar project in Maryland, which will make a material impact in the State meeting its aggressive RPS, and delay related tax revenues and job creation. Accordingly, Jade Meadow submits that good cause exists to support the waiver of the two-year notice requirement.

V. CONCLUSION

The Applicant respectfully requests that the Commission expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the Project in Garrett and Allegany Counties, Maryland.

Respectfully submitted,

/s/

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David W. Beugelmans

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VERIFICATION

Before me, the subscriber, a Notary Public, in and for St. Louis County, Missouri this day personally appeared Michael Vogt and made oath and due form of law that he is a Senior Vice President at Jade Meadow III LLC and the matters and facts set forth in the foregoing Application for a Certificate of Public Convenience and Necessity for the Jade Meadow III Solar Project are true and correct to the best of his information, knowledge, and belief.

WITNESS my hand and Notarial Seal this 31 day of October, 2024.

Michael Vogt

Michael Vogt
Jade Meadow III LLC

Deborah A. Cowley

Deborah A. Cowley
Notary Public Name (Print)

My Commission Expires: 08/06/2027

DEBORAH A. COWLEY
Notary Public - Notary Seal
St Charles County - State of Missouri
Commission Number 07433318
My Commission Expires Aug 6, 2027