



Wes Moore, Governor
Aruna Miller, Lt. Governor
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March 26, 2025

Frederick Hoover
Chair
Public Service Commission of Maryland
William Donald Schaefer Tower
6 St. Paul Street
Baltimore, Maryland 21202-6806

Re: Public Service Commission Case No. 9773 – The Report of the Department of Natural Resources’ Power Plant Research Program as to the Administrative Completeness of the CPCN Application to Construct the PSEG Renewable Transmission LLC Maryland Piedmont Reliability Project

Dear Chair Hoover:

In accordance with the Public Service Commission’s (“Commission”) *Notice of Intervention Deadline and Requested Completeness Determination* issued on January 10, 2025, (ML No. 314771), the Maryland Department of Natural Resources Power Plant Research Program (“PPRP”) respectfully submits the following report as to whether PPRP considers the *PSEG Renewable Transmission LLC’s Application for a Certificate of Public Convenience and Necessity to Construct a New 500 kV Transmission Line in Portions of Baltimore, Carroll and Frederick Counties*, filed on December 31, 2024 (ML No. 314555), to be administratively complete in accordance with COMAR 20.79.01.06.

PPRP has carried out an initial review of the material included in PSEG Renewable Transmission LLC’s (“PSEG”) Application¹ to construct the Maryland Piedmont Reliability Project (“MPRP” or “Project”), and the Update to ERD and Appendix A-1, Appendix B (Update), Appendix F, and Appendix G filed on February 14, 2025 (ML 315863), and PSEG Responses to PPRP Data Request No. 1, provided to PPRP on March 6, 2025. Based on its review, at this time, PPRP does not consider the Application to be administratively complete in accordance with COMAR 20.79.01.06 as it lacks information required under COMAR 20.79.01.06K(2).

The Application lacks required information set forth in COMAR 20.79.01.06K(2): Information On Alternative Transmission Line Routes (COMAR 20.79.04.03), and Specific Environmental And Socioeconomic Information, including impacts of the Project (COMAR 20.79.04.04).

¹ The Application includes a Petition, Attachments A through C of the Application, and accompanying Direct Testimonies with associated Expert Reports and Exhibits.

COMAR 20.79.04 requires an application to include information about the transmission line's purpose and justification (COMAR 20.79.04.01), description (COMAR 20.79.04.02), alternative transmission line routes (COMAR 20.79.04.03), and specific environmental and socioeconomic information, including impacts of the project (COMAR 20.79.04.04). The Application provides sufficient information regarding the Project's purpose and justification and description, but lacks information to meet all the requirements set forth in COMAR 20.79.04.03 and COMAR 20.79.04.04.

COMAR 20.79.04.03 – Alternative Transmission Line Routes

COMAR 20.79.04.03(A)(2) requires “the description of each alternative route considered for a transmission line shall include ... [a] statement of the reason why each alternative route was rejected.” The Direct Testimony of Kristin Weidner introduces the MPRP Routing Study (Attachment B of the CPCN Application), which is the detailed document in the Application that describes how PSEG chose its proposed route from the alternatives considered. Specifically, the Routing Study discusses how PSEG identified the alternative routes, Routes A through J, and provides summary tables of the metrics evaluated when considering environmental criteria, land use criteria, social criteria, engineering criteria, and cost for each of the ten alternative routes.

The Application, and more specifically the Routing Study, fails to provide sufficient information to meet this requirement relating to the following issues.

