

HOUSE BILL 891

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By: **Delegate Amprey**

Introduced and read first time: February 9, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Independent Study of the Public Service Commission**
3 **(PSC Study Act of 2023)**

4 FOR the purpose of requiring the Public Service Commission to contract with an
5 independent entity to conduct a study of the staffing capacity, organizational
6 structure, processes, and strategic focus of the Commission; and generally relating
7 to the Public Service Commission.

8 BY adding to

9 Article – Public Utilities

10 Section 2–124

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

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

15 **Article – Public Utilities**

16 **2–124.**

17 **(A) THE COMMISSION SHALL CONTRACT WITH AN INDEPENDENT ENTITY TO**
18 **CONDUCT A STUDY OF THE STAFFING CAPACITY, STRUCTURAL ORGANIZATION,**
19 **PROCESSES, AND STRATEGIC FOCUS OF THE COMMISSION.**

20 **(B) THE STUDY SHALL INCLUDE AN EXAMINATION OF:**

21 **(1) THE STAFFING CAPACITY OF THE COMMISSION, INCLUDING:**

22 **(I) WHETHER CURRENT STAFF:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. ARE ABLE TO ADDRESS THE EXPANDING
2 RESPONSIBILITIES OF THE COMMISSION; AND

3 2. HAVE EXPERTISE IN RENEWABLE ENERGY SOURCES
4 AND THE EXTERNAL IMPACTS CAUSED BY GREENHOUSE GASES;

5 (II) WHETHER THE COMMISSION HAS SUFFICIENT ACCESS TO
6 CONSULTANTS THAT CAN PROVIDE EXPERTISE IN AREAS THAT ARE NOT NECESSARY
7 TO BE SUSTAINED BY COMMISSION STAFF; AND

8 (III) THE POTENTIAL IMPACTS OF TARGETED ADDITIONAL
9 FUNDING ON THE OPERATIONS AND EFFECTIVENESS OF THE COMMISSION AND
10 COMMISSION STAFF;

11 (2) THE ORGANIZATIONAL STRUCTURE OF THE COMMISSION,
12 INCLUDING WHETHER:

13 (I) DIVISIONS WITHIN THE COMMISSION SHOULD BE
14 REORGANIZED OR CONSOLIDATED;

15 (II) NEW DIVISIONS SHOULD BE CREATED WITHIN THE
16 COMMISSION;

17 (III) TECHNICAL STAFF SHOULD BE DIVIDED INTO ADVOCACY
18 AND ADVICE DIVISIONS;

19 (IV) INDIVIDUAL COMMISSIONERS SHOULD HAVE ADDITIONAL
20 STAFF SPECIFIC TO THEIR OFFICES; AND

21 (V) THERE SHOULD BE SEATS ON THE COMMISSION RESERVED
22 FOR PARTICULAR POLITICAL PARTIES;

23 (3) THE PROCESSES OF THE COMMISSION, INCLUDING:

24 (I) WHETHER THE ANALYTIC APPROACHES APPLIED BY THE
25 COMMISSION IN AREAS SUCH AS COST-BENEFIT AND REGULATORY IMPACT
26 ANALYSIS ARE CONSISTENT WITH CURRENT BEST PRACTICES;

27 (II) THE EXTENT TO WHICH THE COMMISSION IS UNDULY
28 INFLUENCED IN ITS RELATIONSHIPS WITH PUBLIC SERVICE COMPANIES,
29 INCLUDING ELECTRICITY SUPPLIERS AND GAS SUPPLIERS;

1 (III) WHETHER THE PROCESSES AND WORKGROUPS
2 ESTABLISHED BY THE COMMISSION ARE EFFECTIVE AND WELL ALIGNED WITH THE
3 ENERGY GOALS OF THE STATE AND MEETING THE STATUTORY TARGETS FOR
4 REDUCING GREENHOUSE GAS EMISSIONS UNDER TITLE 2, SUBTITLE 12 OF THE
5 ENVIRONMENT ARTICLE AND EXPANDING RENEWABLE ENERGY SOURCES UNDER
6 TITLE 7, SUBTITLE 7 OF THIS ARTICLE;

7 (IV) WHETHER PUBLIC INTEREST INPUT IS ADEQUATELY
8 INCORPORATED INTO THE PROCESSES OF THE COMMISSION;

9 (V) WHETHER THE REGULATORY AND DECISION-MAKING
10 PROCESSES OF THE COMMISSION APPROPRIATELY CONSIDER EQUITY AND POLICY
11 IMPACTS ON LOW-INCOME AND VULNERABLE RATEPAYERS;

