

HOUSE BILL 743

C5, M3

9lr2410

By: **Delegate Hucker**

Introduced and read first time: February 10, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Companies – Purchase or Use of Mountaintop Coal – Prohibited**

3 FOR the purpose of prohibiting an electric company that operates a coal-fired
4 generating station in the State from purchasing or using coal extracted by
5 mountaintop removal; requiring the Public Service Commission to give due
6 consideration to ensuring that an applicant complies with the prohibition before
7 taking final action on an application for a certificate of public convenience and
8 necessity for an electric generating station; and generally relating to prohibiting
9 the purchase or use of coal extracted by mountaintop removal.

10 BY repealing and reenacting, without amendments,
11 Article – Public Utility Companies
12 Section 7–207(b)(1)(i)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Utility Companies
17 Section 7–207(e)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2008 Supplement)

20 BY adding to
21 Article – Public Utility Companies
22 Section 7–213
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2008 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Utility Companies**

2 7–207.

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

6 (e) The Commission shall take final action on an application for a certificate
7 of public convenience and necessity only after due consideration of:

8 (1) the recommendation of the governing body of each county or
9 municipal corporation in which any portion of the construction of the generating
10 station or overhead transmission line is proposed to be located; [and]

11 (2) the effect of the generating station or overhead transmission line
12 on:

13 (i) the stability and reliability of the electric system;

14 (ii) economics;

15 (iii) esthetics;

16 (iv) historic sites;

17 (v) aviation safety as determined by the Maryland Aviation
18 Administration and the administrator of the Federal Aviation Administration;

19 (vi) when applicable, air and water pollution; and

20 (vii) the availability of means for the required timely disposal of
21 wastes produced by any generating station; **AND**

22 **(3) FOR A GENERATING STATION, ENSURING THAT THE**
23 **APPLICANT COMPLIES WITH THE PROHIBITION ON THE PURCHASE OR USE OF**
24 **COAL EXTRACTED BY MOUNTAINTOP REMOVAL UNDER § 7–213 OF THIS**
25 **SUBTITLE.**

26 **7–213.**

27 **AN ELECTRIC COMPANY THAT OPERATES A COAL–FIRED GENERATING**
28 **STATION IN THE STATE MAY NOT PURCHASE OR USE COAL EXTRACTED BY**
29 **MOUNTAINTOP REMOVAL.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2009.