

HOUSE BILL 561

C5, L6
HB 730/19 – ECM

01r0595
CF SB 315

By: **Delegates Charkoudian, Acevero, Bagnall, Bridges, Cain, Carr, Crosby, Crutchfield, Cullison, Dumais, Ebersole, Feldmark, Fennell, W. Fisher, Fraser-Hidalgo, Gilchrist, Guyton, Haynes, Healey, Hettleman, Hill, Ivey, Jalisi, Kelly, Korman, Lehman, R. Lewis, Lierman, Lopez, Love, Moon, Mosby, Palakovich Carr, Pendergrass, Reznik, Rogers, Rosenberg, Shetty, Solomon, Stewart, Terrasa, Turner, C. Watson, Wilkins, and P. Young**

Introduced and read first time: January 27, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Industry – Community Choice Energy**

3 FOR the purpose of applying certain laws regarding net energy metering and community
4 solar generating systems to customers served by a community choice aggregator;
5 repealing a provision that prohibits a county or municipal corporation from acting as
6 an aggregator under certain circumstances; establishing a process by which,
7 beginning on a certain date, a county or municipal corporation or group of counties
8 or municipal corporations may form or join a community choice aggregator; requiring
9 a county or municipal corporation to develop and give certain notice of a certain
10 aggregation plan under certain circumstances; providing for the contents of a certain
11 aggregation plan; prohibiting a county or municipal corporation from excluding
12 certain customers from the ability to participate in certain aggregation activities
13 under certain circumstances; establishing a process under which certain customers
14 shall be deemed to have given permission to a certain county or municipal
15 corporation to act as the customers' community choice aggregator; providing that
16 certain customers may refuse to participate in certain aggregation activities under
17 certain circumstances; requiring a certain electricity supplier to give certain notice
18 to a community choice aggregator regarding the end of a certain contract term;
19 authorizing a community choice aggregator to impose a certain penalty under certain
20 circumstances; prohibiting a community choice aggregator from assessing certain
21 new fees, taxes, or charges in the aggregation charges or rates under certain
22 circumstances; exempting a community choice aggregator from certain requirements
23 relating to the licensing of electricity suppliers; authorizing a community choice
24 aggregator to own a certain electric generating facility for a certain purpose;
25 requiring a community choice aggregator to submit a certain plan to the Public
26 Service Commission for the use or disposition of a certain electric generating facility

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under certain circumstances; authorizing a community choice aggregator to contract
2 for service from an electric generating facility under certain circumstances; requiring
3 a county or municipal corporation to give or provide for certain notices to certain
4 persons and to the Commission under certain circumstances; providing for the
5 contents of certain notices; requiring the Commission to notify a certain county or
6 municipal corporation as to its approval of the aggregation plan and certain proposed
7 terms of service, rates, and categories of certain charges, fees, or other costs under
8 certain circumstances; providing that a community choice aggregator may award
9 contracts for competitive generation service supply only at certain times; authorizing
10 the Commission to establish a schedule by which a community choice aggregator
11 may transfer load from standard offer service to retail or wholesale contracts under
12 an aggregation plan; providing that a certain county or municipal corporation is
13 deemed to have obtained certain customer authorization to retrieve certain data;
14 requiring an electric company to provide certain data to a community choice
15 aggregator; requiring the Commission to review certain fees, request formats, and
16 the format of certain data provided to facilitate the intent of certain provisions of
17 law; requiring the Commission to adopt certain regulations and establish certain
18 procedures; authorizing the Commission to make a certain allocation under certain
19 circumstances; requiring an electric company to provide certain billing services;
20 requiring certain bills to contain a certain notice; requiring the Commission to
21 determine the terms and conditions under which a certain electric company provides
22 certain services; requiring the Commission to consider certain factors; defining
23 certain terms; altering certain definitions; and generally relating to the ability of a
24 county or municipal corporation to aggregate demand for electricity within the
25 county or municipal corporation.

