

# SENATE BILL 969

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CF HB 1308

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By: **Senator Feldman**

Introduced and read first time: February 3, 2017

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

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## 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 certificate of public convenience and  
5 necessity is issued for the construction of a certain overhead transmission line to  
6 acquire certain property or rights by condemnation ~~subject to approval by the Public~~  
7 ~~Service Commission~~; and generally relating to the construction of overhead  
8 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)

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

16 **Article – Public Utilities**

17 7–207.

18 (b) (3) (i) Except as provided in paragraph (4) of this subsection, unless a  
19 certificate of public convenience and necessity for the construction is first obtained from the  
20 Commission, a person may not begin construction of an overhead transmission line that is

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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.



1 designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation  
2 with the construction.

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

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

10 1. is an electric company; or

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

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

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

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

22 **(V) ON ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE**  
23 **AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE, A**  
24 **PERSON MAY ACQUIRE BY CONDEMNATION, IN ACCORDANCE WITH TITLE 12 OF THE**  
25 **REAL PROPERTY ARTICLE ~~AND SUBJECT TO APPROVAL BY THE COMMISSION,~~ ANY**  
26 **PROPERTY OR RIGHT NECESSARY FOR THE CONSTRUCTION OR MAINTENANCE OF**  
27 **THE TRANSMISSION LINE.**

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