

# HOUSE BILL 414

C5

7lr2602  
CF SB 355

---

By: **Delegates Barkley and W. Miller**

Introduced and read first time: January 26, 2017

Assigned to: Economic Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 30, 2017

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Gas Companies – Rate Regulation – Environmental Remediation Costs**

3 FOR the purpose of authorizing the Public Service Commission, when determining certain  
4 expenses while setting a just and reasonable rate for a gas company, to include  
5 certain costs incurred by the gas company for performing certain environmental  
6 remediation of certain real property; authorizing that certain environmental  
7 remediation costs be included in a gas company's certain expenses regardless of  
8 certain circumstances; prohibiting inclusion of certain environmental remediation  
9 costs in a gas company's certain expenses if a court of competent jurisdiction makes  
10 a certain determination; requiring the Commission to balance certain interests when  
11 setting a certain recovery schedule; requiring certain financial benefits accruing to  
12 a gas company to be credited to certain customers under a certain circumstance and  
13 in a certain manner; defining a certain term; and generally relating to natural gas  
14 rate regulations and environmental remediation.

15 BY adding to

16 Article – Public Utilities

17 Section 4–211

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2016 Supplement)

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

22 **Article – Public Utilities**

---

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 4-211.

2 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,  
3 WHEN DETERMINING NECESSARY AND PROPER EXPENSES WHILE SETTING A JUST  
4 AND REASONABLE RATE FOR A GAS COMPANY, THE COMMISSION MAY INCLUDE ALL  
5 COSTS REASONABLY INCURRED BY THE GAS COMPANY FOR PERFORMING  
6 ENVIRONMENTAL REMEDIATION OF REAL PROPERTY IN RESPONSE TO A STATE OR  
7 FEDERAL LAW, REGULATION, OR ORDER IF:

8 (I) THE REMEDIATION RELATES TO THE CONTAMINATION OF  
9 THE REAL PROPERTY; AND

10 (II) THE REAL PROPERTY IS OR WAS USED TO PROVIDE  
11 MANUFACTURED OR NATURAL GAS SERVICE DIRECTLY OR INDIRECTLY TO THE GAS  
12 COMPANY'S CUSTOMERS OR THE GAS COMPANY'S PREDECESSORS.

13 (2) ENVIRONMENTAL REMEDIATION COSTS INCURRED BY A GAS  
14 COMPANY MAY BE INCLUDED IN THE GAS COMPANY'S NECESSARY AND PROPER  
15 EXPENSES REGARDLESS OF WHETHER:

16 (I) THE REAL PROPERTY IS CURRENTLY USED AND USEFUL IN  
17 PROVIDING GAS SERVICE; OR

18 (II) THE GAS COMPANY OWNS THE REAL PROPERTY WHEN THE  
19 RATE IS SET.

20 (3) ENVIRONMENTAL REMEDIATION COSTS INCURRED BY A GAS  
21 COMPANY MAY NOT BE INCLUDED IN THE GAS COMPANY'S NECESSARY AND PROPER  
22 EXPENSES IF A COURT OF COMPETENT JURISDICTION DETERMINES THAT THE  
23 PROXIMATE CAUSE OF THE ENVIRONMENTAL CONTAMINATION IS A RESULT OF THE  
24 GAS COMPANY'S FAILURE TO COMPLY WITH A STATE OR FEDERAL LAW,  
25 REGULATION, OR ORDER IN EFFECT WHEN THE CONTAMINATION OCCURRED.

26 (B) THE COMMISSION SHALL BALANCE THE INTERESTS OF A GAS COMPANY  
27 WITH THOSE OF THE GAS COMPANY'S CUSTOMERS WHEN SETTING THE RECOVERY  
28 SCHEDULE FOR THE ENVIRONMENTAL REMEDIATION COSTS INCURRED BY THE GAS  
29 COMPANY.

30 (C) (1) IN THIS SUBSECTION, "FINANCIAL BENEFIT" INCLUDES ANY  
31 MONETARY GAIN ON THE CONVEYANCE OF REAL PROPERTY, OR ANY PORTION OF  
32 REAL PROPERTY THAT WAS SUBJECT TO ENVIRONMENTAL REMEDIATION, TO A  
33 THIRD PARTY AND ANY OTHER FINANCIAL BENEFIT OF THE PROPERTY OR PORTION  
34 OF THE PROPERTY THAT SUBSEQUENTLY INURES TO THE GAS COMPANY, INCLUDING

1 INCOME FROM RENTALS AND TAX CREDITS, DEDUCTIONS, OR OTHER FINANCIAL  
2 BENEFITS, LESS ANY ENVIRONMENTAL REMEDIATION COSTS RELATING TO THE  
3 PROPERTY THAT THE GAS COMPANY WAS NOT ALLOWED TO RECOVER FROM THE GAS  
4 COMPANY'S CUSTOMERS.

5 (2) IF A GAS COMPANY IS ALLOWED TO RECOVER ENVIRONMENTAL  
6 REMEDIATION COSTS UNDER THIS SECTION, ANY FINANCIAL BENEFIT ACCRUING TO  
7 THE GAS COMPANY AS A RESULT OF THE REMEDIATION OF REAL PROPERTY SHALL  
8 BE CREDITED TO THE GAS COMPANY'S CUSTOMERS IN A MANNER DETERMINED BY  
9 THE COMMISSION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2017.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.