

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF MARYLAND**

CHABERTON SOLAR SUGARLOAF I,  
LLC’S APPLICATION FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND  
NECESSITY TO CONSTRUCT A 4.0 MW  
SOLAR PHOTO-VOLTAIC GENERATING  
FACILITY IN MONTGOMERY COUNTY,  
MARYLAND

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CASE NO. 9726

**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 12, 2025.

**STATEMENT OF THE CASE**

**This Proceeding**

On March 4, 2024, Chaberton Solar Sugarloaf I, LLC filed an Application under Md. Public Utilities Article (“PUA”) § 7-207 for a Certificate of Public Convenience and Necessity to construct a 4.0 megawatt alternating current solar photovoltaic community solar energy generating facility in Montgomery County, Maryland.

Chaberton filed a Revised Application on March 25, 2024, and it was deemed administratively complete under Code of Maryland Regulations 20.79.01.10A on April 8, 2024.

Following public hearings on June 10, 2024, and February 4, 2025, testimony and/or comments were submitted by the Maryland Department of Natural Resources (DNR), Power Plant

Research Program (PPRP); the Technical Staff of the Commission; the Maryland-National Capital Park and Planning Commission (“M-NCPPC”); Intervenors; Montgomery County Council and County Executive Marc Elrich; and Chaberton, all as more fully set forth in the Proposed Order at pp. 1-4.

An evidentiary hearing before the Public Law Judge was held on April 22, 2025, and Chaberton, Staff, and Intervenors filed post-hearing briefs.

Montgomery County, the M-NCPPC, and Intervenors recommended denial of Chaberton’s Application. Staff and the PPRP recommended approval. See Proposed Order at pp. 13-14.

As the PUL Judge noted (Order, p. 20), Chaberton’s proposed project will violate Montgomery County’s zoning regulations in two ways: First, it’s size – 4.0 MWs – is double the 2 MW limit and, second, its placement on Class II soil violates the prohibition of solar systems on prime farmland. Zoning Text Amendment (ZTA”) 20-21. The Proposed Order nevertheless grants the Application.<sup>1</sup>

### **Montgomery County’s Agricultural Reserve.**

Development pressures in Montgomery County grew in the second half of the twentieth century and Montgomery County’s farms started to disappear at an alarming rate. Montgomery County planners sought ways in which they could preserve some of Montgomery County’s historic farmland before it was swallowed up by residential and commercial development. Deliberations in 1980 culminated in a Master Plan that established the Reserve, which consists of 93,000 acres of land in the northern and western part of the County. From then on, for a substantial portion of the Reserve, only one house may be built per twenty-five acres so as to protect the agricultural landscape of

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<sup>1</sup> Maryland Senate Bill 931, signed into law on May 20, 2025, does not apply here. Section 5 states that it “may not be applied or interpreted to have any effect on or application to the construction or modification of a solar energy generating system that was submitted for a [CPCN] from the Public Service Commission \* \* \* before July 1, 2025.” Chaberton’s Application was submitted before that date and therefore must be decided under the rules and regulations in place when it was filed.

Montgomery County by preserving farmland and restricting residential, commercial, and industrial development.<sup>2</sup>

The nationally acclaimed Reserve protects and promotes farmland and agriculture, resulting in more than 500 farms that contribute nearly \$300 million to Montgomery County's annual economy.<sup>3</sup>

For the past 45 years, the Montgomery County government – Planning Board, County Council, and County Executive – have supported the Reserve as one of the most important and distinctive features of Montgomery County's development pattern and contributor to quality of life. This commitment has been repeatedly recognized in the adoption of policies to permit accessory activities that enhance agriculture and to restrain the persistent efforts to introduce uses that are incompatible with farming or could result in fragmenting the Reserve to make farming no longer viable.<sup>4</sup>

The need to preserve farmland in a County that already provides for a balanced series of growth alternatives can be justified by seven broad public purposes: (1) control of public costs and prevention of urban sprawl; (2) adherence to county growth management systems; (3) preservation of regional food supplies; (4) energy conservation; (5) protection of the environment; (6) maintenance of open space; and (7) preservation of rural life-styles.<sup>5</sup>

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<sup>2</sup> Caroline Taylor Direct Testimony, ML 315120, p. 4. (Ms. Taylor is the Executive Director of Intervenor Montgomery Countryside Alliance.)

