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Brandywine/TB Southern Region Neighborhood Coalition

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Brandywine | TB Southern Region Neighborhood Coalition (BTBCoalition)
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DATE: August 14, 2019

Terry J. Romine
Executive Secretary
Maryland Public Service Commission (PSC)
William Donal Schaefer Tower
6 St. Paul Street, 16th Floor
Baltimore, Maryland 21202

In the Matter of the Application of
Mattawoman Energy, LLC for a Certificate
of Public Convenience and Necessity to
Construct a Nominally Rated 895 MW
Generating Facility in Prince George's
County, Maryland

Re: Case#: 9330 Mattawoman Energy, LLC a Certificate of Public Convenience and Necessity (CPNC)

To: Terry J. Romine Executive Secretary Maryland Public Service Commission (PSC):

Public Comment

Brandywine TB Southern Region Neighborhood Coalition on the Mattawoman's Request for Modification converting the MEC's method of cooling from a wet mechanical draft cooling tower to Air-Cooled Condenser.

In some housekeeping to clarify testimony as it relates to the Brandywine | TB Southern Region Neighborhood Coalition (BTB Coalition), Title VI Administrative Complaint. As the EPA|DOT Information Agreement defines "affected" community not as ones so referred to as "communities affected", which is subjective. In addition, in further clarification the agreement specifies and defines an "affected" community having a radius of 1 to 3 miles.

Two, the Title VI Administrative Complaint notwithstanding of the PSC approval of the granted Mattawoman Energy, LLC a Certificate of Public Convenience and Necessity (CPNC) and any current processes are within the State of Maryland, agencies, EPA | DOT and the BTB Coalition in moving forward in the adoption of internal policies and procedures which has no bearing on this matter in its regulatory approval processes.

For the record not present at the hearing on July 23, 2019 was the Prince George's County Executive, Angela D. Alsobrooks or Sydney Harrison, District 9 County Council and/or any representatives thereof. **The proposed order or the Public Utility Law Judge Case No#:** 9330 Issued: October 13, 2015 ruling noted for the record that "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", (see attached ruling).

Wet mechanical draft cooling tower to Air-Cooled Condenser request Case#: 9330

Pursuant to Sections 7-205 of the Public Utilities Article ("PUA"), a person must obtain the approval of the Public Service Commission before commencing a modification to a power plant. PUA § 7-205(a)(1) defines "modification" as "a physical alteration of, replacement of, or other change to the facilities at a power plant, or a change in the fuel used by the plant that could result in a change of the air emissions from the plant or from a generating unit of the plant."

On May 21, 2019, Mattawoman Energy, LLC ("Mattawoman") filed a Request for Modification of Mattawoman Energy Center Certificate of Public Convenience and Necessity ("CPCN") and requested the Commission authorize the changes as a modification to its CPCN, Mattawoman's Request for Modification described the design changes as "minor" and include

(i) converting the MEC's method of cooling from a wet mechanical draft cooling tower to Air-Cooled Condenser; (ii) increasing the auxiliary boiler rating from 42 MMBtu/hr to 72 MMBtu/hr to provide adequate pre-warming of the Heat Recovery Steam Generator prior to starting the combustion turbines; and (iii) increasing the diesel-fired emergency generator horsepower from 1,490 hp to 2,206 hp to support facility loads during an emergency.

Throwing good money after bad?

Water Wet-recirculating? Power plants are thirsty.

Take the average amount of water flowing over Niagara Falls in a minute. Now triple it. That's almost how much water power plants in the United States take in for cooling each minute, on average.

In 2005, the nation's thermoelectric power plants—which boil water to create steam, which in turn drives turbines to produce electricity—withdrew as much water as farms did, and more than four times as much as all U.S. residences.

It requires more water, on average, to generate the electricity that lights our rooms, powers our computers and TVs, and runs our household appliances, than the total amount of water we use in our homes for everyday tasks—washing dishes and clothes, showering, flushing toilets, and watering lawns and gardens.

Energy facilities dependent on groundwater supplies may have secured exclusive long-term withdrawal permits or may be drawing water from aquifers with multiple users. In either case, if the rate of withdrawal exceeds the rate of recharge, then over time, water must be pumped from ever-greater depths. Ultimately, there is a risk that freshwater from the aquifer will become fully depleted, leading to loss of water supplies. As aquifers are drawn down, they often yield brackish waters; these require treatment before use in a closed-loop cooling system. The increased energy requirements for water pumping and treatment will decrease net plant output and could increase the cost of power.

Beyond this, and apart from size, any differences between plants is due to **thermal efficiency**, how much heat has to be discharged into the environment, which in turn largely depends on the operating temperature in the steam generators.

