

HOUSE BILL 715

C5

8lr2334

By: **Delegate R. Lewis**

Introduced and read first time: February 1, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Application for a Certificate of Public**
3 **Convenience and Necessity – Public Notice and Hearing**

4 FOR the purpose of requiring a certain notice made by the Public Service Commission or
5 an applicant for a certificate of public convenience and necessity to be specific;
6 requiring the Commission or a certain applicant to provide certain notice
7 immediately to certain residents in a certain manner; requiring the Commission to
8 provide specific notice of a certain application on certain Commission social media
9 accounts, on the Commission’s website in a certain manner, and through text alerts
10 to certain persons; requiring the Commission to allow public comments to be
11 submitted to the Commission in certain manners; requiring certain public hearings
12 held by the Commission to be recorded or webcast and available to the public prior
13 to a certain deadline; requiring a certain recording or webcast to be posted on the
14 Commission website in a certain manner; requiring a certain notice of a public
15 hearing to be posted and issued in a certain manner at a certain time; requiring the
16 Commission to issue a certain reminder notice of a public hearing through a text
17 alert to certain persons at a certain time; expanding the information that the
18 Commission shall consider prior to taking a final action on a certain application; and
19 generally relating to public notice and hearings relating to applications for a
20 certificate of public convenience and necessity.

21 BY repealing and reenacting, with amendments,
22 Article – Public Utilities
23 Section 7–207(c), (d), and (e)
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2017 Supplement)

26 Preamble

27 WHEREAS, Maryland residents want specific and immediate notice from the Public
28 Service Commission about the construction or demolition of generating stations, overhead

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 transmission lines, and qualified generator lead lines that may impact their communities,
2 including the construction of natural gas infrastructure; and

3 WHEREAS, The current notice to the public before a public hearing date provides
4 useful information about the date and nature of a public hearing but does not provide
5 Maryland residents adequate time to prepare to be meaningfully engaged in Commission
6 proceedings; and

7 WHEREAS, Specific notice to the public immediately after an application for a
8 certificate of public convenience and necessity has been filed with the Commission to
9 construct a generating station, an overhead transmission line, or a qualified generator lead
10 line would provide Maryland residents time to prepare to be meaningfully engaged in
11 Commission proceedings; and

12 WHEREAS, A variety of modern and consumer-friendly communications sources are
13 available to the Commission for providing notice to Maryland residents; now, therefore,

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 (c) (1) On receipt of an application for a certificate of public convenience and
19 necessity under this section, the Commission shall provide **SPECIFIC** notice immediately
20 or require the applicant to provide **SPECIFIC** notice immediately of the application to:

21 (i) the Department of Planning;

22 (ii) the governing body, and if applicable the executive, of each
23 county or municipal corporation in which any portion of the generating station, overhead
24 transmission line, or qualified generator lead line is proposed to be constructed;

25 (iii) the governing body, and if applicable the executive, of each
26 county or municipal corporation within 1 mile of the proposed location of the generating
27 station, overhead transmission line, or qualified generator lead line;

28 (iv) each member of the General Assembly representing any part of
29 a county in which any portion of the generating station, overhead transmission line, or
30 qualified generator lead line is proposed to be constructed;

31 (v) each member of the General Assembly representing any part of
32 each county within 1 mile of the proposed location of the generating station, overhead
33 transmission line, or qualified generator lead line; [and]

34 (vi) **EACH RESIDENT IN EACH COUNTY OR MUNICIPAL**

1 CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION, OVERHEAD
2 TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE
3 CONSTRUCTED; AND

4 (VII) all other interested persons.

5 (2) The Commission, when sending the notice required under paragraph
6 (1) of this subsection, shall forward a copy of the application to:

7 (i) each appropriate State unit and unit of local government for
8 review, evaluation, and comment regarding the significance of the proposal to State,
9 area-wide, and local plans or programs; and

10 (ii) each member of the General Assembly included under paragraph
11 (1)(iv) and (v) of this subsection who requests a copy of the application.

12 (3) ON RECEIPT OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC
13 CONVENIENCE AND NECESSITY UNDER THIS SECTION, THE COMMISSION SHALL
14 PROVIDE SPECIFIC NOTICE IMMEDIATELY OF THE APPLICATION:

15 (I) ON EXISTING COMMISSION SOCIAL MEDIA ACCOUNTS;

16 (II) ON THE COMMISSION'S WEBSITE IN A MANNER THAT
17 ALLOWS FOR A SEARCHABLE OPTION TO NAVIGATE APPLICATIONS AND
18 SUPPORTING DOCUMENTS RECEIVED BY THE COMMISSION DURING THE CURRENT
19 CALENDAR YEAR AND THE PRECEDING 3 CALENDAR YEARS; AND

20 (III) ISSUED THROUGH A TEXT ALERT TO INTERESTED PERSONS
21 WHO OPT TO RECEIVE THE TEXT ALERTS.

