

MDPSC Administrative Hearing Comments re Case No. 8938 on Criterion Wind

Some years ago, a high schooler, after reading that Harriet Tubman had taken an evasive flight to escape her bondage, assumed she had boarded an airplane, ignorant that the Wright Brothers wouldn't fly for another 54 years. We cringe each time a report surfaces about how many high school students don't know the seminal events of history or literature, or how few know basic geography. Yet we seem to give our politicians a pass when it comes to providing evidence in support of public policy decisions. Governor O'Malley, for instance, recently justified his support of wind technology because, he said, it's a necessary part of the energy mix that would free us from the tyranny of foreign oil imposed by Arab jihadists—evidently ignorant that wind only produces electricity and that we use oil for only .3 of one percent of our electricity generation. Moreover, Canada and Mexico rank one and two respectively among the countries supplying the United States with “foreign” oil.

Mr. O'Malley is a busy man who surely cannot know everything. He must rely on staff, particularly the people he appoints to our regulatory agencies, to provide the essential information on which to base his policy decisions. In this instance, the state's public service commissioners should be the source of enlightened information about potential power producers. What are you, the PSC commissioners, prepared to tell the governor and the public about this limited liability Criterion Wind project beyond the report filed by PSC staff in this case?

How about a statement of facts that will expose what a scam this project is? The twenty-eight 430-foot tall turbines proposed here would have a rated capacity of 70MW. However, because of its likely capacity factor, it would, on average, produce about 18MW to the PJM grid, which has a peak generation of around 140,000MW. Further, more than half the time it would produce less than 20% of its rated capacity and, at peak times, often produce nothing. You might highlight how the PJM has granted this project only 13% of its nameplate capacity, meaning that if there is a transmission crunch, as occurs frequently, the grid will limit transmission from this installation to 9MW. Given the volatile nature of the wind, it would have no effective capacity, meaning it could never replace any reliable conventional plant, including coal, and more than a dozen projects like it would not, in any rational policy, prevent the building of additional conventional plants to meet new demand. And given the thermal implications involved in balancing wind's volatility, among other factors, this project—and all others like it—would offset, at best, relatively miniscule levels of carbon emissions throughout the grid.

Consequently, this enormous installation, spread over ten miles of the state's rarest, most sensitive habitat atop its most prominent mountain, cannot accomplish any of the state's environmental goals, including mitigating climate change, making the air cleaner, improving public health, and providing reliable supply to supplant the state's aging electricity generation plants.

On the other hand, it will environmentally devastate hundreds of acres of habitat, putting at risk much wildlife, some species of which are extremely vulnerable, while creating

unlawful noise to be heard by neighboring property owners, not to mention many other nuisances that will reduce quality of life. It will mock both Garrett County's Natural Heritage Plan and the state's strictures about protecting scenic highways.

None should pretend that this project is not born of what may be the most contemptible law passed in the last decade, a law dedicated to the pursuit of ignorance, made for a politically connected wind developer and a prominent wind lobbyist expressly to eliminate public inquiry and a systematic search for relevant information that could protect citizens, consumers, and the environment. What are the remedies for citizens who experience unlawful noise and deleterious health effects, for wildlife mortality, for property devaluations, for energy promised and not delivered? The PSC staff report is silent on these questions.

The staff report also fails to convey what happened at the requisite public hearing last month in Garrett County. About 150 people attended this "hearing," of whom 40 spoke. Of these only 7 supported the project, 4 of whom were either employees of the wind industry or were business partners with Criterion. There was overwhelming opposition.

That this application was slotted into the old Clipper file is yet another example of the pretentiousness involved with this case. It has been more than five years since the original case's evidentiary hearing, which was conducted with an expedited review, during which time much has been learned about the potential for that original project to inflict a great deal of harm—and about its dim prospects for delivering on any of its claims. Surely one of the purposes of a five-year construction limitation, which ended last month for the Clipper project, is the idea that circumstances would change within this time that could significantly alter consideration of the decision to grant a CPCN in the first place. But this was casually ignored.

Given that the General Assembly has crippled PSC review for future massive wind projects, this agency will no doubt approve this application. But you, as commissioners, should have the decency to say that you do so without considering its merits. As a service to the governor and the people of the state, you should also accompany your "approval" by putting an end to the disinformation campaign that has allowed people to believe contrived claptrap about wind technology, the same scientific gibberish the legislature used to adopt recent measures about the future use of wind and other so-called renewables. We need more wind projects like a prom queen needs acne.

Is it any wonder that people have become so cynical about their government—when its regulatory agencies hide behind a contemptible law to avoid doing their jobs, deceptively securing political ends while ignoring the public they are chartered to serve? And allow the governor to spout nonsense in defense of his policies. The PSC should know better. And do better. Let me challenge you to consult the better angels of your nature. You should clear the air by providing a countervailing whiff of reality, which could provide the basis for much more effective policy, saving citizens millions of dollars, while sparing people from an endless stream of political bromide and self-serving,

unsubstantiated industry claims on behalf of feckless, environmentally treacherous technologies.

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