

SENATE BILL 618

C5

71r1429

By: **Senators Pipkin and Astle**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Companies – General Utility Commission and Public Energy**
3 **Commission**

4 FOR the purpose of establishing the General Utility Commission and the Public
5 Energy Commission; providing that the Public Service Commission shall
6 become the General Utility Commission and the Public Energy Commission;
7 providing for the membership, terms, and duties of each Commission; requiring
8 the Governor to appoint a chairman for each Commission with the advice and
9 consent of the Senate; providing for the appointment of an Executive Secretary
10 for each Commission; providing for the terms and duties of each Executive
11 Secretary; requiring each Commission to appoint an Executive Director for the
12 Commission; providing for the duties of each Executive Director; requiring each
13 Commission to appoint a General Counsel for the Commission; providing for
14 qualifications, terms, and duties of each General Counsel; providing for the
15 principal office for each Commission, hours for the offices of each Commission,
16 meeting of each Commission, and a seal for each Commission; requiring the
17 State budget to provide sufficient money for each Commission to hire, develop
18 and organize a staff to perform the functions of the Commission; authorizing
19 each Commission to hire certain experts and hearing examiners under certain
20 circumstances; requiring each Commission to hire personal staff members for
21 certain commissioners under certain circumstances; authorizing each
22 Commission to delegate certain authority to certain persons under certain
23 circumstances; providing that certain personnel of each Commission are subject
24 to the provisions of certain personnel and pension laws; providing that certain
25 persons are under a certain classification in the State Personnel Management
26 System; providing for the compensation of certain persons; requiring each

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Commission to submit to the Secretary of Budget and Management certain
2 changes to certain salary plans within a certain time period; requiring the
3 Secretary of Budget and Management to review certain proposed changes to
4 certain salary plans and advise a certain Commission regarding the proposed
5 changes within a certain time period under certain circumstances; authorizing
6 each Commission to charge certain reasonable fees under certain circumstances;
7 providing that each Commission has certain powers set forth by law and certain
8 implied and incidental powers for certain purposes; authorizing each
9 Commission to perform certain inspections of certain plants under certain
10 circumstances; requiring each Commission to conduct certain investigations
11 under certain circumstances; authorizing each Commission to conduct certain
12 proceedings on certain proposed amendments to certain laws under certain
13 circumstances; authorizing each Commission to recommend or prepare certain
14 legislation under certain circumstances; authorizing each Commission to bring
15 certain actions in a certain court under certain circumstances; providing for the
16 court proceedings in a certain action under certain circumstances; requiring
17 each Commission to give certain notice to certain persons under certain
18 circumstances; requiring each Commission to order a certain offender to stop
19 certain operations under certain circumstances; requiring each Commission to
20 make a certain certification to the Motor Vehicle Administration under certain
21 circumstances; requiring the Motor Vehicle Administration to suspend or revoke
22 certain registration certificates of certain vehicles under certain circumstances;
23 providing that a certain action of the Motor Vehicle Administration may not be
24 appealed but a certain judicial review may be sought under certain
25 circumstances; requiring the Public Energy Commission to require certain
26 public service companies to formulate and implement certain long-range plans;
27 providing for the contents of a certain long-range plan; requiring the Public
28 Energy Commission to review certain long-range plans; requiring the Public
29 Energy Commission to require certain revisions to a certain long-range plan
30 under certain circumstances; requiring each Commission to study the rates and
31 service of certain public service companies in interstate commerce beyond the
32 jurisdiction of either Commission and authorizing each Commission to apply to
33 and appear before an appropriate federal unit to protect those interests under
34 certain circumstances; authorizing each Commission to act jointly or
35 concurrently with certain boards or commissions of the United States or another
36 state for certain purposes under certain circumstances; authorizing each
37 Commission to adopt certain regulations under certain circumstances; requiring
38 each Commission to publish certain reports each year; requiring each
39 Commission to send a copy of certain reports to certain persons; providing that
40 certain costs and expenses of each Commission and the Office of People's
41 Counsel shall be borne by certain public service companies; providing for the
42 assessment of certain costs and expenses; requiring the Commissions to pay
43 certain money that they collect into the Public Utility Regulation Fund under

1 certain circumstances; providing for the calculation of certain costs and
2 expenses; establishing a certain Public Utility Regulation Fund; providing for
3 the funding of the Fund; providing for the purposes and uses of the Fund;
4 providing that the State Treasurer is the custodian of the Fund; prohibiting any
5 part of the Fund from reverting or being credited to the General Fund of the
6 State or any other special fund; providing for the terms of the initial members of
7 the Public Energy Commission; providing that certain members of the Public
8 Service Commission are members of the General Utility Commission; providing
9 for the exclusive jurisdictions of both the Public Energy Commission and the
10 General Utility Commission; providing that certain orders issued, or regulations
11 adopted, by the Public Service Commission prior to the enactment of this Act
12 shall continue in full force and effect until modified or repealed by a certain
13 Commission under certain circumstances; providing that certain transactions or
14 employment statuses shall remain valid after the effective date of this Act and
15 may be terminated, completed, consummated, or enforced as required or
16 allowed by certain statutes as though a certain repeal, amendment, or transfer
17 had not occurred; providing that certain personnel, records, other properties and
18 appropriations, credits, assets, liabilities, and obligations of the Public Service
19 Commission are continued as the personnel, records, other properties and
20 appropriations, credits, assets, liabilities, and obligations of the General Utility
21 Commission and the Public Energy Commission; providing that certain persons
22 licensed, registered, certified, or issued a permit or certification by certain units
23 that are amended, repealed, or transferred by this Act are considered for all
24 purposes to be licensed, registered, certified, or issued a permit or certification
25 for a certain term under certain circumstances; providing that certain classified
26 employees of the Public Service Commission shall be transferred to the General
27 Utility Commission and the Public Energy Commission without any diminution
28 of their rights, benefits, or employment status; requiring the General Utility
29 Commission, the Public Energy Commission, and the Department of Budget
30 and Management to develop and implement a certain plan on or before a certain
31 date; providing for the construction of certain references; providing that each
32 Commission submit certain reports to certain persons within a certain time
33 frame; declaring the intent of the General Assembly; defining certain terms;
34 making certain stylistic changes; requiring the publishers of the Annotated
35 Code of Maryland to propose the correction of certain
36 cross-references rendered incorrect by this Act under certain circumstances;
37 providing for the effective dates of this Act; and generally relating to the
38 General Utility Commission and the Public Energy Commission.

39 BY renumbering

40 Article – Public Utility Companies

41 Section 1–101(o) through (v) and (w) through (pp) and 2–101, respectively

1 to be Section 1-101(p) through (w) and (y) through (rr) and 2-101.1,
2 respectively
3 Annotated Code of Maryland
4 (1998 Volume and 2006 Supplement)

5 BY repealing
6 Article – Public Utility Companies
7 Section 2-110 and 2-110.1
8 Annotated Code of Maryland
9 (1998 Volume and 2006 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Public Utility Companies
12 Section 1-101(a)
13 Annotated Code of Maryland
14 (1998 Volume and 2006 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Utility Companies
17 Section 1-101(d), 2-101.1, 2-106, 2-112, 2-115(b)(1), 2-116(a)(1), 2-117(a)(1),
18 2-118, 2-122, 2-302, 4-102(b), 5-101(a), 5-104(a), 5-105, 5-201(a),
19 5-202, 5-302(a), 5-304(a)(1), 5-401, 6-102(b), 6-203, 6-204, 6-205(a)(2),
20 6-206(a), 7-101, 11-101(b), 11-102(a), 11-202(a), 11-203(a)(1),
21 11-204(a), 11-205(a), 11-206(a), 11-207, 11-208(a), 12-106, 12-109,
22 12-304, 12-311(e), 12-312(a), 13-101(b), 13-201(b)(1) and (d), 13-204,
23 and 13-205
24 Annotated Code of Maryland
25 (1998 Volume and 2006 Supplement)

26 BY adding to
27 Article – Public Utility Companies
28 Section 1-101(o) and (x), 1-102, 1-103, and 2-101; 2-1A-01 through
29 2-1A-23 to be under the new subtitle “Subtitle 1A. Public Energy
30 Commission”; and 2-401 and 2-402 to be under the new subtitle “Subtitle
31 4. Expenses”
32 Annotated Code of Maryland
33 (1998 Volume and 2006 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article – Public Utility Companies
36 Section 5-203(a) and 6-101(a)(2)
37 Annotated Code of Maryland

1 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2006
2 Special Session)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 1-101(o) through (v) and (w) through (pp) and 2-101,
5 respectively, of Article – Public Utility Companies of the Annotated Code of Maryland
6 be renumbered to be Section(s) 1-101(p) through (w) and (y) through (rr) and
7 2-101.1, respectively.

8 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2-110 and
9 2-110.1 of Article – Public Utility Companies of the Annotated Code of Maryland be
10 repealed.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 Article – Public Utility Companies

14 1-101.

15 (a) In this article the following words have the meanings indicated.

