

**ORDER NO. 89686**

IN THE MATTER OF THE APPLICATION \*  
OF BALTIMORE GAS AND ELECTRIC \*  
COMPANY FOR A CERTIFICATE OF \*  
PUBLIC CONVENIENCE AND NECESSITY \*  
FOR THE FIVE FORKS TO \*  
MARYLAND/PENNSYLVANIA BORDER \*  
TRANSMISSION LINE RELIABILITY \*  
PROJECT \*

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BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

\_\_\_\_\_  
CASE NO. 9636  
\_\_\_\_\_

**PROPOSED ORDER OF PUBLIC UTILITY LAW JUDGE**

Before: Jennifer J. Grace  
Public Utility Law Judge

Issued: December 7, 2020

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## **Appearances**

Daniel W. Hurson, Esquire, and Jessica Raba, Esquire, on behalf of Baltimore Gas and Electric Company

Steven M. Talson, Esquire, and Sondra S. McLemore, Esquire, on behalf of the Department of Natural Resources, Power Plant Research Program

Gary L. Alexander, Esquire, on behalf of the Maryland Office of People's Counsel

Kenneth M. Albert, Esquire, and James Gregor, Esquire, on behalf of the Staff of the Public Service Commission of Maryland

## **I. Procedural History**

1. On February 21, 2020, Baltimore Gas and Electric Company (BGE or “Applicant”) filed an application for a Certificate of Public Convenience and Necessity (CPCN) for authority to modify a 1.89 mile portion of the existing dual-circuit 115 kV transmission line segment that runs between BGE’s Five Forks substation in northern Harford County, Maryland and the Maryland/Pennsylvania border, including the Environmental Review Document (ERD) (“Application”).<sup>1</sup> Also included in this February 21, 2020 filing, were the Direct Testimony and Exhibits of Jeffrey L. Meling, the Direct Testimony and Exhibits of Robert P. May, and the Direct Testimony and Exhibits of Todd G. Chambers.<sup>2</sup>
2. On February 24, 2020, the Public Service Commission of Maryland (“Commission”) delegated this matter to the Public Utility Law Judge Division.
3. On April 21, 2020, a prehearing conference was held,<sup>3</sup> and on April 22, 2020, a Notice of Procedural Schedule was issued.
4. On April 22, 2020, Applicant filed a Certificate of Compliance and submitted copies of the notices it provided to members of the General Assembly pursuant to Public Utilities Article, *Annotated Code of Maryland* (“PUA”), §7-207(c)(1)(iv)-(v).<sup>4</sup>
5. On June 15, 2020, the Department of Natural Resources (DNR), Power Plant Resource Program (PPRP) filed the following: State Secretarial Letter with CPCN Recommendation,<sup>5</sup>

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<sup>1</sup> The Application was entered into the administrative record as BGE Ex. 3.

<sup>2</sup> The Direct Testimony and Exhibits of Jeffrey L. Meling, of Robert P. May, and of Todd G. Chambers were entered into the administrative record as BGE Exhibits 4, 5, and 8, respectively.

<sup>3</sup> Notice and Certificates of Publication for the Pre-Hearing Conference were entered into the record as BGE Ex. 1.

<sup>4</sup> BGE Ex. 2.

<sup>5</sup> PPRP Ex. 2.

Direct Testimony of Robert A. Sadzinski,<sup>6</sup> Initial Recommended Licensing Conditions,<sup>7</sup> and a draft Project Assessment Report (PAR) for the Five Forks to the Maryland/Pennsylvania Border Transmission Line Reliability.<sup>8</sup> Also on June 15, 2020, the Staff of the Commission (“Staff”) filed Direct Testimony of Roger Austin which included conditions.<sup>9</sup>

6. On July 27, BGE filed the Rebuttal Testimony and Exhibits of Robert P. May, a letter submitting the correct copy of Exhibit RPM-1, and the Rebuttal Testimony and Exhibits of Todd G. Chambers.<sup>10</sup>

7. On August 17, 2020, Staff filed an Errata version of the Direct Testimony of Roger Austin.<sup>11</sup>

8. On September 11, 2020, PPRP filed revised Initial Recommended Licensing Conditions.<sup>12</sup> Included with that filing were Attachment A to the PPRP PAR including Applicant’s responses to PPRP Data Requests, and a PPRP Data Requests Addendum.<sup>13</sup>

9. On September 15, 2020, a hearing for taking evidence was held, at which time pre-filed testimony and exhibits were entered into the record and examination of witnesses was conducted.

