

(II) IF ANY PERSON FAILS TO OBEY A SUBPOENA LAWFULLY SERVED UNDER THIS SUBSECTION, THE SPECIAL COUNSEL, OR THE ATTORNEY GENERAL ON BEHALF OF THE SPECIAL COUNSEL, IMMEDIATELY MAY REPORT THE DISOBEDIENCE AND PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO A CIRCUIT COURT.

(III) THE CIRCUIT COURT SHALL CONDUCT A HEARING AND MAY GRANT APPROPRIATE RELIEF AFTER PROVIDING THE PERSON WHO ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED BY COUNSEL.

(3) THIS SUBSECTION IS NOT INTENDED TO ALLOW THE CONTRAVENTION, DENIAL, OR ABROGATION OF ANY PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

(H) (1) DURING THE COURSE OF THE INVESTIGATION, AS THE ATTORNEY GENERAL OR SPECIAL COUNSEL CONSIDERS APPROPRIATE, THE SPECIAL COUNSEL SHALL SUBMIT A REPORT OF THE INVESTIGATION AND RECOMMENDATIONS TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE ATTORNEY GENERAL.

(2) ON OR BEFORE JANUARY 10, 2007, AND AT THE COMPLETION OF THE INVESTIGATION BY THE SPECIAL COUNSEL, THE SPECIAL COUNSEL SHALL SUBMIT A COMPLETE REPORT OF THE INVESTIGATION, INCLUDING ALL THE FINDINGS AND RECOMMENDATIONS, TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE ATTORNEY GENERAL.

(I) (1) IN ADDITION TO THE SPECIFIC INVESTIGATION OF THE PROPOSED MERGER UNDER THIS SUBTITLE, THE SPECIAL COUNSEL MAY STUDY AND EVALUATE THE STATUS OF ELECTRIC RESTRUCTURING IN THE STATE AS IT PERTAINS TO THE AVAILABILITY OF COMPETITIVE GENERATION TO RESIDENTIAL CUSTOMERS AND THE STRUCTURE, PROCUREMENT, AND TERMS AND CONDITIONS OF STANDARD OFFER SERVICE FOR RESIDENTIAL CUSTOMERS.

(2) ON OR BEFORE JUNE 30, 2007, THE SPECIAL COUNSEL SHALL REPORT ANY FINDINGS AND RECOMMENDATIONS UNDER THIS SUBSECTION, INCLUDING SUGGESTED LEGISLATIVE AND REGULATORY CHANGES, TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE ATTORNEY GENERAL.

SECTION 3. AND BE IT FURTHER ENACTED, That any approval by the Public Service Commission of a merger between FPL Group, Inc., and Constellation Energy Group, Inc., pending as of the effective date of this Act must include the following conditions:

(1) the transaction may not allow the transfer of facilities between Florida Power & Light Company or Baltimore Gas and Electric Company and an associate company;

(2) the transaction may not allow the new issuances of securities by Florida Power & Light Company or Baltimore Gas and Electric Company for the benefit of an associate company;