

Md. Public Utility Companies Code Ann. § 1-101

Current through all legislation from the 2023 Regular Session of the General Assembly.

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§ 1-101. Definitions.

- (a) In this division the following words have the meanings indicated.
- (b)
 - (1) “Aggregator” means an entity or an individual that acts on behalf of a customer to purchase electricity or gas.
 - (2) “Aggregator” does not include:
 - (i) an entity or individual that purchases electricity or gas only for its own use or for the use of its subsidiaries or affiliates;
 - (ii) a municipal electric utility or a municipal gas utility serving only in its distribution territory; or
 - (iii) a combination of governmental units that purchases electricity or gas for use by the governmental units.
- (c) “Broker” means an entity or individual that acts as an agent or intermediary in the sale and purchase of electricity or gas but does not take title to electricity or gas.
- (d) “Commission” means the Public Service Commission.
- (e)
 - (1) “Common carrier” means a person, public authority, or federal, State, district, or municipal transportation unit that is engaged in the public transportation of persons for hire, by land, water, air, or any combination of them.
 - (2) “Common carrier” includes:
 - (i) an airline company;
 - (ii) a car company, motor vehicle company, automobile company, or motor bus company;
 - (iii) a power boat company, vessel-boat company, steamboat company, or ferry company;
 - (iv) a railroad company, street railroad company, or sleeping car company;
 - (v) a taxicab company;
 - (vi) a toll bridge company;
 - (vii) a transit company; and

- (viii) a transportation network company.
- (3) “Common carrier” does not include:
 - (i) a county revenue authority;
 - (ii) a toll bridge or other facility owned and operated by a county revenue authority;
 - (iii) a vanpool or launch service; or
 - (iv) a for-hire water carrier, as defined in § 8-744 of the Natural Resources Article.
- (f) “Community choice aggregator” means a county that serves as an electric aggregator for the purpose of negotiating the purchase of electric generation services from an electricity supplier licensed by the Commission or from an electric generating or storage facility, or providing electricity from an electric generating facility owned by the aggregator for residential electric customers, which include master-metered multiple occupancy residences and small commercial electric customers, as defined in § 7-510.3 of this article, that:
 - (1) are located within the county, including customers located within municipal corporations located in the county;
 - (2) have not:
 - (i) selected an electricity supplier other than the standard offer service supplier; or
 - (ii) refused to participate in the aggregation activities of the county; and
 - (3) are not located in the service territory of:
 - (i) a municipal electric utility; or
 - (ii) an electric cooperative.
- (g) “Company”, as a designation for a type of enterprise, includes a person that owns a company individually or as an agent, trustee, or receiver of a company.
- (h) “County” means a county of the State or Baltimore City.
- (h-1) “Cybersecurity” has the meaning stated in § 3.5–301 of the State Finance and Procurement Article.
- (i)
 - (1) “Electric company” means a person who physically transmits or distributes electricity in the State to a retail electric customer.
 - (2) “Electric company” does not include:
 - (i) the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:
 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or
 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building;
 - (ii) any person who generates on-site generated electricity; or

- (iii) a person who transmits or distributes electricity within a site owned by the person or the person's affiliate that is incidental to a primarily landlord-tenant relationship.
- (j) "Electric plant" means the material, equipment, and property owned by an electric company and used or to be used for or in connection with electric service.
- (k) "Electric storage facility" means a facility used to store:
 - (1) electrical energy; or
 - (2) mechanical, chemical, or thermal energy that was previously electrical energy:
 - (i) for use as electrical energy at a later time; or
 - (ii) in a process that offsets electricity use during peak demand.
- (l)
 - (1) "Electricity supplier" means a person:
 - (i) who sells:
 - 1. electricity;
 - 2. electricity supply services;
 - 3. competitive billing services; or
 - 4. competitive metering services; or
 - (ii) who purchases, brokers, arranges, or markets electricity or electricity supply services for sale to a retail electric customer.
 - (2) "Electricity supplier" includes an electric company, an aggregator, a broker, and a marketer of electricity.
 - (3) "Electricity supplier" does not include:
 - (i) the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:
 - 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or
 - 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building;
 - (ii) a person who generates on-site generated electricity; or
 - (iii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:
 - 1. an electric vehicle charging station;
 - 2. electric vehicle supply equipment; or
 - 3. an electric vehicle charging station service company or provider.
- (m)
 - (1) "Gas company" means a public service company that:

- (i) is authorized to install or maintain facilities in, over, or under streets for furnishing or distributing gas; or
- (ii) owns a gas plant and:
 1. transmits, sells, supplies, or distributes artificial or natural gas; or
 2. manufactures gas for distribution or sale.
- (2) “Gas company” includes a municipal corporation that is in the business of supplying gas for other than municipal purposes.
- (n) “Gas master meter operator” means a person that owns or operates a pipeline system, other than piping within a building:
 - (1) that distributes gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex;
 - (2) for which the person purchases metered, artificial, or natural gas from an outside source for resale through the pipeline system; and
 - (3) that supplies the ultimate consumer, who purchases the gas directly through a meter or by other means, such as by rent.
- (o) “Gas plant” means the material, equipment, and property owned by a gas company and used or to be used for or in connection with gas service.
- (p)
 - (1) “Gas supplier” means a person who:
 - (i) sells:
 1. gas;
 2. gas supply services; or
 3. competitive billing services for gas supply services; or
 - (ii) purchases, brokers, arranges, or markets gas or gas supply services for sale to a retail gas customer.
 - (2) “Gas supplier” includes an aggregator, a broker, and a marketer of gas.
 - (3) “Gas supplier” does not include:
 - (i) a gas company to the extent that the gas company provides gas sales or delivery service at rates regulated by the Commission;
 - (ii) the following persons who supply gas solely to occupants of a building for use by the occupants:
 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; and
 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building; or
 - (iii) a person who transmits or distributes gas within a site owned by the person or the person’s affiliate that is incidental to a primarily landlord-tenant relationship.

- (q) “Launch service” means a power boat company that transports passengers or freight between the shore and vessels on a body of water in the State.
- (r) “Liquid-immersed distribution transformer” means a transformer that:
- (1) has an input voltage of 34,500 volts or less;
 - (2) has an output voltage of 600 volts or less;
 - (3) uses oil or other liquid as a coolant; and
 - (4) is rated for operation at a frequency of 60 hertz.
- (s) “Marketer” means a person who purchases and takes title to electricity or gas as an intermediary for sale to a customer.
- (t) “Municipal electric utility” means a municipal corporation, or a division of a municipal corporation, that is in the business of transmitting or distributing electricity for purposes other than end use by the municipal corporation.
- (u) “On-site generated electricity” means electricity that:
- (1) is not transmitted or distributed over an electric company’s transmission or distribution system; or
 - (2) is generated at a facility owned or operated by an electric customer or operated by a designee of the owner who, with the other tenants of the facility, consumes at least 80% of the power generated by the facility each year.
- (v) “Own” includes own, operate, lease to or from, manage, or control.
- (w) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.
- (x) “Plant” includes all material, equipment, and property owned by a public service company and used or to be used for or in connection with a public utility service.
- (y) “Proceeding” includes an action, complaint, hearing, investigation, trial, appeal, order, or similar matter pending before, made, or conducted by an official body.
- (z)
- (1) “Public service company” means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.
 - (2) “Public service company” does not include:
 - (i) a campground that provides water, electric, gas, sewage, or telephone service to campers incident to the campground’s primary business of operating and maintaining the campground; or
 - (ii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:
 1. an electric vehicle charging station;
 2. electric vehicle supply equipment; or

3. an electric vehicle charging station service company or provider.

(aa)

- (1) “Railroad” means a common carrier by rail powered in any manner.
- (2) “Railroad” includes material, equipment, and property used on or in connection with a railroad.

(bb)

- (1) “Rate” means a toll, fare, tariff, fee, price, or other charge, or a combination of these items, by a public service company for public utility service.
- (2) “Rate” includes a schedule, regulation, classification, or practice of a public service company that affects:
 - (i) the amount of a charge; or
 - (ii) the nature and value of the service rendered for the charge.

(cc)

- (1) “Record” means the original or a copy of any documentary material.
- (2) “Record” includes an account, book, chart, contract, document, file, map, paper, profile, report, or schedule.

(dd) “Renewable energy resource” means one or more of the following sources of energy, energy technology, or related credit:

- (1) solar;
- (2) wind;
- (3) tidal;
- (4) geothermal;
- (5) biomass, including waste-to-energy and landfill gas recovery;
- (6) hydroelectric facilities;
- (7) digester gas; and
- (8) a manufacturing or commercial waste-to-energy system or facility.

(ee)

- (1) “Retail electric customer” means a purchaser of electricity for end use in the State.
- (2) “Retail electric customer” includes:
 - (i) a person that owns or operates equipment used for charging electric vehicles, including:
 - 1. an electric vehicle charging station;
 - 2. electric vehicle supply equipment; or
 - 3. an electric vehicle charging station service company or provider; and
 - (ii) A person that charges an electric vehicle at an electric vehicle charging station that the person owns or operates.

