

(PRE-FILED)

By: **Delegate Stern**
Requested: October 3, 2001
Introduced and read first time: January 9, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Proceedings - Scope and Time Limitations**

3 FOR the purpose of expanding the scope of complaint proceedings; requiring that a
4 copy of the complaint be served upon the public service company at issue within
5 a certain amount of time in certain cases; requiring that complaint proceedings
6 be resolved within a certain time after the filing of the complaint; authorizing a
7 person filing a complaint to request a hearing in certain circumstances;
8 requiring that a decision and order of the Commission in certain cases be issued
9 within a certain time; and generally relating to the Public Service Commission
10 proceedings.

11 BY repealing and reenacting, with amendments,
12 Article - Public Utility Companies
13 Section 3-102 and 3-113
14 Annotated Code of Maryland
15 (1998 Volume and 2001 Supplement)

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

18 **Article - Public Utility Companies**

19 3-102.

20 (a) (1) Any person may file a complaint with the Commission.

21 (2) The complaint shall be in writing and set forth circumstances that
22 allege a violation of this article OR A COMMISSION REGULATION OR ORDER by [a
23 public service company] ANY PERSON.

24 (b) If a complaint filed under subsection (a) of this section states on its face a
25 violation of this article or if the Commission determines that the complaint deserves
26 an explanation, WITHIN 10 DAYS AFTER THE COMPLAINT IS FILED the Commission
27 shall:

1 (1) serve a copy of the complaint on the [public service company]
2 PERSON THAT IS THE SUBJECT OF THE COMPLAINT; and

3 (2) issue an order that requires the [public service company] PERSON to
4 satisfy or answer the complaint in writing within a specified time.

5 (c) [A] IF THE COMPLAINT IS NOT VOLUNTARILY SATISFIED OR DISMISSED
6 BY THE COMMISSION, BOTH THE PERSON FILING THE COMPLAINT AND THE person
7 that is the subject of [a] THE complaint filed by any person or the Commission is
8 entitled to a hearing in a contested case that results from the complaint.

9 (d) (1) Subject to paragraph (2) of this subsection, the Commission must
10 conduct an investigation of the matters in a complaint filed under this section if the
11 complaint concerns the following:

12 (i) the quality or reliability of gas supply or electric power supply;
13 or

14 (ii) the price of gas or electricity.

15 (2) In order to be entitled to an investigation under paragraph (1) of this
16 subsection, the complaint shall be signed by:

17 (i) the People's Counsel;

18 (ii) the chief executive or local legislative body of a municipal
19 corporation or county in which a gas or electric company is authorized to operate; or

20 (iii) not less than 100 customers of the gas company or electric
21 company, with the names and addresses of the customers set out in the complaint.

22 (e) (1) The Commission shall begin proceedings on its own motion against a
23 person by filing a complaint.

24 (2) The complaint filed under paragraph (1) of this subsection for the
25 first time in a proceeding shall be served on the person that is the subject of the
26 complaint before any hearing on the matter.

27 (f) Unless a complaint is voluntarily satisfied, the Commission shall take
28 final action on each complaint WITHIN 70 DAYS AFTER THE DATE ON WHICH THE
29 COMPLAINT IS FILED by issuing an order that:

30 (1) dismisses the complaint;

31 (2) directs full or partial satisfaction of the complaint; or

32 (3) directs any action that the Commission considers to be warranted.

33 3-113.

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

- 1 (1) be based on consideration of the record;
- 2 (2) be in writing; [and]
- 3 (3) state the grounds for the conclusions of the Commission; AND
- 4 (4) BE ISSUED WITHIN 60 DAYS AFTER THE CLOSE OF THE RECORD.

5 (b) An order of the Commission shall take effect within a reasonable time that
6 the Commission prescribes, and shall continue in force according to the terms of the
7 order unless vacated, suspended, modified, or superseded by further order of the
8 Commission or by a court of competent jurisdiction.

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

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

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

16 (i) within the time specified in the order;

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

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

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

23 (2) A proposed order of a commissioner or hearing examiner under §
24 3-104(d) of this subtitle becomes final unless a party to the proceeding notes an
25 appeal with the Commission within 30 days after the order is filed with the
26 Commission.

27 (3) On appeal, the Commission promptly shall:

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

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

32 (iii) issue a final order.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2002.