We don't support wet or dry cooling systems

The current power plant siting process is not protecting communities or the environment

No new power plant is going to be accepted by every member of a host community, and there will always be some opposition. But developers and their allies dismiss the legitimate concerns of local residents with accusations of 'NIMBY'-ism (Not In My Backyard), raising larger-scale policy concerns associated with plant siting.

Too often, plants are sited in poor communities, or communities of color. Plants need cooling water, and the Hudson River is facing a very disproportionate share of the permit applications. Old industrial sites - preferably outdated, dirty power plants - should always be the site of choice over a 'greenfield' - a site that is in its natural condition. The universe of community concerns, including environmental and health-related issues, must never be dismissed without an extremely compelling case for power need. Current Article X siting laws do not require any demonstration of need. Siting laws also override community development designs and planning, and do not require an environmental impact statement.

All power plants release particulate matter: Soot contains particles anywhere from 2.5 to 10 micrometers in diameter. These have irregular surfaces that allow sulfur dioxide and nitrogen oxides to bind to them. If it doesn't have a control system, a typical plant can emit as much as 500 tons of particles into the air each year. The particles can cause health problems such as asthma, chronic bronchitis, and even premature death.

The reason this is important being a 72% black communities bear the brunt of pollution and Panda Mattawoman has no excuse now in not knowing.

In wet or dry cooling either come with major environmental issues and pollution emissions, which is of major concern to the community. What it comes down to for a 72% Black community is the mitigation of the pollution that cap and trade allows being permitted does not mean healthy.

While we have stated over and over that this should not be an adversarial relationship with Panda Mattawoman because as groups the concern of community should be of most importance and with Panda Mattawoman being a good neighborhood as an applicant with the health and welfare, specially when you know better not the provisional carrot in presenting gift cards, hams, turkeys, or school uniforms and especially an outdoor garden when the prevailing winds circle right over Brandywine Elementary School.

Best Technology

For one there has been no requirement of "Best Technology" available provided for protection of the community.

Pollution control can make power plants safer: Flue gas combustion modification can change oxygen content or temperature of combustion to reduce the amount of partially oxidized nitrogen compounds. Electrostatic precipitators can trap solid or

liquid particles from gas streams using electric charges, while flue gas deacidifiers can remove nitric and sulfuric acids via solid basic oxide reactions or wet scrubbers.

Impacts on scenic, historic and cultural resources

Power plants are massive industrial complexes, with buildings, stacks, and other structures on a scale that often dwarfs everything nearby. Because of this, power plants can be seen from far away, and they can irreparably harm viewsheds that are highly valued by society. Nearby homes and sites of historic significance are devalued because of the plant's inappropriate size, use, and architecture. Cooling tower plumes, while only water vapor, create yet another visual impact that many communities find troubling.

Vegetation

Vegetation impacts can be of two basic kinds:

- Direct impacts of vegetation removal or damage during construction. Indirect impacts on vegetation from air pollution or surface water impacts caused by the power plant.

The vegetation communities at any site depend largely on: (1) soil quality and fertility, (2) relative elevations and slopes, (3) moisture availability, (4) solar radiation, and (5) the degree and type of disturbance in the area. A new power plant could affect the vegetation communities by eliminating them or by altering one or more of these five factors, which could weaken the communities (for example, by shading them or by redirecting runoff away so that a vegetative community receives less water).

Removing or weakening the vegetation on a power plant site could have an effect on the vegetation communities in the surrounding landscape. If the affected vegetation is rare, unique or locally important, the loss of its contribution to the seed or gene pool might have an effect on the surrounding vegetation communities. There could be adverse effects on the insects, wildlife or other organisms that depend on the vegetation as a source of food for insects, wildlife, or other organisms. Non-native plant species introduced or promoted by construction disturbance could spread and encroach into other nearby natural plant communities.

Power plants emit air pollutants and water vapor as fog into the atmosphere that could affect the growth and survival of certain vegetation communities. Some pollutants are toxins or promote diseases that damage or kill plants. Conversely, the pollutants could provide nutrients to the plants, like fertilizer from the air. Fog from cooling towers could change the moisture regime so that some plants have a competitive advantage over others from differences in the ability to utilize the moisture or to resist fungal disease.

Vegetation in surface waters could also be affected, or lost, by construction of water intake or discharge facilities, by the removal of water (intake) for power plant processes, or by the nature of wastewater discharged by the power plant into the water body.

