

(d) (1) This subsection does not apply to the capitalization of a franchise to be a public service company.

(2) Notwithstanding any other provision of this article, the Commission may approve the capitalization of tangible and intangible property of:

(i) a newly chartered public service company; or

(ii) a public service company organized or reorganized by the purchaser of the franchise and property of its predecessor at a sale under judicial proceedings, mortgage, or deed of trust.

(3) Capitalization under paragraph (2) of this subsection shall be in the amount and form that the Commission considers reasonably necessary to enable the public service company to obtain the capital necessary to establish itself as a going concern.

6-105.

(A) IN THIS SECTION, "AFFILIATE" HAS THE MEANING STATED IN § 7-501 OF THIS ARTICLE.

(B) (1) THE GENERAL ASSEMBLY FINDS THAT:

(I) EXISTING LEGISLATION REQUIRES THE APPROVAL BY THE COMMISSION OF THE ACQUISITION BY ONE PUBLIC SERVICE COMPANY OF ANOTHER PUBLIC SERVICE COMPANY'S STOCKS AND OBLIGATIONS, BUT DOES NOT REQUIRE THE COMMISSION'S APPROVAL OF THESE ACQUISITIONS BY PERSONS NOT ENGAGED IN THE PUBLIC UTILITY BUSINESS IN THE STATE; AND

(II) AN ATTEMPT BY A PERSON NOT ENGAGED IN THE PUBLIC UTILITY BUSINESS IN THE STATE TO ACQUIRE THE POWER TO EXERCISE ANY SUBSTANTIAL INFLUENCE OVER THE POLICIES AND ACTIONS OF A PUBLIC SERVICE COMPANY THAT PROVIDES ELECTRICITY OR GAS IN THE STATE COULD RESULT IN HARM TO THE CUSTOMERS OF THE PUBLIC SERVICE COMPANY, INCLUDING THE DEGRADATION OF UTILITY SERVICES, HIGHER RATES, WEAKENED FINANCIAL STRUCTURE, AND DIMINUTION OF UTILITY ASSETS.

(2) THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE STATE TO REGULATE ACQUISITIONS BY PERSONS THAT ARE NOT ENGAGED IN THE PUBLIC UTILITY BUSINESS IN THE STATE OF THE POWER TO EXERCISE ANY SUBSTANTIAL INFLUENCE OVER THE POLICIES AND ACTIONS OF A PUBLIC SERVICE COMPANY THAT PROVIDES ELECTRICITY OR GAS IN THE STATE IN ORDER TO PREVENT UNNECESSARY AND UNWARRANTED HARM TO THE CUSTOMERS OF THE PUBLIC SERVICE COMPANY.

(C) THIS SECTION APPLIES TO THE ACQUISITION OF AN ELECTRIC COMPANY OR A GAS COMPANY THAT OPERATES IN MARYLAND.

(D) WITHOUT PRIOR AUTHORIZATION FROM THE COMMISSION, A PERSON MAY NOT ACQUIRE, DIRECTLY OR INDIRECTLY, THE POWER TO EXERCISE ANY SUBSTANTIAL INFLUENCE OVER THE POLICIES AND ACTIONS OF AN ELECTRIC