

SENATE BILL 249

L5, C5

0lr1275

By: **The President (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: January 22, 2010

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities and Washington Suburban Sanitary Commission –**
3 **Cross-References**

4 FOR the purpose of correcting certain cross-references to the Public Utility
5 Companies Article in the Annotated Code of Maryland to reflect the renaming of
6 the article to be the Public Utilities Article; correcting certain cross-references
7 to Article 29 – Washington Suburban Sanitary District in the Annotated Code of
8 Maryland to reflect the nonsubstantive revision of the article; correcting certain
9 cross-references in the Public Utility Companies Article; making stylistic
10 changes; and generally relating to the nonsubstantive revision of Article 29 of
11 the Code and to the renaming of the Public Utility Companies Article.

12 BY repealing and reenacting, without amendments,
13 Article 1 – Rules of Interpretation
14 Section 25(a)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 1 – Rules of Interpretation
19 Section 25(z)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 23 – Miscellaneous Companies
24 Section 182(a)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,
2 Article 24 – Political Subdivisions – Miscellaneous Provisions
3 Section 5–101(a) and 9–606(c)(3)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2009 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 28 – Maryland–National Capital Park and Planning Commission
8 Section 5–118(b)
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2009 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Business Occupations and Professions
13 Section 11–502(a)
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2009 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Commercial Law
18 Section 11–203(a)(3), 11–701(d), and 13–301(15)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2009 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Courts and Judicial Proceedings
23 Section 4–401(10)(iii) and (iv)
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2009 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Criminal Law
28 Section 3–906(a), 6–303(a), 6–304(a), 6–305(b)(2), and 6–505(a)
29 Annotated Code of Maryland
30 (2002 Volume and 2009 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Economic Development
33 Section 10–801(f)(7)
34 Annotated Code of Maryland
35 (2008 Volume and 2009 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Education
38 Section 15–109(b)
39 Annotated Code of Maryland
40 (2008 Replacement Volume and 2009 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – Environment
3 Section 2–402(3), 2–405(a)(1), (b), (e)(1), and (f), 2–1001(d), 5–203.1(b)(2)(i),
4 5–502(e), 7–506(i)(3), 7–514(d)(3), 9–726.1(d)(2), and 16–307(a)(5)(ii)
5 Annotated Code of Maryland
6 (2007 Replacement Volume and 2009 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – Housing and Community Development
9 Section 2–102(a)(10)
10 Annotated Code of Maryland
11 (2006 Volume and 2009 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 5.5–106(a)(2) and 8–206(e)(3)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Natural Resources
19 Section 3–128(b), 3–302(a)(2), 3–304(2), 3–305(a)(3) and (d), 3–306(a) and (c),
20 3–307, 3–919(b), 5–403(e)(1), 5–409(c)(1), 5–1602(b)(5), and 5–1603(f)
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2009 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – Public Safety
25 Section 1–310(f), 12–502(a)(5), and 12–506(b)(1)(vii)
26 Annotated Code of Maryland
27 (2003 Volume and 2009 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Public Utility Companies
30 Section 1–101(a), 2–106(d)(1), 2–110(c)(1)(ii), 2–110.1(b)(4) and (d), 2–112(b)(2),
31 2–113(b), 2–115(a), 2–117(a)(1), 2–204(a)(2), 2–310, 3–101(c), 3–102(a)(2),
32 3–103(a), 3–112(a), 4–206(c), 4–501(a)(2), 4–502, 5–301(b), 7–204(a)(1),
33 7–505(b)(13)(i), 7–506(d), 7–507(l)(3), 7–711(a), 8–409(b)(1), 9–204,
34 9–207(d), 9–208(d), 10–110(b), 10–202(b), 11–102(b)(2), 13–101(b) and (c),
35 13–201(b)(1) and (c)(1), 13–202(c)(1), 13–206, 13–207, and 13–208(a)(1)
36 and (c)(3)
37 Annotated Code of Maryland
38 (2008 Replacement Volume and 2009 Supplement)
- 39 BY repealing and reenacting, with amendments,
40 Article – Real Property
41 Section 11–131(c)(2)
42 Annotated Code of Maryland

1 (2003 Replacement Volume and 2009 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – State Government

4 Section 9–20A–01(l), 9–20B–05(e)(5), (f)(3) and (4), (g)(2), and (i), 15–821(d),

5 15–829(c)(3)(iv), 15–838(b)(2)(iv), 15–848(b)(3)(iv), and 15–853(c)(3)(iv)

6 Annotated Code of Maryland

7 (2009 Replacement Volume)

8 BY repealing and reenacting, with amendments,

9 Article – State Personnel and Pensions

10 Section 4–401(4)

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Tax – General

15 Section 8–401(c)(2)(ii), 8–407, and 10–704.1(a)(3) and (b)(2)

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Tax – Property

20 Section 9–239(a)(4) and (5) and 12–103(c)(2)

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2009 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Transportation

25 Section 6–301(b)(3) and 7–208(f)

26 Annotated Code of Maryland

27 (2008 Replacement Volume and 2009 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Transportation

30 Section 13–423(a)

31 Annotated Code of Maryland

32 (2009 Replacement Volume and 2009 Supplement)

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

35 **Article 1 – Rules of Interpretation**

36 25.

37 (a) Unnumbered revised articles of the Annotated Code of Maryland may be
38 cited as stated in this section.

