

(PRE-FILED)

By: **Senator Brinkley**
Requested: September 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Utilities - Overhead Transmission Lines - Certificate of Public**
3 **Convenience and Necessity**

4 FOR the purpose of requiring that the Public Service Commission deny the
5 application for a certificate of public convenience and necessity for the
6 construction of a certain overhead transmission line if there is an existing
7 right-of-way that may be used or paralleled; and generally relating to the
8 issuance of a certificate of public convenience and necessity for the construction
9 of overhead transmission lines.

10 BY repealing and reenacting, with amendments,
11 Article - Public Utility Companies
12 Section 7-207(f) and 7-209
13 Annotated Code of Maryland
14 (1998 Volume and 2003 Supplement)

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

17 **Article - Public Utility Companies**

18 7-207.

19 (f) For the construction of an overhead transmission line, in addition to the
20 considerations listed in subsection (e) of this section, the Commission shall:

21 (1) take final action on an application for a certificate of public
22 convenience and necessity only after due consideration of the need to meet existing
23 and future demand for electric service; AND

24 (2) DENY THE APPLICATION FOR A CERTIFICATE OF PUBLIC
25 CONVENIENCE AND NECESSITY IF, IN ACCORDANCE WITH § 7-209(C) OF THIS
26 SUBTITLE, THE COMMISSION DETERMINES THAT THERE IS AN EXISTING

1 RIGHT-OF-WAY OR TRANSMISSION LINE THAT MAY BE UTILIZED OR PARALLELED BY
2 A NEW OVERHEAD TRANSMISSION LINE.

3 7-209.

4 (a) The Commission shall examine alternatives to the construction of a new
5 transmission line in a service area, including the use of an existing transmission line
6 OR RIGHT-OF-WAY of another company, if:

7 (1) the existing transmission line OR RIGHT-OF-WAY is convenient to the
8 service area; or

9 (2) the use of the transmission line will best promote economic and
10 efficient service to the public.

11 (b) In considering the use of an existing transmission line OR RIGHT-OF-WAY
12 under subsection (a) of this section, the Commission need not consider whether the
13 company that owns the line OR RIGHT-OF-WAY has a franchise in a service area.

14 (C) IF THE COMMISSION DETERMINES THAT AN EXISTING TRANSMISSION
15 LINE OR UTILITY RIGHT-OF-WAY MAY BE USED OR PARALLELED BY A NEW
16 TRANSMISSION LINE, THE COMMISSION SHALL DENY THE APPLICATION FOR A
17 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2004.