<sup>3</sup>Joint Comments of Comments of Montgomery County Council and County Executive Marc Elrich, January 24, 2025, ML 315127, p.2 (hereinafter "MOCO Joint Comments"); Hearing Testimony of Chaberton's Ryan Boswell, pp. 20-21 (acknowledging that the Reserve "is celebrated across the country as a model for the preservation of open space.").

<sup>4</sup>Taylor Direct Testimony, ML 315120, pp. 4-5.

<sup>5</sup> Taylor Direct Testimony, ML 315120, p. 5.

## **Zoning Text Amendment 20-01**

Before enacting ZTA 20-01, the County spent two years analyzing the best standards for allowing solar in the Agriculture Reserve. This included input from multiple stakeholders – both developers and residents – as well as committees and working groups. The result was a Zoning Text Amendment (ZTA) that allowed Solar Collection Systems in the Reserve but with certain protections for farmland. In short, Montgomery County has labored over the years to advance and support solar projects in its planned zones to meet renewable energy goals, while preserving and protecting the most productive soils for the primary use in the Reserve, agriculture. Its efforts have been successful: Montgomery County ranks second in the State in solar production (see below).

### **The County and the Community Oppose the Project**

The record shows that opposition to the Project has been wide and deep across the County. Thus, the County Council and the County Executive oppose it. As they explained, “Montgomery County is in the unique position of needing to balance the expansion of renewable energy with protection of its Agricultural Reserve.”<sup>6</sup>

The Maryland National Capital Park and Planning Commission (M-NCPPC), which includes the Montgomery County Planning Department and Montgomery County Planning Board, voted to oppose the Project on January 10, 2025. ML 315115.

At the PUL section 7-207(d)(1)(i) public hearings on the Application, on February 4, 2025 and July 10, 2025 the overwhelming majority of speakers opposed the project. Also at the July hearing, written statements in opposition were presented by The MoCo Climate Coalition, representing 20+ local climate concerned organizations; the League of Women Voters of Montgomery County; and the B-CC Chapter of the Izaak Walton League of America.

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<sup>6</sup>MOCO Joint Comments, ML 315127, p. 1.

The minutes of a January 29, 2025 public meeting of the Montgomery County Planning Board, continuing a hearing from September 5, 2024, recorded that “over 60 pieces of correspondence in opposition of the project were received since the previous hearing.”<sup>7</sup>

### **SUMMARY OF POSITION AND GROUNDS FOR APPEAL**

Intervenors urge the Commission to reject the Proposed Order approving the Application. In the alternative, Intervenors ask the Commission to strengthen the Order’s requirement that Chaberton employ agrivoltaics to assure that the requirement is effective.

This case brings before the Public Service Commission, for the first time, an effort to commercialize farmland in Montgomery County’s Agricultural Reserve. The Commission in passing on the Application must give “due consideration” to the wishes of the County Council and the County Executive, and of the County Master Plan and zoning laws the Chaberton project will violate.

“Due consideration” is a relative concept. It means the weight to be given to something, based on its weight and the situation. Here the situation is unique: a proposed project that would violate the zoning rules designed to protect the Reserve’s prime farmland from commercial development. The consideration of preserving the Reserve should weigh heavily in deciding Chaberton’s application – heavily enough to defeat it.

The uncontradicted evidence in this case shows that Montgomery County’s Agricultural Reserve, created in 1980, has been hailed across the Country ever since as a successful solution to the problem of urban encroachment on viable farmland. Maintaining the Reserve’s integrity has not been easy. Development pressures have been continuous and persistent. The homebuilding industry, bridge builders, firearm shooting ranges, “glamorous camping” proponents, large scale entertainment venues, and others have persistently sought to monetize the Reserve’s farmlands. Almost every one repeats the

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<sup>7</sup> Attachment 3, p. 16, Planning Board Minutes of January 29, p. 16, appearing as Attachment 3 to the Rebuttal Testimony of Ryan Boswell, Feb. 21, 2025, ML316137.

same soothing mantra: “We love the Reserve, and ours will only be a tiny bite.” Chaberton says the same: the Intervenors and the County exaggerate the threat to the Reserve because the Sugarloaf project will occupy only a small portion of the Reserve’s farmland – only a tiny bite that won’t matter.

