

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 MAY SHALL EXEMPT A PERSON FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER THIS SECTION IF A PERSON OBTAINS COMMISSION APPROVAL FOR CONSTRUCTION UNDER SECTION 7-207.1 OF THIS SUBTITLE.

(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) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, an electric company 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.

7-207.1.

(A) THIS SECTION APPLIES TO A PERSON WHO CONSTRUCTS A GENERATING STATION DESIGNED TO PROVIDE ON-SITE GENERATED ELECTRICITY IF:

(1) THE CAPACITY OF THE GENERATING STATION DOES NOT EXCEED 70 MEGAWATTS; AND

(2) THE ELECTRICITY THAT MAY BE EXPORTED FOR SALE FROM THE GENERATING STATION TO THE ELECTRIC SYSTEM IS SOLD ONLY ON THE WHOLESALE MARKET PURSUANT TO AN INTERCONNECTION, OPERATION, AND MAINTENANCE AGREEMENT WITH THE LOCAL ELECTRIC COMPANY.