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By: **Chairman, Finance Committee (By Request - Departmental - Public Service Commission)**

Introduced and read first time: January 21, 2005

Rules suspended

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Public Utility Law Judges**

3 FOR the purpose of altering the title of the hearing examiners of the Public Service  
4 Commission to be public utility law judges.

5 BY repealing and reenacting, with amendments,  
6 Article - Public Utility Companies  
7 Section 2-105(c)(1), 2-108(d)(5) and (8)(ii)6. and (e)(5), 2-303, 2-306(b), 2-307,  
8 2-308, 3-104(a), (b), and (d), 3-108, 3-110(a)(2), and 3-113(d)  
9 Annotated Code of Maryland  
10 (1998 Volume and 2004 Supplement)

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

13 **Article - Public Utility Companies**

14 2-105.

15 (c) The Executive Director shall:

16 (1) direct and coordinate the technical staff, except [hearing examiners]  
17 PUBLIC UTILITY LAW JUDGES, of the Commission; and

18 2-108.

19 (d) (5) (i) As required, the Commission shall hire [hearing examiners]  
20 PUBLIC UTILITY LAW JUDGES.

21 (ii) [Hearing examiners] PUBLIC UTILITY LAW JUDGES are a  
22 separate organizational unit and shall report directly to the Commission.

23 (8) (ii) The following are in the executive service, management service,  
24 or are special appointments in the State Personnel Management System:



1 (2) each spouse or dependent child of each other officer or employee of  
2 the Commission or Office of People's Counsel.

3 (b) (1) An individual subject to this section may not accept from a public  
4 service company or its officers, agents, or employees, a gift, gratuity, or special  
5 consideration.

6 (2) This subsection does not preclude an individual from accepting a gift  
7 from a relative.

8 2-308.

9 (a) This section applies to each individual subject to § 2-302 of this subtitle  
10 and to:

11 (1) each spouse, dependent child, parent, brother, or sister of each  
12 commissioner, the People's Counsel, the General Counsel, and [a hearing examiner]  
13 EACH PUBLIC UTILITY LAW JUDGE; and

14 (2) each spouse or dependent child of each other officer or employee of  
15 the Commission or Office of People's Counsel.

16 (b) (1) A public service company or its officer, agent, or employee may not  
17 offer a gift, gratuity, or special consideration to an individual subject to this section.

18 (2) This section does not preclude an individual from offering a gift to a  
19 relative.

20 3-104.

21 (a) (1) The Commission shall institute and conduct proceedings reasonably  
22 necessary and proper to the exercise of its powers or the performance of its duties.

23 (2) The Commission shall conduct its proceedings en banc or in panels of:

24 (i) at least three commissioners; or

25 (ii) one [hearing examiner] PUBLIC UTILITY LAW JUDGE and at  
26 least two commissioners.

27 (3) A quorum consists of a majority of the Commission or a majority of a  
28 panel.

29 (b) (1) The Commission, a commissioner, or a [hearing examiner] PUBLIC  
30 UTILITY LAW JUDGE may conduct hearings, examine witnesses, administer oaths,  
31 and perform any other acts necessary to the conduct of proceedings.

32 (2) The Executive Secretary of the Commission may administer oaths.

33 (3) Each record of a proceeding of the Commission is a public record.

1 (d) (1) The Commission may delegate to a commissioner or to a [hearing  
2 examiner] PUBLIC UTILITY LAW JUDGE the authority to conduct a proceeding that is  
3 within the Commission's jurisdiction.

4 (2) In a delegated proceeding, the commissioner or [hearing examiner]  
5 PUBLIC UTILITY LAW JUDGE shall:

6 (i) conduct the hearing and any other proceeding that the  
7 commissioner or [hearing examiner] PUBLIC UTILITY LAW JUDGE considers  
8 necessary; and

9 (ii) file with the Commission, and simultaneously serve on all  
10 parties, a proposed order and findings of fact.

11 (3) The proposed order shall become final unless appealed as provided in  
12 § 3-113(d) of this subtitle.

13 3-108.

14 Unless notice is provided to each other party in a case before the Commission, a  
15 party or person acting on behalf of a party may not contact ex parte a commissioner or  
16 a [hearing examiner] PUBLIC UTILITY LAW JUDGE regarding the merits of the case.  
17 3-110.

18 (a) A person shall:

19 (2) give any relevant testimony or produce any relevant evidence, if  
20 ordered by the Commission, a commissioner, or an authorized [hearing examiner]  
21 PUBLIC UTILITY LAW JUDGE.

22 3-113.

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

25 (2) (i) A proposed order of a commissioner or [hearing examiner]  
26 PUBLIC UTILITY LAW JUDGE under § 3-104(d) of this subtitle becomes final unless a  
27 party to the proceeding notes an appeal with the Commission within the time period  
28 for appeal designated in the proposed order.

29 (ii) The time period for appeal designated in the proposed order is  
30 30 days unless the order specifies a shorter period of at least 7 days.

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

32 (i) consider the matter on the record before the Commissioner or  
33 [hearing examiner] PUBLIC UTILITY LAW JUDGE;

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

1 (iii) issue a final order.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2005.