But preservation of the Reserve does matter, and its presence in this case distinguishes Chaberton’s application from all the others that the PSC has yet considered.

The County carefully drafted its solar zoning regulations after lengthy consultations with all interested parties, including the renewable energy industry. The resulting regulations allow solar facilities but also establish appropriate limits on the size of solar facilities and require that they are built only on lower quality soils. The zoning provision allows Montgomery County and the Reserve to contribute to solar in the State. Indeed, Montgomery County is second among all State counties in for solar development.<sup>8</sup>

Chaberton bears the burden of demonstrating that the proposed project serves the public convenience and necessity. *See In Re Potomac Edison Co. dba Allegheny Power*, 97 Md. P.S.C. 239, 243 (2006). Hence Chaberton must positively show that the public interest will be served by commercializing the Reserve and overriding the wishes of the County Council and the County Executive, the County’s carefully drawn zoning laws, and the strongly expressed views of dozens of community residents and nonprofit organizations.

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 very little reliability benefit from a 4 MW project, the Commission should deny Chaberton’s Application as against the public convenience and necessity.

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<sup>8</sup> Taylor Surrebittal, ML 316543, p. 6 (“Montgomery County is second only to Prince Georges County, Maryland in solar energy output at 187.4 MW.”).

If, however, 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.

## **ARGUMENT**

### **I.**

#### **DUE CONSIDERATION OF PROTECTING THE RESERVE WARRANTS DENIAL OF THE APPLICATION.**

Public Utilities Article ("PUA") §§ 7-207(e) requires the Commission, in considering a CPCN application, to give "due consideration" to a number of factors. Two are particularly relevant here.

First, § 7-207(e)(1) requires that due consideration be given to "the recommendation of the governing body of [the] county \* \* \* in which \* \* \* the generating station \* \* \* is proposed to be located." Under Section 1-101 of the Maryland Local Government Article, the "governing body" is defined as the County Council and the County Executive.

Second, § 7-207(e)(4)(i) requires due consideration be given to "the consistency of the application with the comprehensive plan and zoning of [the county in which] any portion of the generating station is proposed to be located."

PUA § 7-207(e) does not define the term "due consideration," but we should start with "the normal, plain meaning of the language of the statute." *Wash. Gas Light Co. v. Md. Pub. Serv. Comm'n*, 460 Md. 667, 682 (2018). The plain meaning of that term has been defined as providing "[t]he degree of attention properly paid to something, as the circumstances merit," Black's Law Dictionary (11th Ed. 2019), and, similarly, as "giving such thought or weight to a fact as it merits under all the circumstances of the case." Ballentine's Law Dictionary (3d Ed. 1969). The expressions "properly paid" and "as it merits" under "the circumstances" at hand show that the decisionmaker, in deciding

what consideration is due, should give a particular factor more or less weight depending on the other factors in the mix. When the interests presented under any given factor are particularly weighty, then more consideration of that factor is necessarily due.

What weighs especially heavily in this case is Montgomery County’s careful and balanced embrace of solar energy while protecting vanishing farmland in the Agricultural Reserve. The uncontested evidence shows that the Reserve is a special place, nationally renowned for its careful accommodation of agricultural farmland landscapes with urban and suburban landscapes. That is what prompted the County Council and Executive Director to say that Montgomery County “is in the unique position of needing to balance the expansion of renewable energy with protection of its Agricultural Reserve.”<sup>9</sup>

The Commission can of course override the County’s views and its zoning laws. “Under the plain language of the statute,” however, “local government is a significant participant in the process, and local planning and zoning concerns are important in the PSC approval process.” *Bd. of Cty. Comm'rs of Washington Cty. v. Perennial Solar, LLC*, 464 Md. 610, 645 (2019).