16 (d) “Commission” [means the Public Service Commission] **MEANS:**

17 (1) **WITH RESPECT TO ELECTRICITY, GAS, AND LIQUEFIED**
18 **NATURAL GAS PROVISIONS IN THIS ARTICLE, THE PUBLIC ENERGY**
19 **COMMISSION; AND**

20 (2) **WITH RESPECT TO ALL OTHER CLASSES OF PUBLIC SERVICE**
21 **COMPANIES IN THIS ARTICLE, THE GENERAL UTILITY COMMISSION.**

22 (o) **“GENERAL UTILITY COMMISSION” MEANS THE COMMISSION**
23 **ESTABLISHED UNDER § 2-101.1 OF THIS ARTICLE HAVING JURISDICTION OVER**
24 **ANY CLASS OF PUBLIC SERVICE COMPANY OTHER THAN ELECTRIC COMPANIES,**
25 **ELECTRICITY SUPPLIERS, GAS COMPANIES, AND LIQUEFIED NATURAL GAS**
26 **COMPANIES, OR ANY COMBINATION OF THOSE COMPANIES.**

27 (x) **“PUBLIC ENERGY COMMISSION” MEANS THE COMMISSION**
28 **ESTABLISHED UNDER § 2-1A-02 OF THIS ARTICLE HAVING JURISDICTION OVER**
29 **ELECTRIC COMPANIES, ELECTRICITY SUPPLIERS, GAS COMPANIES, AND**

1 LIQUEFIED NATURAL GAS COMPANIES, OR ANY COMBINATION OF THOSE
2 COMPANIES.

3 **1-102.**

4 **IN THIS ARTICLE, UNLESS THE CONTEXT REQUIRES OTHERWISE:**

5 **(1) THE PUBLIC ENERGY COMMISSION HAS EXCLUSIVE**
6 **JURISDICTION OVER:**

7 **(I) THE PROVISION OF ELECTRICITY AND GAS IN**
8 **ACCORDANCE WITH THIS ARTICLE;**

9 **(II) THE REGULATION OF LIQUEFIED NATURAL GAS**
10 **FACILITIES AND HAZARDOUS LIQUID PIPELINE FACILITIES UNDER TITLE 11 OF**
11 **THIS ARTICLE; AND**

12 **(III) ELECTRIC COMPANIES, ELECTRICITY SUPPLIERS, GAS**
13 **COMPANIES, ANY COMBINATION OF THOSE COMPANIES, AND GAS MASTER**
14 **METER OPERATORS, AND ALL SERVICES, DUTIES, RESPONSIBILITIES, AND**
15 **FUNCTIONS ASSOCIATED WITH THOSE ENTITIES; AND**

16 **(2) THE GENERAL UTILITY COMMISSION HAS JURISDICTION**
17 **OVER:**

18 **(I) THE PROVISION OF PUBLIC UTILITY SERVICES OTHER**
19 **THAN ELECTRICITY AND GAS IN ACCORDANCE WITH THIS ARTICLE;**

20 **(II) OTHER DUTIES OF A COMMISSION UNDER THIS ARTICLE**
21 **THAT ARE NOT SPECIFICALLY UNDER THE JURISDICTION OF THE PUBLIC**
22 **ENERGY COMMISSION; AND**

23 **(III) ALL OTHER PUBLIC SERVICE COMPANIES AND OTHER**
24 **ENTITIES REGULATED UNDER THIS ARTICLE THAT ARE NOT RELATED TO THE**
25 **PROVISION OF ELECTRICITY, GAS, AND LIQUEFIED NATURAL GAS UNDER THIS**
26 **ARTICLE.**

27 **1-103.**

1 **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT POWERS GRANTED**
2 **TO A PARTICULAR COMMISSION UNDER THIS ARTICLE SHALL BE EXERCISED**
3 **ONLY BY THAT COMMISSION.**

4 **2-101.**

5 **IN THIS SUBTITLE, "COMMISSION" MEANS THE GENERAL UTILITY**
6 **COMMISSION.**

7 2-101.1

8 (a) There is a [Public Service] **GENERAL UTILITY** Commission.

9 (b) The Commission is an independent unit in the Executive Branch of State
10 government.

11 (c) The Commission shall carry out the functions assigned to it by law.

12 2-106.

13 (a) The Commission shall appoint a General Counsel.

14 (b) The General Counsel shall have been admitted to practice law in the
15 State.

16 (c) The General Counsel serves at the pleasure of the Commission.

17 (d) **THE GENERAL COUNSEL SHALL DEVOTE FULL TIME TO THE DUTIES**
18 **OF OFFICE.**

19 **(E)** As the Commission directs, the General Counsel shall:

20 (1) represent the Commission in a proceeding if the Commission is a
21 party to or desires to intervene in the proceeding, if the proceeding involves a question
22 under this article, or if the proceeding involves an act or order of the Commission;

23 (2) advise the Commission, on request, on any legal question that
24 requires interpretation of a provision of law about the jurisdiction, rights, duties, or
25 powers of the Commission; and

1 (3) act as attorney to the Commission as the Commission reasonably
2 requires.

3 [(e)] (F) The Commission may substitute any other agent for the General
4 Counsel.

5 2–112.

6 (a) To the full extent that the Constitution and laws of the United States
7 allow, **AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS**
8 **SECTION**, the Commission has jurisdiction over each public service company that
9 engages in or operates a utility business in the State and over motor carrier companies
10 as provided in Title 9 of this article.

11 (b) **THE COMMISSION DOES NOT HAVE JURISDICTION OVER ANY CLASS**
12 **OF PUBLIC SERVICE COMPANY THAT IS UNDER THE JURISDICTION OF THE**
13 **PUBLIC ENERGY COMMISSION.**

14 (C) (1) The Commission has the powers specifically conferred by law.

15 (2) The Commission has the implied and incidental powers needed or
16 proper to carry out its functions under this article.

17 [(c)] (D) The powers of the Commission shall be construed liberally.

18 2–115.

19 (b) The Commission may:

20 (1) examine the records of a public service company **UNDER ITS**
21 **JURISDICTION;**

22 2–116.

23 (a) (1) As it considers desirable, the Commission may conduct proceedings
24 on proposed amendments to any law that, in the judgment of the Commission, would
25 affect the public interest in any aspect of the business of a public service company
26 **UNDER ITS JURISDICTION.**

27 2–117.

1 (a) (1) If the Commission believes that a public service company [or gas
2 master meter operator] that is subject to the Commission's jurisdiction is violating or
3 will violate this article, the Commission shall bring an action in the Commission's
4 name for injunction or other appropriate action in the circuit court of a county where
5 the public service company [or gas master meter operator] does business or has its
6 principal place of business.

7 2-118.

8 (a) This section does not apply to:

9 (1) taxicabs;

10 (2) powerboat companies;

11 (3) toll bridges; **OR**

12 (4) towing and lightering companies[; or

13 (5) small rural electric cooperatives described in § 7-502(a) of this
14 article].

15 (b) The Commission shall require each public service company subject to its
16 jurisdiction to formulate and, after approval by the Commission, to implement
17 long-range plans to provide regulated service.

18 (c) [The Commission shall require each electric company in the State to
19 include in the long-range plan adequate, cost-effective provisions to promote energy
20 conservation to decrease or moderate electric and, as appropriate, natural gas demand
21 for regulated service from customers.

22 (d)] (1) The Commission shall review each plan for adequacy under the
23 criteria of § 2-113 of this subtitle, giving attention to the interrelationship of services
24 of other public service companies and to provisions for research and development to
25 ensure adequate service.

26 (2) As part of the review, and subject to any applicable Freedom of
27 Information Act, the Commission shall consult with other State units and provide an
28 opportunity for public comment.

1 (3) The Commission shall require the revisions to a plan that the
2 Commission considers appropriate unless the authority to review and approve a plan
3 has been granted to another State unit by other law.

4 2-122.

5 (a) [(1)] On or before the third Wednesday of March of each year, the
6 Commission shall publish an annual report that summarizes the activities of the
7 Commission that includes:

8 [(i)] (1) a summary of each regulation, opinion, or order that
9 the Commission adopted, entered, or passed during the year; and

10 [(ii)] (2) any other information that the Commission considers
11 of value.

12 [(2)] (B) The Commission shall send a copy of the report to the
13 Governor and, subject to § 2-1246 of the State Government Article, to the General
14 Assembly.

15 [(b) Each year, the Commission shall publish a report that includes:

16 (1) the progress of the residential conservation service plan;

17 (2) Commission activities to moderate peak electric demand; and

18 (3) energy conservation measures taken by gas companies and electric
19 companies in the State to reduce electrical and natural gas demand.]

20 **SUBTITLE 1A. PUBLIC ENERGY COMMISSION.**

21 **2-1A-01.**

22 **IN THIS SUBTITLE, “COMMISSION” MEANS THE PUBLIC ENERGY**
23 **COMMISSION.**

24 **2-1A-02.**

25 **(A) THERE IS A PUBLIC ENERGY COMMISSION.**

1 **(B) THE COMMISSION IS AN INDEPENDENT UNIT IN THE EXECUTIVE**
2 **BRANCH OF STATE GOVERNMENT.**

3 **(C) THE COMMISSION SHALL CARRY OUT THE FUNCTIONS ASSIGNED TO**
4 **IT BY LAW.**

5 **2-1A-03.**

6 **(A) THE COMMISSION CONSISTS OF FIVE COMMISSIONERS, APPOINTED**
7 **BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

8 **(B) (1) EACH COMMISSIONER SHALL BE A REGISTERED VOTER OF**
9 **THE STATE.**

10 **(2) THE COMMISSION SHALL BE:**

11 **(I) BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AND**
12 **DEMOGRAPHIC DIVERSITY OF THE STATE AND OF THE PUBLIC; AND**

13 **(II) COMPOSED OF INDIVIDUALS WITH DIVERSE TRAINING**
14 **AND EXPERIENCE.**

15 **(C) EACH COMMISSIONER SHALL DEVOTE FULL TIME TO THE DUTIES OF**
16 **OFFICE.**

17 **(D) (1) THE TERM OF A COMMISSIONER IS 5 YEARS AND BEGINS ON**
18 **JULY 1.**

19 **(2) THE TERMS OF COMMISSIONERS ARE STAGGERED AS**
20 **REQUIRED BY THE TERMS IN EFFECT FOR COMMISSIONERS ON JULY 1, 2007.**

21 **(3) AT THE END OF A TERM, A COMMISSIONER CONTINUES TO**
22 **SERVE UNTIL A SUCCESSOR QUALIFIES.**

23 **(4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS**
24 **BEGUN SERVES FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR**
25 **QUALIFIES.**

1 **(E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE COMMISSION**
2 **SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**
3 **CONSTITUTION.**

4 **(F) THE GOVERNOR MAY REMOVE A COMMISSIONER FOR**
5 **INCOMPETENCE OR MISCONDUCT IN ACCORDANCE WITH § 3-307 OF THE STATE**
6 **GOVERNMENT ARTICLE.**

7 **2-1A-04.**

8 **WITH THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL**
9 **APPOINT A CHAIRMAN FROM AMONG THE COMMISSIONERS.**