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<sup>6</sup> PPRP Ex. 1.

<sup>7</sup> PPRP Ex. 3. The Initial Recommended Licensing Conditions are labeled as PPRP Exhibit (RAS-3).

<sup>8</sup> The PAR, PPRP Ex. 4, is labeled as PPRP Exhibit (RS-4).

<sup>9</sup> Staff Ex. 1.

<sup>10</sup> The Rebuttal Testimony of BGE Witness May was admitted into the Administrative Record as BGE Ex. 6 and the Correct Copy of Exhibit RPM-1 was admitted and incorporated into the Administrative Record as BGE Ex. 6. Additionally, the Rebuttal Testimony of Todd G. Chambers was admitted into the Administrative Record as BGE Ex. 9.

<sup>11</sup> Staff Ex. 2.

<sup>12</sup> The clean version of PPRP’s Revised Initial Recommended Licensing Conditions is PPRP Ex. 8. PPRP Ex. 7 is the redlined version.

<sup>13</sup> Attachment A to the PPRP PAR was admitted into the record as PPRP Ex. 5. PPRP Data Requests Addendum was admitted into the record as PPRP Ex. 6.

10. On September 22, 2020, a Public Hearing was held virtually. Diana Nalls, whose property abuts the project area, testified regarding concerns about the project appearance, effect on property values in the area, the potential for EMF exposure, and the noise of construction.

11. The evidentiary record was kept open until October 9, 2020, to allow the Parties time to comment regarding the comments made at the public hearing. On October 7, 2020, PPRP submitted a letter indicating that PPRP had followed the efforts of BGE and Ms. Nalls to come to an agreement, that PPRP was satisfied with the agreement made, involving vegetative screening, and that there would be no further revisions to the previously submitted, September 11, 2020 Licensing Conditions (hereafter “Licensing Conditions”). No other Party submitted any further comment or revision based on the Public Comment Hearing.

## **II. Overview of the Project**

12. The Applicant seeks a CPCN for the reconstruction of a 1.89 mile portion of the existing dual-circuit 115 kV transmission line segment that runs between BGE’s Five Forks substation in northern Harford County, Maryland and the Maryland/Pennsylvania border (the “Project”). The Project involves removal of two existing parallel single-circuit steel lattice towers and supported electric transmission lines spanning 1.89 miles and replacing them with one double circuit-capable weathering steel monopole line. BGE proposes the removal of 40 steel lattice towers to be replaced with 12 weathering steel monopoles. BGE asserts that this is a necessary modification, as the existing structures were placed in service in the early 1900s and are nearing the end of their useful life. BGE asserts that the entire Project will occur within an already

existing BGE-controlled right-of-way, and that no additional real estate acquisition or real property access rights will be necessary.<sup>14</sup>

13. The ERD identified and assessed potential environmental, ecological, socioeconomic, and land use impacts associated with construction and operation of the Project, pursuant to Code of Maryland Regulations (COMAR) 20.79.01.01, and addressed the requirements of PUA §7-207(e).

### **III. Public Comments**

14. The Public Comment hearing elicited a comment from one citizen who, while acknowledging that BGE had been diligent in working with her regarding her concerns, she remained concerned regarding the project appearance, effect on property values in the area, the potential for EMF exposure, and the noise of construction.

