

SENATE BILL 560

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1999 Regular Session
9r2090

By: **Senator Hogan**

Introduced and read first time: February 5, 1999

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Utility Services**

3 FOR the purpose of exempting certain persons that enter into certain agreements
4 regarding certain utility services with public institutions of higher education
5 from being considered public service companies subject to the jurisdiction of the
6 Public Service Commission under certain circumstances.

7 BY adding to
8 Article - Education
9 Section 15-109
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Public Utility Companies
14 Section 1-101(p) and 2-112
15 Annotated Code of Maryland
16 (1998 Volume)

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

19 **Article - Education**

20 15-109.

21 (A) THIS SECTION APPLIES ONLY TO A PUBLIC INSTITUTION OF HIGHER
22 EDUCATION THAT OWNS, MANAGES, OR MAINTAINS A STEAM SYSTEM OR AN
23 ELECTRIC SYSTEM FOR THE PURPOSE OF PROVIDING SERVICES EXCLUSIVELY FOR
24 THE BENEFIT OF THE INSTITUTION.

25 (B) A PERSON THAT ENTERS INTO AN AGREEMENT OR LEASE WITH A PUBLIC
26 INSTITUTION OF HIGHER EDUCATION TO FACILITATE OR UNDERTAKE THE
27 FINANCING, WHOLE OR PARTIAL OWNERSHIP, OPERATION, GENERATION,
28 CONSTRUCTION, DISTRIBUTION, OR MAINTENANCE OF AN ON-SITE STEAM OR

1 ELECTRIC GENERATION, PRODUCTION, OR DISTRIBUTION SYSTEM FOR THE
2 INSTITUTION MAY NOT BE CONSIDERED A PUBLIC SERVICE COMPANY, AS DEFINED
3 IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE, SUBJECT TO THE
4 JURISDICTION OF THE PUBLIC SERVICE COMMISSION AS A RESULT OF THE
5 FINANCING, LEASING, OWNERSHIP, OPERATION, CONTROL, MANAGEMENT,
6 CONSTRUCTION, DISTRIBUTION, OR MAINTENANCE OF THE STEAM OR ELECTRIC
7 SYSTEM.

8

Article - Public Utility Companies

9 1-101.

10 (p) "Public service company" means a common carrier company, electric
11 company, gas company, sewage disposal company, steam heating company, telegraph
12 company, telephone company, water company, or any combination of public service
13 companies.

14 2-112.

15 (a) To the full extent that the Constitution and laws of the United States
16 allow, the Commission has jurisdiction over each public service company that engages
17 in or operates a utility business in the State and over motor carrier companies as
18 provided in Title 9 of this article.

19 (b) (1) The Commission has the powers specifically conferred by law.

20 (2) The Commission has the implied and incidental powers needed or
21 proper to carry out its functions under this article.

22 (c) The powers of the Commission shall be construed liberally.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 1999.