Wildlife

Impacts to vegetation could create a chain of wildlife impacts. Impacts on local or migrating wildlife could occur when their habitat and source of food is removed or damaged. The food source could be the vegetation itself or bugs, animals, birds, or organisms that rely on the vegetation for food. Nesting and den areas would be destroyed.

Construction of a new power plant could displace certain species of wildlife and attract other species. Loss of habitat for prairie or woodland species could occur, and habitat for "edge species" and "generalists" could be created. Edge species and generalists can thrive or survive on the habitat created by the construction disturbance or the new buildings and landscaping. Species that relied specifically on the original natural habitat might not survive or might need to leave the area.

Migratory species that depended on the original local habitat for resting, feeding, or reproduction would have to find new places for these activities. Birds could also be killed outright by striking tall power plant structures or new power lines. Fish, mussels, and other aquatic life in surface water bodies and streams could also be affected by power plant construction or operation, particularly the construction and operation of water intake or discharge facilities, or the dredging of barge unloading areas. Fish and other aquatic organisms could get drawn into water intake systems. Coal pile and coal dust runoff could cause problems if acids and dissolved toxic metals are deposited in surface water. Loss of feeding, resting, or reproductive habitat could harm a river or lake species' ability to survive.

Andrews Air Force Base Brandywine Defense Reutilization and Marketing Office (DRMO) site

Some sites, called "brownfield", or "DRMO" sites, may be contaminated from earlier industrial or commercial use. If the power plant developer can clean up a site prior to construction and still cost-effectively build the power plant, the community may view this as a benefit even though the site will be used for an industrial facility. Record of Decision [December 2017 SS-01, Brandywine Defense Reutilization and Marketing Office Brandywine, Maryland](#)

Recreation and the Southern Regional Recreation Center, Brandywine MD

Recreational areas are public or private lands that have public use value. This includes parks, hunting grounds, natural areas with trails, and other designated recreational lands. The existing land-use area of a power plant site, the recreational value of the site and surroundings is permanently lost and/or altered by a new power plant. This heavy-industrial usage has also shown that recreation areas to be damaged by noise, dust, light, blocked views, or other aesthetic impacts that degrade or ruin recreational experience. **However, enhanced land management or habitat restoration to promote recreation can be part of an overall power plant site design and management plan and can succeed if done appropriately.**

Property Values

The impact of power plant construction and operation on adjacent or nearby property values issues include professed loss of value, stigma of being located near what is most considered a local undesirable land-use, and the documented health effects. Attitudinal survey data reveals a high percentage of respondents who, if given a choice, would prefer not to live near power plants. However, actual property value is comprised of an often-complex set of desirable and undesirable factors. In property values being damaged or disease is elevated by a power plant's operation, there is also the issue of environmental justice in a 72% black neighborhood. People with lower incomes mostly likely will be trapped in a living situation that are at the mercy of the power plant's local impacts.

Noise

Noise from a power plant is of particular concern to nearby residents, medical facilities, schools, daycares, or users of nearby parks or other recreational places. Noise of different frequencies can have different effects. Lower frequencies are often felt as vibration, or have the effects of vibration on structures. Heavy vibration can be annoying to nearby residents or cause damage to structures.

Major power plant operation noise sources for a coal- or biomass-fired power plant, for instance, could include steam generators, steam turbine generators, fuel handling equipment, air compressors, air separators, cooling towers, and rooftop ventilation fans. Fans in the plant without speed controls can produce "tonal" noise, sounds centered on a narrow frequency band. Tonal noise has been shown to affect people more than other noises, especially at lower overall noise levels, and may require special silencer mechanisms. Delivery trains can be particularly noisy, with cars uncoupling and coupling, unloading fuel, and departing. Trucks hauling fuel in or ash out would add to the overall noise levels. Natural gas-fired combined cycle plants generate noise from the turbines, the air intakes, and the cooling towers. Combustion turbine plants generate noise from turbine operation and air handling facilities. Natural gas-fired plants also use diesel fuel as a backup fuel, and the trucks that deliver it would add to the local noise levels.

To discover the noise impact of a power plant, existing noise levels (ambient sound) are measured in different locations onsite and near the site either before a power plant is built or when it is not operating. This sets benchmarks for impact measurements. Measurements are then taken at the same locations with the power plant operating. The difference in sound levels is attributable to the plant.

During construction of the plant, there would be noise from construction equipment. The levels would range from about 70 decibels (dB) for a paving breaker to about 85 dB from large trucks to about 125 dB for air and steam line blow-offs. The distance from the source to the boundary of the power plant property can dissipate some of this noise. There are a few ways to reduce construction noise. Diesel engine mufflers should be kept in good working order. Heavy construction activities could be limited to five days a week (workdays) between 7:00 a.m. and 5:30 p.m. Night construction work could be limited to relatively quiet activities, such as interior work.

