

SENATE BILL 794

C5

EMERGENCY BILL

9lr1796

CF 9lr1797

By: **Senators Pipkin and Rosapepe**

Introduced and read first time: February 6, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Required Approval - Acquisition of Generation**
3 **Facility**

4 FOR the purpose of prohibiting a person, without prior approval of the Public Service
5 Commission, from acquiring a generation facility or acquiring an ownership
6 interest in a generation facility in the State under certain circumstances;
7 providing for the application of this Act; making this Act an emergency
8 measure; and generally relating to the approval of the Commission prior to the
9 acquisition of a generation facility.

10 BY adding to

11 Article - Public Utility Companies

12 Section 6-105.1

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2008 Supplement)

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

17 **Article - Public Utility Companies**

18 **6-105.1.**

19 **WITHOUT PRIOR APPROVAL OF THE COMMISSION, A PERSON MAY NOT**
20 **ACQUIRE A GENERATION FACILITY IN THE STATE OR ACQUIRE AN OWNERSHIP**
21 **INTEREST IN A GENERATION FACILITY IN THE STATE IF THE GENERATION**
22 **FACILITY IN THE STATE IS OWNED BY A COMPANY THAT:**

23 **(1) CONTROLS OR IS THE PARENT COMPANY OF AN ELECTRIC**
24 **COMPANY, A GAS AND ELECTRIC COMPANY, OR A GAS COMPANY; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IS AN AFFILIATE OF A COMPANY THAT CONTROLS OR IS THE**
2 **PARENT COMPANY OF AN ELECTRIC COMPANY, A GAS AND ELECTRIC COMPANY,**
3 **OR A GAS COMPANY.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply to transactions executed on or after December 1, 2008, for the
6 transfer of an ownership interest in a nuclear electricity generating facility.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety,
9 has been passed by a ye and nay vote supported by three-fifths of all the members
10 elected to each of the two Houses of the General Assembly, and shall take effect from
11 the date it is enacted.