

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/08/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/14/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

20 79 01 02

3. Name of Promulgating Authority

Public Service Commission

4. Name of Regulations Coordinator

Sue Thomas

Telephone Number

410-767-8308

Mailing Address

6 St. Paul Street

City State Zip Code

Baltimore MD 21202

Email

susan.thomas@maryland.gov

5. Name of Person to Call About this Document

David J. Collins, Executive Secretary

Telephone No.

410-767-8067

Email Address

David.Collins@maryland.gov

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: October 6, 2014.
 - Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:
 - : Md. R
 - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by H. Robert Erwin, General Counsel, (telephone #410-767-8039) on October 8, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

David J. Collins

Title

Executive Secretary

Telephone No.

410-767-8067

Date

October 8, 2014

Title 20
PUBLIC SERVICE COMMISSION

**Subtitle 79 APPLICATIONS CONCERNING THE CONSTRUCTION OR
MODIFICATION OF GENERATING STATIONS AND OVERHEAD
TRANSMISSION LINES**

20.79.01 General

Authority: Public Utilities Article, §§2-113, 2-121 and 7-205—7-208, Annotated Code of Maryland

Notice of Proposed Action

□

The Public Service Commission proposes to amend Regulation .02 under COMAR 20.79.01 Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines.

This action was considered at a scheduled rule making meeting on October 1, 2014.

Statement of Purpose

The purpose of this action is to revise the definition of generating station.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, 6 St. Paul Street, Baltimore, Maryland 21202, or call 410-767-8067, or email to , or fax to 410-333-6495. Comments will be accepted through December 15, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Fund - The Public Utility Regulation Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This proposed revision to the definition of a “generating station” increases the threshold to 2,000 kW by which a generating unit would not be considered a “generating station” under regulations that govern the approval process for construction of generating facilities under Public Utilities Article, §§ 7-207, 7-207.1, 7-207.2, and 7-208, Annotated Code of Maryland. As a result, businesses wishing to construct a generating unit (generally for purposes of emergency power backup) with a capacity of less than or equal to 2,000 kW, would not be required to obtain a Certificate of Public Convenience and Necessity under §7-207 or §7-208 or an exemption under §7-207.1 prior to commencing construction of the generating unit. The Commission estimates that this change will result in approximately fifteen fewer generating station exemption requests/applications annually, at a cost of \$500 per request, if applicable. Therefore, this regulation change would have minimal to no impact on small businesses.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

See attached worksheet.

G. Small Business Worksheet:

This proposed revision to the definition of a “generating station” increases the threshold to 2,000 kW by which a generating unit would not be considered a “generating station” under regulations that govern the approval process for construction of generating facilities under Public Utilities Article, §§ 7-207, 7-207.1, 7-207.2, and 7-208, Annotated Code of Maryland. As a result, businesses wishing to construct a generating unit (generally for purposes of emergency power backup) with a capacity of less than or equal to 2,000 kW, would not be required to obtain a Certificate of Public Convenience and Necessity under §7-207 or §7-208 or an exemption under §7-207.1 prior to commencing construction of the generating unit. The Commission estimates that this change will result in approximately fifteen fewer generating station exemption requests/applications annually, at a cost of \$500 per request, if applicable. Therefore, this regulation change would have minimal to no impact on small businesses.

Attached Document:

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Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
Special Fund - The Public Utility Regulation Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
This proposed revision to the definition of a “generating station” increases the threshold to 2,000 kW by which a generating unit would not be considered a “generating station” under regulations that govern the approval process for construction of generating facilities under Public Utilities Article, §§ 7-207, 7-207.1, 7-207.2, and 7-208, Annotated Code of Maryland. As a result, businesses wishing to construct a generating unit (generally for purposes of emergency power backup) with a capacity of less than or equal to 2,000 kW, would not be required to obtain a Certificate of Public Convenience and Necessity under §7-207 or §7-208 or an exemption under §7-207.1 prior to commencing construction of the generating unit. The Commission estimates that this change will result in approximately fifteen fewer generating station exemption requests/applications annually, at a cost of \$500 per request, if applicable. Therefore, this regulation change would have minimal to no impact on small businesses.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

See attached worksheet.

G. Small Business Worksheet:

This proposed revision to the definition of a “generating station” increases the threshold to 2,000 kW by which a generating unit would not be considered a “generating station” under regulations that govern the approval process for construction of generating facilities under Public Utilities Article, §§ 7-207, 7-207.1, 7-207.2, and 7-208, Annotated Code of Maryland. As a result, businesses wishing to construct a generating unit (generally for purposes of emergency power backup) with a capacity of less than or equal to 2,000 kW, would not be required to obtain a Certificate of Public Convenience and Necessity under §7-207 or §7-208 or an exemption under §7-207.1 prior to commencing construction of the generating unit. The Commission estimates that this change will result in approximately fifteen fewer generating station exemption requests/applications annually, at a cost of \$500 per request, if applicable. Therefore, this regulation change would have minimal to no impact on small businesses.