HOUSE BILL 40

C5 6lr0813
HB 829/25 – ECM (PRE–FILED) CF SB 201

By: **Delegate Charkoudian**
Requested: September 10, 2025
Introduced and read first time: January 14, 2026
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Public Utilities – Transmission Lines – Advanced Transmission Technologies

FOR the purpose of altering the definition of "qualified generator lead line" for provisions of law regarding certificates of public convenience and necessity; requiring an applicant for a certificate of public convenience and necessity for the construction of an overhead transmission line to include certain information in its application; requiring the Public Service Commission to consider certain evidence before taking final action on an application for a certificate of public convenience and necessity for the construction of an overhead transmission line; requiring each owner or operator of an overhead transmission line to submit certain reports to the Commission; and generally relating to overhead transmission lines and advanced transmission technologies.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(a), (b)(3), and (f)(1)
Annotated Code of Maryland
(2025 Replacement Volume and 2025 Supplement)

BY adding to
Article – Public Utilities
Section 7–207.6
Annotated Code of Maryland
(2025 Replacement Volume and 2025 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.

(a) (1) In this section the following words have the meanings indicated.

(2) "ADVANCED TRANSMISSION TECHNOLOGIES" MEANS:

(I) GRID–ENHANCING TECHNOLOGIES;

(II) HIGH PERFORMANCE CONDUCTORS; OR

(III) ENERGY STORAGE USED AS TRANSMISSION.

(3) "Brownfields site" means:

(i) a former industrial or commercial site identified by federal or State laws or regulation as contaminated or polluted;

(ii) a closed landfill regulated by the Department of the Environment; or

(iii) mined land.

[(3)**] (4)** (i) "Construction" means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

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.

(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.

[(4)**] (5)** "Generating station" does not include:

(i) a generating unit or facility that:

1. is used for the production of electricity;

2. has the capacity to produce not more than 2 megawatts of alternating current; and

3. is installed with equipment that prevents the flow of electricity to the electric grid during time periods when the electric grid is out of service;

(ii) a combination of two or more generating units or facilities that:

1. are used for the production of electricity from a solar photovoltaic system or an eligible customer–generator that is subject to the provisions of § 7–306 of this title;

2. are located on the same property or adjacent properties;

3. have the capacity to produce, when calculated cumulatively for all generating units or facilities on the property or adjacent property, more than 2 megawatts but not more than 14 megawatts of alternating current; and

4. for each individual generating unit or facility:

A. has the capacity to produce not more than 2 megawatts of alternating current;

B. is separately metered by the electric company; and

C. does not export electricity for sale on the wholesale market under an agreement with PJM Interconnection, LLC;

(iii) a generating unit or facility that:

1. is used for the production of electricity for the purpose of:

A. onsite emergency backup at a facility when service from the electric company is interrupted due to electric distribution or transmission system failure or when there is equipment failure at a site where critical infrastructure is located; and

B. test and maintenance operations necessary to ensure functionality of the generating unit or facility in the event of a service interruption from the electric company due to electric distribution or transmission system failure or when there is equipment failure at a site where critical infrastructure is located;

2. is installed with equipment that prevents the flow of electricity to the electric grid;

3. is subject to a permit to construct issued by the Department of the Environment; and

4. is installed at a facility that is part of critical infrastructure if the facility complies with all applicable regulations regarding noise level and testing hours; or

(iv) a combination of two or more generating units or facilities that satisfy item (iii) of this paragraph.

[(5)**] (6) (I) "GRID–ENHANCING TECHNOLOGY" MEANS HARDWARE OR SOFTWARE THAT INCREASES THE CAPACITY, EFFICIENCY, OR RELIABILITY OF EXISTING TRANSMISSION SYSTEMS.**

(II) "GRID–ENHANCING TECHNOLOGY" INCLUDES:

1. A SYSTEM THAT USES REAL–TIME OR FORECASTED WEATHER AND OPERATING CONDITIONS TO DETERMINE THE TRANSFER CAPACITY OF TRANSMISSION SYSTEMS;

2. TECHNOLOGY THAT MODULATES CIRCUIT IMPEDANCE OR OTHER ELECTRICAL PROPERTIES TO REROUTE POWER FLOWS AND RELIEVE CONGESTION; AND

3. SOFTWARE THAT IDENTIFIES SWITCHING CONFIGURATIONS TO REROUTE ELECTRICITY AND ALLEVIATE TRANSMISSION CONSTRAINTS.

(7) "HIGH PERFORMANCE CONDUCTORS" MEANS CONDUCTORS, INCLUDING CARBON FIBER CONDUCTORS, COMPOSITE CORE CONDUCTORS, OR SUPERCONDUCTORS, THAT:

(I) HAVE A SIMILAR DIAMETER AND WEIGHT AS TRADITIONAL ACSR CONDUCTORS;

(II) HAVE A DIRECT CURRENT ELECTRICAL RESISTANCE AT LEAST 10% LESS THAN TRADITIONAL ACSR CONDUCTORS;

(III) INCREASE THE POTENTIAL ENERGY CARRYING CAPACITY BY AT LEAST 75% COMPARED TO TRADITIONAL ACSR CONDUCTORS; AND

(IV) HAVE A COEFFICIENT OF THERMAL EXPANSION OF AT LEAST 30% LESS THAN TRADITIONAL ACSR CONDUCTORS.

(8) (i) "Mined land" means the surface or subsurface of an area in which surface mining operations will be, are being, or have been conducted.

(ii) "Mined land" includes:

1. private ways and roads used for mining appurtenant to any surface mining area;

2. land excavations;

3. workings; and

4. overburden.

