

MARYLAND PUBLIC SERVICE COMMISSION

Reporting of Judicial Review Outcomes

November 1, 2023

Prepared in response to the 2023 Joint Chairmen's Report from the Senate Budget and Taxation Committee and House Appropriations Committee, addressing outcomes of appeals of Public Service Commission Decisions

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I. INTRODUCTION

The Maryland Public Service Commission (PSC or Commission) hereby submits this report in response to the 2023 Joint Chairmen’s Report (JCR) from the Senate Budget and Taxation Committee and House Appropriations Committee, pertaining to decisions of the Commission from the 10 most recent fiscal years that were appealed to the circuit court, and the outcomes of those appeals in the circuit court and those subsequently appealed to the appellate court level.

II. BACKGROUND

In accordance with Public Utilities Article § 2-106(d)(1), the Office of General Counsel (OGC) is the division within the PSC responsible for defending Commission decisions on judicial review. OGC tracks and reports on appeals taken from Commission decisions as part of the Commission’s annual Managing for Results (MFR) reporting process to the Department of Budget and Management. Information is collected from each attorney, based on their case assignments, and as reported in the Commission’s Annual Reports.

III. COMMISSION RESPONSE

The Commission’s judicial review and appeals performance metrics for the most recent 10 years, including the current MFR reporting period are as follows:

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
# of final judicial decisions resulting in closure	7	10	16	10	7	4	7	7	6	7	7
# of judicial reversals or remands	2	1	1	1	0	0	0	0	3	1	0
% of orders upheld on judicial review	71	90	94	90	100	100	100	100	50	86	100
# of rate cases	5	4	3	9	5	1	1	1	4	2	1
% of cases upheld on judicial review	100	100	100	100	100	100	100	100	50	100	100

The number of final judicial decisions resulting in closure refers to decisions rendered by the circuit and appellate courts annually regarding PSC orders on which judicial review has been sought. The number of rate cases pertains solely to judicial review of PSC decisions in which customer rates are affected, including standard offer service rate and tariff cases. For calendar years 2021 and 2022, two decisions were remanded for more particular-written findings per PUA 3-113(a).

IV. CONCLUSION

The PSC appreciates the opportunity to provide information regarding the Commission's performance in response to judicial review and appeal of its decisions. The Commission understands that data collection and sharing practices are constantly evolving, and the Commission will continue to assess feedback it receives regarding its processes.