

HOUSE BILL 928

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By: **Delegates Embry, Allen, Behler, Boyce, Charkoudian, Edelson, Guyton, A. Johnson, Lewis, Miller, Rose, Taveras, and Tomlinson**

Introduced and read first time: February 5, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Certificates of Public Convenience and Necessity – Transmission Lines –**
3 **Applicability and Waivers**

4 FOR the purpose of expanding the application of certain requirements for the construction
5 of certain overhead transmission lines to include certain other transmission lines;
6 requiring the Public Service Commission to consider certain effects when
7 determining whether to waive, for good cause, the requirement to obtain a certificate
8 of public convenience and necessity in certain circumstances; repealing a
9 requirement that the Commission waive the requirement to obtain a certificate of
10 public convenience and necessity for certain overhead transmission lines under
11 certain circumstances; and generally relating to requirements for the construction of
12 transmission lines.

13 BY repealing and reenacting, without amendments,

14 Article – Public Utilities

15 Section 7-207(a)(1) and (3) and (g)

16 Annotated Code of Maryland

17 (2025 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Public Utilities

20 Section 7-207(b)(3) and (4), (c) through (f), and (h)

21 Annotated Code of Maryland

22 (2025 Replacement Volume and 2025 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-207.

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

3 (3) (i) "Construction" means:

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

6 2. the entry into a binding agreement or contractual
7 obligation to purchase equipment exclusively for use in construction in the State or to
8 undertake a program of actual construction in the State which cannot be canceled or
9 modified without substantial loss to the owner or operator of the proposed generating
10 station.

11 (ii) "Construction" does not include a change that is needed for the
12 temporary use of a site or route for nonutility purposes or for use in securing geological
13 data, including any boring that is necessary to ascertain foundation conditions.

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

19 (ii) [For] **SUBJECT TO SUBPARAGRAPH (III) OF THIS**
20 **PARAGRAPH, FOR** construction related to an existing [overhead] transmission line, the
21 Commission may waive the requirement in subparagraph (i) of this paragraph for good
22 cause.

23 **(III) WHEN DETERMINING WHETHER TO WAIVE THE**
24 **REQUIREMENT IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR GOOD CAUSE, THE**
25 **COMMISSION SHALL CONSIDER:**

26 1. **THE COST OF THE CONSTRUCTION ON RATEPAYERS;**

27 2. **THE IMPACT OF THE CONSTRUCTION ON THE**
28 **ENVIRONMENT; AND**

29 3. **ANY OTHER MATTER THE COMMISSION CONSIDERS**
30 **APPROPRIATE.**

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

- 1 1. is an electric company; or
- 2 2. is or, on the start of commercial operation of the
- 3 [overhead] transmission line, will be subject to regulation as a public utility by an officer
- 4 or an agency of the United States.

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

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

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

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

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

20 (4) (i) [Except as provided in subparagraph (ii) of this paragraph, for
21 construction related to an existing overhead transmission line designed to carry a voltage
22 in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate
23 of public convenience and necessity if the Commission finds that the construction does not:

24 1. require the person to obtain new real property or
25 additional rights-of-way through eminent domain; or

26 2. require larger or higher structures to accommodate:

27 A. increased voltage; or

28 B. larger conductors.

29 (ii) 1. For construction related to an existing overhead
30 transmission line, including repairs, that is necessary to avoid an imminent safety hazard
31 or reliability risk, a person may undertake the necessary construction] A PERSON MAY
32 COMPLETE CONSTRUCTION RELATED TO AN EXISTING TRANSMISSION LINE,

1 **INCLUDING REPAIRS, IF THE CONSTRUCTION IS NECESSARY TO AVOID AN IMMINENT**
2 **SAFETY HAZARD OR RELIABILITY RISK.**

3 [2.] (II) Within 30 days after construction is completed
4 under [subsubparagraph 1 of this subparagraph] **SUBPARAGRAPH (I) OF THIS**
5 **PARAGRAPH**, a person shall file a report with the Commission describing the work that
6 was completed.

7 (c) (1) On receipt of an application for a certificate of public convenience and
8 necessity under this section, the Commission shall provide notice immediately or require
9 the applicant to provide notice immediately of the application to:

10 (i) the Department of Planning;

11 (ii) the governing body, and if applicable the executive, of each
12 county or municipal corporation in which any portion of the generating station, [overhead]
13 transmission line, or qualified generator lead line is proposed to be constructed;

14 (iii) the governing body, and if applicable the executive, of each
15 county or municipal corporation within 1 mile of the proposed location of the generating
16 station, [overhead] transmission line, or qualified generator lead line;

23 (vi) for a proposed [overhead] transmission line, each owner of land
24 and each owner of adjacent land; and

25 (vii) all other interested persons

26 (2) The Commission, when sending the notice required under paragraph
27 (1) of this subsection, shall forward a copy of the application to:

31 (ii) each member of the General Assembly included under paragraph
32 (1)(iv) and (v) of this subsection who requests a copy of the application.