12 (VI) WHETHER THE COMMISSION IS EFFECTIVELY
13 INCORPORATING INPUT FROM ITS OWN PUBLIC CONFERENCE PROCEEDINGS IN ITS
14 ANALYSES AND ENERGY SECTOR REQUIREMENTS;

15 (VII) WHETHER THE COMMISSION IS INTERACTING EFFECTIVELY
16 WITH OTHER STAKEHOLDER AGENCIES, INCLUDING THE OFFICE OF PEOPLE'S
17 COUNSEL, THE MARYLAND ENERGY ADMINISTRATION, AND THE DEPARTMENT OF
18 THE ENVIRONMENT; AND

19 (VIII) WHETHER ANY ETHICS RULES NEED TO BE CHANGED TO
20 REDUCE UNDUE INFLUENCE BY REGULATED ENTITIES OR ADDRESS OTHER ETHICAL
21 ISSUES; AND

22 (4) THE STRATEGIC FOCUS OF THE COMMISSION, INCLUDING:

23 (I) WHETHER THE DECISION-MAKING PROCESSES OF THE
24 COMMISSION ADEQUATELY IMPLEMENT THE LEGISLATIVE MANDATE TO CONSIDER
25 CLIMATE CHANGE UNDER § 7-207 OF THIS ARTICLE;

26 (II) WHETHER THE COMMISSION IS EFFECTIVELY
27 IMPLEMENTING ITS LEGISLATIVE MANDATES; AND

28 (III) THE IDENTIFICATION OF ORGANIZATIONAL, CAPACITY, AND
29 OTHER CHANGES THAT WOULD HELP THE COMMISSION BETTER IMPLEMENT A
30 FORWARD-LOOKING ENERGY SECTOR POLICY THAT IS CONSISTENT WITH THE
31 ENERGY GOALS OF THE STATE.

32 (C) (1) THE STUDY SHALL:

1 **(I) SEEK AND CONSIDER SOURCES OF INFORMATION INTERNAL**
2 **TO THE COMMISSION, INCLUDING VIEWS OF POLICY OFFICIALS, MANAGERS, AND**
3 **STAFF;**

4 **(II) CONSIDER SOURCES OF INFORMATION EXTERNAL TO THE**
5 **COMMISSION, INCLUDING INFORMATION FROM REGULATED UTILITIES, THE**
6 **RENEWABLE ENERGY INDUSTRY, ENVIRONMENTAL EXPERTS, RATEPAYERS'**
7 **GROUPS, COMMUNITY ORGANIZATIONS, EXPERT ENTITIES IN THE EXECUTIVE AND**
8 **LEGISLATIVE BRANCHES, AND THE OFFICE OF PEOPLE'S COUNSEL; AND**

9 **(III) CONSIDER BEST PRACTICES ADOPTED BY EFFECTIVE**
10 **PUBLIC UTILITY COMMISSIONS IN OTHER STATES.**

11 **(2) THE STUDY SHALL INCLUDE RECOMMENDATIONS RELATED TO**
12 **INTERNAL COMMISSION PROCEDURES, REGULATIONS, OR STATUTORY CHANGES.**

13 **(D) (1) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL REPORT**
14 **ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE**
15 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION,**
16 **ENERGY, AND THE ENVIRONMENT COMMITTEE, THE SENATE BUDGET AND**
17 **TAXATION COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, AND THE**
18 **HOUSE APPROPRIATIONS COMMITTEE.**

19 **(2) THE COMMISSION SHALL, IN ACCORDANCE WITH § 2-1257 OF THE**
20 **STATE GOVERNMENT ARTICLE, PROVIDE AN UPDATE ON THE IMPLEMENTATION OF**
21 **EACH RECOMMENDATION IN THE REPORT TO THE SENATE EDUCATION, ENERGY,**
22 **AND THE ENVIRONMENT COMMITTEE, THE SENATE BUDGET AND TAXATION**
23 **COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, AND THE HOUSE**
24 **APPROPRIATIONS COMMITTEE:**

25 **(I) ON OR BEFORE JANUARY 1, 2025;**

26 **(II) ON OR BEFORE JULY 1, 2025; AND**

27 **(III) ON OR BEFORE JULY 1, 2026.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2023. It shall remain effective for a period of 4 years and, at the end of June 30, 2027,
30 this Act, with no further action required by the General Assembly, shall be abrogated and
31 of no further force and effect.