26 BY renumbering

27 Article – Public Utilities

28 Section 1–101(f) through (tt), respectively

29 to be Section 1–101(g) through (uu), respectively

30 Annotated Code of Maryland

31 (2010 Replacement Volume and 2019 Supplement)

32 BY repealing and reenacting, without amendments,

33 Article – Public Utilities

34 Section 1–101(a), 7–306(a)(1), (4), and (7) and (f)(1), and 7–306.2(d)(1) and (2)

35 Annotated Code of Maryland

36 (2010 Replacement Volume and 2019 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article – Public Utilities

39 Section 1–101(b), 7–306(f)(5) and (h), 7–306.2(d)(3), and 7–507(a)

40 Annotated Code of Maryland

41 (2010 Replacement Volume and 2019 Supplement)

42 BY adding to

43 Article – Public Utilities

1 Section 1–101(f), 7–306(h), and 7–510.3
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2019 Supplement)

4 BY repealing
5 Article – Public Utilities
6 Section 7–510(f)
7 Annotated Code of Maryland
8 (2010 Replacement Volume and 2019 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That Section(s) 1–101(f) through (tt), respectively, of Article – Public Utilities of the
11 Annotated Code of Maryland be renumbered to be Section(s) 1–101(g) through (uu),
12 respectively.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
14 as follows:

15 **Article – Public Utilities**

16 1–101.

17 (a) In this division the following words have the meanings indicated.

18 (b) (1) “Aggregator” means an entity or an individual that acts on behalf of a
19 customer to purchase electricity or gas.

20 (2) “Aggregator” does not include:

21 (i) an entity or individual that purchases electricity or gas **ONLY** for
22 its own use or for the use of its subsidiaries or affiliates;

23 (ii) a municipal electric utility or a municipal gas utility serving only
24 in its distribution territory; or

25 (iii) a combination of governmental units that purchases electricity
26 or gas for use by the governmental units.

27 **(F) “COMMUNITY CHOICE AGGREGATOR” MEANS A COUNTY OR MUNICIPAL**
28 **CORPORATION OR A GROUP OF COUNTIES, MUNICIPAL CORPORATIONS, OR BOTH,**
29 **THAT SERVES AS AN ELECTRIC AGGREGATOR FOR THE PURPOSE OF NEGOTIATING**
30 **THE PURCHASE OF ELECTRIC GENERATION SERVICES FROM AN ELECTRICITY**
31 **SUPPLIER LICENSED BY THE COMMISSION OR FROM AN ELECTRIC GENERATING OR**
32 **STORAGE FACILITY, OR PROVIDING ELECTRICITY FROM AN ELECTRIC GENERATING**
33 **FACILITY OWNED BY THE AGGREGATOR FOR RESIDENTIAL ELECTRIC CUSTOMERS,**
34 **INCLUDING MASTER METERED MULTIPLE OCCUPANCY RESIDENCES AND SMALL**

1 **COMMERCIAL ELECTRIC CUSTOMERS, AS DEFINED IN § 7-510.3 OF THIS ARTICLE,**
2 **THAT:**

3 **(1) ARE LOCATED, FOR A MUNICIPAL CORPORATION, IN THE**
4 **MUNICIPAL CORPORATION OR, FOR A COUNTY, IN ANY AREA IN THE COUNTY**
5 **OUTSIDE A MUNICIPAL CORPORATION;**

6 **(2) HAVE NOT:**

7 **(I) SELECTED AN ELECTRICITY SUPPLIER OTHER THAN THE**
8 **STANDARD OFFER SERVICE SUPPLIER; OR**

9 **(II) REFUSED TO PARTICIPATE IN THE AGGREGATION**
10 **ACTIVITIES OF THE COUNTY, MUNICIPAL CORPORATION, OR GROUP OF COUNTIES**
11 **OR GROUP OF MUNICIPAL CORPORATIONS; AND**

12 **(3) ARE NOT LOCATED IN THE SERVICE TERRITORY OF:**

13 **(I) A MUNICIPAL ELECTRIC UTILITY; OR**

14 **(II) AN ELECTRIC COOPERATIVE.**

15 7-306.

16 (a) (1) In this section the following words have the meanings indicated.

