

service territory of an electric company and the transfer of any franchise or right thereunder would be in the public interest; and establishing a procedure by which a municipal corporation ~~can~~ may acquire existing electric plants within annexed areas.

BY adding to

Article 78 – Public Service Commission Law
Section 53(c) and (d)
Annotated Code of Maryland
(1988 Replacement Volume and 1989 Supplement)

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

Article 78 – Public Service Commission Law

53.

(C) A MUNICIPAL CORPORATION MAY ACQUIRE THE EXCLUSIVE RIGHT TO SUPPLY ELECTRICITY WITHIN AN AREA ANNEXED BY THE MUNICIPAL CORPORATION IF:

(1) THE BOUNDARIES OF THE MUNICIPAL CORPORATION ARE ENLARGED BY ANNEXATION;

(2) (I) A PETITION IS FILED WITH THE COMMISSION SEEKING APPROVAL TO ACQUIRE THE EXCLUSIVE RIGHT TO SUPPLY ELECTRICITY WITHIN THE ANNEXED AREA;

(II) A COPY OF THE PETITION IS PROVIDED TO ANY ELECTRIC COMPANY WHOSE SERVICE TERRITORY OR ELECTRIC PLANT WILL BE AFFECTED; AND

(III) ACCOMPANYING THE PETITION IS A COPY OF THE AMENDMENT TO THE MUNICIPAL CORPORATION CHARTER DESCRIBING THE AREA ANNEXED AND A DESCRIPTION OF THE SERVICE TERRITORY, PLANT, EQUIPMENT, AND CUSTOMERS OF ANY ELECTRIC COMPANY THAT IS LIKELY TO BE AFFECTED BY THE ANNEXATION; AND

(3) THE COMMISSION DETERMINES THAT THE MODIFICATION OF THE SERVICE TERRITORY OF AN ELECTRIC COMPANY AND THE TRANSFER OF ANY FRANCHISE OR RIGHT THEREUNDER IS IN THE PUBLIC INTEREST.

(D) (1) A MUNICIPAL CORPORATION THAT ACQUIRES THE EXCLUSIVE RIGHT UNDER SUBSECTION (C) OF THIS SECTION ~~SHALL~~ MAY ACQUIRE THE EXISTING INSTALLED FACILITIES OF ALL OTHER ELECTRIC COMPANIES WITHIN THE ANNEXED AREA THAT ARE USED SOLELY FOR THE SUPPLY OF ELECTRICITY TO THE ANNEXED AREA BY THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN.