

HOUSE BILL 35

C5
SB 173/05 – FIN

(PRE-FILED)

5r0434
CF SB 11

By: **Delegate Barkley**
Requested: October 2, 2014
Introduced and read first time: January 14, 2015
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Hearing Examiners – Change of Job Title**

3 FOR the purpose of changing the job title of “hearing examiners” of the Public Service
4 Commission to “public utility law judges”; making conforming changes; and
5 generally relating to the Public Service Commission.

6 BY repealing and reenacting, with amendments,

7 Article – Public Utilities

8 Section 2–105(c)(1), 2–108(d)(5) and (8)(ii)6. and (e)(5), 2–303(a), 2–306(b), 2–307(a),
9 2–308(a), 3–104(a), (b), and (d), 3–108, and 3–113(d)

10 Annotated Code of Maryland

11 (2010 Replacement Volume and 2014 Supplement)

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

14 **Article – Public Utilities**

15 2–105.

16 (c) The Executive Director shall:

17 (1) direct and coordinate the technical staff, except [hearing examiners]
18 **PUBLIC UTILITY LAW JUDGES**, of the Commission; and

19 2–108.

20 (d) (5) (i) As required, the Commission shall hire [hearing examiners]
21 **PUBLIC UTILITY LAW JUDGES**.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) [Hearing examiners] **PUBLIC UTILITY LAW JUDGES** are a
2 separate organizational unit and shall report directly to the Commission.

3 (8) (ii) The following are in the executive service, management service,
4 or are special appointments in the State Personnel Management System:

5 6. the chief [hearing examiner] **PUBLIC UTILITY LAW**
6 **JUDGE**; and

7 (e) The compensation of the following personnel shall be determined by the
8 Commission and, if possible, in accordance with the State pay plan:

9 (5) the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;
10 2–303.

11 (a) This section applies to each individual subject to § 2–302 of this subtitle and
12 to:

13 (1) each spouse, dependent child, parent, brother, or sister of each
14 commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH**
15 **PUBLIC UTILITY LAW JUDGE**; and

16 (2) each spouse or dependent child of each other officer or employee of the
17 Commission or Office of People’s Counsel.

18 2–306.

19 (b) Until at least 1 year has passed after leaving service with the Commission as
20 the General Counsel or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE**, an individual
21 may not:

22 (1) represent a public service company before the Commission;

23 (2) appear before the Commission on behalf of a party to a Commission
24 proceeding; or

25 (3) appear before the Commission on a matter within the jurisdiction of the
26 Commission.

27 2–307.

28 (a) This section applies to each individual subject to § 2–302 of this subtitle and
29 to:

1 (1) each spouse, dependent child, parent, brother, or sister of each
2 commissioner, the People's Counsel, the General Counsel, and [a hearing examiner] **EACH**
3 **PUBLIC UTILITY LAW JUDGE**; and

4 (2) each spouse or dependent child of each other officer or employee of the
5 Commission or Office of People's Counsel.

6 2–308.

7 (a) This section applies to each individual subject to § 2–302 of this subtitle and
8 to:

9 (1) each spouse, dependent child, parent, brother, or sister of each
10 commissioner, the People's Counsel, the General Counsel, and [a hearing examiner] **EACH**
11 **PUBLIC UTILITY LAW JUDGE**; and

12 (2) each spouse or dependent child of each other officer or employee of the
13 Commission or Office of People's Counsel.

14 3–104.

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

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

18 (i) at least three commissioners; or

19 (ii) one [hearing examiner] **PUBLIC UTILITY LAW JUDGE** and at
20 least two commissioners.

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

23 (b) (1) The Commission, a commissioner, or a [hearing examiner] **PUBLIC**
24 **UTILITY LAW JUDGE** may conduct hearings, examine witnesses, administer oaths, and
25 perform any other acts necessary to the conduct of proceedings.

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

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

28 (d) (1) The Commission may delegate to a commissioner or to a [hearing
29 examiner] **PUBLIC UTILITY LAW JUDGE** the authority to conduct a proceeding that is
30 within the Commission's jurisdiction.

1 (2) In a delegated proceeding, the commissioner or [hearing examiner]
2 **PUBLIC UTILITY LAW JUDGE** shall:

3 (i) conduct the hearing and any other proceeding that the
4 commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** considers necessary;
5 and

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

8 (3) The proposed order shall become final unless appealed as provided in §
9 3–113(d) of this subtitle.

10 3–108.

11 Unless notice is provided to each other party in a case before the Commission, a party
12 or person acting on behalf of a party may not contact ex parte a commissioner or a [hearing
13 examiner] **PUBLIC UTILITY LAW JUDGE** regarding the merits of the case.

14 3–113.

15 (d) (1) An order of a panel constituted under § 3–104(a) of this subtitle is final.

16 (2) (i) A proposed order of a commissioner or [hearing examiner]
17 **PUBLIC UTILITY LAW JUDGE** under § 3–104(d) of this subtitle becomes final unless a party
18 to the proceeding notes an appeal with the Commission within the time period for appeal
19 designated in the proposed order.

20 (ii) The time period for appeal designated in the proposed order is 30
21 days unless the order specifies a shorter period of at least 7 days.

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

23 (i) consider the matter on the record before the commissioner or
24 [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

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

27 (iii) issue a final order.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2015.