17 (4) “Eligible customer-generator” means a customer that owns and
18 operates, leases and operates, or contracts with a third party that owns and operates a
19 biomass, micro combined heat and power, solar, fuel cell, wind, or closed conduit hydro
20 electric generating facility that:

21 (i) is located on the customer’s premises or contiguous property;

22 (ii) is interconnected and operated in parallel with an electric
23 company’s transmission and distribution facilities; and

24 (iii) is intended primarily to offset all or part of the customer’s own
25 electricity requirements.

26 (7) “Net energy metering” means measurement of the difference between
27 the electricity that is supplied by an electric company and the electricity that is generated
28 by an eligible customer-generator and fed back to the electric grid over the eligible
29 customer-generator’s billing period.

30 (f) (1) The electric company shall calculate net energy metering in accordance

1 with this subsection.

2 (5) (i) An eligible customer-generator under paragraph (4) of this
3 subsection may accrue net excess generation for a period:

4 1. not to exceed 12 months; and

5 2. that ends with the billing cycle that is complete
6 immediately prior to the end of April of each year.

7 (ii) The electric company shall carry forward net excess generation
8 until:

9 1. the eligible customer-generator's consumption of
10 electricity from the grid eliminates the net excess generation; or

11 2. the accrual period under subparagraph (i) of this
12 paragraph expires.

13 (iii) 1. The dollar value of net excess generation shall be equal to
14 the generation or commodity portion of the rate that the eligible customer-generator would
15 have been charged by the electric company averaged over the previous 12-month period
16 ending with the billing cycle that is complete immediately prior to the end of April
17 multiplied by the number of kilowatt-hours of net excess generation.

18 2. For customers served by **A COMMUNITY CHOICE**
19 **AGGREGATOR OR** an electricity supplier, the dollar value of the net excess generation shall
20 be equal to the generation or commodity rate that the customer would have been charged
21 by the **COMMUNITY CHOICE AGGREGATOR OR** electricity supplier multiplied by the
22 number of kilowatt-hours of net excess generation.

23 **(H) AN ELIGIBLE CUSTOMER-GENERATOR UNDER A NET ENERGY**
24 **METERING CONTRACT MAY PARTICIPATE IN THE AGGREGATION ACTIVITIES OF A**
25 **COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.**

26 **[(h)] (I)** On or before September 1 of each year, the Commission shall report to
27 the General Assembly, in accordance with § 2-1257 of the State Government Article, on the
28 status of the net metering program under this section, including:

29 (1) the amount of capacity of electric generating facilities owned and
30 operated by eligible customer-generators in the State by type of energy resource;

31 (2) based on the need to encourage a diversification of the State's energy
32 resource mix to ensure reliability, whether the rated generating capacity limit in subsection
33 (d) of this section should be altered; and

1 (3) other pertinent information.

2 7-306.2.

3 (d) (1) (i) The Commission shall establish a pilot program for a Community
4 Solar Energy Generating System Program.

5 (ii) The structure of the pilot program is as provided in this
6 subsection.

7 (2) All rate classes may participate in the pilot program.

8 (3) Subscribers served by electric standard offer service, **COMMUNITY**
9 **CHOICE AGGREGATORS**, and electricity suppliers may hold subscriptions to the same
10 community solar energy generating system.

11 7-507.

12 (a) A person, other than an electric company providing standard offer service
13 under § 7-510(c) of this subtitle [or], a municipal electric utility serving customers solely
14 in its distribution territory, **OR A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3**
15 **OF THIS SUBTITLE**, may not engage in the business of an electricity supplier in the State
16 unless the person holds a license issued by the Commission.

17 7-510.

18 [(f) A county or municipal corporation may not act as an aggregator unless the
19 Commission determines there is not sufficient competition within the boundaries of the
20 county or municipal corporation.]

