

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 135, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Commission” insert “- Orders”; and in line 23, after “2-110” insert “and 3-113”.

In the Finance Committee Amendments (HB0135/017570/1), in line 13 of Amendment No. 1, after “paid;” insert “providing that under certain circumstances, the Commission may implement certain provisions of law by either order or regulation as the Commission deems necessary and proper;”; in line 14, strike “and” and substitute a comma; and in the same line, after “fees” insert “, and Public Service Commission orders”.

AMENDMENT NO. 2

On page 5 of the bill, before line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

3-113.

(a) A decision and order of the Commission in a contested proceeding shall:

(1) be based on consideration of the record;

(2) be in writing; and

(3) state the grounds for the conclusions of the Commission.

(b) An order of the Commission shall take effect within a reasonable time that the

(Over)

Commission prescribes, and shall continue in force according to the terms of the order unless vacated, suspended, modified, or superseded by further order of the Commission or by a court of competent jurisdiction.

(c) (1) A person served with an order of the Commission shall promptly notify the Commission in writing of receipt of service.

(2) For notification by a corporation under paragraph (1) of this subsection, a person authorized to accept service for the corporation shall sign the notice.

(3) The Commission may require in an order that notice be provided to the Commission:

(i) within the time specified in the order;

(ii) in the same manner as notice provided in paragraph (1) of this subsection; and

(iii) describing if, and to what extent, the order is accepted and will be obeyed.

(d) (1) An order of a panel constituted under § 3-104(a) of this subtitle is final.

(2) A proposed order of a commissioner or hearing examiner under § 3-104(d) of this subtitle becomes final unless a party to the proceeding notes an appeal with the Commission within 30 days after the order is filed with the Commission.

(3) On appeal, the Commission promptly shall:

(i) consider the matter on the record before the commissioner or hearing examiner;

(ii) conduct any further proceedings that it considers necessary including requiring the filing of briefs and the holding of oral argument; and

(iii) issue a final order.

(E) NOTWITHSTANDING THE ADMINISTRATIVE PROCEDURE ACT, UNLESS A PROVISION OF THIS ARTICLE SPECIFICALLY REQUIRES THE COMMISSION TO ACT THROUGH REGULATION, THE COMMISSION MAY IMPLEMENT ANY PROVISION OF THIS ARTICLE BY EITHER ORDER OR REGULATION AS THE COMMISSION DEEMS NECESSARY AND PROPER.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any order issued by the Public Service Commission on or after June 1, 2000.”;

and in line 8, strike “2.” and substitute “4.”.