C5 8lr1716 CF SB 696

By: Delegates Szeliga, Cassilly, Glass, Lisanti, McComas, McDonough, and Reilly

Introduced and read first time: February 2, 2018

Assigned to: Economic Matters

AN ACT concerning

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A BILL ENTITLED

Compensation

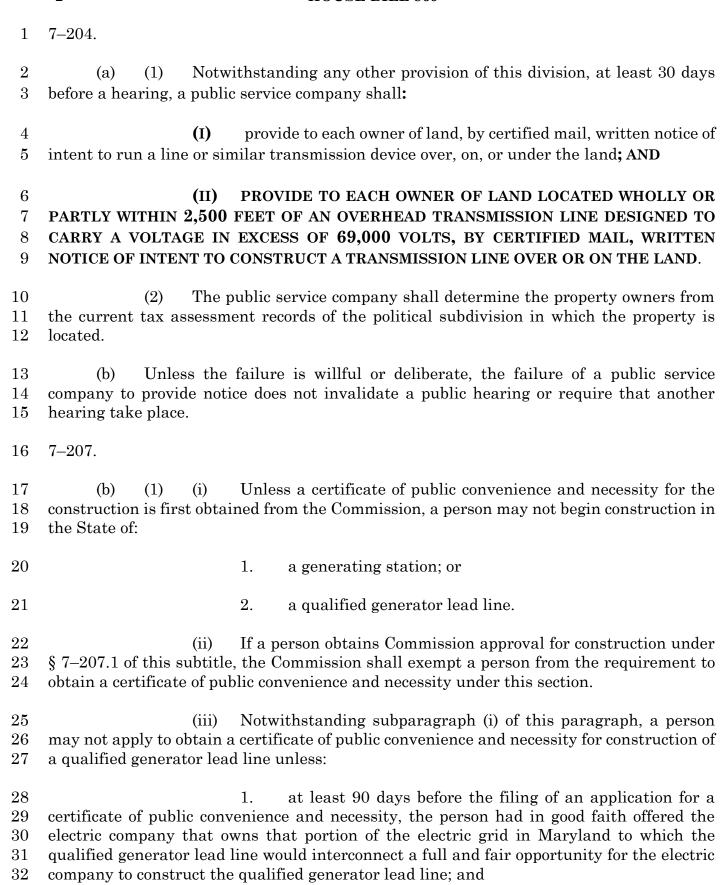
2	Construction of Transmission	Lines - Landowners -	Notification and

4 FOR the purpose of requiring a public service company or an applicant to provide certain 5 notice to owners of land located within a certain distance of certain proposed 6 transmission lines under certain circumstances; requiring the Public Service 7 Commission to consider, and authorizing the Commission to require, as a condition 8 of the issuance of a certificate of public convenience and necessity, the applicant to 9 compensate owners of land located within a certain distance of a certain proposed transmission line that are directly or indirectly impacted by the transmission line; 10 11 requiring the Commission to provide certain notice to owners of land located within 12 a certain distance of certain proposed transmission lines under certain 13 circumstances; and generally relating to the construction of transmission lines.

- 14 BY repealing and reenacting, with amendments,
- 15 Article Public Utilities
- 16 Section 7–204, 7–207(b) and (c), and 7–208(e)
- 17 Annotated Code of Maryland
- 18 (2010 Replacement Volume and 2017 Supplement)
- 19 BY repealing and reenacting, without amendments,
- 20 Article Public Utilities
- 21 Section 7–208(b)
- 22 Annotated Code of Maryland
- 23 (2010 Replacement Volume and 2017 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 25 That the Laws of Maryland read as follows:

Article - Public Utilities

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at any time at least 10 days before the filing of an

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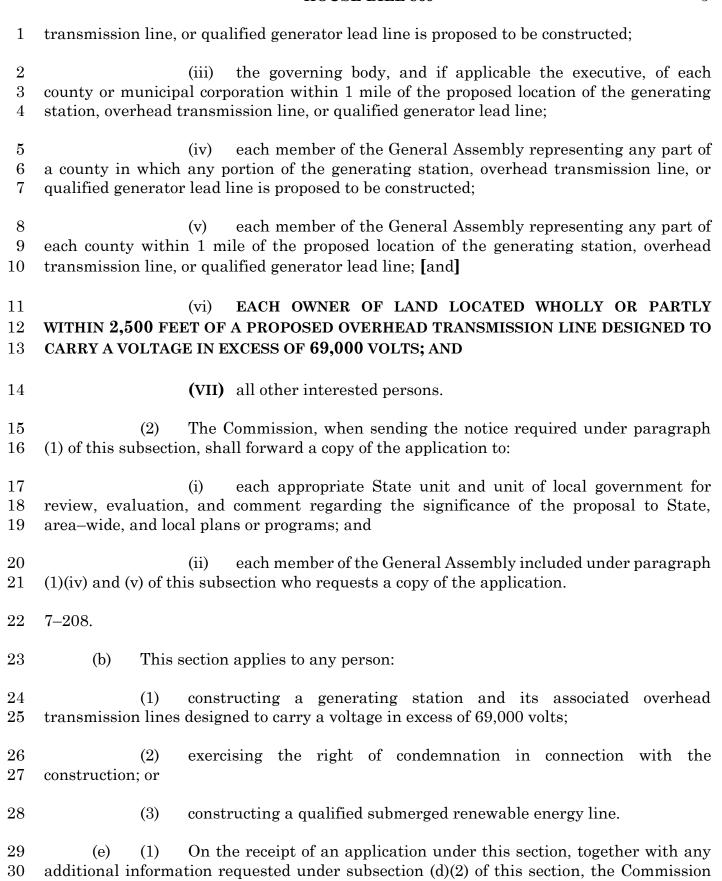
- application for a certificate of public convenience and necessity, the electric company: 1 2 A. did not accept from the person a proposal or a negotiated 3 version of the proposal under which the electric company would construct the qualified generator lead line; or 4 5 В. stated in writing that the electric company did not intend 6 to construct the qualified generator lead line. 7 Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the 8 capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a 9 person may not exercise a right of condemnation in connection with the construction of a 10 11 generating station. 12 Except as provided in paragraph (4) of this subsection, unless a (3)13 certificate of public convenience and necessity for the construction is first obtained from the 14 Commission, a person may not begin construction of an overhead transmission line that is 15 designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation 16 with the construction. 17 For construction related to an existing overhead transmission line, the Commission may waive the requirement in subparagraph (i) of this paragraph for 18 19 good cause. 20 Notwithstanding subparagraph (i) of this paragraph and subject (iii) to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public 2122convenience and necessity for the construction of an overhead transmission line only if the 23 applicant for the certificate of public convenience and necessity:
- 24 1. is an electric company; or
- 25 2. is or, on the start of commercial operation of the overhead transmission line, will be subject to regulation as a public utility by an officer or an agency of the United States.
- 28 (iv) The Commission may not issue a certificate of public convenience 29 and necessity for the construction of an overhead transmission line in the electric 30 distribution service territory of an electric company to an applicant other than an electric 31 company if:
- 32 the overhead transmission line is to be located solely 33 within the electric distribution service territory of that electric company; and
- 34 2. the cost of the overhead transmission line is to be paid solely by that electric company and its ratepayers.

