

## Chapter 840

**(Senate Bill 969)**

AN ACT concerning

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

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

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

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

**Article – Public Utilities**

7–207.

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

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

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

1. is an electric company; or

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

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

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

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

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

**2. ON ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE, A PERSON MAY ACQUIRE BY CONDEMNATION, IN ACCORDANCE WITH TITLE 12 OF THE REAL PROPERTY ARTICLE AND SUBJECT TO APPROVAL BY THE COMMISSION, ANY PROPERTY OR RIGHT NECESSARY FOR THE CONSTRUCTION OR MAINTENANCE OF THE TRANSMISSION LINE.**

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**