

SENATE BILL 430

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EMERGENCY BILL

1lr2001
CF HB 556

By: **Senator Kelley**

Introduced and read first time: January 20, 2021

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Service Commission – Virtual Public Hearings**

3 FOR the purpose of authorizing the Public Service Commission to conduct certain hearings
4 relating to certain rate increases virtually; authorizing the Commission to conduct
5 certain public hearings relating to certain certificates of public convenience and
6 necessity virtually in a certain manner; requiring the Commission to provide certain
7 notice of certain proceedings being conducted virtually; making this Act an
8 emergency measure; and generally relating to the Public Service Commission and
9 public hearings.

10 BY repealing and reenacting, with amendments,
11 Article – Public Utilities
12 Section 3–104 and 7–207(d)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2020 Supplement)

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

17 **Article – Public Utilities**

18 3–104.

19 (a) (1) The Commission shall institute and conduct proceedings reasonably
20 necessary and proper to the exercise of its powers or the performance of its duties.

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) The Commission shall conduct its proceedings en banc or in panels of:

2 (i) at least three commissioners; or

3 (ii) one public utility law judge and at least two commissioners.

4 (3) A quorum consists of a majority of the Commission or a majority of a
5 panel.

6 (b) (1) The Commission, a commissioner, or a public utility law judge may
7 conduct hearings, examine witnesses, administer oaths, and perform any other acts
8 necessary to the conduct of proceedings.

9 (2) The Executive Secretary of the Commission may administer oaths.

10 (3) Each record of a proceeding of the Commission is a public record.

11 (c) To the extent necessary to receive public comment for each application for a
12 rate increase, the Commission shall hold a hearing at a convenient location and time during
13 evening hours:

14 (1) **IN PERSON** in the service area affected; **OR**

15 (2) **VIRTUALLY, WITH APPROPRIATE NOTICE PROVIDED SO THAT**
16 **PERSONS IN THE SERVICE AREA AFFECTED MAY PARTICIPATE IN THE HEARING.**

17 (d) (1) The Commission may delegate to a commissioner or to a public utility
18 law judge the authority to conduct a proceeding that is within the Commission's
19 jurisdiction.

20 (2) In a delegated proceeding, the commissioner or public utility law judge
21 shall:

22 (i) conduct the hearing and any other proceeding that the
23 commissioner or public utility law judge considers necessary; and

24 (ii) file with the Commission, and simultaneously serve on all
25 parties, a proposed order and findings of fact.

26 (3) The proposed order shall become final unless appealed as provided in §
27 3-113(d) of this subtitle.

28 (e) (1) This subsection applies unless, after considering any staff
29 recommendation as to the extent of staff participation, the Commission determines that
30 the public interest would not be served by staff participation.

1 (2) In each matter before the Commission, the staff of the Commission
2 shall:

3 (i) analyze the data submitted to the Commission;

4 (ii) prepare a staff position based on that analysis; and

5 (iii) make an evidentiary presentation setting forth the staff's
6 analysis of the issues and its recommendations.

7 (3) In making analyses and recommendations, the staff is:

8 (i) governed by the criteria in § 2-113 of this article; and

9 (ii) a party and has the rights of a party to the proceeding, including
10 the rights specified in § 3-107 of this subtitle.

11 (4) The staff shall present direct and redirect cases of its own,
12 cross-examine, submit briefs, and engage in oral argument as the staff considers necessary
13 to ensure that the Commission has a complete record on all relevant issues in a particular
14 case.

15 7-207.

16 (d) (1) **(I)** The Commission shall provide an opportunity for public
17 comment and hold a public hearing on the application for a certificate of public convenience
18 and necessity in each county and municipal corporation in which any portion of the
19 construction of a generating station, an overhead transmission line designed to carry a
20 voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

21 **(II) THE COMMISSION MAY HOLD THE PUBLIC HEARING**
22 **VIRTUALLY RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A**
23 **COMPARABLE OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE**
24 **HEARING.**

25 (2) The Commission shall hold the public hearing jointly with the
26 governing body of the county or municipal corporation in which any portion of the
27 construction of the generating station, overhead transmission line, or qualified generator
28 lead line is proposed to be located, unless the governing body declines to participate in the
29 hearing.

30 (3) (i) Once in each of the 4 successive weeks immediately before the
31 hearing date, the Commission shall provide weekly notice of the public hearing and an
32 opportunity for public comment:

33 1. by advertisement in a newspaper of general circulation in

1 the county or municipal corporation affected by the application;

2 2. on two types of social media; and

3 3. on the Commission's website.

4 (ii) Before a public hearing, the Commission shall coordinate with
5 the governing body of the county or municipal corporation in which any portion of the
6 construction of the generating station, overhead transmission line, or qualified generator
7 lead line is proposed to be located to identify additional options for providing, in an efficient
8 and cost-effective manner, notice of the public hearing through other types of media that
9 are familiar to the residents of the county or municipal corporation.

10 (4) (i) On the day of a public hearing, an informational sign shall be
11 posted prominently at or near each public entrance of the building in which the public
12 hearing will be held.

13 (ii) The informational sign required under subparagraph (i) of this
14 paragraph shall:

15 1. state the time, room number, and subject of the public
16 hearing; and

17 2. be at least 17 by 22 inches in size.

18 **(III) IF THE PUBLIC HEARING IS CONDUCTED VIRTUALLY**
19 **RATHER THAN IN PERSON, THE COMMISSION SHALL PROVIDE INFORMATION ON THE**
20 **HEARING PROMINENTLY ON THE COMMISSION'S WEBSITE.**

21 (5) (i) The Commission shall ensure presentation and
22 recommendations from each interested State unit, and shall allow representatives of each
23 State unit to sit during hearing of all parties.

24 (ii) The Commission shall allow each State unit 15 days after the
25 conclusion of the hearing to modify the State unit's initial recommendations.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety, has
28 been passed by a yea and nay vote supported by three-fifths of all the members elected to
29 each of the two Houses of the General Assembly, and shall take effect from the date it is
30 enacted.