15. No written comments were received.

### **IV. Applicable Law**

16. The Application seeks authorization for the reconstruction of a portion of an existing 115 kV electric transmission line. PUA §§7-207 and 7-208 govern construction of overhead transmission lines designed to carry voltages in excess of 69,000 volts, and contain the requirements for CPCNs.

17. PUA §7-207(e) mandates the Commission to take final action on a CPCN application for an overhead transmission line only after due consideration of the following:

- (1) the recommendation of the governing body of each county or municipal corporation in which any portion of the

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<sup>14</sup> Application, p. 2.

construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located;

- (2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:
  - (i) the stability and reliability of the electric system;
  - (ii) economics;
  - (iii) esthetics;
  - (iv) historic sites;
  - (v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration; and
  - (vi) when applicable, air quality and water pollution.

18. In addition, PUA §7-207(f) provides additional considerations before final action on an application:

(f) Construction of overhead transmission lines. -- For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall:

- (1) take final action on an application for a certificate of public convenience and necessity only after due consideration of:
  - (i) the need to meet existing and future demand for electric service; and
  - (ii) for construction related to a new overhead transmission line, the alternative routes that the applicant considered, including the estimated capital and operating costs of each alternative route and a statement of the reason why the alternative route was rejected;
- (2) require as an ongoing condition of the certificate of public convenience and necessity that an applicant comply with:



- (i) all relevant agreements with PJM Interconnection, L.L.C., or its successors, related to the ongoing operation and maintenance of the overhead transmission line; and
  - (ii) all obligations imposed by the North America Electric Reliability Council and the Federal Energy Regulatory Commission related to the ongoing operation and maintenance of the overhead transmission line; and
- (3) require the applicant to identify whether the overhead transmission line is proposed to be constructed on:
- (i) an existing brownfields site;
  - (ii) property that is subject to an existing easement; or
  - (iii) a site where a tower structure or components of a tower structure used to support an overhead transmission line exist.

## **V. Analysis and Findings**

19. Applicant accepted the Licensing Conditions as recommended by PPRP, attached hereto as Attachment A. Applicant also accepted Staff's initial conditions, which, in addition to PPRP's Licensing Conditions, recommended that a grant of the CPCN be contingent upon (i) that the Project satisfies all other Maryland permitting requirements and conditions proposed by the other Maryland state agencies having jurisdiction in this proceeding; and ii. that BGE notifies the Commission when the modified transmission lines have been placed into service.<sup>15</sup> PPRP and OPC recommended that the CPCN be granted, as long as it is subject to the recommended Licensing Conditions from PPRP.

20. Notwithstanding the agreement among the Parties with respect to most of the recommended licensing conditions, the Commission still must give due consideration to the factors in PUA §7-207(e), as well as the requirements of PUA §7-207(f). Accordingly, each of

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<sup>15</sup> See Staff Ex. 2, Direct Testimony of Roger Austin ("Austin Direct"), p. 19.

the PUA §7-207(e) factors, and the requirements of PUA §7-207(f), as well as the additional factors identified by the Applicant, PPRP, and Staff in their analyses, are considered below. PUA §7-209 provides that the Commission shall examine alternatives to the construction of a new transmission line in a service area, however, the Project consists of replacement of a portion of an existing transmission line, not construction of a new line, and thus PUA §7-209 is not applicable.

#### **A. Consideration of PUA § 7-207(e) Factors**

##### **1. Recommendations of the Governing Bodies in Which Construction is Located**

21. Harford County did not intervene as a party to this matter and Licensing Conditions 1(j) and 18 address compliance with Harford County noise regulations.<sup>16</sup> I find that PPRP's recommended Licensing Conditions address concerns germane to Harford County.

##### **2. Stability and Reliability of the Electric System**

22. Applicant reported that once completed the Project will maintain the integrity and reliability of BGE's 115 kV transmission loop.<sup>17</sup> Applicant asserts that not only is the existing line reaching the end of its useful life, the original construction no longer meets modern engineering standards or clearance requirements between conductors and tower members. Extended outages have been occurring due to aging splices aging infrastructure and avian interference, and the outages are complicated by challenges in locating and correcting faults.<sup>18</sup>

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<sup>16</sup> PPRP Ex. 5.