10 **2-1A-05.**

11 **(A) THE COMMISSION SHALL APPOINT AN EXECUTIVE SECRETARY.**

12 **(B) THE EXECUTIVE SECRETARY SERVES AT THE PLEASURE OF THE**
13 **COMMISSION.**

14 **(C) THE EXECUTIVE SECRETARY SHALL:**

15 **(1) KEEP THE RECORDS OF THE COMMISSION, INCLUDING A**
16 **RECORD OF PROCEEDINGS, ALL DOCUMENTS REQUIRED TO BE FILED WITH THE**
17 **COMMISSION, ALL ORDERS, REGULATIONS, AND DECISIONS OF THE**
18 **COMMISSION, AND ALL DOCKETS AND FILES;**

19 **(2) CERTIFY TRUE COPIES OF THOSE MATERIALS;**

20 **(3) DESIGNATE AN EMPLOYEE OF THE COMMISSION TO PERFORM**
21 **THE DUTIES OF EXECUTIVE SECRETARY WHEN THE EXECUTIVE SECRETARY IS**
22 **ABSENT; AND**

23 **(4) PERFORM THE OTHER DUTIES THAT THE COMMISSION**
24 **PRESCRIBES.**

25 **(D) WITH THE APPROVAL OF THE COMMISSION AND IN CONFORMITY**
26 **WITH TITLE 10, SUBTITLE 6, PART V OF THE STATE GOVERNMENT ARTICLE,**
27 **THE EXECUTIVE SECRETARY MAY DESTROY ANY RECORD OR DOCUMENT THAT**

1 THE COMMISSION POSSESSES, INCLUDING A RECORD OR DOCUMENT REQUIRED
2 BY LAW TO BE FILED WITH THE COMMISSION, IF:

3 (1) THE RECORD OR DOCUMENT HAS BEEN ON FILE FOR AT LEAST
4 3 YEARS; AND

5 (2) THE EXECUTIVE SECRETARY CONSIDERS THE DOCUMENT TO
6 BE OBSOLETE.

7 **2-1A-06.**

8 (A) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR.

9 (B) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
10 COMMISSION.

11 (C) THE EXECUTIVE DIRECTOR SHALL:

12 (1) DIRECT AND COORDINATE THE TECHNICAL STAFF, EXCEPT
13 HEARING EXAMINERS, OF THE COMMISSION; AND

14 (2) PERFORM THE OTHER DUTIES THAT THE COMMISSION
15 PRESCRIBES.

16 **2-1A-07.**

17 (A) THE COMMISSION SHALL APPOINT A GENERAL COUNSEL.

18 (B) THE GENERAL COUNSEL SHALL HAVE BEEN ADMITTED TO
19 PRACTICE LAW IN THE STATE.

20 (C) THE GENERAL COUNSEL SHALL DEVOTE FULL TIME TO THE DUTIES
21 OF OFFICE.

22 (D) THE GENERAL COUNSEL SERVES AT THE PLEASURE OF THE
23 COMMISSION.

24 (E) AS THE COMMISSION DIRECTS, THE GENERAL COUNSEL SHALL:

1 (1) REPRESENT THE COMMISSION IN A PROCEEDING IF THE
2 COMMISSION IS A PARTY TO OR DESIRES TO INTERVENE IN THE PROCEEDING, IF
3 THE PROCEEDING INVOLVES A QUESTION UNDER THIS ARTICLE, OR IF THE
4 PROCEEDING INVOLVES AN ACT OR ORDER OF THE COMMISSION;

5 (2) ADVISE THE COMMISSION, ON REQUEST, ON ANY LEGAL
6 QUESTION THAT REQUIRES INTERPRETATION OF A PROVISION OF LAW ABOUT
7 THE JURISDICTION, RIGHTS, DUTIES, OR POWERS OF THE COMMISSION; AND

8 (3) ACT AS ATTORNEY TO THE COMMISSION AS THE COMMISSION
9 REASONABLY REQUIRES.

10 (F) THE COMMISSION MAY SUBSTITUTE ANY OTHER AGENT FOR THE
11 GENERAL COUNSEL.

12 **2-1A-08.**

13 (A) EACH COMMISSIONER, THE CHAIRMAN OF THE COMMISSION, THE
14 GENERAL COUNSEL, THE EXECUTIVE SECRETARY, AND THE EXECUTIVE
15 DIRECTOR ARE ENTITLED TO COMPENSATION AS PROVIDED IN THE STATE
16 BUDGET.

17 (B) (1) THE SALARY OF THE CHAIRMAN OF THE COMMISSION SHALL
18 BE AT LEAST \$40,000 A YEAR.

19 (2) THE SALARY OF EACH COMMISSIONER SHALL BE AT LEAST
20 \$35,000 A YEAR.

21 (C) A COMMISSIONER AND OTHER COMMISSION PERSONNEL ARE
22 ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
23 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

24 **2-1A-09.**

25 (A) (1) THE PRINCIPAL OFFICE OF THE COMMISSION SHALL BE IN
26 BALTIMORE CITY AT THE PLACE THAT THE COMMISSION SELECTS.

27 (2) EXCEPT FOR LEGAL HOLIDAYS, THE OFFICES OF THE
28 COMMISSION SHALL BE OPEN FOR BUSINESS DURING REGULAR BUSINESS

1 HOURS FROM MONDAY THROUGH FRIDAY AND AT OTHER TIMES AS THE
2 COMMISSION CONSIDERS NECESSARY.

3 (B) THE COMMISSION SHALL MEET AT THE TIMES AND PLACES IN THE
4 STATE AS THE COMMISSION CONSIDERS NECESSARY.

5 (C) THE COMMISSION SHALL HAVE A SEAL.

6 (D) (1) THE STATE BUDGET SHALL PROVIDE SUFFICIENT MONEY FOR
7 THE COMMISSION TO HIRE, DEVELOP, AND ORGANIZE A STAFF TO PERFORM
8 THE FUNCTIONS OF THE COMMISSION, INCLUDING ANALYZING DATA
9 SUBMITTED TO THE COMMISSION AND PARTICIPATING IN PROCEEDINGS AS
10 PROVIDED IN § 3-104 OF THIS ARTICLE.

11 (2) (I) AS THE COMMISSION CONSIDERS NECESSARY, THE
12 COMMISSION SHALL HIRE EXPERTS INCLUDING ECONOMISTS, COST OF CAPITAL
13 EXPERTS, RATE DESIGN EXPERTS, ACCOUNTANTS, ENGINEERS,
14 TRANSPORTATION SPECIALISTS, AND LAWYERS.

15 (II) TO ASSIST IN THE REGULATION OF INTRASTATE
16 HAZARDOUS LIQUID PIPELINES UNDER TITLE 11, SUBTITLE 2 OF THIS ARTICLE,
17 THE COMMISSION SHALL INCLUDE ON ITS STAFF AT LEAST ONE ENGINEER WHO
18 SPECIALIZES IN THE STORAGE OF AND THE TRANSPORTATION OF HAZARDOUS
19 LIQUID MATERIALS BY PIPELINE.

20 (3) THE COMMISSION MAY RETAIN ON A CASE BY CASE BASIS
21 ADDITIONAL EXPERTS AS REQUIRED FOR A PARTICULAR MATTER.

22 (4) THE LAWYERS WHO REPRESENT THE COMMISSION STAFF IN
23 PROCEEDINGS BEFORE THE COMMISSION SHALL BE APPOINTED BY THE
24 COMMISSION AND SHALL BE ORGANIZED AND OPERATE INDEPENDENTLY OF
25 THE OFFICE OF GENERAL COUNSEL.

26 (5) (I) AS REQUIRED, THE COMMISSION SHALL HIRE HEARING
27 EXAMINERS.

28 (II) HEARING EXAMINERS ARE A SEPARATE
29 ORGANIZATIONAL UNIT AND SHALL REPORT DIRECTLY TO THE COMMISSION.

1 **(6) THE COMMISSION SHALL HIRE PERSONAL STAFF MEMBERS**
2 **FOR EACH COMMISSIONER AS REQUIRED TO PROVIDE ADVICE, DRAFT**
3 **PROPOSED ORDERS AND RULINGS, AND PERFORM OTHER PERSONAL STAFF**
4 **FUNCTIONS.**

5 **(7) SUBJECT TO § 3-104 OF THIS ARTICLE, THE COMMISSION MAY**
6 **DELEGATE TO A COMMISSIONER OR PERSONNEL THE AUTHORITY TO PERFORM**
7 **AN ADMINISTRATIVE FUNCTION NECESSARY TO CARRY OUT A DUTY OF THE**
8 **COMMISSION.**

9 **(8) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH OR OTHERWISE BY LAW, ALL PERSONNEL OF THE COMMISSION ARE**
11 **SUBJECT TO THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS**
12 **ARTICLE.**

13 **(II) THE FOLLOWING ARE IN THE EXECUTIVE SERVICE,**
14 **MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN THE STATE**
15 **PERSONNEL MANAGEMENT SYSTEM:**

- 16 1. **EACH COMMISSIONER OF THE COMMISSION;**
- 17 2. **THE EXECUTIVE DIRECTOR;**
- 18 3. **THE GENERAL COUNSEL AND EACH ASSISTANT**
19 **GENERAL COUNSEL;**
- 20 4. **THE EXECUTIVE SECRETARY;**
- 21 5. **THE COMMISSIONERS' PERSONAL STAFF**
22 **MEMBERS; AND**
- 23 6. **THE CHIEF HEARING EXAMINER.**

24 **(E) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE**
25 **DETERMINED BY THE COMMISSION AND, IF POSSIBLE, IN ACCORDANCE WITH**
26 **THE STATE PAY PLAN:**

