

HOUSE BILL 731

C5

4lr1495

By: **Delegate S. Robinson**

Introduced and read first time: January 31, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Generating Stations – Certificate of Public Convenience and Necessity –**
3 **Consideration of Water Usage**

4 FOR the purpose of requiring the Public Service Commission to consider the amount of
5 on-site water withdrawal and water consumption from each phase of the
6 generating station's life cycle before the Commission takes final action on an
7 application for a certificate of public convenience and necessity; defining a
8 certain term; and generally relating to generating stations and a certificate of
9 public convenience and necessity.

10 BY repealing and reenacting, with amendments,
11 Article – Public Utilities
12 Section 7–207(a) and (e)
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2013 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Public Utilities**

18 7–207.

19 (a) (1) (i) In this section and § 7–208 of this subtitle, “construction”
20 means:

21 1. any physical change at a site, including fabrication,
22 erection, installation, or demolition; or

23 2. the entry into a binding agreement or contractual
24 obligation to purchase equipment exclusively for use in construction in the State or to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 undertake a program of actual construction in the State which cannot be canceled or
2 modified without substantial loss to the owner or operator of the proposed generating
3 station.

4 (ii) "Construction" does not include a change that is needed for
5 the temporary use of a site or route for nonutility purposes or for use in securing
6 geological data, including any boring that is necessary to ascertain foundation
7 conditions.

8 (2) (I) In this section[, "qualified"] **THE FOLLOWING WORDS HAVE**
9 **THE MEANINGS INDICATED.**

10 (II) **"LIFE CYCLE" MEANS THE PHASES A GENERATING**
11 **STATION'S ENERGY SOURCE GOES THROUGH TO BE USED BY THE GENERATING**
12 **STATION, BEGINNING WITH RAW MATERIAL EXTRACTION THROUGH END-USE**
13 **DISPOSAL, INCLUDING:**

14 1. **DRILLING;**

15 2. **PROCESSING;**

16 3. **TRANSPORTATION; AND**

17 4. **OPERATION OF THE GENERATING STATION,**
18 **INCLUDING THE USE OF ENVIRONMENTAL CONTROLS.**

19 (III) **"QUALIFIED generator lead line"** means an overhead
20 transmission line that is designed to carry a voltage in excess of 69,000 volts and
21 would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a
22 portion of the electric system in Maryland that is owned by an electric company.

23 (e) The Commission shall take final action on an application for a certificate
24 of public convenience and necessity only after due consideration of:

25 (1) the recommendation of the governing body of each county or
26 municipal corporation in which any portion of the construction of the generating
27 station, overhead transmission line, or qualified generator lead line is proposed to be
28 located; [and]

29 (2) the effect of the generating station, overhead transmission line, or
30 qualified generator lead line on:

31 (i) the stability and reliability of the electric system;

32 (ii) economics;

1 (iii) esthetics;

2 (iv) historic sites;

3 (v) aviation safety as determined by the Maryland Aviation
4 Administration and the administrator of the Federal Aviation Administration;

5 (vi) when applicable, air and water pollution; and

6 (vii) the availability of means for the required timely disposal of
7 wastes produced by any generating station; AND

8 **(3) THE AMOUNT OF ON-SITE WATER WITHDRAWAL AND WATER**
9 **CONSUMPTION FROM EACH PHASE OF THE GENERATING STATION'S LIFE CYCLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.