

HOUSE BILL 1308

C5

7lr2936
CF SB 969

By: **Delegate Branch**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2017

CHAPTER _____

1 AN ACT concerning

2 **Electricity – Construction of Overhead Transmission Lines – Condemnation**
3 **Authority**

4 FOR the purpose of authorizing a person to which a certain certificate of public convenience
5 and necessity is issued for the construction of a certain overhead transmission line
6 to acquire certain property or rights by condemnation ~~subject to approval by the~~
7 ~~Public Service Commission~~; providing for the application of this Act; and generally
8 relating to the construction of overhead transmission lines.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–207(b)(3)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2016 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Public Utilities**

17 7–207.

18 (b) (3) (i) Except as provided in paragraph (4) of this subsection, unless a
19 certificate of public convenience and necessity for the construction is first obtained from the
20 Commission, a person may not begin construction of an overhead transmission line that is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation
2 with the construction.

3 (ii) For construction related to an existing overhead transmission
4 line, the Commission may waive the requirement in subparagraph (i) of this paragraph for
5 good cause.

6 (iii) Notwithstanding subparagraph (i) of this paragraph and subject
7 to subparagraph (iv) of this paragraph, the Commission may issue a certificate of public
8 convenience and necessity for the construction of an overhead transmission line only if the
9 applicant for the certificate of public convenience and necessity:

10 1. is an electric company; or

11 2. is or, on the start of commercial operation of the overhead
12 transmission line, will be subject to regulation as a public utility by an officer or an agency
13 of the United States.

14 (iv) The Commission may not issue a certificate of public convenience
15 and necessity for the construction of an overhead transmission line in the electric
16 distribution service territory of an electric company to an applicant other than an electric
17 company if:

18 1. the overhead transmission line is to be located solely
19 within the electric distribution service territory of that electric company; and

20 2. the cost of the overhead transmission line is to be paid
21 solely by that electric company and its ratepayers.

22 (v) **1. THIS SUBPARAGRAPH APPLIES TO THE**
23 **CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE FOR WHICH A CERTIFICATE**
24 **OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED UNDER THIS SECTION.**

25 **2. ON ISSUANCE OF A CERTIFICATE OF PUBLIC**
26 **CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD**
27 **TRANSMISSION LINE, A PERSON MAY ACQUIRE BY CONDEMNATION, IN ACCORDANCE**
28 **WITH TITLE 12 OF THE REAL PROPERTY ARTICLE ~~AND SUBJECT TO APPROVAL BY~~**
29 **~~THE COMMISSION~~, ANY PROPERTY OR RIGHT NECESSARY FOR THE CONSTRUCTION**
30 **OR MAINTENANCE OF THE TRANSMISSION LINE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2017.