Fugitive Dust

Fugitive dust is dust blowing from an industrial site, construction site, or farm fields. The dust becomes a nuisance in nearby neighborhoods, a face and lung irritant, or a visual obstacle in nearby streets.

Ash hauled in trucks would need to be covered or treated to make it more solid and less able to be lifted by the wind as the truck moves. Fly ash, the lighter-weight ash captured on its way to the exhaust stack, could leave the property in tanker trucks. The DNR also investigates complaints about fugitive dust and is willing to analyze samples of suspected coal dust damage.

Odors and Light

Odors that come from a power plant can be a concern to nearby residents. There is usually a public interest in understanding the cause and strength of any odors and knowing the distance these odors may travel beyond the plant site boundary. The other way to look at aesthetics is the perception or impression a power plant creates in the minds of individuals. This impression can be affected by plant appearance, sounds, and smells, as well as by the plant's effect on local traffic patterns and traffic congestion, on the night sky, and on the neighborhood and behavior of the residents. The aesthetics of a power plant

can also be affected by what local people feel the power plant represents: an important and needed supply of electrical power, a source of hazardous air pollution emissions, a dangerous place of rail cars and other heavy equipment, a sound business that pays its share of state and federal taxes and contributes to the local community through a public benefit thereof but Panda Mattawoman is seeking a Tax Increment Financing ((TIF) is a public financing method) with Prince George's County that will be used as a self-severing subsidy being there's no public advantage and protection thereof the hosting 72% black community most senior vulnerable population. Yet, "revenue sharing", by counties with power plants receives payments under a shared revenue system. Newly affected counties receive an annual payment based on the plant's power production capacity. These annual payments begin the year after the plant becomes operational and are meant to offset potential additional costs to the municipality or county for hosting a power plant.

Future Development

The presence of Panda Mattawoman and the ash production alternatively, having an effect of slowing or stopping housing development in its vicinity. It also might have a dampening effect on development plans for retail, entertainment, recreation, and restaurants.

An environmental mitigation management plan can help a community in directing Panda Mattawoman and this agency to site the most benefit to the community while minimizing environmental justice impacts or any adverse impacts.

Circumstances of Brandywine

Approximately twelve miles outside of Washington, DC and eight miles from Andrew Air Force Base is Brandywine a 72% black community in a 2.9 square mile radius. Brandywine's community-citizens science program TEX found dangerous levels of ozone due to diesel emissions and greenhouse gases. Brandywine will host three (3) fossil fuel power plants two of the largest in the United States. Toxic air pollution in black communities from natural gas facilities is so high that the cancer risk due to this industry alone exceeds EPA's level of concern.

Additional, heavy industrial pollutant industries include a superfund site (DRMO) one of the worst contaminated in the United States, a sludge lagoon, a regional coal/fly ash facility that has not been in compliance for over 10 years, 3,500 plus diesel daily truck trips, and several active surface mining operations.

Tailpipe pollution is one many but of a major concern being the Brandywine Road Club as deferred roadway improvements for over 21 years. Brandywine is subject to over 90,000 daily one-way vehicle trips. This will grow with the new developments in the works within Brandywine that has estimated an increase of daily Commercial|Car Generated trips of 420,000.

With the new developments within Brandywine and Charles County named number one for development growth in 2019, increased daily vehicle traffic will further contribute to the already massive congestion that currently exists for which all traffic studies have failed since 2014. There is currently no form of public transportation or mass transit to provide commuters with an alternative to driving in giving ones an incentive to get out our cars.

The Maryland Agencies must put the poorest, lowest emitting and most disproportionate impacted vulnerable people first... An Oxfam study concluded that people in the top tenth of the world's income distribution are to blame for 50 percent of global emissions, while those in the bottom half of the distribution account for only 10 percent of emissions.

Community Locally-Led Based Initiatives and Principles (CLBIP)

Accountability with Community Locally-Led Based Initiatives and Principles (CLBIP) having measurable successes and what we term as the "Community-led centered community participatory collaborative-participation meaningful engagement and involvement of the "affected" Census CDP community within a one (1) to three (3)-mile radius. Not as some co-opt as "communities affected", is subjective in "all".

