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INFORMATIONAL ONLY – Senate Bill 0401
SB0401 – Department of Transportation and Maryland Transportation Authority – Utilities Installation
– Data Submission
Education, Energy, and the Environment 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.

Informational Only

Potomac Edison / FirstEnergy would like to provide information related to Senate Bill 0401 – *Department of Transportation and Maryland Transportation Authority – Utilities Installation – Data Submission*. As written, SB-401 would require a utility owner to submit geospatial and type-of-service information to the Maryland Department of Transportation, and the Maryland Transportation Authority, after installing or relocating facilities, infrastructure, or appurtenances within their rights-of-way.

While this legislation does not appear to be particularly onerous, treating a small one-pole installation or utility relocation project the same as a large project that involves miles of work is concerning. The 60-day compliance timeline language in the bill is too short, as it does not consider the size or complexity of the installation or relocation project.

Potomac Edison / FirstEnergy also believes the bill does not appropriately address potential issues surrounding third-party pole attachments. Utilities must often wait on third-party owners to relocate their property onto our utility poles before a project can be completed. In these instances, the tardiness of a third-party pole attachment owner completing their relocation work, could result in our company being in non-compliance of the timeline.

In addition, after an installation or relocation project is complete, it takes time for the construction team to finalize their paperwork, return it to the internal design team, and update all necessary drawings. The proposed punishment for non-compliance, which may include the mandatory removal of facilities, or denial of future permit authorizations, seems too severe for such an infraction. SB-401 appears to treat all projects the same, when in reality, each installation or utility relocation project provides a unique set of challenges that can impact a projects timeline.

If this legislation proceeds, Potomac Edison / FirstEnergy recommends amendments to extend the compliance timeline to a minimum of 90 days; address concerns with third-party pole attachments; and outline an appeal process for any punitive actions proposed due to non-compliance.