22 (d) (1) (I) The Commission shall provide an opportunity for public
23 comment and hold a public hearing on the application for a certificate of public convenience
24 and necessity in each county and municipal corporation in which any portion of the
25 construction of a generating station, an overhead transmission line designed to carry a
26 voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

27 (II) THE COMMISSION SHALL ALLOW PUBLIC COMMENTS TO BE
28 SUBMITTED TO THE COMMISSION:

29 1. ELECTRONICALLY TO THE COMMISSION'S WEBSITE;
30 AND

31 2. IN WRITING.

32 (2) (I) The Commission shall hold the public hearing jointly with the

1 governing body of the county or municipal corporation in which any portion of the
2 construction of the generating station, overhead transmission line, or qualified generator
3 lead line is proposed to be located, unless the governing body declines to participate in the
4 hearing.

5 **(II) THE PUBLIC HEARING SHALL BE:**

6 **1. RECORDED OR WEBCAST; AND**

7 **2. AVAILABLE TO THE PUBLIC FOR REVIEW PRIOR TO**
8 **THE COMMENT SUBMISSION DEADLINE.**

9 **(III) A RECORDING OR WEBCAST OF THE PUBLIC HEARING**
10 **SHALL BE POSTED ON THE COMMISSION'S WEBSITE IN A MANNER THAT IS**
11 **SEARCHABLE BY COUNTY.**

12 (3) (i) Once in each of the 4 successive weeks immediately before the
13 hearing date, the Commission shall provide weekly notice of the public hearing and an
14 opportunity for public comment:

15 1. by advertisement in a newspaper of general circulation in
16 the county or municipal corporation affected by the application;

17 2. on [two types of] **EXISTING COMMISSION** social media
18 **ACCOUNTS; and**

19 3. on the Commission's Web site **IN A MANNER THAT IS**
20 **SEARCHABLE BY COUNTY.**

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

27 (4) (i) On the day of a public hearing, an informational sign shall be
28 posted prominently at or near each public entrance of the building in which the public
29 hearing will be held.

30 (ii) The informational sign required under subparagraph (i) of this
31 paragraph shall:

32 1. state the time, room number, and subject of the public
33 hearing; and

1 2. be at least 17 by 22 inches in size.

2 **(5) AS SOON AS THE COMMISSION DETERMINES THE PROCEDURAL**
3 **SCHEDULE FOR ANY SUBSEQUENT HEARING, NOTICE OF THE HEARING SHALL BE:**

4 **(I) POSTED PROMINENTLY ON THE COMMISSION’S WEBSITE IN**
5 **A MANNER THAT IS SEARCHABLE BY COUNTY; AND**

6 **(II) ISSUED THROUGH A TEXT ALERT TO INTERESTED PERSONS**
7 **WHO OPT TO RECEIVE THE TEXT ALERTS.**

8 **(6) AT LEAST 5 BUSINESS DAYS BEFORE A PUBLIC HEARING, THE**
9 **COMMISSION SHALL ISSUE A REMINDER NOTICE THROUGH A TEXT ALERT TO**
10 **INTERESTED PERSONS WHO OPT TO RECEIVE THE TEXT ALERTS.**

11 **[(5)] (7) (i)** The Commission shall ensure presentation and
12 recommendations from each interested State unit, and shall allow representatives of each
13 State unit to sit during hearing of all parties.

14 (ii) The Commission shall allow each State unit 15 days after the
15 conclusion of the hearing to modify the State unit’s initial recommendations.

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

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

21 (2) **PUBLIC COMMENTS;**

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

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

25 (ii) economics;

26 (iii) esthetics;

27 (iv) historic sites;

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

30 (vi) when applicable, air and water pollution; and

1 (vii) the availability of means for the required timely disposal of
2 wastes produced by any generating station; [and]

3 **(4) THE POTENTIAL HEALTH IMPACTS ON RESIDENTS WHO LIVE IN**
4 **THE COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE**
5 **GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED**
6 **GENERATOR LEAD LINE IS PROPOSED TO BE CONSTRUCTED; AND**

7 **[(3)] (5)** for a generating station:

8 (i) the consistency of the application with the comprehensive plan
9 and zoning of each county or municipal corporation where any portion of the generating
10 station is proposed to be located; and

11 (ii) the efforts to resolve any issues presented by a county or
12 municipal corporation where any portion of the generating station is proposed to be located.

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