21 **7-510.3.**

22 (A) **IN THIS SECTION, “SMALL COMMERCIAL ELECTRIC CUSTOMER” MEANS**
23 **A COMMERCIAL ELECTRIC CUSTOMER THAT HAS A PEAK ELECTRIC LOAD OF NOT**
24 **MORE THAN 25 KILOWATTS.**

25 (B) **BEGINNING OCTOBER 1, 2021, A COUNTY OR MUNICIPAL CORPORATION**
26 **OR GROUP OF COUNTIES OR MUNICIPAL CORPORATIONS MAY FORM OR JOIN A**
27 **COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION.**

28 (C) (1) **AT LEAST 60 DAYS BEFORE INITIATING THE PROCESS TO JOIN OR**
29 **FORM A COMMUNITY CHOICE AGGREGATOR, A COUNTY OR MUNICIPAL**
30 **CORPORATION SHALL:**

31 (I) **DEVELOP AN AGGREGATION PLAN;**

1 (II) GIVE WRITTEN NOTICE OF THE AGGREGATION PLAN TO
2 EACH RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE
3 JURISDICTION;

4 (III) PUBLISH A FAIR SUMMARY OF THE AGGREGATION PLAN IN
5 AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION;

6 (IV) IF THE JURISDICTION MAINTAINS A WEBSITE, PUBLISH THE
7 FULL TEXT OF THE AGGREGATION PLAN ON THE WEBSITE; AND

8 (V) GIVE, FOR THE COMMISSION'S APPROVAL, WRITTEN NOTICE
9 OF ITS INTENTION TO INITIATE A PROCESS TO JOIN OR FORM A COMMUNITY CHOICE
10 AGGREGATOR.

11 (2) THE AGGREGATION PLAN SHALL:

12 (I) DETAIL THE PROCESSES RELATED TO PARTICIPATING IN
13 THE AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR;

14 (II) CONTAIN INFORMATION ON THE OPERATIONS, FUNDING,
15 AND ORGANIZATIONAL STRUCTURE OF THE COMMUNITY CHOICE AGGREGATOR;

16 (III) PROVIDE DETAILS ON:

17 1. THE RATE SETTING AND COSTS TO PARTICIPANTS;

18 2. METHODS THAT THE COMMUNITY CHOICE
19 AGGREGATOR MUST USE FOR ENTERING INTO AND TERMINATING AGREEMENTS
20 WITH OTHER ENTITIES;

21 3. THE RIGHTS AND RESPONSIBILITIES OF
22 PARTICIPATING ELECTRIC CUSTOMERS; AND

23 4. THE TERMINATION OF THE AGGREGATION PROGRAM,
24 IF ANY; AND

25 (IV) PROVIDE FOR UNIVERSAL ELECTRICITY ACCESS,
26 RELIABILITY, AND EQUITABLE TREATMENT OF ALL RESIDENTIAL AND SMALL
27 COMMERCIAL ELECTRIC CUSTOMERS IN THE JURISDICTION.

28 (D) (1) AT LEAST 60 DAYS AFTER DEVELOPING AN AGGREGATION PLAN
29 AND GIVING THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, A

1 COUNTY OR MUNICIPAL CORPORATION OR GROUP OF COUNTIES OR MUNICIPAL
2 CORPORATIONS MAY INITIATE THE PROCESS OF FORMING OR JOINING A
3 COMMUNITY CHOICE AGGREGATOR BY FILING WITH THE COMMISSION:

4 (I) A NOTICE OF INTENT TO FORM OR JOIN A COMMUNITY
5 CHOICE AGGREGATOR;

6 (II) A COPY OF THE AGGREGATION PLAN DEVELOPED IN
7 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION;

8 (III) A DRAFT LOCAL LAW FORMING OR JOINING A COMMUNITY
9 CHOICE AGGREGATOR; AND

10 (IV) PROPOSED TERMS OF SERVICE, RATES, AND CATEGORIES
11 OF CHARGES, FEES, OR OTHER COSTS TO CUSTOMERS UNRELATED TO THE ACTUAL
12 COST OF THE ELECTRICITY SUPPLY.

13 (2) THE NOTICE OF INTENT SHALL INCLUDE:

14 (I) THE NAME OF EACH COUNTY OR MUNICIPAL CORPORATION
15 IN THE COMMUNITY CHOICE AGGREGATOR; AND

16 (II) WHETHER THE COUNTY OR MUNICIPAL CORPORATION IS
17 FORMING A COMMUNITY CHOICE AGGREGATOR OR JOINING AN EXISTING
18 COMMUNITY CHOICE AGGREGATOR.

19 (3) A COUNTY OR MUNICIPAL CORPORATION IS A COMMUNITY
20 CHOICE AGGREGATOR AFTER:

21 (I) SUBMITTING THE NOTICE OF INTENT AND AGGREGATION
22 PLAN REQUIRED UNDER THIS SUBSECTION;

23 (II) THE COMMISSION HAS APPROVED ITS AGGREGATION PLAN
24 AND PROPOSED TERMS FILED IN ACCORDANCE WITH PARAGRAPH (1)(IV) OF THIS
25 SUBSECTION; AND

26 (III) ENACTING A LOCAL LAW THAT PROVIDES THAT THE COUNTY
27 OR MUNICIPAL CORPORATION SHALL ACT AS A COMMUNITY CHOICE AGGREGATOR.

28 (E) (1) IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE
29 COMMISSION UNDER SUBSECTION (K) OF THIS SECTION, IF A COUNTY OR
30 MUNICIPAL CORPORATION ENACTS A LOCAL LAW TO ACT AS A COMMUNITY CHOICE
31 AGGREGATOR, THE COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE OR

1 CAUSE ITS SELECTED ELECTRICITY SUPPLIER, IF ANY, TO PROVIDE WRITTEN
2 NOTICE OF THE FORMATION OF THE COMMUNITY CHOICE AGGREGATOR TO ALL
3 RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ITS
4 JURISDICTION.

5 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL
6 INCLUDE:

7 (I) THE IDENTITY AND COMMISSION-ISSUED LICENSE
8 NUMBERS OF ANY SELECTED ELECTRICITY SUPPLIER;

9 (II) TERMS AND CONDITIONS OF SERVICE;

10 (III) NEW RATES, CHARGES, AND FEES FOR SERVICE UNDER THE
11 COMMUNITY CHOICE AGGREGATOR;

12 (IV) A COMPARISON OF THE NEW RATES AND THE RATES UNDER
13 THE CURRENT STANDARD OFFER SERVICE;

14 (V) INFORMATION ON HOW TO ACCESS THE STANDARD OFFER
15 SERVICE AVAILABLE FROM AN ELECTRIC COMPANY; AND

16 (VI) THE TOTAL RENEWABLE COMPONENT OF THE ELECTRICITY
17 TO BE SUPPLIED THROUGH A COMMUNITY CHOICE AGGREGATOR, INCLUDING THE
18 SPECIFIC SOURCES OF ANY RENEWABLE ENERGY COMPARED TO THE
19 REQUIREMENTS UNDER CURRENT LAW, IF ANY.

20 (3) IN THE NOTICE REQUIRED UNDER THIS SUBSECTION, THE
21 COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE TO THE RESIDENTIAL AND
22 SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ITS JURISDICTION THE
23 OPPORTUNITY TO REFUSE TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
24 THE COMMUNITY CHOICE AGGREGATOR:

25 (I) BY RETURN SUBMISSION OF THE NOTICE TO THE
26 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC COMPANY INDICATING THE
27 CUSTOMER'S DECISION TO REFUSE TO PARTICIPATE IN THE AGGREGATION
28 ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR; OR

29 (II) BY CONTRACTING FOR SERVICE WITH A RETAIL
30 ELECTRICITY SUPPLIER OR BY CHOOSING STANDARD OFFER SERVICE FROM AN
31 ELECTRIC COMPANY.

32 (4) A COUNTY OR MUNICIPAL CORPORATION THAT ENACTS A LOCAL

1 LAW TO ACT AS A COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION MAY NOT
2 EXCLUDE FROM THE ABILITY TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
3 THE COMMUNITY CHOICE AGGREGATOR:

4 (I) ANY RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC
5 CUSTOMER IN ITS JURISDICTION; OR

6 (II) FOR THE PROVISION OF ELECTRIC SERVICE FOR FACILITIES
7 LOCATED WITHIN THE JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR,
8 ANY GOVERNMENTAL ENTITY.