<sup>17</sup> Application, p. 5.

<sup>18</sup> *Id.*

23. Staff Witness Austin testified that this line is one of the least reliably performing transmission lines on BGE's system and if the replacement is not executed, there will continue to be reliability issues which will have a negative impact on overall system reliability.<sup>19</sup>

24. I find that the Project is needed to maintain the reliability and stability of the 115 kV transmission loop, and that the Project will have no adverse impact on the stability and reliability of the electric transmission system.

### **3. Economics**

25. The Applicant stated that the Project will help sustain the reliability of the electrical system in the State of Maryland and ensure that customers within Applicant's electric distribution service territory and beyond have a reliable network for transmitting electricity for years to come.<sup>20</sup> Applicant offered that the Project will thus have a positive impact on the economies of the State.<sup>21</sup> Applicant noted that the Project is also expected to generate tax revenue for the State and local governments and benefit local businesses during construction.<sup>22</sup>

26. According to the ERD, the Project will have a positive impact on employment and income on the Harford County economy and modest impacts to the Maryland economy. The fiscal benefit to Harford County will occur primarily through local income tax receipts on construction wages, and from income tax receipts on indirect earnings. Also, post-construction Project benefits will be primarily fiscal in the form of property tax payments to Maryland and Harford County.<sup>23</sup>

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<sup>19</sup> Austin Direct, p. 20.

<sup>20</sup> Application, p. 8.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> PAR, p. 23.

27. Although the economic benefit to the surrounding region from construction of the Project is not significant in the context of local and State economies, the evidence demonstrates there will be no adverse economic, demographic, or fiscal impacts. On this record, I conclude that the Project will be of net economic benefit to both Harford County and the State.

#### **4. Esthetics**

28. The Project will involve the installation of monopoles, stringing of conductors, and demolition of existing lattice structures within an existing right-of-way. The existing lattice structures range in height from 64 to 77 feet. The new weathering steel monopoles range in height between 80 and 115 feet.<sup>24</sup> In an independent assessment of the visibility of the Project conducted by PPRP to compare the visual footprint of the existing lattice structures to the proposed monopole configuration, PPRP found that while the number of structures will be reduced from 40 to 12, the visual footprint will be mostly unchanged due to the taller monopoles and the relative openness of the landscape.<sup>25</sup>

29. PPRP expressed concerns over vehicle traffic at the height of construction and whether three temporary construction entrances would affect designated bicycle corridors on nearby State highways. PPRP recommended Licensing Conditions Numbers 16 and 17 to minimize conflict with bicyclists.<sup>26</sup>

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<sup>24</sup> ERD, p. 4-18.

<sup>25</sup> Sadzinski Direct at 20, l. 4-8.

<sup>26</sup> *Id.* at 21.

30. The lone Public Comment included a concern over the visual impact of poles constructed near residences. According to PPRP, BGE entered into a voluntary agreement with a local resident to add vegetative buffers to minimize this impact.<sup>27</sup>

31. I find that, subject to the Licensing Conditions, the Project will not have a significant adverse visual impact on the surrounding areas.

### **5. Historic Sites**

32. The Project is being erected in an existing BGE right-of-way (ROW) by replacing existing poles with slightly taller poles. No property on the National Register of Historic Places (NRHP) is within one mile of the ROW. However, a total of 27 properties listed in the Maryland Inventory of Historic Properties (MIHP) are within one mile of the ROW. No Maryland Historical Trust (MHT) preservation easements or archaeological resources are recorded within the Project's area of potential effect. The MHT determined that no historic properties will be affected by the Project.

33. Accordingly, I find that the Project will not have an adverse effect on historic properties or cultural or archeological resources.

