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Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Administration
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Checked by _____

By: **The President (By Request – Administration)**

A BILL ENTITLED

AN ACT concerning

**Electric Generating Stations – Construction
(Critical Infrastructure Streamlining Act of 2024)**

FOR the purpose of altering the definition of “generating station” for the purpose of exempting the construction of certain generating facilities used to produce electricity for the purpose of onsite emergency backup and certain test and maintenance operations from the requirement to obtain a certificate of public convenience and necessity or certain other approvals under certain circumstances; and generally relating to the construction of electric generating stations.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–207(a)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article– Public Utilities
Section 7–207(a)(4), 7–207.1(a), 7–207.2(a), and 7–208(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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.

(4) “Generating station” does not include:

(i) a generating unit or facility that:

1. is used for the production of electricity;
2. has the capacity to produce not more than 2 megawatts of alternating current; and
3. is installed with equipment that prevents the flow of electricity to the electric grid during time periods when the electric grid is out of service; [or]

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

1. are used for the production of electricity from a solar photovoltaic system or an eligible customer–generator that is subject to the provisions of § 7–306 of this title;
2. are located on the same property or adjacent properties;
3. have the capacity to produce, when calculated cumulatively for all generating units or facilities on the property or adjacent property, more than 2 megawatts but not more than 14 megawatts of alternating current; and
4. for each individual generating unit or facility:

- A. has the capacity to produce not more than 2 megawatts of alternating current;
- B. is separately metered by the electric company; and
- C. does not export electricity for sale on the wholesale market under an agreement with PJM Interconnection, LLC;

(III) A GENERATING UNIT OR FACILITY THAT:

1. IS USED FOR THE PRODUCTION OF ELECTRICITY FOR THE PURPOSE OF:

A. ONSITE EMERGENCY BACKUP AT A FACILITY WHEN SERVICE FROM THE ELECTRIC COMPANY IS INTERRUPTED; AND

B. TEST AND MAINTENANCE OPERATIONS NECESSARY TO ENSURE FUNCTIONALITY OF THE GENERATING UNIT OR FACILITY IN THE EVENT OF A SERVICE INTERRUPTION FROM THE ELECTRIC COMPANY;

2. IS INSTALLED WITH EQUIPMENT THAT PREVENTS THE FLOW OF ELECTRICITY TO THE ELECTRIC GRID; AND

3. IS SUBJECT TO A PERMIT TO CONSTRUCT ISSUED BY THE DEPARTMENT OF THE ENVIRONMENT; OR

(IV) A COMBINATION OF TWO OR MORE GENERATING UNITS OR FACILITIES THAT SATISFY SUBPARAGRAPH (III) OF THIS PARAGRAPH.

7-207.1.

(a) In this section, “generating station” does not include:

(1) a generating unit or facility that:

(i) is used for the production of electricity;

(ii) has the capacity to produce not more than 2 megawatts of alternating current; and

(iii) is installed with equipment that prevents the flow of electricity to the electric grid during time periods when the electric grid is out of service; [or]

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

(i) are used for the production of electricity from a solar photovoltaic system or an eligible customer-generator that is subject to the provisions of § 7-306 of this title;

(ii) are located on the same property or adjacent properties;

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

(iv) for each individual generating unit or facility:

1. has the capacity to produce not more than 2 megawatts of alternating current;

2. is separately metered by the electric company; and

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

(3) A GENERATING UNIT OR FACILITY THAT:

(1) IS USED FOR THE PRODUCTION OF ELECTRICITY FOR PURPOSE OF:

1. ONSITE EMERGENCY BACKUP AT A FACILITY WHEN SERVICE FROM THE ELECTRIC COMPANY IS INTERRUPTED; AND

2. TEST AND MAINTENANCE OPERATIONS NECESSARY TO ENSURE FUNCTIONALITY OF THE GENERATING UNIT OR FACILITY IN THE EVENT OF A SERVICE INTERRUPTION FROM THE ELECTRIC COMPANY; AND

(II) IS INSTALLED WITH EQUIPMENT THAT PREVENTS THE FLOW OF ELECTRICITY TO THE ELECTRIC GRID; AND

(III) IS SUBJECT TO A PERMIT TO CONSTRUCT ISSUED BY THE DEPARTMENT OF THE ENVIRONMENT; OR

(4) A COMBINATION OF TWO OR MORE GENERATING UNITS OR FACILITIES THAT SATISFY SUBPARAGRAPH (3) OF THIS PARAGRAPH.