- 27 **(1) THE EXECUTIVE DIRECTOR;**

1 (2) **THE GENERAL COUNSEL;**

2 (3) **THE SPECIAL APPOINTMENT ATTORNEYS IN THE OFFICE OF**
3 **GENERAL COUNSEL;**

4 (4) **THE EXECUTIVE SECRETARY;**

5 (5) **THE CHIEF HEARING EXAMINER; AND**

6 (6) **ALL COMMISSION PERSONNEL IN POSITIONS IN:**

7 (I) **THE MANAGEMENT SERVICE; AND**

8 (II) **PROFESSIONAL AND TECHNICAL CLASSIFICATIONS**
9 **UNIQUE TO THE COMMISSION.**

10 (F) (1) **AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF THE**
11 **CHANGE, THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET**
12 **AND MANAGEMENT EACH CHANGE TO SALARY PLANS THAT INVOLVES**
13 **INCREASES OR DECREASES IN SALARY RANGES OTHER THAN THOSE**
14 **ASSOCIATED WITH ROUTINE RECLASSIFICATIONS AND PROMOTIONS OR**
15 **GENERAL SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY.**

16 (2) **REPORTABLE CHANGES INCLUDE CREATION OR ABOLITION**
17 **OF CLASSES, REGRADING THE CLASSES FROM ONE ESTABLISHED RANGE TO**
18 **ANOTHER, CHANGES IN SALARY GUIDELINES TO ADMINISTER THE PAY**
19 **SCHEDULES, OR CREATION OF NEW PAY SCHEDULES OR RANGES.**

20 (3) **THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:**

21 (I) **REVIEW THE PROPOSED CHANGES; AND**

22 (II) **AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF**
23 **THE PROPOSED CHANGES, ADVISE THE COMMISSION WHETHER THE CHANGES**
24 **WOULD HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.**

25 (4) **FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY**
26 **MANNER IS NOT CONSIDERED A STATEMENT OF ADVERSE EFFECT.**

1 **(G) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE COMMISSION**
2 **SHALL REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND,**
3 **SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
4 **ASSEMBLY SETTING FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND**
5 **SALARIES IN THE COMMISSION AS OF THE END OF THE PRECEDING CALENDAR**
6 **YEAR.**

7 **2-1A-10.**

8 **(A) (1) ON REQUEST OF THE COMMISSION, A PUBLIC OFFICER SHALL**
9 **GIVE TO THE COMMISSION, WITHOUT CHARGE, A CERTIFIED COPY OF A**
10 **DOCUMENT OR PART OF A DOCUMENT ON FILE WITH THE OFFICER.**

11 **(2) WITHOUT CHARGE, A PUBLIC OFFICER SHALL ACCEPT FROM**
12 **THE COMMISSION ANY DOCUMENT AUTHORIZED OR REQUIRED TO BE FILED**
13 **WITH THE OFFICER AND SHALL ENTER, FILE, DOCKET, OR RECORD THE**
14 **DOCUMENT.**

15 **(B) EACH RECORD OF THE COMMISSION IS A PUBLIC RECORD AND**
16 **SHALL BE MADE AVAILABLE TO THE PUBLIC AT REASONABLE TIMES.**

17 **2-1A-11.**

18 **THE COMMISSION MAY CHARGE REASONABLE FEES FOR COPIES OF**
19 **COMMISSION DOCUMENTS.**

20 **2-1A-12.**

21 **(A) TO THE FULL EXTENT THAT THE CONSTITUTION AND LAWS OF THE**
22 **UNITED STATES ALLOW, THE COMMISSION HAS JURISDICTION OVER EACH**
23 **ELECTRIC COMPANY, ELECTRICITY SUPPLIER, GAS COMPANY, GAS MASTER**
24 **METER OPERATOR, AND LIQUEFIED NATURAL GAS COMPANY IN THE STATE.**

25 **(B) (1) THE COMMISSION HAS THE POWERS SPECIFICALLY**
26 **CONFERRED BY LAW.**

27 **(2) THE COMMISSION HAS THE IMPLIED AND INCIDENTAL**
28 **POWERS NEEDED OR PROPER TO CARRY OUT ITS FUNCTIONS UNDER THIS**
29 **ARTICLE.**

1 (2) **SET UP AND USE EQUIPMENT IN THE PLANT AS NEEDED; AND**

2 (3) **OCCUPY SPACE IN THE PLANT AS THE COMMISSION**
3 **CONSIDERS REASONABLY NECESSARY TO INSPECT OR TEST.**

4 **2-1A-15.**

5 (A) **THE COMMISSION SHALL INITIATE AND CONDUCT ANY**
6 **INVESTIGATION NECESSARY TO EXECUTE ITS POWERS OR PERFORM ITS DUTIES**
7 **UNDER THIS ARTICLE.**

8 (B) **THE COMMISSION MAY:**

9 (1) **EXAMINE THE RECORDS OF A PUBLIC SERVICE COMPANY;**

10 (2) **COMPEL PRODUCTION OF THE RECORDS BY SUBPOENA; AND**

11 (3) **REQUIRE VERIFIED COPIES OF THE RECORDS TO BE FILED**
12 **WITH THE COMMISSION.**

13 **2-1A-16.**

14 (A) (1) **AS IT CONSIDERS DESIRABLE, THE COMMISSION MAY**
15 **CONDUCT PROCEEDINGS ON PROPOSED AMENDMENTS TO ANY LAW THAT, IN**
16 **THE JUDGMENT OF THE COMMISSION, WOULD AFFECT THE PUBLIC INTEREST IN**
17 **ANY ASPECT OF THE BUSINESS OF A PUBLIC SERVICE COMPANY.**

18 (2) **ON REQUEST OF THE GOVERNOR, THE GENERAL ASSEMBLY,**
19 **OR EITHER HOUSE OF THE GENERAL ASSEMBLY, THE COMMISSION SHALL**
20 **CONDUCT PROCEEDINGS ON PROPOSED AMENDMENTS TO ANY LAW THAT, IN**
21 **THE JUDGMENT OF THE COMMISSION, WOULD AFFECT THE PUBLIC INTEREST IN**
22 **ANY ASPECT OF THE BUSINESS OF A PUBLIC SERVICE COMPANY.**

23 (B) (1) **THE COMMISSION MAY RECOMMEND OR PREPARE**
24 **LEGISLATION ON ANY MATTER WITHIN OR RELATED TO THE JURISDICTION OF**
25 **THE COMMISSION.**

26 (2) **IF A PROCEEDING UNDER THIS SECTION WAS HELD ON**
27 **REQUEST, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**

1 **ARTICLE, THE COMMISSION SHALL REPORT ITS CONCLUSIONS TO THE PERSON**
2 **OR BODY WHO REQUESTED THE PROCEEDING.**

3 **2-1A-17.**

4 **(A) (1) IF THE COMMISSION BELIEVES THAT A PUBLIC SERVICE**
5 **COMPANY OR GAS MASTER METER OPERATOR THAT IS SUBJECT TO THE**
6 **COMMISSION'S JURISDICTION IS VIOLATING OR WILL VIOLATE THIS ARTICLE,**
7 **THE COMMISSION SHALL BRING AN ACTION IN THE COMMISSION'S NAME FOR**
8 **INJUNCTION OR OTHER APPROPRIATE ACTION IN THE CIRCUIT COURT OF A**
9 **COUNTY WHERE THE PUBLIC SERVICE COMPANY OR GAS MASTER METER**
10 **OPERATOR DOES BUSINESS OR HAS ITS PRINCIPAL PLACE OF BUSINESS.**

11 **(2) THE COURT:**

12 **(I) SHALL ALLOW A PERIOD NOT EXCEEDING 20 DAYS FOR**
13 **THE DEFENDANT TO SHOW CAUSE WHY THE RELIEF SOUGHT SHOULD NOT BE**
14 **GRANTED;**

15 **(II) AFTER THE PERIOD, SHALL INQUIRE IMMEDIATELY**
16 **INTO THE MERITS OF THE CASE, WITHOUT OTHER OR FORMAL PLEADINGS AND**
17 **WITHOUT RESPECT TO ANY TECHNICAL REQUIREMENT;**

18 **(III) MAY JOIN AS PARTIES ANY PERSONS AS IS NECESSARY**
19 **OR PROPER TO MAKE A JUDGMENT OR PROCESS EFFECTIVE; AND**

20 **(IV) SHALL ISSUE A FINAL ORDER THAT GRANTS**
21 **APPROPRIATE RELIEF.**

22 **(B) (1) THE COMMISSION SHALL NOTIFY AN OFFENDER TO APPEAR**
23 **AND ANSWER CHARGES ON COMPLAINT FILED BY A CARRIER OR ON DISCOVERY**
24 **OF A VIOLATION OR INFRINGEMENT BY THE COMMISSION'S OWN**
25 **INVESTIGATION THAT:**

26 **(I) THE OFFENDER IS OR HAS BEEN INFRINGING ON OR**
27 **VIOLATING A PERMIT GRANTED TO THE CARRIER BY THE COMMISSION;**

28 **(II) THE OFFENDER, WITHOUT A PERMIT, IS EXERCISING OR**
29 **USING A RIGHT GRANTED IN A PERMIT;**

1 (III) A RIGHT GRANTED IN A PERMIT IS BEING SUBJECTED TO
2 UNRESTRICTED OR UNREGULATED COMPETITION; OR

3 (IV) THE OFFENDER, WITHOUT A PERMIT, IS SERVING,
4 WHOLLY OR PARTLY, DIRECTLY OR INDIRECTLY, A ROUTE SET FORTH IN A
5 GRANTED PERMIT.

6 (2) THE NOTICE SHALL BE SENT TO OR SERVED ON THE
7 OFFENDER AS PROVIDED BY § 3-103 OF THIS ARTICLE.

8 (3) IF THE COMMISSION FINDS THAT THE OFFENDER IS
9 VIOLATING OR INFRINGING, OR HAS VIOLATED OR INFRINGED ON THE RIGHTS
10 OF A CARRIER, THE COMMISSION SHALL ORDER THE OFFENDER TO STOP THE
11 OPERATIONS THAT LED TO THE VIOLATION OR INFRINGEMENT.