### **6. Aviation Safety**

34. The Applicant asserts that the heights of the new structures will range from 80 to 115 feet. No Maryland or Pennsylvania airport is within 8 miles of the ROW. The Federal Aviation Administration Notice Criteria Tool confirms that no new structure exceeds the notice criteria that would require that a Notice of Proposed Construction and Alteration be filed.<sup>28</sup>

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<sup>27</sup> PPRP letter, dated October 7, 2020, filed under Maillog No. 232057.

<sup>28</sup> PAR at 23.

35. I find that the Project will have no adverse effect on aviation safety.

## **7. Air Quality and Water Pollution**

### **a. Air Quality**

36. The Applicant states that the planned construction efforts will not create new permanent sources of air emissions and therefore will not affect ozone or other air quality values in any material way.<sup>29</sup>

37. Licensing Condition 1.g.<sup>30</sup> provides restrictions regarding particulate matter from materials handling and construction, and prohibits a nuisance from emissions.<sup>31</sup> Subject to compliance with applicable COMAR provisions cited in PPRP's recommended Licensing Conditions, I find the Project will not have an adverse impact on air pollution or air quality in the region.

### **b. Water Pollution**

38. The Applicant made a comprehensive study of the ecology of the site, including streams, wetlands, forest interior dwelling species (FIDS), the green infrastructure network, and rare, threatened, or endangered species (RTE), which it detailed in Section 4.4 of the ERD. The Applicant concluded that the temporary construction impacts will be minimal and that there will be no post-construction impacts. PPRP noted Broad Creek is a sensitive wetland area upstream of a Tier II stream segment, which includes habitat suitable for RTE species. No construction is

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<sup>29</sup> ERD at 2-9.

<sup>30</sup> Licensing Conditions 1.g applies to air pollution/quality.

<sup>31</sup> PPRP Ex. 8 at 1-2.

planned for this area; however, PPRP recommended BGE provide an enhanced sediment/stormwater plan .

39. BGE did not conduct a full survey for potential wetlands area species, specifically bog turtles. DNR Wildlife and Heritage Service recommends in this situation that the presence of bog turtles be assumed and that appropriate protections, including fencing, third party monitoring, and time of year constraints on construction activities be observed.

40. Recommended Licensing Condition 1 requires the Applicant to comply with all applicable local, State, and federal laws and regulations, including those related to tidal and non-tidal wetlands, waterway construction, water quality and water pollution control, and erosion and sediment control, and Licensing Condition 4 deals with erosion and sediment control in more detail.<sup>32</sup> Licensing Condition 7 – Wetland and Waterways – requires BGE to apply to MDE for all required permits for construction in wetlands, waterways, or floodplains. Licensing Condition 8(c) requires BGE to consider Broad Creek area as occupied by bog turtles and institutes seven specific conditions to protect the species.

41. I find that, subject to PPRP’s recommended Licensing Conditions, the record reflects no likely adverse impacts to water quality due to the Project.

## **B. Consideration of PUA § 7-207(f) Factors**

### **1. Need to Meet Existing and Future Demand**

42. According to Applicant, the existing transmission line was installed in the 1910s and 1930s and that its components have reached the end of their useful lives.<sup>33</sup> The Applicant asserts that the Project is thus needed to maintain the integrity and reliability of the double-circuit 115

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<sup>32</sup> PPRP Ex. 8 at 1, 3.

<sup>33</sup> Application, p. 4.

kV transmission loop around BGE's electric distribution service territory, mitigating potential overloads.<sup>34</sup>

43. Staff Witness Austin agreed that BGE had demonstrated the need for the Project. He testified that the existing line no longer meets modern engineering standards or clearance requirements between conductors and tower members.<sup>35</sup> He noted that BGE is undertaking this work as necessary to meet its obligation to maintain a safe and reliable electric system for the benefit of BGE customers.