- The route selection portion of the Routing Study lacks any discussion detailing why each of the alternative routes other than the proposed route, Route H, were rejected and instead, focuses on why the proposed route was selected. This focus is illustrated by Table 7, entitled “Alternative Routes Compared to Route H” (p. 38-39), which simply provides a brief statement on how each of the alternative routes compares in relation to the proposed route (Route H). Lack of sufficient detail makes it impossible for PPRP and other parties to review the choices/decisions made during the siting process and validate how the proposed route was selected.
- The Routing Study does not provide an explanation on how each of the evaluation criteria listed in Table 1 impacted the decision to reject alternative routes. Specifically, whether the presence and quantity of each criterion was considered a favorable, neutral, or unfavorable aspect of an alternative route. In addition, the Direct Testimony of Kristin Weidner (p. 10) states that the Routing Team “did not use quantitative weighting or a ranking system for the route selection process” but instead considered the routing evaluation criteria “holistically.” However, the Routing Study provides no details on how this holistic decision-making process was implemented. Specifically, how similar routes were evaluated without ranking any of the evaluation criteria.
- The Routing Study (p. 36) states that Route H “minimizes special design requirements and unreasonable costs”. However, it does not include details on the decision threshold used to determine when costs become “unreasonable,” nor does it specifically identify which alternate routes were rejected due to unreasonable costs.

- The Routing Study states that Routes A/B (North Entrance) and the associated Routes F/G (South Entrance) performed “more favorably within the environmental category because they had the fewest acres of total wetlands and forested wetlands in the ROW.” This lesser environmental impact associated with Route A/B and Route F/G can be confirmed by reviewing the metrics listed in Table 2 of the Routing Study. However, the Routing Study lacks a sufficient explanation as to why those routes with the fewest environmental impacts were rejected.
- The Routing Study lacks sufficient explanation as to why the Applicant rejected routes that incorporate the highest percentage of routing by paralleling existing transmission lines. Table 3 of the Routing Study indicates that Routes A/B (North Entrance) and the associated Routes F/G (South Entrance) have the highest percentage of the length of the route paralleling 138kV or greater existing transmission line corridors. However, the Routing Study fails to provide sufficient explanation as to why the Applicant rejected those routes.²
- Maryland Public Utilities Article (PUA) §7-209 requires the Commission to consider the use of existing transmission lines of other utilities for the construction of a new transmission line. The Routing Study provides no details on the efforts the Applicant made to determine that existing transmission lines paralleled by the proposed route could not be used or rebuilt to accommodate the Project, including both technical factors and communications with existing transmission line ROW owners.
- The Routing Study uses certain unclear or potentially misleading terminology in the Routing Study for comparing the alternative routes, often referring to a certain alternative route as having the “most” or “fewest” of a particular criterion without providing clarifying context. For instance, in Table 2 of the Routing Study (p. 19), Route A is noted as having the “fewest” total wetlands and is listed as having a total of 35.2 acres of wetlands within the right-of-way (“ROW”) while Route H (the proposed route) is listed as having a total of 57.3 acres of wetlands within the ROW (a greater than 60% increase over Route A). However, in Table 7 of the Routing Study (p. 38), Route A is listed as one of the routes that crosses the “most” SSPRAs³ compared to Route H. Yet Table 2 of the Routing Study lists Route A as crossing less Group 1 (federally-listed) SSPRAs compared to Route H (271.5 acres compared to 276.2 acres). However, when all SSPRAs Groups 1-3 are reviewed, Route A crosses a total of 314.3 acres compared to Route H, which crosses 308.6 acres, less than a 2% difference.

Accordingly, for these reasons, PPRP considers the Application administratively incomplete as it does not meet the requirements of COMAR 20.79.04.03(A)(2). PSEG should provide an updated Routing Study that includes a detailed discussion for each alternative route, clearly explaining why it was rejected, and address the deficiencies noted above to meet this requirement.

² Direct Testimony of Kristin Weidner (p. 15) does note that PSEG performed an additional review of routing adjacent to the Conastone-Brighton-Doubs 500 kV transmission lines and determined it was infeasible for the MPRP to parallel this ROW as it would require the removal of more than 90 residences and community buildings.

³ Sensitive Species Project Review Areas (SSPRAs): Group 1 includes federally-listed species; Group 2 includes state-listed species; and Group 3 includes species of concern with no listed status (i.e., not officially regulated).