9 (F) A RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IS
10 DEEMED TO HAVE GIVEN PERMISSION TO THE COUNTY OR MUNICIPAL
11 CORPORATION TO ACT ON THE CUSTOMER'S BEHALF AS A COMMUNITY CHOICE
12 AGGREGATOR:

13 (1) WHEN THE COUNTY OR MUNICIPAL CORPORATION RECEIVES
14 FROM THE CUSTOMER:

15 (I) A REPLY FROM THE NOTICE REQUIRED UNDER SUBSECTION
16 (E) OF THIS SECTION BY WHICH THE CUSTOMER EXPLICITLY GRANTS PERMISSION
17 FOR THE CUSTOMER TO RECEIVE SERVICE WITH THE COMMUNITY CHOICE
18 AGGREGATOR; OR

19 (II) AN APPLICATION TO RECEIVE SERVICE WITH THE
20 COMMUNITY CHOICE AGGREGATOR;

21 (2) IN THE CASE OF A CUSTOMER RECEIVING STANDARD OFFER
22 SERVICE, WITHIN 30 DAYS AFTER THE NOTICE REQUIRED BY SUBSECTION (E) OF
23 THIS SECTION IS GIVEN IF:

24 (I) THE COUNTY OR MUNICIPAL CORPORATION HAS NOT
25 RECEIVED A RETURNED NOTICE BY THAT DATE; OR

26 (II) AFTER THE CREATION OF THE COMMUNITY CHOICE
27 AGGREGATOR AND RECEIPT OF THE NOTICE, THE CUSTOMER HAS NOT CONTRACTED
28 WITH A RETAIL ELECTRICITY SUPPLIER OR CONTACTED AN ELECTRIC COMPANY TO
29 SELECT STANDARD OFFER SERVICES; OR

30 (3) ON APPLYING FOR NEW ELECTRIC SERVICE WITHIN THE
31 TERRITORY SERVED BY THE COMMUNITY CHOICE AGGREGATOR, UNLESS THE
32 CUSTOMER HAS:

1 **(I) CONTRACTED WITH A RETAIL ELECTRICITY SUPPLIER FOR**
2 **SERVICE; OR**

3 **(II) CONTACTED AN ELECTRIC COMPANY TO SELECT STANDARD**
4 **OFFER SERVICE.**

5 **(G) EXCEPT FOR A CONTRACT THAT AUTOMATICALLY RENEWS, AT THE END**
6 **OF A CONTRACT TERM WITH AN ELECTRICITY SUPPLIER A RESIDENTIAL OR SMALL**
7 **COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION OF A COMMUNITY**
8 **CHOICE AGGREGATOR SHALL BE AUTOMATICALLY ENROLLED AS A PARTICIPANT IN**
9 **THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR UNLESS**
10 **THE CUSTOMER:**

11 **(1) GIVES WRITTEN NOTICE TO THE COUNTY OR MUNICIPAL**
12 **CORPORATION DECLINING TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF**
13 **THE COMMUNITY CHOICE AGGREGATOR; OR**

14 **(2) CONTRACTS FOR SERVICE WITH A RETAIL ELECTRICITY SUPPLIER**
15 **OR CONTACTS AN ELECTRIC COMPANY TO SELECT STANDARD OFFER SERVICE.**

16 **(H) (1) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A**
17 **RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION**
18 **OF THE COUNTY OR MUNICIPAL CORPORATION FROM CHOOSING AT ANY TIME:**

19 **(I) TO ENTER INTO A CONTRACT WITH AN ELECTRICITY**
20 **SUPPLIER OTHER THAN THE COMMUNITY CHOICE AGGREGATOR; OR**

21 **(II) THE STANDARD OFFER SERVICE OFFERED BY AN ELECTRIC**
22 **COMPANY.**

23 **(2) A COMMUNITY CHOICE AGGREGATOR MAY IMPOSE A PENALTY ON**
24 **AN ELECTRIC CUSTOMER FOR OPTING OUT OF PARTICIPATION IN THE**
25 **AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR ONLY IF THE**
26 **ELECTRIC CUSTOMER OPTS OUT OF PARTICIPATION MORE THAN 180 DAYS AFTER**
27 **THE CUSTOMER IS ENROLLED AS A PARTICIPANT.**

