

**OPPOSE – House Bill 0101**  
**HB0101 – State Highway Projects – Removal, Relocation, and Adjustment of Utility Facilities –**  
**Notification, Work Plans, and Compliance**  
**Economic Matters Committee**  
**Thursday, February 15, 2024**

Potomac Edison, a subsidiary of FirstEnergy Corp., serves approximately 285,000 customers in all or parts of seven Maryland counties (Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington). FirstEnergy is dedicated to safety, reliability, and operational excellence. Its ten electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, New York, West Virginia, and Maryland.

**Unfavorable**

Potomac Edison / FirstEnergy opposes House Bill 0101 – *State Highway Projects – Removal, Relocation, and Adjustment of Utility Facilities – Notification, Work Plans, and Compliance*. Under HB-101, if the State Highway Administration determines it is necessary to remove, relocate, or adjust utility facilities for a state highway project, the utility must provide a “Work Plan” for the project within 120 days or less. The utility must also begin the work within 60 days of approval and could be liable for the entire cost of the project if these requirements are not completed on time.

**Potomac Edison / FirstEnergy requests an Unfavorable report on HB-101 because the proscribed timelines are unreasonable and potentially punitive:**

There are many variables involved in utility relocation projects. Issues related to regulations, the environment, property rights, customer negotiations and many others, must be considered before a detailed design can be completed for a job. Navigating through these issues often results in “Work Plans” needing to be revised multiple times, until a final design is agreed to by all parties. HB-101’s requirement that the “Work Plan” be completed within 120 days, without any restrictions on how big or complex the relocation project may be, is unreasonable. Large projects require time for discussion and collaboration with all parties involved to be successful, and this often takes more than 120 days.

Another concern with HB-101 is that once a “Work Plan” is approved, work must commence within 60 days. This time limit is too short, as it does not consider the size or complexity of the project, nor the time needed to mobilize a workforce. Often, utilities must wait on other parties to relocate their property before the utility can start relocating their own equipment. This step alone can often take more than 60 days. In addition, supply chain issues can also negatively affect the start work date.

If a “Work Plan” is not provided within 120 days, utilities could be liable to pay for the full cost of a relocation project, and not be allowed to recover any of those costs through Rates. This language creates a huge fine for the utility, while at the same time relieves the State Highway Administration of the expense associated with utility relocation projects. This risk in this section is unreasonable for utilities.

HB-101 treats all state highway relocation projects exactly the same, when in reality, each project provides a unique set of challenges that can impact the project timeline. **For these reasons, Potomac Edison / FirstEnergy respectfully requests an Unfavorable report on HB-101.**