

Chapter 283

(House Bill 1126)

AN ACT concerning

Public Service Commission – Application for Certificate of Public Convenience and Necessity – Criteria to Consider

FOR the purpose of requiring the ~~PSC~~ Public Service Commission to take final action on a certain application for a certificate of public convenience and necessity only after due consideration of the effect of a generating station, an overhead transmission line, or a qualified generator lead line on air quality and water pollution, rather than the effect of the generating station, overhead transmission line, or qualified generator lead line on air and water pollution when applicable; applying the requirement that the Commission take final action on a certain application for a certificate of public convenience and necessity for construction related to a new overhead transmission line only after due consideration of ~~the consistency of the application with the jurisdiction's comprehensive plan and zoning and of certain efforts to resolve certain issues to an application for an overhead transmission line or a qualified generator lead line~~ certain alternative routes and certain information related to certain alternative routes; ~~requiring the Commission to take final action on an application for a certificate of public convenience and necessity for a generating station, an overhead transmission line, or a qualified generator lead line only after due consideration of whether the applicant considered and is unable to use a certain easement, the greenhouse gas emissions associated with certain aspects of the generating station, overhead transmission line, or qualified generator lead line, and the impact certain greenhouse gas emissions will have on the ability of the State to meet certain greenhouse gas emissions reduction goals~~ providing for the application of this Act; and generally relating to an application for a certificate of public convenience and necessity.

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7–207(a) and (b)(1)(i)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–207(e) and (f)

Annotated Code of Maryland

(2010 Replacement Volume and 2017 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.

(a) (1) (i) In this section and § 7–208 of this subtitle, “construction” means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

(ii) “Construction” does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

(2) In this section, “qualified generator lead line” means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

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

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

(2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:

(i) the stability and reliability of the electric system;

(ii) economics;

(iii) esthetics;

(iv) historic sites;

(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;

(vi) ~~when applicable,~~ air QUALITY and water pollution; and

(vii) the availability of means for the required timely disposal of wastes produced by any generating station; ~~and~~

(3) ~~for a generating station:~~

(i) ~~the consistency of the application with the comprehensive plan and zoning of each county or municipal corporation where any portion of the generating station, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE is proposed to be located; and~~

(ii) ~~(4) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE is proposed to be located;~~

~~(5) WHETHER THE APPLICANT CONSIDERED AND IS UNABLE TO USE AN EXISTING EASEMENT; AND~~

~~(6) THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE, INCLUDING GREENHOUSE GAS EMISSIONS FROM EXISTING GENERATING STATIONS THAT WOULD INCREASE AS A RESULT OF THE OVERHEAD TRANSMISSION LINE OR QUALIFIED GENERATOR LEAD LINE, AND THE IMPACT THESE GREENHOUSE GAS EMISSIONS WILL HAVE ON THE ABILITY OF THE STATE TO MEET ITS GREENHOUSE GAS EMISSIONS REDUCTION ACT GOALS.~~

(f) For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall:

(1) take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(I) the need to meet existing and future demand for electric service;

AND

(ii) FOR CONSTRUCTION RELATED TO A NEW OVERHEAD TRANSMISSION LINE, THE ALTERNATIVE ROUTES THAT THE APPLICANT CONSIDERED, INCLUDING THE ESTIMATED CAPITAL AND OPERATING COSTS OF EACH ALTERNATIVE ROUTE AND A STATEMENT OF THE REASON WHY THE ALTERNATIVE ROUTE WAS REJECTED; and

(2) require as an ongoing condition of the certificate of public convenience and necessity that an applicant [complies] COMPLY with:

(i) all relevant agreements with PJM Interconnection, L.L.C., or its successors, related to the ongoing operation and maintenance of the overhead transmission line; and

(ii) all obligations imposed by the North America Electric Reliability Council and the Federal Energy Regulatory Commission related to the ongoing operation and maintenance of the overhead transmission line.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any application for a certificate of public convenience and necessity filed before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.