1 (z) A section of the [Public Utility Companies Article] **PUBLIC UTILITIES**
2 **ARTICLE** may be cited as: “§ ___ of the [Public Utility Companies Article] **PUBLIC**
3 **UTILITIES ARTICLE**”.

4 **Article 23 – Miscellaneous Companies**

5 182.

6 (a) Subject to subsection (b) of this section, a municipal corporation of this
7 State now owning or hereafter acquiring an electric plant or gas plant, as defined in §
8 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, may
9 sell, lease, exchange or otherwise dispose of the electric plant or gas plant, or any part
10 of or interest in either, to any electric company or gas company, as defined in § 1–101
11 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, on terms and
12 conditions determined by the municipal corporation.

13 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

14 5–101.

15 (a) In this section, “electric company” has the meaning stated in § 1–101 of
16 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

17 9–606.

18 (c) A tax imposed under this section does not apply to:

19 (3) Telephone lifeline service provided under § 8–201 of the [Public
20 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

21 **Article 28 – Maryland–National Capital Park and Planning Commission**

22 5–118.

23 (b) The Commission may use for park purposes the lands acquired for flood
24 control and navigation projects as provided in [Article 29, §§ 13–101 and 13–102 of the
25 Code] **TITLE 9 OF THIS ARTICLE**.

26 **Article – Business Occupations and Professions**

27 11–502.

28 (a) The Public Service Commission shall establish pilotage fees in accordance
29 with § 4–303 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

30 **Article – Commercial Law**

1 11–203.

2 (a) This subtitle does not make illegal the activity of:

3 (3) A public service company, as defined in § 1–101 of the [Public
4 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, or a rating organization or
5 bureau representing the company, to the extent that the activity is subject to the
6 jurisdiction of the Public Service Commission or authorized by federal law governing
7 interstate commerce;

8 11–701.

9 (d) “Telephone company” has the meaning stated in § 1–101 of the [Public
10 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

11 13–301.

12 Unfair or deceptive trade practices include any:

13 (15) Act or omission that relates to a residential building and that is
14 chargeable as a misdemeanor under or otherwise violates a provision of the Energy
15 Conservation Building Standards Act, Title 7, Subtitle 4 of the [Public Utility
16 Companies Article] **PUBLIC UTILITIES ARTICLE**.

17 **Article – Courts and Judicial Proceedings**

18 4–401.

19 Except as provided in § 4–402 of this subtitle, and subject to the venue
20 provisions of Title 6 of this article, the District Court has exclusive original civil
21 jurisdiction in:

22 (10) A proceeding for adjudication of:

23 (iii) A [WSSC] **WASHINGTON SUBURBAN SANITARY**
24 **COMMISSION** infraction [as defined in Article 29, § 18–104.1 of the Code] **UNDER §**
25 **29–102 OF THE PUBLIC UTILITIES ARTICLE**, concerning rules and regulations
26 governing publicly owned watershed property;

27 (iv) A [WSSC] **WASHINGTON SUBURBAN SANITARY**
28 **COMMISSION** infraction [as defined in Article 29, § 18–104.2 of the Code] **UNDER §**
29 **29–101 OF THE PUBLIC UTILITIES ARTICLE**, concerning [WSSC] **WASHINGTON**
30 **SUBURBAN SANITARY COMMISSION** regulations governing:

31 1. Erosion and sediment control for utility construction;

1 2. Plumbing, gas fitting, and sewer cleaning;

2 3. Required permits for utility construction; and

3 4. The [WSSC] WASHINGTON SUBURBAN SANITARY
4 COMMISSION Pretreatment Program;

5 **Article – Criminal Law**

6 3–906.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Telegraph company” has the meaning stated in § 1–101 of the
9 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

10 (3) “Telegraph lines” has the meaning stated in § 1–101 of the [Public
11 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

12 (4) “Telephone company” has the meaning stated in § 1–101 of the
13 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

14 (5) “Telephone lines” has the meaning stated in § 1–101 of the [Public
15 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

16 6–303.

17 (a) In this section, “electric company” has the meaning stated in § 1–101 of
18 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

19 6–304.

20 (a) In this section, “gas company” has the meaning stated in § 1–101 of the
21 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

22 6–305.

23 (b) This section does not apply to:

24 (2) governmental regulation of:

25 (i) water equipment; or

26 (ii) water companies, as defined in § 1–101 of the [Public Utility
27 Companies Article] **PUBLIC UTILITIES ARTICLE**.

1 6–505.

2 (a) In this section, “railroad” has the meaning stated in § 1–101 of the
3 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

4 **Article – Economic Development**

5 10–801.

6 (f) “Clean energy” includes:

7 (7) other qualifying biomass as defined in § 7–701 of the [Public
8 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**;

9 **Article – Education**

10 15–109.

11 (b) A person that enters into an agreement or lease with a public institution
12 of higher education to facilitate or undertake the financing, whole or partial
13 ownership, operation, generation, construction, distribution, or maintenance of an
14 on-site steam or electric generation, production, or distribution system for the
15 institution may not be considered a public service company, as defined in § 1–101 of
16 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, subject to the
17 jurisdiction of the Public Service Commission as a result of the financing, leasing,
18 ownership, operation, control, management, construction, distribution, or maintenance
19 of the steam or electric system.

20 **Article – Environment**

21 2–402.

