

III. CONCLUSION

In conclusion, upon consideration of all the evidence, testimony and comment on the record, as well as the arguments of the parties, I find and conclude that the application of Catoctin Power, LLC for a Certificate of Public Convenience and Necessity, for construction and operation of a nominal 600 MW combined-cycle gas-fired electric power generating facility, should be granted in accordance with the findings of this Order. In this regard, the Settlement Agreement of the Applicant with PPRP and the Settlement Agreement of the Applicant with the water suppliers are both accepted as uncontested and in the public interest, and the CPCN conditions accepted in both agreements shall be adopted as conditions of the CPCN. In addition, the condition of Intervenor Donald James, as herein modified to provide for one air monitoring station in Adamstown of certain pollutants at the expense of the Applicant for a two-year period, is also adopted in accordance with this Order. Various conditions of Frederick County and Staff as modified and accepted herein are also included as conditions of the Certificate.²³ In this regard, three proposed conditions of Frederick County regarding wastewater effluent matters are not

²³ Attachment I (consisting of Appendices A, B and C), incorporated herein by reference, contains the conditions accepted as part of the CPCN. Attachment I, Appendix A contains the PPRP conditions, Appendix B contains the water supplier conditions, and Appendix C contains the accepted conditions of Frederick County, Staff, and Mr. James.

accepted, and the Frederick County proposed land preservation condition is also not accepted as discussed above.

In sum, I find the record reveals that the proposed new power plant, to be powered by natural gas, will be a source of additional power that will be located in an industrial-zoned property near another large industrial plant, with minimal effects on the surrounding area. It will operate, with the extensive conditions accepted herein, without exceeding significant impact thresholds upon the environment, and will in fact benefit overall ozone air quality by the required offsets for certain emissions (NO_x and VOC). The power plant will operate to the overall benefit of the public by providing a new source of clean electric power within acceptable parameters when considering the relevant factors, and satisfies the public interest.

Finally, as the CPCN with the accepted conditions is granted as being in the public interest, the request of the Applicant for waiver of the two-year period from filing of the application to commencement of construction shall be granted. The record does not indicate any valid purpose to unnecessarily delay the project for nearly another year, and therefore the waiver is granted to allow construction to commence prior to February 2006. Also, as the site is already industrially zoned, no harm to the community would occur from earlier commencement of construction once the CPCN has been issued.

IT IS, THEREFORE, this 24th day of March, in the year Two Thousand Five,

ORDERED: (1) That the application of Catoctin Power, LLC for a Certificate of Public Convenience and Necessity to construct and operate a nominal 600 MW combined-cycle natural gas-fired electric power generating facility in Frederick County, Maryland is hereby granted in accordance with the findings of this Order.

(2) That the Agreement of Stipulation and Settlement of Catoctin Power, LLC and the Power Plant Research Program of the Department of Natural Resources is hereby accepted, including the conditions contained therein (noted in Attachment I, Appendix A).

(3) That the Settlement Agreement of Catoctin Power, LLC and the water suppliers (Fairfax County Water Authority, Washington Suburban Sanitary Commission, and Washington Aqueduct Division) dated October 21, 2004 is hereby accepted, including the conditions contained therein (noted in Attachment I, Appendix B).

(4) That the additional conditions accepted herein and noted in Attachment I, Appendix C are accepted as part of the CPCN.

(5) That the request for waiver of the provisions of § 7-208(b) of the Public Utility Companies Article to allow commencement of construction prior to two years from the filing of the application is granted.

(5) That this Proposed Order will become a final order of the Commission on April 26, 2005, unless before that date an appeal is noted with the Commission by any party to this proceeding as provided in Section 3-113(d)(2) of The Public Utility

Companies Article, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 3-114(c)(2) of The Public Utility Companies Article.

Joel M. Bright
Hearing Examiner
Public Service Commission of Maryland