

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

House Bill 1148

(Chairman, Environmental Matters Committee)

(Departmental – Public Service Commission)

Environmental Matters

Finance

---

**Public Service Commission - Enforcement - Cease and Desist Orders**

---

This departmental bill authorizes the Public Service Commission (PSC) to issue a summary cease and desist order to a person who is subject to its jurisdiction if PSC determines that the person has violated certain statutes, regulations, or orders. A violation must directly concern consumer protection or public safety, and PSC must determine from specific facts that immediate, substantial, and irreparable harm will result if an order is not issued. In addition, the bill stipulates the process by which such an order must be served, the information that must be contained therein, and the timeframes within which specified actions relating to evidentiary hearings must take place.

---

**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** PSC has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

---

**Analysis**

**Current Law:** PSC has broad authority to supervise and regulate public service companies in order to:

- protect public interest;
- promote adequate, economical, and efficient delivery of utility services in the State; and
- enforce compliance with requirements of the law by public service companies.

In carrying out these duties, among other actions, PSC may: conduct investigations, proceedings, and hearings; issue subpoenas, decisions, and orders; assess penalties and fines; adopt regulations; stay the enforcement of a regulation or order; and bring action in circuit court.

**State Fiscal Effect:** PSC requests one staff attorney to implement the provisions of this bill due to an anticipated increase in cases relating to codes of conduct, and anticipated complaints between marketers and utilities and their affiliates. Legislative Services advises, however, that PSC should be able to handle the bill's change using existing budgeted resources. The bill provides an additional tool for PSC to use and is not likely to prompt significant increase in activities for PSC. In fact, the cease and desist order capability might be a more efficient measure to use than one or more of PSC's existing options in certain situations.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 283 (Chairman, Finance Committee) (Departmental - Public Service Commission) - Finance.

**Information Source(s):** Public Service Commission, Office of People's Counsel, Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2002  
ncs/cer Revised - House Third Reader - March 22, 2002

---

Analysis by: Mitchell J. McCalmon

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510