

# HOUSE BILL 829

C5

5lr1782

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By: **Delegate Charkoudian**

Introduced and read first time: January 29, 2025

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Public Utilities – Transmission Lines – Advanced Transmission Technologies**

3 FOR the purpose of altering the definition of “qualified generator lead line” for purposes of  
4 provisions of law regarding certificates of public convenience and necessity; requiring  
5 an applicant for a certificate of public convenience and necessity for the construction  
6 of an overhead transmission line to include certain ~~analyses~~ information in its  
7 application; requiring the Public Service Commission to consider certain ~~alternatives~~  
8 evidence before taking final action on an application for a certificate of public  
9 convenience and necessity for the construction of an overhead transmission line;  
10 requiring each owner or operator of an overhead transmission line to submit certain  
11 reports to the Commission; and generally relating to overhead transmission lines  
12 and advanced transmission technologies.

13 BY repealing and reenacting, with amendments,  
14 Article – Public Utilities  
15 Section 7–207(a), (b), and (f)  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2024 Supplement)

18 BY adding to  
19 Article – Public Utilities  
20 Section 7–207.4  
21 Annotated Code of Maryland  
22 (2020 Replacement Volume and 2024 Supplement)

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#### 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.



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

**Article – Public Utilities**

7–207.

(a) (1) In this section the following words have the meanings indicated.

(2) (I) “ADVANCED TRANSMISSION TECHNOLOGIES” MEANS  
INFRASTRUCTURE, HARDWARE, OR SOFTWARE THAT INCREASES THE CAPACITY,  
EFFICIENCY, RELIABILITY, OR RESILIENCE OF A NEW OR EXISTING TRANSMISSION  
LINE FACILITY.

(II) “ADVANCED TRANSMISSION TECHNOLOGIES” INCLUDES:

1. GRID–ENHANCING TECHNOLOGIES;
2. HIGH–PERFORMANCE CONDUCTORS; AND
3. STORAGE USED AS TRANSMISSION.

(3) “Brownfields site” means:

- (i) a former industrial or commercial site identified by federal or  
State laws or regulation as contaminated or polluted;
- (ii) a closed landfill regulated by the Department of the  
Environment; or
- (iii) mined land.

[(3)] (4) (i) “Construction” means:

1. any physical change at a site, including fabrication,  
erection, installation, or demolition; or
2. the entry into a binding agreement or contractual  
obligation to purchase equipment exclusively for use in construction in the State or to  
undertake a program of actual construction in the State which cannot be canceled or  
modified without substantial loss to the owner or operator of the proposed generating  
station.
- (ii) “Construction” does not include a change that is needed for the  
temporary use of a site or route for nonutility purposes or for use in securing geological  
data, including any boring that is necessary to ascertain foundation conditions.

1                    [(4)] (5)        “Generating station” does not include:

2                    (i)        a generating unit or facility that:

3                                1.        is used for the production of electricity;

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

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

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

9                                1.        are used for the production of electricity from a solar  
10 photovoltaic system or an eligible customer-generator that is subject to the provisions of §  
11 7–306 of this title;

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

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

16                                4.        for each individual generating unit or facility:

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

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

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

22                    (iii)        a generating unit or facility that:

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

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

28                                    B.        test and maintenance operations necessary to ensure  
29 functionality of the generating unit or facility in the event of a service interruption from

the electric company due to electric distribution or transmission system failure or when there is equipment failure at a site where critical infrastructure is located;

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

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

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

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

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

(ii) “Mined land” includes:

1. private ways and roads used for mining appurtenant to any surface mining area;

2. land excavations;

3. workings; and

4. overburden.

**[(6)] (7)** “Qualified generator lead line” means an overhead transmission line [that is] designed to carry, **OR AN ADVANCED TRANSMISSION TECHNOLOGY THAT SUPPORTS THE CARRYING OF**, a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

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

1. a generating station; or

2. a qualified generator lead line.