22 The Department may not require a permit or registration for:

23 (3) The construction of a generating station constructed by a person
24 that is required to obtain a certificate of public convenience and necessity under §§
25 7–207 and 7–208 of the [Public Utility Companies Article] **PUBLIC UTILITIES**
26 **ARTICLE** and regulations adopted by the Public Service Commission;

27 2–405.

28 (a) (1) Whenever the Public Service Commission notifies the Secretary of
29 an application for a certificate of public convenience and necessity under § 7–207 of
30 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, the Secretary
31 shall prepare a recommendation in connection with the permit or registration required
32 by this subtitle. The recommendation shall be presented at the hearing required by §
33 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

1 (b) Subject to judicial review as provided under Title 3, Subtitle 2 of the
2 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, the decision of the
3 Public Service Commission in connection with a certificate of public convenience and
4 necessity or a filing under § 7–206 of the [Public Utility Companies Article] **PUBLIC**
5 **UTILITIES ARTICLE** is binding on the Secretary.

6 (e) (1) Before issuing an operating permit which requires the installation
7 of pollution control equipment or a change in the method of operation of the
8 generating station or unit to any person required to obtain a certificate of public
9 convenience and necessity, the Secretary shall notify the applicant and the Public
10 Service Commission and request that the Public Service Commission institute a
11 hearing as required by § 7–206 of the [Public Utility Companies Article] **PUBLIC**
12 **UTILITIES ARTICLE**.

13 (f) (1) The Commission shall conduct the hearing required by subsection
14 (e) of this section in the manner set forth in §§ 7–205 and 7–207 of the [Public Utility
15 Companies Article] **PUBLIC UTILITIES ARTICLE**.

16 (2) The Department shall incorporate the Commission’s order
17 rendered in accordance with § 7–206 of the [Public Utility Companies Article] **PUBLIC**
18 **UTILITIES ARTICLE**.

19 2–1001.

20 (d) “PJM Region” has the meaning stated under § 7–701 of the [Public
21 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

22 5–203.1.

23 (b) (2) The following are exempt from the application fees established
24 under paragraph (1) of this subsection:

25 (i) Regulated activities conducted by the State, a municipal
26 corporation, county, bicounty or multicounty agency under Article 28 [or Article 29] of
27 the Code **OR DIVISION II OF THE PUBLIC UTILITIES ARTICLE**, or a unit of the
28 State, a municipal corporation, or a county;

29 5–502.

30 (e) Notwithstanding any other provision of this subtitle, an application for a
31 certificate of public convenience and necessity associated with power plant
32 construction which involves use or diversion of waters of the State made to the Public
33 Service Commission under the [Public Utility Companies Article] **PUBLIC UTILITIES**
34 **ARTICLE** constitutes an application for the permit required by this section, and the
35 provisions of § 3–306 of the Natural Resources Article apply. If an application is made

1 to the Public Service Commission, the hearing provided for by this subtitle is not
2 required. All evidence relevant to the purposes of this subtitle shall be presented at
3 the hearing held by the Public Service Commission, as required by § 7-207 of the
4 **[Public Utility Companies Article] PUBLIC UTILITIES ARTICLE**. The permit
5 required by this subtitle is included in the certificate of public convenience and
6 necessity issued by the Public Service Commission.

7 7-506.

8 (i) (3) (i) If a determination by the Department that it has no further
9 requirements at a property is conditioned on certain uses of the property or on the
10 maintenance of certain conditions, the participant shall send a copy of the
11 determination to a one-call system as defined in § 12-101 of the **[Public Utility**
12 **Companies Article] PUBLIC UTILITIES ARTICLE**.

13 (ii) Any obligation for the participant to send the information
14 required under subparagraph (i) of this paragraph does not negate the obligation of an
15 owner as defined in § 12-101(f) of the **[Public Utility Companies Article] PUBLIC**
16 **UTILITIES ARTICLE** to become a member of the one-call system under Title 12 of the
17 **[Public Utility Companies Article] PUBLIC UTILITIES ARTICLE**.

18 7-514.

19 (d) (3) (i) If a certificate of completion is conditioned on the
20 permissible use of the property, the participant shall send a copy of the certificate of
21 completion to a one-call system, as defined in § 12-101 of the **[Public Utility**
22 **Companies Article] PUBLIC UTILITIES ARTICLE**.

23 (ii) Any obligation for the participant to send the information
24 required under subparagraph (i) of this paragraph does not negate the obligation of an
25 owner as defined under § 12-101(f) of the **[Public Utility Companies Article] PUBLIC**
26 **UTILITIES ARTICLE** to become a member of the one-call system under Title 12 of the
27 **[Public Utility Companies Article] PUBLIC UTILITIES ARTICLE**.

28 9-726.1.

29 (d) (2) A private water company may apply a reasonable reconnection
30 charge, in accordance with the ratemaking requirements of Title 4 of the **[Public**
31 **Utility Companies Article] PUBLIC UTILITIES ARTICLE**, when it reconnects water
32 service.

33 16-307.

34 (a) (5) (ii) If an electric company, as defined in § 1-101 of the **[Public**
35 **Utility Companies Article] PUBLIC UTILITIES ARTICLE**, applies to the Public
36 Service Commission for a certificate of public convenience associated with power plant

1 construction which involves private wetlands, the hearing and permit procedure shall
2 be in accordance with § 3–306 of the Natural Resources Article.

3 **Article – Housing and Community Development**

4 2–102.

