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

Introduced and read first time: January 18, 2005

Rules suspended

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2005

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CHAPTER \_\_\_\_\_

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:

1 (I) ~~the clearing of land, excavation, or other action that affects the~~  
2 ~~natural environment of a site or route of a bulk power supply facility~~ ANY PHYSICAL  
3 CHANGE AT A SITE, INCLUDING FABRICATION, ERECTION, INSTALLATION, OR  
4 DEMOLITION; OR

5 (II) THE ENTRY INTO A BINDING AGREEMENT OR CONTRACTUAL  
6 OBLIGATION TO PURCHASE EQUIPMENT EXCLUSIVELY FOR USE IN CONSTRUCTION  
7 IN THE STATE OR TO UNDERTAKE A PROGRAM OF ACTUAL CONSTRUCTION IN THE  
8 STATE WHICH CANNOT BE CANCELED OR MODIFIED WITHOUT SUBSTANTIAL LOSS  
9 TO THE OWNER OR OPERATOR OF THE PROPOSED GENERATING STATION.

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

14 (d) (1) The Commission shall PROVIDE AN OPPORTUNITY FOR PUBLIC  
15 COMMENT AND hold a public hearing on the application for a certificate of public  
16 convenience and necessity in each county and municipal corporation in which any  
17 portion of the construction of a generating station or of an overhead transmission line  
18 designed to carry a voltage in excess of 69,000 volts is proposed to be located.

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

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

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

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

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