

SENATE BILL 585

C5, M1

9lr1711

By: **Senator Edwards**

Introduced and read first time: February 6, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utility Companies – Wind Generating Stations**

3 FOR the purpose of repealing a condition that a certain wind-powered electric
4 generating station be land-based in order for the person constructing the
5 generating station to be exempt from having to obtain a certificate of public
6 convenience and necessity under certain circumstances; and generally relating
7 to the construction of wind-powered electric generating stations.

8 BY repealing and reenacting, with amendments,
9 Article – Public Utility Companies
10 Section 7–207.1
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2008 Supplement)

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

15 **Article – Public Utility Companies**

16 7–207.1.

17 (a) This section applies to a person who:

18 (1) constructs a generating station:

19 (i) designed to provide on-site generated electricity if:

20 1. the capacity of the generating station does not exceed
21 70 megawatts; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. the electricity that may be exported for sale from the
2 generating station to the electric system is sold only on the wholesale market pursuant
3 to an interconnection, operation, and maintenance agreement with the local electric
4 company; or

5 (ii) that produces electricity from wind if:

6 1. [the generating station is land-based;

7 2.] the capacity of the generating station does not exceed
8 70 megawatts;

9 [3.] 2. the electricity that may be exported for sale
10 from the generating station to the electric system is sold only on the wholesale market
11 pursuant to an interconnection, operation, and maintenance agreement with the local
12 electric company; and

13 [4.] 3. the Commission provides an opportunity for
14 public comment at a public hearing as provided in subsection (e) of this section; or

15 (2) constructs a generating station if:

16 (i) the capacity of the generating station does not exceed 25
17 megawatts;

18 (ii) the electricity that may be exported for sale from the
19 generating station to the electric system is sold only on the wholesale market pursuant
20 to an interconnection, operation, and maintenance agreement with the local electric
21 company; and

22 (iii) at least 10% of the electricity generated at the generating
23 station each year is consumed on-site.

24 (b) (1) The Commission shall require a person that is exempted from the
25 requirement to obtain a certificate of public convenience and necessity to obtain
26 approval from the Commission under this section before the person may construct a
27 generating station described in subsection (a) of this section.

28 (2) An application for approval under this section shall:

29 (i) be made to the Commission in writing on a form adopted by
30 the Commission;

31 (ii) be verified by oath or affirmation; and

32 (iii) contain information that the Commission requires,
33 including:

1 1. proof of compliance with all applicable requirements
2 of the independent system operator; and

3 2. a copy of an interconnection, operation, and
4 maintenance agreement between the generating station and the local electric
5 company.

6 (c) When reviewing an application for approval under this section, the
7 Commission shall:

8 (1) ensure the safety and reliability of the electric system;

9 (2) require the person constructing the generating station to notify the
10 Commission 2 weeks before the first export of electricity from a generating station
11 approved under this section; and

12 (3) conduct its review and approval in an expeditious manner.

13 (d) The Commission may waive an element of the approval process under
14 this section if the Commission determines that the waiver is in the public interest.

15 (e) (1) The Commission shall provide an opportunity for public comment
16 and hold a public hearing as provided under this subsection on an application for
17 approval made under subsection (a)(1)(ii) of this section in each county and municipal
18 corporation in which any portion of the construction of a generating station is proposed
19 to be located.

20 (2) Upon the request of the governing body of a county or municipal
21 corporation in which any portion of the construction of a generating station is proposed
22 to be located, the Commission shall hold the public hearing jointly with the governing
23 body.

24 (3) Once in each of 2 successive weeks immediately before the hearing
25 date, the Commission, at the expense of the applicant, shall provide weekly notice of
26 the public hearing and opportunity for public comment by advertisement in a
27 newspaper of general circulation in the county or municipal corporation affected by the
28 application.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2009.