

# SENATE BILL 538

C5, M3

0lr0387  
CF 0lr3585

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By: **Senators Kelley, Augustine, Beidle, Eckardt, Ellis, Feldman, Hayes, Hershey, Jennings, Klausmeier, Kramer, Patterson, Pinsky, Reilly, and Washington**  
Introduced and read first time: January 30, 2020  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Application for Certificate of Public Convenience**  
3 **and Necessity – Preservation of Environmental Quality and the Climate**

4 FOR the purpose of requiring the Public Service Commission to give due consideration to  
5 the effect of a generating station, overhead transmission line, or qualified generator  
6 lead line on the preservation of environmental quality and the climate before taking  
7 final action on an application for a certificate of public convenience and necessity;  
8 and generally relating to an application for a certificate of public convenience and  
9 necessity.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Utilities  
12 Section 7–207(e)  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2019 Supplement)

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

17 **Article – Public Utilities**

18 7–207.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4                   (ii)    economics;

5                   (iii)  esthetics;

6                   (iv)   historic sites;

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

9                   (vi)   when applicable, air quality and water pollution;

10                   **(VII) THE PRESERVATION OF ENVIRONMENTAL QUALITY AND**  
11 **THE CLIMATE; and**

12                   [[vii]] **(VIII)** the availability of means for the required timely disposal  
13 of wastes produced by any generating station; and

14                   (3)    for a generating station:

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

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

20                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2020.