

SENATE BILL 620

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2002 Regular Session
2lr2520

By: **Senator Bromwell**

Introduced and read first time: February 1, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Public Utility Regulation Fund and Filing Fees**

3 FOR the purpose of establishing a Public Utility Regulation Fund; providing for the
4 purpose and administration of the fund; specifying which revenue is to go into
5 the fund; requiring the Public Service Commission to pay certain moneys to the
6 General Fund of the State; providing that the fund is a special, nonlapsing fund;
7 requiring the Commission to pay certain moneys collected from certain
8 assessments into the fund; providing that the Commission may charge
9 reasonable and nondiscriminatory fees for the filing of certain documents with
10 the Commission; specifying the method for determining the amount of a certain
11 fee; specifying that a document for which a filing fee is required is not
12 considered filed until the fee has been paid; and generally relating to the Public
13 Utility Regulation Fund and Commission filing fees.

14 BY repealing and reenacting, with amendments,
15 Article - Public Utility Companies
16 Section 2-110(b)
17 Annotated Code of Maryland
18 (1998 Volume and 2001 Supplement)

19 BY adding to
20 Article - Public Utility Companies
21 Section 2-110.1 and 2-123
22 Annotated Code of Maryland
23 (1998 Volume and 2001 Supplement)

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

1

Article - Public Utility Companies

2 2-110.

3 (b) (1) [(i) Subject to paragraphs (2) and (3) of this subsection, the costs
4 and expenses of the Commission and the Office of People's Counsel shall be borne by
5 the public service companies that are subject to the Commission's jurisdiction.

6 (ii)] The costs and expenses shall be assessed as provided in this
7 section.

8 (2) [An appropriation for the costs and expenses of the Commission and
9 the Office of People's Counsel shall be included in the State budget and paid from the
10 State treasury.

11 (3) The State treasury shall be reimbursed from the money collected
12 under this section for the costs and expenses of the Commission and the Office of
13 People's Counsel] THE COMMISSION SHALL PAY THE MONEY THAT IT COLLECTS FOR
14 THE ASSESSMENT UNDER THIS SECTION INTO THE PUBLIC UTILITY REGULATION
15 FUND IN THE STATE TREASURY ESTABLISHED UNDER § 2-110.1 OF THIS SUBTITLE TO
16 REIMBURSE THE STATE FOR THE EXPENSE OF ADMINISTERING THIS TITLE.

17 2-110.1.

18 (A) THERE IS A PUBLIC UTILITY REGULATION FUND.

19 (B) THE FUND CONSISTS OF:

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

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

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

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

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

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

35 (1) EXPENDITURES AUTHORIZED UNDER THIS ARTICLE; AND

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

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

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

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

8 (II) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN §
9 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (3) (I) IF, IN ANY FISCAL YEAR, THE AMOUNT OF THE REVENUE
11 COLLECTED BY THE COMMISSION AND DEPOSITED INTO THE FUND EXCEEDS THE
12 ACTUAL APPROPRIATION FOR THE COMMISSION AND THE OFFICE OF THE PEOPLE'S
13 COUNSEL, THE EXCESS AMOUNT SHALL BE CARRIED FORWARD IN THE FUND FOR
14 THE PURPOSE OF REDUCING THE ASSESSMENT IMPOSED BY THE COMMISSION FOR
15 THE FOLLOWING FISCAL YEAR.

16 (II) IF, IN ANY FISCAL YEAR, THE AMOUNT OF REVENUE
17 COLLECTED BY THE COMMISSION AND DEPOSITED INTO THE FUND IS INSUFFICIENT
18 TO COVER THE EXPENDITURES OF THE COMMISSION AND THE OFFICE OF THE
19 PEOPLE'S COUNSEL BECAUSE OF AN UNFORESEEN EMERGENCY AND EXPENDITURES
20 ARE MADE BY THE BUDGET AMENDMENT UNDER § 7-209 OF THE STATE FINANCE
21 AND PROCUREMENT ARTICLE, AN ADDITIONAL ASSESSMENT FOR THE
22 EXPENDITURES MAY BE MADE.

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

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

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

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

31 (I) THE GENERAL FUND OF THE STATE; OR

32 (II) ANY OTHER SPECIAL FUND OF THE STATE.

33 2-123.

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

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

3 (B) THE ACTIONS THAT MAY BE SUBJECT TO A FEE INCLUDE:

- 4 (1) AN INITIAL TARIFF OR TARIFF CHANGE;
- 5 (2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY;
- 6 (3) AN APPLICATION TO PROVIDE OR ABANDON SERVICE;
- 7 (4) A PREPARATION OF ANY RECORD IN APPEAL;
- 8 (5) A CERTIFICATION OF ANY DOCUMENT;
- 9 (6) AN APPLICATION OR PETITION TO INCREASE OR DECREASE RATES;
- 10 (7) AN ANNUAL REPORT;
- 11 (8) A COPY OF PAPERS, TESTIMONY, MICROFICHE, RECORDS, AND
12 COMPUTER PRINTOUTS; AND
- 13 (9) ANY OTHER FILING OR SERVICE THAT THE COMMISSION
14 REASONABLY DETERMINES.

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

19 (D) A DOCUMENT FOR WHICH A FILING FEE IS REQUIRED SHALL BE
20 RECEIVED, BUT MAY NOT BE CONSIDERED FILED UNTIL THE FILING FEE HAS BEEN
21 PAID.

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

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

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