

SENATE BILL 851

C5, L6

71r2886
CF 71r3073

By: **Senator Ready**

Introduced and read first time: February 3, 2017

Assigned to: Finance

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–207(d) and (e)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2016 Supplement)

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

6 **Article – Land Use**

7 1–301.

8 In this subtitle, “action” means:

9 (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.

22 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;

27 (3) §§ 9–505(a)(1), 9–506(a)(1), and 9–507(b)(2) of the Environment Article
28 (Water and sewer plan review); [and]

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

1 (III) IF ANY UNIT OF LOCAL GOVERNMENT DETERMINES THAT AN
 2 APPLICATION IS NOT CONSISTENT WITH THE JURISDICTION'S COMPREHENSIVE
 3 PLAN, THE COMMISSION MAY NOT HOLD A PUBLIC HEARING ON THE APPLICATION.

4 [(1)] (2) [The] IF AN APPLICATION IS DETERMINED TO BE
 5 CONSISTENT WITH A JURISDICTION'S COMPREHENSIVE PLAN IN ACCORDANCE WITH
 6 PARAGRAPH (1) OF THIS SUBSECTION, THE Commission shall provide an opportunity
 7 for public comment and hold a public hearing on the application for a certificate of public
 8 convenience and necessity in each county and municipal corporation in which any portion
 9 of the construction of a generating station, an overhead transmission line designed to carry
 10 a voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be
 11 located.

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.

24 (ii) Before a public hearing, the Commission shall coordinate with
 25 the governing body of the county or municipal corporation in which any portion of the
 26 construction of the generating station, overhead transmission line, or qualified generator
 27 lead line is proposed to be located to identify additional options for providing, in an efficient
 28 and cost-effective manner, notice of the public hearing through other types of media that
 29 are familiar to the residents of the county or municipal corporation.

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

