

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.



7-207.

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

(3) (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.

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

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

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

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

[(iii)] **(IV)** 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] A 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)] (v) The Commission may not issue a certificate of public convenience and necessity for the construction of [an overhead] A 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] A 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] A 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.

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

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

2. require larger or higher structures to accommodate:

A. increased voltage; or

B. larger conductors.

(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, a person may undertake the necessary construction] **A PERSON MAY 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;

17 (iv) each member of the General Assembly representing any part of
18 a county in which any portion of the generating station, [overhead] transmission line, or
19 qualified generator lead line is proposed to be constructed;

20 (v) each member of the General Assembly representing any part of
21 each county within 1 mile of the proposed location of the generating station, [overhead]
22 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:

28 (i) each appropriate State unit and unit of local government for
29 review, evaluation, and comment regarding the significance of the proposal to State,
30 area-wide, and local plans or programs; and

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.

(d) (1) (i) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, [an overhead] A transmission line designed to carry a voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

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

(2) The Commission shall hold the public hearing jointly with the governing body of the 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, unless the governing body declines to participate in the hearing.

(3) (i) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity for public comment:

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

2. on two types of social media; and

3. on the Commission's website.

(ii) Before a public hearing, the Commission shall coordinate with the governing body of the 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 to identify additional options for providing, in an efficient and cost-effective manner, notice of the public hearing through other types of media that are familiar to the residents of the county or municipal corporation.

(4) (i) On the day of a public hearing, an informational sign shall be posted prominently at or near each public entrance of the building in which the public hearing will be held.

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

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

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

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

(5) (i) The Commission shall ensure presentation and recommendations from each interested State unit, and shall allow representatives of each 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.

(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) **WHEN APPLICABLE**, 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;

(4) for a generating station:

1 (i) the consistency of the application with the comprehensive plan
2 and zoning of each county or municipal corporation where any portion of the generating
3 station is proposed to be located;

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;

6 (iii) the impact of the generating station on the quantity of annual
7 and long-term statewide greenhouse gas emissions, measured in the manner specified in §
8 2-1202 of the Environment Article and based on the best available scientific information
9 recognized by the Intergovernmental Panel on Climate Change; and

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

13 (5) for a solar energy generating station specified under § 7-218 of this
14 subtitle, whether the owner of a proposed solar energy generating station complies with
15 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

31 (ii) all obligations imposed by the North America Electric Reliability
32 Council and the Federal Energy Regulatory Commission related to the ongoing operation
33 and maintenance of the [overhead] transmission line; and

34 (3) require the applicant to identify whether the [overhead] transmission
35 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.

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

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

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

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

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

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

(i) within a reasonable time; and

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

(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 or a distributed generation certificate of public convenience and necessity issued under § 7–207.4 of this subtitle on receipt of any of the following approvals for any aspect of a generating station, [an overhead] A transmission line, or a qualified lead line proposed to be constructed under the certificate:

(i) a conditional use approval;

(ii) a special exception approval; or

(iii) a floating zone approval.

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

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