12 (4) IF THE OFFENDER DOES NOT OBEY THE ORDER OF THE
13 COMMISSION, THE COMMISSION SHALL NOTIFY THE OFFENDER TO SHOW CAUSE
14 WITHIN 10 DAYS AFTER THE NOTICE IS MAILED OR SERVED WHY THE
15 REGISTRATION CERTIFICATE FOR EACH VEHICLE INVOLVED IN THE
16 OPERATIONS SHOULD NOT BE SUSPENDED OR REVOKED.

17 (5) IF CAUSE IS NOT SHOWN OR IF, AFTER HEARING, THE
18 COMMISSION FINDS THAT CAUSE IS NOT SHOWN, THE COMMISSION SHALL
19 CERTIFY TO THE MOTOR VEHICLE ADMINISTRATION:

20 (I) THAT THE REGISTRATION CERTIFICATE OF EACH
21 VEHICLE INVOLVED IN THE OPERATIONS SHALL BE SUSPENDED OR REVOKED;

22 (II) THE CONDITION OF THE SUSPENSION OR REVOCATION;
23 AND

24 (III) IF POSSIBLE, THE LICENSE NUMBER OF EACH VEHICLE
25 FOR WHICH THE CERTIFICATE OF REGISTRATION IS TO BE SUSPENDED OR
26 REVOKED.

27 (6) ON RECEIPT OF THE CERTIFICATION, THE MOTOR VEHICLE
28 ADMINISTRATION AUTOMATICALLY SHALL SUSPEND OR REVOKE EACH

1 CERTIFICATE OF REGISTRATION IN ACCORDANCE WITH THE CONDITIONS
2 CONTAINED IN THE CERTIFICATION.

3 (7) THE ACTION OF THE MOTOR VEHICLE ADMINISTRATION MAY
4 NOT BE APPEALED BUT JUDICIAL REVIEW OF AN ORDER OR CERTIFICATION OF
5 THE COMMISSION MAY BE SOUGHT AS PROVIDED IN TITLE 3, SUBTITLE 2 OF
6 THIS ARTICLE.

7 **2-1A-18.**

8 (A) THIS SECTION DOES NOT APPLY TO SMALL RURAL ELECTRIC
9 COOPERATIVES DESCRIBED IN § 7-502(A) OF THIS ARTICLE.

10 (B) THE COMMISSION SHALL REQUIRE EACH PUBLIC SERVICE
11 COMPANY SUBJECT TO ITS JURISDICTION TO FORMULATE AND, AFTER
12 APPROVAL BY THE COMMISSION, TO IMPLEMENT LONG-RANGE PLANS TO
13 PROVIDE REGULATED SERVICE.

14 (C) THE COMMISSION SHALL REQUIRE EACH ELECTRIC COMPANY IN
15 THE STATE TO INCLUDE IN THE LONG-RANGE PLAN ADEQUATE,
16 COST-EFFECTIVE PROVISIONS TO PROMOTE ENERGY CONSERVATION TO
17 DECREASE OR MODERATE ELECTRIC AND, AS APPROPRIATE, NATURAL GAS
18 DEMAND FOR REGULATED SERVICE FROM CUSTOMERS.

19 (D) (1) THE COMMISSION SHALL REVIEW EACH PLAN FOR ADEQUACY
20 UNDER THE CRITERIA OF § 2-1A-13 OF THIS SUBTITLE, GIVING ATTENTION TO
21 THE INTERRELATIONSHIP OF SERVICES OF OTHER PUBLIC SERVICE COMPANIES
22 AND TO PROVISIONS FOR RESEARCH AND DEVELOPMENT TO ENSURE ADEQUATE
23 SERVICE.

24 (2) AS PART OF THE REVIEW, AND SUBJECT TO ANY APPLICABLE
25 FREEDOM OF INFORMATION ACT, THE COMMISSION SHALL CONSULT WITH
26 OTHER STATE UNITS AND PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.

27 (3) THE COMMISSION SHALL REQUIRE THE REVISIONS TO A PLAN
28 THAT THE COMMISSION CONSIDERS APPROPRIATE UNLESS THE AUTHORITY TO
29 REVIEW AND APPROVE A PLAN HAS BEEN GRANTED TO ANOTHER STATE UNIT BY
30 OTHER LAW.

1 **2-1A-19.**

2 **AS THE INTERESTS OF THE PEOPLE OF THIS STATE ARE AFFECTED, THE**
3 **COMMISSION:**

4 **(1) SHALL STUDY THE RATES AND SERVICE OF PUBLIC SERVICE**
5 **COMPANIES IN INTERSTATE COMMERCE BEYOND THE JURISDICTION OF THE**
6 **COMMISSION; AND**

7 **(2) MAY APPLY TO AND APPEAR BEFORE APPROPRIATE FEDERAL**
8 **UNITS TO PROTECT THOSE INTERESTS.**

9 **2-1A-20.**

10 **UNDER INTERSTATE COMPACTS OR AGREEMENTS OR UNDER THE**
11 **CONCURRENT POWER OF STATES TO REGULATE INTERSTATE COMMERCE, OR AS**
12 **AN AGENCY OF THE FEDERAL GOVERNMENT, OR OTHERWISE, THE COMMISSION**
13 **MAY ACT JOINTLY OR CONCURRENTLY WITH AN OFFICIAL BOARD OR**
14 **COMMISSION OF THE UNITED STATES OR A STATE IN A PROCEEDING RELATING**
15 **TO THE REGULATION OF A PUBLIC SERVICE COMPANY.**

16 **2-1A-21.**

17 **THE COMMISSION MAY ADOPT REASONABLE REGULATIONS AS**
18 **NECESSARY TO CARRY OUT ANY LAW THAT RELATES TO THE COMMISSION.**

19 **2-1A-22.**

20 **(A) (1) ON OR BEFORE THE THIRD WEDNESDAY OF MARCH OF EACH**
21 **YEAR, THE COMMISSION SHALL PUBLISH AN ANNUAL REPORT THAT**
22 **SUMMARIZES THE ACTIVITIES OF THE COMMISSION THAT INCLUDES:**

23 **(I) A SUMMARY OF EACH REGULATION, OPINION, OR ORDER**
24 **THAT THE COMMISSION ADOPTED, ENTERED, OR PASSED DURING THE YEAR;**
25 **AND**

26 **(II) ANY OTHER INFORMATION THAT THE COMMISSION**
27 **CONSIDERS OF VALUE.**

1 **(2) THE COMMISSION SHALL SEND A COPY OF THE REPORT TO**
2 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
3 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

4 **(B) EACH YEAR, THE COMMISSION SHALL PUBLISH A REPORT THAT**
5 **INCLUDES:**

6 **(1) THE PROGRESS OF THE RESIDENTIAL CONSERVATION**
7 **SERVICE PLAN;**

8 **(2) COMMISSION ACTIVITIES TO MODERATE PEAK ELECTRIC**
9 **DEMAND; AND**

10 **(3) ENERGY CONSERVATION MEASURES TAKEN BY GAS**
11 **COMPANIES AND ELECTRIC COMPANIES IN THE STATE TO REDUCE ELECTRICAL**
12 **AND NATURAL GAS DEMAND.**

13 **2-1A-23.**

14 **(A) IN ACCORDANCE WITH THIS SECTION, THE COMMISSION MAY**
15 **CHARGE REASONABLE AND NONDISCRIMINATORY FEES FOR THE FILING OF**
16 **DOCUMENTS WITH THE COMMISSION AND FOR OTHER SERVICES PERFORMED**
17 **BY THE COMMISSION.**

18 **(B) ACTIONS FOR WHICH THE COMMISSION MAY CHARGE A FEE**
19 **INCLUDE:**

20 **(1) AN INITIAL TARIFF OR TARIFF CHANGE;**

21 **(2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY;**

22 **(3) AN APPLICATION TO PROVIDE OR ABANDON SERVICE;**

23 **(4) A PREPARATION OF ANY RECORD IN APPEAL;**

24 **(5) A CERTIFICATION OF ANY DOCUMENT;**

25 **(6) AN APPLICATION OR PETITION TO INCREASE OR DECREASE**
26 **RATES;**

1 **(7) AN ANNUAL REPORT;**

2 **(8) A COPY OF PAPERS, TESTIMONY, MICROFICHE, RECORDS, AND**
3 **COMPUTER PRINTOUTS; AND**

4 **(9) ANY OTHER FILING OR SERVICE FOR WHICH THE COMMISSION**
5 **REASONABLY DETERMINES THAT A FEE IS REQUIRED.**

6 **(C) (1) IN DETERMINING THE AMOUNT OF A FEE TO BE CHARGED FOR**
7 **A FILING OR OTHER SERVICE PERFORMED BY THE COMMISSION, THE**
8 **COMMISSION SHALL CONSIDER THE ESTIMATED EXPENSE ASSOCIATED WITH**
9 **THE FILING OR OTHER SERVICE.**

10 **(2) (I) THE COMMISSION SHALL WAIVE A FEE CHARGED**
11 **UNDER THIS SECTION FOR A FILING BY A UNIT OF STATE GOVERNMENT OR FOR**
12 **A SERVICE PERFORMED BY THE COMMISSION FOR A UNIT OF STATE**
13 **GOVERNMENT.**

14 **(II) THE COMMISSION MAY WAIVE A FEE CHARGED UNDER**
15 **THIS SECTION IF THE COMMISSION DETERMINES THAT THE WAIVER IS IN THE**
16 **PUBLIC INTEREST.**

17 **(D) A DOCUMENT FOR WHICH A FILING FEE IS REQUIRED MAY BE**
18 **RECEIVED BY THE COMMISSION AT ANY TIME, BUT MAY NOT BE CONSIDERED**
19 **FILED UNTIL THE FILING FEE HAS BEEN PAID.**

20 **(E) THE COMMISSION SHALL DEPOSIT ALL FEES COLLECTED UNDER**
21 **THIS SECTION IN THE PUBLIC UTILITY REGULATION FUND.**

22 **(F) THE COMMISSION SHALL ADOPT REGULATIONS TO SET**
23 **REASONABLE AND NONDISCRIMINATORY FEES FOR FILING AND OTHER**
24 **SERVICES PERFORMED BY THE COMMISSION.**

25 2-302.

