C5 4lr3026

By: Delegate Valderrama

Introduced and read first time: February 9, 2024

Assigned to: Economic Matters

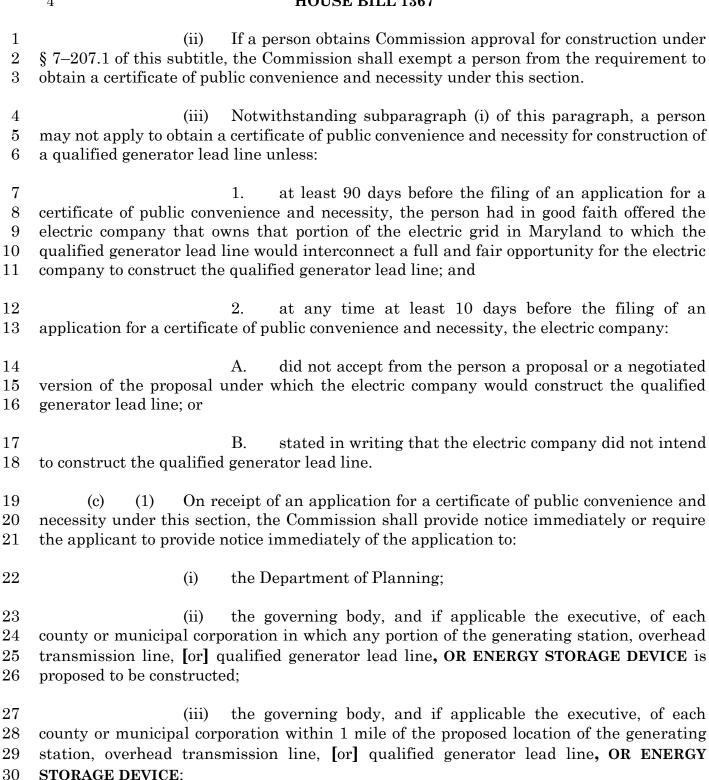
A BILL ENTITLED

1	AN ACT concerning							
2 3	Public Utilities - Certificates of Public Convenience and Necessity - Energy Storage Devices							
4 5 6 7	FOR the purpose of requiring a person to obtain a certificate of public convenience and necessity from the Public Service Commission before beginning construction of a certain energy storage device; and generally relating to certificates of public convenience and necessity.							
8 9 10 11 12	BY repealing and reenacting, with amendments, Article – Public Utilities Section 7–207(a), (b)(1), (c)(1), (d)(1)(i), (2), and (3)(ii), (e), and (h)(3) Annotated Code of Maryland (2020 Replacement Volume and 2023 Supplement)							
13 14	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
15	Article – Public Utilities							
16	7–207.							
17	(a) (1) In this section the following words have the meanings indicated.							
18	(2) "Brownfields site" means:							
19 20	(i) a former industrial or commercial site identified by federal or State laws or regulation as contaminated or polluted;							
21 22	(ii) a closed landfill regulated by the Department of the Environment; or							

