



SB489 - Public Service Commission - Certificates of Public Convenience and Necessity - Local Permits

Education, Energy, and the Environment Committee

February 21, 2023 – 1:00PM

Position: Oppose

Dear Chair, Vice-Chair, and Members of the Committee:

The City of Gaithersburg writes to oppose **SB489 - Public Service Commission - Certificates of Public Convenience and Necessity - Local Permits**. If enacted, this legislation would require a county or a municipal corporation to process any local permit required under a certificate of public convenience and necessity issued by the Public Service Commission for generating stations, transmission lines, and qualified generator lead lines.

The bill as introduced would fundamentally remove municipalities from the State's application process regarding the placement of electrical generating stations, transmission lines, and qualified generator lead lines. It would forcibly permit the construction of these types of facilities irrespective of municipal ordinances that would otherwise prevent their construction, including and notwithstanding reasonable local zoning codes, nuisance, and public safety regulations.

In reviewing another pertinent statute in the Public Utilities Article (§ 7-103(b)), we discovered that this bill would be in contradiction to that statute:

- § 7-103(b)(1) states “an electric company must have the consent of the governing body of the municipal corporation... before laying or constructing any power line.”
- § 7-103(b)(2) states “the governing body of the municipal corporation... may adopt reasonable regulations and conditions for the laying of a power line, including regulations requiring the electric company to refill and repave any roadway or public way under which the power line is laid.
- The bill, as written, would also essentially ignore the § 7-103(b) provisions that require municipality consent to reasonably regulate the laying of power lines.

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For these reasons, we respectfully request an unfavorable report on SB489.

Should you have any questions, please feel free to contact me at 301-466-5350 or our government relations consultant, Therese Hessler, at therese@ashlargr.com. We appreciate your support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jud Ashman", with a long horizontal flourish extending to the right.

Jud Ashman
Mayor