

SENATE BILL 969

C5

(7lr3469)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by **Senator Feldman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Electricity – Construction of Overhead Transmission Lines – Condemnation**
3 **Authority**

4 FOR the purpose of authorizing a person to which a certain certificate of public convenience
5 and necessity is issued for the construction of a certain overhead transmission line
6 to acquire certain property or rights by condemnation ~~subject to approval by the~~
7 ~~Public Service Commission;~~ providing for the application of this Act; and generally
8 relating to the construction of overhead transmission lines.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–207(b)(3)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Public Utilities**

4 7–207.

5 (b) (3) (i) Except as provided in paragraph (4) of this subsection, unless a
6 certificate of public convenience and necessity for the construction is first obtained from the
7 Commission, a person may not begin construction of an overhead transmission line that is
8 designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation
9 with the construction.

10 (ii) For construction related to an existing overhead transmission
11 line, the Commission may waive the requirement in subparagraph (i) of this paragraph for
12 good cause.

13 (iii) Notwithstanding subparagraph (i) of this paragraph and subject
14 to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public
15 convenience and necessity for the construction of an overhead transmission line only if the
16 applicant for the certificate of public convenience and necessity:

17 1. is an electric company; or

18 2. is or, on the start of commercial operation of the overhead
19 transmission line, will be subject to regulation as a public utility by an officer or an agency
20 of the United States.

21 (iv) The Commission may not issue a certificate of public convenience
22 and necessity for the construction of an overhead transmission line in the electric
23 distribution service territory of an electric company to an applicant other than an electric
24 company if:

25 1. the overhead transmission line is to be located solely
26 within the electric distribution service territory of that electric company; and

27 2. the cost of the overhead transmission line is to be paid
28 solely by that electric company and its ratepayers.

29 (v) **1. THIS SUBPARAGRAPH APPLIES TO THE**
30 **CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE FOR WHICH A CERTIFICATE**
31 **OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED UNDER THIS SECTION.**

32 **2. ON ISSUANCE OF A CERTIFICATE OF PUBLIC**
33 **CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD**
34 **TRANSMISSION LINE, A PERSON MAY ACQUIRE BY CONDEMNATION, IN ACCORDANCE**

1 WITH TITLE 12 OF THE REAL PROPERTY ARTICLE ~~AND SUBJECT TO APPROVAL BY~~
2 ~~THE COMMISSION~~, ANY PROPERTY OR RIGHT NECESSARY FOR THE CONSTRUCTION
3 OR MAINTENANCE OF THE TRANSMISSION LINE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.