26 This subtitle applies to commissioners **OF THE GENERAL UTILITY**
27 **COMMISSION, THE COMMISSIONERS OF THE PUBLIC ENERGY COMMISSION,** the
28 General Counsel, the People's Counsel, officers and employees of the Office of People's

1 Counsel, and the officers and employees of the **GENERAL UTILITY** Commission AND
2 **THE PUBLIC ENERGY COMMISSION.**

3 **SUBTITLE 4. EXPENSES.**

4 **2-401.**

5 (A) IN THIS SECTION, "PUBLIC SERVICE COMPANY" INCLUDES AN
6 ELECTRICITY SUPPLIER AND A GAS SUPPLIER AS THOSE TERMS ARE DEFINED IN
7 § 1-101 OF THIS ARTICLE.

8 (B) (1) THE COSTS AND EXPENSES OF THE **GENERAL UTILITY**
9 **COMMISSION, THE PUBLIC ENERGY COMMISSION, AND THE OFFICE OF**
10 **PEOPLE'S COUNSEL SHALL BE BORNE BY THE PUBLIC SERVICE COMPANIES**
11 **THAT ARE SUBJECT TO EACH COMMISSION'S RESPECTIVE JURISDICTION.**

12 (2) THE COSTS AND EXPENSES SHALL BE ASSESSED AS PROVIDED
13 IN THIS SECTION.

14 (3) EACH COMMISSION SHALL PAY THE MONEY THAT IT
15 COLLECTS FOR THE ASSESSMENT UNDER THIS SECTION INTO THE **PUBLIC**
16 **UTILITY REGULATION FUND IN THE STATE TREASURY ESTABLISHED UNDER §**
17 **2-402 OF THIS SUBTITLE TO REIMBURSE THE STATE FOR THE EXPENSES OF THE**
18 **COMMISSIONS AND THE OFFICE OF PEOPLE'S COUNSEL.**

19 (C) (1) (I) BEFORE EACH STATE FISCAL YEAR, THE CHAIRMAN OF
20 EACH COMMISSION SHALL ESTIMATE THAT COMMISSION'S TOTAL COSTS AND
21 EXPENSES, INCLUDING:

22 1. THE COMPENSATION AND EXPENSES OF THE
23 COMMISSION, ITS OFFICERS, AGENTS, AND PERSONNEL;

24 2. THE COST OF RETIREMENT CONTRIBUTIONS,
25 SOCIAL SECURITY, HEALTH INSURANCE, AND OTHER BENEFITS REQUIRED TO
26 BE PAID BY THE STATE FOR THE PERSONNEL OF THE COMMISSION;

27 3. ALL OTHER MAINTENANCE AND OPERATION
28 EXPENSES OF THE COMMISSION; AND

1 **2. THE RATIO OF THE GROSS OPERATING REVENUES**
2 **FOR THE PUBLIC SERVICE COMPANY DERIVED FROM INTRASTATE UTILITY AND**
3 **ELECTRICITY SUPPLIER OPERATIONS IN THE PRECEDING CALENDAR YEAR, OR**
4 **OTHER 12-MONTH PERIOD AS THE CHAIRMAN DETERMINES, TO THE TOTAL OF**
5 **THE GROSS OPERATING REVENUES DERIVED FROM INTRASTATE UTILITY**
6 **OPERATIONS AND, IN THE CASE OF THE PUBLIC ENERGY COMMISSION,**
7 **ELECTRICITY SUPPLIER OPERATIONS FOR ALL PUBLIC SERVICE COMPANIES**
8 **THAT ARE BILLED UNDER THIS SECTION OVER THAT PERIOD.**

9 **(II) TO THE EXTENT THAT THE PUBLIC ENERGY**
10 **COMMISSION REQUIRES AN ELECTRIC COMPANY TO REPORT THE GROSS**
11 **OPERATING REVENUE DERIVED FROM INTRASTATE UTILITY AND ELECTRICITY**
12 **SUPPLIER OPERATION IN ORDER TO CALCULATE THE BILL UNDER**
13 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, A SMALL RURAL ELECTRIC**
14 **COOPERATIVE DESCRIBED IN § 7-502(A) OF THIS ARTICLE MAY SATISFY THE**
15 **REQUIREMENT BY SUBMITTING TO THE COMMISSION AN ESTIMATE MADE IN**
16 **ACCORDANCE WITH A FORMULA APPROVED BY THE COMMISSION FROM**
17 **INFORMATION THAT THE SMALL RURAL ELECTRIC COOPERATIVE SUBMITS TO**
18 **THE RURAL UTILITIES SERVICE.**

19 **(5) THE MINIMUM BILL FOR A PUBLIC SERVICE COMPANY SHALL**
20 **BE \$10.**

21 **(6) THE PUBLIC SERVICE COMPANY:**

22 **(I) SHALL PAY THE BILL ON OR BEFORE THE NEXT JULY**
23 **15TH; OR**

24 **(II) MAY ELECT TO MAKE PARTIAL PAYMENTS ON THE 15TH**
25 **DAYS OF JULY, OCTOBER, JANUARY, AND APRIL.**

26 **(7) A PARTIAL PAYMENT SHALL EQUAL 25% OF THE BILL AND**
27 **MAY NOT BE LESS THAN \$10.**

28 **(8) DURING ANY STATE FISCAL YEAR, THE CHAIRMAN OF EACH**
29 **COMMISSION MAY CHANGE THE ESTIMATE OF COSTS AND EXPENSES OF THE**
30 **CHAIRMAN'S RESPECTIVE COMMISSION AND THE ESTIMATE OF COSTS AND**
31 **EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL, AS CHANGED BY THE**
32 **PEOPLE'S COUNSEL.**

1 **(9) (I) IF THE ESTIMATE IS CHANGED, THE COMMISSION**
2 **SHALL SEND A REVISED BILL TO EACH PUBLIC SERVICE COMPANY THAT HAS**
3 **ELECTED TO MAKE PARTIAL PAYMENTS.**

4 **(II) THE CHANGE SHALL BE APPORTIONED EQUALLY**
5 **AGAINST THE REMAINING PAYMENTS FOR THE FISCAL YEAR.**

6 **(10) (I) ON OR BEFORE SEPTEMBER 15TH OF EACH YEAR, EACH**
7 **CHAIRMAN SHALL COMPUTE THE ACTUAL COSTS AND EXPENSES OF THE**
8 **CHAIRMAN'S RESPECTIVE COMMISSION, AND THE ACTUAL COSTS AND**
9 **EXPENSES OF THE OFFICE OF THE PEOPLE'S COUNSEL, AS PROVIDED BY THE**
10 **PEOPLE'S COUNSEL FOR THE PRECEDING FISCAL YEAR.**

11 **(II) IF THE AMOUNTS COLLECTED ARE LESS THAN THE**
12 **ACTUAL COSTS AND EXPENSES OF EACH COMMISSION AND THE OFFICE OF THE**
13 **PEOPLE'S COUNSEL, AFTER DEDUCTING THE AMOUNTS RECOVERED UNDER §§**
14 **2-111(A) AND 2-123 OF THIS SUBTITLE, ON OR BEFORE OCTOBER 15TH, THE**
15 **CHAIRMAN SHALL SEND TO ANY PUBLIC SERVICE COMPANY THAT IS AFFECTED**
16 **A STATEMENT THAT SHOWS THE AMOUNT DUE.**

17 **(III) IF THE AMOUNTS COLLECTED EXCEED THE ACTUAL**
18 **COSTS AND EXPENSES OF EACH COMMISSION AND THE OFFICE OF THE**
19 **PEOPLE'S COUNSEL FOR THE PRECEDING FISCAL YEAR, EACH COMMISSION**
20 **SHALL DEDUCT ANY EXCESS RETAINED FUNDS FROM THE APPROPRIATION FOR**
21 **THE NEXT FISCAL YEAR BEFORE EACH COMMISSION DETERMINES THE AMOUNT**
22 **TO BE PAID BY EACH PUBLIC SERVICE COMPANY FOR THE NEXT FISCAL YEAR**
23 **UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

24 **(11) A PUBLIC SERVICE COMPANY SHALL PAY AN AMOUNT DUE**
25 **WITHIN 30 DAYS AFTER THE STATEMENT IS RECEIVED.**

26 **(12) THE TOTAL AMOUNT THAT MAY BE CHARGED TO A PUBLIC**
27 **SERVICE COMPANY UNDER THIS SECTION FOR A STATE FISCAL YEAR MAY NOT**
28 **EXCEED:**

29 **(I) 0.17% OF THE PUBLIC SERVICE COMPANY'S GROSS**
30 **OPERATING REVENUES DERIVED FROM INTRASTATE UTILITY OPERATIONS AND,**
31 **IN THE CASE OF THE PUBLIC ENERGY COMMISSION, ELECTRICITY SUPPLIER'S**

1 OPERATIONS IN THE PRECEDING CALENDAR YEAR, OR OTHER 12-MONTH
2 PERIOD THAT THE CHAIRMAN DETERMINES, FOR THE COSTS AND EXPENSES OF
3 THE PUBLIC ENERGY COMMISSION OTHER THAN THAT OF THE OFFICE OF
4 PEOPLE'S COUNSEL; PLUS

5 (II) 0.05% OF THOSE REVENUES FOR THE COSTS AND
6 EXPENSES OF THE OFFICE OF PEOPLE'S COUNSEL.

7 (D) (1) WITHIN 30 DAYS AFTER THE COMMISSION ISSUES A BILL
8 UNDER SUBSECTION (C) OF THIS SECTION, THE PARTY BILLED MAY REQUEST A
9 HEARING AS TO THE AMOUNT OF THE BILL.

10 (2) ANY AMOUNT OF A BILL THAT IS NOT PAID WITHIN 30 DAYS
11 AFTER THE DATE OF DETERMINATION ON A HEARING OR, IF A HEARING IS NOT
12 REQUESTED, ON THE DATE WHEN PAYMENT IS DUE, SHALL BEAR ANNUAL
13 INTEREST AT A RATE, NOT LESS THAN 6%, THAT THE COMMISSION SETS BY
14 REGULATION.

