

Chapter 52

(Senate Bill 249)

AN ACT concerning

Public Utilities and Washington Suburban Sanitary Commission – Cross-References

FOR the purpose of correcting certain cross-references to the Public Utility Companies Article in the Annotated Code of Maryland to reflect the renaming of the article to be the Public Utilities Article; correcting certain cross-references to Article 29 – Washington Suburban Sanitary District in the Annotated Code of Maryland to reflect the nonsubstantive revision of the article; correcting certain cross-references in the Public Utility Companies Article; making stylistic changes; and generally relating to the nonsubstantive revision of Article 29 of the Code and to the renaming of the Public Utility Companies Article.

BY repealing and reenacting, without amendments,
Article 1 – Rules of Interpretation
Section 25(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 25(z)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 23 – Miscellaneous Companies
Section 182(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 5–101(a) and 9–606(c)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–118(b)

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 11–502(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–203(a)(3), 11–701(d), and 13–301(15)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(10)(iii) and (iv)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–906(a), 6–303(a), 6–304(a), 6–305(b)(2), and 6–505(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–801(f)(7)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 15–109(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–402(3), 2–405(a)(1), (b), (e)(1), and (f), 2–1001(d), 5–203.1(b)(2)(i),
5–502(e), 7–506(i)(3), 7–514(d)(3), 9–726.1(d)(2), and 16–307(a)(5)(ii)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 2–102(a)(10)

Annotated Code of Maryland

(2006 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 5.5–106(a)(2) and 8–206(e)(3)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3–128(b), 3–302(a)(2), 3–304(2), 3–305(a)(3) and (d), 3–306(a) and (c),
3–307, 3–919(b), 5–403(e)(1), 5–409(c)(1), 5–1602(b)(5), and 5–1603(f)

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1–310(f), 12–502(a)(5), and 12–506(b)(1)(vii)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 1–101(a), 2–106(d)(1), 2–110(c)(1)(ii), 2–110.1(b)(4) and (d), 2–112(b)(2),
2–113(b), 2–115(a), 2–117(a)(1), 2–204(a)(2), 2–310, 3–101(c), 3–102(a)(2),
3–103(a), 3–112(a), 4–206(c), 4–501(a)(2), 4–502, 5–301(b), 7–204(a)(1),
7–505(b)(13)(i), 7–506(d), 7–507(l)(3), 7–711(a), 8–409(b)(1), 9–204,
9–207(d), 9–208(d), 10–110(b), 10–202(b), 11–102(b)(2), 13–101(b) and (c),
13–201(b)(1) and (c)(1), 13–202(c)(1), 13–206, 13–207, and 13–208(a)(1)
and (c)(3)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 11–131(c)(2)

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–20A–01(l), 9–20B–05(e)(5), (f)(3) and (4), (g)(2), and (i), 15–821(d),
15–829(c)(3)(iv), 15–838(b)(2)(iv), 15–848(b)(3)(iv), and 15–853(c)(3)(iv)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 4–401(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 8–401(c)(2)(ii), 8–407, and 10–704.1(a)(3) and (b)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–239(a)(4) and (5) and 12–103(c)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 6–301(b)(3) and 7–208(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–423(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article 1 – Rules of Interpretation

25.

(a) Unnumbered revised articles of the Annotated Code of Maryland may be cited as stated in this section.

(z) A section of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** may be cited as: “§ ___ of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**”.

Article 23 – Miscellaneous Companies

182.

(a) Subject to subsection (b) of this section, a municipal corporation of this State now owning or hereafter acquiring an electric plant or gas plant, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, may sell, lease, exchange or otherwise dispose of the electric plant or gas plant, or any part of or interest in either, to any electric company or gas company, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, on terms and conditions determined by the municipal corporation.

Article 24 – Political Subdivisions – Miscellaneous Provisions

5–101.

(a) In this section, “electric company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

9–606.

(c) A tax imposed under this section does not apply to:

(3) Telephone lifeline service provided under § 8–201 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article 28 – Maryland–National Capital Park and Planning Commission

5–118.

(b) The Commission may use for park purposes the lands acquired for flood control and navigation projects as provided in [Article 29, §§ 13–101 and 13–102 of the Code] **TITLE 9 OF THIS ARTICLE**.

