

HB1532/713521/1

BY: Delegate Tomlinson

AMENDMENTS TO HOUSE BILL 1532, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environment and Transportation Committee Amendments (HB1532/823929/1), in line 15 of Amendment No. 1, after “customers;” insert “requiring a person applying for a certificate of public convenience and necessity for the construction of any transmission line to provide certain notices to certain landowners regarding the construction; establishing that failure to provide a certain notice invalidates a certain hearing and, under certain circumstances, voids an application for a certificate of public convenience and necessity;”.

On page 5 of the Environment and Transportation Committee Amendments, in line 1 of Amendment No. 1, after “4-504,” insert “7-204”; and in line 9, after “Section” insert “3-106,”.

AMENDMENT NO. 2

On page 28 of the Environment and Transportation Committee Amendments, after line 7 of Amendment No. 2, insert:

“3-106.

(a) If a person timely files, the person may apply to intervene in a proceeding before the Commission.

(b) The Commission shall grant leave to intervene unless the Commission concludes that:

(1) the parties to the proceeding adequately represent the interest of the person seeking to intervene; or

(2) the issues that the person seeks to raise are irrelevant or immaterial.

(c) (1) An intervenor has all the rights of a party to a proceeding.

(2) In a proceeding before the Commission, an individual who is an intervenor may represent himself or herself.”.

On page 36 of the Environment and Transportation Committee Amendments, after line 14 of Amendment No. 1, insert:

“7-204.

(a) IN THIS SECTION, “CONSTRUCTION” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(B) (1) Notwithstanding any other provision of this division, at least 30 days before a hearing, a public service company shall provide to each owner of land and each owner of adjacent land, by certified mail, written notice of intent to run a line or similar transmission device over, on, or under the land.

(2) AT THE SAME TIME A PERSON APPLIES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A TRANSMISSION LINE UNDER § 7-207 OR § 7-208 OF THIS SUBTITLE, THE PERSON SHALL PROVIDE, BY CERTIFIED MAIL, NOTICE OF INTENT TO RUN A LINE OR SIMILAR TRANSMISSION DEVICE OVER, ON, OR UNDER THE LAND TO:

(I) EACH OWNER OF LAND THAT ABUTS THE PROPERTY WHERE THE CONSTRUCTION IS PLANNED; AND

(II) FOR CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE, EACH OWNER OF LAND AND EACH OWNER OF ADJACENT LAND.

(3) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL ADVISE THE RECIPIENT OF:

(I) ANY APPLICABLE RIGHT TO FILE AS AN INTERVENOR IN THE PROCEEDING IN ACCORDANCE WITH § 3-106 OF THIS ARTICLE;

(II) THE PROCESS FOR FILING AS AN INTERVENOR IN THE PROCEEDING, INCLUDING THE METHOD FOR FILING AND THE LOCATION WHERE THE FILING IS REQUIRED TO BE SUBMITTED;

(III) THE DATE AND TIME BY WHICH THE RECIPIENT IS REQUIRED TO FILE AS AN INTERVENOR IN ORDER TO BE CONSIDERED TIMELY; AND

(IV) CONTACT INFORMATION FOR THE COMMISSION AND THE WEBSITE WHERE THE RECIPIENT MAY OBTAIN ADDITIONAL INFORMATION REGARDING INTERVENTION RIGHTS AND PROCEDURES.

[(2)] (C) The public service company shall determine the property owners from the current tax assessment records of the political subdivision in which the property is located.

[(b) Unless the failure is willful or deliberate, the failure of a public service company to provide notice does not invalidate a public hearing or require that another hearing take place.]

(D) FAILURE TO PROVIDE NOTICE UNDER THIS SECTION:

(Over)

(1) INVALIDATES A PUBLIC HEARING AND REQUIRES THAT ANOTHER HEARING TAKE PLACE; OR

(2) IF THE REQUIRED NOTICE IS REGARDING AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, VOIDS THE APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(E) A PERSON WHOSE APPLICATE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS VOIDED UNDER SUBSECTION (D) OF THIS SECTION MAY REAPPLY.”.