



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

February 27, 2026

Anthony Myers, Executive Director
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul St.
Baltimore, MD 21202
via email: anthony.myers1@maryland.gov

RE: Rejection and Referral of EPA Complaint No. 03-26-R3

Dear Executive Director Anthony Myers:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against the Maryland Public Service Commission (MPSC). The complaint raises allegations of discrimination by MPSC on the basis of race by holding a solicitation period for certain projects to receive an expedited Certificate of Public Convenience and Necessity (CPCN) without public input or cumulative impact analysis. The Complainant alleges that MPSC's action violated a specific provision in a 2019 IRA between the Maryland Department of the Environment (MDE) and EPA.¹

This letter serves to notify you that ECRD is rejecting the complaint.

Pursuant to EPA's nondiscrimination regulation, ECRD must conduct a preliminary jurisdictional review of administrative complaints to determine whether to accept, reject, or refer it to an appropriate federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

¹ Complainant filed a joint complaint (EPA Complaint No. 29R-16-R3) against MDE and MPSC with ECRD and the United States Department of Transportation (DOT PHMSA) in 2016. Since ECRD closed the IRA for EPA Complaint No. 29R-16-R3 in [2020](#) (signed January 21, 2019 and monitoring closed December 15, 2020), the alleged actions against MPSC in this current matter cannot violate the former agreement. Furthermore, the current complaint [alleges violations of provisions regarding](#) the CPCN pre-application process that are part of the [IRA \(signed January 28, 2019\) between the MPSC and DOT PHMSA](#). Since the complaint alleges violations of the IRA with DOT PHMSA, referral to DOT PHMSA is appropriate.

First, the complainant must submit a complaint in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, the entity that the complainant identifies as allegedly engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. *See* 40 C.F.R. § 7.15.

Third, the complainant must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation. *See* 40 C.F.R. § 7.120(b)(1). An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2).

After careful consideration, ECRD must reject this complaint because MPSC is not a recipient of EPA financial assistance.

Pursuant to EPA's non-discrimination regulations at 40 C.F.R. § 7.120(d), and due to the subject matter of the allegations, the claim may fall under the jurisdiction of DOT PHMSA. Therefore, ECRD has referred the complaint to DOT PHMSA for it to make a determination regarding ECRD's referral.

Finally, EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have acted or participated in an action to secure rights protected by the civil rights requirements EPA enforces. *See* 40 C.F.R. § 7.100. Any individual that opines a recipient has engaged in such misconduct can file a complaint with EPA.

If you have any questions, please contact Case Manager Nell Cormack by email at Cormack.Nell@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Juan Carlos Hunt". The signature is written in a cursive, flowing style.

JuanCarlos M. Hunt, Director
U.S. EPA, Office of Civil Rights and Adjudication

cc: Catherine Libertz, Deputy Regional Administrator/Deputy Civil Rights Official
Allison Gardner, Regional Counsel
U.S. EPA, Region 3