5 (a) The Department shall:

6 (10) develop and implement a weatherization program in accordance
7 with Title 4 of this article and administer the low–income weatherization component
8 of the electric universal service program in accordance with § 7–512.1 of the [Public
9 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

10 **Article – Labor and Employment**

11 5.5–106.

12 (a) (2) Unless the Board of Public Works exercises the option under
13 subsection (b) of this section, the Public Service Commission shall pay the cost of
14 administering this title from money the Public Service Commission receives under §
15 2–110 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

16 8–206.

17 (e) Work is not covered employment when performed by a taxicab driver who
18 uses a taxicab or taxicab equipment of a taxicab business that is carried on by the
19 holder of a taxicab permit if the Secretary is satisfied that:

20 (3) the driver has access to the taxicab or taxicab equipment at all
21 hours and, subject to the [Public Utility Companies Article] **PUBLIC UTILITIES**
22 **ARTICLE**, may set personal work hours and places; and

23 **Article – Natural Resources**

24 3–128.

25 (b) The Service may not be deemed to be a public service company within the
26 meaning of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, and,
27 except as provided in this section and in § 3–102(b) of this subtitle, the jurisdiction and
28 powers of the Public Service Commission do not extend to the Service.

29 3–302.

30 (a) (2) For the purpose of this subtitle, there is established as an added
31 cost of electricity distributed to retail electric customers within the State, an
32 environmental surcharge per kilowatt hour of electric energy distributed in the State

1 to be paid by any electric company as defined in § 1–101 of the [Public Utility
2 Companies Article] **PUBLIC UTILITIES ARTICLE**. The Public Service Commission
3 shall impose the surcharge per kilowatt hour of electric energy distributed to retail
4 electric customers within the State and shall authorize the electric companies to add
5 the full amount of the surcharge to retail electric customers' bills. To the extent that
6 the surcharge is not collected from retail electric customers, the surcharge shall be
7 deemed a cost of distribution and shall be allowed and computed as such, together
8 with other allowable expenses, for rate-making purposes. Revenues from the
9 surcharge shall be collected by the Comptroller and placed in the Fund.

10 3–304.

11 In cooperation with the Public Service Commission, the Maryland Energy
12 Administration, and the Secretary of the Environment, the Secretary shall implement
13 a long-range environmental evaluation of power plant building sites projected for at
14 least 10 years. To facilitate providing adequate electric power on reasonable schedules
15 at reasonable costs with the least possible depreciation of the quality of Maryland's
16 environment, the following responsibilities and procedures are set forth:

17 (2) Upon receipt of a ten-year plan from the Public Service
18 Commission, the Secretary with the advice of the Secretary of the Environment and
19 the Director of the Maryland Energy Administration and in accordance with
20 paragraph (1) of this section and § 7–201 of the [Public Utility Companies Article]
21 **PUBLIC UTILITIES ARTICLE**, shall prepare and submit, within 180 days a
22 preliminary environmental statement on each possible and proposed site, including
23 associated transmission routes. The statement, on the basis of the environmental
24 research program, shall include but not be limited to the following considerations:

25 (i) The environmental impact at the proposed site;

26 (ii) Any adverse environmental effects which cannot be avoided
27 if the proposed site is accepted;

28 (iii) Possible alternatives to the proposed site;

29 (iv) Any irreversible and irretrievable commitments of resources
30 which would be involved at the proposed site if it is approved;

31 (v) Where appropriate, a discussion of problems and objections
32 raised by other State and federal agencies and local entities;

33 (vi) A plan for monitoring environmental effects of the proposed
34 action and provision for remedial actions if the monitoring reveals unanticipated
35 environmental effects of significant adverse consequences; and

36 (vii) The ability to adequately provide emergency response plans
37 to residents if a nuclear power plant is considered for location at a site.

1 The Secretary shall state to the Public Service Commission which possible and
2 proposed sites, based on preliminary environmental statement, justify an unsuitable
3 classification. Unless the electric company whose proposed site is involved offers the
4 Secretary substantial evidence to the contrary, the site shall be deleted from the plan.
5 The site may be included in a subsequent ten-year plan.

6 3-305.

7 (a) The expertise of the electric utilities in the basic requirements, including
8 environmental considerations, of a site for power generation and generator lead route
9 is a needed element in site selection. Therefore, for the purposes of insuring adequate
10 power on reasonable schedules while also protecting the quality of the State's
11 environment, site acquisition and generator lead route designation may occur as
12 follows:

13 (3) Notwithstanding any other provision of this subtitle, the Secretary
14 may acquire a site for an electric company if the Public Service Commission requests
15 the Secretary to purchase a site under § 7-202 of the [Public Utility Companies
16 Article] **PUBLIC UTILITIES ARTICLE**.

17 (d) An electric company as defined in § 1-101 of the [Public Utility
18 Companies Article] **PUBLIC UTILITIES ARTICLE** may request from the Secretary an
19 appropriate site in his possession under the provisions of this subtitle, and the
20 Secretary shall make the site available. The electric utility may purchase the site. The
21 purchase price shall be the fair market value of the site as determined by a committee
22 of three independent qualified real estate appraisers, one of whom is chosen by the
23 Secretary, one by the electric company making the application, and the third by the
24 two appraisers first selected. Each party compensates its own appraiser and bears
25 one-half the cost of the third appraiser. Receipts from the purchase transactions shall
26 be deposited in the Fund.

27 3-306.

