

HOUSE BILL 773

C5

8r1720
CF 8r1721

By: **Delegates Szeliga, Cassilly, Glass, Hornberger, Lisanti, McComas,
McDonough, and Reilly**

Introduced and read first time: February 1, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Condemnation of Property or Rights for Overhead Transmission**
3 **Lines – Public Service Commission Approval**

4 FOR the purpose of subjecting the condemnation of certain property or rights for the
5 construction or maintenance of overhead transmission lines to approval by the Public
6 Service Commission; and generally relating to the construction of overhead
7 transmission lines.

8 BY repealing and reenacting, with amendments,
9 Article – Public Utilities
10 Section 7–207(b)(3)
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2017 Supplement)

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

15 **Article – Public Utilities**

16 7–207.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 1. is an electric company; or

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

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

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

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

17 (v) 1. This subparagraph applies to the construction of an
18 overhead transmission line for which a certificate of public convenience and necessity is
19 required under this section.

20 2. On issuance of a certificate of public convenience and
21 necessity for the construction of an overhead transmission line, a person may acquire by
22 condemnation, in accordance with Title 12 of the Real Property Article **AND SUBJECT TO**
23 **APPROVAL BY THE COMMISSION**, any property or right necessary for the construction or
24 maintenance of the transmission line.

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