Article – Business Occupations and Professions

11–502.

(a) The Public Service Commission shall establish pilotage fees in accordance with § 4–303 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Commercial Law

11–203.

(a) This subtitle does not make illegal the activity of:

(3) A public service company, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, or a rating organization or bureau representing the company, to the extent that the activity is subject to the jurisdiction of the Public Service Commission or authorized by federal law governing interstate commerce;

11–701.

(d) “Telephone company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

13–301.

Unfair or deceptive trade practices include any:

(15) Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(10) A proceeding for adjudication of:

(iii) A [WSSC] **WASHINGTON SUBURBAN SANITARY COMMISSION** infraction [as defined in Article 29, § 18–104.1 of the Code] **UNDER § 29–102 OF THE PUBLIC UTILITIES ARTICLE**, concerning rules and regulations governing publicly owned watershed property;

(iv) A [WSSC] **WASHINGTON SUBURBAN SANITARY COMMISSION** infraction [as defined in Article 29, § 18–104.2 of the Code] **UNDER § 29–101 OF THE PUBLIC UTILITIES ARTICLE**, concerning [WSSC] **WASHINGTON SUBURBAN SANITARY COMMISSION** regulations governing:

1. Erosion and sediment control for utility construction;
2. Plumbing, gas fitting, and sewer cleaning;
3. Required permits for utility construction; and
4. The [WSSC] WASHINGTON SUBURBAN SANITARY COMMISSION Pretreatment Program;

Article – Criminal Law

3–906.

(a) (1) In this section the following words have the meanings indicated.

(2) “Telegraph company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(3) “Telegraph lines” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(4) “Telephone company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(5) “Telephone lines” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

6–303.

(a) In this section, “electric company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

6–304.

(a) In this section, “gas company” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

6–305.

(b) This section does not apply to:

(2) governmental regulation of:

(i) water equipment; or

(ii) water companies, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

6–505.

(a) In this section, “railroad” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Economic Development

10–801.

(f) “Clean energy” includes:

(7) other qualifying biomass as defined in § 7–701 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**;

Article – Education

15–109.

(b) A person that enters into an agreement or lease with a public institution of higher education to facilitate or undertake the financing, whole or partial ownership, operation, generation, construction, distribution, or maintenance of an on-site steam or electric generation, production, or distribution system for the institution may not be considered a public service company, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, subject to the jurisdiction of the Public Service Commission as a result of the financing, leasing, ownership, operation, control, management, construction, distribution, or maintenance of the steam or electric system.

Article – Environment

2–402.

The Department may not require a permit or registration for:

(3) The construction of a generating station constructed by a person that is required to obtain a certificate of public convenience and necessity under §§ 7–207 and 7–208 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** and regulations adopted by the Public Service Commission;

2–405.

(a) (1) Whenever the Public Service Commission notifies the Secretary of an application for a certificate of public convenience and necessity under § 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, the Secretary shall prepare a recommendation in connection with the permit or registration required by this subtitle. The recommendation shall be presented at the hearing required by § 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(b) Subject to judicial review as provided under Title 3, Subtitle 2 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, the decision of the Public Service Commission in connection with a certificate of public convenience and necessity or a filing under § 7–206 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** is binding on the Secretary.

(e) (1) Before issuing an operating permit which requires the installation of pollution control equipment or a change in the method of operation of the generating station or unit to any person required to obtain a certificate of public convenience and necessity, the Secretary shall notify the applicant and the Public Service Commission and request that the Public Service Commission institute a hearing as required by § 7–206 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(f) (1) The Commission shall conduct the hearing required by subsection (e) of this section in the manner set forth in §§ 7–205 and 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(2) The Department shall incorporate the Commission's order rendered in accordance with § 7–206 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

2–1001.

(d) “PJM Region” has the meaning stated under § 7–701 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

5–203.1.

(b) (2) The following are exempt from the application fees established under paragraph (1) of this subsection:

(i) Regulated activities conducted by the State, a municipal corporation, county, bicounty or multicounty agency under Article 28 [or Article 29] of the Code **OR DIVISION II OF THE PUBLIC UTILITIES ARTICLE**, or a unit of the State, a municipal corporation, or a county;

5–502.

(e) Notwithstanding any other provision of this subtitle, an application for a certificate of public convenience and necessity associated with power plant construction which involves use or diversion of waters of the State made to the Public Service Commission under the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** constitutes an application for the permit required by this section, and the provisions of § 3–306 of the Natural Resources Article apply. If an application is made to the Public Service Commission, the hearing provided for by this subtitle is not required. All evidence relevant to the purposes of this subtitle shall be presented at the hearing held by the Public Service Commission, as required by § 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**. The permit required by this subtitle is included in the certificate of public convenience and necessity issued by the Public Service Commission.

7–506.

(i) (3) (i) If a determination by the Department that it has no further requirements at a property is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall send a copy of the determination to a one–call system as defined in § 12–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(ii) Any obligation for the participant to send the information required under subparagraph (i) of this paragraph does not negate the obligation of an owner as defined in § 12–101(f) of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** to become a member of the one–call system under Title 12 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

7–514.

(d) (3) (i) If a certificate of completion is conditioned on the permissible use of the property, the participant shall send a copy of the certificate of completion to a one–call system, as defined in § 12–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(ii) Any obligation for the participant to send the information required under subparagraph (i) of this paragraph does not negate the obligation of an owner as defined under § 12–101(f) of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** to become a member of the one–call system under Title 12 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

9–726.1.

(d) (2) A private water company may apply a reasonable reconnection charge, in accordance with the ratemaking requirements of Title 4 of the [Public

Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, when it reconnects water service.

16–307.

(a) (5) (ii) If an electric company, as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, applies to the Public Service Commission for a certificate of public convenience associated with power plant construction which involves private wetlands, the hearing and permit procedure shall be in accordance with § 3–306 of the Natural Resources Article.

Article – Housing and Community Development

2–102.

(a) The Department shall:

(10) develop and implement a weatherization program in accordance with Title 4 of this article and administer the low-income weatherization component of the electric universal service program in accordance with § 7–512.1 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Labor and Employment

5.5–106.

(a) (2) Unless the Board of Public Works exercises the option under subsection (b) of this section, the Public Service Commission shall pay the cost of administering this title from money the Public Service Commission receives under § 2–110 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

8–206.

(e) Work is not covered employment when performed by a taxicab driver who uses a taxicab or taxicab equipment of a taxicab business that is carried on by the holder of a taxicab permit if the Secretary is satisfied that:

(3) the driver has access to the taxicab or taxicab equipment at all hours and, subject to the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, may set personal work hours and places; and

Article – Natural Resources

3–128.

(b) The Service may not be deemed to be a public service company within the meaning of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, and, except as provided in this section and in § 3–102(b) of this subtitle, the jurisdiction and powers of the Public Service Commission do not extend to the Service.

3–302.

(a) (2) For the purpose of this subtitle, there is established as an added cost of electricity distributed to retail electric customers within the State, an environmental surcharge per kilowatt hour of electric energy distributed in the State to be paid by any electric company as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**. The Public Service Commission shall impose the surcharge per kilowatt hour of electric energy distributed to retail electric customers within the State and shall authorize the electric companies to add the full amount of the surcharge to retail electric customers' bills. To the extent that the surcharge is not collected from retail electric customers, the surcharge shall be deemed a cost of distribution and shall be allowed and computed as such, together with other allowable expenses, for rate-making purposes. Revenues from the surcharge shall be collected by the Comptroller and placed in the Fund.

3–304.

In cooperation with the Public Service Commission, the Maryland Energy Administration, and the Secretary of the Environment, the Secretary shall implement a long-range environmental evaluation of power plant building sites projected for at least 10 years. To facilitate providing adequate electric power on reasonable schedules at reasonable costs with the least possible depreciation of the quality of Maryland's environment, the following responsibilities and procedures are set forth:

(2) Upon receipt of a ten-year plan from the Public Service Commission, the Secretary with the advice of the Secretary of the Environment and the Director of the Maryland Energy Administration and in accordance with paragraph (1) of this section and § 7–201 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, shall prepare and submit, within 180 days a preliminary environmental statement on each possible and proposed site, including associated transmission routes. The statement, on the basis of the environmental research program, shall include but not be limited to the following considerations:

- (i) The environmental impact at the proposed site;
- (ii) Any adverse environmental effects which cannot be avoided if the proposed site is accepted;
- (iii) Possible alternatives to the proposed site;

(iv) Any irreversible and irretrievable commitments of resources which would be involved at the proposed site if it is approved;

(v) Where appropriate, a discussion of problems and objections raised by other State and federal agencies and local entities;

(vi) A plan for monitoring environmental effects of the proposed action and provision for remedial actions if the monitoring reveals unanticipated environmental effects of significant adverse consequences; and

(vii) The ability to adequately provide emergency response plans to residents if a nuclear power plant is considered for location at a site.

