

**BEFORE THE PUBLIC SERVICE
COMMISSION OF MARYLAND**

IN THE MATTER OF THE APPLICATION OF *
TODD SOLAR LLC FOR A CERTIFICATE OF *
PUBLIC CONVENIENCE AND NECESSITY *
TO CONSTRUCT A 20.0 MW SOLAR * Case No.
PHOTOVOLTAIC GENERATING FACILITY IN *
DORCHESTER COUNTY, MARYLAND *

* * * * *

**APPLICATION OF TODD SOLAR LLC FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AND REQUEST FOR WAIVER OF TWO-YEAR
NOTICE REQUIREMENT**

Todd Solar LLC (“Todd Solar” or “Applicant”), by its undersigned counsel, hereby submits this Application to the Public Service Commission for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a nominal 20.0 megawatt (“MW”) alternating current (“AC”) solar photovoltaic facility in Dorchester County, Maryland (“Todd Solar Center” or “Project”) pursuant to Md. Public Utilities Article (“PU”) § 7-207.

Todd Solar’s Application is comprised of this petition together with the attached Environmental Review Document (“ERD”) and accompanying figures and appendices. Additionally, Todd Solar requests a waiver of the two-year notice requirement. Section I of this petition provides an overview of the Project; Section II justifies the Commission’s approval of the application; Section III provides the information required by PU § 7-207; and Section IV requests waiver of the two-year requirement.

I. PROJECT INTRODUCTION

The Todd Solar Center will be a 20.0 MW alternating current (AC) solar photovoltaic (PV) project on a portion of a 143-acre parcel (Dorchester County Assessor's Office, Tax Map 23, Parcel 1) near the Town of Hurlock in unincorporated Dorchester County, Maryland (the "Site"). Approximately 130 design, management, and construction personnel will work (remotely or on Site) on the Project at the height of construction, which is anticipated in the spring or summer of 2016 subject to permitting timeframes. Because of the nature of solar installations, environmental impacts from the Project will be minimal and the long-term benefits significant.

Maryland has established one of the most aggressive renewable portfolio standard goals in the country, aiming for 20% of its power to be renewable by 2022, including 2% from solar. In order to meet these goals Maryland needs not only small, residential rooftop installations, but large utility-scale facilities like the Todd Solar Center.

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, we ask the Commission to 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, overhead transmission line, or qualified generator lead line 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.

PU § 7-207(e)(2). The attached Environmental Review Document (“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.

The Project will provide significant economic benefits to the State by making more solar power and solar renewable energy credits available, and by ensuring that approximately 130 temporary design, management, and construction personnel work remotely or on the Site at the height of construction. *See* ERD at § 5.6. At the same time, the esthetic impact to the Site and surrounding area, which is rural and sparsely occupied, will be minimal because the panels are low to the ground. Buffering will be provided as appropriate to limit visibility.

With respect to the stability and reliability of the system, Todd Solar initiated a process to connect with the electric distribution grid serving Maryland by filing Interconnection Requests with PJM and DPL and completing project feasibility, system impact, and facilities study assessments. The Project will connect with the electric distribution grid serving Maryland at DPL’s Todd Substation. PJM and DPL have completed three-part interconnection study process to identify any upgrades needed to interconnect the Project without negative impacts the electric power system’s stability or reliability. In October 2015, the Applicant’s affiliate Mitchell Solar Energy LLC and DPL executed an interconnection agreement for the Project that specifies the scope, schedule, and responsibilities for design and construction of the Project’s interconnection facilities. The Applicant’s parent company plans to assign this agreement to the Applicant prior to the start of Project construction. There is no forecasted network impact to DPL’s distribution

infrastructure resulting from the 20MW connection at the Todd Substation. *See* ERD at § 4.2. Thus, the Project will not have a negative impact on the stability or reliability of the system.

Finally, because of the nature of solar power, the Project will have no impact on aviation (because there is no stack), air or water pollution (there are no emissions or discharges), and there is no wastewater or cooling water for which disposal is required.