28 (a) Notwithstanding anything to the contrary in this article or the [Public
29 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, on application to the Public
30 Service Commission for a certificate of public convenience and necessity associated
31 with power plant construction involving, but not limited to, use or diversion of the
32 waters of the State, or private wetlands, the Commission shall notify immediately the
33 Department of Natural Resources and the Department of the Environment of the
34 application. The Commission shall supply the Department of Natural Resources and
35 the Department of the Environment with any pertinent information available
36 regarding the application. The Department of the Environment shall treat the
37 application for a certificate of public convenience and necessity as an application for
38 appropriation or use of waters of the State under Title 5 of the Environment Article
39 and as an application for a license for dredging and filling under Title 16 of the
40 Environment Article.

1 (c) The results and recommendations shall be open for public inspection and
2 shall be presented by the Secretaries or their designees at the hearing the Commission
3 holds as required by Title 7, Subtitle 2 of the [Public Utility Companies Article]
4 **PUBLIC UTILITIES ARTICLE**. Within 15 days from the conclusion of the hearing, and
5 based on the evidence there presented, the Secretaries jointly shall present their final
6 recommendation to the chairman of the Commission including, but not limited to, any
7 specific conclusions as to any private wetlands involved and any specific conclusions as
8 to any water use or restriction of water use involved.

9 3–307.

10 Judicial review shall in all instances include the right to appeal to the circuit
11 courts as set forth in Title 3, Subtitle 2 of the [Public Utility Companies Article]
12 **PUBLIC UTILITIES ARTICLE**.

13 3–919.

14 (b) The Authority shall not be deemed to be a public service company within
15 the meaning of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**,
16 and the jurisdiction and powers of the Public Service Commission shall not extend to
17 the Authority.

18 5–403.

19 (e) A county or municipality may not adopt a local law or ordinance for the
20 planting, care, and protection of roadside trees that applies to:

21 (1) The cutting or clearing of public utility rights-of-way or land for
22 electric generating stations licensed under § 7–204, § 7–205, § 7–207, or § 7–208 of the
23 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, provided that:

24 (i) Any required certificates of public convenience and necessity
25 have been issued in accordance with § 5–1603(f) of this title; and

26 (ii) The cutting or clearing of the forest is conducted so as to
27 minimize the loss of forest;

28 5–409.

29 (c) Notwithstanding the provisions of this section, the following shall obtain
30 the permission of an owner before engaging in any act specified in subsection (a) of
31 this section, but are not required to obtain the permission in writing or to display the
32 written permission as provided in subsection (b) of this section:

33 (1) A public service company, as defined in § 1–101 of the [Public
34 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

1 5-1602.

2 (b) The provisions of this subtitle do not apply to:

3 (5) The cutting or clearing of public utility rights-of-way or land for
4 electric generating stations licensed pursuant to § 7-204, § 7-205, § 7-207, or § 7-208
5 of the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, provided
6 that:

7 (i) Any required certificates of public convenience and necessity
8 have been issued in accordance with § 5-1603(f) of this subtitle; and

9 (ii) The cutting or clearing of the forest is conducted so as to
10 minimize the loss of forest;

11 5-1603.

12 (f) After December 31, 1992, the Public Service Commission shall give due
13 consideration to the need to minimize the loss of forest and the provisions for
14 afforestation and reforestation set forth in this subtitle together with all applicable
15 electrical safety codes, when reviewing applications for a certificate of public
16 convenience and necessity issued pursuant to § 7-204, § 7-205, § 7-207, or § 7-208 of
17 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

18 Article – Public Safety

19 1-310.

20 (f) A CMRS provider that pays or collects 9-1-1 fees under this section has
21 the same immunity from liability for transmission failures as that approved by the
22 Public Service Commission for local exchange telephone companies that are subject to
23 regulation by the Commission under the [Public Utility Companies Article] **PUBLIC**
24 **UTILITIES ARTICLE**.

25 12-502.

26 (a) This subtitle does not alter or abrogate the authority of:

27 (5) the Public Service Commission to enforce the Energy Code defined
28 under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the
29 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

30 12-506.

31 (b) (1) At a minimum, the Department shall include in the database:

1 (vii) the Energy Code defined under the Energy Conservation
2 Building Standards Act, Title 7, Subtitle 4 of the [Public Utility Companies Article]
3 **PUBLIC UTILITIES ARTICLE;**

4 **Article – Public Utility Companies**

5 1–101.

6 (a) In this [article] **DIVISION** the following words have the meanings
7 indicated.

8 2–106.

9 (d) As the Commission directs, the General Counsel shall:

10 (1) represent the Commission in a proceeding if the Commission is a
11 party to or desires to intervene in the proceeding, if the proceeding involves a question
12 under this [article] **DIVISION**, or if the proceeding involves an act or order of the
13 Commission;

14 2–110.

15 (c) (1) (ii) The estimate shall exclude the expenses associated with
16 services performed by the Commission for which the Commission is reimbursed under
17 this [article] **DIVISION**.

18 2–110.1.

19 (b) The Fund consists of:

20 (4) any other fee, examination assessment, or revenue received by the
21 Commission under this [article] **DIVISION**.

22 (d) The purpose of the Fund is to pay all the costs and expenses incurred by
23 the Commission and the Office of People’s Counsel that are related to the operation of
24 the Commission and the Office of People’s Counsel, including:

25 (1) expenditures authorized under this [article] **DIVISION**; and

26 (2) any other expense authorized in the State budget.

27 2–112.

