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By: **Chairman, Environmental Matters Committee (Departmental - Public Service Commission)**

Introduced and read first time: January 28, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Public Utility Law Judges**

3 FOR the purpose of altering the title of the hearing examiners of the Public Service  
4 Commission to be public utility law judges.

5 BY repealing and reenacting, with amendments,  
6 Article - Public Utility Companies  
7 Section 2-105(c), 2-108(d)(5), 2-303(a), 2-306(b), 2-307(a), 2-308(a), 3-104(a),  
8 (b), and (d), 3-108, and 3-110(a)  
9 Annotated Code of Maryland  
10 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
11 1998)

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

14 **Article - Public Utility Companies**

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) perform the other duties that the Commission prescribes.

20 2-108.

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

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

1 2-303.

2 (a) This section applies to each individual subject to § 2-302 of this subtitle  
3 and to:

4 (1) each spouse, dependent child, parent, brother, or sister of each  
5 Commissioner, the People's Counsel, the General Counsel, and a [hearing examiner]  
6 PUBLIC UTILITY LAW JUDGE; and

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

9 2-306.

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

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

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

16 (3) appear before the Commission on a matter within the jurisdiction of  
17 the Commission.

18 2-307.

19 (a) This section applies to each individual subject to § 2-302 of this subtitle  
20 and to:

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

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

26 2-308.

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

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

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

1 3-104.

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

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

5 (i) at least three commissioners; or

6 (ii) one [hearing examiner] PUBLIC UTILITY LAW JUDGE and at  
7 least two commissioners.

8 (3) a quorum consists of a majority of the Commission or a majority of a  
9 panel.

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

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

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

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

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

20 (i) conduct the hearing and any other proceeding that the  
21 commissioner or [hearing examiner] PUBLIC UTILITY LAW JUDGE considers  
22 necessary; and

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

25 (3) the proposed order shall become final unless appealed as provided in  
26 § 3-113(d) of this subtitle.

27 3-108.

28 Unless notice is provided to each other party in a case before the Commission, a  
29 party or person acting on behalf of a party may not contact ex parte a commissioner or  
30 a [hearing examiner] PUBLIC UTILITY LAW JUDGE regarding the merits of the case.  
31 3-110.

32 (a) A person shall:

1           (1)       attend a proceeding before the Commission, if ordered by the  
2 Commission, a Commissioner, or the Executive Secretary of the Commission; and

3           (2)       give any relevant testimony or produce any relevant evidence, if  
4 ordered by the Commission, a commissioner, or an authorized [hearing examiner]  
5 PUBLIC UTILITY LAW JUDGE.

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 1998.