28 **(I) A COMMUNITY CHOICE AGGREGATOR MAY NOT ASSESS ANY NEW FEE,**
29 **TAX, OR OTHER CHARGE IN THE AGGREGATION CHARGES OR RATES THAT IS NOT**
30 **RELATED TO THE COST OF:**

31 **(1) PROVIDING ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY**
32 **SERVICE, INCLUDING SERVICE FROM A GENERATING STATION OWNED BY THE**
33 **COMMUNITY CHOICE AGGREGATOR;**

1 **(2) PROMOTING THE USE OF RENEWABLE ENERGY; AND**

2 **(3) PROVIDING AND PROMOTING ENERGY EFFICIENCY MEASURES**
3 **THAT ARE COMPLEMENTARY TO THOSE OFFERED IN ACCORDANCE WITH § 7-211 OF**
4 **THIS TITLE.**

5 **(J) (1) EXCEPT FOR THE PURPOSES OF MEETING THE REQUIREMENTS OF**
6 **THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBTITLE 7 OF THIS**
7 **TITLE, A COMMUNITY CHOICE AGGREGATOR MAY NOT BE CONSIDERED TO BE AN**
8 **ELECTRICITY SUPPLIER UNDER § 7-507(A) OF THIS SUBTITLE.**

9 **(2) (I) A COMMUNITY CHOICE AGGREGATOR MAY OWN AN**
10 **ELECTRIC GENERATING FACILITY OR AN ELECTRIC STORAGE FACILITY IN**
11 **ACCORDANCE WITH THIS ARTICLE IF THE FACILITY IS DESIGNED TO PROVIDE**
12 **ENERGY PRIMARILY FOR USE BY THE PARTICIPANTS OF THE COMMUNITY CHOICE**
13 **AGGREGATOR.**

14 **(II) WHEN A COMMUNITY CHOICE AGGREGATOR BUILDS OR**
15 **ACQUIRES AN ELECTRIC GENERATING FACILITY OR ELECTRIC STORAGE FACILITY,**
16 **THE COMMUNITY CHOICE AGGREGATOR SHALL SUBMIT TO THE COMMISSION A PLAN**
17 **FOR THE USE OR DISPOSITION OF THE FACILITY IF THE COMMUNITY CHOICE**
18 **AGGREGATOR IS DISSOLVED.**

19 **(3) A COMMUNITY CHOICE AGGREGATOR MAY CONTRACT FOR**
20 **SERVICE FROM AN ELECTRIC GENERATING FACILITY IN ACCORDANCE WITH THIS**
21 **ARTICLE IF THE AMOUNT OF CONTRACTED ELECTRICITY SUPPLY FROM THE**
22 **FACILITY IS NOT GREATER THAN THE AMOUNT ESTIMATED TO BE NECESSARY TO**
23 **MEET THE ELECTRICAL DEMAND OF THE PARTICIPANTS OF THE COMMUNITY**
24 **CHOICE AGGREGATOR.**

25 **(K) (1) BASED ON A DETERMINATION OF THE MITIGATION OF**
26 **VOLUMETRIC RISK, THE COMMISSION MAY ESTABLISH BY ORDER OR REGULATION A**
27 **SCHEDULE, WHICH MAY NOT EXCEED A PERIOD OF 2 YEARS, BY WHICH A COMMUNITY**
28 **CHOICE AGGREGATOR MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO**
29 **RETAIL OR WHOLESALE CONTRACTS UNDER AN AGGREGATION PLAN.**

30 **(2) THE COMMISSION SHALL CONSIDER THE IMPACTS TO THE PRICE**
31 **AND STABILITY OF THE PROCUREMENT OF STANDARD OFFER SERVICE WHEN**
32 **CONSIDERING A SCHEDULE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

33 **(L) (1) A COUNTY OR MUNICIPAL CORPORATION THAT IS FORMING OR**
34 **JOINING A COMMUNITY CHOICE AGGREGATOR IS DEEMED TO HAVE OBTAINED**

1 ELECTRIC CUSTOMER AUTHORIZATION TO RETRIEVE PREENROLLMENT USAGE
2 DATA FOR RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN THE
3 JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR.

