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Maryland Office of People's Counsel v. Maryland Public Service Com'n

Court of Special Appeals of Maryland - January 28, 2016 - A.3d - 2016 WL 360891

Office of People's Counsel (OPC) petitioned for judicial review of Public Service Commission's approval of gas company's imposition of customer surcharge during implementation of plan to replace outdated gas distribution infrastructure.

The Court of Special Appeals held that:

- Deference was warranted to Commission's interpretation of law to allow imposition of surcharges before completion of each project;
- Strategic Infrastructure Development and Enhancement (STRIDE) law allowed implementation of such surcharges; and
- Commission acted within its discretion by approving broader program conditioned on subsequent annual review of specific projects.

Deference was warranted to Public Service Commission's interpretation of Strategic Infrastructure Development and Enhancement (STRIDE) law to allow Commission to authorize gas company to recover estimated project costs from customers for infrastructure improvements after initial implementation of projects and before completion of each project. Commission focused its attention on statutory provision in question, thoroughly addressed relevant issues, and reached its interpretation through a sound reasoning process.

The Strategic Infrastructure Development and Enhancement (STRIDE) law allows the Public Service Commission to authorize a gas company to recover estimated project costs from customers for infrastructure improvements after initial implementation of projects and before the completion of each project.

Public Service Commission acted within its discretion under Strategic Infrastructure Development and Enhancement (STRIDE) law by approving broader program authorizing gas company to recover estimated project costs from customers for infrastructure improvements conditioned on subsequent annual reviews of the specific projects within the broader program, rather than reviewing each project prior to approving a new plan.