III. CPCN APPLICATION FILING REQUIREMENTS (COMAR 20.79.01.04)

A. The applicant is Todd Solar LLC.

B. The applicant's address is:

Todd Solar LLC
c/o Invenegy LLC
One South Wacker Drive, Suite 1800
Chicago, Illinois 60606

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

Eric Miller
Todd Solar LLC
c/o Invenegy LLC
120 N. Lee Street
Falls Church, VA 22046
Phone (301) 610-6413
emiller@invenergyllc.com

Todd R. Chason
David W. Beugelmans
Gordon Feinblatt, LLC
233 East Redwood Street
Baltimore, MD 21202
tchason@grflaw.com
dbeugelmans@grflaw.com

C. Copies of this application are being made available for public inspection and copying at:

Dorchester County Planning & Zoning Office
Dorchester County Office Building
Room 107
501 Court Lane
Cambridge, MD 21613

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 Appendix 1 to the ERD portion of this Application.

F. Other than the construction of a line tap to the Todd Substation, no significant upgrade to the electric distribution system will be required.

G. A general description of the generating station under COMAR 20.79.03.01 is provided in Section 5 of the ERD.

H. Implementation schedule:¹

- Engineering: September 2015 through March 2016.
- Construction: Spring/Summer 2016
- Commercial Operation: Fall/Winter 2016

I. Todd Solar has provided the environmental information for the generating station in Section 6 of the ERD.

IV. REQUEST FOR WAIVER AND EXPEDITED REVIEW

Although Maryland law requires the filing of 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. PU § 7-208(c). *See also* COMAR 20.79.01.07 (granting the Commission authority to “waive or modify any provision of this subtitle”). The

¹ Dates are subject to change depending on delays, including those associated with permitting, equipment availability and construction.

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 not extend beyond the borders of the Site. There are no emissions that will impact adjacent properties and the installation of solar cells will not materially impact property values for nearby residents. Requiring a two-year delay of the Project to satisfy this requirement would simply delay Maryland receiving the benefits offered by the Project without corresponding benefit. Accordingly, Todd Solar submits that good cause exists to support the waiver of the two-year notice requirement.

Todd Solar further requests an expeditious approval of its Application. Ideally, Todd Solar is targeting a construction start in the late-spring of 2016. Todd Solar is now investing significant capital in permitting and project design, and needs to minimize the delay before commercial operation begins. Todd Solar will be as cooperative as possible to help the Commission review and approve this Application within this timeframe.

//

//

//

//

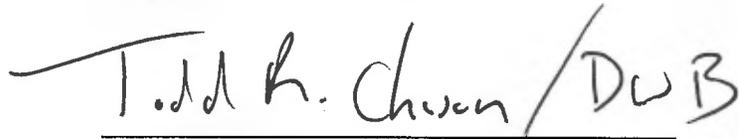
//

V. CONCLUSION

Todd Solar respectfully requests that the Commission:

- (1) waive the two-year notice provision of PU § 7-208(c);
- (2) expeditiously approve this Application for a Certificate of Public Convenience and Necessity for the construction of the proposed nominally rated 20.00 MW solar photovoltaic Todd Solar Center in Dorchester County, Maryland.

Respectfully submitted,

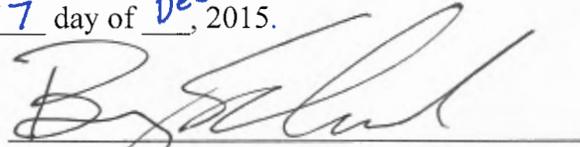
A handwritten signature in black ink that reads "Todd R. Chason / DWB". The signature is written in a cursive style and is positioned above a horizontal line.

Todd R. Chason
David W. Beugelmans
Gordon Feinblatt LLC
233 East Redwood Street
Baltimore, Maryland 21202
(410) 576-4145
(410) 576- 4069

VERIFICATION

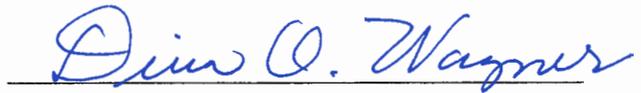
Before me, the subscriber, a Notary Public, in and for _____,
this day personally appeared Bryan Schueler and made oath and due form of law that he is a
Vice President of Todd Solar LLC and the matters and facts set forth in the foregoing
Application for a Certificate of Public Convenience and Necessity for the Todd Solar Center are
true and correct to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal this 17 day of December, 2015.


Vice President
Todd Solar LLC

Bryan Schueler
Vice President





Dina O. Wagner
Notary Public Name (Print)

My Commission Expires: May 10, 2017.