



# FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater  
County Executive

## OFFICE OF THE COUNTY ATTORNEY

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### **SB 0489 - Public Service Commission - Certificates of Public Convenience and Necessity - Local Permits**

**DATE:** February 21, 2023  
**COMMITTEE:** Senate Energy, Environment, and Education Committee  
**POSITION:** Oppose  
**FROM:** The Office of Frederick County Executive Jessica Fitzwater

As the Deputy County Attorney with the Frederick County Government, I urge the committee to give SB 0489 an unfavorable report.

The State legislature typically enacts laws that “enable” local jurisdictions to adopt local legislation to regulate specified areas and subjects.

In contrast, SB 0489 would require local elected officials to violate their oaths of office to uphold the laws of their local jurisdiction in order to issue permits required under a Certificate of Public Convenience and Necessity (CPCN).

SB 0489 would direct a local jurisdiction to process any permit application regardless of whether it is complete, appropriate, and consistent with the laws of that jurisdiction, on the sole basis that a CPCN was issued by the Public Service Commission, a State Agency.

If the State wishes to expand its authority over the permitting of power generating facilities, the State can exercise its authority to process, and issue permits necessary for construction of a generating facility.

Our legislative team is currently working with the sponsor on amendments to address our concerns but at this point in the process we have not yet seen changes that allow us to support this legislation.

Thank you for your consideration of SB 0489. On behalf of Frederick County Government, I urge an unfavorable report.

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