The Secretary shall state to the Public Service Commission which possible and proposed sites, based on preliminary environmental statement, justify an unsuitable classification. Unless the electric company whose proposed site is involved offers the Secretary substantial evidence to the contrary, the site shall be deleted from the plan. The site may be included in a subsequent ten-year plan.

3-305.

(a) The expertise of the electric utilities in the basic requirements, including environmental considerations, of a site for power generation and generator lead route is a needed element in site selection. Therefore, for the purposes of insuring adequate power on reasonable schedules while also protecting the quality of the State's environment, site acquisition and generator lead route designation may occur as follows:

(3) Notwithstanding any other provision of this subtitle, the Secretary may acquire a site for an electric company if the Public Service Commission requests the Secretary to purchase a site under § 7-202 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(d) An electric company as defined in § 1-101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** may request from the Secretary an appropriate site in his possession under the provisions of this subtitle, and the Secretary shall make the site available. The electric utility may purchase the site. The purchase price shall be the fair market value of the site as determined by a committee of three independent qualified real estate appraisers, one of whom is chosen by the Secretary, one by the electric company making the application, and the third by the two appraisers first selected. Each party compensates its own appraiser and bears one-half the cost of the third appraiser. Receipts from the purchase transactions shall be deposited in the Fund.

3-306.

(a) Notwithstanding anything to the contrary in this article or the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction involving, but not limited to, use or diversion of the waters of the State, or private wetlands, the Commission shall notify immediately the Department of Natural Resources and the Department of the Environment of the application. The Commission shall supply the Department of Natural Resources and the Department of the Environment with any pertinent information available regarding the application. The Department of the Environment shall treat the application for a certificate of public convenience and necessity as an application for appropriation or use of waters of the State under Title 5 of the Environment Article and as an application for a license for dredging and filling under Title 16 of the Environment Article.

(c) The results and recommendations shall be open for public inspection and shall be presented by the Secretaries or their designees at the hearing the Commission holds as required by Title 7, Subtitle 2 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**. Within 15 days from the conclusion of the hearing, and based on the evidence there presented, the Secretaries jointly shall present their final recommendation to the chairman of the Commission including, but not limited to, any specific conclusions as to any private wetlands involved and any specific conclusions as to any water use or restriction of water use involved.

3-307.

Judicial review shall in all instances include the right to appeal to the circuit courts as set forth in Title 3, Subtitle 2 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

3-919.

(b) The Authority shall not be deemed to be a public service company within the meaning of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, and the jurisdiction and powers of the Public Service Commission shall not extend to the Authority.

5-403.

(e) A county or municipality may not adopt a local law or ordinance for the planting, care, and protection of roadside trees that applies to:

(1) The cutting or clearing of public utility rights-of-way or land for electric generating stations licensed under § 7-204, § 7-205, § 7-207, or § 7-208 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, provided that:

(i) Any required certificates of public convenience and necessity have been issued in accordance with § 5-1603(f) of this title; and

(ii) The cutting or clearing of the forest is conducted so as to minimize the loss of forest;

5-409.

(c) Notwithstanding the provisions of this section, the following shall obtain the permission of an owner before engaging in any act specified in subsection (a) of this section, but are not required to obtain the permission in writing or to display the written permission as provided in subsection (b) of this section:

(1) A public service company, as defined in § 1-101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

5-1602.

(b) The provisions of this subtitle do not apply to:

(5) The cutting or clearing of public utility rights-of-way or land for electric generating stations licensed pursuant to § 7-204, § 7-205, § 7-207, or § 7-208 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, provided that:

(i) Any required certificates of public convenience and necessity have been issued in accordance with § 5-1603(f) of this subtitle; and

(ii) The cutting or clearing of the forest is conducted so as to minimize the loss of forest;

5-1603.

