

HOUSE BILL 613

C5, L2

EMERGENCY BILL

11r0806

By: **Prince George's County Delegation**

Introduced and read first time: January 22, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Coal– and Gas–Fired Generating Stations –**
3 **Prohibitions**
4 **(Prince George's County Stop Environmentally Unjust Coal and Gas Plants Act**
5 **of 2021)**

6 **PG 410–21**

7 FOR the purpose of prohibiting the Public Service Commission from issuing a certificate of
8 public convenience and necessity for the construction of a coal– or gas–fired
9 generating station if any part of the generating station will be located in Prince
10 George's County; prohibiting a person from operating a certain coal– or gas–fired
11 generating station under certain circumstances; making conforming changes;
12 making this Act an emergency measure; and generally relating to the operation of
13 coal– and gas–fired generating stations in Prince George's County.

14 BY repealing and reenacting, with amendments,
15 Article – Public Utilities
16 Section 7–207(b)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2020 Supplement)

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

21 **Article – Public Utilities**

22 7–207.

23 (b) (1) (i) Unless a certificate of public convenience and necessity for the
24 construction is first obtained from the Commission, a person may not begin construction in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the State of:

2 1. a generating station; or

3 2. a qualified generator lead line.

4 (ii) If a person obtains Commission approval for construction under
5 § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to
6 obtain a certificate of public convenience and necessity under this section.

7 (iii) Notwithstanding subparagraph (i) of this paragraph, a person
8 may not apply to obtain a certificate of public convenience and necessity for construction of
9 a qualified generator lead line unless:

10 1. at least 90 days before the filing of an application for a
11 certificate of public convenience and necessity, the person had in good faith offered the
12 electric company that owns that portion of the electric grid in Maryland to which the
13 qualified generator lead line would interconnect a full and fair opportunity for the electric
14 company to construct the qualified generator lead line; and

15 2. at any time at least 10 days before the filing of an
16 application for a certificate of public convenience and necessity, the electric company:

17 A. did not accept from the person a proposal or a negotiated
18 version of the proposal under which the electric company would construct the qualified
19 generator lead line; or

20 B. stated in writing that the electric company did not intend
21 to construct the qualified generator lead line.

22 **(2) THE COMMISSION MAY NOT ISSUE A CERTIFICATE OF PUBLIC**
23 **CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A COAL– OR GAS–FIRED**
24 **GENERATING STATION IF ANY PART OF THE GENERATING STATION WILL BE**
25 **LOCATED IN PRINCE GEORGE’S COUNTY.**

26 **(3)** Unless a certificate of public convenience and necessity for the
27 construction is first obtained from the Commission, and the Commission has found that the
28 capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a
29 person may not exercise a right of condemnation in connection with the construction of a
30 generating station.

31 **[(3)] (4)** (i) Except as provided in paragraph **[(4)] (5)** of this
32 subsection, unless a certificate of public convenience and necessity for the construction is
33 first obtained from the Commission, a person may not begin construction of an overhead
34 transmission line that is designed to carry a voltage in excess of 69,000 volts or exercise a
35 right of condemnation with the construction.

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

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

8 1. is an electric company; or

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

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

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

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

20 (v) 1. This subparagraph applies to the construction of an
21 overhead transmission line for which a certificate of public convenience and necessity is
22 required under this section.

23 2. On issuance of a certificate of public convenience and
24 necessity for the construction of an overhead transmission line, a person may acquire by
25 condemnation, in accordance with Title 12 of the Real Property Article, any property or
26 right necessary for the construction or maintenance of the transmission line.

27 **[(4)] (5)** (i) Except as provided in subparagraph (ii) of this paragraph,
28 for construction related to an existing overhead transmission line designed to carry a
29 voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a
30 certificate of public convenience and necessity if the Commission finds that the construction
31 does not:

32 1. require the person to obtain new real property or
33 additional rights-of-way through eminent domain; or

34 2. require larger or higher structures to accommodate:

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1 A. increased voltage; or

2 B. larger conductors.

3 (ii) 1. For construction related to an existing overhead
4 transmission line, including repairs, that is necessary to avoid an imminent safety hazard
5 or reliability risk, a person may undertake the necessary construction.

6 2. Within 30 days after construction is completed under
7 subsubparagraph 1 of this subparagraph, a person shall file a report with the Commission
8 describing the work that was completed.

9 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other
10 provision of law or approval issued by the State, beginning on the effective date of this Act,
11 a person may not operate a coal– or gas–fired generating station if:

12 (1) any part of the generating station is located in Prince George’s County;
13 and

14 (2) the Public Service Commission issued a certificate of public convenience
15 and necessity for the construction of the generating station before the effective date of this
16 Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety, has
19 been passed by a yea and nay vote supported by three–fifths of all the members elected to
20 each of the two Houses of the General Assembly, and shall take effect from the date it is
21 enacted.