

SENATE BILL 1000

C5, N1, M5

6lr3707

By: **Senator Ferguson**

Introduced and read first time: February 23, 2026

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Certificates of Public Convenience and Necessity and Construction of Data**
3 **Centers**

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 adopt regulations to establish specific
7 criteria for making the determination to waive, for good cause, the requirement to
8 obtain a certificate of public convenience and necessity in certain circumstances;
9 repealing a requirement that the Commission waive the requirement to obtain a
10 certificate of public convenience and necessity for certain overhead transmission
11 lines under certain circumstances; prohibiting the construction of a data center in
12 certain development districts in Baltimore City; and generally relating to the
13 construction of transmission lines and data centers in the State.

14 BY repealing and reenacting, without amendments,
15 Article – Public Utilities
16 Section 7–207(a)(1) and (3) and (g)
17 Annotated Code of Maryland
18 (2025 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Public Utilities
21 Section 7–207(b)(3) and (4), (c) through (f), and (h)
22 Annotated Code of Maryland
23 (2025 Replacement Volume and 2025 Supplement)

24 BY adding to
25 Article – Real Property
26 Section 14–134
27 Annotated Code of Maryland
28 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Utilities**

4 7–207.

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

6 (3) (i) “Construction” means:

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

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

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

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

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

26 **(III) THE COMMISSION SHALL ADOPT REGULATIONS TO**
27 **ESTABLISH SPECIFIC CRITERIA FOR MAKING THE DETERMINATION TO WAIVE THE**
28 **REQUIREMENT IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR GOOD CAUSE,**
29 **INCLUDING:**

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

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

1 B. larger conductors.

2 (ii) 1. For construction related to an existing overhead
3 transmission line, including repairs, that is necessary to avoid an imminent safety hazard
4 or reliability risk, a person may undertake the necessary construction] **A PERSON MAY
5 COMPLETE CONSTRUCTION RELATED TO AN EXISTING TRANSMISSION LINE,
6 INCLUDING REPAIRS, IF THE CONSTRUCTION IS NECESSARY TO AVOID AN IMMINENT
7 SAFETY HAZARD OR RELIABILITY RISK.**

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

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

15 (i) the Department of Planning;

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

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

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

25 (v) each member of the General Assembly representing any part of
26 each county within 1 mile of the proposed location of the generating station, [overhead]
27 transmission line, or qualified generator lead line;

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

30 (vii) all other interested persons.

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

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

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

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

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

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

17 (2) The Commission shall hold the public hearing jointly with the
18 governing body of the county or municipal corporation in which any portion of the
19 construction of the generating station, [overhead] transmission line, or qualified generator
20 lead line is proposed to be located, unless the governing body declines to participate in the
21 hearing.

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

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

27 2. on two types of social media; and

28 3. on the Commission's website.

29 (ii) Before a public hearing, the Commission shall coordinate with
30 the governing body of the county or municipal corporation in which any portion of the
31 construction of the generating station, [overhead] transmission line, or qualified generator
32 lead line is proposed to be located to identify additional options for providing, in an efficient
33 and cost-effective manner, notice of the public hearing through other types of media that
34 are familiar to the residents of the county or municipal corporation.

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

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

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

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

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

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

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

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

19 (1) the recommendation of the governing body of each county or municipal
20 corporation in which any portion of the construction of the generating station, [overhead]
21 transmission line, or qualified generator lead line is proposed to be located;

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

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

25 (ii) economics;

26 (iii) esthetics;

27 (iv) historic sites;

28 (v) **WHEN APPLICABLE**, aviation safety as determined by the
29 Maryland Aviation Administration and the administrator of the Federal Aviation
30 Administration;

31 (vi) when applicable, air quality and water pollution; and

1 (vii) the availability of means for the required timely disposal of
2 wastes produced by any generating station;

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

6 (4) for a generating station:

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

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

12 (iii) the impact of the generating station on the quantity of annual
13 and long-term statewide greenhouse gas emissions, measured in the manner specified in §
14 2-1202 of the Environment Article and based on the best available scientific information
15 recognized by the Intergovernmental Panel on Climate Change; and

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

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

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

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

26 (i) the need to meet existing and future demand for electric service;
27 and

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

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

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

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

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

9 (i) an existing brownfields site;

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

11 (iii) a site where a tower structure or components of a tower structure
12 used to support an overhead transmission line exist.

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

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

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

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

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

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

32 (i) within a reasonable time; and

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

1 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
2 **PERSON MAY NOT CONSTRUCT A DATA CENTER IN A DEVELOPMENT DISTRICT THAT**
3 **IS SUBJECT TO TAX INCREMENT REPAYMENT ON OUTSTANDING BONDS.**

4 **(2) THE PROHIBITION IN PARAGRAPH (1) OF THIS SUBSECTION DOES**
5 **NOT APPLY TO THE CONSTRUCTION OF A DATA CENTER IN THE CITY-WIDE**
6 **AFFORDABLE HOUSING DEVELOPMENT DISTRICT ESTABLISHED UNDER**
7 **BALTIMORE CITY ORDINANCE NO. 24-443, ENACTED DECEMBER 4, 2024.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2026.