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PUBLIC SERVICE COMMISSION

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Next Generation Energy Act Requirements
Solicitation Applications

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Administrative Docket
PC 74

On January 29, 2026, Constellation Energy Generation, LLC (“Constellation”) filed a response to inquiries provided by the Commission in Order Nos. 92111 and 92112 relating to the following: (i) Constellation’s anticipated application date for a certificate of public convenience and necessity (“CPCN”) for certain projects it proposed under the Next Generation Energy Act (“NGEA”);¹ (ii) the hydrogen or alternative fuel capability of Constellation’s proposed projects; and (iii) the extent of information provided publicly in Constellation’s applications. The Commission addresses each of those issues below.

I. Background

On September 30, 2025, the Commission issued a notice that it would officially commence a solicitation process on October 1, 2025 for certain generation resources to apply for the opportunity to go through an expedited CPCN process as established through the Next Generation Energy Act (“NGEA”). The solicitation period concluded at the close of business on October 31, 2025.²

The Commission received proposals for five projects from three different companies, though ultimately two of the three companies withdrew their proposals from consideration. This left only three projects for consideration, all proposed by Constellation. Comments addressing the proposals were received from 350 Moco, MidAtlantic Justice Coalition, Sierra Club, Center for Progressive Reform, Chesapeake Climate Action Network, Earthjustice, and Maryland League of Conservation Voters, the Office of People’s Counsel, and the Power Plant Research Program of the Maryland Department of Natural Resources (“PPRP”).³

¹ 2025 MD Laws, Ch. 625 (SB 937/HB 1035), available at:

https://mgaleg.maryland.gov/2025RS/chapters_noln/Ch_625_sb0937E.pdf. The bill was signed into law by Governor Wes Moore on May 20, 2025.

² Notice of Dispatchable Generation and Large Capacity Energy Resource Solicitation and Convening a Public Conference, PC 74, Sep. 30, 2025.

³ Order No. 92112 at 1-8, PC 74, Dec. 30, 2025.

On December 1, 2025, the Maryland League of Conservation Voters, Clean Water Action, Earthjustice and Sierra Club, Maryland Chapter filed with the Commission a motion requesting that an applicant file a public version of its testimony.⁴ On December 18, 2025, the same parties filed a motion requesting an extension by 60 days of the deadline for the Commission to rule on the proposals received in response to the Commission's September 30, 2025 solicitation; and also asked that the Commission require the PPRP to file a public version of its report addressing proposals submitted in response to the Commission's solicitation.⁵

On December 30, 2025, the Commission issued two orders in PC 74. The first order—Order No. 92112—approved two of Constellation's three proposals, both gas plants, subject to certain conditions. Project 1 is a 150 MW natural gas generation plant with an effective load carrying capability (“ELCC”) of 68% with turbines capable of running on 100% hydrogen. Project 2 is a 564 MW natural gas generation plant with an ELCC of 80% with turbines capable of running on 50% hydrogen.⁶ In Order No. 92112, the Commission directed Constellation to include in its CPCN application and future reports required under *Annotated Code of Maryland*, Public Utilities Article (“PUA”) § 7–1208(e) how the company intends to provide hydrogen or zero-emissions biofuels at the locations.⁷ The Commission also directed Constellation to provide additional information, agreements, or assurances ahead of its expected CPCN for Project 2 that the project can be converted to only hydrogen, or a zero-emission biofuel, as the energy source when the Commission determines that the conversion is feasible.⁸ Additionally, the Commission required Constellation to provide the date it anticipates applying for a CPCN within 30 days of issuance of Order No. 92112.⁹ Finally, the Commission denied without prejudice Constellation's third proposal, an 800 MW energy storage project with an ELCC below the required 65% limit. Constellation was given 60 days to amend and resubmit the proposal for Commission consideration.¹⁰

On December 30, 2025, the Commission also issued Order No. 92111, which addressed the December 1, 2025 and December 18, 2025 filings from the Maryland League of Conservation Voters, Clean Water Action, Earthjustice and Sierra Club, Maryland Chapter.¹¹ The Commission dismissed the December 1, 2025 filing as moot, since the project application impacted by the filing had been withdrawn.¹² Additionally, the Commission denied the December 18, 2025, motion for a 60-day extension to comment on PPRP's recommendations regarding the proposals received by the Commission.¹³ Finally, the Commission found that it was in the public interest to minimize the

⁴ Docket Item No. 16.

