

HOUSE BILL 35

C5
SB 173/05 – FIN

(PRE-FILED)

5lr0434
CF SB 11

By: **Delegate Barkley**
Requested: October 2, 2014
Introduced and read first time: January 14, 2015
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: February 10, 2015

CHAPTER _____

1 AN ACT concerning

2 **Public Service Commission – Hearing Examiners – Change of Job Title**

3 FOR the purpose of changing the job title of “hearing examiners” of the Public Service
4 Commission to “public utility law judges”; making conforming changes; and
5 generally relating to the Public Service Commission.

6 BY repealing and reenacting, with amendments,

7 Article – Public Utilities

8 Section 2–105(c)(1), 2–108(d)(5) and (8)(ii)6. and (e)(5), 2–303(a), 2–306(b), 2–307(a),
9 2–308(a), 3–104(a), (b), and (d), 3–108, and 3–113(d)

10 Annotated Code of Maryland

11 (2010 Replacement Volume and 2014 Supplement)

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

14 **Article – Public Utilities**

15 2–105.

16 (c) The Executive Director shall:

17 (1) direct and coordinate the technical staff, except [hearing examiners]

18 **PUBLIC UTILITY LAW JUDGES**, of the Commission; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2-108.

2 (d) (5) (i) As required, the Commission shall hire [hearing examiners]
3 **PUBLIC UTILITY LAW JUDGES**.

4 (ii) [Hearing examiners] **PUBLIC UTILITY LAW JUDGES** are a
5 separate organizational unit and shall report directly to the Commission.

6 (8) (ii) The following are in the executive service, management service,
7 or are special appointments in the State Personnel Management System:

8 6. the chief [hearing examiner] **PUBLIC UTILITY LAW**
9 **JUDGE**; and

10 (e) The compensation of the following personnel shall be determined by the
11 Commission and, if possible, in accordance with the State pay plan:

12 (5) the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

13 2-303.

14 (a) This section applies to each individual subject to § 2-302 of this subtitle and
15 to:

16 (1) each spouse, dependent child, parent, brother, or sister of each
17 commissioner, the People's Counsel, the General Counsel, and [a hearing examiner] **EACH**
18 **PUBLIC UTILITY LAW JUDGE**; and

19 (2) each spouse or dependent child of each other officer or employee of the
20 Commission or Office of People's Counsel.

21 2-306.

22 (b) Until at least 1 year has passed after leaving service with the Commission as
23 the General Counsel or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE**, an individual
24 may not:

25 (1) represent a public service company before the Commission;

26 (2) appear before the Commission on behalf of a party to a Commission
27 proceeding; or

28 (3) appear before the Commission on a matter within the jurisdiction of the
29 Commission.

1 2–307.

2 (a) This section applies to each individual subject to § 2–302 of this subtitle and
3 to:

4 (1) each spouse, dependent child, parent, brother, or sister of each
5 commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH**
6 **PUBLIC UTILITY LAW JUDGE**; and

7 (2) each spouse or dependent child of each other officer or employee of the
8 Commission or Office of People’s Counsel.

9 2–308.

10 (a) This section applies to each individual subject to § 2–302 of this subtitle and
11 to:

12 (1) each spouse, dependent child, parent, brother, or sister of each
13 commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH**
14 **PUBLIC UTILITY LAW JUDGE**; and

15 (2) each spouse or dependent child of each other officer or employee of the
16 Commission or Office of People’s Counsel.

17 3–104.

18 (a) (1) The Commission shall institute and conduct proceedings reasonably
19 necessary and proper to the exercise of its powers or the performance of its duties.

20 (2) The Commission shall conduct its proceedings en banc or in panels of:

21 (i) at least three commissioners; or

22 (ii) one [hearing examiner] **PUBLIC UTILITY LAW JUDGE** and at
23 least two commissioners.

24 (3) A quorum consists of a majority of the Commission or a majority of a
25 panel.

26 (b) (1) The Commission, a commissioner, or a [hearing examiner] **PUBLIC**
27 **UTILITY LAW JUDGE** may conduct hearings, examine witnesses, administer oaths, and
28 perform any other acts necessary to the conduct of proceedings.

29 (2) The Executive Secretary of the Commission may administer oaths.

30 (3) Each record of a proceeding of the Commission is a public record.

1 (d) (1) The Commission may delegate to a commissioner or to a [hearing
2 examiner] **PUBLIC UTILITY LAW JUDGE** the authority to conduct a proceeding that is
3 within the Commission's jurisdiction.

4 (2) In a delegated proceeding, the commissioner or [hearing examiner]
5 **PUBLIC UTILITY LAW JUDGE** shall:

6 (i) conduct the hearing and any other proceeding that the
7 commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** considers necessary;
8 and

9 (ii) file with the Commission, and simultaneously serve on all
10 parties, a proposed order and findings of fact.

11 (3) The proposed order shall become final unless appealed as provided in §
12 3-113(d) of this subtitle.

13 3-108.

14 Unless notice is provided to each other party in a case before the Commission, a party
15 or person acting on behalf of a party may not contact ex parte a commissioner or a [hearing
16 examiner] **PUBLIC UTILITY LAW JUDGE** regarding the merits of the case.

17 3-113.

18 (d) (1) An order of a panel constituted under § 3-104(a) of this subtitle is final.

19 (2) (i) A proposed order of a commissioner or [hearing examiner]
20 **PUBLIC UTILITY LAW JUDGE** under § 3-104(d) of this subtitle becomes final unless a party
21 to the proceeding notes an appeal with the Commission within the time period for appeal
22 designated in the proposed order.

23 (ii) The time period for appeal designated in the proposed order is 30
24 days unless the order specifies a shorter period of at least 7 days.

25 (3) On appeal, the Commission promptly shall:

26 (i) consider the matter on the record before the commissioner or
27 [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

28 (ii) conduct any further proceedings that it considers necessary
29 including requiring the filing of briefs and the holding of oral argument; and

30 (iii) issue a final order.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.