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**By: Senator Collins**

Introduced and read first time: February 12, 1996

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Companies - Cost Allocation Manual - Periodic Revision**

3 FOR the purpose of requiring an independent review of the cost allocation manual of a  
4 public service company any time the company files for a change in its rates to  
5 determine if the cost allocation manual is still accurate or needs revision; and  
6 generally relating to a review of the cost allocation manual of public service  
7 companies under certain circumstances.

8 BY repealing and reenacting, with amendments,  
9 Article 78 - Public Service Commission Law  
10 Section 27  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume)

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

15 **Article 78 - Public Service Commission Law**

16 27.

17 (a) No public service company shall in its utility operations:

18 (1) Sell or render service or furnish any commodity until its schedules of  
19 rates therefor have been duly filed and published in accordance with § 28(a) of this  
20 article;

21 (2) Demand or collect a greater or less compensation for any service or  
22 commodity than specified therefor in its schedules as in force at the time;

23 (3) Demand or collect any charge which for any reason violates any of the  
24 provisions of this article; or

25 (4) Assist, suffer or permit any of the things prohibited by this section to be  
26 done by any means or device, including but not limited to false billing, false classification,  
27 false weighing, or false report of weight.

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1 (b) No person shall accomplish or seek to accomplish any of the things prohibited  
2 by subsection (a)(4) of this section, whether with or without the connivance or consent of  
3 the public service company or any of its personnel.

4 (c) (1) Unless the Commission otherwise orders, no public service company  
5 shall establish any new rate or make any change in any rate except after thirty days'  
6 notice, to the Commission, and publication, in accordance with § 28(a) of this article,  
7 during all of said period by means of new schedules or plainly indicated amendments  
8 upon the schedules in force and posted, which shall plainly set forth the changes proposed  
9 to be made in the schedules then in force and the time when the change in rate is to go  
10 into effect.

11 (2) WHEN IT FILES A REQUEST FOR A CHANGE IN RATES UNDER THIS  
12 ARTICLE, A PUBLIC SERVICE COMPANY ALSO SHALL FILE A STATEMENT THAT IS  
13 PREPARED BY AN INDEPENDENT ENTITY APPROVED BY THE COMMISSION WHICH  
14 EITHER:

15 (I) CERTIFIES TO THE CONTINUING ACCURACY OF THE  
16 COMPANY'S COST ALLOCATION MANUAL; OR

17 (II) IDENTIFIES ADJUSTMENTS THAT SHOULD BE MADE TO THE  
18 MANUAL.

19 (d) (1) It shall be the duty of every common and contract carrier of flammables  
20 by motor vehicle to provide safe and adequate service, equipment, and facilities for the  
21 transportation of flammables within the State of Maryland; to establish, observe, and  
22 enforce just and reasonable rates, charges, and classification, and just and reasonable  
23 regulations and practices relating thereto and to the manner and method of presenting,  
24 and delivering flammables for transportation, the facilities for transportation, and all  
25 other matters relating to or connected with the transportation of flammables within the  
26 State of Maryland.

27 (2) All charges made for any services rendered or to be rendered by any  
28 carrier of flammables by motor vehicle, within the State of Maryland or in connection  
29 therewith shall be just and reasonable, and every unjust and unreasonable charge for such  
30 service or any part thereof is prohibited and declared to be unlawful. It shall be unlawful  
31 for any common carrier to make, give, or cause any undue or unreasonable preference or  
32 advantage to any particular person, locality, region, or district, in any respect whatsoever;  
33 or to subject any particular person, locality, region, or district, to any unjust  
34 discrimination or any undue or unreasonable prejudice or disadvantage in any respect  
35 whatsoever. It shall be unlawful for any contract carrier by motor vehicle of flammables  
36 within the State of Maryland to demand, charge or collect greater or less compensation  
37 for such transportation than the charges filed in accordance with § 31(d) of this article or  
38 subsection (a) of this section. Provided, however, that this subsection shall not be  
39 construed to apply to discriminations, prejudice, or disadvantage to the traffic of any  
40 other carrier of whatever description.

41 (3) Nothing in this section shall be held to extinguish any remedy or right of  
42 action not inconsistent herewith.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1996.