

HB0554/370617/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 554

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vitale” and substitute “Vitale, and Glenn”; in line 2, strike “- Permit Applications – Notice – Neighboring Jurisdictions” and substitute “and Public Utilities – Notice to Neighboring Jurisdictions of Applications”; in line 10, after “Assembly;” insert “requiring the Public Service Commission, on receipt of an application for a certificate of public convenience and necessity to construct a certain generating station, overhead transmission line, or qualified generator lead line, to provide notice immediately or require the applicant to provide notice immediately of the application to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly; requiring the Commission, on receipt of a certain application for approval to construct a certain generating station, to provide notice immediately or require the applicant to provide notice immediately of the application to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly; exempting a certain notice requirement from a certain waiver authorization; requiring the Commission, on receipt of a certain application and certain additional information relating to the construction of a certain generating station and associated overhead transmission lines, to provide notice immediately or require the applicant to provide notice immediately to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly;”; in line 11, strike “environmental permit”; in the same line, after “applications” insert “to the Department of the Environment and the Public Service Commission”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article - Public Utilities

Section 7-207(c), 7-207.1, and 7-208(d)

Annotated Code of Maryland

(Over)

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article - Public Utilities

Section 7-208(a) through (c)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 29, insert:

“Article - Public Utilities

7-207.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY OF THE APPLICATION to:

(I) the Department of Planning;

(II) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE CONSTRUCTED;

(III) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE;

(IV) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE CONSTRUCTED;

(V) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE; and [to]

(VI) all other interested persons.

(2) The Department of Planning shall forward the application to each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area-wide, and local plans or programs.

7-207.1.

(a) This section applies to a person who:

(1) constructs a generating station:

(i) designed to provide on-site generated electricity if:

1. the capacity of the generating station does not exceed 70 megawatts; and

2. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant

(Over)

to an interconnection, operation, and maintenance agreement with the local electric company; or

(ii) that produces electricity from wind if:

1. the generating station is land-based;

2. the capacity of the generating station does not exceed 70 megawatts;

3. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company;

4. the Commission provides an opportunity for public comment at a public hearing as provided in subsection [(e)] (F) of this section; and

5. the generating station's wind turbines are not located within a distance from the Patuxent River Naval Air Station that is determined by regulations adopted by the Commission in coordination with the Commander, Naval Air Warfare Center Aircraft Division, provided that the distance requirement under the regulation is:

A. not greater than is necessary to encompass an area in which utility scale wind turbines could create Doppler radar interference for missions at the Patuxent River Naval Air Station;

B. not greater than 46 miles, measured from location 38.29667N, 76.37668W; and

C. subject to modification if necessary to reflect changes in missions or technology at the Patuxent River Naval Air Station or changes in wind energy technology; or

(2) constructs a generating station if:

(i) the capacity of the generating station does not exceed 25 megawatts;

(ii) the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; and

(iii) at least 10% of the electricity generated at the generating station each year is consumed on-site.

(b) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (a) of this section.

(2) An application for approval under this section shall:

(i) be made to the Commission in writing on a form adopted by the Commission;

(ii) be verified by oath or affirmation; and

(iii) contain information that the Commission requires, including:

1. proof of compliance with all applicable requirements of the independent system operator; and
2. a copy of an interconnection, operation, and maintenance agreement between the generating station and the local electric company.

(C) ON RECEIPT OF AN APPLICATION FOR APPROVAL UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY OF THE APPLICATION TO:

(1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION IS PROPOSED TO BE CONSTRUCTED;

(2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION;

(3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION IS PROPOSED TO BE CONSTRUCTED; AND

(4) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION.

[(c)] (D) When reviewing an application for approval under this section, the Commission shall:

(1) ensure the safety and reliability of the electric system;

(2) require the person constructing the generating station to notify the Commission 2 weeks before the first export of electricity from a generating station approved under this section; and

(3) conduct its review and approval in an expeditious manner.

[(d)] (E) [The] EXCEPT FOR THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE Commission may waive an element of the approval process under this section if the Commission determines that the waiver is in the public interest.

[(e)] (F) (1) The Commission shall provide an opportunity for public comment and hold a public hearing as provided under this subsection on an application for approval made under subsection (a)(1)(ii) of this section in each county and municipal corporation in which any portion of the construction of a generating station is proposed to be located.

(2) Upon the request of the governing body of a county or municipal corporation in which any portion of the construction of a generating station is proposed to be located, the Commission shall hold the public hearing jointly with the governing body.

(3) Once in each of 2 successive weeks immediately before the hearing date, the Commission, at the expense of the applicant, shall provide weekly notice of the public hearing and opportunity for public comment by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application.

(a) This section applies to any person:

(1) constructing a generating station and its associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts; or

(2) exercising the right of condemnation in connection with the construction.

(b) (1) To obtain the certificate of public convenience and necessity required under § 7-207 of this subtitle for construction under this section, a person shall file an application with the Commission at least 2 years before construction of the facility will commence.

(2) The Commission may waive the 2-year requirement on a showing of good cause.

(c) The applicant shall:

(1) include in an application under this section the information that the Commission requests initially; and

(2) furnish any additional information that the Commission requests subsequently.

(d) (1) On the receipt of an application under this section, together with any additional information requested under subsection (c)(2) of this section, the Commission shall provide notice to:

(i) all interested persons;

(ii) the Department of Agriculture;

- (iii) the Department of Business and Economic Development;
- (iv) the Department of the Environment;
- (v) the Department of Natural Resources;
- (vi) the Department of Transportation; and
- (vii) the Department of Planning.

(2) ON RECEIPT OF AN APPLICATION UNDER THIS SECTION, AND WHENEVER ADDITIONAL INFORMATION IS RECEIVED UNDER SUBSECTION (C)(2) OF THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY TO:

(I) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES IS PROPOSED TO BE CONSTRUCTED;

(II) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES;

(III) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES IS PROPOSED TO BE CONSTRUCTED; AND

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(IV) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES.

[(2)](3) The Commission shall hold a public hearing on the application as required by § 7-207 of this subtitle, after:

(i) the receipt of any additional information requested under subsection (c)(2) of this section that the Commission considers necessary; and

(ii) any publication of notice the Commission considers to be proper.

[(3)](4) (i) At the public hearing, the Commission shall ensure presentation of the information and recommendation of the State units specified in paragraph (1) of this subsection and shall allow the official representative of each unit to sit during hearing of all parties.

(ii) Based on the evidence relating to the unit's areas of concern, the Commission shall allow each unit 15 days after the conclusion of the hearing to modify or affirm the unit's initial recommendations."