
By: **Senators Green, Brochin, Conway, Della, Dyson, Forehand, Frosh,
Giannetti, Harris, Hollinger, Hughes, Jimeno, Kelley, Klausmeier,
McFadden, Miller, Pinsky, Ruben, and Stone**

Introduced and read first time: February 27, 2006

Assigned to: Rules

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Public Service Commission - Consideration of the Proposed Merger**
3 **Between FPL Group, Inc., and Constellation Energy Group, Inc. - Request to**
4 **the Federal Energy Regulatory Commission**

5 FOR the purpose of directing the Public Service Commission to submit a certain
6 request to the Federal Energy Regulatory Commission to expand the scope of a
7 certain inquiry over the merger between FPL Group, Inc., and Constellation
8 Energy Group, Inc., if the Public Service Commission lacks certain jurisdiction
9 over the merger.

10 WHEREAS, On December 19, 2005, FPL Group, Inc., and Constellation Energy
11 Group, Inc., announced the signing of a "definitive agreement" to create the nation's
12 largest competitive energy supplier; and

13 WHEREAS, Constellation Energy is the parent company of Baltimore Gas &
14 Electric, an electricity and gas supplier that supplies electricity to more than
15 1,000,000 residential and business customers and supplies gas to over 600,000 gas
16 customers in 10 counties and Baltimore City; and

17 WHEREAS, With electricity rates expected to increase dramatically over the
18 next 6 months, it is uncertain whether the merger between FPL Group, Inc., and
19 Constellation Energy Group, Inc., will result in a reduction or an increase in
20 electricity rates to Maryland customers; and

21 WHEREAS, The Public Service Commission has instituted Case No. 9054,
22 which is a proceeding to consider the proposed merger of FPL Group, Inc., and
23 Constellation Energy Group, Inc.; and

24 WHEREAS, The Public Service Commission's jurisdiction over the proposed
25 merger has been challenged by Constellation Energy; and

26 WHEREAS, The Federal Energy Regulatory Commission will also be conducting
27 a separate proceeding to consider the proposed merger; and

1 WHEREAS, In the event that the Public Service Commission lacks jurisdiction
2 over the proposed merger, the Federal Energy Regulatory Commission is authorized
3 to expand the scope of its inquiry into the proposed merger at the request of the
4 Public Service Commission; now, therefore, be it

5 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That, in the
6 event the Public Service Commission lacks jurisdiction over the merger in Case No.
7 9054, the Public Service Commission is hereby directed to promptly submit a request
8 to the Federal Energy Regulatory Commission to expand the scope of its inquiry into
9 the proposed merger to include all factors and considerations relating to the proposed
10 merger that the Public Service Commission would have addressed in its proceeding, if
11 it has jurisdiction to do so; and be it further

12 RESOLVED, That a copy of this Resolution be forwarded by the Department of
13 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
14 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the
15 Honorable Michael E. Busch, Speaker of the House of Delegates; and the Public
16 Service Commission.