28 (b) (2) The Commission has the implied and incidental powers needed or
29 proper to carry out its functions under this [article] **DIVISION**.

30 2–113.

1 (b) The powers and duties listed in this title do not limit the scope of the
2 general powers and duties of the Commission provided for by this [article] **DIVISION**.

3 2–115.

4 (a) The Commission shall initiate and conduct any investigation necessary to
5 execute its powers or perform its duties under this [article] **DIVISION**.

6 2–117.

7 (a) (1) If the Commission believes that a public service company or gas
8 master meter operator that is subject to the Commission’s jurisdiction is violating or
9 will violate this [article] **DIVISION**, the Commission shall bring an action in the
10 Commission’s name for injunction or other appropriate action in the circuit court of a
11 county where the public service company or gas master meter operator does business
12 or has its principal place of business.

13 2–204.

14 (a) (2) If the Office of People’s Counsel considers the interest of
15 residential and noncommercial users to be affected, the Office of People’s Counsel shall
16 appear before the Commission and courts on behalf of residential and noncommercial
17 users in each matter or proceeding over which the Commission has original
18 jurisdiction, including a proceeding on the rates, service, or practices of a public
19 service company or on a violation of this [article] **DIVISION**.

20 2–310.

21 An individual subject to § 2–302 of this subtitle may not violate this [article]
22 **DIVISION**.

23 3–101.

24 (c) An official act of the Commission:

25 (1) is valid if it substantially complies with the requirements of this
26 [article] **DIVISION**; and

27 (2) may not be vitiated by any technical deficiency.

28 3–102.

29 (a) (2) The complaint shall be in writing and set forth circumstances that
30 allege a violation of this [article] **DIVISION** by a public service company.

31 3–103.

1 (a) The service of a document or notice relating to a proceeding before the
2 Commission under this [article] **DIVISION** shall be sufficient:

3 (1) if made personally through the sheriff's office in the county in
4 which service may be made or by an adult; or

5 (2) except as provided in subsections (b) and (c) of this section, if
6 mailed by first-class mail, postage prepaid, to the last known address of the person to
7 be served.

8 3-112.

9 (a) In a proceeding before the Commission where a person applies for the
10 approval of the Commission under § 5-104, §§ 5-201 through 5-203, or §§ 6-101
11 through 6-103 of this article, the person shall show by clear and satisfactory evidence
12 that granting the application complies with the requirements of this [article]
13 **DIVISION** and, as the case may be, is required by the public interest or is consistent
14 with the public interest.

15 4-206.

16 (c) All final valuations are prima facie evidence of value in proceedings
17 under this [article] **DIVISION**.

18 4-501.

19 (a) In its utility operations, a public service company may not:

20 (2) demand or collect:

21 (i) compensation that differs from compensation specified in its
22 rate schedules that are in force at the time of the demand or collection; or

23 (ii) a charge that violates this [article] **DIVISION**.

24 4-502.

25 In an action by a public service company to collect a charge, the public service
26 company may not recover any amount if, in the transaction that is the subject of the
27 action, the public service company demanded a rate greater than that lawful under
28 this [article] **DIVISION** when the charge was made.

29 5-301.

30 (b) A public service company:

1 (1) shall comply fully with the requirements of this [article]
2 **DIVISION**; and

3 (2) may not violate any provision of this [article] **DIVISION**.

4 7-204.

5 (a) (1) Notwithstanding any other provision of this [article] **DIVISION**, at
6 least 30 days before a hearing, a public service company shall provide to each owner of
7 land, by certified mail, written notice of intent to run a line or similar transmission
8 device over, on, or under the land.

9 7-505.

10 (b) (13) (i) An electric company shall comply with all requirements of
11 the Commission in conducting regulated operations in compliance with this [article]
12 **DIVISION**.

13 7-506.

14 (d) The electric company shall connect customers and deliver electricity on
15 behalf of electricity suppliers consistent with the provisions of this [article] **DIVISION**.

16 7-507.

17 (l) (3) The Commission shall determine the amount of any civil penalty
18 after considering:

19 (i) the number of previous violations of any provision of this
20 [article] **DIVISION**;

21 (ii) the gravity of the current violation; and

22 (iii) the good faith of the electricity supplier or person charged in
23 attempting to achieve compliance after notification of the violation.

24 7-711.

25 (a) The Commission has the same power and authority with respect to an
26 electricity supplier under this subtitle that the Commission has with respect to any
27 public service company under this [article] **DIVISION** for the purposes of investigating
28 and examining the electricity supplier to determine compliance with this subtitle and
29 with other applicable law.

30 8-409.

1 (b) For the purpose of enforcing the provisions of this subtitle, the
2 Commission may:

3 (1) exercise any of the powers conferred under this [article] **DIVISION**
4 against a telephone company or reseller; and

5 9–204.

6 The Commission may suspend, revoke, or subsequently deny a motor carrier
7 permit if the holder violates a provision of this [article] **DIVISION**.

8 9–207.

9 (d) Except as provided in this section, the provisions of this [article]
10 **DIVISION** do not apply to a motor carrier subject to this section.

11 9–208.

12 (d) A motor coach that is licensed under this section and only provides
13 service for or on behalf of a not-for-profit entity is not subject to tariffs or rate making
14 under this [article] **DIVISION**.

15 10–110.

16 (b) The license hearing officer may hold a hearing involving a violation of
17 this [article] **DIVISION** or the Commission's regulations:

18 (1) by a for-hire driver licensed by the Commission; and

19 (2) except for a violation relating to rates, by a holder of a taxicab
20 permit issued by the Commission.

