

Department of Legislative Services  
 Maryland General Assembly  
 2013 Session

FISCAL AND POLICY NOTE

House Bill 825 (Delegate Carr, *et al.*)  
 Health and Government Operations

Public Service Commission - Hearings and Proceedings - Video and Audio Recordings

This bill requires the Public Service Commission (PSC) to make live video and audio streaming available on its website of any hearing or proceeding before the commission that is open to the public and takes place at a location normally used by the commission for public hearings or proceedings. PSC must maintain archived video and audio recordings of the hearings and proceedings on its website for at least two years after the date of the hearing or proceeding.

Fiscal Summary

**State Effect:** Special fund expenditures from the Public Utility Regulation Fund increase by \$36,600 in FY 2014 for equipment installation and upgrades and for contractual videographer services. Special fund expenditures increase by approximately \$2,200 annually beginning in FY 2015 for ongoing contractual videographer services, reflecting inflation and annualization. Special fund revenues increase correspondingly from assessments imposed on public service companies. Other than contractual videographer services for off-site hearings or proceedings, PSC can implement the bill with existing staff.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
SF Revenue	\$36,600	\$2,200	\$2,200	\$2,200	\$2,300
SF Expenditure	\$36,600	\$2,200	\$2,200	\$2,200	\$2,300
Net Effect	\$0	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Current Law:** PSC must institute and conduct proceedings reasonably necessary and proper to the exercise of its powers or the performance of its duties. PSC must conduct its proceedings in panels of at least three commissioners or two commissioners and one hearing examiner. Each record of a proceeding of the commission is a public record. To the extent necessary to receive public comment for each application for a rate increase, PSC must hold a hearing at a convenient location and time during evening hours in the service area affected.

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must (1) provide adequate notice of the time and location of meetings and (2) meet in open session in a location that is reasonably accessible to attendees. A public body is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of "public body" include juries, the Governor's cabinet and Executive Council, and single-member entities.

**Background:** PSC currently live streams events held in its main hearing room in Baltimore on its website. PSC advises that commission rulemakings and administrative meetings are subject to the Open Meetings Act; however, contested proceedings and personnel matters are not.

PSC regulates gas, electric, telephone, water, sewage disposal, and certain passenger transportation companies doing business in Maryland. PSC is authorized to hear and decide matters relating to (1) rate adjustments; (2) applications to exercise or abandon franchises; (3) approval of issuance of securities; (4) promulgation of new rules and regulations; and (5) quality of utility and common carrier service. PSC sets utility rates, collects and maintains records and reports of public service companies, reviews plans for service, inspects equipment, audits financial records, handles consumer complaints, and promulgates and enforces rules and regulations.

**State Fiscal Effect:** Special fund expenditures from the Public Utility Regulation Fund increase by a total of \$36,631 in fiscal 2014. This estimate includes \$35,000 for PSC to equip regularly used locations besides its main hearing room to stream audio and video and to purchase the electronic storage capacity necessary to store two years of audio and video recordings and \$1,631 for contractual videographer services. Future year expenditures (approximately \$2,200 annually) are annualized and adjusted for inflation and reflect ongoing contractual videographer services. Other than contractual

videographer services for off-site hearings or proceedings, PSC can implement the bill with existing staff.

Special fund revenues increase correspondingly from assessments imposed on public service companies.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Public Service Commission, Office of People's Counsel  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2013  
ncs/lgc

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