

SENATE BILL 969

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7lr3469
CF 7lr2936

By: **Senator Feldman**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Construction of Overhead Transmission Lines – Condemnation**
3 **Authority**

4 FOR the purpose of authorizing a person to which a certificate of public convenience and
5 necessity is issued for the construction of a certain overhead transmission line to
6 acquire certain property or rights by condemnation subject to approval by the Public
7 Service Commission; and generally relating to the construction of overhead
8 transmission lines.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–207(b)(3)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2016 Supplement)

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

16 **Article – Public Utilities**

17 7–207.

18 (b) (3) (i) Except as provided in paragraph (4) of this subsection, unless a
19 certificate of public convenience and necessity for the construction is first obtained from the
20 Commission, a person may not begin construction of an overhead transmission line that is
21 designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation
22 with the construction.

23 (ii) For construction related to an existing overhead transmission
24 line, the Commission may waive the requirement in subparagraph (i) of this paragraph for
25 good cause.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Notwithstanding subparagraph (i) of this paragraph and subject
2 to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public
3 convenience and necessity for the construction of an overhead transmission line only if the
4 applicant for the certificate of public convenience and necessity:

5 1. is an electric company; or

6 2. is or, on the start of commercial operation of the overhead
7 transmission line, will be subject to regulation as a public utility by an officer or an agency
8 of the United States.

9 (iv) The Commission may not issue a certificate of public convenience
10 and necessity for the construction of an overhead transmission line in the electric
11 distribution service territory of an electric company to an applicant other than an electric
12 company if:

13 1. the overhead transmission line is to be located solely
14 within the electric distribution service territory of that electric company; and

15 2. the cost of the overhead transmission line is to be paid
16 solely by that electric company and its ratepayers.

17 (v) **ON ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE
18 AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE, A
19 PERSON MAY ACQUIRE BY CONDEMNATION, IN ACCORDANCE WITH TITLE 12 OF THE
20 REAL PROPERTY ARTICLE AND SUBJECT TO APPROVAL BY THE COMMISSION, ANY
21 PROPERTY OR RIGHT NECESSARY FOR THE CONSTRUCTION OR MAINTENANCE OF
22 THE TRANSMISSION LINE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.