7–207.2.

(a) In this section, “generating station” does not include:

(1) a generating unit or facility that:

(i) is used for the production of electricity;

(ii) has the capacity to produce not more than 2 megawatts of alternating current; and

(iii) is installed with equipment that prevents the flow of electricity to the electric grid during time periods when the electric grid is out of service; [or]

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

(i) are used for the production of electricity from a solar photovoltaic system or an eligible customer–generator that is subject to the provisions of § 7–306 of this title;

(ii) are located on the same property or adjacent properties;

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

(iv) for each individual generating unit or facility:

1. has the capacity to produce not more than 2 megawatts of alternating current;
2. is separately metered by the electric company; and
3. does not export electricity for sale on the wholesale market under an agreement with PJM Interconnection, LLC;[.] OR

(3) A GENERATING UNIT OR FACILITY THAT:

(I) IS USED FOR THE PRODUCTION OF ELECTRICITY FOR THE PURPOSE OF:

1. ONSITE EMERGENCY BACKUP AT A FACILITY WHEN SERVICE FROM THE ELECTRIC IS INTERRUPTED; AND

2. TEST AND MAINTENANCE OPERATIONS NECESSARY TO ENSURE FUNCTIONALITY OF THE GENERATING UNIT OR FACILITY IN THE EVENT OF A SERVICE INTERRUPTION FROM THE ELECTRIC COMPANY; AND

(II) IS INSTALLED WITH EQUIPMENT THAT PREVENTS THE FLOW OF ELECTRICITY TO THE ELECTRIC GRID; AND

(III) IS SUBJECT TO A PERMIT TO CONSTRUCT ISSUED BY THE DEPARTMENT OF THE ENVIRONMENT; OR

(4) A COMBINATION OF TWO OR MORE GENERATING UNITS OR FACILITIES THAT SATISFY SUBPARAGRAPH (3) OF THIS PARAGRAPH.

7–208.

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

(2) “Construction” has the meaning stated in § 7–207 of this subtitle.

(3) “GENERATING STATION” DOES NOT INCLUDE:

(I) A GENERATING UNIT OR FACILITY THAT:

1. IS USED FOR THE PRODUCTION OF ELECTRICITY FOR THE PURPOSE OF:

A. ONSITE EMERGENCY BACKUP AT A FACILITY WHEN SERVICE FROM THE ELECTRIC COMPANY IS INTERRUPTED; AND

B. TEST AND MAINTENANCE OPERATIONS NECESSARY TO ENSURE FUNCTIONALITY OF THE GENERATING UNIT OR FACILITY IN THE EVENT OF AN INTERRUPTION OF SERVICE FROM THE ELECTRIC COMPANY;

2. IS INSTALLED WITH EQUIPMENT THAT PREVENTS THE FLOW OF ELECTRICITY TO THE ELECTRIC GRID; AND

3. IS SUBJECT TO A PERMIT TO CONSTRUCT ISSUED BY THE DEPARTMENT OF THE ENVIRONMENT; OR

(II) A COMBINATION OF TWO OR MORE GENERATING UNITS OR FACILITIES THAT SATISFY SUBPARAGRAPH (I) OF THIS PARAGRAPH.

[(3)] (4) “Qualified offshore wind project” has the meaning stated in § 7–701 of this title.

[(4)] (5) “Qualified submerged renewable energy line” means:

(i) a line carrying electricity supply and connecting a qualified offshore wind project to the transmission system; and

(ii) a line in which the portions of the line crossing any submerged lands or any part of a beach erosion control district are buried or submerged.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.