



August 20, 2021

Mr. Andrew Johnson
Executive Secretary
Maryland Public Service Commission
6 St. Paul Street, 16th floor
Baltimore, Maryland 21202

RE: RM56 to COMAR 20.62 – Community Solar Energy Generation Systems (CSEGS)
Request for Commission action to allow for the collection of certain information on CSEGS projects; withdrawal of certain regulatory proposals offered on January 29, 2021; and opposition to Joint Petitioners' request for additional capacity without certain reforms¹

The Advocates for Herring Bay (AHB)² appreciate this opportunity to reaffirm our interest in policies that will optimize the ecological and social benefits of efforts to decarbonize Maryland's electricity grid. As explained in prior filings,³ we believe the CSEGS program will be most effective and equitable if the Public Service Commission (the Commission) adopts reforms that will strengthen protections for the state's ecological assets; increase the diversity of siting and job opportunities of CSEGS projects; and direct financial incentives, such as full net metering rates, to projects that require those payments to be economically viable.

A. Request for Actions to Collect Certain Ecological Information on CSEGS Projects

After the Commission's March 22, 2021 hearing, AHB proffered new policy proposals to the Net Metering Working Group aimed at achieving the goals stated above. Based on their preliminary feedback, AHB requests that the Commission amend COMAR 20.62.03.04D in a manner that will provide for publicly available information on whether a project is or is not located on land identified by the State of Maryland as a high priority for environmental preservation. Specifically, we recommend that such information be included on the proposed CSEGS Public Website.⁴

An example of possible regulatory language for this proposal was provided to the Working Group on July 12, 2021 and is shown in Attachment 1. We recommend focusing on whether a project is located within a Targeted Ecological Area or in a Green Infrastructure Hub or Corridor (see the next page for descriptions of those priority areas). Determinations could be made using publicly available GIS tools developed by the Maryland Department of Natural Resources, supplemented as necessary by other governmental data. Collaboration on this proposal within the Working Group was underway but not completed by August 20, 2021.

In addition, we would like to reiterate our prior request that the Commission collect and analyze information about the environmental and other features of CSEGS projects as part of its report on

¹ See CCSA, MDV-SEIA, LMI Advocates, Petition for Additional Changes to the CSEGS Pilot Program, November 20, 2020, Log Number 155.

² The Advocates for Herring Bay, Inc. is a community-based environmental group in Anne Arundel County.

³ See Advocates for Herring Bay, General Comments – RM56, Log Number 147, October 6, 2020; Reply Comments – RM56, Log Number 185, January 29, 2020; and Reply Comments – RM56, Log Number 212, March 15, 2021.

⁴ See Comments of the Technical Staff of the Maryland Public Service Commission, August 17, 2021, page 12.

the pilot program required by section 2(a) of Chapter 347 of the 2015 Laws of Maryland (see Log Number 212, page 3).

B. Withdrawal of Certain Policy Recommendations

In our January 2021 filing in this proceeding, AHB outlined five policy options for reducing risks to the state's ecological resources, ensuring geographic diversity, and targeting net metering benefits to the need for a subsidy. Given the lack of consensus within the Working Group on those options at this time, AHB withdraws that proposed regulatory language from consideration at the August hearing. Those proposals were presented on pages 14 through 20 in Log Number 185.

C. Recommendation Regarding Proposed Increase in CSEGS Capacity

The Advocates for Herring Bay support expanding solar capacity to meet Maryland's clean energy goals, but we believe those ambitious goals can be met only if public resources are deployed in the most effective and equitable manner possible. On balance, we believe it is in the public interest for the Commission to deny the Joint Petitioners' request to expand the amount of capacity receiving net metering benefits because their current proposal fails to include reforms that address the policy concerns raised in our January and March filings.

D. Participation in the Rulemaking Proceeding on August 24 and August 26, 2021

We regret that it is unlikely that any members of AHB will be able to participate in public hearings held during the week of August 23 because of conflicts with previously scheduled commitments.

Thank you for considering our views.

Stephen Marley
Policy Coordinator
Advocates for Herring Bay

Attachment: Copy of July 12, 2021 Recommendation for Environmental Data Collection

What are Targeted Ecological Areas?

"Targeted Ecological Areas (TEAs) are lands and watersheds of high ecological value that have been identified as conservation priorities by the Maryland Department of Natural Resources (DNR) for natural resource protection. These areas represent the most ecologically valuable areas in the State: they are the "best of the best". TEAs are preferred for conservation funding through Stateside Program Open Space." [Quote from DNR, imap]

What is Green Infrastructure?

"The Green Infrastructure's hub and corridor network of habitat allows plant and animal migration, reduces forest fragmentation if protected, and provides important ecosystem services, such as biodiversity, cleaning air and water, storing nutrients, and protecting areas against storm and flood damage." [Quote from DNR, imap]



To: PSC Net Metering Working Group
From: Advocates for Herring Bay
Date: July 12, 2021
Re: Data collected and published on MEA website

We applaud the MEA and other interested parties for agreeing to increase the transparency of the CSEGS pilot program by providing information on participating projects on a public website. The Advocates for Herring Bay believe it is in the public interest for the scope of that report to include information on the geographic characteristics of each project, specifically whether the project is or is not located on land identified by the State of Maryland as a priority for environmental preservation, such as a Targeted Ecological Area or Green Infrastructure Hub or Corridor.

Suggested implementation:

- We suggest adding a new item after #10 in Section 1 for this purpose;
- The item could read: "Whether the geographic location of the project [includes/does not include] land identified by the State of Maryland as a Targeted Ecological Area or as Green Infrastructure;"
- The question posed to subscriber organizations could define the scope as being limited to the acreage within the fence line;
- The subscriber organizations could verify this information using the Department of Natural Resources' GIS websites, including MERLIN or *Greenprint*.

Benefits of providing this information to the public:

- State policymakers evaluating the pilot program would have information necessary to assess the geographic impacts of the program;
- State policymakers evaluating future initiatives for managing the decarbonization of Maryland's electricity grid would have factual information on possible interactions between the state's clean energy goals and other environmental priorities; and
- Subscribers and nonsubscribers would have information regarding the compatibility of each project with Maryland's goals for preserving high-priority ecosystems.

We believe it is appropriate for CSEGS program participants to provide this information to the PSC, MEA, and the public as a condition of receiving financial support from state residents through net metering payments.