Chaberton tries to sugar-coat its violation of ZTA 20-21 by characterizing the law as an impediment to the State’s energy goals, and presenting Chaberton’s project as a needed corrective to a short-sighted community. But Montgomery County has more solar projects than any county but one in the State,<sup>10</sup> and thus Chaberton witness Bosworth is flatly wrong in saying that, since the passage of ZTA 20-21, “there is limited ability for County-sited solar projects to contribute meaningfully to the State’s solar energy requirements.”<sup>11</sup>

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<sup>9</sup> MOCO Joint Comments, ML 315127, p. 1.

<sup>10</sup> Taylor Surrebuttal, ML 316543, p. 6 (“Montgomery County is second only to Prince Georges County, Maryland in solar energy output at 187.4 MW.”).

<sup>11</sup> Bosworth Supplemental Direct Testimony, ML 311975, p.2.

Moreover, Chaberton does not come to the Reserve with immaculate hands. It has 130 projects in development and claims to be the fastest growing community solar company in the United States, a status it has attained while complying with all local zoning laws *except in this case*.<sup>12</sup> Chaberton was fully aware of ZTA 20-21 when it submitted its Application, and it knew that “the Reserve is celebrated across the nation as a model for the preservation of open space.”<sup>13</sup> Chaberton also knew that “the zoning in the Agricultural Reserve *does allow* for community solar”<sup>14</sup> – yet, instead of proposing a project that’s allowed, Chaberton filed an Application that seeks to commercialize the Reserve against the community’s decades’ long interests in protecting it.

On that subject, Chaberton is well aware of the community opposition to its project.<sup>15</sup> Yet Chaberton comes to break a model for the preservation of farmland and open space based on what Chaberton alone knows what is best for the Reserve: “we don’t view it as overriding the community’s interests. We think that the benefits of the project outweigh any downsides to the project.”<sup>16</sup>

Chaberton does not know what’s best. The reasons farmland in the Reserve has remained reasonably affordable is because Montgomery County put a plan in place to: (1) protect farmland; (2) limit residential development; (3) condition non-agriculture uses; (4) spend millions of dollars to secure perpetual easements; and (5) further extinguish building rights. If the Chaberton Application is granted, solar will displace critical farmland, defeating decades of Reserve planning and preservation.

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<sup>12</sup> Bosworth Testimony at the 4.22.25 Hearing, p. 18-19.

<sup>13</sup> *Id.* pp. 20-21.

<sup>14</sup> *Id.* p. 21 (emphasis added).

<sup>15</sup> *Id.* pp. 23-25.

<sup>16</sup> *Id.* p. 26.

The Proposed Order addresses the § 7-207(e) the County’s recommendation and consistency with local zoning, at pp. 15 and 32. It contains a fair description of the creation of the Reserve, its national significance and the rationale behind its balance of solar support and farmland preservation. Order at pp. 6-7, 16-17. It also notes that Doug Lechluder, Board member of Intervenor Montgomery County Farm Bureau, “testified that there are over 330 farms in Montgomery County that produce table food, many of whom participate in the Farm to Food Bank program and agriculture accounts for more than 10,000 jobs in Montgomery County”; and that zoning in favor of agricultural uses in the AR maintains the economics of farming in Montgomery County by keeping land values reasonable and property taxes low, and contributes to the environmental health of Maryland through carbon offsetting, conservation, and composting.” Order at p. 17.

Yet the Order contains no analysis of the virtues of the County’s creation and management of the Reserve or the adverse impacts of the substitution of commercial solar for prime farmland. Instead it simply concludes that “allowing the Project to utilize less than a quarter of one percent of Agricultural Reserve land in furtherance of achieving the State’s solar generation goals would not be a significant impingement to the County.” Proposed Order at p. 21. That analysis simply ignores the cumulative harm to the Reserve by the thousand cuts proposed by commercial entrepreneurs with their sights on the Reserve’s open space.

Equally important, that focus on the “[in]significant impingement” on the County fails to account for the *greater* insignificance of Chaberton’s proposed 4MW project in producing clean energy. Montgomery County in 2023 consumed 10,174,064 MWh (megawatt hours) of electricity.<sup>17</sup>

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<sup>17</sup><https://findenergy.com/md/montgomery-county-electricity/#:~:text=Montgomery%20County%2C%20Maryland%20Electricity%20Overview,EMISSIONS;https://data.montgomerycountymd.gov/stories/s/Montgomery-County-2022-Energy-Benchmarking-Report/fgf6-babm/>

Chaberton's 4MW project will produce 8,584 MWh per year.<sup>18</sup> That is **.08% of the yearly total** – about half of the percentage of the land taken from the Reserve – and adds virtually nothing “in furtherance of achieving the State’s solar generation goals.” Proposed Order at p. 21.<sup>19</sup>

Chaberton's microscopic addition to the County's electric needs should not outweigh the Montgomery County community's longstanding, deep, and legitimate interest in protecting the farmland in the Agricultural Reserve. Rather, “due consideration” of the County's interest should carry the day.

Finally, the absence of adverse impacts is not a reason to grant the Application. Many of the PUA section 7-207(e) factors that the Commission considers address the avoidance of harm rather than a project's virtues. It is not a plus that the project will not cause plane crashes, or mar the beauty of the countryside, or adversely impact historic resources, air quality or water quality, or Maryland Wild and Scenic Rivers, or produce negative waste, or adversely impact forests or endangered species. Proposed Order at pp. 25-32, 34-36. These factors were obviously designed to protect against various harms that energy projects might pose to important public interests. A project that avoids causing these harms does not get credits towards a CPCN – it just avoids demerits.

As for positive merits, Chaberton brings almost nothing to the table, and that does not warrant overriding Montgomery County's longstanding commitment to preserving prime farmland.

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<sup>18</sup> <https://www.freeingenergy.com/math/solar-pv-gwh-per-mw-power-energy-mwh-m147/>

<sup>19</sup> The Commission may take judicial notice of the documents cited in the footnotes above as adjudicative facts under Maryland Rule 5-201, Judicial Notice, because they concern the immediate parties and are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned” (Rule 5-201(b)); or as legislative facts “which help the tribunal decide questions of law and policy and discretion.” *In the Matter of AutoFlex Fleet, Inc.*, 314 A.3d 711, 261 Md. App. 627, 668 (2024).

Accordingly, the Commission should rule that the Proposed Order does not give sufficient consideration to Montgomery County’s efforts to protect the Agriculture Reserve, and disapprove the Application.

**II.**  
**THE AGRIVOLTAIC REQUIREMENTS MUST BE GIVEN TEETH**

If the Commission does approve the Application, we urge it to toughen up the agrivoltaics requirements imposed by the Proposed Order.

Chaberton’s “commitment” to agrivoltaics is a phantom. In June of 2024 it disavowed agrivoltaics.<sup>20</sup> In August it changed its mind and said that it can now “commit to maintaining meaningful agricultural use of the site.”<sup>21</sup> Witness Bosworth testified at the April 22 hearing that, “recognizing that it is in the Ag Reserve and the robust history of the Ag Reserve, we think it’s appropriate here.” Hearing Tr. 33. But Chaberton has done almost nothing to make that commitment a reality.

Chaberton did hire a consultant, who advised that sheep grazing is the only way to go, and Chaberton did draft a request for proposals, in December 2024. But it has not released that proposal to the public, even though a full year has passed, and it does not plan to release it until the Project has been approved and ready for construction. 4.22.25 Hearing Tr. 33, 34, 46. If Chaberton was really interested in pursuing agrivoltaics, it would have released the RFP last December and tested it for responses.

One explanation for why Chaberton hasn’t released the RFP is that this 26-page, single-spaced document contains lease conditions that are so over-the-top unattainable that it would be a stunning

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<sup>20</sup> Bosworth testimony of June 19, 2024 (Chaberton is not making commitments at this time that the Project will deploy agrivoltaic strategies.”). ML 310345, p.13.

<sup>21</sup> Bosworth testimony of August 28, 2024. ML 311976, p. 1.

surprise if even a single sheep farmer ever attempted to meet its requirements. 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 hereto.)

Moreover – the stake in the heart of Chaberton’s “commitment” – Chaberton will abandon any effort at agrivoltaics if it gets no acceptable responses to its request for proposals. Hearing Tr. 38 (“Q. And if it [agrivoltaics] was not a condition, though, you would proceed without an agrivoltaics plan? A. If it were not a condition, yes, likely we would.”).