[(6)**] (9)** "Qualified generator lead line" means an overhead transmission line **[**that is**] AND ANY ASSOCIATED ADVANCED TRANSMISSION TECHNOLOGY** designed to carry**, OR SUPPORT THE CARRYING OF,** a voltage in excess of 69,000 volts and would allow an out–of–state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

(10) "TRADITIONAL ACSR CONDUCTORS" MEANS ELECTRICAL CABLES USED IN OVERHEAD TRANSMISSION SYSTEMS THAT CONSIST OF A CENTRAL CORE OF GALVANIZED STEEL WIRES SURROUNDED BY STRANDS OF ALUMINUM.

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

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

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

1. is an electric company; or

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

(iv) **AN APPLICANT FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE SHALL INCLUDE IN ITS APPLICATION:**

1. EVIDENCE THAT THE APPLICANT CONSIDERED, AS PART OF THE APPLICANT'S INTERNAL PLANNING PROCESS, ANY LOCAL, STATE, OR FEDERAL GOVERNMENT TRANSMISSION PLANNING PROCESSES AND ANY TRANSMISSION PLANNING PROCESSES REQUIRED BY PJM INTERCONNECTION, LLC, INCLUDING:

A. ALTERNATIVES TO THE PROPOSED TRANSMISSION LINE;

B. AN ANALYSIS OF ADVANCED TRANSMISSION TECHNOLOGIES AND WHETHER THE USE OF THE TECHNOLOGIES WILL ENHANCE THE VALUE OF THE NEW LEAD LINE, LEADING TO INCREASED RATEPAYER VALUE THROUGH EFFICIENCY AND AVOIDED COSTS;

C. ALTERNATIVE ROUTINGS;

D. TECHNOLOGIES OR MODIFICATIONS TO ONE OR MORE ELECTRIC DISTRIBUTION SYSTEMS IN THE STATE THAT COULD AVOID THE NEED FOR THE TRANSMISSION LINE;

E. THE COST TO RATEPAYERS;

F. RESOURCE ADEQUACY;

G. ENERGY EFFICIENCY AND DEMAND RESPONSE;

H. THE IMPACT OF THE PROJECT ON THE ENVIRONMENT;

I. A REVIEW OF AN INTEGRATED ELECTRIC TRANSMISSION–DISTRIBUTION SYSTEM TO ADDRESS THE NEED FOR THE TRANSMISSION LINE; AND

J. ANY OTHER INFORMATION THE COMMISSION CONSIDERS APPROPRIATE; AND

2. AN ANALYSIS OF THE TRANSMISSION LINE ROUTE SELECTION, INCLUDING:

A. RISKS ASSOCIATED WITH THE COSTS ESTIMATES;

B. COST CONTAINMENT EFFORTS;

C. CONSTRUCTION SCHEDULE;

D. ACQUISITION OF LAND AND RIGHTS–OF–WAY;

E. OUTAGE COORDINATION; AND

F. THE APPLICANT'S EXPERIENCE WORKING WITH COMMUNITIES AND STAKEHOLDERS ON ROUTE CONSIDERATION.

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

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

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

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

2. On issuance of a certificate of public convenience and necessity for the construction of an overhead transmission line, a person may acquire by condemnation, in accordance with Title 12 of the Real Property Article, any property or right necessary for the construction or maintenance of the transmission line.

(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) **EVIDENCE THAT ALTERNATIVES HAVE BEEN CONSIDERED BY THE APPLICANT IN ACCORDANCE WITH SUBSECTION (B)(3)(IV) OF THIS SECTION; AND**

(III) for construction related to a new overhead transmission line, the alternative routes that the applicant considered, including the estimated capital and operating costs of each alternative route and a statement of the reason why the alternative route was rejected;

7–207.6.

(A) IN THIS SECTION, "ADVANCED TRANSMISSION TECHNOLOGIES" HAS THE MEANING STATED IN § 7–207 OF THIS SUBTITLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1, 2026, AND EVERY 4 YEARS THEREAFTER, EACH OWNER OR OPERATOR OF AN OVERHEAD TRANSMISSION LINE SHALL SUBMIT TO THE COMMISSION A REPORT THAT:

(I) IDENTIFIES AREAS OF TRANSMISSION CONGESTION FOR THE IMMEDIATELY PRECEDING 3 YEARS AND ANY REASONABLY FORESEEABLE TRANSMISSION CONGESTION ISSUES FOR THE 5 YEARS IMMEDIATELY FOLLOWING THE DATE OF THE REPORT;

(II) IDENTIFIES THE PROJECTED OR ACTUAL COST TO RATEPAYERS AS A RESULT OF PAST AND PROJECTED FUTURE TRANSMISSION CONGESTION;

(III) IDENTIFIES THE FEASIBILITY AND COST OF USING ALTERNATIVE MEANS OF ADDRESSING TRANSMISSION CONGESTION, INCLUDING THE USE OF ADVANCED TRANSMISSION TECHNOLOGIES;

(IV) IDENTIFIES THE ECONOMIC, ENVIRONMENTAL, AND SOCIAL ISSUES POSED BY THE USE OF EACH ALTERNATIVE MEANS IDENTIFIED UNDER ITEM (III) OF THIS PARAGRAPH; AND

(V) IF FEASIBLE, PROPOSES AN ADVANCED TRANSMISSION TECHNOLOGY IMPLEMENTATION PLAN TO ADDRESS AREAS OF TRANSMISSION CONGESTION IDENTIFIED UNDER ITEM (I) OF THIS PARAGRAPH.

(2) THE COMMISSION MAY MODIFY THE REPORTING SCHEDULE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(C) AN OWNER OR OPERATOR OF AN OVERHEAD TRANSMISSION LINE MAY USE ANY AVAILABLE DATA FROM PJM INTERCONNECTION, LLC, OR OTHER SOURCES IN COMPLETING THE REPORT REQUIRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.