

SENATE BILL 632

C5

6lr1153

By: **Senator Hershey**

Introduced and read first time: February 5, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Underground Conduit System – Rate Modification Imposed by Local**
3 **Jurisdiction – Notice, Hearing, and Appeal**

4 FOR the purpose of requiring a local jurisdiction to publish notice in a certain manner of a
5 certain proposed rate modification for the use of its underground conduit system;
6 requiring the local jurisdiction to hold a public hearing on the proposed rate
7 modification; authorizing a certain person to appeal to the Public Service
8 Commission the reasonableness of the local jurisdiction's rate modification;
9 requiring the Commission to determine, on appeal, the reasonableness of the local
10 jurisdiction's rate modification; requiring that an appeal under this Act be taken by
11 filing a written complaint within a certain period; defining a certain term; and
12 generally relating to underground conduit systems.

13 BY adding to

14 Article – Public Utilities

15 Section 5–107

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2015 Supplement)

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

20 **Article – Public Utilities**

21 **5–107.**

22 **(A) IN THIS SECTION, “UNDERGROUND CONDUIT SYSTEM” MEANS A SERIES**
23 **OF UNDERGROUND DUCTS OR PIPES THAT CONTAIN PUBLIC UTILITY CABLES SUCH**
24 **AS ELECTRIC CABLES, FIBER OPTIC CABLES, OR TELEPHONE CABLES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) IF A LOCAL JURISDICTION DETERMINES THAT IT IS NECESSARY OR**
2 **ADVISABLE TO MODIFY AN EXISTING RATE OR CHARGE FOR THE USE OF ITS**
3 **UNDERGROUND CONDUIT SYSTEM, THE LOCAL JURISDICTION SHALL:**

4 **(1) PUBLISH NOTICE OF THE PROPOSED MODIFICATION IN AT LEAST**
5 **ONE NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL JURISDICTION; AND**

6 **(2) HOLD A PUBLIC HEARING ON THE NECESSITY OR ADVISABILITY OF**
7 **THE PROPOSED MODIFICATION.**

8 **(C) (1) (I) A PERSON MAY APPEAL TO THE COMMISSION THE**
9 **REASONABLENESS OF A MODIFICATION OF A RATE OR CHARGE IMPOSED BY A LOCAL**
10 **JURISDICTION FOR THE USE OF ITS UNDERGROUND CONDUIT SYSTEM IF THE**
11 **PERSON HAS A FINANCIAL INTEREST IN THE APPEAL.**

12 **(II) UNDER REGULATIONS OF THE COMMISSION, ON APPEAL**
13 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL**
14 **DETERMINE THE REASONABLENESS OF THE LOCAL JURISDICTION'S MODIFICATION**
15 **OF THE RATE OR CHARGE FOR THE USE OF ITS UNDERGROUND CONDUIT SYSTEM.**

16 **(2) AN APPEAL UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**
17 **BE MADE BY FILING A WRITTEN COMPLAINT WITHIN 30 DAYS AFTER THE DATE WHEN**
18 **THE LOCAL JURISDICTION MODIFIES THE RATE OR CHARGE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2016.