



August 1, 2023

Dear Chair Hoover and Commissioners,

Our organizations have been working for a number of years to improve Maryland's Renewable Portfolio Standard and its transparency, effectiveness, and statutory compliance. We are writing to ask you to include important information in the Public Service Commission's (PSC) Annual Report on Maryland's Renewable Portfolio Standard (RPS Annual Report), and conduct a compliance check on all facilities currently qualified as eligible for Maryland's RPS. This report is submitted pursuant to § 7-712 of the Public Utilities Article, Annotated Code of Maryland, which requires the Commission to report to the General Assembly on the status of the implementation of the RPS Program on or before December 1 of each year.

Here is a list of the information that we would like the PSC to include in the Annual Report and a brief explanation for the reasons why we believe this information should be included in this report.

1. Retired RECs by Facility.

The PSC should publish retired RECs by facility in the RPS report. The PSC has included retired RECs by fuel source in all previous reports, but failed to do so in its last report issued in November 2022. This information is vital for the public to understand the facilities that Maryland energy consumers are subsidizing through the purchase of RECs and to evaluate the effectiveness of Maryland's RPS program. See Attachment A in the PSC's 2021 Report for the Retired RECs by Facility table that was omitted from the 2022 report.

2. The Price of RECs by Fuel Source.

The PSC should include the price of RECs by fuel source in the RPS Annual Report. The PSC regularly releases the price of RECs by fuel source information in response to Public Information Act requests, but does not include them in their Annual Report. This information is vital to understand the cost of RECs from different sources of electricity, such as wind, incineration, and biomass, and should be a vital component in understanding whether Maryland ratepayers are getting value for their dollar. Please see the attached letter from the PSC in response to a Public Information Act request for an example of this information. Other jurisdictions make this information available. For

example, the District of Columbia publishes this information in its Annual Report on its RPS program.

3. The Age of Facilities Subsidized by Maryland's RPS program.

The PSC should publish the age of the facilities whose RECs are being used for compliance with Maryland's RPS in the RPS Annual Report. This information will help determine to what degree Maryland's RPS is spurring the development of new renewable energy vs profiting older facilities that predate the RPS's existence. The main purpose of the RPS is to support the growth of new clean energy sources and establish a market for electricity from renewable energy sources in Maryland.

Additionally, we request that the Public Service Commission conduct a compliance check to ensure that RECs being used to satisfy Maryland's RPS are generated by facilities that are eligible according to standing provisions of the Maryland Public Utility Code, particularly but not limited to provisions in §7-704(f). These sections require that all Tier 1 or Tier 2 sources must substantially comply with all applicable environmental and administrative requirements, and include particular requirements for waste-to-energy facilities. A number of advocacy groups have voiced concern in previous years, without response from the PSC at the time, that utilities are using RECs to satisfy Maryland's RPS that do not comply with these requirements.

The PSC, by sharing this information with the General Assembly and the public and by implementing the compliance standards for REC qualification passed by the General Assembly, will be helping provide important data that will allow policy makers and the public to analyze the strengths, weaknesses and effectiveness of the RPS program. This will help to better inform energy policy choices in Maryland in the coming years. We would like to request to meet with you at your convenience to discuss these simple but important measures to ensure that Maryland's RPS is as effective as possible at meeting our energy and climate goals.

Sincerely,

Tim Whitehouse
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Public Employees for Environmental
Responsibility

Jennifer Kunze
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Clean Water Action

Sonia Demiray
Co-founder
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