

# HOUSE BILL 1568

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By: **Delegates Hill, Ebersole, and Lam**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Companies – Facility Equipment – Removal**

3 FOR the purpose of requiring certain public service companies to remove certain facility  
4 equipment within a certain period of time; requiring the Public Service Commission  
5 to take certain corrective action after a certain consideration; authorizing the  
6 Commission to impose a certain civil penalty in addition to certain other penalties;  
7 requiring the Commission to determine the amount of any civil penalty after  
8 consideration of certain factors; requiring a certain civil penalty to be paid into the  
9 General Fund; prohibiting certain public service companies from recovering the cost  
10 of a certain civil penalty from ratepayers; defining a certain term; and generally  
11 relating to the removal of facility equipment by a public service company.

12 BY repealing and reenacting, without amendments,  
13 Article – Public Utilities  
14 Section 1–101(x)  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2017 Supplement)

17 BY adding to  
18 Article – Public Utilities  
19 Section 5–305  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2017 Supplement)

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

24 **Article – Public Utilities**

25 1–101.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (x) (1) "Public service company" means a common carrier company, electric  
2 company, gas company, sewage disposal company, telegraph company, telephone company,  
3 water company, or any combination of public service companies.

4 (2) "Public service company" does not include:

5 (i) a campground that provides water, electric, gas, sewage, or  
6 telephone service to campers incident to the campground's primary business of operating  
7 and maintaining the campground; or

8 (ii) a person that owns or operates equipment used for charging  
9 electric vehicles, including a person that owns or operates:

10 1. an electric vehicle charging station;

11 2. electric vehicle supply equipment; or

12 3. an electric vehicle charging station service company or  
13 provider.

14 **5-305.**

15 (A) IN THIS SECTION, "FACILITY EQUIPMENT" MEANS:

16 (1) A PAD-MOUNTED TRANSFORMER;

17 (2) A FREE-STANDING OR PAD-MOUNTED JUNCTION BOX; OR

18 (3) ANY ANCILLARY EQUIPMENT ATTACHED TO A PAD-MOUNTED  
19 TRANSFORMER OR JUNCTION BOX.

20 (B) THIS SECTION APPLIES TO A PUBLIC SERVICE COMPANY THAT IS:

21 (1) REPLACING FACILITY EQUIPMENT OWNED BY THE PUBLIC  
22 SERVICE COMPANY; OR

23 (2) INTENDING TO DISCONTINUE PERMANENTLY THE USE OF ANY  
24 FACILITY EQUIPMENT OWNED BY THE PUBLIC SERVICE COMPANY.

25 (C) ON AND AFTER OCTOBER 1, 2018, IF A PUBLIC SERVICE COMPANY  
26 REPLACES EXISTING FACILITY EQUIPMENT OR PERMANENTLY DISCONTINUES THE  
27 USE OF FACILITY EQUIPMENT, THE PUBLIC SERVICE COMPANY SHALL REMOVE THE  
28 FACILITY EQUIPMENT WITHIN 60 DAYS AFTER:

29 (1) THE FACILITY EQUIPMENT HAS BEEN REPLACED; OR

1           **(2) THE USE OF THE FACILITY EQUIPMENT HAS BEEN PERMANENTLY**  
2 **DISCONTINUED.**

3           **(D) (1) AFTER CONSIDERATION OF ANY IMPEDIMENTS TO COMPLIANCE**  
4 **WITH THIS SECTION, THE COMMISSION SHALL TAKE APPROPRIATE ACTION AGAINST**  
5 **A PUBLIC SERVICE COMPANY THAT FAILS TO COMPLY WITH THIS SECTION,**  
6 **INCLUDING THE IMPOSITION OF APPROPRIATE CIVIL PENALTIES FOR**  
7 **NONCOMPLIANCE UNDER THIS SUBSECTION.**

8           **(2) (I) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT**  
9 **EXCEEDING \$250 FOR EACH VIOLATION AGAINST A PUBLIC SERVICE COMPANY THAT**  
10 **FAILS TO COMPLY WITH THIS SECTION.**

11           **(II) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY**  
12 **OTHER PENALTY AUTHORIZED BY THIS DIVISION.**

13           **(III) EACH VIOLATION IS A SEPARATE OFFENSE.**

14           **(IV) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS**  
15 **A SEPARATE VIOLATION.**

16           **(3) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL**  
17 **PENALTY AFTER CONSIDERING:**

18           **(I) THE NUMBER OF PREVIOUS VIOLATIONS OF THIS SECTION;**

19           **(II) THE GRAVITY OF THE CURRENT VIOLATION;**

20           **(III) THE GOOD FAITH EFFORTS OF THE PUBLIC SERVICE**  
21 **COMPANY IN ATTEMPTING TO ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE**  
22 **VIOLATION; AND**

23           **(IV) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS**  
24 **APPROPRIATE AND RELEVANT.**

25           **(4) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE**  
26 **PAID INTO THE GENERAL FUND OF THE STATE.**

27           **(5) A PUBLIC SERVICE COMPANY MAY NOT RECOVER THE COST OF**  
28 **ANY CIVIL PENALTY PAID UNDER THIS SECTION FROM RATEPAYERS.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2018.