

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 28

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3, in their entirety, and substitute “Public Service Commission - Certificate of Public Convenience and Necessity”; strike beginning with “expanding” in line 4 down through “lines” in line 14 and substitute “requiring that any person who constructs a generating station and associated overhead transmission lines follow certain procedures to obtain a certificate of public convenience and necessity from the Public Service Commission; requiring that any person who modifies a generating station obtain a certificate of public convenience and necessity from the Commission; clarifying that the grant of a certificate of public convenience and necessity constitutes registration and a permit to construct; clarifying that the Department of the Environment is prohibited from requiring a registration or permit for the construction of a generating station by any person required to obtain a certificate of public convenience and necessity; clarifying when an applicant for an operating permit issued by the Department must send a copy of the application to the Commission; clarifying when the Department must request the Commission to institute a hearing prior to issuing an operating permit; and generally relating to the authority of the Public Service Commission to issue certificates of public convenience and necessity and the authority of the Department of the Environment to issue permits to construct and issue operating permits for generating stations”; and strike in their entirety lines 20 through 24, inclusive.

On page 2, in line 3, strike “7-205(b)” and substitute “7-205”; and in the same line, strike “7-208(a), (b), (c), and (h)” and substitute “7-208”.

AMENDMENT NO. 2

On page 2, in line 16, strike the first “A” and substitute “ANY”; in line 17, strike “TITLE 7, SUBTITLE 2” and substitute “§§ 7-207 AND 7-208”.

On page 3, in line 24, strike the first “A” and substitute “ANY”.

(Over)

On page 4, in lines 2 and 5, strike the first “A” and substitute “ANY”; and after line 34, insert:

“(c) (1) Unless the Commission orders otherwise, an application for a modification to a power plant shall be filed with the Commission at least 180 days before the date on which the modification is to commence.

(2) The applicant for the modification shall submit to the Commission and to the Department of the Environment all information relating to the modification, including:

(i) detailed plans and specifications; and

(ii) the impact of the modification on air quality.

(d) The Commission shall render its decision within 150 days after the day the application is filed.

(e) Notwithstanding the provisions of this section, a modification to a power plant that involves the short-term inability to obtain the type of fuel normally used by the plant is subject to Title 2, Subtitle 5 of the Environment Article.”.

On page 5, in line 6, strike “A” and substitute “ANY”; in line 13, strike “THE APPLICANT” and substitute “ANY PERSON”; after line 28, insert:

“(d) (1) On the receipt of an application under this section, together with any additional information requested under subsection (c)(2) of this section, the Commission shall provide notice to:

(i) all interested persons;

(ii) the Department of Agriculture;

(iii) the Department of Business and Economic Development;

- (iv) the Department of the Environment;
- (v) the Department of Natural Resources;
- (vi) the Department of Transportation; and
- (vii) the Department of Planning.

(2) The Commission shall hold a public hearing on the application as required by § 7-207 of this subtitle, after:

(i) the receipt of any additional information requested under subsection (c)(2) of this section that the Commission considers necessary; and

(ii) any publication of notice the Commission considers to be proper.

(3) (i) At the public hearing, the Commission shall ensure presentation of the information and recommendations of the State units specified in paragraph (1) of this subsection and shall allow the official representative of each unit to sit during hearing of all parties.

(ii) Based on the evidence relating to the unit's areas of concern, the Commission shall allow each unit 15 days after the conclusion of the hearing to modify or affirm the unit's initial recommendations.

(e) Within 90 days after the conclusion of the hearing on an application under this section, the Commission shall:

- (1) (i) grant a certificate of public convenience and necessity unconditionally;
- (ii) grant the certificate, subject to conditions the Commission determines to be appropriate; or
- (iii) deny the certificate; and

(2) notify all interested parties of its decision.

(f) (1) The Commission shall include in each certificate it issues under subsection (e) of this section:

(i) the requirements of the federal and State environmental laws and standards that are identified by the Department of the Environment; and

(ii) the methods and conditions that the Commission determines are appropriate to comply with those environmental laws and standards.

(2) The Commission may not adopt any method or condition under paragraph (1)(ii) of this subsection that the Department of the Environment determines is inconsistent with federal and State environmental laws and standards.

(g) (1) A decision of the Commission regarding the issuance of a certificate requires the vote of a majority of the members of the Commission.

(2) If a majority of the members of the Commission fails to reach agreement on the conditions to be attached to a conditional certificate, the certificate shall be denied.”;

in line 29, strike the “A” and substitute “ANY”; and in line 34, strike “OF”.

On pages 5 and 6, strike beginning with “for” in line 34 on page 5 down through “station” in line 1 on page 6.