44. I find that the record reflects that the Project is needed to meet existing and future demand for electric service.

## **2. Alternatives Considered**

45. For construction related to a new overhead transmission line, PUA §7-207(f)(1)(ii) requires the Commission to duly consider alternative routes that the applicant considered, including the estimated capital and operating costs of each alternative route and a statement of the reason why the alternative route was rejected. This overhead transmission line replaces the existing line on basically the same route. PUA §7-207(f)(1)(ii) is intended to apply to new transmission lines, not replacements of existing lines. Thus, the Project does not implicate PUA §7-207(f)(1)(ii).

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<sup>34</sup> *Id.* at 5.

<sup>35</sup> Austin Direct at 11.



### **3. Agreements with PJM**

46. PUA §7-207(f)(2)(i) provides that the Commission must require as an ongoing condition of the CPCN that the Applicant comply with all relevant agreements with PJM, or its successors, related to the ongoing operation and maintenance of the overhead transmission line.

47. In accordance with PUA §7-207(f)(2)(i), as an ongoing condition of the CPCN, and pursuant to Staff's recommendation, the Applicant shall comply with all relevant agreements with PJM, or its successors, related to the ongoing operation and maintenance of the overhead transmission line.

### **4. Obligations Imposed by NERC and FERC**

48. PUA §7-207(f)(2)(ii) provides that the Commission must require as an ongoing condition of the CPCN that the Applicant comply with all obligations imposed by the North America Electric Reliability Council (NERC)<sup>36</sup> and the Federal Energy Regulatory Commission (FERC) related to the ongoing operation and maintenance of the overhead transmission line.

49. In accordance with PUA §7-207(f)(2)(ii), as an ongoing condition of the CPCN, the Applicant shall comply with all obligations imposed by the NERC and the FERC related to the ongoing operation and maintenance of the overhead transmission line.

### **5. Construction on Existing Brownfields Site / Easement / Tower Structure**

50. PUA §7-207(f)(3) provides that the Commission must require the Applicant identify whether the subject overhead transmission line is proposed to be constructed on (i) an existing brownfields site; (ii) property that is subject to an existing easement; or (iii) a site where a tower

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<sup>36</sup> PUA §7-207(f)(2)(ii) refers to the entity as North America Electric Reliability Council which is the successor to the North American Electric Reliability Corporation.

structure or components of a tower structure used to support an overhead transmission line exist. This proposed project is a replacement and is being wholly constructed on an existing ROW where an existing overhead line exists; therefore, this provision is not applicable to the Project

## **C. Other Considerations**

### **1. Project Cost**

51. The record reflects that the Project is estimated to cost \$8.7 million, a cost that will be borne by ratepayers. Although the Project will be costly, it is a replacement of critical transmission infrastructure.

### **2. Ecological Impacts**

52. The Applicant made a comprehensive study of the ecology of the site, including streams, wetlands, forests, the green infrastructure network, and RTE species, which it detailed in Section 4.4 of the ERD. The Applicant concluded that the temporary construction impacts will be minimal and that there will be no post-construction impacts. PPRP noted several biological issues that occur at three specific areas of concern located within the ROW.

53. The first area of concern is the Broad Creek area where the ROW crosses Broad Creek just east of Whiteford Road. This is a sensitive wetland area upstream of a Tier II stream segment, which includes habitat suitable for RTE species.<sup>37</sup> No construction is planned for this area, however, PPRP included a recommendation that an enhanced sediment/stormwater plan be required.

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<sup>37</sup> Sadzinski Direct at 10.

54. The second area of concern identified by PPRP is the Whiteford Forest area which surrounds the headwaters of Broad Creek and is classified as potential FIDS habitat by DNR. The BGE ROW cuts into the northeast corner of this area, which allows for the possibility of invasive and non-FIDS to reach the forest edge.<sup>38</sup> Potential impacts could result from fugitive dust from construction, construction runoff during construction, noise and dust during FIDS breeding season, and invasive species.<sup>39</sup> PPRP is recommending Licensing Condition 4 to address sediment and erosion control, Licensing Condition 6 to ensure application of a wire-zone/border zone management regime, and Licensing Condition 10 to manage invasive species.

