

# SENATE BILL 11

C5

(PRE-FILED)

5lr0603  
CF HB 35

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By: **Senators Astle and Middleton**

Requested: November 17, 2014

Introduced and read first time: January 14, 2015

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 27, 2015

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## 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

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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:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.