

SENATE BILL 952

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CF 5lr3146

By: **Senators West, Lewis Young, Ready, Hettleman, Brooks, and Watson**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Certificate of Public Convenience and Necessity – Overhead Transmission Lines**
3 **– Grid Enhancing Technologies**

4 FOR the purpose of adding grid enhancing technologies to the list of requirements the
5 Public Service Commission must consider before taking final action on an application
6 for a certificate of public convenience and necessity for the construction of an
7 overhead transmission line; and generally relating to certificates of public
8 convenience and necessity for the construction of overhead transmission lines.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–207(a) and (f)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 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 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Brownfields site” means:

20 (i) a former industrial or commercial site identified by federal or
21 State laws or regulation as contaminated or polluted;

22 (ii) a closed landfill regulated by the Department of the
23 Environment; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) mined land.

2 (3) (i) “Construction” means:

3 1. any physical change at a site, including fabrication,
4 erection, installation, or demolition; or

5 2. the entry into a binding agreement or contractual
6 obligation to purchase equipment exclusively for use in construction in the State or to
7 undertake a program of actual construction in the State which cannot be canceled or
8 modified without substantial loss to the owner or operator of the proposed generating
9 station.

10 (ii) “Construction” does not include a change that is needed for the
11 temporary use of a site or route for nonutility purposes or for use in securing geological
12 data, including any boring that is necessary to ascertain foundation conditions.

13 (4) “Generating station” does not include:

14 (i) a generating unit or facility that:

15 1. is used for the production of electricity;

16 2. has the capacity to produce not more than 2 megawatts of
17 alternating current; and

18 3. is installed with equipment that prevents the flow of
19 electricity to the electric grid during time periods when the electric grid is out of service;

20 (ii) a combination of two or more generating units or facilities that:

21 1. are used for the production of electricity from a solar
22 photovoltaic system or an eligible customer-generator that is subject to the provisions of §
23 7-306 of this title;

24 2. are located on the same property or adjacent properties;

25 3. have the capacity to produce, when calculated
26 cumulatively for all generating units or facilities on the property or adjacent property, more
27 than 2 megawatts but not more than 14 megawatts of alternating current; and

28 4. for each individual generating unit or facility:

29 A. has the capacity to produce not more than 2 megawatts of
30 alternating current;

1 B. is separately metered by the electric company; and

2 C. does not export electricity for sale on the wholesale market
3 under an agreement with PJM Interconnection, LLC;

4 (iii) a generating unit or facility that:

5 1. is used for the production of electricity for the purpose of:

6 A. onsite emergency backup at a facility when service from
7 the electric company is interrupted due to electric distribution or transmission system
8 failure or when there is equipment failure at a site where critical infrastructure is located;
9 and

10 B. test and maintenance operations necessary to ensure
11 functionality of the generating unit or facility in the event of a service interruption from
12 the electric company due to electric distribution or transmission system failure or when
13 there is equipment failure at a site where critical infrastructure is located;

14 2. is installed with equipment that prevents the flow of
15 electricity to the electric grid;

16 3. is subject to a permit to construct issued by the
17 Department of the Environment; and

18 4. is installed at a facility that is part of critical
19 infrastructure if the facility complies with all applicable regulations regarding noise level
20 and testing hours; or

21 (iv) a combination of two or more generating units or facilities that
22 satisfy item (iii) of this paragraph.

23 **(5) (I) “GRID ENHANCING TECHNOLOGIES” MEANS**
24 **INFRASTRUCTURE, HARDWARE, OR SOFTWARE THAT INCREASES THE CAPACITY,**
25 **EFFICIENCY, RELIABILITY, OR RESILIENCE OF A NEW OR EXISTING TRANSMISSION**
26 **LINE.**

27 **(II) “GRID ENHANCING TECHNOLOGIES” INCLUDES:**

28 **1. HIGH-PERFORMANCE CONDUCTORS; AND**

29 **2. STORAGE USED AS TRANSMISSION.**

30 **(6) (i) “Mined land” means the surface or subsurface of an area in which**
31 **surface mining operations will be, are being, or have been conducted.**

- 1 (ii) "Mined land" includes:
- 2 1. private ways and roads used for mining appurtenant to
3 any surface mining area;
- 4 2. land excavations;
- 5 3. workings; and
- 6 4. overburden.

7 **[(6)] (7)** "Qualified generator lead line" means an overhead transmission
8 line that is designed to carry a voltage in excess of 69,000 volts and would allow an
9 out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric
10 system in Maryland that is owned by an electric company.

11 (f) For the construction of an overhead transmission line, in addition to the
12 considerations listed in subsection (e) of this section, the Commission shall:

13 (1) take final action on an application for a certificate of public convenience
14 and necessity only after due consideration of:

15 (i) the need to meet existing and future demand for electric service;
16 **[and]**

17 (ii) for construction related to a new overhead transmission line, the
18 alternative routes that the applicant considered, including the estimated capital and
19 operating costs of each alternative route and a statement of the reason why the alternative
20 route was rejected; **AND**

21 **(III) THE USE OF GRID ENHANCING TECHNOLOGIES AS AN**
22 **ALTERNATIVE TO CONSTRUCTION OF THE TRANSMISSION LINE;**

23 (2) require as an ongoing condition of the certificate of public convenience
24 and necessity that an applicant comply with:

25 (i) all relevant agreements with PJM Interconnection, L.L.C., or its
26 successors, related to the ongoing operation and maintenance of the overhead transmission
27 line; and

28 (ii) all obligations imposed by the North America Electric Reliability
29 Council and the Federal Energy Regulatory Commission related to the ongoing operation
30 and maintenance of the overhead transmission line; and

31 (3) require the applicant to identify whether the overhead transmission
32 line is proposed to be constructed on:

- 1 (i) an existing brownfields site;
- 2 (ii) property that is subject to an existing easement; or
- 3 (iii) a site where a tower structure or components of a tower structure
- 4 used to support an overhead transmission line exist.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2025.