15 **2-402.**

16 (A) THERE IS A PUBLIC UTILITY REGULATION FUND.

17 (B) THE FUND CONSISTS OF:

18 (1) ALL REVENUE RECEIVED THROUGH THE IMPOSITION AND
19 COLLECTION OF ASSESSMENTS UNDER § 2-401 OF THIS SUBTITLE;

20 (2) FEES RECEIVED BY THE GENERAL UTILITY COMMISSION AND
21 THE PUBLIC ENERGY COMMISSION UNDER §§ 2-123 AND 2-1A-23 OF THIS
22 TITLE FOR FILINGS AND FOR OTHER SERVICES RENDERED BY THE
23 COMMISSION;

24 (3) INCOME FROM INVESTMENTS THAT THE STATE TREASURER
25 MAKES FOR THE FUND; AND

26 (4) ANY OTHER FEE, EXAMINATION ASSESSMENT, OR REVENUE
27 RECEIVED BY EITHER COMMISSION UNDER THIS ARTICLE.

1 **(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, EACH**
2 **COMMISSION SHALL PAY ALL FINES AND PENALTIES COLLECTED BY THAT**
3 **COMMISSION UNDER THIS ARTICLE INTO THE GENERAL FUND OF THE STATE.**

4 **(D) THE PURPOSE OF THE FUND IS TO PAY ALL THE COSTS AND**
5 **EXPENSES INCURRED BY EACH COMMISSION AND THE OFFICE OF PEOPLE'S**
6 **COUNSEL THAT ARE RELATED TO THE OPERATION OF EACH COMMISSION AND**
7 **THE OFFICE OF PEOPLE'S COUNSEL, INCLUDING:**

8 **(1) EXPENDITURES AUTHORIZED UNDER THIS ARTICLE; AND**

9 **(2) ANY OTHER EXPENSE AUTHORIZED IN THE STATE BUDGET.**

10 **(E) (1) ALL THE COSTS AND EXPENSES OF EACH COMMISSION AND**
11 **THE OFFICE OF PEOPLE'S COUNSEL SHALL BE INCLUDED IN THE STATE**
12 **BUDGET.**

13 **(2) EXPENDITURES FROM THE FUND TO COVER COSTS AND**
14 **EXPENSES OF EACH COMMISSION AND OFFICE OF PEOPLE'S COUNSEL MAY**
15 **ONLY BE MADE:**

16 **(I) WITH AN APPROPRIATION FROM THE FUND APPROVED**
17 **BY THE GENERAL ASSEMBLY IN THE STATE BUDGET; OR**

18 **(II) BY BUDGET AMENDMENT IN ACCORDANCE WITH § 7-209**
19 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

20 **(F) (1) THE STATE TREASURER IS THE CUSTODIAN OF THE FUND.**

21 **(2) THE STATE TREASURER SHALL DEPOSIT PAYMENTS**
22 **RECEIVED FROM EACH COMMISSION INTO THE FUND.**

23 **(G) (1) THE FUND IS A CONTINUING, SPECIAL NONLAPSING FUND**
24 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
25 **ARTICLE, AND MAY NOT BE CONSIDERED A PART OF THE GENERAL FUND OF**
26 **THE STATE.**

27 **(2) UNLESS OTHERWISE PROVIDED BY LAW, NO PART OF THE**
28 **FUND MAY REVERT OR BE CREDITED TO:**

1 (I) **THE GENERAL FUND OF THE STATE; OR**

2 (II) **ANY OTHER SPECIAL FUND OF THE STATE.**

3 4–102.

4 (b) The Commission shall have the power to set a just and reasonable rate of
5 a public service company **UNDER ITS JURISDICTION**, as a maximum rate, minimum
6 rate, or both.

7 5–101.

8 (a) After providing notice and an opportunity for interested parties to be
9 heard, the Commission may adopt regulations that prescribe standards for safe,
10 adequate, reasonable, and proper service for any class of public service company or gas
11 master meter operator **UNDER THE COMMISSION’S JURISDICTION**.

12 5–104.

13 (a) The **APPROPRIATE** Commission may authorize the acts described in §§
14 5–202, 5–203, and 5–205 of this title and § 6–101(a) of this article if it finds that the
15 authorization is consistent with the public convenience and necessity.

16 5–105.

17 The **APPROPRIATE** Commission shall require each gas company, electric
18 company, and telephone company to exempt the dwelling units of subscribing
19 individuals who are at least 60 years old from any cash deposit requirement, if the
20 subscriber does not owe any past–due bill to that public service company.

21 5–201.

22 (a) A public service company may not exercise a franchise granted by law
23 except to the extent authorized by the **APPROPRIATE** Commission.

24 5–202.

25 Without prior authorization of the **APPROPRIATE** Commission, a public service
26 company may not:

27 (1) assign, lease, or transfer a franchise or a right under a franchise;

1 (2) enter into any agreement or contract that materially affects a
2 franchise or a right under a franchise; or

3 (3) abandon or discontinue the exercise of a franchise or a right as a
4 whole or in part.

5 5–203.

6 (a) Subject to § 6–101 of this article, without prior authorization of the
7 **APPROPRIATE** Commission, a public service company may not purchase, acquire,
8 take, or hold any part of the capital stock of another public service company that
9 operates in Maryland.

10 5–302.

11 (a) Except as provided in subsection (b) of this section, a public service
12 company shall file with the **APPROPRIATE** Commission:

13 (1) an annual report for the preceding calendar year; and

14 (2) special reports, information, contracts, records, and copies as
15 required by the Commission.

16 5–304.

17 (a) (1) A public service company shall notify the **APPROPRIATE**
18 Commission of any accident involving the public service company that results in:

19 (i) personal injury requiring hospitalization;

20 (ii) property damage exceeding \$50,000; or

21 (iii) loss of life.

22 5–401.

23 Except as otherwise provided in this subtitle or by other law, the provisions of
24 this subtitle are not subject to the jurisdiction of [the] **EITHER** Commission.

25 6–101.

1 (a) (2) A public service company shall obtain authorization from the
2 **APPROPRIATE** Commission before the public service company:

3 (i) assumes or guarantees an obligation or liability with respect
4 to stocks, bonds, securities, notes, or other evidence of indebtedness of any person that
5 is payable wholly or partly more than 12 months after the date of the assumption or
6 guarantee;

7 (ii) issues stocks, bonds, securities, notes, or other evidence of
8 indebtedness that is payable wholly or partly more than 12 months after the date
9 issued; or

10 (iii) lends money to an affiliate, as defined in § 7-501 of this
11 article, at rates or on terms that are significantly more favorable to the affiliate than
12 the rates or terms that are otherwise commercially available to the affiliate.

13 6-102.

14 (b) The Commission shall authorize a public service company **UNDER ITS**
15 **JURISDICTION** to issue stocks, bonds, securities, notes, or other evidence of
16 indebtedness, payable wholly or partly more than 12 months after the date of
17 issuance, if the Commission finds that the issuance is reasonably required for the
18 public service company to:

19 (1) acquire property;

20 (2) construct, complete, extend, or improve its facilities;

21 (3) discharge or lawfully refund its obligations;

22 (4) maintain or improve service; or

23 (5) reimburse money, not secured by or obtained from the issuance,
24 that is expended for a purpose described in item (1), (2), or (3) of this subsection within
25 5 years before the filing of an application with the Commission for the reimbursement.

26 6-203.

27 The Commission may:

28 (1) establish a uniform system of records for each class of public
29 service company **UNDER ITS JURISDICTION**; and

1 (2) prescribe the manner and form in which a public service company
2 **UNDER ITS JURISDICTION** shall keep records and enter particular items.

3 6-204.

4 The Commission shall prescribe a system, a form of records, and a form of
5 annual report for public service companies **UNDER ITS JURISDICTION** that conform
6 as nearly as possible to the system and forms that any corresponding federal
7 regulatory unit requires for public service companies of the same class in interstate
8 commerce.

9 6-205.

10 (a) (2) Except as provided in subsection (b) of this section, each public
11 service company shall file with the **APPROPRIATE** Commission an annual report
12 containing information on its corporate structure, affiliations of its officers and
13 directors, and debt holdings.

14 6-206.

15 (a) A public service company shall file its annual report with the
16 **APPROPRIATE** Commission within the time the Commission sets after the end of the
17 year that the report covers.

18 7-101.

19 Except as otherwise provided by law, the provisions of this subtitle are not
20 subject to the jurisdiction of [the] **EITHER** Commission.

21 11-101.

22 (b) The **PUBLIC ENERGY** Commission shall adopt regulations to ensure to
23 the greatest extent practicable the operational safety of liquefied natural gas facilities.

24 11-102.

25 (a) The **PUBLIC ENERGY** Commission shall adopt and enforce safety
26 standards for gas service installations at locations where service is provided to:

27 (1) 10 or more customers by pipes from a liquefied petroleum gas
28 storage tank; or

1 (2) at least 2 but fewer than 10 customers, by underground pipes from
2 a liquefied petroleum gas storage tank, if a portion of the system is located in a public
3 place.

4 11-202.

5 (a) The **PUBLIC ENERGY** Commission may act for the United States
6 Secretary of Transportation to implement 49 U.S.C. Chapter 601 with respect to
7 intrastate pipelines located within the State to the extent authorized by certification
8 or agreement with the United States Secretary of Transportation under 49 U.S.C.
9 Chapter 601.

10 11-203.

11 (a) (1) The **PUBLIC ENERGY** Commission may adopt regulations that
12 establish safety standards and practices applicable to the design, construction,
13 operation, and maintenance of intrastate pipeline facilities.

14 11-204.

15 (a) An intrastate pipeline operator shall immediately notify the **PUBLIC**
16 **ENERGY** Commission and the National Response Center of any significant:

17 (1) error in information that the pipeline operator has previously
18 submitted to either unit; or

19 (2) new information that relates to reporting criteria or other
20 information that the pipeline operator is required to submit under this subtitle.

21 11-205.

