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By: **Delegates G. Clagett, Bobo, Burns, DeBoy, Hubbard, James, Kaiser, and Weldon**

Introduced and read first time: January 28, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Examination of Accounts, Books, and Records**

3 FOR the purpose of authorizing the Public Service Commission to examine all  
4 accounts, books, and records that the Commission determines necessary to  
5 perform its duties under certain provisions of law, including the accounts, books,  
6 and records of a public service company, a parent of a public service company, an  
7 affiliate of a public service company, and an affiliate of a parent of a public  
8 service company; defining certain terms; providing that the powers and  
9 authority conferred by this Act are supplemental to other powers of the  
10 Commission; and generally relating to the examination of accounts, books, and  
11 records by the Public Service Commission.

12 BY adding to

13 Article - Public Utility Companies

14 Section 6-211

15 Annotated Code of Maryland

16 (1998 Volume and 2004 Supplement)

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

19 **Article - Public Utility Companies**

20 6-211.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (2) "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY, OR  
24 THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS  
25 UNDER COMMON CONTROL WITH, OR HAS, DIRECTLY OR INDIRECTLY, ANY  
26 ECONOMIC INTEREST IN ANOTHER PERSON.

1 (3) "CONTROL" MEANS THE POSSESSION, DIRECT OR INDIRECT, OF THE  
2 POWER TO DIRECT THE MANAGEMENT OR POLICIES OF A PERSON.

3 (4) "PARENT" MEANS:

4 (I) A FIRM, HOLDING COMPANY, OR OTHER PERSON THAT  
5 ULTIMATELY CONTROLS A PUBLIC SERVICE COMPANY; OR

6 (II) ANY INTERMEDIARY PERSON THAT CONTROLS A PUBLIC  
7 SERVICE COMPANY.

8 (B) THE COMMISSION MAY EXAMINE ALL ACCOUNTS, BOOKS, AND RECORDS,  
9 INCLUDING THE ACCOUNTS, BOOKS, AND RECORDS, OF A PUBLIC SERVICE COMPANY,  
10 A PARENT OF A PUBLIC SERVICE COMPANY, OR AN AFFILIATE OF EITHER A PUBLIC  
11 SERVICE COMPANY OR A PARENT OF A PUBLIC SERVICE COMPANY THAT THE  
12 COMMISSION DETERMINES NECESSARY TO PERFORM ITS DUTIES UNDER:

13 (1) TITLE 4 OF THIS ARTICLE;

14 (2) TITLE 5, SUBTITLE 2 OF THIS ARTICLE;

15 (3) TITLE 6, SUBTITLE 1 OF THIS ARTICLE;

16 (4) SECTION 7-505(B)(3), (10), AND (13) OF THIS ARTICLE;

17 (5) SECTION 7-514 OF THIS ARTICLE; AND

18 (6) TITLE 7, SUBTITLE 6 OF THIS ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be regarded  
20 as supplemental and additional to the powers and authority conferred by other laws  
21 on the Public Service Commission and may not be regarded as in derogation of any  
22 powers now existing in the Commission.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2005.