

Governor

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House Bill No. 329

AN ACT concerning

## Public Service Commission - Hearings

FOR the purpose of requiring the Public Service Commission to act on an application for a rehearing of a Commission decision within a certain time, and ~~requiring that before~~ defining certain limitations and extensions for the filing of judicial review of any decision or order of the Commission, ~~there must be a rehearing or a denial of a rehearing.~~

May 29, 1979

Honorable Benjamin L. Cardin  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 329.

This departmental bill requires the Public Service Commission to take action on an application for a rehearing within 30 days. As introduced, the bill also provided that a person aggrieved by a decision of the Commission had to exhaust his administrative remedies before he could obtain judicial review.<sup>1/</sup>

During the legislative process, the provision relating to judicial review was amended extensively. The apparent intent of the amendments was to specify an ordering of priorities in the administrative and judicial review procedures that are available to any person aggrieved by a decision of the Commission after a hearing. These provisions are meant to be especially pertinent when there is more than one person aggrieved by the same Commission decision. For example, the amended bill probably is intended to provide that none of the parties may file for judicial review during a period reserved for an administrative rehearing.

Without undue difficulty, the intent of the amended bill could have been achieved by language that clearly set forth the rights of a person aggrieved by a decision of the