C5 8lr1714 CF SB 692

By: Delegates Szeliga, Cassilly, Glass, McComas, McDonough, and Reilly

Introduced and read first time: February 1, 2018

Assigned to: Economic Matters

## A BILL ENTITLED

1	AN ACT concerning
2 3	Public Service Commission - Construction of Overhead Transmission Lines - Location
4 5 6 7 8 9 10 11 12	FOR the purpose of prohibiting the Public Service Commission from issuing a certificate of public convenience and necessity for the construction of an overhead transmission line that is designed to carry a certain voltage unless the overhead transmission line will be located on certain sites or on land subject to a certain easement; authorizing the Commission to issue a certificate of public convenience and necessity for the construction of an overhead transmission line at a location other than certain sites or on land subject to a certain easement under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to the location of overhead transmission lines.
13 14 15 16 17	BY repealing and reenacting, with amendments, Article – Public Utilities Section 7–207 Annotated Code of Maryland (2010 Replacement Volume and 2017 Supplement)
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
20	Article – Public Utilities
21	7–207.
22	(a) (1) (i) In this section and § 7–208 of this subtitle, "construction" means:
23 24	1. any physical change at a site, including fabrication, erection, installation, or demolition; or

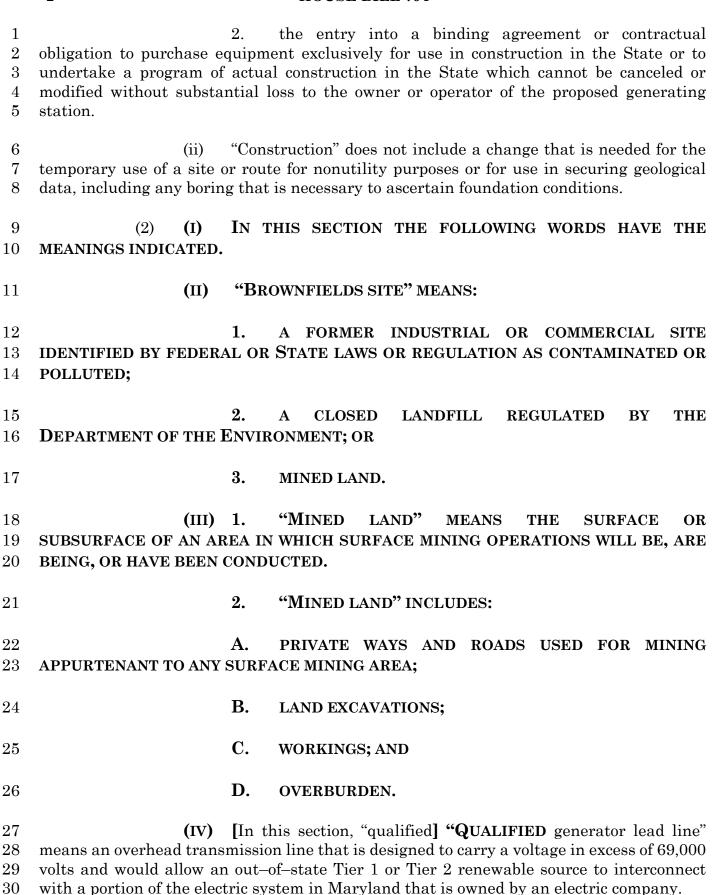


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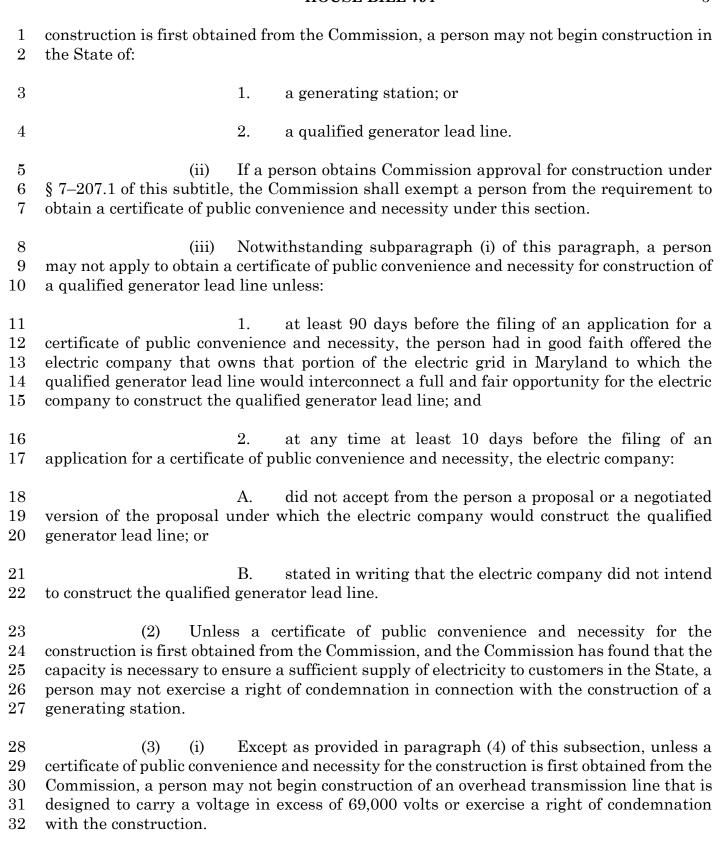
(b)

(1)

(i)

