

final order under certain circumstances; providing that a certain cease and desist order is void under certain circumstances; prohibiting the Commission from imposing certain penalties under certain circumstances; and generally relating to the authority of the Public Service Commission to issue cease and desist orders.

BY adding to

Article - Public Utility Companies
Section 13-208
Annotated Code of Maryland
(1998 Volume and 2001 Supplement)

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

Article - Public Utility Companies

13-208.

(A) IN ADDITION TO ANY OTHERWISE AVAILABLE REMEDY, THE COMMISSION MAY SUMMARILY ORDER A PERSON WHO IS SUBJECT TO THE JURISDICTION OF THE COMMISSION TO CEASE AND DESIST FROM AN ACT OR PRACTICE IF THE COMMISSION DETERMINES FROM SPECIFIC FACTS SHOWN BY AFFIDAVIT OR OTHER STATEMENT MADE UNDER OATH THAT:

(1) THE PERSON HAS ENGAGED IN AN ACT OR PRACTICE THAT CONSTITUTES A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY ORDER OR REGULATION ADOPTED UNDER THIS ARTICLE THAT DIRECTLY CONCERNS CONSUMER PROTECTION OR PUBLIC SAFETY;

(2) IMMEDIATE, SUBSTANTIAL, AND IRREPARABLE HARM WILL RESULT BEFORE THE AFFECTED PERSON COULD HAVE AN OPPORTUNITY TO RESPOND TO THE FACTS ALLEGED;

(3) THE NEED FOR THE IMMEDIATE ISSUANCE OF A SUMMARY CEASE AND DESIST ORDER OUTWEIGHS THE AFFECTED PERSON'S RIGHT TO RECEIVE NOTICE AND BE HEARD BEFORE ISSUANCE OF THE ORDER; AND

(4) ISSUANCE OF THE SUMMARY CEASE AND DESIST ORDER IS IN THE PUBLIC INTEREST.

(B) A SUMMARY CEASE AND DESIST ORDER ISSUED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) BE PERSONALLY AND PROMPTLY SERVED ON THE AFFECTED PERSON OR THE PERSON'S LEGAL REPRESENTATIVE;

(2) BE EFFECTIVE ONLY AFTER IT IS SERVED UNDER ITEM (1) OF THIS SUBSECTION; AND

(3) (I) IDENTIFY THE DATE AND HOUR OF ISSUANCE;