

STATE OF MARYLAND  
PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION \*  
OF MATTAWOMAN ENERGY, LLC FOR A \*  
CERTIFICATE OF PUBLIC CONVENIENCE \*  
AND NECESSITY TO CONSTRUCT A \*  
NOMINALLY RATED 859 MW GENERATING \*  
FACILITY IN PRINCE GEORGE'S COUNTY, \*  
MARYLAND. \*

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 9330  
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Issued: October 13, 2015

PROPOSED ORDER OF PUBLIC UTILITY LAW JUDGE

**Appearances:**

Suedeem G. Kelly, Esquire, J. Porter Wiseman, Esquire,  
and Kenneth G. Hurwitz, Esquire, for Mattawoman Energy,  
LLC.

Paula M. Carmody, Esquire, and Theresa V. Czarski,  
Esquire, for the Maryland Office of People's Counsel.

Brent A. Bolea, Esquire, and Steven M. Talson, Esquire,  
for the Maryland Department of Natural Resources, Power  
Plant Research Program.

Michael L. Casillo, Esquire, Cara M. Johnson, Esquire,  
and Frank W. Miller, Esquire, for the United States Air  
Force - Joint Base Andrews.

Jennifer J. Grace, Esquire, for the Staff of the Public  
Service Commission of Maryland.

**Background and Description of Requested Certificate of Public  
Convenience and Necessity**

This case was instituted upon a filing by Mattawoman  
Energy, LLC ("Mattawoman") requesting the issuance of a Certificate  
of Public Convenience and Necessity ("CPCN") to allow it to  
construct a nominally rated 859 megawatt ("MW") combined-cycle



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to its late filing and prejudicial impacts on the hearing process. The filings by that group were included in the record as public comment.

**Discussion and Findings**

This request for a CPCN is for the final form of the amended request filed by Mattawoman. The current form has been amended since its initial filing so that it meets and complies with the requests of the other parties and with all applicable laws and regulations.

The scope of a CPCN case, as with all proceedings before the Public Service Commission, are limited to those areas and powers assigned to it by the Legislature. Issues and matters that do not fall under those limits cannot be part of this case. As stated above in the "Legal Standards" section, which stated the legal considerations in a CPCN case, each area of consideration will be analyzed, based upon the evidence in this case, and a determination will be made as to whether the facts in the record comply with those legal requirements. If all the requirements are met that will allow the plant to operate in compliance with the law, and if it is in the public convenience and necessity, a CPCN will be granted. If the applicant fails to meet any of the requirements, the CPCN request will be denied.

A waiver of the two-year notice requirement was granted in this case, and the governing bodies of the two counties involved (Prince George's and Charles) did not choose to jointly sit with



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this Public Utility Law Judge at the public hearings that were held.

PgCty DoE  
Fastracked the  
permits/we have  
the emails.

All of the parties filed extensive and greatly detailed expert testimony that addressed collectively all of the statutory requirements.

As noted above, a petition to intervene filed on October 16, 2013, by JBA was granted.

On July 10, 2015, an Agreement of Stipulation and Settlement ("Settlement") between Mattawoman and JBA was filed. The Settlement addressed the significant impacts that the Project has on the functions and facilities at JBA. No party objected to the Settlement which contained licensing conditions to be added as conditions to any CPCN to be granted.

On July 16, 2015, PPRP filed the final version of its Revised Recommended Licensing Conditions.

Staff also included in its testimony proposed licensing conditions that it wants incorporated into the CPCN, if it is granted.

Mattawoman has accepted all of the licensing conditions proposed by the parties in this case.

There were, however, no recommendations provided by the local or county governing units, so no consideration can be given to their wishes when deciding this case.

I find that several of the issues raised in the public comments need to be analyzed, even though they are not solely determinative of the final outcome of this case.



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Some public comments alleged that notice to the citizens of Brandywine was ineffective as it was placed in newspapers, which are not read by the public. This may be true, but the notice requirements contained in the statute require notice in newspapers as a means to notify the public. This process depends on people reading newspapers, which may not be as effective a notice mechanism as it was in the past when newspapers were the main source of dissemination of information. While this is an issue that needs attention by the Legislature and the Commission, I find that Mattawoman met and exceeded the legal notice requirements for the issuance of a CPCN.

An allegation was made in public comments that the Brandywine area was targeted for new projects by power plant companies due to its racial and economic demographics. I find that there is no evidence of any improper motive or conduct by Mattawoman in its choice of a location for the Project. It is very hard to find locations in Maryland which have the infrastructure needed to support a power plant that does not have other areas of legal restrictions which makes those locations unsuitable. It is unfortunate for Brandywine that it is a suitable and legally available area for proposed power plant projects. If a proposed plant to be sited in Brandywine meets all legal requirements (at all governmental levels), the fact that other plants are located nearby is not a legal restriction to another one being built. This is true even though the negative impacts of a plant fall most severely



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upon Brandywine while the benefits are distributed across a much larger geographic area.

Another allegation in the comments questioned the bias of the expert testimony. I find from my analysis of the expert testimony from Mattawoman that it clearly supports its position. This is to be expected as the applicant gets to choose its experts. The testimony from the Staff and PPRP does not suffer from this same orientation. I find that the testimony from the Staff and PPRP is not tainted with any bias, and I therefore give it the consideration appropriate for its weight and provativeness. The governmental structures in place are there to protect and serve the citizens of Maryland, and the professionals at PPRP and the Commission do not take lightly the burdens upon them or the trust placed upon them in the performance of their duties.

I find that the evidence proves that the Project will enhance the stability and reliability of the electric system. It will add needed capacity in a constrained area and will help speed up the decommissioning of older, dirtier, and less reliable generating stations.

I find that there are both short-term and long-term economic benefits to the Project. The short-term benefits are the construction jobs, construction materials bought, and the influx of workers shopping in the area during construction. The long-term benefits include the permanent jobs created, the local taxes paid, and the increased stability of reliable power to run the businesses and infrastructure of our modern technological society.