(3) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice of the application on the Commission's social media platforms and website.

9 (ii) The Commission may hold the public hearing virtually rather
10 than in person if the Commission provides a comparable opportunity for public comment
11 and participation in the hearing.

20 1. by advertisement in a newspaper of general circulation in
21 the county or municipal corporation affected by the application;

2. on two types of social media; and

3. on the Commission's website.

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33 (ii) The informational sign required under subparagraph (i) of this
34 paragraph shall:

1. state the time, room number, and subject of the public

2. be at least 17 by 22 inches in size.

2 (iii) If the public hearing is conducted virtually rather than in person,
3 the Commission shall provide information on the hearing prominently on the Commission's
4 website.

5 (5) (i) The Commission shall ensure presentation and
6 recommendations from each interested State unit, and shall allow representatives of each
7 State unit to sit during hearing of all parties.

(ii) The Commission shall allow each State unit 15 days after the conclusion of the hearing to modify the State unit's initial recommendations.

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

15 (2) the effect of the generating station, [overhead] transmission line, or
16 qualified generator lead line on:

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

18 (ii) economics;

19 (iii) esthetics;

20 (iv) historic sites;

21 (v) WHEN APPL

22 Maryland Aviation Administration and the administrator of the Federal Aviation
23 Administration;

24 (vi) when applicable, air quality and water pollution, and

25 (vii) the availability of means for the required timely disposal of
26 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;

30 (4) for a generating station:

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

10 (iv) the consistency of the application with the State's climate
11 commitments for reducing statewide greenhouse gas emissions, including those specified
12 in Title 2, Subtitle 12 of the Environment Article; and

(5) for a solar energy generating station specified under § 7-218 of this subtitle, whether the owner of a proposed solar energy generating station complies with the site requirements under § 7-218(f) of this subtitle.

16 (f) For the construction of [an overhead] A transmission line, in addition to the
17 considerations listed in subsection (e) of this section, the Commission shall:

18 (1) take final action on an application for a certificate of public convenience
19 and necessity only after due consideration of:

20 (i) the need to meet existing and future demand for electric service;
21 and

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

26 (2) require as an ongoing condition of the certificate of public convenience
27 and necessity that an applicant comply with:

28 (i) all relevant agreements with PJM Interconnection, L.L.C., or its
29 successors, related to the ongoing operation and maintenance of the [overhead]
30 transmission line; and

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

- 1 (i) an existing brownfields site;
- 2 (ii) property that is subject to an existing easement; or
- 3 (iii) a site where a tower structure or components of a tower structure
- 4 used to support an overhead transmission line exist.

5 (g) (1) The Commission may not authorize, and a person may not undertake,
6 the construction of an overhead transmission line that is aligned with and within 1 mile of
7 either end of a public airport runway, unless:

8 (i) the Federal Aviation Administration determines that the
9 construction of an overhead transmission line will not constitute a hazard to air navigation;
10 and

11 (ii) the Maryland Aviation Administration concurs in that
12 determination.

13 (2) A privately owned airport runway shall qualify as a public airport
14 runway under this subsection only if the runway has been on file with the Federal Aviation
15 Administration for at least 2 years as being open to the public without restriction.

16 (h) (1) A county or municipal corporation has the authority to approve or deny
17 any local permit required under a certificate of public convenience and necessity issued
18 under this section or a distributed generation certificate of public convenience and necessity
19 issued under § 7-207.4 of this subtitle.

20 (2) A county or municipal corporation shall approve or deny any local
21 permits required under a certificate of public convenience and necessity issued under this
22 section or a distributed generation certificate of public convenience and necessity issued
23 under § 7-207.4 of this subtitle:

24 (i) within a reasonable time; and

25 (ii) to the extent local laws are not preempted by State law, in
26 accordance with local laws.

27 (3) A county or municipal corporation may not condition the approval of a
28 local permit required under a certificate of public convenience and necessity issued under
29 this section or a distributed generation certificate of public convenience and necessity
30 issued under § 7-207.4 of this subtitle on receipt of any of the following approvals for any
31 aspect of a generating station, [an overhead] A transmission line, or a qualified lead line
32 proposed to be constructed under the certificate:

33 (i) a conditional use approval;

- (ii) a special exception approval; or
- (iii) a floating zone approval.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2027, the
4 Public Service Commission shall adopt regulations to establish specific criteria for
5 determining whether to waive, for good cause, the requirement to obtain a certificate of
6 public convenience and necessity for construction related to an existing transmission line.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2026.