

THE MERGER WOULD NOT PROVIDE A NET BENEFIT TO CONSUMERS, THE SPECIAL COUNSEL SHALL RECOMMEND THAT THE GENERAL ASSEMBLY DISAPPROVE THE MERGER.

(5) THE PARTIES TO THE PROPOSED MERGER BEAR THE BURDEN OF SHOWING THAT APPROVING THE MERGER IS CONSISTENT WITH THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY AND PROVIDES A NET BENEFIT TO THE CONSUMER.

(E) (1) THE GENERAL ASSEMBLY RESERVES THE AUTHORITY TO APPROVE OR DISAPPROVE THE PROPOSED MERGER BY LAW AFTER CONSIDERATION OF THE RECOMMENDATIONS OF THE SPECIAL COUNSEL PROVIDED IN ACCORDANCE WITH THIS SUBTITLE.

(2) THE PUBLIC SERVICE COMMISSION:

(I) MAY NOT APPROVE OR DISAPPROVE THE PROPOSED MERGER IF THE GENERAL ASSEMBLY EXERCISES ITS AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) MAY NOT ISSUE AN ORDER APPROVING OR DISAPPROVING THE PROPOSED MERGER BEFORE APRIL 10, 2007.

(3) THE PUBLIC SERVICE COMMISSION AND THE TECHNICAL STAFF OF THE COMMISSION SHALL PROVIDE INFORMATION AND RECOMMENDATIONS TO THE SPECIAL COUNSEL ON REQUEST CONCERNING THE PROPOSED MERGER.

(4) AS REQUESTED BY THE SPECIAL COUNSEL, THE PUBLIC SERVICE COMMISSION SHALL CONDUCT PROCEEDINGS AS NEEDED TO INVESTIGATE THE PROPOSED MERGER AND PROVIDE INFORMATION CONCERNING THE MERGER TO THE SPECIAL COUNSEL AND THE GENERAL ASSEMBLY.

(5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM CONDUCTING ITS OWN PROCEEDINGS ON THE PROPOSED MERGER IN COORDINATION WITH THE SPECIAL COUNSEL.

(F) (1) THE PUBLIC SERVICE COMMISSION SHALL PROVIDE THE SPECIAL COUNSEL WITH ALL OF THE INFORMATION RELATED TO THE PROCEEDINGS THAT IS REQUESTED BY THE SPECIAL COUNSEL.

(2) THE SPECIAL COUNSEL IS A CUSTODIAN OF INFORMATION SUBJECT TO THE PROVISIONS OF THE PUBLIC INFORMATION ACT.

(G) (1) (I) THE SPECIAL COUNSEL MAY ISSUE A SUBPOENA TO A PERSON TO REQUIRE THE APPEARANCE OF THE PERSON OR THE PRODUCTION OF TELEPHONE, BUSINESS, PERSONAL, GOVERNMENTAL, OR CORPORATE RECORDS OR DOCUMENTS.

(II) THE SPECIAL COUNSEL MAY ADMINISTER OATHS AND AFFIRMATIONS.

(2) (I) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE SERVED IN THE SAME MANNER AS IF ISSUED FROM A CIRCUIT COURT.