C5 5lr0133

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

Introduced and read first time: January 21, 2005

Rules suspended Assigned to: Finance

	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 Commission to be public utility law judges.
5 6 7 8 9	BY repealing and reenacting, with amendments,     Article - Public Utility Companies     Section 2-105(c)(1), 2-108(d)(5) and (8)(ii)6. and (e)(5), 2-303, 2-306(b), 2-307,
l 1 l 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
13	Article - Public Utility Companies
14	2-105.
15	(c) The Executive Director shall:
16 17	(1) direct and coordinate the technical staff, except [hearing examiners] PUBLIC UTILITY LAW JUDGES, of the Commission; and
	Tobble of the Third Sebelb, of the Commission, and
18	2-108.
19	2-108.
19 20 21	2-108.  (d) (5) (i) As required, the Commission shall hire [hearing examiners] PUBLIC UTILITY LAW JUDGES.

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1 2	JUDGE; and		6.	the chief [hearing	ng examiner] PUBLIC UTILITY LAW
3	(e) Commission		npensation of the a possible, in accorda		nel shall be determined by the te pay plan:
5		(5)	the chief [hearing	g examiner] PUB	BLIC UTILITY LAW JUDGE;
6	2-303.				
7 8	(a) and to:	This sec	tion applies to eac	ch individual sub	ject to § 2-302 of this subtitle
				ne General Couns	rent, brother, or sister of each sel, and [a hearing examiner]
12 13		(2) sion or O	each spouse or d ffice of People's 0		f each other officer or employee of
14	(b)	An indiv	vidual subject to the	his section may n	not:
15 16	company; or	(1)	hold an official r	elation to or con	nection with a public service
17 18	stock or othe	(2) er securit	have a pecuniary ies or otherwise.	interest in a pub	lic service company as the holder of
19	2-306.				
	` '	al Couns			ng service with the Commission C UTILITY LAW JUDGE, an
23		(1)	represent a publi	c service compan	ny before the Commission;
24 25	proceeding;	(2) or	appear before the	e Commission on	behalf of a party to a Commission
26 27	the Commiss	(3) sion.	appear before the	e Commission on	a matter within the jurisdiction of
28	2-307.				
29 30	(a) and to:	This sec	tion applies to eac	ch individual sub	ject to § 2-302 of this subtitle
				ne General Couns	rent, brother, or sister of each sel, and [a hearing examiner]

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1 2	the Commiss	(2) ion or Of		use or dependent child of each other officer or employee of eople's Counsel.
	(b) service comp consideration			idual subject to this section may not accept from a public agents, or employees, a gift, gratuity, or special
6 7	from a relativ	(2) ve.	This sub	section does not preclude an individual from accepting a gift
8	2-308.			
9 10	(a) and to:	This sec	tion appli	es to each individual subject to § 2-302 of this subtitle
			ople's Ĉo	use, dependent child, parent, brother, or sister of each unsel, the General Counsel, and [a hearing examiner] W JUDGE; and
14 15	the Commiss	(2) sion or O		use or dependent child of each other officer or employee of eople's Counsel.
16 17	(b) offer a gift,	(1) gratuity, o		service company or its officer, agent, or employee may not consideration to an individual subject to this section.
18 19	relative.	(2)	This sect	tion does not preclude an individual from offering a gift to a
20	3-104.			
21 22	(a) necessary an	(1) ad proper		nmission shall institute and conduct proceedings reasonably ercise of its powers or the performance of its duties.
23		(2)	The Con	nmission shall conduct its proceedings en banc or in panels of:
24			(i)	at least three commissioners; or
25 26	least two con	mmission	(ii) ers.	one [hearing examiner] PUBLIC UTILITY LAW JUDGE and at
27 28	panel.	(3)	A quoru	m consists of a majority of the Commission or a majority of a
			GE may	nmission, a commissioner, or a [hearing examiner] PUBLIC conduct hearings, examine witnesses, administer oaths, essary to the conduct of proceedings.
32		(2)	The Exe	cutive Secretary of the Commission may administer oaths.
33		(3)	Each rec	ord of a proceeding of the Commission is a public record.

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6 (i) conduct the hearing and any other proceeding that the commissioner or [hearing examiner] PUBLIC UTILITY LAW JUDGE considers necessary; and  9 (ii) file with the Commission, and simultaneously serve of parties, a proposed order and findings of fact.  11 (3) The proposed order shall become final unless appealed as profuse \$ 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 fixed party or person acting on behalf of a party may not contact exparte a commissioner a [hearing examiner] PUBLIC UTILITY LAW JUDGE regarding the merits of the content of the conte		(d) (1) The Commission may delegate to a commissioner or to a [hearing examiner] PUBLIC UTILITY LAW JUDGE the authority to conduct a proceeding that is within the Commission's jurisdiction.
7 commissioner or [hearing examiner] PUBLIC UTILITY LAW JUDGE considers 8 necessary; and  9 (ii) file with the Commission, and simultaneously serve of parties, a proposed order and findings of fact.  11 (3) The proposed order shall become final unless appealed as pro 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 party or person acting on behalf of a party may not contact ex parte a commissioner a [hearing examiner] PUBLIC UTILITY LAW JUDGE regarding the merits of the of 3-110.  18 (a) A person shall:  19 (2) give any relevant testimony or produce any relevant evidence, ordered by the Commission, a commissioner, or an authorized [hearing examiner] PUBLIC UTILITY LAW JUDGE.  22 3-113.  23 (d) (1) An order of a panel constituted under § 3-104(a) of this subtited final.  25 (2) (i) A proposed order of a commissioner or [hearing examiner] party to the proceeding notes an appeal with the Commission within the time period for appeal designated in the proposed order.  29 (ii) The time period for appeal designated in the proposed 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 Commis [hearing examiner] PUBLIC UTILITY LAW JUDGE;  34 (ii) conduct any further proceedings that it considers necessary and the proposed of the conduct and the proposed of the proposed of the proposed of the		
10 parties, a proposed order and findings of fact.  11 (3) The proposed order shall become final unless appealed as pro 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 16 a [hearing examiner] PUBLIC UTILITY LAW JUDGE regarding the merits of the or 17 3-110.  18 (a) A person shall:  19 (2) give any relevant testimony or produce any relevant evidence, 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 subtite 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 ur 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 propose 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 Commis 33 [hearing examiner] PUBLIC UTILITY LAW JUDGE;  34 (ii) conduct any further proceedings that it considers necessary for the proceedings of the proceedings that it considers necessary further proceedings that it cons	7	commissioner or [hearing examiner] PUBLIC UTILITY LAW JUDGE considers
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<ul> <li>[1] 33 [hearing examiner] PUBLIC UTILITY LAW JUDGE;</li> <li>(ii) conduct any further proceedings that it considers nec</li> </ul>	31	(3) On appeal, the Commission promptly shall:

- 1 (iii) issue a final order.
- 2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 3 October 1, 2005.