(f) After December 31, 1992, the Public Service Commission shall give due consideration to the need to minimize the loss of forest and the provisions for afforestation and reforestation set forth in this subtitle together with all applicable electrical safety codes, when reviewing applications for a certificate of public convenience and necessity issued pursuant to § 7-204, § 7-205, § 7-207, or § 7-208 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Public Safety

1-310.

(f) A CMRS provider that pays or collects 9-1-1 fees under this section has the same immunity from liability for transmission failures as that approved by the

Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

12-502.

(a) This subtitle does not alter or abrogate the authority of:

(5) the Public Service Commission to enforce the Energy Code defined under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

12-506.

(b) (1) At a minimum, the Department shall include in the database:

(vii) the Energy Code defined under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**;

Article – Public Utility Companies

1-101.

(a) In this [article] **DIVISION** the following words have the meanings indicated.

2-106.

(d) As the Commission directs, the General Counsel shall:

(1) represent the Commission in a proceeding if the Commission is a party to or desires to intervene in the proceeding, if the proceeding involves a question under this [article] **DIVISION**, or if the proceeding involves an act or order of the Commission;

2-110.

(c) (1) (ii) The estimate shall exclude the expenses associated with services performed by the Commission for which the Commission is reimbursed under this [article] **DIVISION**.

2-110.1.

(b) The Fund consists of:

(4) any other fee, examination assessment, or revenue received by the Commission under this [article] **DIVISION**.

(d) The purpose of the Fund is to pay all the costs and expenses incurred by the Commission and the Office of People's Counsel that are related to the operation of the Commission and the Office of People's Counsel, including:

- (1) expenditures authorized under this [article] **DIVISION**; and
- (2) any other expense authorized in the State budget.

2-112.

(b) (2) The Commission has the implied and incidental powers needed or proper to carry out its functions under this [article] **DIVISION**.

2-113.

(b) The powers and duties listed in this title do not limit the scope of the general powers and duties of the Commission provided for by this [article] **DIVISION**.

2-115.

(a) The Commission shall initiate and conduct any investigation necessary to execute its powers or perform its duties under this [article] **DIVISION**.

2-117.

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

2-204.

(a) (2) If the Office of People's Counsel considers the interest of residential and noncommercial users to be affected, the Office of People's Counsel shall appear before the Commission and courts on behalf of residential and noncommercial users in each matter or proceeding over which the Commission has original jurisdiction, including a proceeding on the rates, service, or practices of a public service company or on a violation of this [article] **DIVISION**.

2-310.

An individual subject to § 2–302 of this subtitle may not violate this [article] **DIVISION**.

3–101.

(c) An official act of the Commission:

(1) is valid if it substantially complies with the requirements of this [article] **DIVISION**; and

(2) may not be vitiated by any technical deficiency.

3–102.

(a) (2) The complaint shall be in writing and set forth circumstances that allege a violation of this [article] **DIVISION** by a public service company.

3–103.

(a) The service of a document or notice relating to a proceeding before the Commission under this [article] **DIVISION** shall be sufficient:

(1) if made personally through the sheriff's office in the county in which service may be made or by an adult; or

(2) except as provided in subsections (b) and (c) of this section, if mailed by first-class mail, postage prepaid, to the last known address of the person to be served.

3–112.

(a) In a proceeding before the Commission where a person applies for the approval of the Commission under § 5–104, §§ 5–201 through 5–203, or §§ 6–101 through 6–103 of this article, the person shall show by clear and satisfactory evidence that granting the application complies with the requirements of this [article] **DIVISION** and, as the case may be, is required by the public interest or is consistent with the public interest.

4–206.

(c) All final valuations are prima facie evidence of value in proceedings under this [article] **DIVISION**.

4–501.

(a) In its utility operations, a public service company may not:

(2) demand or collect:

(i) compensation that differs from compensation specified in its rate schedules that are in force at the time of the demand or collection; or

(ii) a charge that violates this [article] **DIVISION**.

4-502.

In an action by a public service company to collect a charge, the public service company may not recover any amount if, in the transaction that is the subject of the action, the public service company demanded a rate greater than that lawful under this [article] **DIVISION** when the charge was made.

5-301.

