

HOUSE BILL 596

C5
HB 1340/10 – ECM

11r0310

By: **Delegate Davis**

Introduced and read first time: February 9, 2011

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Electric Companies and Gas Companies – Customer Account Information**

3 FOR the purpose of requiring an electric company, a gas company, or an electric and
4 gas company, on a certain request by a certain competitive supplier of electricity
5 or gas, to provide certain information related to certain customer accounts to
6 the supplier, subject to certain restrictions; requiring the distribution utility to
7 provide the information in a certain form and to update it periodically;
8 prohibiting a distribution utility from providing certain information without the
9 prior authorization of a certain customer; providing the method by which a
10 distribution utility must obtain the customer's authorization, including
11 requiring certain notice to be provided containing certain information; requiring
12 the notice to be provided to certain customers at certain times; establishing
13 when a customer is deemed to have given certain authorization; authorizing a
14 customer to withdraw authorization in a certain manner; requiring a
15 distribution utility to ensure that certain information is not shared under
16 certain circumstances; requiring a distribution utility to notify a certain
17 competitive supplier that a certain customer has withdrawn certain
18 authorization; requiring a competitive supplier to redact certain information
19 from its records under certain circumstances and refrain from contacting a
20 certain customer in a certain manner under certain circumstances; requiring
21 the Public Service Commission to allow a distribution utility to recover certain
22 costs directly from a competitive supplier; providing that a competitive supplier
23 may use certain information only for a certain purpose; prohibiting a
24 competitive supplier from selling or providing certain information to any other
25 person, with a certain exception; authorizing a competitive supplier to provide

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain information to an authorized agent for a certain purpose; providing that
2 the authorized agent is subject to the same restrictions on the use, sale, or
3 provision of the information as the competitive supplier; requiring a certain
4 competitive supplier to include certain information in certain marketing
5 materials sent to certain customers; providing for the application of this Act to
6 certain gas suppliers under certain provisions of law; providing that this Act
7 does not apply to an electric cooperative or a gas cooperative; defining certain
8 terms; and generally relating to electricity, gas supply, and customer account
9 information.

10 BY adding to

11 Article – Public Utilities
12 Section 7–510.1 and 7–604(c)
13 Annotated Code of Maryland
14 (2010 Replacement Volume)

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

17 **Article – Public Utilities**

18 **7–510.1.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
20 MEANINGS INDICATED.

21 (2) “COMPETITIVE SUPPLIER” MEANS:

22 (I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS
23 SUBTITLE; OR

24 (II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS
25 TITLE.

26 (3) “DISTRIBUTION UTILITY” MEANS AN ELECTRIC COMPANY, A
27 GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.

28 (B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR
29 A GAS COOPERATIVE.

30 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE
31 WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A
32 DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE
33 FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR EACH RESIDENTIAL
34 CUSTOMER AND SMALL COMMERCIAL CUSTOMER LOCATED IN THE SERVICE
35 TERRITORY OF THE DISTRIBUTION UTILITY:

- 1 **(I) THE ACCOUNT NAME;**
- 2 **(II) THE BILLING ADDRESS;**
- 3 **(III) THE SERVICE ADDRESS;**
- 4 **(IV) THE UTILITY RATE CLASS;**
- 5 **(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;**
- 6 **(VI) THE LOAD PROFILE;**
- 7 **(VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH**
8 **PERIOD FOR EACH TYPE OF POWER; AND**
- 9 **(VIII) WHETHER THE TYPE OF POWER SUPPLIED TO THE**
10 **CUSTOMER IS:**
 - 11 **1. GAS;**
 - 12 **2. ELECTRICITY; OR**
 - 13 **3. GAS AND ELECTRICITY.**

14 **(2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION**
15 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM**
16 **AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.**

17 **(D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER**
18 **ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT**
19 **THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.**

20 **(2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A**
21 **DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT**
22 **WRITTEN NOTICE OF:**

23 **1. THE TYPE OF ACCOUNT INFORMATION THAT**
24 **WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;**

25 **2. THE RIGHT OF THE CUSTOMER TO:**

26 **A. REFUSE TO AUTHORIZE THE DISTRIBUTION**
27 **UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR**

