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## PUBLIC SERVICE COMMISSION

October 6, 2021

### NOTICE OF CONSIDERATION OF NEW STATUTORY FACTORS

#### To: All Interested Persons

Senate Bill 83/House Bill 298 (“SB 83/HB 298”),<sup>1</sup> enacted during the 2021 Session of the Maryland General Assembly, becomes effective on October 1, 2021 and applies to all pending cases. The legislation lists three new factors that the Commission shall consider in supervising and regulating public service companies.<sup>2</sup> In addition to existing factors in Public Utilities Article (“PUA”), *Annotated Code of Maryland*, § 2-113(a)(2) – public safety, the economy of the State, the conservation of natural resources, and the preservation of environmental quality – the Commission must consider the following three new factors, as of October 1, 2021:<sup>3</sup>

*The maintenance of fair and stable labor standards for affected workers;*

*[...] the preservation of environmental quality, including protection of the global climate from continued short-term and long-term warming based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and*

*the achievement of the State’s climate commitments for reducing statewide greenhouse gas emissions, including those specified in Title 2, Subtitle 12 of the Environment Article.*<sup>4</sup>

<sup>1</sup> 2021 Md. Laws, Chs. 614 and 615.

<sup>2</sup> “‘Public service company’ means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.” *Md. Ann. Code*, Pub. Util. Art. § 1-101.

<sup>3</sup> The factors were public safety, the economy of the State, the conservation of natural resources, and the preservation of environmental quality. *Md. Ann. Code*, Pub. Util. Art. § 2-113.

<sup>4</sup> *Md. Ann. Code*, Pub. Util. Art. § 2-113.

The Commission will consider the factors set forth in § 2-113 in each case that involves the regulation of a public service company, including all pending matters. All participants in matters pending before the Commission are encouraged to identify and address issues pertaining to these three new factors, where applicable.

Additionally, the legislation specifies new factors in PUA § 7-207(e) that the Commission must consider when reviewing issues pertaining to a Certificate of Public Convenience and Necessity (“CPCN”), as of October 1, 2021. SB 83/HB 298 requires the Commission to give due consideration to the effect of climate change on the generating station, overhead transmission line, or qualified generator lead line based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change.<sup>5</sup> For generating stations in particular, the Commission must consider the impact of the generating station on the quantity of annual and long-term statewide greenhouse gas emissions, measured in the manner specified in § 2-1202 of the Environment Article and based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change, as well as the consistency of the CPCN application with the State’s climate commitments for reducing statewide greenhouse gas emissions, including those specified in Title 2, Subtitle 12 of the Environmental Article.

The Commission will consider the factors set out in § 7-207(e) in each case that involves a CPCN application, including all pending CPCN applications.<sup>6</sup> Persons applying for a CPCN or responding to an application for a CPCN should identify and address issues pertaining to these new factors in their testimony, where applicable.

By Direction of the Commission,

*/s/ Andrew S. Johnston*

Andrew S. Johnston  
Executive Secretary

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<sup>5</sup> *Md. Ann. Code*, Pub. Util. Art. § 7-207(e)(3).

<sup>6</sup> The Commission and/or applicant provides notice of CPCN applications to the executive and governing body of affected local governments, affected members of the General Assembly, other interested persons, and the media. In addition, the Commission provides opportunities for public comment in writing and/or at public hearings, held jointly with the governing body of the county or municipality if it elects to do so.