

---

By: **Delegates Stern and D. Davis**  
Introduced and read first time: February 8, 2002  
Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Standards and Procedures**

3 FOR the purpose of requiring that a certain proposed decision and order shall be  
4 issued within a certain time period; providing that a certain proposed order  
5 becomes final unless a party to the proceeding notes an appeal with the Public  
6 Service Commission within a certain time period; specifying that the time period  
7 for appeal designated in the proposed order shall be a certain length; defining  
8 certain terms; prohibiting telecommunications carriers from knowingly  
9 impeding the development of competition in any telecommunications service  
10 market; requiring the Commission to adopt regulations implementing a code of  
11 conduct for telecommunications carriers; specifying the minimum prohibitions  
12 that shall be included in the code of conduct; authorizing telecommunications  
13 carriers to show good cause for failure to comply with the code of conduct; and  
14 generally relating to telecommunications carriers and Commission procedures.

15 BY repealing and reenacting, with amendments,  
16 Article - Public Utility Companies  
17 Section 3-113  
18 Annotated Code of Maryland  
19 (1998 Volume and 2001 Supplement)

20 BY adding to  
21 Article - Public Utility Companies  
22 Section 8-501 and 8-502 to be under the new subtitle "Subtitle 5.  
23 Telecommunications Carrier Code of Conduct"  
24 Annotated Code of Maryland  
25 (1998 Volume and 2001 Supplement)

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

1 **Article - Public Utility Companies**

2 3-113.

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

4 (1) be based on consideration of the record;

5 (2) be in writing; [and]

6 (3) state the grounds for the conclusions of the Commission; AND

7 (4) IN THE CASE OF A CONTESTED PROCEEDING BETWEEN TWO PUBLIC  
8 SERVICE COMPANIES, BE ISSUED WITHIN 180 DAYS AFTER THE CLOSE OF THE  
9 RECORD.10 (b) An order of the Commission shall take effect within a reasonable time that  
11 the Commission prescribes, and shall continue in force according to the terms of the  
12 order unless vacated, suspended, modified, or superseded by further order of the  
13 Commission or by a court of competent jurisdiction.14 (c) (1) A person served with an order of the Commission shall promptly  
15 notify the Commission in writing of receipt of service.16 (2) For notification by a corporation under paragraph (1) of this  
17 subsection, a person authorized to accept service for the corporation shall sign the  
18 notice.19 (3) The Commission may require in an order that notice be provided to  
20 the Commission:

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

22 (ii) in the same manner as notice provided in paragraph (1) of this  
23 subsection; and24 (iii) describing if, and to what extent, the order is accepted and will  
25 be obeyed.26 (d) (1) An order of a panel constituted under § 3-104(a) of this subtitle is  
27 final.28 (2) (I) A proposed order of a commissioner or hearing examiner under  
29 § 3-104(d) of this subtitle becomes final unless a party to the proceeding notes an  
30 appeal with the Commission within [30 days after the order is filed with the  
31 Commission] THE TIME PERIOD FOR APPEAL DESIGNATED IN THE PROPOSED  
32 ORDER.33 (II) THE TIME PERIOD FOR APPEAL DESIGNATED IN THE PROPOSED  
34 ORDER IS 30 DAYS UNLESS THE ORDER SPECIFIES A SHORTER PERIOD OF AT LEAST 7  
35 DAYS.

- 1 (3) On appeal, the Commission promptly shall:
- 2 (i) consider the matter on the record before the commissioner or  
3 hearing examiner;
- 4 (ii) conduct any further proceedings that it considers necessary  
5 including requiring the filing of briefs and the holding of oral argument; and
- 6 (iii) issue a final order.

7 SUBTITLE 5. TELECOMMUNICATIONS CARRIER CODE OF CONDUCT.  
8 8-501.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) "COLLOCATION" MEANS THE PLACEMENT OF EQUIPMENT OF ONE  
12 TELECOMMUNICATIONS CARRIER IN THE PHYSICAL FACILITIES OF ANOTHER  
13 TELECOMMUNICATIONS CARRIER.

14 (C) "TELECOMMUNICATIONS CARRIER" MEANS A PERSON WHO OFFERS A  
15 PRODUCT OR SERVICE DIRECTLY OR INDIRECTLY THROUGH THE FACILITIES OF A  
16 BASIC LOCAL TELEPHONE EXCHANGE INCLUDING:

- 17 (1) A DIGITAL SUBSCRIBER LINE;
- 18 (2) LONG-DISTANCE TELEPHONE SERVICE; AND
- 19 (3) LOCAL BASIC TELEPHONE EXCHANGE SERVICE.

20 8-502.

21 (A) A TELECOMMUNICATIONS CARRIER MAY NOT KNOWINGLY IMPEDE THE  
22 DEVELOPMENT OF COMPETITION IN A TELECOMMUNICATIONS SERVICE MARKET.

23 (B) THE COMMISSION SHALL ADOPT REGULATIONS IMPLEMENTING A CODE  
24 OF CONDUCT FOR TELECOMMUNICATIONS CARRIERS. THE REGULATIONS SHALL, AT  
25 A MINIMUM, PROHIBIT TELECOMMUNICATIONS CARRIERS FROM:

- 26 (1) REFUSING OR DELAYING INTERCONNECTIONS, COLLOCATION,  
27 ACCESS TO NETWORK ELEMENTS OR ACCESS TO THE NETWORK ELEMENTS  
28 PLATFORM, OR PROVIDING INFERIOR CONNECTIONS TO ANOTHER  
29 TELECOMMUNICATIONS CARRIER;
- 30 (2) IMPAIRING THE SPEED, QUALITY, OR EFFICIENCY OF A SERVICE  
31 USED BY ANOTHER TELECOMMUNICATIONS CARRIER;
- 32 (3) DELAYING ACCESS IN CONNECTING TO THE LOCAL EXCHANGE  
33 NETWORK ANOTHER TELECOMMUNICATIONS CARRIER WHOSE PRODUCT OR  
34 SERVICE REQUIRES NOVEL OR SPECIALIZED ACCESS REQUIREMENTS;

1 (4) REFUSING OR DELAYING ACCESS BY ANY PERSON TO ANOTHER  
2 TELECOMMUNICATIONS CARRIER; AND

3 (5) FAILING TO OFFER NETWORK ELEMENTS THAT THE COMMISSION,  
4 OR THE FEDERAL COMMUNICATIONS COMMISSION, HAS DETERMINED MUST BE  
5 OFFERED ON AN UNBUNDLED BASIS TO ANOTHER TELECOMMUNICATIONS CARRIER  
6 IN A MANNER CONSISTENT WITH AN ORDER OR RULE OF THE COMMISSION, OR OF  
7 THE FEDERAL COMMUNICATIONS COMMISSION, THAT REQUIRES THE OFFERING.

8 (C) IN THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS  
9 SECTION, THE COMMISSION MAY ADOPT ADDITIONAL PROHIBITIONS AGAINST  
10 ACTIONS THAT IMPEDE TELECOMMUNICATIONS COMPETITION.

11 (D) A TELECOMMUNICATIONS CARRIER MAY BE REQUIRED TO SHOW GOOD  
12 CAUSE FOR FAILING TO COMPLY WITH THE CODE OF CONDUCT UNDER SUBSECTION  
13 (B) OF THIS SECTION.

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