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- 1 This subparagraph applies to the construction of an (v) 1. 2 overhead transmission line for which a certificate of public convenience and necessity is 3 required under this section. 2.On issuance of a certificate of public convenience and 4 necessity for the construction of an overhead transmission line, a person may acquire by 5 condemnation, in accordance with Title 12 of the Real Property Article, any property or 6 right necessary for the construction or maintenance of the transmission line. 7 8 3. THE COMMISSION SHALL CONSIDER, AND MAY 9 REQUIRE, AS A CONDITION OF THE ISSUANCE OF A CERTIFICATE OF PUBLIC 10 CONVENIENCE AND NECESSITY, THE APPLICANT TO COMPENSATE OWNERS OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD 11 12 TRANSMISSION LINE DESIGNED TO CARRY A VOLTAGE IN EXCESS OF 69,000 VOLTS 13 THAT ARE DIRECTLY OR INDIRECTLY IMPACTED BY THE TRANSMISSION LINE. 14 **(4)** Except as provided in subparagraph (ii) of this paragraph, for 15 construction related to an existing overhead transmission line designed to carry a voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate 16 17 of public convenience and necessity if the Commission finds that the construction does not: 18 require the person to obtain new real property or 1. additional rights-of-way through eminent domain; or 19 2. 20 require larger or higher structures to accommodate: 21increased voltage; or Α. 22 В. larger conductors. 23 (ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard 24or reliability risk, a person may undertake the necessary construction. 2526 Within 30 days after construction is completed under 27 subsubparagraph 1 of this subparagraph, a person shall file a report with the Commission 28 describing the work that was completed. 29 On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require 30 the applicant to provide notice immediately of the application to: 31
- the governing body, and if applicable the executive, of each 33 (ii) county or municipal corporation in which any portion of the generating station, overhead 34

the Department of Planning;

(i)



shall provide notice to:

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$1\\2$	(i) EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD TRANSMISSION LINE;		
3	(II) all interested persons;		
4	[(ii)] (III) the Department of Agriculture;		
5	[(iii)] (IV) the Department of Commerce;		
6	[(iv)] (V) the Department of the Environment;		
7	[(v)] (VI) the Department of Natural Resources;		
8	[(vi)] (VII) the Department of Transportation;		
9	[(vii)] (VIII) the Department of Planning; and		
10	[(viii)] (IX) the Maryland Energy Administration.		
11 12 13	(2) On receipt of an application under this section, and whenever additional information is received under subsection (d)(2) of this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately to		
14 15 16	5 which any portion of the generating station or the associated overhead transmission lines		
17 18 19	(ii) the governing body of each county or municipal corporation within 1 mile of the proposed location of the generating station or the associated overhead transmission lines;		
20 21 22	(iii) each member of the General Assembly representing any part of a county in which any portion of the generating station or the associated overhead transmission lines is proposed to be constructed; [and]		
23 24 25	(iv) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station or the associated overhead transmission lines; AND		
26 27	(V) EACH OWNER OF LAND LOCATED WHOLLY OR PARTLY WITHIN 2,500 FEET OF A PROPOSED OVERHEAD TRANSMISSION LINE.		

30 (i) the receipt of any additional information requested under

required by $\S 7-207$ of this subtitle after:

The Commission shall hold a public hearing on the application as

subsection (d)(2) of this section that the Commission considers necessary; and

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- 2 (ii) any publication of notice the Commission considers to be proper. 3 **(4)** (i) At the public hearing, the Commission shall ensure presentation 4 of the information and recommendations of the State units specified in paragraph (1) of 5 this subsection and shall allow the official representative of each unit to sit during hearing 6 of all parties. 7 (ii) Based on the evidence relating to the unit's areas of concern, the 8 Commission shall allow each unit 15 days after the conclusion of the hearing to modify or 9 affirm the unit's initial recommendations.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.