(3) “Retail electric customer” does not include:

- (i)** an occupant of a building in which the owner/operator or lessee/operator manages the internal distribution system serving the building and supplies electricity and electricity supply services solely to occupants of the building for use by the occupants;
- (ii)** a person who generates on-site generated electricity, to the extent the on-site generated electricity is consumed by that person or its tenants; or
- (iii)** except as provided in paragraph (2)(ii) of this subsection, a person that charges an electric vehicle at an electric vehicle charging station.

(ff)

(1) “Retail gas customer” means a purchaser of gas for end use in the State.

(2) “Retail gas customer” excludes an occupant of a building in which the owner/operator or lessee/operator manages the internal distribution system serving the building and supplies gas and gas supply services solely to occupants of the building for use by the occupants.

(gg) “Sewage disposal company” means a privately owned public service company that owns or maintains facilities for the disposal of sewage.

(hh) “Small rural electric cooperative” means an electric company that:

- (1)** serves only the consumers that exclusively own and control the company;
- (2)** conducts its business on a nonprofit basis; and
- (3)** supplies electricity to less than 1,000 electric meters in the State.

(ii) “State” means:

- (1)** a state, possession, territory, or commonwealth of the United States; or
- (2)** the District of Columbia.

(jj) “Street railroad” means a railroad:

- (1)** that is not part of a trunk line railway system; and
- (2)** whose routes are mainly within Baltimore City or a municipal corporation with a population of at least 2,000.

(kk)

(1) “Taxicab” means a motor vehicle for hire that:

- (i)** is designed to carry seven or fewer individuals, including the driver; and
- (ii)** is used to accept or solicit passengers for transportation between points along public streets as the passengers request.

(2) “Taxicab” does not include a motor vehicle operated on a regular schedule and between fixed points with the approval of the Commission as defined in Title 11 of the Transportation Article.

(ll) “Telegraph company” means a public service company that:

- (1)** owns telegraph lines to receive, transmit, or communicate telegraphic communications; or

(2) leases, licenses, or sells telegraphic communications.

(mm) “Telegraph lines” means the material, equipment, and property owned by a telegraph company and used or to be used for or in connection with telegraph service.

(nn)

(1) “Telephone company” means a public service company that:

(i) owns telephone lines to receive, transmit, or communicate local exchange telephone services, exchange access telephone services, or teletype communications;

(ii) leases, licenses, or sells local exchange telephone services, exchange access telephone services, or teletype communications; or

(iii) owns telephone lines to receive, transmit, or communicate telephone services to incarcerate individual facilities.

(2) “Telephone company” does not include a cellular telephone company.

(oo) “Telephone lines” means the material, equipment, and property owned by a telephone company and used or to be used for or in connection with telephone service.

(pp) “Toll bridge” means a bridge operated by a person authorized by the Commission to charge and collect toll from traffic using the bridge.

(qq) “Transformer” means a device consisting of two or more coils of insulated wire that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(rr) “Transportation network company” has the meaning stated in § 10-101 of this article.

(ss) “Transportation network services” has the meaning stated in § 10-101 of this article.

(tt)

(1) “Transportation of persons for hire” means the transportation of persons by:

(i) regularly scheduled operations;

(ii) charter or contract operations; or

(iii) tour or sightseeing operations.

(2) “Transportation of persons for hire” includes the transportation of persons, whether on the cooperative plan, carried by a corporation, group, or association engaged in the transportation of its stockholders, shareholders, or members.

(uu) “Water company” means a public service company that owns a water plant and sells or distributes water for gain.

(vv) “Water plant” means the material, equipment, and property owned by a water company and used or to be used for or in connection with water service.

History

An. Code 1957, art. 78, § 2; 1998, ch. 8, § 2; ch. 653; 1999, ch. 3, § 1; ch. 4, § 1; ch. 605, §§ 1, 2; 2000, ch. 669, §§ 1, 2; ch. 700; 2001, ch. 655; 2004, ch. 487, § 1; ch. 488, § 1; 2005, ch. 156; 2007, ch. 568; 2010, chs. 52, 449; 2011, ch. 621; 2012, ch. 66, § 6; chs. 631, 632; 2015, chs. 174, 204, 223; ch. 250, § 1; 2016, ch. 9; 2017, ch. 631; 2018, chs. 219, 220; 2021, ch. 449, §§ 1, 2; 2022, ch. 438, § 1; ch. 439, § 1; 2023, ch. 499, § 1; ch 721, § 3.

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