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Letter of Information – House Bill 640 – Certificate of Public Convenience and Necessity – Overhead Transmission Lines – Conservation Easements

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) submit this letter of information on **House Bill 640 - Certificate of Public Convenience and Necessity – Overhead Transmission Lines – Conservation Easements**. House Bill 640 requires that in determining whether to grant a Certificate of Public Convenience and Necessity (CPCN) for an overhead transmission line over 69kV, the Public Service Commission (PSC) must consider impacts on properties subject to an existing conservation easement. The bill also requires that CPCN applicants minimize impacts to properties subject to existing conservation easements, including consideration of alternative routes.

Maryland law requires approval from the PSC of a CPCN application before construction of an overhead transmission line designed to carry more than 69kV may begin. The process before the PSC involves robust, quasi-judicial administrative proceedings, as well as extensive public notification requirements, public hearings, and opportunities for public comment. The CPCN process also allows for input from the public and from multiple State agencies, as well as local jurisdictions.

Part of the CPCN process requires an alternative routes analysis for new overhead transmission lines. The alternative analysis requirement involves thoroughly evaluating and presenting various potential routes for the proposed power line, considering factors like environmental impact, land use, community impact, and cost, to demonstrate that the proposed route is the most feasible and minimizes negative effects compared to other options. A significant component of the analysis involves environmental and socioeconomic considerations, such as land use impacts. The impact of each alternative route on natural habitats, sensitive ecosystems, and visual aesthetics are just some examples of the environmental matters reviewed.

Additionally, community impact is evaluated during the alternative analysis study. Factors such as property values, land use, and community concerns are strongly considered when identifying the most viable route for the transmission line. The CPCN process also currently requires that applicants identify whether the overhead transmission line is proposed to be constructed on property that is subject to an existing easement. Finally, it's important to highlight that re-routing to avoid a parcel encumbered by a conservation easement could be extremely costly to re-connect the ROW around the conserved property and also impact the schedule if the re-route requires negotiating land rights with multiple landowners to avoid a single parcel. Since analysis for alternate routes and consideration of impacts on properties with existing easements is already an essential requirement of a CPCN, it is Pepco and Delmarva Powers belief that House Bill 640 is not necessary.

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