(b) A public service company:

(1) shall comply fully with the requirements of this [article] **DIVISION**; and

(2) may not violate any provision of this [article] **DIVISION**.

7-204.

(a) (1) Notwithstanding any other provision of this [article] **DIVISION**, at least 30 days before a hearing, a public service company shall provide to each owner of land, by certified mail, written notice of intent to run a line or similar transmission device over, on, or under the land.

7-505.

(b) (13) (i) An electric company shall comply with all requirements of the Commission in conducting regulated operations in compliance with this [article] **DIVISION**.

7-506.

(d) The electric company shall connect customers and deliver electricity on behalf of electricity suppliers consistent with the provisions of this [article] **DIVISION**.

7-507.

(1) (3) The Commission shall determine the amount of any civil penalty after considering:

(i) the number of previous violations of any provision of this [article] **DIVISION**;

(ii) the gravity of the current violation; and

(iii) the good faith of the electricity supplier or person charged in attempting to achieve compliance after notification of the violation.

7-711.

(a) The Commission has the same power and authority with respect to an electricity supplier under this subtitle that the Commission has with respect to any public service company under this [article] **DIVISION** for the purposes of investigating and examining the electricity supplier to determine compliance with this subtitle and with other applicable law.

8-409.

(b) For the purpose of enforcing the provisions of this subtitle, the Commission may:

(1) exercise any of the powers conferred under this [article] **DIVISION** against a telephone company or reseller; and

9-204.

The Commission may suspend, revoke, or subsequently deny a motor carrier permit if the holder violates a provision of this [article] **DIVISION**.

9-207.

(d) Except as provided in this section, the provisions of this [article] **DIVISION** do not apply to a motor carrier subject to this section.

9-208.

(d) A motor coach that is licensed under this section and only provides service for or on behalf of a not-for-profit entity is not subject to tariffs or rate making under this [article] **DIVISION**.

10-110.

(b) The license hearing officer may hold a hearing involving a violation of this [article] **DIVISION** or the Commission's regulations:

(1) by a for-hire driver licensed by the Commission; and

(2) except for a violation relating to rates, by a holder of a taxicab permit issued by the Commission.

10-202.

(b) The provisions of this [article] **DIVISION** relating to taxicabs or of any public local law relating to taxicabs do not limit the jurisdiction of the Commission over a taxicab business as a common carrier even if the taxicab business operates in a jurisdiction other than Baltimore City, Baltimore County, the City of Cumberland, or the City of Hagerstown.

11-102.

(b) (2) Except as provided in paragraph (3) of this subsection, other sections of this [article] **DIVISION** do not apply to an owner subject to this section.

13-101.

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

(c) An individual who knowingly violates or knowingly aids or abets a public service company in the violation of subsection (b) of this section or any provision of this [article] **DIVISION**:

(1) is guilty of a misdemeanor; and

(2) unless a different punishment is specifically provided by law, on conviction is subject to a fine not exceeding \$1,000 for a first offense and not exceeding \$5,000 for each additional or subsequent offense.

13-201.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding \$10,000 against a person who violates a provision of this [article] **DIVISION**, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this [article] **DIVISION**.

13-202.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this [article] **DIVISION** that relates to safety is subject to a civil penalty not exceeding \$500 for each violation for each day that the violation persists.

13-206.

An individual who violates a provision of this [article] **DIVISION** concerning for-hire driving services is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for a first offense and not exceeding \$100 for each additional or subsequent offense.

13-207.

A contract, assignment, or transfer in violation of this [article] **DIVISION** is void.

13-208.

(a) In addition to any otherwise available remedy, the Commission may summarily order a person who is subject to the jurisdiction of the Commission to cease and desist from an act or practice if the Commission determines from specific facts shown by affidavit or other statement made under oath that:

(1) the person has engaged in an act or practice that constitutes a violation of any provision of this [article] **DIVISION** or any order or regulation adopted under this [article] **DIVISION** that directly concerns consumer protection or public safety;

(c) (3) Within 48 hours after completing the evidentiary hearing requested under paragraph (1) of this subsection, the Commission shall issue a final order in which it shall determine whether the affected person has engaged in an act or practice that is in violation of any provision of this [article] **DIVISION** or any order or regulation adopted under this [article] **DIVISION** that directly concerns consumer protection or public safety.

