HOUSE BILL 640

C5 5lr1266
CF SB 34

By: **Delegates Guyton, Allen, Fair, Griffith, A. Johnson, S. Johnson, Kerr, Kipke, Lehman, Mangione, McComas, Miller, Pasteur, Patterson, Phillips, Pippy, Rose, Ruth, Stonko, Tomlinson, and White Holland**
Introduced and read first time: January 23, 2025
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Certificate of Public Convenience and Necessity – Overhead Transmission Lines – Conservation Easements

FOR the purpose of requiring the Public Service Commission to consider the impact of the development of overhead transmission lines on certain properties subject to an existing conservation easement in certain proceedings for a certificate of public convenience and necessity; requiring the Commission to require an applicant for a certificate of public convenience and necessity for the development of overhead transmission lines to consider alternative routes for transmission lines affecting conservation easements or alter proposed routes; and generally relating to certificates of public convenience and necessity.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–207(e)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(f)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

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

Article – Public Utilities

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

7–207.

(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;

(3) the effect of climate change on the generating station, overhead transmission line, or qualified generator lead line based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and

(4) 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 is proposed to be located;

(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;

(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

(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.

(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**:**

1. the estimated capital and operating costs of each alternative route and a statement of the reason why the alternative route was rejected; **AND**

2. THE IMPACT OF THE PROPOSED OVERHEAD TRANSMISSION LINE ON PROPERTIES THAT ARE IN THE ALTERNATIVE ROUTE AND SUBJECT TO AN EXISTING CONSERVATION EASEMENT;

(2) require as an ongoing condition of the certificate of public convenience and necessity that an applicant 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; **[**and**]**

(3) require the applicant to identify whether the overhead transmission line is proposed to be constructed on:

(i) an existing brownfields site;

(ii) property that is subject to an existing easement; or

(iii) a site where a tower structure or components of a tower structure used to support an overhead transmission line exist**; AND**

(4) REQUIRE THE APPLICANT TO:

(I) MINIMIZE THE IMPACT ON PROPERTIES THAT ARE IN THE PROPOSED OVERHEAD TRANSMISSION LINE ROUTE AND SUBJECT TO AN EXISTING CONSERVATION EASEMENT; OR

(II) CHANGE THE PROPOSED OVERHEAD TRANSMISSION LINE ROUTE TO MINIMIZE THE IMPACT ON PROPERTIES THAT ARE IN THE PROPOSED ROUTE AND SUBJECT TO AN EXISTING CONSERVATION EASEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.