1 **B. WITHDRAW AN EARLIER AUTHORIZATION; AND**

2 **3. THE MANNER IN WHICH THE CUSTOMER IS**
3 **REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF**
4 **A PREVIOUS AUTHORIZATION.**

5 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF**
6 **THIS PARAGRAPH SHALL BE PROVIDED:**

7 **1. AS PART OF THE WRITTEN MATERIALS SUPPLIED**
8 **TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND**

9 **2. AS A BILL INSERT TO EXISTING CUSTOMERS PRIOR**
10 **TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES INFORMATION**
11 **UNDER THIS SECTION.**

12 **(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A**
13 **DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S**
14 **ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN**
15 **UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE**
16 **DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER**
17 **PRESCRIBED BY THE NOTICE.**

18 **(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT**
19 **ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER**
20 **PRESCRIBED BY THE NOTICE.**

21 **2. IF A CUSTOMER WITHDRAWS AUTHORIZATION,**
22 **THE DISTRIBUTION UTILITY SHALL:**

23 **A. ENSURE THAT THE CUSTOMER'S ACCOUNT**
24 **INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE; AND**

25 **B. NOTIFY THE COMPETITIVE SUPPLIER THAT THE**
26 **CUSTOMER HAS WITHDRAWN AUTHORIZATION.**

27 **3. ON RECEIVING NOTICE FROM A DISTRIBUTION**
28 **UTILITY THAT A CUSTOMER HAS WITHDRAWN AUTHORIZATION UNDER THIS**
29 **PARAGRAPH, THE COMPETITIVE SUPPLIER SHALL:**

30 **A. REDACT THE CUSTOMER'S INFORMATION FROM**
31 **ITS RECORDS; AND**

1 **B. REFRAIN FROM CONTACTING THE CUSTOMER**
2 **DIRECTLY BY MAIL OR TELEPHONE TO MARKET SERVICES TO THE CUSTOMER.**

3 **(4) A DISTRIBUTION UTILITY MAY NOT INCLUDE IN THE**
4 **INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CUSTOMER**
5 **ACCOUNT INFORMATION OF A COMMERCIAL CUSTOMER THAT IS RECEIVING**
6 **ELECTRICITY SUPPLY OR GAS SUPPLY FROM A COMPETITIVE SUPPLIER.**

7 **(E) THE COMMISSION SHALL ALLOW THE DISTRIBUTION UTILITY TO**
8 **RECOVER THE PRUDENTLY INCURRED COSTS, AS THE COMMISSION**
9 **DETERMINES, OF PROVIDING THE INFORMATION UNDER SUBSECTION (C) OF**
10 **THIS SECTION DIRECTLY FROM THE COMPETITIVE SUPPLIER THAT REQUESTED**
11 **THE INFORMATION.**

12 **(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION**
13 **OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO**
14 **ELECTRICITY AND GAS SUPPLY.**

15 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
16 **PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY**
17 **INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON,**
18 **INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.**

19 **(II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION**
20 **OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR**
21 **IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1)**
22 **OF THIS SUBSECTION.**

23 **(III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER**
24 **THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR**
26 **PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS**
27 **SUBJECT UNDER THIS SUBSECTION.**

28 **(G) A COMPETITIVE SUPPLIER SHALL INCLUDE IN ANY MARKETING**
29 **MATERIALS SENT TO A RESIDENTIAL CUSTOMER OR SMALL COMMERCIAL**
30 **CUSTOMER INFORMATION ON HOW A CUSTOMER MAY CONTACT THE**
31 **CUSTOMER'S DISTRIBUTION UTILITY TO WITHDRAW AUTHORIZATION FOR THE**
32 **DISTRIBUTION UTILITY TO PROVIDE TO COMPETITIVE SUPPLIERS INFORMATION**
33 **ABOUT THE CUSTOMER'S ACCOUNT.**

34 7-604.

1 **(C) SECTION 7-510.1 OF THIS TITLE GOVERNS THE PROVISION TO A GAS**
2 **SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL**
3 **CUSTOMERS AND SMALL COMMERCIAL CUSTOMERS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.