
By: **Delegates Stern and D. Davis**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 23, 2002

CHAPTER 560

1 AN ACT concerning

2 **Public Service Commission - Standards and Procedures**

3 FOR the purpose of requiring that a certain proposed decision and order shall be
4 issued within a certain time period; providing that a certain proposed order
5 becomes final unless a party to the proceeding notes an appeal with the Public
6 Service Commission within a certain time period; specifying that the time period
7 for appeal designated in the proposed order shall be a certain length; ~~defining~~
8 ~~certain terms; prohibiting telecommunications carriers from knowingly~~
9 ~~impeding the development of competition in any telecommunications service~~
10 ~~market; requiring the Commission to adopt regulations implementing a code of~~
11 ~~conduct for telecommunications carriers; specifying the minimum prohibitions~~
12 ~~that shall be included in the code of conduct; authorizing telecommunications~~
13 ~~carriers to show good cause for failure to comply with the code of conduct~~
14 clarifying the Commission's authority to adopt certain policies and regulations
15 relating to competition in the telecommunications services market; and
16 generally relating to telecommunications carriers and Commission procedures.

17 BY repealing and reenacting, with amendments,
18 Article - Public Utility Companies
19 Section 3-113
20 Annotated Code of Maryland
21 (1998 Volume and 2001 Supplement)

22 BY adding to
23 Article - Public Utility Companies
24 Section 8-501 ~~and 8-502~~ to be under the new subtitle "Subtitle 5.
25 Telecommunications ~~Carrier Code of Conduct~~ Competition Requirements"

1 Annotated Code of Maryland
2 (1998 Volume and 2001 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Public Utility Companies**

6 3-113.

7 (a) A decision and order of the Commission in a contested proceeding shall:

8 (1) be based on consideration of the record;

9 (2) be in writing; [and]

10 (3) state the grounds for the conclusions of the Commission; AND

11 (4) IN THE CASE OF A ~~CONTESTED COMPLAINT~~ PROCEEDING BETWEEN
12 TWO PUBLIC SERVICE COMPANIES, BE ISSUED WITHIN 180 DAYS AFTER THE CLOSE
13 OF THE RECORD.

14 (b) An order of the Commission shall take effect within a reasonable time that
15 the Commission prescribes, and shall continue in force according to the terms of the
16 order unless vacated, suspended, modified, or superseded by further order of the
17 Commission or by a court of competent jurisdiction.

18 (c) (1) A person served with an order of the Commission shall promptly
19 notify the Commission in writing of receipt of service.

20 (2) For notification by a corporation under paragraph (1) of this
21 subsection, a person authorized to accept service for the corporation shall sign the
22 notice.

23 (3) The Commission may require in an order that notice be provided to
24 the Commission:

25 (i) within the time specified in the order;

26 (ii) in the same manner as notice provided in paragraph (1) of this
27 subsection; and

28 (iii) describing if, and to what extent, the order is accepted and will
29 be obeyed.

30 (d) (1) An order of a panel constituted under § 3-104(a) of this subtitle is
31 final.

32 (2) (I) A proposed order of a commissioner or hearing examiner under
33 § 3-104(d) of this subtitle becomes final unless a party to the proceeding notes an

1 appeal with the Commission within [30 days after the order is filed with the
 2 Commission] THE TIME PERIOD FOR APPEAL DESIGNATED IN THE PROPOSED
 3 ORDER.

4 (II) THE TIME PERIOD FOR APPEAL DESIGNATED IN THE PROPOSED
 5 ORDER IS 30 DAYS UNLESS THE ORDER SPECIFIES A SHORTER PERIOD OF AT LEAST 7
 6 DAYS.

7 (3) On appeal, the Commission promptly shall:

8 (i) consider the matter on the record before the commissioner or
 9 hearing examiner;

10 (ii) conduct any further proceedings that it considers necessary
 11 including requiring the filing of briefs and the holding of oral argument; and

12 (iii) issue a final order.

13 SUBTITLE 5. TELECOMMUNICATIONS ~~CARRIER CODE OF CONDUCT~~ COMPETITION
 14 REQUIREMENTS.

15 8-501.

16 (A) THE COMMISSION MAY, AFTER NOTICE AND PUBLIC HEARING, ADOPT
 17 POLICIES AND REGULATIONS GOVERNING THE DEVELOPMENT OF COMPETITION IN
 18 THE TELECOMMUNICATIONS SERVICE MARKET.

