

HOUSE BILL 1126

C5

8lr3343

By: **Delegates Lisanti and Impallaria**

Introduced and read first time: February 8, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Application for Certificate of Public Convenience**
3 **and Necessity – Criteria to Consider**

4 FOR the purpose of requiring the PSC to take final action on a certain application for a
5 certificate of public convenience and necessity only after due consideration of the
6 effect of a generating station, an overhead transmission line, or a qualified generator
7 lead line on air quality and water pollution, rather than the effect of the generating
8 station, overhead transmission line, or qualified generator lead line on air and water
9 pollution when applicable; applying the requirement that the Commission take final
10 action on a certain application for a certificate of public convenience and necessity
11 only after due consideration of the consistency of the application with the
12 jurisdiction's comprehensive plan and zoning and of certain efforts to resolve certain
13 issues to an application for an overhead transmission line or a qualified generator
14 lead line; requiring the Commission to take final action on an application for a
15 certificate of public convenience and necessity for a generating station, an overhead
16 transmission line, or a qualified generator lead line only after due consideration of
17 whether the applicant considered and is unable to use a certain easement, the
18 greenhouse gas emissions associated with certain aspects of the generating station,
19 overhead transmission line, or qualified generator lead line, and the impact certain
20 greenhouse gas emissions will have on the ability of the State to meet certain
21 greenhouse gas emissions reduction goals; and generally relating to an application
22 for a certificate of public convenience and necessity.

23 BY repealing and reenacting, without amendments,
24 Article – Public Utilities
25 Section 7–207(a) and (b)(1)(i)
26 Annotated Code of Maryland
27 (2010 Replacement Volume and 2017 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–207(e)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2017 Supplement)

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

6 **Article – Public Utilities**

7 7–207.

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

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

11 2. the entry into a binding agreement or contractual
12 obligation to purchase equipment exclusively for use in construction in the State or to
13 undertake a program of actual construction in the State which cannot be canceled or
14 modified without substantial loss to the owner or operator of the proposed generating
15 station.

16 (ii) “Construction” does not include a change that is needed for the
17 temporary use of a site or route for nonutility purposes or for use in securing geological
18 data, including any boring that is necessary to ascertain foundation conditions.

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

23 (b) (1) (i) Unless a certificate of public convenience and necessity for the
24 construction is first obtained from the Commission, a person may not begin construction in
25 the State of:

26 1. a generating station; or

27 2. a qualified generator lead line.

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

30 (1) the recommendation of the governing body of each county or municipal
31 corporation in which any portion of the construction of the generating station, overhead
32 transmission line, or qualified generator lead line is proposed to be located;

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

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

4 (ii) economics;

5 (iii) esthetics;

6 (iv) historic sites;

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

9 (vi) [when applicable,] air **QUALITY** and water pollution; and

10 (vii) the availability of means for the required timely disposal of
11 wastes produced by any generating station; [and]

12 (3) [for a generating station:

13 (i)] the consistency of the application with the comprehensive plan
14 and zoning of each county or municipal corporation where any portion of the generating
15 station, **OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE** is
16 proposed to be located; [and

17 (ii)] **(4)** the efforts to resolve any issues presented by a county or
18 municipal corporation where any portion of the generating station, **OVERHEAD**
19 **TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE** is proposed to be located;

20 **(5) WHETHER THE APPLICANT CONSIDERED AND IS UNABLE TO USE**
21 **AN EXISTING EASEMENT; AND**

22 **(6) THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE**
23 **CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE GENERATING STATION,**
24 **OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE,**
25 **INCLUDING GREENHOUSE GAS EMISSIONS FROM EXISTING GENERATING STATIONS**
26 **THAT WOULD INCREASE AS A RESULT OF THE OVERHEAD TRANSMISSION LINE OR**
27 **QUALIFIED GENERATOR LEAD LINE, AND THE IMPACT THESE GREENHOUSE GAS**
28 **EMISSIONS WILL HAVE ON THE ABILITY OF THE STATE TO MEET ITS GREENHOUSE**
29 **GAS EMISSIONS REDUCTION ACT GOALS.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2018.