

OPPOSITION
Education, Energy and Environment
3/6/2025

Senate Bill 955 - Overhead Transmission Lines - Eminent Domain

Baltimore Gas and Electric Company (BGE) strongly opposes *Senate Bill 955 - Overhead Transmission Lines - Eminent Domain*, which restricts the use of condemnation to acquire property under a conservation easement. The bill also allows property owners within 500 feet of land taken by eminent domain for a new transmission line to sue for damages for property value reduction and seek recovery of legal fees.

BGE opposes this legislation for several reasons. First, *Senate Bill 955* prohibits condemnation actions, creating additional obstacles for the State's energy transition. Maryland's ambitious decarbonization goals require significant investments in electric infrastructure to reliably serve current and future loads. Essential infrastructure components, such as new transmission lines, substations, and feeder lines, are necessary to achieve full electrification. *Senate Bill 955* will hinder the construction of these critical projects, exacerbating resource adequacy challenges. The exponential growth in energy demand, coupled with the retirement of generating plants, necessitates the fortification of grid reliability and resiliency. Increased litigation could lead to significant delays or cancellations of important projects, as utilities grapple with the heightened costs and extended timelines associated with these legal challenges. Maryland's desire to electrify through decarbonization by eliminating gas and energy generation is driving greater demand for electric transmission corridors.

Secondly, the bill would increase unwarranted lawsuits. Allowing landowners within five hundred feet of property taken by eminent domain to sue for property value diminution and legal fees is inappropriate, especially when the Maryland Public Service Commission has determined a need for the project that is the subject of the lawsuit. This provision creates a special statutory right to sue the condemning utility, adding unnecessary legal hurdles and delays. Furthermore, encouraging more lawsuits will only lead to higher costs for BGE ratepayers.

Senate Bill 955 would infringe upon BGE's utility franchise rights that permit the condemnation of property and the installation of electric lines along public rights-of-way. The United States Supreme Court has affirmed that such a franchise, once accepted, is a vested property right that cannot be impaired by subsequent legislative action.

Finally, the bill would encourage conservation organizations to assemble easements from private landowners to block utility projects, creating barriers to the efficient delivery of services. This impact extends beyond BGE to other utilities, including water, sewer, communications, and interstate oil and gas.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

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AN EXELON COMPANY

Position Statement

Senate Bill 955 would force BGE to navigate longer, less efficient routes for transmission projects, leading to higher costs for design, acquisition, construction, and maintenance. These increased costs would be passed on to customers in the form of higher monthly bills.

For these reasons, BGE opposes *Senate Bill 955* and requests an unfavorable report.

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