Article – Real Property

11-131.

(c) In addition to the implied warranties set forth in § 10–203 of this article there shall be an implied warranty on an individual unit from a developer to a unit owner. The warranty on an individual unit commences with the transfer of title to that unit and extends for a period of 1 year. The warranty shall provide:

(2) That the heating and any air conditioning systems have been installed in accordance with acceptable industry standards and:

(i) That the heating system is warranted to maintain a 70°F temperature inside with the outdoor temperature and winds at the design conditions established by the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, or those established by the political subdivision as provided in Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

(ii) That the air conditioning system is warranted to maintain a 78°F temperature inside with the outdoor temperature at the design conditions established by Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, or those established by the political subdivision as provided in Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – State Government

9–20A–01.

(l) “Renewable energy resource” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

9–20B–05.

(e) The Fund consists of:

(5) compliance fees paid under § 7–705 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

(f) The Administration shall use the Fund:

(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7–512.1 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**;

(g) Except as provided in subsection (g-1) of this section, proceeds received by the Fund from the sale of allowances under § 2-1002(g) of the Environment Article shall be allocated to the following accounts:

(2) 23% shall be credited to a rate relief account to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, on a per customer basis and in a manner prescribed by the Public Service Commission;

(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7-705(b) of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.

(2) Compliance fees paid under § 7-705(b)(1)(ii) of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.

15-821.

(d) An applicant for appointment to the Washington Suburban Sanitary Commission shall file the statement not later than 5 days before the interview conducted under [Article 29, § 1-103 of the Code] **§ 17-103 OF THE PUBLIC UTILITIES ARTICLE**. The statement shall cover the 12-month period ending 60 days before the day the statement is filed.

15-829.

(c) (3) “Applicant” does not include:

(iv) a public utility regulated by the Public Service Commission in any instance where the utility is engaged in or conducting regulated activities that have been approved by the Public Service Commission or are permitted under [the Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE**.

15-838.

(b) (2) “Applicant” does not include:

(iv) a public service company acting within the scope of [the Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE**; or

15-848.

(b) (3) "Applicant" does not include:

(iv) a public service company acting within the scope of [the Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE**; or

15-853.

(c) (3) "Applicant" does not include:

(iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7-207 or § 7-208 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; or

Article – State Personnel and Pensions

4-401.

The Office of Administrative Hearings shall dispose of a case or conduct a hearing and issue a final decision in:

(4) an appeal under [Article 29, § 11-109(b) of the Code] **§ 18-123 OF THE PUBLIC UTILITIES ARTICLE** for the removal of an employee of the Washington Suburban Sanitary Commission.

Article – Tax – General

8-401.

(c) (2) "Gross receipts" includes:

(ii) for a telephone company, the full amount of approved and applicable federal and State tariff charges for telephone lifeline service without the discount provided by § 8-201(c) of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

8-407.

A telephone company may claim a credit against the public service company franchise tax equal to all approved and applicable federal and State tariff charges for

telephone lifeline service not billed to eligible subscribers as provided in § 8–201 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

10–704.1.

(a) (3) “Electricity supplier” has the meaning stated in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(b) This section does not apply to:

(2) an electricity supplier that, before July 1, 1999, was not an electric company as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** as in effect on June 30, 1999, unless the electricity supplier is an affiliate of such an electric company.

Article – Tax – Property

9–239.

(a) (4) “New electricity generation facility” means an electricity generation facility that:

(i) locates in a county on or after June 1, 2001; and

(ii) receives a certificate of public convenience and necessity under § 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

(5) “Existing electricity generation facility” means an electricity generation facility that:

(i) exists in a county before June 1, 2001; and

(ii) receives approval for a modification under § 7–205 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

12–103.

(c) The recordation tax rate is 55 cents for an instrument of writing for property that:

(2) is security for a corporate bond of a public service company as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

Article – Transportation

6–301.

(b) (3) The Administration may not condemn any property that belongs to a public service company subject to [the Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE**, if the property is:

- (i) Devoted to public use; or
- (ii) Reasonably necessary for future public use by the public service company.

7–208.

(f) Notwithstanding any other provision of this title or the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

13–423.

(a) Each motor vehicle for which a permit is required from the Public Service Commission under § 9–201 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** shall be registered under this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.