

STATE OF MARYLAND



OFFICE OF THE CHAIRMAN

JASON M. STANEK

PUBLIC SERVICE COMMISSION

March 28, 2023

Chair Brian Feldman
Education, Energy and Environment
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

RE: FAVORABLE – HB 914 – Public Service Commission – Judicial Review – Proceedings

Dear Chair Feldman and Committee Members:

I write today in support of HB 914 – Public Service Commission – Judicial Review – Proceedings. HB 914 proposes amended language to PUA § 3-204 that limits the venue for a party seeking judicial review of a Commission decision¹ to the county in which the public service company that was a party in the proceeding provides service or the Circuit court for Baltimore City.

Currently, retail suppliers, not public service companies, that operate across utility franchise territories and jurisdictional boundaries divert Office of General Counsel (“OGC”) resources across the Circuit Courts of the Maryland in an effort to gain favorable and fractured Circuit Court holdings. HB 914 will likely generate time and cost savings based on efficiencies created by reducing the need for OGC travel while simultaneously reducing the risk for inconsistent circuit court decisions.

The plain language of PUA § 3-204 does not enable electric or gas suppliers to file appeal in whatever circuit court they see fit, however, multiple circuit court denials of Commission’s motions to transfer venue suggest that the statute needs to be amended to explicitly state that the proper venue, unless the party to a proceeding is a public service company, is the Baltimore City Circuit Court.² This expansive holding is counter to the intent of the venue statute, and ignores the distinctions provided by definitions of public service company and electric/ gas supplier under the PUA.³

¹ PUA § 3-202 (a)

² The suggested amendments clarify the intent and purpose of the venue statute by replacing the words “involved” and “operates.”

³ PUA § 1-101(z)(1) defines public service company; PUA § 1-101(l)(1)(i)(1-4) defines electricity supplier; and PUA § 1-101(p)(1)(i)(1-3) defines gas supplier.

For these reasons, I support House Bill 914 and urge a favorable report. Thank you for your consideration of this information Please contact Lisa Smith, Director of Legislative Affairs, at (410) 336-6288 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason M. Stanek". The signature is fluid and cursive, with the first name "Jason" being the most prominent.

Jason M. Stanek
Chairman