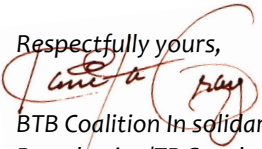
We ask for the proposed conditions to be considered;

Community Benefits Comprehensive Plan with Short and Long term Mitigation Program

- A.) Fenceline and community monitoring for criteria air pollutants, hazardous air pollutants
- B.) Funding for health tracking to address any health related expenses
- C.) A tax on total pollution emissions from all facility activities including diesel truck trips that will go into a fund for as long as the facility operates, you don't want short term funding, since you will be hosting this facility in the future, the fund needs to go into the future (Morello-Frosch)
- D.) Use of the best available control technology (BACT) for every major criteria air pollutant, a review performed every five years to see if there is better technology, BACT technology updated every five years
- E.) See reduction of major criteria air pollutants and hazardous air pollutants by 25% after five years of operation, 40% after 10 years operation; 60% after 15 years of operation, 75% after 20 years of operation.
- F.) Fossil Fuel Gas Power Plants Technology

- 1.) We expect that the scrubber efficiency shall be at 97%
- 2.) We expect that SO₃ Mitigation design criteria shall be used.
- 3.) We expect that NO_x controls shall be in place.
- 4.) We expect that Baghouse Precipitator is being used and operating at 99.9 efficiency.
- 5.) It has been stated that the Panda/Mattowman Power Plant will be one the two largest tax payers along with MGM; we expect that the “affected” community will benefit by being provided Air Pollution Mitigation: There should be a supplement to Measurements, Monitoring, Surveillance every quarter to ensure local air quality is protected (Administrative Complaint Air Monitors).
- 6.) Actions to be taken to initiate an Idle Reduction Technology program.
- 7.) Require a Fossil Fuel Plant Host Agreement
 - a. Diesel particulates threshold, get above this threshold, work to reduce diesel particulates
 - b. All diesel vehicles including trucks converted to greener vehicles
 - c. Funding for exposure assessment studies
 - d. Follow the Clean Air Act Prevention of Significant Deterioration guidelines
 - e. Create Brandywine Clean Power Plan initiative that follows USEPA Clean Power Plan to reduce greenhouse gas emissions and co-pollutants.
 - f. Community has the right to renegotiate after review of baseline data and if things are not working or not being adhered to every 3 years
 - g. Any non-compliance issues with any EPA regulations are reported immediately
 - h. All pollution data from the facility made available through websites tv ads, radio, public television, etc
 - i. All new activities or future permitting requests must perform a health impact assessment using baseline exposure data, health data, and data on any vulnerable populations or health disparities

Respectfully yours,


BTB Coalition In solidarity, Kamita Gray, President

Brandywine/TB Southern Region Neighborhood Coalition, Executive Community Citizen’s Board (ECCB)

Attachments

cc: Supervising Title VI Compliance Officers
Official BTB Coalition Representatives
Delegate Michael A. Jackson, District 27B, Prince George’s County House Delegation, Chairman
Delegate Andrea Fletcher Harrison, District 24
The Honorable Thomas V. Mike Miller, Jr., President
The Honorable Angela D. Alsobrooks
The Honorable Todd M. Turner

References:

<https://www.ucsusa.org/sites/default/files/attach/2019/06/Inequitable-Exposure-to-Vehicle-Pollution-Northeast-Mid-Atlantic-Region.pdf>

https://energy.sandia.gov/wp-content/gallery/uploads/dlm_uploads/121-RptToCongress-EVwEIAComments-FINAL.pdf

Recent studies comparing total energy penalties between cooling systems have used differing methodologies to estimate energy penalties and have reached varying conclusions.¹⁶ For example, a 2001 EPA study estimates the national average, mean annual energy penalties—lower electricity output—for plants operating at two-thirds capacity with dry cooling to be larger than those with wet recirculating systems with cooling towers. In this study, EPA estimated penalties of 1.7 percent lower output for a combined cycle plant with a dry system compared to a wet recirculating system with a cooling tower, and 6.9 percent lower output for a fossil fueled plant run fully on steam, such as a coal plant.¹⁷ Similarly, a separate study conducted by two DOE national labs in 2002 estimated larger annual energy penalties for hypothetical 400 megawatt coal plants in multiple regions of the country retrofitted to dry cooling—these penalties ranged between 3 to 7 percent lower output on average for a plant retrofitted with a dry cooled system compared to a plant retrofitted with a wet recirculating system with a cooling tower. On the hottest 1 percent of temperature conditions during the year, this energy penalty rose to between 6 and 10 percent lower output for plants retrofitted to dry cooling compared with those retrofitted to a wet recirculating system with cooling towers.¹⁸ However, some experts we spoke with told us energy penalties are higher in retrofitted plants than when a dry cooled system is designed according to the unique specifications of a newly built plant.

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. *

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9330

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



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

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



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

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

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.



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

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



STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

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.