21 10–202.

22 (b) The provisions of this [article] **DIVISION** relating to taxicabs or of any
23 public local law relating to taxicabs do not limit the jurisdiction of the Commission
24 over a taxicab business as a common carrier even if the taxicab business operates in a
25 jurisdiction other than Baltimore City, Baltimore County, the City of Cumberland, or
26 the City of Hagerstown.

27 11–102.

28 (b) (2) Except as provided in paragraph (3) of this subsection, other
29 sections of this [article] **DIVISION** do not apply to an owner subject to this section.

30 13–101.

1 (b) A person may not fail, neglect, or refuse to comply with any provision of
2 this [article] **DIVISION** or any effective and outstanding direction, ruling, order, rule,
3 regulation, or decision of the Commission.

4 (c) An individual who knowingly violates or knowingly aids or abets a public
5 service company in the violation of subsection (b) of this section or any provision of
6 this [article] **DIVISION**:

7 (1) is guilty of a misdemeanor; and

8 (2) unless a different punishment is specifically provided by law, on
9 conviction is subject to a fine not exceeding \$1,000 for a first offense and not exceeding
10 \$5,000 for each additional or subsequent offense.

11 13–201.

12 (b) (1) Except as provided in paragraph (2) of this subsection, the
13 Commission may impose a civil penalty not exceeding \$10,000 against a person who
14 violates a provision of this [article] **DIVISION**, or an effective and outstanding
15 direction, ruling, order, rule, or regulation of the Commission.

16 (c) (1) A civil penalty may be imposed in addition to any other penalty
17 authorized by this [article] **DIVISION**.

18 13–202.

19 (c) (1) Subject to paragraph (2) of this subsection, a public service
20 company that violates a provision of this [article] **DIVISION** that relates to safety is
21 subject to a civil penalty not exceeding \$500 for each violation for each day that the
22 violation persists.

23 13–206.

24 An individual who violates a provision of this [article] **DIVISION** concerning
25 for-hire driving services is guilty of a misdemeanor and on conviction is subject to a
26 fine not exceeding \$50 for a first offense and not exceeding \$100 for each additional or
27 subsequent offense.

28 13–207.

29 A contract, assignment, or transfer in violation of this [article] **DIVISION** is
30 void.

31 13–208.

1 (a) In addition to any otherwise available remedy, the Commission may
2 summarily order a person who is subject to the jurisdiction of the Commission to cease
3 and desist from an act or practice if the Commission determines from specific facts
4 shown by affidavit or other statement made under oath that:

5 (1) the person has engaged in an act or practice that constitutes a
6 violation of any provision of this [article] **DIVISION** or any order or regulation adopted
7 under this [article] **DIVISION** that directly concerns consumer protection or public
8 safety;

9 (c) (3) Within 48 hours after completing the evidentiary hearing
10 requested under paragraph (1) of this subsection, the Commission shall issue a final
11 order in which it shall determine whether the affected person has engaged in an act or
12 practice that is in violation of any provision of this [article] **DIVISION** or any order or
13 regulation adopted under this [article] **DIVISION** that directly concerns consumer
14 protection or public safety.

15 **Article – Real Property**

16 11–131.

17 (c) In addition to the implied warranties set forth in § 10–203 of this article
18 there shall be an implied warranty on an individual unit from a developer to a unit
19 owner. The warranty on an individual unit commences with the transfer of title to that
20 unit and extends for a period of 1 year. The warranty shall provide:

21 (2) That the heating and any air conditioning systems have been
22 installed in accordance with acceptable industry standards and:

23 (i) That the heating system is warranted to maintain a 70°F
24 temperature inside with the outdoor temperature and winds at the design conditions
25 established by the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of
26 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**, or those
27 established by the political subdivision as provided in Title 7, Subtitle 4 of the [Public
28 Utility Companies Article] **PUBLIC UTILITIES ARTICLE**; and

29 (ii) That the air conditioning system is warranted to maintain a
30 78°F temperature inside with the outdoor temperature at the design conditions
31 established by Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC**
32 **UTILITIES ARTICLE**, or those established by the political subdivision as provided in
33 Title 7, Subtitle 4 of the [Public Utility Companies Article] **PUBLIC UTILITIES**
34 **ARTICLE**.

35 **Article – State Government**

36 9–20A–01.

1 (l) "Renewable energy resource" has the meaning stated in § 1-101 of the
2 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

3 9-20B-05.

4 (e) The Fund consists of:

5 (5) compliance fees paid under § 7-705 of the [Public Utility
6 Companies Article] **PUBLIC UTILITIES ARTICLE**; and

7 (f) The Administration shall use the Fund:

8 (3) to provide supplemental funds for low-income energy assistance
9 through the Electric Universal Service Program established under § 7-512.1 of the
10 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE** and other electric
11 assistance programs in the Department of Human Resources;

12 (4) to provide rate relief by offsetting electricity rates of residential
13 customers, including an offset of surcharges imposed on ratepayers under § 7-211 of
14 the [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**;

15 (g) Except as provided in subsection (g-1) of this section, proceeds received
16 by the Fund from the sale of allowances under § 2-1002(g) of the Environment Article
17 shall be allocated to the following accounts:

18 (2) 23% shall be credited to a rate relief account to provide rate relief
19 by offsetting electricity rates of residential customers, including an offset of surcharges
20 imposed on ratepayers under § 7-211 of the [Public Utility Companies Article]
21 **PUBLIC UTILITIES ARTICLE**, on a per customer basis and in a manner prescribed by
22 the Public Service Commission;

23 (i) (1) Except as provided in paragraph (2) of this subsection, compliance
24 fees paid under § 7-705(b) of the [Public Utility Companies Article] **PUBLIC**
25 **UTILITIES ARTICLE** may be used only to make loans and grants to support the
26 creation of new Tier 1 renewable energy sources in the State.

