

**BEFORE THE
PUBLIC SERVICE COMMISSION OF MARYLAND**

CHABERTON SOLAR RAMIERE LLC'S
APPLICATION FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY CASE NO. 9733
TO CONSTRUCT A 3.0 MW SOLAR
PHOTO-VOLTAIC GENERATING
FACILITY IN MONTGOMERY COUNTY,
MARYLAND

**MEMORANDUM ON APPEAL
OF INTERVENORS
MONTGOMERY COUNTRYSIDE ALLIANCE,
SUGARLOAF CITIZENS ASSOCIATION,
MONTGOMERY COUNTY FARM BUREAU,
AND MONTGOMERY AGRICULTURAL PRODUCERS**

Intervenors identified above submit this Memorandum under Md. Code Ann., Pub. Util. Art. § 3-113(d) and COMAR 20.07.02.13 in support of their appeal from the Proposed Order of the Public Utility Law Judge issued in this case on November 20, 2025.

STATEMENT AND ARGUMENT

This case is identical in all principal respects to PSC Case No. 9726, Chaberton's Sugarloaf Application for a solar project in Montgomery County. Intervenors participated in that case and on December 12, 2025 filed their appeal brief to the Commission from the November 12 decision of the Public Utility Law Judge granting that Application. The points raised in that brief apply equally to all the legal issues and almost all the factual issues in this case, and rather than repeat them here, we respectfully adopt that brief and incorporate it by reference herein. We add only the following 3 points.

1. Agrivoltaics Will Not Happen.

As we showed in our Sugarloaf brief, Chaberton has had 14 months since it "committed" to agrivoltaics in August 2024. In December of 2024 it drafted a Request for Proposals ("RFP") to

farmers willing to raise sheep at its Ramiere project, but it has not even released the RFP to the public. Hearing Tr. P. 63.

Given the Planning Board's recommended approval on the condition that Chaberton employ agrivoltaics,¹ a truly committed Chaberton would have done everything possible to assure the Commission that agrivoltaics was a certainty. Accordingly, why it hasn't released the RFP warrants an explanation. Here was Chaberton witness Boswell's explanation:

Q. Why will you wait until then [project operation] when you'd learned [sic] so much by releasing it now? The public interest would be served by releasing it now, so we could know whether you're going to get any responses to it before the project is approved.

A. Well, we understand that it's harvest season, and farmers are very busy. And we don't think it's wise to waste their time this time of year.

Hearing Tr. P. 63. Apart from the fact that sheep are not "harvested" in the Fall, that response perfectly encapsulates Chaberton's cynicism about agrivoltaics.

Chaberton has said (in both the Sugarloaf case and this one) that it will proceed even without agrivoltaics:

Q. All right. Okay. So, suppose you have no interest from beekeepers, and you have no interest from sheep raisers, and you can't implement an agrivoltaics plan. Is the project going to operate nonetheless?

A. I think that we would continue to proceed with the project, yes.

Hearing Tr. 29; see also *id.* at 67 ("[W]e would still continue to pursue the project."). That's almost certainly what's going to happen: there will be no agrivoltaics. That is because:

1. The chances are vanishingly slim that any sane farmer would accept the RFP. It is 26 single-spaced pages containing, among other daunting content, a "Farmer Qualifications" section and a "Proposal Requirements" section that are so onerous that they look like they were deliberately designed to deter interest. (They appear at Appendix A to our *Sugarloaf* brief.)

¹ Chaberton "must implement agrivoltaics on the property." ML 318865.

2. Chaberton’s consultant, Okovate, says that one sheep farmer on both the Sugarloaf *and* the Ramiere property would earn less than \$7,500 annually.² Less than half of that would come from Ramiere, which is the smaller of the two.
3. There is no accessible water on the property, meaning that “it would require a well to be drilled on-site or for water to be trucked in.” (Hearing Tr. 72.) Drilling a well (assuming a viable well yield) and providing the necessary casing, pump, and electrical wiring would cost thousands of dollars, and the alternative – daily truck delivery – is a powerful disincentive to any farmer making such little money from the endeavor.
4. The sheep would have to be regularly rotated (trucked) on and off the property (Hearing Tr. 31-32), another serious disincentive for a sheep farmer looking for more grazing land.

Given those facts, no sheep farmer, even one who could understand and would accept the RFP, will agree to its terms (which, among other things, requires an insurance policy naming Chaberton as a covered insured, see Hearing Tr. 30).

It is reasonable to conclude, based on these record facts, that Chaberton itself knows that its RFP will get no takers, which is why it proposes to submit it to the public only after the project has been fully approved and 30 days prior to operation (Hearing Tr. 63, 65, 98), by which time the efforts expended and the expectations of the project’s operations will conspire to abandon agrivoltaics when the RFP gets no responses.

