

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Exelon Generation Company, LLC) Docket No. P-405-106
_____) Docket No. P-405-121
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ANSWER IN SUPPORT OF REQUESTS TO EXTEND COMMENT DEADLINES
BY THE LOCAL GOVERNMENT MEMBERS OF THE
CLEAN CHESAPEAKE COALITION

The County Commissioners of Caroline County, Cecil County, Maryland, the County Council of Dorchester County, the County Commissioners of Kent County, and Queen Anne’s County, Maryland, comprising the local government members of the Clean Chesapeake Coalition (the “Coalition” or “CCC”), pursuant to Rule of Practice and Procedure 213, 18 C.F.R. § 385.213, provide this answer in support of the Waterkeepers Chesapeake and the Lower Susquehanna Riverkeeper’s (collectively, “Waterkeepers”) request, *see* eLibrary no. 20191112-5114, and the joint motion of Exelon Generation Company, LLC’s (“Exelon”) and the Maryland Department of the Environment’s (“MDE”), *see* eLibrary no. 20191112-5128, that the Commission extend the comment deadlines for Exelon’s and MDE’s Joint Offer of Settlement and Explanatory Statement (the “Joint Offer”), *see* eLibrary no. 20191029-5119. The Commission publicly noticed the Joint Offer on October 30, 2019, and set November 19, 2019 as the deadline for comments and December 2, 2019 as the deadline for reply comments, *see* eLibrary no. 20191030-3031. The Coalition specifically supports the Waterkeepers’ request that the comment deadlines be extended by 60-days. Given the number of stakeholders and the complexity and gravity of the issues, it is reasonable to provide the parties an additional 60-days to prepare comments for the Commission’s consideration.

The Joint Offer incorporates a multi-faceted proposed settlement agreement, inclusive of proposed license articles, separate contractual promises to MDE, and property access agreement which, if approved by the Commission, will impose immense and long-term consequences upon Maryland's local governments and their citizens and taxpayers; while impairing the ability of Coalition counties to cost-effectively meet federally mandated pollution reduction goals. The terms and conditions of the Joint Offer are significantly different from the provisions of the water quality certification ("WQC") filed by MDE on May 8, 2018, *see* eLibrary no. 20180508. The complexity of the Joint Offer and the enormity of its impact on the environmental sustainability of the Chesapeake Bay require that stakeholders have more time beyond November 19, 2019 to effectively and fairly evaluate the Joint Offer and meaningfully comment on same. The Coalition also concurs with the Waterkeepers, Exelon and MDE that it would be beneficial and efficient to provide stakeholders additional time to meet with Exelon and/or MDE so as to better understand their intended goals under the Joint Offer and to identify any remaining disputed issues prior to submitting comments to the Commission.

As suggested by Exelon and MDE in their Motion to Extend Comment Deadlines (p. 2), they will not be prejudiced by extending the comment period, and doing so "is in the public interest because dialogue between the Parties and stakeholders may reduce or eliminate the number of disputed issues before the Commission, reduce the risk of future litigation, and facilitate efficient processing of the pending license application."

WHEREFORE, the above-named members of the Coalition hereby respectfully request that the Commission extend the deadline for comments on the Joint Offer by 60-days to January 18, 2020, and the deadline for reply comments by 60-days to January 31, 2020.

Dated: November 13, 2019

Respectfully submitted,

/s/ Charles D. MacLeod

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November 2019, a copy of the foregoing was served via the Commission's electronic service system upon each person designated on the official service list compiled by the Secretary in this proceeding that has provided an electronic address.

/s/ Charles D. MacLeod

Charles D. MacLeod