

# HOUSE BILL 1350

C5, L6

7lr3073  
CF SB 851

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By: **Delegates Rose, S. Howard, Afzali, Krebs, Lisanti, McKay, and Shoemaker**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Application for Certificate of Public Convenience**  
3 **and Necessity – Consistency With Comprehensive Plan**

4 FOR the purpose of requiring the Public Service Commission to provide a copy of certain  
5 application materials for a certificate of public convenience and necessity to each  
6 appropriate unit of local government in which the construction of a generating  
7 station or of a certain overhead transmission line is proposed to be located; requiring  
8 each unit of local government to review the application materials and make a certain  
9 determination as to whether the application is consistent with the jurisdiction's  
10 comprehensive plan; prohibiting the Commission from holding a public hearing on  
11 an application or issuing a certificate of public convenience and necessity if any unit  
12 of local government determines that an application is not consistent with the  
13 comprehensive plan; applying certain provisions of law regarding consistency with a  
14 comprehensive plan to a determination made under this Act; altering a certain  
15 definition; and generally relating to an application for a certificate of public  
16 convenience and necessity.

17 BY repealing and reenacting, with amendments,  
18 Article – Land Use  
19 Section 1–301 and 1–302  
20 Annotated Code of Maryland  
21 (2012 Volume and 2016 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Land Use  
24 Section 1–303  
25 Annotated Code of Maryland  
26 (2012 Volume and 2016 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article – Public Utilities

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7-207(d) and (e)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

5 That the Laws of Maryland read as follows:

## Article – Land Use

7 1-301.

In this subtitle, “action” means:

(1) the adoption of a local law or regulation concerning:

10 (i) a special exception under § 1–101(p) of this title (Definitions –  
11 “Special exception”); or

12 (ii) plan implementation and review under § 1–417 of this title or §  
13 3–303 of this article;

14 (2) a requirement under § 9-505(a)(1) of the Environment Article and §  
15 4-415(c) of the Local Government Article (Municipal annexation); [or]

16 (3) a required finding under §§ 9-506(a)(1) and 9-507(b)(2) of the  
17 Environment Article (Water and sewer plan review); OR

18 (4) A DETERMINATION UNDER § 7-207(D)(1) OF THE PUBLIC  
19 UTILITIES ARTICLE (CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
20 REVIEW).

21 1-302.

This subtitle applies to:

23 (1) a special exception under § 1–101(p) of this title (Definitions – “Special  
24 exception”);

25 (2) plan implementation and review under § 1–417 of this title or § 3–303  
26 of this article;

(3) §§ 9-505(a)(1), 9-506(a)(1), and 9-507(b)(2) of the Environment Article  
(Water and sewer plan review); [and]

29 (4) § 4-414(c) of the Local Government Article (Annexation plan); AND

4 1-303.

5        Except as provided in § 1–304 of this subtitle, when a provision in a statute listed  
6 under § 1–302 of this subtitle requires an action to be “consistent with” or have “consistency  
7 with” a comprehensive plan, the term shall mean an action taken that will further, and not  
8 be contrary to, the following items in the plan:

9 (1) policies;

10 (2) timing of the implementation of the plan;

11 (3) timing of development;

12 (4) timing of rezoning;

13 (5) development patterns;

14 (6) land uses; and

15 (7) densities or intensities.

## Article – Public Utilities

17 7-207.

18 (d) (1) (I) BEFORE HOLDING A PUBLIC HEARING, THE COMMISSION  
19 SHALL PROVIDE A COPY OF ALL APPLICATION MATERIALS RECEIVED FOR A  
20 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EACH APPROPRIATE  
21 UNIT OF LOCAL GOVERNMENT IN WHICH ANY PORTION OF THE CONSTRUCTION OF A  
22 GENERATING STATION OR OF AN OVERHEAD TRANSMISSION LINE DESIGNED TO  
23 CARRY A VOLTAGE IN EXCESS OF 69,000 VOLTS IS PROPOSED TO BE LOCATED.

**(H) EACH UNIT OF LOCAL GOVERNMENT SHALL:**

12                   **[(2)] (3)**    The Commission shall hold the public hearing jointly with the  
13 governing body of the county or municipal corporation in which any portion of the  
14 construction of the generating station, overhead transmission line, or qualified generator  
15 lead line is proposed to be located, unless the governing body declines to participate in the  
16 hearing.

17                   [(3)] (4)     (i)     Once in each of the 4 successive weeks immediately before  
18 the hearing date, the Commission shall provide weekly notice of the public hearing and an  
19 opportunity for public comment:

20 1. by advertisement in a newspaper of general circulation in  
21 the county or municipal corporation affected by the application;

22 2. on two types of social media; and

23 3. on the Commission's Web site.

30                           [(4)] (5) (i) On the day of a public hearing, an informational sign shall  
31 be posted prominently at or near each public entrance of the building in which the public  
32 hearing will be held.

33 (ii) The informational sign required under subparagraph (i) of this  
34 paragraph shall:

35 1. state the time, room number, and subject of the public  
36 hearing; and

2. be at least 17 by 22 inches in size.

2                   [(5)] (6) (i) The Commission shall ensure presentation and  
3 recommendations from each interested State unit, and shall allow representatives of each  
4 State unit to sit during hearing of all parties.

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

7 (e) (1) The Commission shall take final action on an application for a  
8 certificate of public convenience and necessity only after due consideration of:

9                           [(1)] (I) the recommendation of the governing body of each county or  
10 municipal corporation in which any portion of the construction of the generating station,  
11 overhead transmission line, or qualified generator lead line is proposed to be located; and

12                    [(2)] (II) the effect of the generating station, overhead transmission line,  
13 or qualified generator lead line on:

14 [i] 1. the stability and reliability of the electric system;

15 [ii)] 2. economics:

16 [ (iii) ] 3. esthetics:

17 [iv] 4. historic sites:

20 [ (vi) ] 6. when applicable, air and water pollution; and

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2017.