

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 135

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Office of the People’s Counsel Fund” and substitute “Public Utility Regulation Fund and Filing Fees”; strike beginning with second “the” in line 3 down through “Fund” in line 20 and substitute “a Public Utility Regulation Fund; providing for the purpose and administration of the Fund; specifying the sources of the Fund; requiring the Public Service Commission to pay certain moneys to the General Fund of the State; providing that the Fund is a special, nonlapsing fund; requiring the Commission to pay certain moneys collected from certain assessments into the Fund; specifying that the estimate used to determine the assessment shall include certain expenses and costs of the Office of People's Counsel; providing that the Commission may charge reasonable and nondiscriminatory fees for the filing of certain documents with the Commission; providing for the consideration of certain expenses in determining the amount of a certain fee; requiring the Commission to waive certain fees for units of State government; allowing the Commission to waive certain fees if the waiver is in the public interest; specifying that a document for which a filing fee is required is not considered filed until the fee has been paid; and generally relating to the Public Utility Regulation Fund and Commission filing fees”.

On page 2, in line 2, after “2-110.1” insert “and 2-123”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“(3) THE COMMISSION SHALL PAY THE MONEY THAT IT COLLECTS FOR THE ASSESSMENT UNDER THIS SECTION INTO THE PUBLIC UTILITY REGULATION FUND IN THE STATE TREASURY ESTABLISHED UNDER § 2-110.1 OF THIS SUBTITLE TO REIMBURSE THE STATE FOR THE EXPENSES OF THE COMMISSION AND THE OFFICE OF PEOPLE’S COUNSEL.”;

(Over)

in line 24, strike "AND THE PEOPLE'S COUNSEL"; in the same line, after "the" insert "COMMISSION'S"; in line 25, strike "OF THE COMMISSION AND THE OFFICE OF THE PEOPLE'S COUNSEL"; strike beginning with "THE" in line 27 down through "OFFICE" in line 29 and substitute "ITS OFFICERS, AGENTS, AND PERSONNEL"; in line 32, strike "AND THE PEOPLE'S COUNSEL"; in line 33, after "expenses" insert "OF THE COMMISSION"; in line 34, after "costs" insert "OF THE COMMISSION"; and strike beginning with "costs" in line 35 down through "subtitle" in line 36 and substitute "EXPENSES ASSOCIATED WITH SERVICES PERFORMED BY THE COMMISSION FOR WHICH THE COMMISSION IS REIMBURSED UNDER THIS ARTICLE.

(III) THE ESTIMATE SHALL INCLUDE, AS PROVIDED BY THE OFFICE OF PEOPLE'S COUNSEL:

1. THE COMPENSATION AND EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL, ITS OFFICERS, AGENTS, AND PERSONNEL;

2. THE COST OF RETIREMENT CONTRIBUTIONS, SOCIAL SECURITY, HEALTH INSURANCE, AND OTHER BENEFITS REQUIRED TO BE PAID BY THE STATE FOR THE PERSONNEL OF THE OFFICE OF PEOPLE'S COUNSEL;

3. ALL OTHER MAINTENANCE AND OPERATION EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL; AND

4. ALL OTHER DIRECT AND INDIRECT COSTS OF THE OFFICE OF PEOPLE'S COUNSEL".

On page 3, in line 7, after "THE" insert "OFFICE OF"; in lines 16 and 17, in each instance, strike the brackets; strike beginning with ";" in line 18 down through "SUBTITLE" in line 21; in line 25, after "Commission" insert "AND THE ESTIMATE OF COSTS AND EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL, AS CHANGED BY THE PEOPLE'S COUNSEL"; in line 31, after "Commission" insert ", AND THE ACTUAL COSTS AND EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL, AS PROVIDED BY THE PEOPLE'S COUNSEL"; in line 33, strike "§ 2-111(a)" and substitute "§§ 2-111(A) AND 2-123".

On page 4, in line 3, strike “At the option of the public service company, an” and substitute “AN”; and in line 4, strike “refunded or”.

AMENDMENT NO. 3

On pages 4 and 5, strike beginning with “IN” in line 22 on page 4 down through “ARTICLE” in line 7 on page 5 and substitute “THERE IS A PUBLIC UTILITY REGULATION FUND.”

(B) THE FUND CONSISTS OF:

(1) ALL REVENUE RECEIVED THROUGH THE IMPOSITION AND COLLECTION OF ASSESSMENTS UNDER § 2-110 OF THIS SUBTITLE;

(2) FEES RECEIVED BY THE COMMISSION UNDER § 2-123 OF THIS SUBTITLE FOR FILINGS AND FOR OTHER SERVICES RENDERED BY THE COMMISSION;

(3) INCOME FROM INVESTMENTS THAT THE STATE TREASURER MAKES FOR THE FUND; AND

(4) ANY OTHER FEE, EXAMINATION ASSESSMENT, OR REVENUE RECEIVED BY THE COMMISSION UNDER THIS ARTICLE.