19 (B) POLICIES AND REGULATIONS ADOPTED BY THE COMMISSION UNDER THIS
 20 SECTION SHALL BE CONSISTENT WITH FEDERAL LAW, POLICIES, AND REGULATIONS
 21 OF THE FEDERAL COMMUNICATIONS COMMISSION, TITLE 4 OF THIS ARTICLE, AND
 22 ANY OTHER APPLICABLE PROVISIONS OF MARYLAND LAW.

23 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 24 ~~INDICATED.~~

25 (B) ~~"COLLOCATION" MEANS THE PLACEMENT OF EQUIPMENT OF ONE~~
 26 ~~TELECOMMUNICATIONS CARRIER IN THE PHYSICAL FACILITIES OF ANOTHER~~
 27 ~~TELECOMMUNICATIONS CARRIER.~~

28 (C) ~~"TELECOMMUNICATIONS CARRIER" MEANS A PERSON WHO OFFERS A~~
 29 ~~PRODUCT OR SERVICE DIRECTLY OR INDIRECTLY THROUGH THE FACILITIES OF A~~
 30 ~~BASIC LOCAL TELEPHONE EXCHANGE INCLUDING:~~

31 (1) ~~A DIGITAL SUBSCRIBER LINE;~~

32 (2) ~~LONG DISTANCE TELEPHONE SERVICE; AND~~

33 (3) ~~LOCAL BASIC TELEPHONE EXCHANGE SERVICE.~~

1 ~~8-502.~~

2 (A) ~~A TELECOMMUNICATIONS CARRIER MAY NOT KNOWINGLY IMPEDE THE~~
3 ~~DEVELOPMENT OF COMPETITION IN A TELECOMMUNICATIONS SERVICE MARKET.~~

4 (B) ~~THE COMMISSION SHALL ADOPT REGULATIONS IMPLEMENTING A CODE~~
5 ~~OF CONDUCT FOR TELECOMMUNICATIONS CARRIERS. THE REGULATIONS SHALL, AT~~
6 ~~A MINIMUM, PROHIBIT TELECOMMUNICATIONS CARRIERS FROM:~~

7 (1) ~~REFUSING OR DELAYING INTERCONNECTIONS, COLLOCATION,~~
8 ~~ACCESS TO NETWORK ELEMENTS OR ACCESS TO THE NETWORK ELEMENTS~~
9 ~~PLATFORM, OR PROVIDING INFERIOR CONNECTIONS TO ANOTHER~~
10 ~~TELECOMMUNICATIONS CARRIER;~~

11 (2) ~~IMPAIRING THE SPEED, QUALITY, OR EFFICIENCY OF A SERVICE~~
12 ~~USED BY ANOTHER TELECOMMUNICATIONS CARRIER;~~

13 (3) ~~DELAYING ACCESS IN CONNECTING TO THE LOCAL EXCHANGE~~
14 ~~NETWORK ANOTHER TELECOMMUNICATIONS CARRIER WHOSE PRODUCT OR~~
15 ~~SERVICE REQUIRES NOVEL OR SPECIALIZED ACCESS REQUIREMENTS;~~

16 (4) ~~REFUSING OR DELAYING ACCESS BY ANY PERSON TO ANOTHER~~
17 ~~TELECOMMUNICATIONS CARRIER; AND~~

18 (5) ~~FAILING TO OFFER NETWORK ELEMENTS THAT THE COMMISSION,~~
19 ~~OR THE FEDERAL COMMUNICATIONS COMMISSION, HAS DETERMINED MUST BE~~
20 ~~OFFERED ON AN UNBUNDLED BASIS TO ANOTHER TELECOMMUNICATIONS CARRIER~~
21 ~~IN A MANNER CONSISTENT WITH AN ORDER OR RULE OF THE COMMISSION, OR OF~~
22 ~~THE FEDERAL COMMUNICATIONS COMMISSION, THAT REQUIRES THE OFFERING.~~

23 (C) ~~IN THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS~~
24 ~~SECTION, THE COMMISSION MAY ADOPT ADDITIONAL PROHIBITIONS AGAINST~~
25 ~~ACTIONS THAT IMPEDE TELECOMMUNICATIONS COMPETITION.~~

26 (D) ~~A TELECOMMUNICATIONS CARRIER MAY BE REQUIRED TO SHOW GOOD~~
27 ~~CAUSE FOR FAILING TO COMPLY WITH THE CODE OF CONDUCT UNDER SUBSECTION~~
28 ~~(B) OF THIS SECTION.~~

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.

