

HOUSE BILL 356

Unofficial Copy  
C5

2001 Regular Session  
11r2216  
CF 11r1510

---

By: **Delegate Sher**

Introduced and read first time: January 30, 2001

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Generated Electricity - Exemption**

3 FOR the purpose of exempting certain generating stations that produce only on-site  
4 generated electricity from the requirement to obtain a certificate of public  
5 convenience and necessity for certain purposes.

6 BY repealing and reenacting, without amendments,  
7 Article - Public Utility Companies  
8 Section 7-207(a)  
9 Annotated Code of Maryland  
10 (1998 Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Public Utility Companies  
13 Section 7-207(b)  
14 Annotated Code of Maryland  
15 (1998 Volume and 2000 Supplement)

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

18 **Article - Public Utility Companies**

19 7-207.

20 (a) (1) In this section and § 7-208 of this subtitle, "construction" means the  
21 clearing of land, excavation, or other action that affects the natural environment of a  
22 site or route of a bulk power supply facility.

23 (2) "Construction" does not include a change that is needed for the  
24 temporary use of a site or route for nonutility purposes or for use in securing  
25 geological data, including any boring that is necessary to ascertain foundation  
26 conditions.

1 (b) (1) (I) Unless a certificate of public convenience and necessity for the  
2 construction is first obtained from the Commission, a person may not begin  
3 construction in the State of a generating station.

4 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A  
5 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS NOT REQUIRED FOR THE  
6 CONSTRUCTION OF A GENERATING STATION THAT PRODUCES ONLY ON-SITE  
7 GENERATED ELECTRICITY AND GENERATES LESS THAN 100 MEGAWATTS.

8 (2) Unless a certificate of public convenience and necessity for the  
9 construction is first obtained from the Commission, and the Commission has found  
10 that the capacity is necessary to ensure a sufficient supply of electricity to customers  
11 in the State, a person may not exercise a right of condemnation in connection with the  
12 construction of a generating station.

13 (3) Unless a certificate of public convenience and necessity for the  
14 construction is first obtained from the Commission, an electric company may not  
15 begin construction of an overhead transmission line that is designed to carry a voltage  
16 in excess of 69,000 volts or exercise a right of condemnation with the construction.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2001.