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THE COMMISSION UNDER THIS ARTICLE INTO THE GENERAL FUND OF THE STATE.

(D) THE PURPOSE OF THE FUND IS TO PAY ALL THE COSTS AND EXPENSES INCURRED BY THE COMMISSION AND THE OFFICE OF PEOPLE'S COUNSEL THAT ARE RELATED TO THE OPERATION OF THE COMMISSION AND THE OFFICE OF PEOPLE'S COUNSEL, INCLUDING:

(1) EXPENDITURES AUTHORIZED UNDER THIS ARTICLE; AND

(2) ANY OTHER EXPENSE AUTHORIZED IN THE STATE BUDGET.

(Over)

(E) (1) ALL THE COSTS AND EXPENSES OF THE COMMISSION AND THE OFFICE OF PEOPLE'S COUNSEL SHALL BE INCLUDED IN THE STATE BUDGET.

(2) EXPENDITURES FROM THE FUND TO COVER COSTS AND EXPENSES OF THE COMMISSION AND OFFICE OF PEOPLE'S COUNSEL MAY ONLY BE MADE:

(I) WITH AN APPROPRIATION FROM THE FUND APPROVED BY THE GENERAL ASSEMBLY IN THE STATE BUDGET; OR

(II) BY BUDGET AMENDMENT IN ACCORDANCE WITH § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(F) (1) THE STATE TREASURER IS THE CUSTODIAN OF THE FUND.

(2) THE STATE TREASURER SHALL DEPOSIT PAYMENTS RECEIVED FROM THE COMMISSION INTO THE FUND.

(G) (1) THE FUND IS A CONTINUING, SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND MAY NOT BE CONSIDERED A PART OF THE GENERAL FUND OF THE STATE.

(2) UNLESS OTHERWISE PROVIDED BY LAW, NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

(I) THE GENERAL FUND OF THE STATE; OR

(II) ANY OTHER SPECIAL FUND OF THE STATE.

2-123.

(A) IN ACCORDANCE WITH THIS SECTION, THE COMMISSION MAY CHARGE REASONABLE AND NONDISCRIMINATORY FEES FOR THE FILING OF DOCUMENTS

WITH THE COMMISSION AND FOR OTHER SERVICES PERFORMED BY THE COMMISSION.

(B) ACTIONS FOR WHICH THE COMMISSION MAY CHARGE A FEE INCLUDE:

(1) AN INITIAL TARIFF OR TARIFF CHANGE;

(2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY;

(3) AN APPLICATION TO PROVIDE OR ABANDON SERVICE;

(4) A PREPARATION OF ANY RECORD IN APPEAL;

(5) A CERTIFICATION OF ANY DOCUMENT;

(6) AN APPLICATION OR PETITION TO INCREASE OR DECREASE RATES;

(7) AN ANNUAL REPORT;

(8) A COPY OF PAPERS, TESTIMONY, MICROFICHE, RECORDS, AND COMPUTER PRINTOUTS; AND

(9) ANY OTHER FILING OR SERVICE FOR WHICH THE COMMISSION REASONABLY DETERMINES THAT A FEE IS REQUIRED.

(C) (1) IN DETERMINING THE AMOUNT OF A FEE TO BE CHARGED FOR A FILING OR OTHER SERVICE PERFORMED BY THE COMMISSION, THE COMMISSION SHALL CONSIDER THE ESTIMATED EXPENSE ASSOCIATED WITH THE FILING OR OTHER SERVICE.

(2) (I) THE COMMISSION SHALL WAIVE A FEE CHARGED UNDER THIS SECTION FOR A FILING BY A UNIT OF STATE GOVERNMENT OR FOR A SERVICE

(Over)

PERFORMED BY THE COMMISSION FOR A UNIT OF STATE GOVERNMENT.

(II) THE COMMISSION MAY WAIVE A FEE CHARGED UNDER THIS SECTION IF THE COMMISSION DETERMINES THAT THE WAIVER IS IN THE PUBLIC INTEREST.

(D) A DOCUMENT FOR WHICH A FILING FEE IS REQUIRED MAY BE RECEIVED BY THE COMMISSION AT ANY TIME, BUT MAY NOT BE CONSIDERED FILED UNTIL THE FILING FEE HAS BEEN PAID.

(E) THE COMMISSION SHALL DEPOSIT ALL FEES COLLECTED UNDER THIS SECTION IN THE PUBLIC UTILITY REGULATION FUND.

(F) THE COMMISSION SHALL ADOPT REGULATIONS TO SET REASONABLE AND NONDISCRIMINATORY FEES FOR FILING AND OTHER SERVICES PERFORMED BY THE COMMISSION”.

On page 5, in line 9, strike “October” and substitute “June”.