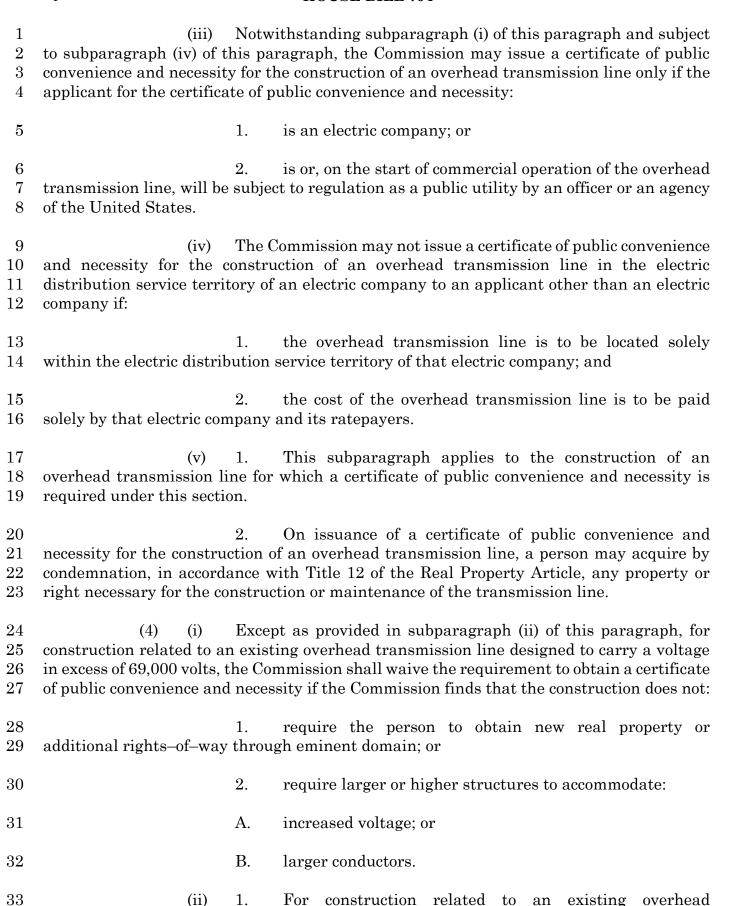


Unless a certificate of public convenience and necessity for the



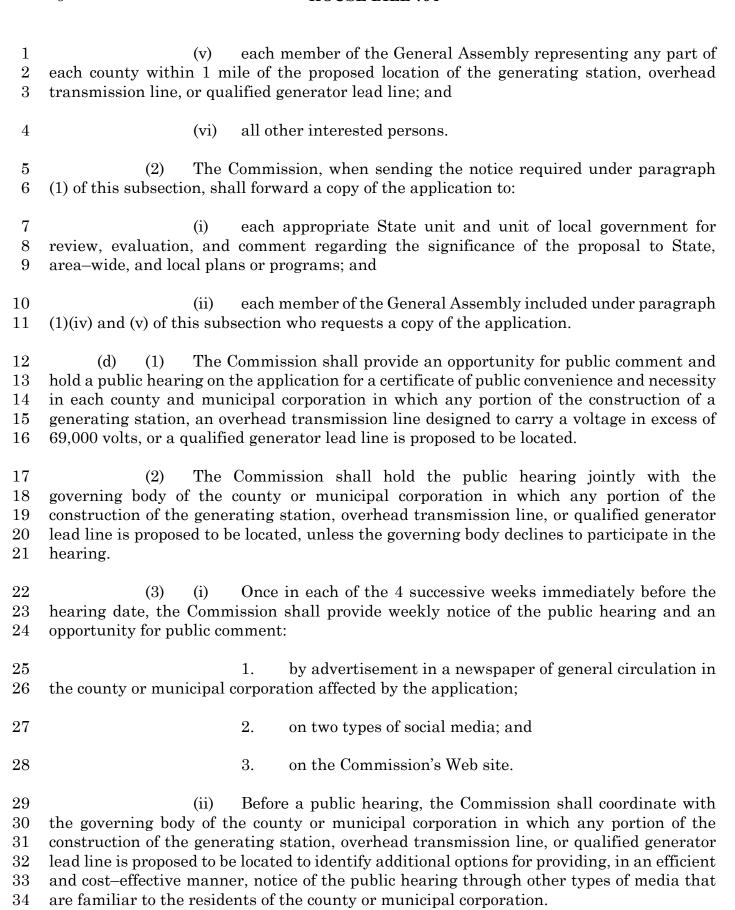
33 (ii) For construction related to an existing overhead transmission 34 line, the Commission may waive