27 (2) Compliance fees paid under § 7-705(b)(1)(ii) of the [Public Utility
28 Companies Article] **PUBLIC UTILITIES ARTICLE** shall be accounted for separately
29 within the Fund and may be used only to make loans and grants to support the
30 creation of new solar energy sources in the State.

31 15-821.

32 (d) An applicant for appointment to the Washington Suburban Sanitary
33 Commission shall file the statement not later than 5 days before the interview
34 conducted under [Article 29, § 1-103 of the Code] **§ 17-103 OF THE PUBLIC**

1 **UTILITIES ARTICLE.** The statement shall cover the 12-month period ending 60 days
2 before the day the statement is filed.

3 15-829.

4 (c) (3) “Applicant” does not include:

5 (iv) a public utility regulated by the Public Service Commission
6 in any instance where the utility is engaged in or conducting regulated activities that
7 have been approved by the Public Service Commission or are permitted under [the
8 Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE.**

9 15-838.

10 (b) (2) “Applicant” does not include:

11 (iv) a public service company acting within the scope of [the
12 Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE;**
13 or

14 15-848.

15 (b) (3) “Applicant” does not include:

16 (iv) a public service company acting within the scope of [the
17 Public Utility Companies Article] **DIVISION I OF THE PUBLIC UTILITIES ARTICLE;**
18 or

19 15-853.

20 (c) (3) “Applicant” does not include:

21 (iv) an electric company or electric supplier applying for a
22 certificate of public convenience and necessity under § 7-207 or § 7-208 of the [Public
23 Utility Companies Article] **PUBLIC UTILITIES ARTICLE;** or

24 **Article – State Personnel and Pensions**

25 4-401.

26 The Office of Administrative Hearings shall dispose of a case or conduct a
27 hearing and issue a final decision in:

28 (4) an appeal under [Article 29, § 11-109(b) of the Code] **§ 18-123 OF**
29 **THE PUBLIC UTILITIES ARTICLE** for the removal of an employee of the Washington
30 Suburban Sanitary Commission.

Article – Tax – General

- 1
2 8–401.
- 3 (c) (2) “Gross receipts” includes:
- 4 (ii) for a telephone company, the full amount of approved and
5 applicable federal and State tariff charges for telephone lifeline service without the
6 discount provided by § 8–201(c) of the [Public Utility Companies Article] **PUBLIC**
7 **UTILITIES ARTICLE**; and
- 8 8–407.

9 A telephone company may claim a credit against the public service company
10 franchise tax equal to all approved and applicable federal and State tariff charges for
11 telephone lifeline service not billed to eligible subscribers as provided in § 8–201 of the
12 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

13 10–704.1.

14 (a) (3) “Electricity supplier” has the meaning stated in § 1–101 of the
15 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

16 (b) This section does not apply to:

17 (2) an electricity supplier that, before July 1, 1999, was not an electric
18 company as defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC**
19 **UTILITIES ARTICLE** as in effect on June 30, 1999, unless the electricity supplier is an
20 affiliate of such an electric company.

Article – Tax – Property

22 9–239.

23 (a) (4) “New electricity generation facility” means an electricity
24 generation facility that:

25 (i) locates in a county on or after June 1, 2001; and

26 (ii) receives a certificate of public convenience and necessity
27 under § 7–207 of the [Public Utility Companies Article] **PUBLIC UTILITIES**
28 **ARTICLE**.

29 (5) “Existing electricity generation facility” means an electricity
30 generation facility that:

31 (i) exists in a county before June 1, 2001; and

1 (ii) receives approval for a modification under § 7–205 of the
2 [Public Utility Companies Article] **PUBLIC UTILITIES ARTICLE**.

3 12–103.

4 (c) The recordation tax rate is 55 cents for an instrument of writing for
5 property that:

6 (2) is security for a corporate bond of a public service company as
7 defined in § 1–101 of the [Public Utility Companies Article] **PUBLIC UTILITIES**
8 **ARTICLE**.

9 Article – Transportation

10 6–301.

11 (b) (3) The Administration may not condemn any property that belongs to
12 a public service company subject to [the Public Utility Companies Article] **DIVISION I**
13 **OF THE PUBLIC UTILITIES ARTICLE**, if the property is:

14 (i) Devoted to public use; or

15 (ii) Reasonably necessary for future public use by the public
16 service company.

17 7–208.

18 (f) Notwithstanding any other provision of this title or the [Public Utility
19 Companies Article] **PUBLIC UTILITIES ARTICLE**, the Public Service Commission
20 does not have any jurisdiction over transit facilities owned or controlled by the
21 Administration or over any contractor operating these facilities.

22 13–423.

23 (a) Each motor vehicle for which a permit is required from the Public Service
24 Commission under § 9–201 of the [Public Utility Companies Article] **PUBLIC**
25 **UTILITIES ARTICLE** shall be registered under this title.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.