
By: **Chairman, Finance Committee (By Request - Departmental - Public Service Commission)**

Introduced and read first time: January 18, 2005

Rules suspended

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Generation - Certificate of Public Convenience and Necessity -**
3 **Construction and Public Notice**

4 FOR the purpose of altering the definition of construction for certain purposes
5 concerning electric generating stations and transmission lines; altering certain
6 provisions on notification and comment concerning an application for a
7 certificate of public convenience and necessity for an electric generating station
8 or transmission line; and generally relating to electric generation and the
9 authority of the Public Service Commission.

10 BY repealing and reenacting, with amendments,
11 Article - Public Utility Companies
12 Section 7-207(a) and (d)
13 Annotated Code of Maryland
14 (1998 Volume and 2004 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 (a) (1) In this section and § 7-208 of this subtitle, "construction" means:

20 (I) the clearing of land, excavation, or other action that affects the
21 natural environment of a site or route of a bulk power supply facility; OR

22 (II) THE ENTRY INTO A BINDING AGREEMENT OR CONTRACTUAL
23 OBLIGATION TO PURCHASE EQUIPMENT OR TO UNDERTAKE A PROGRAM OF ACTUAL
24 CONSTRUCTION WHICH CANNOT BE CANCELED OR MODIFIED WITHOUT
25 SUBSTANTIAL LOSS TO THE OWNER OR OPERATOR OF THE PROPOSED GENERATING
26 STATION.

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

5 (d) (1) The Commission shall hold a public hearing on the application for a
6 certificate of public convenience and necessity in each county and municipal
7 corporation in which any portion of the construction of a generating station or of an
8 overhead transmission line designed to carry a voltage in excess of 69,000 volts is
9 proposed to be located.

10 (2) The Commission shall hold the public hearing jointly with the
11 governing body of the county or municipal corporation in which any portion of the
12 construction of the generating station or overhead transmission line is proposed to be
13 located, unless the governing body declines to participate in the hearing.

14 (3) Once in each of the [2] 4 successive weeks immediately before the
15 hearing date, the Commission shall provide weekly notice of the public hearing AND
16 AN OPPORTUNITY FOR PUBLIC COMMENT by advertisement in a newspaper of general
17 circulation in the county or municipal corporation affected by the application.

18 (4) (i) The Commission shall ensure presentation and
19 recommendations from each interested State unit, and shall allow representatives of
20 each State unit to sit during hearing of all parties.

21 (ii) The Commission shall allow each State unit 15 days after the
22 conclusion of the hearing to modify the State unit's initial recommendations.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.