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

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

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

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

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

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

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

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

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

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

1. is an electric company; or

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

(iv) AN APPLICANT FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE SHALL INCLUDE IN ITS APPLICATION:

~~1. AN ANALYSIS OF ALTERNATIVES TO THE PROPOSED TRANSMISSION LINE, INCLUDING EVIDENCE THAT THE APPLICANT CONSIDERED, AS PART OF THE APPLICANT'S INTERNAL PLANNING PROCESS, ANY LOCAL, STATE, OR FEDERAL GOVERNMENT TRANSMISSION PLANNING PROCESSES, AND ANY TRANSMISSION PLANNING PROCESSES REQUIRED BY PJM INTERCONNECTION, LLC, INCLUDING:~~

~~A. THE USE OF ADVANCED TRANSMISSION TECHNOLOGIES~~ ALTERNATIVES TO THE PROPOSED TRANSMISSION LINE;

B. AN ANALYSIS OF ADVANCED TRANSMISSION TECHNOLOGIES AND WHETHER THE USE OF THE TECHNOLOGIES COULD DELAY OR PREVENT THE NEED FOR FUTURE TRANSMISSION OR GENERATION UPGRADES;

~~B.~~ C. ALTERNATIVE ROUTINGS;

~~C.~~ D. TECHNOLOGIES OR MODIFICATIONS TO ONE OR MORE ELECTRIC DISTRIBUTION SYSTEMS IN THE STATE THAT COULD AVOID THE NEED FOR THE TRANSMISSION LINE;

~~D.~~ E. THE COSTS TO RATEPAYERS;

~~E.~~ F. RESOURCE ADEQUACY;

~~F.~~ G. ENERGY EFFICIENCY AND DEMAND RESPONSE;

~~G.~~ H. THE IMPACT OF THE PROJECT ON THE ENVIRONMENT;

~~H.~~ I. A REVIEW OF AN INTEGRATED ELECTRIC TRANSMISSION-DISTRIBUTION SYSTEM TO ADDRESS THE NEED FOR THE TRANSMISSION LINE; AND

~~I.~~ J. ANY OTHER INFORMATION THE COMMISSION CONSIDERS APPROPRIATE; AND

2. AN ANALYSIS OF THE TRANSMISSION LINE ROUTE SELECTION, INCLUDING;

A. RISKS ASSOCIATED WITH THE COST ESTIMATES;

1                   **B.     COST CONTAINMENT EFFORTS;**

2                   **C.     CONSTRUCTION SCHEDULE;**

3                   **D.     ACQUISITION OF LAND AND RIGHTS-OF-WAY;**

4                   **E.     OUTAGE COORDINATION; AND**

5                   **F.     THE APPLICANT'S EXPERIENCE WORKING WITH**  
6 **COMMUNITIES AND STAKEHOLDERS ON ROUTE CONSIDERATION; AND**

7                   ~~**3.     AN ANALYSIS OF THE USE OF ADVANCED**~~  
8 ~~**TRANSMISSION TECHNOLOGIES AND WHETHER THE USE WILL DELAY OR AVOID**~~  
9 ~~**FUTURE TRANSMISSION OR GENERATION UPGRADES.**~~

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

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

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

18                   **[(v)] (vi)**   1.     This subparagraph applies to the construction of an  
19 overhead transmission line for which a certificate of public convenience and necessity is  
20 required under this section.

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

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

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

31                   2.     require larger or higher structures to accommodate:

A. increased voltage; or

B. larger conductors.

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

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

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

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

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

~~(II) ANY ALTERNATIVES CONSIDERED BY PJM INTERCONNECTION, LLC;~~

~~(III) THE ANALYSIS OF EVIDENCE THAT ALTERNATIVES CONDUCTED HAVE BEEN CONSIDERED BY THE APPLICANT UNDER IN ACCORDANCE WITH SUBSECTION (B)(3)(IV) OF THIS SECTION;~~

~~(IV) ANY ALTERNATIVES SUBMITTED BY OTHER PARTIES TO THE TRANSMISSION PROCEEDINGS; AND~~

~~[(ii)]~~ ~~(v)~~ (iii) for construction related to a new overhead transmission line, the alternative routes that the applicant considered, including the estimated capital and operating costs of each alternative route and a statement of the reason why the alternative route was rejected;

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

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

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

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

(i) an existing brownfields site;

(ii) property that is subject to an existing easement; or

(iii) a site where a tower structure or components of a tower structure used to support an overhead transmission line exist.

**7-207.4.**

(A) IN THIS SECTION, “ADVANCED TRANSMISSION TECHNOLOGIES” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(B) (1) ON SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1, ~~2025~~ 2026, AND EVERY ~~2~~ 4 YEARS THEREAFTER, EACH OWNER OR OPERATOR OF AN OVERHEAD TRANSMISSION LINE SHALL SUBMIT TO THE COMMISSION A REPORT THAT:

~~(1)~~ (I) IDENTIFIES AREAS OF TRANSMISSION CONGESTION FOR THE IMMEDIATELY PRECEDING 3 YEARS AND ANY REASONABLY FORESEEABLE TRANSMISSION CONGESTION ISSUES FOR THE 5 YEARS IMMEDIATELY FOLLOWING THE DATE OF THE REPORT;

~~(2)~~ (II) IDENTIFIES THE PROJECTED OR ACTUAL COST TO RATEPAYERS AS A RESULT OF PAST AND PROJECTED FUTURE TRANSMISSION CONGESTION;

~~(3)~~ (III) IDENTIFIES THE FEASIBILITY AND COST OF USING ALTERNATIVE MEANS OF ADDRESSING TRANSMISSION CONGESTION, INCLUDING THE USE OF ADVANCED TRANSMISSION TECHNOLOGIES;

~~(4)~~ (IV) IDENTIFIES THE ECONOMIC, ENVIRONMENTAL, AND SOCIAL ISSUES POSED BY THE USE OF EACH ALTERNATIVE MEANS IDENTIFIED UNDER ITEM ~~(3)~~ (III) OF THIS ~~SUBSECTION~~ PARAGRAPH; AND

~~(5)~~ (V) IF FEASIBLE, PROPOSES AN ADVANCED TRANSMISSION TECHNOLOGY IMPLEMENTATION PLAN TO ADDRESS AREAS OF TRANSMISSION CONGESTION IDENTIFIED UNDER ITEM ~~(4)~~ (I) OF THIS ~~SUBSECTION~~ PARAGRAPH.

(2) THE COMMISSION MAY MODIFY THE REPORTING SCHEDULE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

1 (C) AN OWNER OR OPERATOR OF AN OVERHEAD TRANSMISSION LINE MAY  
2 USE ANY AVAILABLE DATA FROM PJM INTERCONNECTION, LLC, OR OTHER  
3 SOURCES IN COMPLETING THE REPORT REQUIRED UNDER THIS SECTION.

4 (D) (1) IF THE COMMISSION AUTHORIZES THE USE OF ADVANCED  
5 TRANSMISSION TECHNOLOGIES AS A RESULT OF INFORMATION RECEIVED IN A  
6 REPORT UNDER THIS SECTION, THE COMMISSION MAY AUTHORIZE REASONABLE  
7 COST RECOVERY FOR THE USE OF ADVANCED TRANSMISSION TECHNOLOGIES  
8 UNDER THIS SECTION.

9 (2) IF AN OWNER OR OPERATOR OF AN OVERHEAD TRANSMISSION  
10 LINE USES ADVANCED TRANSMISSION TECHNOLOGIES AS A RESULT OF  
11 INFORMATION REPORTED UNDER THIS SECTION, THE COMMISSION MAY CONSIDER  
12 REASONABLE METHODS TO PROVIDE FINANCIAL INCENTIVES FOR THE USE OF  
13 ADVANCED TRANSMISSION TECHNOLOGIES UNDER THIS SECTION.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.