

SENATE BILL 55

C5

9lr1040

(PRE-FILED)

By: **Senator Klausmeier**

Requested: November 17, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

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,
6 books, and records of a public service company, a parent of a public service
7 company, an affiliate of a public service company, and an affiliate of a parent of
8 a public 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 (2008 Replacement Volume and 2008 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
22 MEANINGS INDICATED.

23 (2) “AFFILIATE” MEANS A PERSON THAT DIRECTLY OR
24 INDIRECTLY, OR THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH, OR HAS, DIRECTLY OR
2 INDIRECTLY, ANY ECONOMIC INTEREST IN ANOTHER PERSON.

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

5 (4) "PARENT" MEANS:

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

8 (II) ANY INTERMEDIARY PERSON THAT CONTROLS A PUBLIC
9 SERVICE COMPANY.

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

16 (1) TITLE 4 OF THIS ARTICLE;

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

18 (3) SUBTITLE 1 OF THIS TITLE;

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

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

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

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2009.