

HOUSE BILL 126

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C5

1999 Regular Session  
(91r0754)

*ENROLLED BILL*  
*-- Environmental Matters/Finance --*

Introduced by **Delegates Guns, Arnick, and Taylor**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Steam Heating Companies**

3 FOR the purpose of eliminating the jurisdiction of the Public Service Commission  
4 over steam heating companies; providing that a steam heating company is an  
5 "owner" for purposes of certain underground utility provisions; requiring a  
6 steam heating company to abide by a certain rate structure for a certain period;  
7 requiring a steam heating company to maintain service to certain customers for  
8 a certain period; requiring certain notice to certain persons; authorizing certain  
9 customers to file a complaint with the Office of the Attorney General, Division of  
10 Consumer Protection, for certain violations; requiring the Division to investigate  
11 certain allegations and proceed in accordance with certain provisions of law;  
12 providing that a violation of certain provisions of this Act shall be considered a  
13 violation under certain other provisions of law; and generally relating to steam  
14 heating companies.

15 BY repealing and reenacting, with amendments,  
16 Article - Public Utility Companies

1 Section 1-101(p), 4-401, 4-402(a) and (b), 6-202(b), and 12-101(f)  
2 Annotated Code of Maryland  
3 (1998 Volume)

4 BY repealing

5 Article - Public Utility Companies  
6 Section 1-101(w)  
7 Annotated Code of Maryland  
8 (1998 Volume)

9 BY renumbering

10 Article - Public Utility Companies  
11 Section 1-101(x) through (gg), respectively  
12 to be Section 1-101(w) through (ff), respectively  
13 Annotated Code of Maryland  
14 (1998 Volume)

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

17 **Article - Public Utility Companies**

18 1-101.

19 (p) "Public service company" means a common carrier company, electric  
20 company, gas company, sewage disposal company, [steam heating company,]  
21 telegraph company, telephone company, water company, or any combination of public  
22 service companies.

23 [(w) "Steam heating company" means a public service company that  
24 manufactures, sells, or distributes steam for use, sale, or distribution.]

25 4-401.

26 As it considers necessary, and in accordance with the requirements of §§ 4-402  
27 and 4-403 of this subtitle, the Commission may allow a gas company[, ] OR electric  
28 company[, or steam heating company] to establish a sliding scale to adjust costs of its  
29 fuel, purchased power, or purchased gas.

30 4-402.

31 (a) (1) This section applies to:

32 (i) the electric fuel rate adjustment clause of each electric company  
33 that is not subject to § 4-403 of this subtitle;

34 (ii) [the fuel rate adjustment clause of a steam heating company;

1 (iii)] purchased power adjustment clauses; and

2 [(iv)] (III) purchased gas adjustment clauses.

3 (2) This section does not apply to a small rural electric cooperative.

4 (b) A [steam heating company,] gas company[,] or electric company that  
5 directly passes on to its customers changes in fuel costs, costs of purchased power, or  
6 costs of purchased gas shall verify and justify the adjusted costs to the Commission  
7 each month.

8 6-202.

9 (b) Two public service companies are of the same class, if they are both:

10 (1) common carrier companies;

11 (2) electric companies;

12 (3) gas companies;

13 (4) gas and electric companies;

14 (5) sewage disposal companies;

15 (6) [steam heating companies;

16 (7)] telegraph companies;

17 [(8)] (7) telephone companies; or

18 [(9)] (8) water companies.

19 12-101.

20 (f) (1) "Owner" means a person that:

21 (i) owns or operates an underground facility; and

22 (ii) has the right to bury an underground facility.

23 (2) "Owner" includes:

24 (i) a public utility;

25 (ii) a telecommunications corporation;

26 (iii) a cable television corporation;

27 (iv) a political subdivision;

28 (v) a municipal corporation;

1 (VI) A STEAM HEATING COMPANY; and

2 [(vi)] (VII) an authority.

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101(x)  
4 through (gg), respectively, of Article - Public Utility Companies of the Annotated Code  
5 of Maryland be renumbered to be Section(s) 1-101(w) through (ff), respectively.

6 SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding the  
7 provisions of Section 1 of this Act:

8 (1) until October 1, 2002, a steam heating company that was subject to  
9 regulation by the Public Service Commission as of September 30, 1999 shall:

10 (i) be bound by any rate structure that was in effect for the  
11 company on September 30, 1999, unless a change in the rate structure would decrease  
12 rates; and

13 (ii) maintain service to its customers, unless:

14 A. the customer chooses not to be served; or

15 B. the customer fails to comply with the terms of the service  
16 agreement in place on September 30, 1999-;

17 (2) on or before December 1, 1999, a steam heating company that ceases  
18 to be a regulated public service company under this Act shall notify its customers of  
19 the provisions and effect of this Act, and of the continuing effect of subsection (1) of  
20 this section; and

21 (3) a customer who is subjected to a violation of subsection (1) of this  
22 section may file a written complaint with the Office of the Attorney General, Division  
23 of Consumer Protection. After the filing of a complaint, the Division shall investigate  
24 the allegations to ascertain the issues and facts, and proceed in accordance with §§  
25 13-401 through 13-409 of the Commercial Law Article. For the purpose of enforcing  
26 subsection (1) of this section, a violation of subsection (1) of this section shall be  
27 considered a violation under Title 13 of the Commercial Law Article.

28 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 1999.