In short, Chaberton’s supposed commitment to grazing sheep should not be taken seriously.

The Proposed Order acknowledged the unreliable nature of Chaberton’s agrivoltaics commitment by imposing certain conditions on the grant of its Application. Thus, the Project Owner must use agrivoltaics “through the end of the life of the Project”; must acquire “financial surety in the form of a bond or letter of credit payable to Montgomery County in the amount of not less than \$500,000” before construction starts; and must plant and maintain pollinator habitat on any portion of the project where agrivoltaics is not viable. Proposed Order p. 47.

These requirements do not go far enough. To be certain that it is serious and capable of prompt and continuous operation, the agrivoltaics plan should be subject to the prior review and approval of the Montgomery County Office of Agriculture, and project construction disallowed without that approval. To be sure that the plan actually *continues* as required, that Office should conduct periodic, unannounced on-site reviews at least twice a year to determine compliance with the conditions imposed, and uncorrected noncompliance should trigger payment of the bond. Next, planting pollinator habitat should not be a permissible substitute for agrivoltaics: where agrivoltaics is not “viable” should be clarified to mean where sheep cannot graze. And finally, monetary penalties levied

for noncompliance should be payable to the Office of Agriculture for the exclusive funding of agricultural preservation initiatives.

### **CONCLUSION**

Chaberton has not met its burden of proving that its proposed project serves the public convenience and necessity, and its Application to override the Reserve's protections should be denied. Alternatively, the agrivoltaics conditions the Proposed Order imposes should be strengthened.

Respectfully submitted,



William F. Sheehan

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

December 12, 2025

**Appendix A to Intervenor’s Memorandum on Appeal:  
Farmer Qualifications and Proposal Requirements  
in Chaberton’s Agrivoltaics RFP**

## **4. Farmer Qualifications**

The Projects seek applicants with the qualifications, experience, and commitment necessary to ensure the success of the agrivoltaic system. Proposals must address the following.

### **Experience:**

- o Provide an overview of your agricultural experience, including specific expertise in vegetation management, livestock grazing, and crop production.
- o Provide experience and plans for soil health management, pest management, and water management/irrigation.
- o Highlight any prior experience working with or near solar infrastructure.
- o Detail your vegetation and landscape management experience and years of practice in each relevant area.

If representing a new and/or historically underserved farmer demographic, discuss the resources you can rely on for guidance.

### **Proximity and Availability:**

- o Indicate your proximity to the Sugarloaf and Ramiere sites and how you will facilitate effective management.
- o If you do not live nearby, provide a plan for regular site visits and ensuring consistent operations.
- o As applicable, outline any time commitments for other professional activities and explain how these will be balanced with your responsibilities at these sites.

### **Training and Certification:**

- o Confirm your willingness to fulfill solar-related safety and operations training, which will be provided at by Ramiere and/or Sugarloaf as applicable at no expense to the famer.
- o If applying for a grazing-focused proposal, AGSA (American Solar Grazing Association) certification is required. If not already certified, explain your plan to obtain certification.

### **Equipment Access:**

- o Specify what equipment you currently have access to and what you will bring to the farm site to fulfill project requirements, including: • Tractors (specify horsepower and any specialized attachments like front-end loaders, mowers, etc.) • Planting equipment (seeders, transplanters, etc.) • Harvesting equipment (combines, balers, etc.) • Sprayers and other application equipment • Trucks and trailers for transportation • Irrigation systems (if applicable)

- o **Maintenance:** Describe how you plan to maintain your equipment to ensure reliability and functionality.

- o **Compatibility:** Explain how your equipment is suitable for operating within the constraints of a solar farm environment (e.g., maneuverability around solar panel arrays, height restrictions).

### **Collaboration and Communication:**

- o **Experience:** Outline your experience working with other entities on collaborative projects, particularly those involving land sharing or coordinated activities.

- o **References:** Provide contact information for individuals or organizations who can attest to your experience, work style, and communication skills.

- o **Technology:** Describe your comfort level with using technology platforms for communication, data sharing, and project coordination (e.g., text, email, project management software, cloud-based document sharing).

- o **Problem-Solving:** Provide an example of a situation where you had to effectively communicate and collaborate to overcome a challenge on a project.