COMAR 20.79.04.04(B) and (C) – Required Information and Studies about the Project’s Environmental and Socioeconomic Effects

COMAR 20.79.04.04(B) requires that “the environmental information in the CPCN application for a transmission line must include ...[a]summary of the environmental and socioeconomic effects of the construction and operation of the project, including a description of the unavoidable impacts and recommended mitigation.” COMAR 20.79.04.04(C) requires “a copy of all studies of the environmental impact of the proposed project prepared by the applicant” to be included in the CPCN application. The Application is incomplete in meeting the requirements of COMAR 20.79.04.04 (B) and (C) as it lacks a sufficient summary of the environmental and socioeconomic effects from the construction and operation of the Project, including field studies, which are necessary to meet the requirements of COMAR 20.79.04.04(B) and (C). Field studies are imperative to verify and augment initial desktop information to confirm that the Project’s effects are correctly documented, ensuring that all unavoidable impacts are accurately evaluated and that appropriate mitigation is proposed. This is especially important for this Project given its significant length and impacts to land uses, which will be necessary for its construction and operation. Yet, desktop-based information has been the only data available for developing the proposed ROW and, currently, is the only information available to PPRP to begin its independent assessment. Without field-based information,⁴ PPRP cannot fully evaluate the Project’s impacts to Maryland’s socioeconomic and natural resources.

PPRP understands that PSEG currently does not have the necessary access to conduct field studies on the parcels located in the proposed 150-foot wide ROW and has put considerable effort into providing as much desktop-based environmental information as is currently available.⁵ PSEG has indicated that field-based studies have been delayed due to circumstances beyond PSEG’s control and that PSEG is currently working to obtain the required temporary access to the properties within the Project ROW so that these studies can be initiated. However, a desktop survey is insufficient to determine whether the proposed location of the ROW and transmission line poles have been positioned such that they best avoid and/or mitigate environmental and socioeconomic impacts and comply with relevant laws.

Specifically, the field-based studies listed below are necessary and have yet to be conducted for the proposed route and, thus, are not included in the Application. Of the five types of field studies/surveys identified below, some must be performed on all parcels within the Project ROW, while others are only necessary for parcels that meet specific requirements.

- *Field-Based Studies* - The Application does not include any of the following field-based surveys.
 - Wetland Delineations – necessary for the entirety of the Project ROW.
 - Forest Stand Delineations – necessary for the entirety of the Project ROW.
 - Geotechnical surveys – necessary for the entirety of the Project ROW.

⁴ On page 12 of her Direct Testimony, PSEG Witness Shilkoski mentions that some field-level observations have been performed, but based on footnote 10, this is limited to observing the properties from public roadways only (i.e., “windshield surveys”).

⁵ Direct Testimony of Dawn Herring Shilkoski, p. 7.

- Sensitive Species Project Review Areas (SSPRA) surveys - the SSPRA field surveys should be conducted on those parcels identified by the DNR Wildlife Heritage Service (WHS).
 - Maryland Historical Trust (MHT) required field surveys - the MHT field surveys should be conducted on those parcels identified by MHT as being of concern.
- *Assessment of Impacts Identified by the Field-Based Studies* - The Application does not address that the submittal of the results of these field-based studies/surveys is necessary to meet the requirements of COMAR 20.79.04.04(B). For COMAR 20.79.04.04(B) to be satisfied, PSEG will also need to revise its Environmental Review Document (ERD) to incorporate the results of these studies/surveys. Specifically, PSEG will need to provide updated Environmental Mapping for the proposed route, incorporating the results of the studies/surveys and any adjustments required to the proposed ROW and pole locations to avoid or mitigate impacts. The ERD will also need to incorporate updated information to specifically detail all unavoidable impacts and recommended mitigation for the following:
 - Impacts on streams, wetlands, and their buffers
 - Impacts on forests
 - Impacts on the Monocacy Scenic River and its tributaries
 - Impacts on the tributaries of the Deer Creek Scenic River
 - Impacts on Sensitive Species habitat
 - Impacts on historical and/or archeological areas of concern
 - *Assessment of “Unavoidable Impacts and Recommended Mitigation”* - A description of the Project’s “unavoidable impacts and recommended mitigation” is required by COMAR 20.79.04.04(C). The Project could potentially impact resources located in the Proposed Route that could have a less impactful alternative in the study corridor. Mitigation of these impacts could necessitate a shift of the ROW or pole placement of up to 275 feet on either side of the centerline of the current 150-foot wide ROW (i.e., the 550-foot wide study corridor). Currently, the desktop studies provided in the Application are limited to the proposed 150-foot-wide ROW, instead of the 550-foot study corridor. Therefore, there is insufficient environmental and socioeconomic information to identify the unavoidable impacts for the Proposed Route and recommended mitigation that may involve relocation within the 550-foot study corridor.

