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OPPOSE – House Bill 0062

HB0062 – Land Use - Public Service Companies - Pollinator-Friendly Vegetation Management

Economic Matters Committee

Thursday, February 9, 2023

Potomac Edison, a subsidiary of FirstEnergy Corp., serves approximately 280,000 customers in all or parts of seven Maryland counties (Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties). FirstEnergy is dedicated to safety, reliability, and operational excellence. Its ten electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, New York, West Virginia, and Maryland.

Unfavorable

Potomac Edison / FirstEnergy **opposes House Bill 0062 – Land Use - Public Service Companies - Pollinator-Friendly Vegetation Management.** HB 0062 would prohibit local jurisdictions from imposing certain limitations and land use restrictions on pollinator-friendly vegetation management activities of public service companies within property, easements, or rights-of-way of public service companies under certain conditions.

Potomac Edison / FirstEnergy employs best management practices as part our Vegetation Management Program. Integrated Vegetation Management (IVM) is used to maintain reliable facilities while managing plant communities using action thresholds and selective vegetation treatment methods. The Integrated Vegetation Management system we use is a deliberate process where we monitor and adapt our practices over time to encourage sustainable compatible vegetation, while at the same time discouraging and preventing the growth of vegetation incompatible to each specific site. This approach promotes an early successional habitat in line with the pollinator-friendly vegetation management encouraged through this legislation, without restricting our use of site-specific best management practices.

Potomac Edison / FirstEnergy requests an Unfavorable report on HB 0062 for the following reasons.

We are concerned regarding the broad nature of the proposed definition of “pollinator-friendly vegetation management” in the original legislation. If broadly interpreted - the definition could include any utility Rights-of-Way that could support pollinators or other wildlife – and that could equate to all utility Rights-of-Ways. This broad interpretation could lead to increased scrutiny of all vegetation management activities in Maryland and create additional controls on all maintenance practices. (We are aware of amendments that may more clearly define these areas but have not been able to fully vet those with our vegetation management professionals.)

The requirements of HB 0062 are overly burdensome to a public utility company. Potomac Edison / FirstEnergy’s main objective is to perform vegetation maintenance to protect the safety and reliability of the electric system, at a reasonable cost to the customer. This legislation imposes a mowing restriction limiting mowing to “once per year and only during February or March” which we believe is needlessly restrictive. While the utility industry endeavors to support pollinator friendly habitats during vegetation management activities, it is not feasible for all mowing activities to take place during just two months of the year. In fact, in Western Maryland, many Rights-of-Ways in areas like Garrett County are still snow-covered throughout March. (Again, we are aware of amendments that will increase the timeframe for mowing,

which is necessary, but are very concerned that mowing may only be allowed “once every two years”, which is more restrictive than the original language.)

Potomac Edison / FirstEnergy operates in a highly regulated industry and is already subject to strict vegetation management practices. The requirements of HB 0062 are unnecessary for public utilities. If this bill were to progress, we recommend striking Section A(6)(II)1. completely. The limit on the occurrences and timing of mowing is too restrictive for operational purposes. If the committee is unwilling to entertain a complete removal of Section A(6)(II)1., we would suggest an amendment “expanding the timeframe to October through March” at a minimum. This expansion would allow more time for the utilities to complete necessary maintenance activities.

For the above reasons, Potomac Edison / FirstEnergy respectfully request an **Unfavorable** report on House Bill 0062.