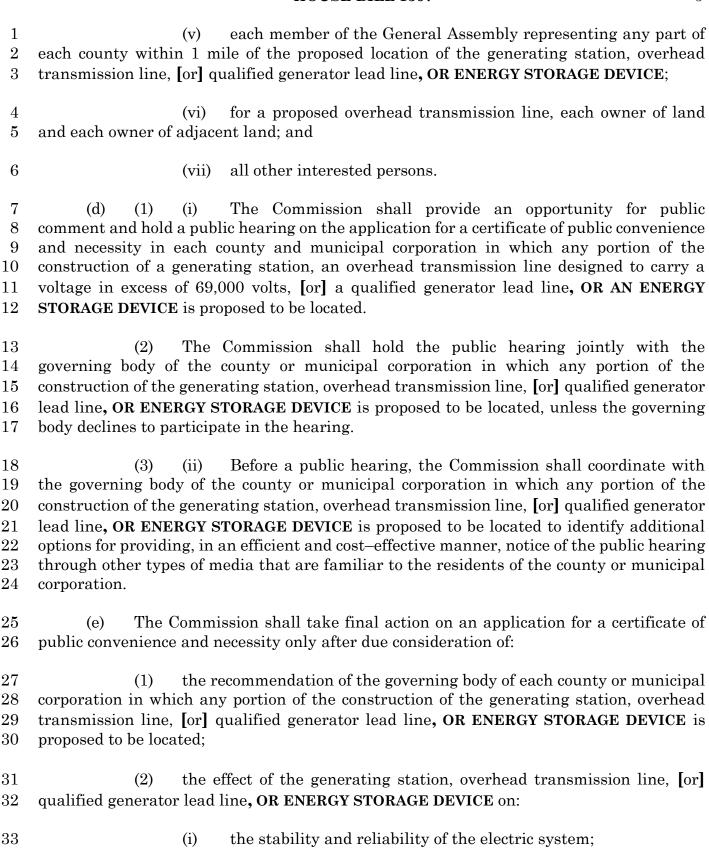


1		(iii)	mined land.			
2	(3)	(i)	"Construction" means:			
3 4	erection, installation	on, or o	1. any physical change at a site, including fabrication, demolition; or			
5 6 7 8 9	2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction 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.					
10 11 12	(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.					
13	(4)	"ENE	ERGY STORAGE DEVICE" MEANS A RESOURCE THAT:			
14 15 16 17	IT FOR A PERIOD OF TIME, AND DELIVERING THE ENERGY FOR USE AT A LATER TIME					
18 19	MEGAWATT; AND	(II)	HAS A MINIMUM ENERGY STORAGE CAPACITY OF 1			
20		(III)	IS INSTALLED BEHIND OR IN FRONT OF THE METER.			
21	(5)	"Gene	erating station" does not include:			
22		(i)	a generating unit or facility that:			
23			1. is used for the production of electricity;			
24 25	alternating curren	t; and	2. has the capacity to produce not more than 2 megawatts of			
26 27	electricity to the el	ectric ş	3. is installed with equipment that prevents the flow of grid during time periods when the electric grid is out of service; or			
28		(ii)	a combination of two or more generating units or facilities that:			
29 30 31	photovoltaic syster 7–306 of this title;	n or ar	1. are used for the production of electricity from a solar a eligible customer—generator that is subject to the provisions of §			

1		2.	are located on the same property or adjacent properties;
2 3 4	•	_	have the capacity to produce, when calculated units or facilities on the property or adjacent property, more than 14 megawatts of alternating current; and
5		4.	for each individual generating unit or facility:
6 7	alternating current;	A.	has the capacity to produce not more than 2 megawatts of
8		В.	is separately metered by the electric company; and
9 10	under an agreement with	C. n PJM	does not export electricity for sale on the wholesale market Interconnection, LLC.
11 12	[(5)] (6) in which surface mining	(i) operat	"Mined land" means the surface or subsurface of an area ions will be, are being, or have been conducted.
13	(ii)	"Mine	ed land" includes:
14 15	any surface mining area;	1.	private ways and roads used for mining appurtenant to
16		2.	land excavations;
17		3.	workings; and
18		4.	overburden.
19 20 21 22	out-of-state Tier 1 or Tie	carry er 2 rei	lified generator lead line" means an overhead transmission a voltage in excess of 69,000 volts and would allow an newable source to interconnect with a portion of the electric led by an electric company.
23 24 25	(b) (1) (i) construction is first obtain the State of:		es a certificate of public convenience and necessity for the com the Commission, a person may not begin construction in
26		1.	a generating station; [or]
27		2.	a qualified generator lead line; OR
28		3.	AN ENERGY STORAGE DEVICE.



31 (iv) each member of the General Assembly representing any part of a county in which any portion of the generating station, overhead transmission line, [or] 3233 qualified generator lead line. OR ENERGY STORAGE DEVICE is proposed to be constructed:



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(ii)

(iii)

economics:

esthetics:

1	(iv) historic sites;
2 3	(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;
4	(vi) when applicable, air quality and water pollution; and
5 6	(vii) the availability of means for the required timely disposal of wastes produced by any generating station;
7 8 9 10	(3) the effect of climate change on the generating station, overhead transmission line, [or] qualified generator lead line, OR ENERGY STORAGE DEVICE based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and
11	(4) for a generating station:
12 13 14	(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 is proposed to be located;
15 16	(ii) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station is proposed to be located;
17 18 19 20	(iii) the impact of the generating station on the quantity of annual and long-term statewide greenhouse gas emissions, measured in the manner specified in § 2–1202 of the Environment Article and based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and
21 22 23	(iv) the consistency of the application with the State's climate commitments for reducing statewide greenhouse gas emissions, including those specified in Title 2, Subtitle 12 of the Environment Article.
24 25 26 27 28	(h) (3) A county or municipal corporation may not condition the approval of a local permit required under a certificate of public convenience and necessity issued under this section on receipt of any of the following approvals for any aspect of a generating station, an overhead transmission line, [or] a qualified lead line, OR AN ENERGY STORAGE DEVICE proposed to be constructed under the certificate:
29	(i) a conditional use approval;
30	(ii) a special exception approval; or
31	(iii) a floating zone approval.

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 the construction of any energy storage device before the effective date of this Act.

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5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 6 October 1, 2024.