⁵ Docket Item No. 24.

⁶ Order No. 92112 at 4.

⁷ Order No. 92112 at 11.

⁸ *Id.*

⁹ *Id.* at 13.

¹⁰ *Id.* at 12-13.

¹¹ The Dec. 1, 2026 filing is Docket Item No. 16 and the Dec. 18, 2026 filing is Docket Item No. 24.

¹² Order No. 92111 at 2.

¹³ *Id.* at 3-5.

amount of redacted information in the record to make more transparent the information relied upon by the Commission in arriving at its conclusions in PC 74. The Commission therefore directed Constellation to make a filing within 30 days of issuance of Order No. 92111 reducing the amount of redacted information contained in its application and providing justification as to why the remaining information should remain confidential under Maryland law. Finally, PPRP was directed to make a filing revising its redactions within 15 days of Constellation's filing.¹⁴

II. Constellation's Response and Commission Decisions

On January 29, 2026, Constellation replied to Order Nos. 92111 and 92112 by providing information related to (i) its anticipated CPCN application date; (ii) the hydrogen or alternative fuel capability of its projects; and (iii) redactions in its applications. Each of these issues is discussed below:

A. CPCN Application Date

Constellation stated that it had complied with the demonstration of an anticipated application date and claimed it cannot identify a date-certain for filing its CPCN application. Nevertheless, the company stated it anticipates filing CPCN applications no later than the end of June 2027, assuming the pre-conditions for gas supply can be met.¹⁵

Pursuant to PUA § 7-1210(d), the Commission is required to determine when the proceedings for an expedited CPCN shall commence. Constellation stated that it cannot identify a date certain for filing a CPCN at this time, but anticipates making a CPCN application no later than the end of June 2027, subject to certain conditions being met. The Commission observes that the section of the NGEA enabling the expedited CPCN (Section 6) is effective only until June 30, 2030.¹⁶ Therefore, the Commission directs Constellation to file its expedited CPCN applications for Projects 1 and 2 no later than July 1, 2027. If Constellation determines that the date is not feasible, the company shall make a filing no later than 90 days prior to July 1, 2027, notifying the Commission of the need for additional time and a new anticipated date for filing an expedited CPCN application.

B. Hydrogen or Alternative Fuel Capabilities

In its January 29, 2026 response, Constellation committed to providing additional required documentation related to hydrogen or alternative fuel capabilities prior to filing its CPCN

¹⁴ *Id.* at 5-6.

¹⁵ Constellation Energy Generation, LLC's Response at 2-3 to Order Nos. 92111 and 92112–Administrative Docket PC 74 (“Constellation Response”).

¹⁶ See Section 14 of the NGEA, which provides: “Section 6 of this Act shall remain effective for a period of 5 years and 1 month and, at the end of June 30, 2030, Section 6 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”

application for Project 2. Regarding Project 1, Constellation stated in its October 31, 2025 proposals that Project 1 turbines would be capable of converting to run on 100% hydrogen. Additionally, Constellation committed to including in any CPCN application and in future reports for both Project 1 and Project 2 a description of how Constellation “envisions providing hydrogen or zero emissions biofuels at the locations” of the proposed projects.¹⁷

The Commission notes Constellation’s commitments regarding the directives provided in Order No. 92112.

C. Redactions in Project Applications

Constellation resubmitted its proposed project applications for Project 1 and Project 2 to update the amount of redacted information. The company reduced its redactions for the applications, but made no changes regarding the appendices for Project 1 and Project 2. Additionally, Constellation did not refile a less redacted application for the energy storage project as the company elected not to pursue the project at this time. The company explained the remaining redactions for Projects 1 and 2 pertained to commercially sensitive confidential information, including project characteristics that could disclose natural gas volumes at the same time it is negotiating gas supply.¹⁸

The Commission is concerned that Constellation’s January 29, 2026 filing impliedly claims that the entirety of the appendices filed for Project 1 and Project 2 are confidential, given that they have been marked confidential with no public, partially redacted versions filed. To clarify Constellation’s position, the Commission directs the company to make an additional filing within 30 days of this Order by either filing a partially redacted, public version of the appendices, or explaining why the entirety of those appendices should be considered confidential. Once Constellation makes the required filing, PPRP shall update its filings accordingly.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

¹⁷ Constellation Response at 3-4.

¹⁸ *Id.* at 3.