

HOUSE BILL 825

C5

3lr2012

By: **Delegates Carr, Barkley, Braveboy, Carter, Frick, Gutierrez, Guzzone, Haddaway–Riccio, Hucker, McHale, W. Miller, Morhaim, Schuh, Sophocleus, and Zucker**

Introduced and read first time: February 6, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Hearings and Proceedings – Video and Audio**
3 **Recordings**

4 FOR the purpose of requiring the Public Service Commission to make available on its
5 Web site video and audio streaming of certain hearings and proceedings;
6 requiring the Commission to maintain certain video and audio recordings on its
7 Web site for at least a certain number of years; and generally relating to
8 hearings and proceedings before the Public Service Commission.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 3–104
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2012 Supplement)

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

16 **Article – Public Utilities**

17 3–104.

18 (a) (1) The Commission shall institute and conduct proceedings
19 reasonably necessary and proper to the exercise of its powers or the performance of its
20 duties.

21 (2) The Commission shall conduct its proceedings en banc or in panels
22 of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) at least three commissioners; or

2 (ii) one hearing examiner and at least two commissioners.

3 (3) A quorum consists of a majority of the Commission or a majority of
4 a panel.

5 (b) (1) The Commission, a commissioner, or a hearing examiner may
6 conduct hearings, examine witnesses, administer oaths, and perform any other acts
7 necessary to the conduct of proceedings.

8 (2) The Executive Secretary of the Commission may administer oaths.

9 (3) Each record of a proceeding of the Commission is a public record.

10 (c) To the extent necessary to receive public comment for each application for
11 a rate increase, the Commission shall hold a hearing at a convenient location and time
12 during evening hours in the service area affected.

13 (d) (1) The Commission may delegate to a commissioner or to a hearing
14 examiner the authority to conduct a proceeding that is within the Commission's
15 jurisdiction.

16 (2) In a delegated proceeding, the commissioner or hearing examiner
17 shall:

18 (i) conduct the hearing and any other proceeding that the
19 commissioner or hearing examiner considers necessary; and

20 (ii) file with the Commission, and simultaneously serve on all
21 parties, a proposed order and findings of fact.

22 (3) The proposed order shall become final unless appealed as provided
23 in § 3-113(d) of this subtitle.

24 (e) (1) This subsection applies unless, after considering any staff
25 recommendation as to the extent of staff participation, the Commission determines
26 that the public interest would not be served by staff participation.

27 (2) In each matter before the Commission, the staff of the Commission
28 shall:

29 (i) analyze the data submitted to the Commission;

30 (ii) prepare a staff position based on that analysis; and

1 (iii) make an evidentiary presentation setting forth the staff's
2 analysis of the issues and its recommendations.

3 (3) In making analyses and recommendations, the staff is:

4 (i) governed by the criteria in § 2–113 of this article; and

5 (ii) a party and has the rights of a party to the proceeding,
6 including the rights specified in § 3–107 of this subtitle.

7 (4) The staff shall present direct and redirect cases of its own,
8 cross-examine, submit briefs, and engage in oral argument as the staff considers
9 necessary to ensure that the Commission has a complete record on all relevant issues
10 in a particular case.

11 **(F) THE COMMISSION SHALL MAKE AVAILABLE ON ITS WEB SITE LIVE**
12 **VIDEO AND AUDIO STREAMING OF ANY HEARING OR PROCEEDING BEFORE THE**
13 **COMMISSION THAT:**

14 **(1) IS OPEN TO THE PUBLIC; AND**

15 **(2) TAKES PLACE AT A LOCATION NORMALLY USED BY THE**
16 **COMMISSION FOR PUBLIC HEARINGS OR PROCEEDINGS.**

17 **(G) THE COMMISSION SHALL MAINTAIN ARCHIVED VIDEO AND AUDIO**
18 **RECORDINGS OF A HEARING OR PROCEEDING ON ITS WEB SITE FOR AT LEAST 2**
19 **YEARS AFTER THE DATE OF THE HEARING OR PROCEEDING.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2013.