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PUBLIC SERVICE COMMISSION

February 18, 2021

Chair Delores E. Kelley
Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 481 – UNFAVORABLE – State Fire Marshal – Investigations – Reporting Requirement

Dear Chair Kelley and Committee Members:

The Maryland Public Service Commission (the “Commission”) submits this letter in opposition to Senate Bill 481. SB 481 requires the State Fire Marshal to report to the Commission with an update of any investigation of a fire or explosion in the State within 90 days after the incident and every 90 days thereafter until the investigation concludes. This reporting requirement also applies to any attempt to cause a fire or explosion in the State. SB 481 further specifies that the update must include the status of the Fire Marshal’s investigation and the expected date on which the investigation will conclude. The bill does not specify any additional requirement concerning the update.

The Commission has jurisdiction over the activities and operations of regulated public service companies, such as utilities. Where a fire or explosion is believed to involve a utility—e.g., a gas line explosion—the Commission will conduct its own investigation after determining it has jurisdiction. The Commission does not have jurisdiction over fires and explosions that are unrelated to utility service, equipment, or operations. By contrast, the State Fire Marshal has separate jurisdiction under Maryland law to investigate fires and explosions other than those that have a connection to regulated utilities. However, SB 481 does not limit the Fire Marshal’s reporting solely to those incidents over which the Commission can exercise jurisdiction.

SB 481 is duplicative of current investigative practices by the Commission and other state and federal agencies. When the Commission has jurisdiction over a fire or explosion investigation under the Public Utilities Article, the Fire Marshal and other agencies—e.g., the Bureau of Alcohol, Tobacco, Firearms and Explosives; National Transportation Safety Board; and Pipeline and Hazardous Materials Safety Administration—often become involved and may conduct parallel investigations. Separate jurisdictions notwithstanding, the Commission can and often does consider reports from the relevant agencies. These reports are usually provided upon request, unless legal protections bar disclosure. In this regard, there is no need to require the

State Fire Marshal to report to the Commission where the Commission has already initiated an investigation of its own.

Lastly, SB 481 only requires the State Fire Marshal to update the Commission regarding the status of the Fire Marshal's investigation and the timeframe for completing the investigation. The bill does not require the Fire Marshal to provide the Commission with a copy of any report, findings, or recommendations. Apart from reporting a status update, SB 481 provides no material information to the Commission concerning the substance of the Fire Marshal's investigation.

In sum, SB 481 raises fundamental issues of jurisdictional vagueness, unnecessary duplication, and lack of material benefit. For the above reasons, the Public Service Commission respectfully requests that the Committee grant Senate Bill 481 an unfavorable report. Please contact Lisa Smith, Director of Legislative Affairs, at 410-336-6288 if you have any questions.

Sincerely,



Jason M. Stanek
Chairman