

**ORDER NO. 79923**

IN THE MATTER OF THE APPLICATION OF  
CATOCTIN POWER, LLC FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO CONSTRUCT A  
NOMINAL 600 MW GENERATING FACILITY  
IN FREDERICK COUNTY, MARYLAND.

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

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CASE NO. 8997

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Catoctin Power, LLC (“Catoctin”) filed an application for a Certificate of Public Convenience and Necessity (“CPCN”) with the Public Service Commission (“Commission”) on February 25, 2004. The Commission assigned this case to the Hearing Examiner Division, and on March 24, 2005 the Hearing Examiner issued a Proposed Order of Hearing Examiner (“POHE”). The POHE granted Catoctin’s application to construct and operate a nominal 600 MW combined-cycle natural gas-fired electric generating facility in Frederick County, Maryland, subject to certain conditions.

Thereafter, on April 20, 2005 the Maryland Departments of Environment and Natural Resources (“State Agencies”) filed a Motion to Amend and Supplement the Proposed Order (“Motion”) to include additional environmental requirements into the CPCN required by the United States Environmental Protection Agency (“EPA”). The Commission issued a letter permitting the Parties an opportunity to submit a Notice of Intention to Comment by April 25, 2005, with any comments on the Motion then due by May 5, 2005.

The Commission has reviewed the record in this proceeding and determines that it is appropriate to act on the application on its own motion.<sup>1</sup> The Commission notes that no appeals of the POHE have been filed. Nor has any Party filed a Notice of Intention to Comment on the Motion filed by the State Agencies.

The Commission finds that the POHE should be adopted as its own, modified to include the conditions contained in the Motion based upon the record in this matter. The POHE is thorough, well reasoned, and appropriately grants the application for a CPCN, subject to necessary conditions presented to the Hearing Examiner. The Motion requires additional environmental protections required by the EPA that were not presented to the Hearing Examiner, which the Commission finds are appropriate. Therefore, the Commission finds that the record supports granting Catoctin a CPCN to construct and operate a nominal 600 MW generating facility in Frederick County, Maryland, subject to the conditions contained in the POHE and the conditions contained in the Motion. The CPCN is hereby granted on those conditions.

**IT IS THEREFORE** this 25<sup>th</sup> day of April, I the year Two Thousand and Five, by the Public Service Commission of Maryland,

**ORDERED:** (1) That the Proposed Order of Hearing Examiner is adopted by the Commission, as modified by the Motion to Amend and Supplement the Proposed Order;

(2) That Catoctin Power, LLC is hereby granted a certificate of public convenience and necessity for the construction and operation of a 600 megawatt generating station in Frederick County, Maryland, subject to the conditions contained in

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<sup>1</sup> See Section 3-114 of the Public Utility Companies Article.

the Proposed Order of Hearing Examiner and the conditions contained in the Motion and adopted by the Commission herein; and

(3) That all motions not granted herein are denied.

By Direction of the Commission,

O. Ray Bourland  
Executive Secretary