

SENATE BILL 691

C5

EMERGENCY BILL

11r2438

CF 11r2650

By: **Senator Middleton**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Certificate of Public Convenience and**
3 **Necessity – Renewable Source Generator Lead Line**

4 FOR the purpose of requiring a person to obtain a certificate of public convenience and
5 necessity prior to beginning construction in the State of a qualified generator
6 lead line; requiring the Public Service Commission to provide an opportunity for
7 public comment and hold a certain public hearing on a certain application;
8 requiring the Commission to take a final action on a certain application only
9 under certain circumstances; defining a certain term; making this Act an
10 emergency measure; and generally relating to a certificate of public convenience
11 and necessity for a renewable source generator lead line.

12 BY repealing and reenacting, with amendments,
13 Article – Public Utilities
14 Section 7–207(a), (b), (d), and (e)
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

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

19 **Article – Public Utilities**

20 7–207.

21 (a) (1) **(I)** In this section and § 7–208 of this subtitle, “construction”
22 means:

23 **[(i)] 1.** any physical change at a site, including fabrication,
24 erection, installation, or demolition; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(ii)] 2. the entry into a binding agreement or contractual
2 obligation to purchase equipment exclusively for use in construction in the State or to
3 undertake a program of actual construction in the State which cannot be canceled or
4 modified without substantial loss to the owner or operator of the proposed generating
5 station.

6 [(2)] (ii) "Construction" does not include a change that is needed for
7 the temporary use of a site or route for nonutility purposes or for use in securing
8 geological data, including any boring that is necessary to ascertain foundation
9 conditions.

10 (2) IN THIS SECTION, "QUALIFIED GENERATOR LEAD LINE"
11 MEANS AN OVERHEAD LINE THAT IS DESIGNED TO CARRY A VOLTAGE IN EXCESS
12 OF 69,000 VOLTS AND WOULD ALLOW AN OUT-OF-STATE TIER 1 OR TIER 2
13 RENEWABLE SOURCE TO INTERCONNECT WITH THE ELECTRIC SYSTEM IN
14 MARYLAND.

15 (b) (1) (i) Unless a certificate of public convenience and necessity for
16 the construction is first obtained from the Commission, a person may not begin
17 construction in the State of:

18 1. a generating station; OR

19 2. A QUALIFIED GENERATOR LEAD LINE.

20 (ii) If a person obtains Commission approval for construction
21 under § 7-207.1 of this subtitle, the Commission shall exempt a person from the
22 requirement to obtain a certificate of public convenience and necessity under this
23 section.

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

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

33 (d) (1) The Commission shall provide an opportunity for public comment
34 and hold a public hearing on the application for a certificate of public convenience and
35 necessity in each county and municipal corporation in which any portion of the
36 construction of a generating station, [or of] an overhead transmission line designed to

1 carry a voltage in excess of 69,000 volts, **OR A QUALIFIED GENERATOR LEAD LINE** is
2 proposed to be located.

3 (2) The Commission shall hold the public hearing jointly with the
4 governing body of the county or municipal corporation in which any portion of the
5 construction of the generating station, [or] overhead transmission line, **OR**
6 **QUALIFIED GENERATOR LEAD LINE** is proposed to be located, unless the governing
7 body declines to participate in the hearing.

8 (3) Once in each of the 4 successive weeks immediately before the
9 hearing date, the Commission shall provide weekly notice of the public hearing and an
10 opportunity for public comment by advertisement in a newspaper of general
11 circulation in the county or municipal corporation affected by the application.

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

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

17 (e) The Commission shall take final action on an application for a certificate
18 of public convenience and necessity only after due consideration of:

19 (1) the recommendation of the governing body of each county or
20 municipal corporation in which any portion of the construction of the generating
21 station, [or] overhead transmission line, **OR QUALIFIED GENERATOR LEAD LINE** is
22 proposed to be located; and

23 (2) the effect of the generating station, [or] overhead transmission
24 line, **OR QUALIFIED GENERATOR LEAD LINE** on:

25 (i) the stability and reliability of the electric system;

26 (ii) economics;

27 (iii) esthetics;

28 (iv) historic sites;

29 (v) aviation safety as determined by the Maryland Aviation
30 Administration and the administrator of the Federal Aviation Administration;

31 (vi) when applicable, air and water pollution; and

32 (vii) the availability of means for the required timely disposal of
33 wastes produced by any generating station.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.