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STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

March 3, 2015

In the Matter of the Application of
Baltimore Washington Rapid Rail, LLC
For Transfer of Abandoned Railroad
Franchise

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Case No. 9363

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NOTICE OF DELEGATION TO THE PUBLIC UTILITY LAW JUDGE DIVISION

On September 3, 2014, pursuant to Public Utility Article (“PUA”) §§ 5-103(b) and 5-202 and Code of Maryland Regulations (“COMAR”) 20.07.04.03-.04, the Baltimore Washington Rapid Rail, LLC (“BWR Rail”) filed with the Maryland Public Service Commission (“Commission”) an application for approval to transfer to itself the passenger railroad franchise previously held and abandoned by the Washington, Baltimore and Annapolis Electric Railroad Company (“WBA”) (hereinafter “the Application.”) On September 23, 2014, the Commission issued a Notice of Request for Comment and for Alternative Applications to Transfer Passenger Railroad Franchise (“Notice”). Pursuant to such Notice, the Commission received numerous comments from multiple parties, including the Commission Staff, as well as response comments from BWR Rail.¹ No alternative applications to transfer the passenger railroad franchise were filed by any party.

The Commission is empowered through PUA §§ 5-103 and 5-104 to authorize the abandonment or discontinuance of a franchise if the authorization is consistent with the public convenience and necessity. PUA § 5-103(b)(1) provides that whenever the Commission authorizes abandonment or discontinuance, it “shall consider all applications to acquire the franchise, right, or permit to render the service” and grant the franchise to the best qualified applicant. Additionally, PUA § 5-202(1) states that a public service company may not transfer a franchise without the Commission’s approval.

After review of the Application and comments received, the Commission determines that the Application be set for hearing to establish an evidentiary record upon which the Commission

¹ A copy of the Application and comments received pursuant to the Commission’s Notice can be viewed or downloaded from the electronic case jacket available on the Commission’s website at www.psc.state.md.us.

could reasonably conclude that the public convenience and necessity would be served by authorizing BWR to acquire the Washington to Baltimore portion of the abandoned franchise of the former Washington, Baltimore and Annapolis Electric Railroad Company. Furthermore, the Commission delegates the matter to the Public Utility Law Judge Division to conduct the proceedings.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary