

MARYLAND DEPARTMENT OF NATURAL RESOURCES
POWER PLANT RESEARCH PROGRAM'S MEMORANDUM
REGARDING PPRP'S PROPOSED STANDARD DGCPCN SITING AND DESIGN
REQUIREMENTS AND STANDARD DGCPCN LICENSING CONDITIONS

June 12, 2026

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A. BACKGROUND

Since 2011, the Department of Natural Resources' Power Plant Research Program (PPRP) has reviewed approximately 112 Certificate of Public Convenience and Necessity (CPCN) applications for solar energy generation systems (SEGS) and has extensive experience assessing the impacts of solar CPCN projects to Maryland resources. The Renewable Energy Certainty Act (RECA)¹ was passed in 2025, which included a new CPCN process for some SEGS and required the Public Service Commission to issue implementing regulations.

Recognizing PPRP's expertise, the General Assembly instructed PPRP to provide the Commission with proposed standard siting and design requirements and standard licensing conditions by July 1, 2026, for issuance of a distributed generation certificate of public convenience and necessity (DGCPCN).

For over 50 years, PPRP has provided the Commission with scientific-based assessments and recommendations for generation projects. This responsibility is a fundamental part of PPRP's statutory-based mission set out in the Power Plant Siting Act in 1971. For each electric generation project proposed in a "traditional" CPCN process for Commission review under Public Utilities' Article (PUA) §7-207 (Traditional CPCN), PPRP reviews the application, coordinates with state agencies that either manage potentially impacted resources or enforce pertinent programs and submits

¹ The Renewable Energy Certainty Act, S.B. 931, Maryland General Assembly, 447 Legislative Session (2025).

recommendations to the Commission for its consideration. Through RECA, the General Assembly has instructed that a streamlined permitting path be available for community solar projects between 2 and 5 MW AC that satisfy predetermined standards requirements. Over the last year, PPRP has prioritized this charge.

in addition to this memorandum (summarizing decision points), PPRP's Proposal includes the following attachments (collectively referred to as "PPRP's Proposal").²

- Attachment A: PPRP Proposed DGPCPN Standard Design and Siting Requirements Chart
- Attachment B: PPRP Proposed Standard DGPCPN License Conditions
- Attachment C: Draft Voluntary Pre-DGPCPN Application

With a 1,200 percent increase in CPCN project volume over the last three years, from a timing perspective, the DGPCPN cannot be implemented too soon. The DGPCPN will replace the Traditional CPCN with an expedited, administrative review for well-sited community solar projects. This process promises to provide developers with a more predictable, cost-effective timeline while enabling the Commission and PPRP to accelerate the permitting review through standardized guidelines. Furthermore, by establishing clear socioeconomic and environmental parameters up front, the DGPCPN option has the potential to help reduce community friction and land-use conflicts.

² PPRP's Draft Proposal also includes its decommissioning recommendations, which supports the proposed decommissioning condition. Given the immediate need for resolution and guidance on decommissioning, PPRP submitted these for comment and consideration on April 6, 2026. PPRP's submission is being reviewed separately in Case Number 9873.

PPRP is being inundated with solar CPCN applications. With over 60 solar CPCN cases in various stages of review currently³, PPRP is constrained by operational and fiscal limitations. This surge of community solar projects is also imposing challenges on the Commission's Public Utility Law Division and Technical Staff, host counties, and other stakeholders. In addition, questions continue to mount about PUA §7-218 requirements, which have been effective since July 1, 2025. This is because, while implementing regulations are required for the DGCPCN by July 1, 2027, many statutory requirements are already in effect. Issues surrounding decommissioning, jurisdictional parameters, forms, and timeframes must be clarified. These questions highlight the importance of providing much needed clarity to these issues in the near term and, also, promptly implementing a workable streamlined DGCPCN process.

PPRP is committed to working with the Commission and stakeholders to expedite the rulemaking process. PUA §7-207.4 requires that PPRP provide public notice and an opportunity to comment prior to submitting proposed standard siting requirements and conditions. PPRP has carried out informal stakeholder coordination and considered comments provided as the initial step in developing PPRP's Proposal. However, PPRP also respectfully requests that the Commission process provide an opportunity for stakeholders to comment on the proposed standard siting and design requirements (Proposed Requirements) and proposed standard conditions (Proposed Conditions), and

³ As of June 10, 2026, there are 64 solar CPCN applications for consideration before the PSC, without a proposed order pending.

subsequently, for PPRP to revise them prior to the Commission's consideration pursuant to PUA §7-207.4(c)(2)(i).⁴

PPRP's Proposed Requirements and Proposed Conditions are designed to be concise and to provide ease of reference between statutory provisions, proposed standard requirements, and proposed conditions. PPRP encourages stakeholders to provide comments that include succinct, supported positions, with a reference or citation to each relevant requirement or condition. This will allow PPRP to consider and incorporate these comments in a more expedient manner.

B. DEVELOPMENT OF PPRP'S PROPOSAL AND STAKEHOLDER COORDINATION

Having worked directly with state agencies, host counties, and the solar development community, PPRP understands the importance of a balanced and efficient DGPCN implementation process. PPRP has leveraged collaboration to develop its proposal. Focused on building consensus among diverse stakeholders, PPRP has coordinated with parties through a comprehensive workgroup-style review process to inform PPRP's Proposal.

PPRP's outreach to stakeholders began in April 2025. After discussing various issues with stakeholders to understand their varied perspectives, PPRP facilitated the development of an informal workgroup to receive input on matters related to

⁴ PUA §7-207.4(c)(2)(i) states that "the Commission shall consider the proposed standard siting and design requirements and the proposed standard licensing conditions developed by the Power Plant Research Program in adopting the regulations under this subsection."

predetermined DGPCN standards. Over 70 people, representing approximately twenty-five groups, participated in a transparent process designed to capture a wide range of expertise. This effort was anchored by a series of informal working group meetings, including two specialized subgroups to address decommissioning and agrivoltaics. This process furnished stakeholder groups with an informal opportunity to comment and refine issues. Solar developer groups were active, helping to ground the process with developers' experience. Also, local government representatives articulated a practical viewpoint, providing vital insight into local processes, timing, and concerns. State agencies, such as the Public Service Commission and its Technical Staff, the Departments of Agriculture and Planning, and the Maryland Energy Administration offered their mission-specific perspectives and expertise. Additional expertise was also given from participants such as the Maryland Farm Bureau and Maryland League of Conservation Voters. This informal collaborative framework helped to begin building consensus through inclusive dialogue and comprehensive review.

C. PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS

PPRP's Proposed DGPCN Standard Design and Siting Requirements (Attachment A) are set forth in a table format with numbered rows for ease of reference. The table identifies the topic, the requirement, the legal basis for the requirement, what must be included in the application, and any standard condition that may relate to that specific requirement. Also, the specific row numbers in Attachment A are included in the memorandum. This format is being used to provide transparency and ease of

reference and should be useful for commenting by stakeholders or further discussions before the Commission.

Many of the technical requirements for siting are specified in PUA §7-218(f). The statute covers the project footprint and the visual integration of the project into the existing landscape. There are strict requirements regarding setbacks, fencing, and landscaping. However, open questions remain regarding PUA §7-218 requirements, and additional DGCPCN considerations. Building on the informal stakeholder process, PPRP's Proposed Requirements incorporates its own 15-year experience and "lessons learned" with solar projects to provide an effective and balanced path forward. PPRP worked to identify the issues and impacted resources, and to determine additional information necessary for the Applicant to prove 'no impact' or that mitigation was achievable. Throughout the development of its proposed standard requirements, PPRP was guided by the consideration set forth in PUA §7-207.4.

PPRP's Proposal includes certain tools and conclusions that, if implemented, will allow for effective and efficient standard siting and design requirements for DGCPCNs. These tools include leveraging county coordination, incorporating agency or entity reviews early, and building on practical implementation decisions.

1. Visual Impacts and Leveraging County Coordination

County governments are a vital partner in helping to make the DGCPCN process and siting SEGS successfully. Projects located very near residential areas or those near statutorily identified resource areas will provide greater complexity - and a greater

challenge to incorporate into a DGPCPN. PPRP anticipates that local knowledge of the project area will be important, in many cases, to determine if the standard requirements mitigate a project's potential impacts and, thus, if the project satisfies DGPCPN requirements.

For projects near statutorily identified areas, PUA §7-218(f) requires that the DGPCPN application includes a viewshed analysis. Considering the input of engineers, its own experience, and questions from the public utility law division on viewshed analysis, PPRP has built on PUA §7-218(f)(2) provisions to propose specific requirements for the DGPCPN viewshed analysis (Row 35 "Visual Impacts (Viewshed Analysis)"). Even with additional analysis, however, in some cases the impacts will still be difficult to ascertain without site-specific knowledge. In a Traditional CPCN, PPRP typically conducts a site visit to help understand the project's visual-based impacts and to craft conditions to assure mitigation. Such a step is not consistent with a streamlined time-sensitive process.

In such cases, PPRP's Proposal leverages the host county's institutional knowledge (such as in a county's Office of Planning) to broaden the types of projects that may qualify for a DGPCPN. For example, when a project's mitigation of visual impacts to a resource, such as a park, is questionable, documentation from the host county's planning office could provide sufficient evidence that mitigation of viewshed impacts to the park are achieved. This incentivization for developers to work with host counties is consistent

with the “county agreement” approach included in PUA §7-218(f).⁵ Also, taking steps for increasing host county inclusion in a project’s development will help assure that distributed solar energy generating system (DSEGS)⁶ projects are reviewed by a knowledgeable party *before* a DGPCN application is filed. If developers avail themselves of this approach - and counties believe it is useful - it could increase the number of projects to satisfy DGPCN standard requirements.

For these reasons, PPRP proposes that a county “sign-off” be sufficient evidence to show a project will comply with certain standard requirements when it is unclear if the project as proposed - or an available alternative - will provide satisfactory mitigation. This additional certainty will also help avoid a quagmire of questionable applications clogging up the review queue. In this manner, expanding county coordination could greatly improve efficiency (and effectiveness) in the DGPCN application review process.

The proposed requirements relevant to enhanced county coordination include Setback Deviations for Onsite Residences (Row 12); Buffer/ Vegetative Screening’s Alternative Placement (Row 19), and Visual Impacts to Specified Areas or Structures (Row 36).

⁵ The basis for this approach is addressed in Counsel’s Correspondence.

⁶ A distributed solar energy generating system or “DSEGS: is a community solar energy generating system, as defined in PUA §7-306.2 of this title, that: (i) would be required to obtain a certificate of public convenience and necessity under §7-207 of this subtitle if the system does not obtain a DGPCN under this section; (ii) has a capacity to produce more than 2 megawatts but not more than 5 megawatts of alternating current as measured by the alternating current rating of the system’s inverter; and (iii) is not located within a municipal corporation.” PUA §7-207.4(a)(3).

2. Incorporating Resource-Specific Agency or Entity Reviews Early

PPRP considerations identified in PUA §7-207.4 underscore that the DGCPCN process should not threaten impacts on Maryland's resources and environment. Based on input from working group participants, there is stakeholder consensus that where impacts to protected resources cannot be mitigated by the predetermined requirements, the DGCPCN process is not appropriate. To identify resources that require a detailed review, PPRP reviewed statutory requirements, state policies, Traditional CPCN application requirements, and license conditions. To allow some questionable applications an opportunity to demonstrate the project could mitigate impacts, PPRP has required agency review and coordination prior to the submittal of an application as part of the DGCPCN Siting and Design Requirements.

Like the host counties, agencies and non-governmental entities with stewardship-based responsibilities should be involved in reviewing certain DSEGS projects. The agency/entity will have in-depth knowledge to ensure there are no significant impacts from the project, including identifying appropriate steps (conditions) to assess, mitigate, and avoid impacts. With Traditional CPCNs, PPRP works in coordination with the Applicant and the agency-unit(s) and/or entity(ies) to consider the impacts and fashion site-specific conditions. This step is not appropriate in a streamlined, standardized process. PPRP's proposal will allow some DSEGS located near these resources or areas to qualify for a DGCPCN by providing evidence in the application that the project will have little or no impact.

Accordingly, PPRP proposes requiring agency/entity correspondence to be included in the DGCPCN application for certain DSEGS. For Tier II streams, a letter from the Maryland Department of the Environment (MDE) is required to confirm that projects located within a Tier II catchment will have little to no impact on Tier II streams and thus do not require further Tier II antidegradation reviews. For wetlands and waterways, a determination of "no impact" from the MDE Nontidal Wetlands Division is mandatory when a project could potentially affect wetlands. Even existing agricultural infrastructure, such as Public Drainage Association (PDA) tax ditches, should require correspondence with the applicable PDA to ensure specific setbacks and maintenance plans for culverts are incorporated into the project design to prevent hydrological disruption.

Additional agency information is required by PPRP's Proposed Requirements to assure a project does not impact safety. From PPRP's perspective, safety requirements in the DGCPCN process are non-negotiable, particularly concerning military and aviation interests. As identified in PUA §7-207.4(b)(2)(VI), PPRP recommends that if a project is within five miles of a military installation or Special Use Airspace, the Applicant must coordinate with the Department of Defense (DoD). Any documented concerns from the DoD can disqualify the project from the DGCPCN process. Similarly, projects within three miles of an airport approach path must submit a Glare Assessment Report. If the report predicts "red" or "yellow" glare on an air traffic control tower, or if glare on residences, private rights-of-ways, and public rights-of-ways cannot be mitigated or

minimized, the project is deemed ineligible. These measures ensure that the rapid expansion of community solar projects does not come at the cost of public safety or national security.

The following proposed standard requirements specify such agency/entity documentation be included in the DGPCPN application: Historic and Archeological Resources (Row 37); Tier II Watershed (Row 30); Streams (Row 28); Wetlands (Row 29); PDA Tax Ditches (Row 32); Maryland Scenic and Wild Rivers (Row 33); and Rare, Threatened, and Endangered Species (Row 34); Glare and Aviation (Row 39 and 40); and Public Safety (DoD Clearinghouse) (Row 41 and 42).

Resource-specific requirements will generally be included in the DGPCPN license conditions for the project. Also, sometimes, the relevant agency/ entity will include specific actions necessary to ensure no impact or to mitigate potential ones, which also must be incorporated into license conditions. How PPRP proposes to include these siting-specific requirements into the proposed Standard Conditions is discussed in Section D.1.

3. Initially Taking a Approach to Maximize Effectiveness

The initial DGPCPN implementation phase should be focused on standard-type DSEGS. Then, in a subsequent – and narrower – phase, stakeholders are able to concentrate solely on revisions to the DGPCPN regulations necessary to apply a streamlined process to agrivoltaics and other unique types of DSEGS.⁷ PPRP understands

⁷ These unique types of DSEGS include Floating Solar Projects (Attachment A, Row 7), Co-Located Projects (Attachment A, Row 6), and Projects that Incorporate a Battery Energy Storage System (BESS) (Attachment A, Row 8). This matter is discussed further in Section C, below.

that agrivoltaics projects should be incentivized but they are unique and Maryland has minimal experience. The agrivoltaics exemption from PUA §7-218(f) is, in part, likely to encourage their development; but it is also due to the unique nature of these projects, which sets them apart from standard forms of DSEGS.

During the stakeholder coordination process, PPRP discussed how to apply standardized requirements and conditions to DSEGS that have incorporated agrivoltaics, including more in-depth consideration in a subgroup. However, given the varied methods to incorporate agrivoltaics, applying standard conditions to them is challenging. Also, undertaking the development of agrivoltaics-specific standard requirements is multifaceted. This will take additional time and will require specialized knowledge.

The Commission and PPRP have limited experience with agrivoltaics projects. Currently, there are a few co-located projects that have incorporated agrivoltaics to meet PUA §7-306.2(d)(13) co-location requirements that have been granted a CPCN.⁸ However, none of these were developed with the primary focus being to integrate agrivoltaics as part of the project's integral design and there has been little serious discussion of the implementation requirements of the many varied agrivoltaics options as part of a solar project. These projects have also not yet progressed from the preconstruction phase. Although representatives of developers, Maryland Department of Agriculture and the Maryland League of Conservation Voters have provided valuable knowledge and productive conversation towards developing agrivoltaics-specific

⁸ Co-located projects that incorporated agrivoltaics include CN 9783, 9784, and 9714.

requirements, at this time, insufficient knowledge and inadequate time remain barriers to incorporating them into the initial implementation phase of the DGCCPN process.

In the future, PPRP supports developing an expedited permitting process for these types of projects. However, the initial phase of DGCCPN should focus on DSEGS that can straightforwardly – and efficiently – demonstrate compliance with PUA §7-218 and Standard DGCCPN requirements and conditions. Instead, PPRP proposes that applying a DGCCPN process to agrivoltaics be considered in a subsequent DGCCPN proceeding, such as outlined in PUA §7-207.4. Review of additional projects will better prepare PPRP, stakeholders and the Commission to gain the necessary information, experience – and provide sufficient time – to tailor predetermined siting and design standards and standard conditions for agrivoltaics. PPRP believes this path forward – keeping specific focus on standard-type projects now – provides the best opportunity for maximizing successful implementation.

Other distinctive-type DSEGS projects should also be addressed in a subsequent phase of the DGCCPN process. Various resource impacts, less-obvious risks, and neighboring community concerns make a standardized approach difficult with some types of DSEGS. In these cases, effective and easily identifiable standards to ensure mitigation are not yet completely understood. When projects require specific information and tailored conditions to assure mitigation, an expedited, “one size fits all” process is not workable. To apply the DGCCPN process to such projects could threaten the effectiveness of the process for more standardized projects. For these reasons, PPRP also

proposes that the following types of DSEGS projects be ineligible for DGCPCN permitting: Floating Solar Projects (Row 7), Co-Located Projects (Row 6), and Projects that Incorporate a Battery Energy Storage System (BESS) (Row 8).

D. PPRP's PROPOSED DGCPCN LICENSE CONDITIONS

1. Considerations in Developing Proposed Conditions

PPRP's Proposed Draft Standard DGCPCN License Conditions are straightforward. Consistent with PUA §7-207.4(b), they are built on CPCN license conditions included in Traditional CPCNs for solar projects over the last ten years⁹ but updated to apply to a DGCPCN and to incorporate PUA §7-218(f) provisions.¹⁰

The license conditions in a standard CPCN have been developed to avoid, minimize, or mitigate a project's deleterious impacts, including those to the environment, natural resources, cultural resources, and viewshed. They also address practical considerations like safety (transportation issues, fire safety), glare, decommissioning, permitting, and compliance.¹¹ PPRP's Proposed Standard DGCPCN License Conditions (Attachment B) address the same areas of concern but revise them to apply only to DSEGS.

⁹ PUA §7-207.4(b)2(ix) instructs PPRP to consider standard conditions previously adopted, including decommissioning.

¹⁰ PUA §7-207.4(b)2(x) instructs PPRP to consider consistency with PUA §7-218.

¹¹ The decommissioning condition included in the Proposed Standard DGCPCN License Conditions is consistent with the decommissioning recommendation filed by PPRP on April 6, 2026 but will be revised to include any changes that may result in Case No. 9873.

The opportunity to have a plethora of community solar CPCN cases prior to submitting its proposed conditions has allowed refinement of PPRP's recommended conditions. Over the last two and a half years, since the wave of community solar CPCN applications, the public utility law judges (PULJs) assigned to these cases have further enhanced the CPCN license conditions. These revisions provide increased compliance detail,¹² clarity, and consistency and are incorporated into PPRP's Proposed Standard DGCPCN License Conditions.

PPRP is also proposing a few additional features to transition the license conditions to a more standardized approach under RECA. A new "Definitions" section sets out PUA §7-218 terms and requirements, such as Decommissioning Agreement, Project Site, and Project Area (typically referred to as the "Limit of Disturbance"). Also, PPRP recommends that a summary filing of agency/entity documents referenced in siting-specific conditions be required to be incorporated into the DGCPCN license conditions for applicable projects. PPRP believes this is the simplest method to assure appropriate mitigation is carried out with more complex cases, allowing additional DSEGS projects to satisfy DGCPCN requirements. Relevant proposed standard conditions that incorporate agency/entity correspondence include Condition No. 17 County Siting Agreement, Condition No. 27 Vegetation Management, Condition No. 29 Forest Removal, Condition No. 31 Rare, Threatened and Endangered (RTE) Species, Condition No. 32 Instream Construction, Condition No. 35 Public Drainage Association,

¹² These include Proposed Standard License Condition No. 4, Compliance; Condition No. 5, Annual Compliance Summary Report; and Condition No. 6, Penalties.

Condition No. 36 Tier Two Stream Protection, Condition No. 41 Road Permits, and Condition No. 47 Viewshed Mitigation.

2. Organization of the Proposed DGPCN License Conditions

The Proposed Standard DGPCN License Conditions are set up to provide a standardized approach. They are identified under fourteen (14) headers and include 54 conditions. Each condition name will always be correlated to the same number, falling in the same place within the standard DGPCN license conditions.

Thirty-six (36) of the 54 conditions pertain to any DSEGS project obtaining a DGPCN. These principal Standard DGPCN License Conditions are in black font listed in Illustration A, the table found on page 18. The remaining eighteen (18) Standard DGPCN License Conditions, identified in Illustration A in purple font, are limited to respective projects that require siting-specific conditions.¹³ These include projects with a county siting agreement (Condition No. 17); projects that require additional steps to avoid or mitigate specific environmental impacts¹⁴, protect natural resources¹⁵ or cultural resources¹⁶, or mitigate visual impacts¹⁷; project sites that include a utility easement or railroad crossing (Condition No. 43); and projects located in proximity to a military site

¹³ This Proposal uses the term “siting-specific conditions” to reference the conditions with requirements requiring additional requirements to assure mitigation with regard to a specific type of resource located in the project’s area.

¹⁴ These Siting-Specific Conditions include: 21. Oil Contamination, 22. Well Protection and Documentation, 23. Well Abandonment, and 24. Septic System Abandonment.

¹⁵ These conditions include: 29. Forest Removal; 31. Rare, Threatened, or Endangered (RTE) Species; 32. Instream Construction; 34. Underground Electrical Cables; 35. Public Drainage Association; and 36. Tier II Stream Protection.

¹⁶ These conditions include: 38. MHT Coordination; 39. Onsite Gravesite Protection.

¹⁷ These conditions include 46. Existing Buffer/Vegetative Screening; 47. Viewshed Mitigation.

(Conditions No. 51 and 52). Each Siting-Specific condition is to be included when a project's siting raises the relevant concern or circumstance.

Instead of excluding these projects from a DGCPCN, these siting-specific standard conditions allow more projects to be considered under the streamlined approach. However, including these siting-specific DGCPCN conditions in the standard license conditions for all projects, even for those to which they do not apply, would lead to future confusion. To address both concerns, PPRP proposes that in cases where a siting-specific condition does not apply, that a placeholder for the siting-specific condition remains. The placeholder will include the license condition number and name, followed by language indicating that the condition "does not apply to this project." This approach will provide consistent numbering in all DGCPCNs but will avoid uncertainty resulting from including an unnecessary condition in a project's DGCPCN.

Illustration A - Summary Table of PPRP's Proposed DGCPCN Standard Licensing Conditions*

<u>Initial Summary</u> <u>Definitions</u> <u>Jurisdictional, Compliance, and Enforcement</u> 1.Applicable Laws and Regulations, Jurisdiction, and Enforcement 2.Access 3.Complaint Resolution 4.Compliance 5.Annual Compliance Summary Report 6.Penalties	<u>County Coordination</u> 15.Final Site Plan 16.County Permits and Approvals 17.County Siting Agreement <u>Environmental</u> 18.Fugitive Dust Control 19.Water Appropriations 20.Spill Control 21.Oil Contamination 22.Well Protection and Documentation 23.Well Abandonment 24.Septic System Abandonment.	<u>Resource Mgmt (Con.)</u> 31.Rare, Threatened, or Endangered (RTE) Species 32.Instream Construction 33.Surface Water, Wetlands, and Hydrology Impacts 34.Underground Electrical Cables 35.Public Drainage Association 36.Tier II Stream Protection	<u>Visual Impacts and Glare</u> 44.Landscape Maintenance Agreement 45.Landscape Surety 46.Existing Buffer/Vegetative Screening 47.Viewshed Mitigation 48.Glare Analysis and Potential Mitigation
<u>Project Timeline, Physical Boundaries, Etc.</u> 7.DGCPCN Expiration 8.Project Scope <u>Community Solar Requirements (PUA §7-306.2)</u> 9.Community Solar Labor Requirements	<u>Environmental (Con.)</u> 25. Grading and Stormwater Management 26.Sediment Control	<u>Cultural Resources</u> 37.Archeological Discoveries 38.MHT Coordination 39.Onsite Gravesite Protection	<u>Public Safety</u> 49.Solar PV Fire Safety 50.Solar PV Emergency Preparedness 51.Shielded Inverter Equipment Compliance 52.Department of Defense (DoD) Compliance
<u>Reporting Requirements</u> 10.Project Transfer 11.Point of Contact 12.Progress Reporting 13.Interconnection Agreement 14.Pro14.Project As-Built Details	<u>Resources Management</u> 27.Vegetation Management 28.Forest Conservation 29.Forest Removal 30.Wildlife and Heritage Service (WHS)	<u>Transportation</u> 40.Truck Routing and Traffic Management Plan 41.Road Permits 42.Road Damage 43.Utility Easement or Railroad Crossings	<u>Decommissioning</u> 53.Decommissioning 54.Service or Submissions to Parties

* Those standard conditions, shown in **purple font** in the table, are only applicable if certain case-specific requirements are met. These standard conditions will be included or excluded from PPRP's recommendation for a project depending on whether they are applicable to the specific project.

3. Points and Potential Questions to Consider.

The Proposed DGCPCN Standard License Conditions (“Proposed Conditions”) should not include any significant surprises. However, most discussion in PPRP’s informal stakeholder process focused on the proposed standard siting and design requirements and did not address the proposed standard license conditions in detail. Some of the Proposed Conditions are built upon, or an extension of, the Proposed Requirements. Other Proposed Conditions are enhancements or revisions to Traditional CPCN license conditions to fashion them into standard DGCPCN license conditions. Still, there may be questions or concerns that should be addressed. Toward this goal, PPRP has noted summary points and condition-specific items where the Commission or stakeholders may want to focus attention. PPRP has also marked as “QUESTIONS” matters where additional discussion is recommended.

Proposed Conditions

- Do not include colocation or agrivoltaics requirements, which have typically been included for community solar projects, as these projects are ineligible under PPRP’s Proposed Requirements for DGCPCN.
- Include a “Definitions” section:
 - Includes some terms from PUA §7-218 (Project Area, Project Site)
 - Defines “Compliance Filing” to clarify that, in addition to a condition number, the subject matter of the filing should also include the condition name. This will help those reviewing the docket, or receiving compliance filings, should be included in a compliance filing
 - Sets out new terms to help implement Proposed Requirements, such as “Summary Filing for DGCPCN Siting-Specific Standard Conditions”, which include filings as part of compliance with eight (8) conditions.

- Condition No. 3 Complaint Resolution
QUESTION: What happens when a complaint is filed with the Commission? How is it addressed?
- Condition No. 4 Compliance
QUESTION: How does a proceeding before the Commission determine compliance?
- Condition No. 15 Final Site Plan – In addition to County approval, this “standard” condition also includes the Maryland-National Capital Park and Planning Commission to apply to projects located in Montgomery County or Prince George’s County.
- Condition No. 16 County Permits and Approval – Requires the Project Owner to file a request for an evidentiary hearing before the Commission in cases where the County has not approved a required local permit(s).
- Condition No. 17 County Siting Agreement – Allows a county to reduce the standard requirements set forth in PUA §7-218(f).
QUESTION: What specific standard conditions may be revised by a county siting agreement and how should they be identified (e.g., in the County Siting Agreement)?¹⁸

E. ADDITIONAL CONSIDERATIONS

In addition to including the standard siting requirements and standard conditions, the DGPCPN regulations must specify the DGPCPN application form, the procedure for processing the application,¹⁹ and the form of the Decommissioning Agreement to be used.²⁰

¹⁸ This issue is addressed in more detail in Counsel’s Correspondence filed with PPRP’s Proposal.

¹⁹ PUA §7-207.4(c)(1). This section also requires the regulations to specify an application fee and establish the time period within which the Power Plant Research Program must make its determination.

²⁰ PUA §7-218(g).

1. DGCPCN Administrative Review Process

PUA §7-207.4 specifies certain portions of the DGCPCN process. However, there are several important procedural matters still to be determined. Below, under various procedural stages, PPRP identifies the statutory requirements and additional procedural components to be discussed, including any associated PPRP recommendation.

PRE-APPLICATION AND APPLICATION

Statutory Requirements:

- The Applicant must provide an application to the host county at least thirty days prior to submission to the PSC.
- There must be a public hearing before PPRP submits its recommendation.
- For projects located in under-served and over-burdened communities, Applicant must provide public hearings.

Additional Matters (Requiring Additional Coordination and Discussion):

- Develop a Standardized County Review Form (“County Checklist”) - Ideally, a standardized form for use by the host county to show its conclusions on the specific standard requirements would increase efficiencies and decrease ambiguities and inconsistencies. This standardized checklist would follow the format used in the application form. The Applicant would then include the completed checklist with the application submitted to the Commission and PPRP. **Note:** County agreement, involvement, and coordination would be crucial to developing and implementing a County Checklist.
- Standardize Application - PPRP recommends that a standardized application form be used for DGCPCN applications. This will increase efficiency in the review of the counties, PPRP, and the Commission given the uniform formatting. It will also simplify the preparation of application documents as the Applicant will understand what information is required and where it must be included. PPRP has drafted a Voluntary Application Form which is further discussed on page 24.
- Affidavit - The Application should contain a signed and notarized affidavit affirming that all information included in the Application is complete and correct.

Additionally, the Applicant should make additional attestations about specific requirements.

- Verification of County PPA - Development of a process for counties to verify the percentage of their Priority Preservation Area (“PPA”) and the reporting method once the counties’ PPA limit has been reached.

APPLICATION REVIEW PROCESS

Statutory Requirements:

- PPRP must determine if an application “satisfies the standard siting and design requirements and file its determination with the Commission”.
- If the application is deficient, PPRP must specify how it may be cured.
- Prior to PPRP’s determination, there must be an opportunity for public comment and a public hearing must be held, which may be virtual.
- PPRP must consider any public comments in developing its determination.
- The Commission must consider any public comments in developing its determination.
- The Commission must schedule a hearing to consider the application and PPRP’s recommendation.

Additional Matters (Requiring Additional Coordination and Discussion):

- Docketing a DGCPN matter – PPRP believes opening a docket (in some form) for each project is important and is needed for transparency, organization and developing the administrative record.
- Timeframe for PPRP determination – PPRP recommends four months for PPRP’s review. This would allow 60 days after the application filing for public comment before the public comment hearing is held and still provide sufficient time for PPRP to consider comments. Appropriate - and achievable - timeframes also depend on other factors. PPRP’s proposed timeframe is based on the following assumptions: 1) that little to no discovery is needed, 2) a site visit is not necessary, 3) no more than five DGCPN application filing per week, and 4) no more than 50 DGCPN applications under review at any given time. Also, a standardized application and a county checklist will help to ensure a project can be sufficiently reviewed within this short time period.

- Opportunity to Cure a Deficient Application - If an application does not satisfy the standard requirements, PPRP recommends that the Applicant be allowed one opportunity to cure the deficiency within a set time period.²¹ If the Application cannot be cured in that time, the applicant will need to file a Traditional CPCN application for the proposed project.
- Discovery - Discovery should not be necessary, except when issues arise outside the standard requirements that are relevant to potential impacts, such as issues brought up by public comments. In such cases, expeditious discovery timeframes should be set forth.
- Commission Hearing - PUA §7-207.4(g) does not specify whether the Commission's hearing is an "evidentiary hearing". If the Commission determines that an evidentiary hearing is not appropriate, questions surrounding the administrative record and opportunities to appeal a decision should be considered. Also, in some cases, PPRP believes that a contested evidentiary hearing may be needed. This includes where there is significant public comment or ability to mitigate impacts is questioned.

Other open questions also remain. Are there "parties" to a case? What is the Technical Staff's role? Will intervention be necessary or allowed? Will there be an opportunity to appeal and, if so, what will the appeal process include?

PPRP's stakeholder coordination did not cover procedural matters. Yet, a workable process is vital for the DGPCN process to be successful. There is a high likelihood that several areas are ripe for disagreement regarding the process, with valid positions on each side. Yet, clear and reasonable procedural rules are vital to assure that the DGPCN process will be understandable, predictable, transparent, and allow a reasonable certainty as to outcomes. To obtain this goal, PPRP knows that additional work and stakeholder coordination is necessary. PPRP looks forward to working with

²¹ PPRP believes that 30 days will be a sufficient timeframe for an applicant to cure a deficiency. PPRP should then be allotted 30 days to review the additional information provided by the applicant an issue a revised determination.

the Commission and stakeholders to identify the most appropriate process for reviewing and finalizing a DGCPCN.

2. Standardized Documents

DECOMMISSIONING AGREEMENT

Some requirements set forth in PUA §7-218 have been in effect since July 1, 2025, even though they are tied to DGCPCN requirements and conditions that will not be in effect until approximately July 1, 2027. This time discrepancy has raised questions on how to assure compliance with PUA §7-218. The decommissioning requirements for projects that are over two megawatts and under five megawatts are being addressed in Case No. 9873.²² However, PPRP is aware that there is some lack of clarity regarding decommissioning requirements for projects with a capacity of two megawatts or less. Counties are not clear as to the appropriate decommissioning agreement form and process; and developers are unclear as to who should review their decommissioning plans or agreements. PPRP recommends that the Commission address the process on how to review decommissioning for projects for two megawatts or less along with other decommissioning issues in Case No. 9873.

APPLICATION FORM

To prepare for DGCPCN implementation, PPRP believes that a voluntary application form for DSEGS would be invaluable in developing the Commission's

²² Case No. 9873, Decommissioning Plan Requirements, was initiated by PSC on April 14, 2026 (ML 328947).

application form, and in understanding a future DGPCPN. The voluntary use of an application during the time before DGPCPN regulations are proposed will allow stakeholders an opportunity to consider “lessons learned” during this timeframe. It will also allow the PSC to ensure that stakeholders clearly understand the information that is required as part of the PSC’s application form for a DSEG, its format, and the required specificity to meet the regulatory requirements. Specific and standardized information in a DGPCPN application reduces (and possibly eliminates) discovery, given the potential improvements to the standard application form based on experience gained during the pre-DGPCPN timeframe.

PPRP’s pre-DCPCN Voluntary Application Form, which has been reviewed by some stakeholders, incorporates PUA §7-218 requirements but still includes COMAR’s CPCN requirements as they are still applicable until the adoption of DGPCPN regulations. PPRP encourages the Commission to take this opportunity to inform the DGPCPN rulemaking through allowing the use of the Voluntary Application Form until the DGPCPN process is in place. The Voluntary Application Form (Attachment C) is available for review and comment as part of PPRP’s Proposal.

F. CONCLUSION

Currently, “solar purgatory” is how some stakeholders might describe the current permitting process for distributive generation solar projects. The solution - final DGPCPN regulations - will be available in the near future to effectively address the seemingly continuous stream of proposed project CPCN applications and the significant

resources needed to attend to them. However, in the interim, the lack of clarity with certain statutory requirements, exacerbated by the sheer number of proposed projects, has led to confusion among stakeholders on several topics.

PUA §7-218 (f) and (g) requirements apply to the plethora of proposed projects that have filed applications after July 1, 2025, but several ambiguities and unresolved matters within the standardized statutory requirements are being identified. Parties are working to address these concerns as they arise in each case and the Public Utility Law Division are applying case-specific clarifications but ultimately, the Commission's final regulations are necessary for resolution. In the interim - between the Act's effective date (July 15, 2025) and the future effective date of the final regulations - the CPCN process for DSEGS is in a temporary intermediate state of flux.

PPRP firmly believes this interim period can be an opportunity to learn from these recent experiences, to perfect the standardized DGPCN process initiated in RECA.²³ "Lessons learned" from recent experiences can focus attention on critical issues for resolution and inform stakeholders as to workable solutions. To succeed, however, a transparent - yet expeditious - process to develop DGPCN regulations is imperative. Stakeholders must be prepared and involved in the process as well. PPRP has developed its Proposal documents for ease of review, cross-referencing requirements, statutes and conditions to facilitate stakeholder involvement. Adopting and implementing effective

²³ The decommissioning requirements for DSEGS may also benefit from experience during this pre-DGPCN timeframe.

DGCPCN regulations is an important and laudable goal that will help solidify a strong community solar program for the benefit of Maryland residents.

PPRP strongly encourages interested parties to promptly engage in the Commission process and stands ready to continue working with the Commission, the Commission's Technical Staff, potential applicants, counties, and other parties towards implementing a successful DGCPCN process.

Respectfully Submitted,

Robert Sadzinski

Robert Sadzinski

PPRP Director

A handwritten signature in black ink, appearing to read "Ginny Rogers". The signature is stylized with a large, looped "G" and a cursive "Rogers".

Ginny Rogers

PPRP Deputy Director