

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 1069

(Senator Middleton, *et al.*)

Finance

Economic Matters

Public Utilities - Application for a Certificate of Public Convenience and
Necessity - Public Notice

This bill alters the requirements for how the Public Service Commission (PSC) must give prior notice of a public hearing and opportunity to comment in connection with an application for a certificate of public convenience and necessity (CPCN) to construct a generating station, overhead transmission line, or a qualified generator lead line.

Fiscal Summary

State Effect: PSC can handle the additional notification requirements with existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: In addition to the current requirement that PSC advertise in a newspaper in general circulation in the local jurisdiction each of the four weeks immediately prior to the hearing and opportunity for public comment on a CPCN application, PSC must also provide notice on two types of social media and on its website.

Before a public hearing, PSC must coordinate with the governing body of the county or municipality in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located to identify additional options for providing, in an efficient and cost-effective manner, notice of the

public hearing through other types of media that are familiar to the residents of the county or municipality.

On the day of a public hearing, an informational sign must be posted prominently at or near each public entrance of the building in which the public hearing will be held. The sign must state the time, room number, and subject of the public hearing and be at least 17 by 22 inches.

Current Law/Background: Generally, a person may not begin construction in the State of a generating station, overhead transmission line, or a qualified generator lead line unless a CPCN is first obtained from PSC. PSC regulations define a “generating station” as property or facilities located in Maryland constituting an integral piece of equipment or unit for the production of electric energy, including any new production unit that would be added to an existing production plant. There are certain conditions under which a person constructing a generating station may apply to PSC for an exemption from the CPCN requirement.

PSC must provide an opportunity for public comment and hold a public hearing on a CPCN application in each county and municipality in which any portion of the construction of a generating station, overhead transmission line, or qualified generator lead line is proposed to be located. PSC must hold the hearing jointly with the governing body of the county or municipality, and must provide weekly notice during the four weeks prior to the hearing in a newspaper of general circulation in the local jurisdiction.

PSC must take final action on an application for a CPCN only after due consideration of:

- the recommendation of the governing body of each county or municipality in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located; and
- the effect of the generating station, overhead transmission line, or qualified generator lead line on the stability and reliability of the electric system, economics, esthetics, historic sites, aviation safety, air and water pollution (when applicable), and the availability of means for the required timely disposal of wastes produced by any generating station.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Public Service Commission, Office of People's Counsel,
Department of Legislative Services

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min/lgc

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