Understanding the potential need for shifting the currently proposed ROW to address unavoidable impacts and potential mitigation, PSEG is requesting “reasonable flexibility to adjust the centerline up to 275 feet on each side of the proposed centerline.” Specifically, PSEG requests this flexibility to allow it “to accommodate circumstances and concerns that may arise during this CPCN proceeding or after issuance of the CPCN.”⁶ PPRP agrees that flexibility will be needed, particularly given the unknown impacts of the Project to environmental and socioeconomic resources, which cannot be determined until field-based studies are completed for the Proposed Route.

⁶ PSEG’s CPCN Application, p. 31.

To provide sufficient information on unavoidable impacts and potential mitigation, PPRP believes it is also necessary, at a minimum, to carry out certain field-based studies in the 550-foot study corridor on parcels where significant impacts to socioeconomic and/or natural resources are anticipated. Specifically, wetland delineations and forest delineations should be conducted for the entire width of the 550-foot study corridor in the vicinity of parcels containing wetlands, streams, and/or forest. Also, PSEG should conduct the SSPRA surveys and MHT surveys for those parcels within the 550-foot corridor that are specifically identified as parcels of concern by WHS or MHT. It is PPRP's understanding that PSEG is already coordinating with WHS and MHT to identify the parcels within the 550-foot study corridor that will require a MHT field survey or SSPRA survey. Depending on the species of concern, some of these SSPRA surveys may have restrictions on the time of year they can be completed. Therefore, PPRP recommends that those parcels identified as requiring a SSPRA survey be PSEG's first priority for obtaining the needed temporary access.

Accordingly, for these reasons, PPRP considers the Application administratively incomplete as it does not meet COMAR 20.79.04.04. PSEG should provide the specified field-based studies and updated ERD to as set forth above, including field-based studies for the entirety of the 550-foot corridor for each parcel where impacts to socioeconomic and/or natural resources are anticipated within the Project ROW.

Proposed Schedule

While PPRP considers PSEG's CPCN Application to be administratively incomplete, PPRP is not opposed to scheduling a prehearing conference for the purpose of considering motions to intervene and to set a limited procedural schedule. However, PPRP will still need the required information identified above to undertake its independent assessment. To ensure that PPRP obtains the required studies with sufficient time to complete its review, the following requirements should be incorporated into any procedural schedule that is set at this time.

- PSEG file status updates on a regular basis (e.g., 60 days) beginning after the prehearing conference and until all the deficiencies have been met and the application is deemed administratively complete.
- PSEG file Supplemental Testimony and revised ERD providing all information needed for a complete CPCN Application.
- PPRP file an updated completeness determination within four weeks after PSEG files Supplemental Testimony.
- Once the Commission determines that the CPCN Application administratively complete, schedule a status conference to adopt further procedural dates.

Conclusion

Based on PPRP's review, PPRP considers the CPCN Application submitted by PSEG for the MPRP to be administratively incomplete as described above. Until the deficient information identified in PPRP's report is filed with the Public Service Commission, PPRP recommends that the CPCN Application for the MPRP be deemed incomplete.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frederick L. Kelley". The signature is fluid and cursive, with the first name "Frederick" being more prominent.

Frederick Kelley

Power Plant Research Program
Maryland Department of Natural Resources

Cc: Commissioner Richard
Commissioner Barve
Commissioner Suchman