55. The third area of concern is the Graceton Forest area, which, though not a designated FIDS habitat, is a large forest patch that is split by the BGE ROW. Because the size of this forest area is large enough to provide habitat for reproducing populations of ecologically valuable species and the plants and animals that support them, closing gaps in Maryland's vital habitats, such as forest lands, helps to support and sustain Maryland's native ecosystems and biodiversity.<sup>40</sup> Similarly to the recommended course of action for the Whiteford Forest area, PPRP has recommended Licensing Conditions requiring appropriate vegetation management, including Licensing Condition 6 to minimize the effect of the ROW on forest area.

### **3. Noise**

56. In the ERD, Applicant noted that sound levels measured near the Project site were typical rural setting with local automotive traffic.<sup>41</sup> Applicant acknowledged that some construction activities may have some limited potential to temporarily impact sound levels.<sup>42</sup>

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<sup>38</sup> *Id.* at 11.

<sup>39</sup> *Id.* at 12.

<sup>40</sup> *Id.* at 14.

<sup>41</sup> ERD at 42-48.

57. Licensing Condition 1.j. provides that BGE shall construct and operate the proposed Project in compliance with the Maryland noise regulations and with relevant Harford County noise ordinances.

58. Subject to Licensing Conditions 1.j., the record reflects that construction and operation of the Project will have no significant noise impacts.

#### **4. Electromagnetic Field (EMF)**

59. PPRP noted that, based on other 115 kV transmission lines in Maryland, the electric field strength at the edge of a 100-foot ROW would be expected to be less than 0.2 kV/m. PPRP notes that magnetic field strength values of up to a maximum of 20 mG or 2 $\mu$ T may exist. PPRP recommends that BGE be required to monitor the EMF effects after the Project is in operation, but notes that the projected levels are 20 to 100 times smaller than the health guidelines have recommended to protect human health from any adverse EMF effects.<sup>43</sup>

60. Licensing Condition 19 – Electromagnetic Field (EMF) – provides that within three months of energizing the transmission line, BGE shall submit to PPRP and the Commission the actual EMF values measured at the centerline and edge of the transmission line ROW, while the transmission line is operating under typical loading conditions along with related testing data.

## **VI. Conclusion**

61. I find that, subject to PPRP's and Staff's Licensing Conditions, that the CPCN be contingent upon notification to the Commission when the overhead transmission lines have been placed into service, a grant of a CPCN to construct the Project is in the public interest. The

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<sup>42</sup> *Id.*

<sup>43</sup> PAR at 29.

Applicant's compliance with the Final Licensing Conditions will result in the Project satisfying the federal and State environmental laws and local permitting regulations and ordinances. Accordingly, I hereby grant Baltimore Gas and Electric, Inc. a CPCN, subject to the Final Licensing Conditions attached hereto and incorporated herein, to reconstruct a portion of the existing 115 kV transmission line, by replacing the existing structures along an approximately 1.89 mile stretch between the Five Forks substation in Harford County, Maryland, and the Maryland/Pennsylvania border.

IT IS THEREFORE, this 7th day of December, in the Year Two Thousand Twenty,

ORDERED (1) That the Application of Baltimore Gas and Electric, Inc. is hereby granted;

(2) That a Certificate of Public Convenience and Necessity, subject to the Final Licensing Conditions attached hereto collectively as Attachments A, and B, and incorporated herein, is hereby granted;

(3) That any party wishing to appeal this Proposed Order pursuant to Section 3-113(d)(2) of the Public Utilities Article shall file a notice of appeal and associated memorandum by January 6, 2021, with reply memoranda due by January 26, 2021; and

(4) That if the Commission does not modify or reverse the Proposed Order or initiate further proceedings as provided in Section 3-114(c)(2)(ii) of the Public Utilities Article, this Proposed Order will become a final order of the Commission on January 7, 2021.

/s/ Jennifer J. Grace  
Jennifer J. Grace  
Public Utility Law Judge  
Public Service Commission of Maryland

## Attachments