the requirement in subparagraph (i) of this paragraph for 35 good cause.

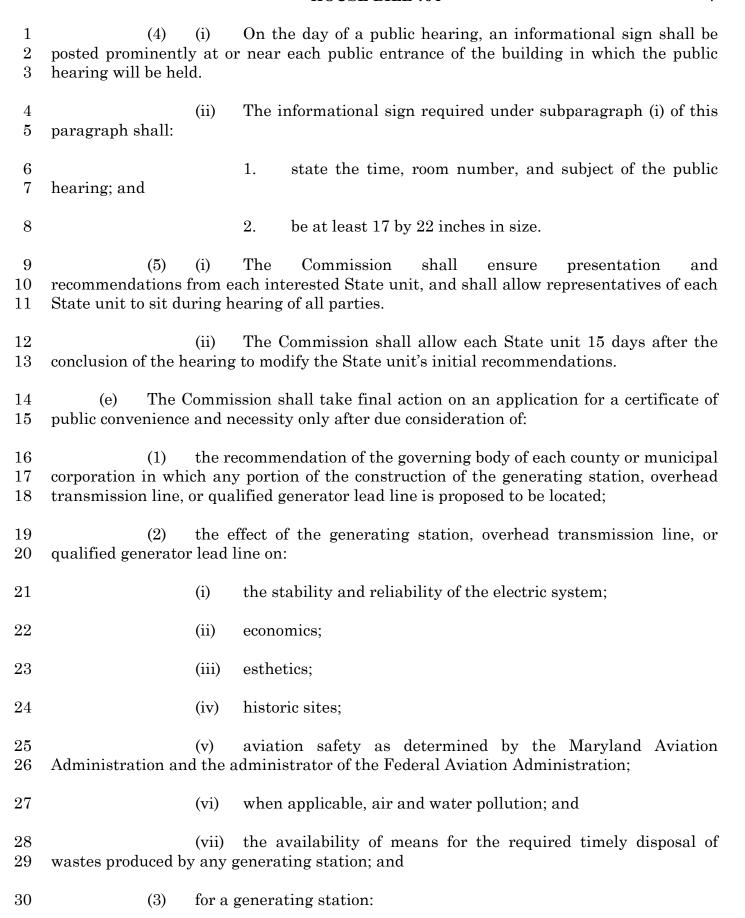
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transmission line, including repairs, that is necessary to avoid an imminent safety hazard

