

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Public Service Commission**
(DLS Control No. 20-069)

Overview and Legal and Fiscal Impact

These regulations establish new public meeting and site screening requirements for the pre-application process for a certificate of public convenience and necessity (CPCN) for the construction of certain electric generating facilities.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines: General: COMAR 20.79.01.00 - .02, and .04 -.08

Legal Analysis

Background

The Public Service Commission is updating its processes for public notice and input in applications for CPCNs for electric generating and transmission facilities. These regulations are one of three sets of coordinated changes to existing provisions on these CPCNs under COMAR 20.79. The regulations amend COMAR 20.79.01, which is a chapter of general provisions relating to CPCNs.

Summary of Regulations

The changes to COMAR 20.79.01.01 expand the scope of Subtitle 79 to include all persons applying for a CPCN, not just electric companies, because transmission lines and related lead lines may now be constructed by entities other than regulated electric distribution companies.

A number of new definitions are added under Regulation .02, including “affected community,” “brownfields site,” “community liaison officer,” “qualified generator lead line,” “qualifying generating station,” and “EJSCREEN” and related terms. EJSCREEN is an

environmental justice screening and mapping tool that the U.S. Environmental Protection Agency makes available for reviewing proposed sites.

New Regulation .04 establishes new pre-application requirements for an applicant for a CPCN for a new fossil fuel generating station. Among other things, an affected applicant must notify the commission and the Department of Natural Resources' Power Plant Research Program (PPRP) at least 90 days before filing the application. The applicant must also take a number of actions to advise and solicit input from the affected community including (1) designating a community liaison officer; (2) identifying and notifying community members and organizations within the affected communities and providing specific notification; and (3) holding at least one public meeting, as specified. The applicant must prepare a statement documenting these efforts. In addition, the applicant must use EJSCREEN to identify areas within affected communities that may be subject to additional impacts.

The remaining changes are largely technical and conforming.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 2-113, 2-121, and 7-205 through 7-208 of the Public Utilities Article as statutory authority for the regulations. Section 2-113 provides the commission with general authority over utility services. Section 2-121 broadly authorizes the commission to adopt necessary regulations to carry out any law that relates to the commission. Sections 7-205 through 7-208 govern the processes and requirements for CPCNs for electric generating facilities, overhead transmission lines, and qualified generator lead lines.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. Applications for CPCNs are not generally filed by small businesses. The Department of Legislative Services concurs.

Contact Information

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