22 (a) Each year an intrastate pipeline operator shall submit an annual report
23 on the state of its pipeline facility to the **PUBLIC ENERGY** Commission and to each
24 owner of real property:

25 (1) on which the pipeline facility is located; or

26 (2) adjacent to or contiguous to real property on which the pipeline
27 facility is located.

28 11-206.

1 (a) The **PUBLIC ENERGY** Commission may assess and collect from an
2 intrastate pipeline operator an inspection fee that may be used by the Commission for
3 administering the regulatory program established by the Commission under this
4 subtitle.

5 11-207.

6 The **PUBLIC ENERGY** Commission may bring an action for injunctive relief in a
7 circuit court to:

8 (1) enjoin a violation of this subtitle;

9 (2) enjoin the transportation of a hazardous liquid by pipeline or the
10 operation of a pipeline facility; or

11 (3) enforce a standard established by the Commission under this
12 subtitle.

13 11-208.

14 (a) The **PUBLIC ENERGY** Commission may impose on a person who violates
15 this subtitle or a regulation adopted in accordance with this subtitle a civil penalty
16 that does not exceed the maximum penalties provided in 49 U.S.C. Chapter 601
17 (Hazardous Liquid Pipeline Safety Act).

18 12-106.

19 (a) Except as provided in subsection (b) of this section, a person that operates
20 a one-call system in the State shall register with and obtain certification to operate
21 from the **GENERAL UTILITY COMMISSION AND THE PUBLIC ENERGY** Commission.

22 (b) A person operating a one-call system on or before July 1, 1990, is
23 automatically registered with and certified by [the] **EACH** Commission to continue to
24 operate.

25 (c) (1) The operator of a one-call system shall install and make available
26 an owner-contractor information exchange system in its one-call center in the State.

27 (2) The owner-contractor information exchange system shall be
28 available to any caller at all times.

1 (d) The [Commission] **COMMISSIONS ACTING JOINTLY** may grant, amend,
2 or revoke the certification of a person operating a one-call system.

3 12-109.

4 (a) Each owner shall file notice with and submit to [the] **EACH** Commission
5 in writing the telephone number of the person in each county to which calls concerning
6 proposed excavations or demolitions are to be directed.

7 (b) Each owner shall be a member of a one-call system that has filed a
8 telephone number with [the] **EACH** Commission on behalf of all owner-members.

9 (c) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
10 receiving notice from a person under § 12-108 of this subtitle, an owner shall
11 determine if a proposed excavation or demolition:

12 (1) is within 5 feet of the horizontal plane of an underground facility;
13 or

14 (2) because of planned blasting, is in such proximity to an
15 underground facility that the underground facility may be damaged or disturbed.

16 (d) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
17 receiving the person's notice under § 12-108 of this subtitle, an owner that determines
18 under subsection (c) of this section that an underground facility may be damaged or
19 disturbed shall notify the person of the determination.

20 (e) An owner that elects to perform a proposed excavation or demolition shall
21 perform the excavation or demolition around the underground facility in a timely
22 manner.

23 12-304.

24 (a) This subtitle does not limit the authority of [the] **EITHER** Commission
25 under this article, the Maryland Constitution, or any other law whether by statute or
26 court decision.

27 (b) This subtitle does not limit the authority of [the] **EITHER** Commission to
28 determine whether, in what manner, and by whom costs are to be assessed, paid,
29 recovered, or absorbed when an underground electric or communication facility is
30 converted, constructed, operated, maintained, repaired, replaced, or enlarged.

1 12-311.

2 (e) Before an agreement made under this section takes effect the
3 [Commission] **COMMISSIONS** may conduct proceedings and shall **JOINTLY**:

4 (1) determine that the agreement is in the public interest; and

5 (2) issue an order to approve the agreement, disapprove the
6 agreement, or approve the agreement subject to specified conditions.

7 12-312.

8 (a) After approval by the [Commission] **COMMISSIONS** of an agreement
9 under § 12-311 of this subtitle and, if required, a public hearing in accordance with §
10 12-309 of this subtitle, the legislative body of the county or municipal corporation may
11 adopt a resolution ordering the conversion to be completed in accordance with the
12 resolution.

13 13-101.

14 (b) A person may not fail, neglect, or refuse to comply with any provision of
15 this article or any effective and outstanding direction, ruling, order, rule, regulation,
16 or decision of [the] **EITHER** Commission.

17 13-201.

18 (b) (1) Except as provided in paragraph (2) of this subsection, the
19 **APPROPRIATE** Commission may impose a civil penalty not exceeding \$10,000 against
20 a person who violates a provision of this article **UNDER THE JURISDICTION OF THE**
21 **COMMISSION**, or an effective and outstanding direction, ruling, order, rule, or
22 regulation of [the] **THAT** Commission.

23 (d) The Commission shall determine the amount of any civil penalty after
24 considering:

25 (1) the number of previous violations of any provision of this article
26 **UNDER THE JURISDICTION OF THE COMMISSION**;

27 (2) the gravity of the current violation;

28 (3) the good faith efforts of the violator in attempting to achieve
29 compliance after notification of the violation; and

1 (4) any other matter that the Commission considers appropriate and
2 relevant.

3 13-204.

4 Personnel of [the] **EITHER** Commission or Office of People's Counsel who are
5 convicted of violating Title 2, Subtitle 3 of this article shall, in addition to any other
6 penalties, be removed or discharged from office.

7 13-205.

8 A public service company is subject to a fine of \$100 for each day beyond 30 days
9 after the deadline set by the **APPROPRIATE** Commission that the public service
10 company fails to:

11 (1) file its annual report with the Commission in accordance with Title
12 6, Subtitle 2 of this article;

13 (2) make a report or furnish information that the Commission
14 requests or requires; or

15 (3) [fails to] give a full, specific, and responsive answer to any
16 question reasonably directed to it by the Commission.

17 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of office of
18 each of the initial commissioners of the Public Energy Commission appointed under
19 Section 3 of this Act shall begin on July 1, 2007, and shall expire as follows:

20 (1) one member in 2008;

21 (2) one member in 2009;

22 (3) one member in 2010;

23 (4) one member in 2011; and

24 (5) one member in 2012.

25 SECTION 5. AND BE IT FURTHER ENACTED, That each member of the
26 Public Service Commission who is in office on the effective date of this Act is a member
27 of the General Utility Commission as enacted under Section 3 of this Act and the

1 terms of each member of the General Utility Commission shall expire at the same time
2 as the terms would have expired for those individuals as members of the Public
3 Service Commission.

4 SECTION 6. AND BE IT FURTHER ENACTED, That all orders issued, or
5 regulations adopted, by the Public Service Commission prior to the enactment of this
6 Act shall continue in full force and effect until modified or repealed by an act of:

7 (1) with respect to electricity, gas, and liquefied natural gas
8 provisions, the Public Energy Commission; and

9 (2) with respect to all other classes of public service companies, the
10 General Utility Commission.

11 SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly
12 provided to the contrary in this Act, any transaction or employment status affected by
13 or flowing from any change of nomenclature or any statute amended, repealed, or
14 transferred by this Act and validly entered into or existing before the effective date of
15 this Act and every right, duty, or interest flowing from the statute, remains valid after
16 the effective date of this Act and may be terminated, completed, consummated, or
17 enforced as required or allowed by any statute amended, repealed, or transferred by
18 this Act as though the repeal, amendment, or transfer had not occurred.

19 SECTION 8. AND BE IT FURTHER ENACTED, That the personnel, records,
20 files, furniture, fixtures, and other properties and all appropriations, credits, assets,
21 liabilities, and obligations of the Public Service Commission are continued as the
22 personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets,
23 liabilities, and obligations of the General Utility Commission and the Public Energy
24 Commission as created under the laws enacted by this Act.

25 SECTION 9. AND BE IT FURTHER ENACTED, That, except as expressly
26 provided to the contrary in this Act, any person licensed, registered, certified, or issued
27 a permit or certificate by any commission, office, department, agency, or other unit
28 established or continued by any statute amended, repealed, or transferred by this Act
29 is considered for all purposes to be licensed, registered, certified, or issued a permit or
30 certificate by the appropriate unit continued under this Act for the duration of the
31 term for which the license, registration, certification, or permit was issued, and may
32 renew that authorization in accordance with the appropriate renewal provisions of this
33 Act.

34 SECTION 10. AND BE IT FURTHER ENACTED, That all persons who are
35 classified employees of the Public Service Commission before the effective date of this
36 Act and who are transferred to the General Utility Commission and the Public Energy

1 Commission under this Act shall be transferred without any diminution of their
2 rights, benefits, or employment status, including merit system and retirement status,
3 if any.

4 SECTION 11. AND BE IT FURTHER ENACTED, That, on or before October 1,
5 2007, the General Utility Commission, the Public Energy Commission, and the
6 Department of Budget and Management shall develop and implement a plan for the
7 reconstruction and transfer of the personnel and technical staff necessary and proper
8 for the functions to be taken over by the Public Energy Commission and for the
9 reconstruction of the Public Service Commission into the General Utility Commission
10 and the Public Energy Commission.

11 SECTION 12. AND BE IT FURTHER ENACTED, That throughout the
12 Annotated Code of Maryland, unless otherwise required by the context of a provision,
13 all references to the Public Service Commission shall be construed to refer to:

14 (1) with respect to electricity, gas, and liquefied natural gas
15 provisions, the Public Energy Commission; and

16 (2) with respect to all other classes of public service companies, the
17 General Utility Commission.

18 SECTION 13. AND BE IT FURTHER ENACTED, That, subject to the approval
19 of the Executive Director of the Department of Legislative Services, the publishers of
20 the Annotated Code of Maryland shall propose the correction of cross-references that
21 are rendered incorrect by this Act.

22 SECTION 14. AND BE IT FURTHER ENACTED, That Sections 1, 2, 3, 5
23 through 10, 12, and 13 of this Act shall take effect July 1, 2007.

24 SECTION 15. AND BE IT FURTHER ENACTED, That, except as provided in
25 Section 14 of this Act, this Act shall take effect June 1, 2007.