### **Insurance:**

- o **Proof of Insurance:** Include proof of liability insurance or a written acknowledgment that you will obtain and provide proof of the required coverage prior to commencing activities on site.

- o **Additional Insured:** Ensure that the insurance policy explicitly names Chaberton Solar Ramiere LLC and/or Chaberton Solar Sugarloaf LLC and any associated companies (to be confirmed later) as additional insured parties.

### **Financial Stability**

- o **Business Structure:** Indicate your business structure (sole proprietorship, partnership, LLC, etc.)

- o Provide number of years in farming business and number of years farming in Maryland.

## **5. Proposal Requirements**

Farmers or agricultural operators responding to this RFP must submit a comprehensive proposal that provides a clear vision for how they will utilize one or both agrivoltaics sites (Sugarloaf and Ramiere)

and outlines their approach to vegetation management, agricultural production, and sustainable practices. The proposal must address the following components.

## **General**

- **Vision Statement:** Include a concise vision for your proposed activities, demonstrating alignment with the goals of this RFP integrating renewable energy and agriculture while enhancing soil health and biodiversity.
- **Site Preference:** Indicate whether you are applying for one or both sites. If applying for both, provide details on how you will coordinate and manage activities across the sites, including logistics for livestock or equipment transport.
- **Innovative Use of Space:** Explain how you will utilize available space, including opportunities under and around the solar panels, while complying with site constraints.
- **Size of Area:** Indicate whether the proposed agricultural activity will take place in the entire area available or whether a smaller area is desired. If a smaller area is desired, indicate whether your activity may be conducive for other activities to collocate near/adjacent at the same site.
- **Contracting:** Proposed edits to the applicable draft Terms and Conditions contained in Appendix C, D, or E. Edits should be reasonable with thoughtful explanations.

## **Agricultural Management Plan**

- **Crop Cultivation:** Detail your crop rotation plan, including how it will enhance soil health, and sustain productivity. Describe your pest management strategies, such as integrated pest management or other (sustainable) practices and intended pesticide/fertilizer use. Also outline soil conservation measures like cover cropping to maintain soil quality and prevent erosion. Explain how you will ensure compliance with vegetation height requirements. Also share information about the equipment you intend to use, ensuring it aligns with the spatial constraints of the panels. If you plan to employ manual labor and hand harvesting, describe your approach, including workforce logistics and scheduling, and outline strategies to mitigate potential risks such as worker safety and labor shortages.
- **Grazing:** Describe your (rotational) grazing strategy, including stocking rates, breeds, animal age, rest periods for pasture, and prevention of overgrazing. Include information about logistics and animal transport. Outline your approach to animal health and welfare, including parasite management and veterinary care.
- **For Pollinator-Friendly and Mixed-Use Proposals:** Explain how you will establish and maintain pollinator-friendly vegetation or integrate multiple agricultural activities. Explain how you will comply with the vegetation standards. Additionally, proposals must include methods to monitor the effectiveness of pollinator-friendly practices, such as conducting surveys or partnering with ecological organizations.

## **Economic Viability**

Applicants must demonstrate the financial sustainability of their proposed agricultural activities under the agrivoltaic system. Proposals should include the following.

**1. Budgeting:**

Provide a detailed budget example to demonstrate that the proposed operation is financially viable. The budget should include:

- o Expected income from agricultural activities, such as crop sales, livestock production, or pollinator-friendly practices.
- o Anticipated operational expenses, including transportation, equipment, seed or feed costs, water usage, and vegetation management.
- o If applicable, provide an estimation of costs associated with the proposed activities, including equipment, infrastructure needs such as fencing, water systems, or other improvements.

**2. Nature of the Business:**

- o Indicate whether the proposed agricultural operation will serve as the applicant's primary business or a part-time or supplemental activity.
- o For part-time proposals, explain how this approach will ensure consistent and reliable management of the site.

**3. Infrastructure needs:**

- o Clearly outline any infrastructure improvements or equipment required to execute the proposed activities effectively.
- o Include cost estimates for any infrastructure not already in possession and offer insight into how potential financial support from Ramiere and/or Sugarloaf would be used to improve the sustainability and efficiency of the operation.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> 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.