

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Public Service Commission  
(DLS Control No. 20-070)**

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**Overview and Legal and Fiscal Impact**

The regulation alters the notice requirements for an applicant for a certificate of public convenience and necessity (CPCN) for an electric generating station or an overhead transmission line and related equipment.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Public Service Commission:**

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines: Administrative Provisions: COMAR 20.79.02.02

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**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. This regulation is one of three sets of coordinated changes to existing provisions on these CPCNs under COMAR 20.79. The regulation amends COMAR 20.79.02, which is a chapter that addresses administrative provisions related to CPCNs.

**Summary of Regulation**

Existing Regulation 20.79.02.02 requires an applicant to submit copies of a CPCN application for an electric generating facility or overhead transmission line to the commission and to certain State and local agencies. The regulation amends this requirement by altering the number of copies that must be submitted, and providing additional specificity as to the agencies and officials that must receive copies. More specifically, copies must be provided to (1) the listed agencies; (2) to the governing bodies and executive of each county or municipal corporation within a certain radius of the proposed project location; and (3) upon request, to each member of the

General Assembly representing the area and areas surrounding the proposed project location, as specified.

In addition, the applicant must provide notice by letter to all residential and business addresses within a one-mile radius of the proposed facility, as specified. The applicant must also provide a copy of the application at certain public libraries or other nearby locations that permit public access, and have adequate facilities for reviewing the application. For a proposed fossil fuel generating station, the applicant must also file signed certification of the required notification mailings, along with a complete list of mailing recipient names and addresses.

Finally, an applicant for an affected fossil fuel generating station must also post at least one large sign at the site of the proposed facility, and document the signage with the commission.

### **Legal Issues**

The regulation presents 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 regulation. 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 regulation complies 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 regulation has 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 regulation has a meaningful economic impact on small businesses, but also notes that applications for CPCNs are not generally filed by small businesses.

The Department of Legislative Services disagrees with the commission's assessment of a meaningful impact. To the extent that a small business does apply for a CPCN, it is subject to the public display and signage requirements in the regulation. However, based on the additional information provided by the commission, small businesses are unlikely to apply for such certificates and, therefore, are not meaningfully affected.

### **Additional Information**

The requirement to notify landowners and adjacent landowners affected by transmission line projects implements a requirement in Chapter 282 of 2018.

### **Contact Information**

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