2. Chaberton Does Not Value the Community.

Chaberton witness Boswell testified that Chaberton “deeply values the communities it serves,” a line repeated on Chaberton’s website. Hearing Tr. 53-54. The community in this case is Montgomery County. When Chaberton filed its Application, it was aware of the County zoning laws *and* that the Agricultural Reserve “is celebrated across the nation as a model for the

² Okovate Sugarloaf and Ramiere Agrivoltaic Planning Report, p. 24, at Attachment 4-8, p. 148, Exh. 5 to PPRP Direct Testimony, ML 318870.

preservation of open space and adjacent farmland.” Hearing Tr. 54-57. Chaberton also knows that many County residents have appeared at public hearings on its Application and opposed it, and of course that it is strongly opposed by Intervenors, representing Montgomery County farmers and citizens dedicated to preserving the Reserve. Hearing Tr. p. 57. Yet Chaberton seeks to override the community’s laws and industrialize farmland in the Reserve.

That by itself is enough to give the lie to Chaberton’s professed deep valuation of this community. But there is more. Witness Boswell testified that the Ramiere project will serve “low and moderate income consumers in Montgomery County.” Hearing Tr. 46-48. But he did not even know how many consumers might use Ramiere electricity, let alone how many would be low income consumers, or even the definition of a low income consumer or a moderate income consumer. Hearing Tr. 46-48.

In addition, Chaberton is not in it for the long run. It will sell the project before construction starts. Hearing Tr. 34 (“Chaberton doesn’t operate the projects it develops”) and 35 (“[W]e do not participate in the construction process.”) and 36 (Chaberton’s role stops once construction starts). Moreover, if approved, Chaberton will leave behind a project that will employ no more workers, and perhaps less, than if the land were farmed. Hearing Tr. 49 (“two, three, or four jobs” to maintain the project).

And finally, Chaberton doesn’t need to violate community laws protecting prime farmland to be successful. Witness Boswell testified that Chaberton has projects already operating and 140 more in the pipeline, none of which (other than Sugarloaf and Ramiere) has violated or will violate local zoning laws. Hearing Tr. 26 (“We have been successful without violating zoning

laws, yes.”). Deliberately invading the Reserve with no justifiable business need shows that Chaberton does not value the community but disdains it.³

Accordingly, the Commission may rightly discount the supposed community-centered virtues of Chaberton’s Application.

3. Montgomery County Does Not Need To Be Corrected.

The flip side of Chaberton’s false portrayal of itself as a friend to the community is its false portrayal of the County as an implacable foe of solar.

The fact is that the County has opened itself to solar, allowing it where before it had been prohibited, including on other-than-prime farmland in the Reserve. Testimony of Caroline Taylor, ML 318868; Hearing Tr. 139.⁴ Moreover witness Boswell testified that he had no reason to doubt the testimony of witness Taylor that the County has over 8,200 acres of warehouse and parking areas that could host solar facilities. Hearing Tr. p. 44. And Montgomery County is second in the State (out of 23 counties) in electricity generated from solar. Surrebuttal Testimony of Caroline Taylor, p. 5, ML 320112.

Chaberton should not have put Montgomery County’s good faith in doubt. Even if the County had decided to preserve all prime farmland over industrial solar, that would have been a rational decision, not one warranting a punitive override.

³ The Sugarloaf and Ramiere projects represent 1.43% of Chaberton’s pipeline.

⁴ Her testimony (ML 318868), virtually all of it uncontested, sets out the history of the Reserve’s formation, the justifications for preserving farmland, the benefits of local food production, the history of solar zoning for the Reserve, and the impact of solar development on the Reserve.

Accordingly, the Commission should reject Chaberton's position that the County has been unreasonably inhospitable to industrial uses on prime farmland, and that Chaberton should be seen as an admirable corrective.

CONCLUSION

Given Chaberton's burden, the Reserve's longstanding and continuing importance to the County, the County's openness to solar development, and the fact that the public will get only a miniscule benefit from this project, the Commission should deny Chaberton's Application as against the public convenience and necessity.

If the Commission does approve the Application, it should strengthen the PUL Judge's condition that Chaberton employ agrivoltaics on the project in three ways: the agrivoltaics plan should be reviewed and approved by Montgomery County Office of Agriculture; that Office should conduct twice-a-year on-site reviews to ensure compliance; and any monetary penalties levied for noncompliance should be payable to support Montgomery County agricultural easement programs.

Respectfully submitted,



William F. Sheehan

Counsel for Intervenors
Montgomery Countryside Alliance
Sugarloaf Citizens Association
Montgomery County Farm Bureau
Montgomery Agricultural Producers

December 22, 2025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22th day of December 2025, the foregoing “Memorandum On Appeal of Intervenors” was either hand-delivered, e-mailed or mailed first-class, postage prepaid to all parties of record to this proceeding.

Respectfully submitted,

/s/

William S. Sheehan, Esq.