- 1 or reliability risk, a person may undertake the necessary construction.
- 2 Within 30 days after construction is completed under
- 3 subsubparagraph 1 of this subparagraph, a person shall file a report with the Commission
- 4 describing the work that was completed.
- 5 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
- 6 PARAGRAPH, THE COMMISSION MAY NOT ISSUE A CERTIFICATE OF PUBLIC
- 7 CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD
- 8 TRANSMISSION LINE THAT IS DESIGNED TO CARRY A VOLTAGE IN EXCESS OF 69,000
- 9 VOLTS UNLESS THE OVERHEAD TRANSMISSION LINE WILL BE LOCATED ON:
- 1. AN EXISTING BROWNFIELDS SITE;
- 2. PROPERTY THAT IS SUBJECT TO AN EXISTING
- 12 EASEMENT; OR
- 3. A SITE WHERE A TOWER STRUCTURE OR
- 14 COMPONENTS OF A TOWER STRUCTURE USED TO SUPPORT AN OVERHEAD
- 15 TRANSMISSION LINE EXIST.
- 16 (II) THE COMMISSION MAY ISSUE A CERTIFICATE OF PUBLIC
- 17 CONVENIENCE FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE AT
- 18 A LOCATION OTHER THAN THE LOCATIONS LISTED IN SUBPARAGRAPH (I) OF THIS
- 19 PARAGRAPH IF THE COMMISSION DETERMINES THAT THE LOCATIONS LISTED IN
- 20 SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE AT FULL CAPACITY, AS VERIFIED BY
- 21 AN INDEPENDENT AUTHORITY.
- 22 (c) (1) On receipt of an application for a certificate of public convenience and
- 23 necessity under this section, the Commission shall provide notice immediately or require
- 24 the applicant to provide notice immediately of the application to:
- 25 (i) the Department of Planning;
- 26 (ii) the governing body, and if applicable the executive, of each
- 27 county or municipal corporation in which any portion of the generating station, overhead
- 28 transmission line, or qualified generator lead line is proposed to be constructed;
- 29 (iii) the governing body, and if applicable the executive, of each
- 30 county or municipal corporation within 1 mile of the proposed location of the generating
- 31 station, overhead transmission line, or qualified generator lead line;
- 32 (iv) each member of the General Assembly representing any part of
- 33 a county in which any portion of the generating station, overhead transmission line, or
- 34 qualified generator lead line is proposed to be constructed;





- 1 (i) the consistency of the application with the comprehensive plan 2 and zoning of each county or municipal corporation where any portion of the generating 3 station is proposed to be located; and
- 4 (ii) the efforts to resolve any issues presented by a county or 5 municipal corporation where any portion of the generating station is proposed to be located.
- 6 (f) For the construction of an overhead transmission line, in addition to the 7 considerations listed in subsection (e) of this section, the Commission shall:
- 8 (1) take final action on an application for a certificate of public convenience 9 and necessity only after due consideration of the need to meet existing and future demand 10 for electric service; and
- 11 (2) require as an ongoing condition of the certificate of public convenience 12 and necessity that an applicant complies with:
- 13 (i) all relevant agreements with PJM Interconnection, L.L.C., or its 14 successors, related to the ongoing operation and maintenance of the overhead transmission 15 line; and
- 16 (ii) all obligations imposed by the North America Electric Reliability
  17 Council and the Federal Energy Regulatory Commission related to the ongoing operation
  18 and maintenance of the overhead transmission line.
- 19 (g) (1) The Commission may not authorize, and a person may not undertake, 20 the construction of an overhead transmission line that is aligned with and within 1 mile of 21 either end of a public airport runway, unless:
- 22 (i) the Federal Aviation Administration determines that the 23 construction of an overhead transmission line will not constitute a hazard to air navigation; 24 and
- 25 (ii) the Maryland Aviation Administration concurs in that 26 determination.
- 27 (2) A privately owned airport runway shall qualify as a public airport 28 runway under this subsection only if the runway has been on file with the Federal Aviation 29 Administration for at least 2 years as being open to the public without restriction.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to certificates of public convenience and necessity issued by the Public Service Commission on or after the effective date of this Act and may not be applied or interpreted to have any effect on certificates of public convenience and necessity issued by the Public Service Commission before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  $2\,$   $\,$  1, 2018.