

SB0841/813629/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 841, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Committee on Education, Energy, and the Environment Amendments (SB0841/423325/1), in the fifth line from the bottom of Amendment No. 1, after "organization;" insert "requiring the Commission or, at the Commission's direction, a person applying for a certificate of public convenience and necessity for the construction of any transmission line to provide certain notices to certain landowners regarding the construction; establishing that if the Commission makes a certain finding, a certain public hearing is invalidated or the Commission may order a new hearing under certain circumstances;".

On page 5 of the Committee on Education, Energy, and the Environment Amendments, in line 18 of Amendment No. 1, after "7-103," insert "7-204,".

On page 6 of the Committee on Education, Energy, and the Environment Amendments, in line 1 of Amendment No. 1, after "Section" insert "3-106,".

AMENDMENT NO. 2

On page 44 of the Committee on Education, Energy, and the Environment Amendments, after the fifth line from the bottom of Amendment No. 2, insert:

"3-106.

(a) If a person timely files, the person may apply to intervene in a proceeding before the Commission.

(b) The Commission shall grant leave to intervene unless the Commission concludes that:

(1) the parties to the proceeding adequately represent the interest of the person seeking to intervene; or

(2) the issues that the person seeks to raise are irrelevant or immaterial.

(c) (1) An intervenor has all the rights of a party to a proceeding.

(2) In a proceeding before the Commission, an individual who is an intervenor may represent himself or herself.”.

On page 60 of the Committee on Education, Energy, and the Environment Amendments, after the first line from the bottom of Amendment No. 2, insert:

“7-204.

(a) IN THIS SECTION, “CONSTRUCTION” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(B) (1) Notwithstanding any other provision of this division, at least 30 days before a hearing, a public service company shall provide to each owner of land and each owner of adjacent land, by certified mail, written notice of intent to run a line or similar transmission device over, on, or under the land.

(2) AT THE SAME TIME A PERSON APPLIES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A TRANSMISSION LINE UNDER § 7-207 OR § 7-208 OF THIS SUBTITLE, THE COMMISSION SHALL PROVIDE, OR DIRECT THE PERSON APPLYING FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE, BY CERTIFIED MAIL, NOTICE OF INTENT TO RUN A LINE OR SIMILAR TRANSMISSION DEVICE OVER, ON, OR UNDER THE LAND TO:

(I) EACH OWNER OF LAND THAT ABUTS THE PROPERTY WHERE THE CONSTRUCTION IS PLANNED; AND

(II) FOR CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE, EACH OWNER OF LAND AND EACH OWNER OF ADJACENT LAND.

(3) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL ADVISE THE RECIPIENT OF:

(I) ANY APPLICABLE RIGHT TO FILE AS AN INTERVENOR IN THE PROCEEDING IN ACCORDANCE WITH § 3-106 OF THIS ARTICLE;

(II) THE PROCESS FOR FILING AS AN INTERVENOR IN THE PROCEEDING, INCLUDING THE METHOD FOR FILING AND THE LOCATION WHERE THE FILING IS REQUIRED TO BE SUBMITTED;

(III) THE DATE AND TIME BY WHICH THE RECIPIENT IS REQUIRED TO FILE AS AN INTERVENOR IN ORDER TO BE CONSIDERED TIMELY; AND

(IV) CONTACT INFORMATION FOR THE COMMISSION AND THE WEBSITE WHERE THE RECIPIENT MAY OBTAIN ADDITIONAL INFORMATION REGARDING INTERVENTION RIGHTS AND PROCEDURES.

[(2)] (C) The public service company shall determine the property owners from the current tax assessment records of the political subdivision in which the property is located.

[(b) Unless the failure is willful or deliberate, the failure of a public service company to provide notice does not invalidate a public hearing or require that another hearing take place.]

(D) IF THE COMMISSION FINDS THAT A PERSON DIRECTED TO PROVIDE NOTICE UNDER SUBSECTION (B)(2) OF THIS SECTION FAILS TO PROVIDE NOTICE IN ACCORDANCE WITH THIS SECTION:

(1) THE PUBLIC HEARING IS INVALIDATED AND ANOTHER HEARING MUST TAKE PLACE IF THE FAILURE IS WILLFUL OR DELIBERATE; OR

(2) THE COMMISSION MAY, WITHIN ITS DISCRETION, REQUIRE ANOTHER HEARING TO TAKE PLACE IF THE FAILURE IS NOT WILLFUL OR DELIBERATE.”