

Section 3-201

Annotated Code of Maryland

(1998 Volume and 2003 Supplement)

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

Article - Public Utility Companies

3-201.

~~(a) (1) A PETITION FOR DECLARATORY JUDGMENT CHALLENGING THE VALIDITY OF A REGULATION OF THE COMMISSION MUST BE FILED WITHIN 30 DAYS AFTER THE FINAL REGULATION IS PUBLISHED IN THE MARYLAND REGISTER.~~

~~(2) (4) The [validity] APPLICATION NOTWITHSTANDING § 10-120 OF THE STATE GOVERNMENT ARTICLE, THE VALIDITY of a regulation of the Commission may be determined on a petition for declaratory judgment whenever it appears that SHALL BE CHALLENGED IN ACCORDANCE WITH § 10-125 OF THE STATE GOVERNMENT ARTICLE. [the regulation, or] its application[,] actually or potentially interferes with or impairs the legal rights or privileges of the petitioner.~~

~~(H) A PETITION CHALLENGING THE APPLICATION OF A REGULATION MUST BE FILED WITHIN 30 DAYS AFTER THE COMMISSION ISSUES THE DECISION THAT DETERMINED THE CHALLENGED APPLICATION.~~

~~[(2) A court may render a declaratory judgment in accordance with paragraph (1) of this subsection whether or not the petitioner has first asked the Commission to determine the validity of the regulation in question.]~~

~~(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION:~~

~~(1) A PARTY TO A COMMISSION PROCEEDING MUST~~

~~(B) A PARTY TO A COMMISSION PROCEEDING, A PERSON THAT HAS BEEN GRANTED INTERVENTION IN A COMMISSION PROCEEDING, OR A PERSON THAT HAS BEEN ORDERED TO PARTICIPATE IN A COMMISSION PROCEEDING THAT SEEKS TO CHALLENGE A DECISION BY THE COMMISSION TO ACT BY ORDER RATHER THAN REGULATION SHALL SEEK JUDICIAL REVIEW OF THE COMMISSION'S DECISION TO ACT BY ORDER RATHER THAN REGULATION WITHIN 30 DAYS AFTER THE COMMISSION ISSUES A FINAL ORDER IN THAT PROCEEDING; AND.~~

~~(C) NOTWITHSTANDING ANY PROVISION OF THE ADMINISTRATIVE PROCEDURE ACT, AN ORDER OF THE COMMISSION ISSUED ON OR BEFORE JUNE 30, 2000 IN A GENERIC OR QUASI-LEGISLATIVE PROCEEDING, THAT IS NOT THE SUBJECT OF A JUDICIAL PROCEEDING PENDING AS OF JUNE 1, 2004, IS NOT INVALID OR UNENFORCEABLE AS A RESULT OF THE ORDER MEETING THE DEFINITION OF A REGULATION UNDER § 10-101 OF THE STATE GOVERNMENT ARTICLE.~~