

CONVENIENCE AND NECESSITY UNDER §§ 7-207 AND 7-208 OF THE PUBLIC UTILITY COMPANIES ARTICLE AND REGULATIONS ADOPTED BY THE PUBLIC SERVICE COMMISSION;

(4) Actual construction of buildings, apart from any possible emission producing machinery housed in the buildings;

(5) Any parking garage; or

(6) Any parking lot.

Article - Public Utility Companies

1-101.

(r) "On-site generated electricity" means electricity that:

(1) is not transmitted or distributed over an electric company's transmission or distribution system; [and] OR

(2) is generated at a facility owned or operated by an electric customer or operated by a designee of the owner who, with the other tenants of the facility, consumes at least 80% of the power generated by the facility each year.

7-207.

(a) (1) In this section and § 7-208 of this subtitle, "construction" means the clearing of land, excavation, or other action that affects the natural environment of a site or route of a bulk power supply facility.

(2) "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.

(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 a generating station.

~~(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS NOT REQUIRED FOR THE CONSTRUCTION OF A GENERATING STATION THAT PRODUCES ONLY ON SITE GENERATED ELECTRICITY AND GENERATES LESS THAN 100 MEGAWATTS.~~

(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.

(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.