4 (2) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
5 COMMISSION, AN ELECTRIC COMPANY SHALL PROVIDE TO A COMMUNITY CHOICE
6 AGGREGATOR ANY RELEVANT DATA FOR CUSTOMERS IN THE JURISDICTION OF THE
7 COMMUNITY CHOICE AGGREGATOR, INCLUDING:

8 (I) PREENROLLMENT USAGE DATA; AND

9 (II) ANY OTHER APPROPRIATE BILLING AND ELECTRICAL LOAD
10 DATA.

11 (3) AN ELECTRIC COMPANY SHALL PROVIDE TO A COUNTY OR
12 MUNICIPALITY THAT IS FORMING OR JOINING A COMMUNITY CHOICE AGGREGATOR
13 DATA UNDER THIS SUBSECTION AS FOLLOWS:

14 (I) ONLY AGGREGATE DATA WHEN THE COUNTY OR
15 MUNICIPALITY INITIATES THE PROCESS OF JOINING OR FORMING A COMMUNITY
16 CHOICE AGGREGATOR; AND

17 (II) ANY CUSTOMER-SPECIFIC DATA AFTER THE AGGREGATION
18 PLAN IS APPROVED BY THE COMMISSION.

19 (M) THE COMMISSION SHALL REVIEW APPLICABLE FEES, REQUEST
20 FORMATS, AND THE FORMAT OF DATA PROVIDED TO FACILITATE THE INTENT OF
21 THIS SECTION.

22 (N) THE COMMISSION SHALL ESTABLISH PROCEDURES FOR AN ELECTRIC
23 CUSTOMER THAT IS RECEIVING ELECTRICITY SUPPLY THROUGH A COMMUNITY
24 CHOICE AGGREGATOR TO RECEIVE ANY BILL ASSISTANCE CREDIT OR ARREARAGE
25 ASSISTANCE TO WHICH THE CUSTOMER MAY BE ENTITLED UNDER § 7-512.1 OF THIS
26 SUBTITLE OR ANY OTHER FEDERAL OR STATE BILL AND ARREARAGE ASSISTANCE
27 ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS.

28 (O) THE COMMISSION MAY ALLOCATE THE PORTION OF DELINQUENT
29 ACCOUNT RECEIVABLES THAT IS ATTRIBUTABLE TO ELECTRICITY SUPPLY BETWEEN
30 THE ELECTRIC CUSTOMERS PARTICIPATING IN THE AGGREGATION ACTIVITIES OF A
31 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC CUSTOMERS THROUGHOUT
32 THE ELECTRIC COMPANY'S SERVICE TERRITORY IF THE COMMISSION DETERMINES
33 THAT:

1 **(1) THE AMOUNT OF DELINQUENT ACCOUNTS RECEIVABLE**
2 **ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING STANDARD OFFER SERVICE IS**
3 **PROJECTED TO INCREASE TO AN EXTENT THAT WILL MATERIALLY ADVERSELY**
4 **IMPACT THE COST OF PROVIDING STANDARD OFFER SERVICE; AND**

5 **(2) THE PROJECTED INCREASE IN THE AMOUNT OF DELINQUENT**
6 **ACCOUNTS RECEIVABLE ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING**
7 **STANDARD OFFER SERVICE IS DIRECTLY OR INDIRECTLY CAUSED BY THE**
8 **MIGRATION OF A SUBSTANTIAL NUMBER OF ELECTRIC CUSTOMERS FROM**
9 **STANDARD OFFER SERVICE TO PARTICIPATION IN THE AGGREGATION ACTIVITIES**
10 **OF A COMMUNITY CHOICE AGGREGATOR.**

11 **(P) (1) AN ELECTRIC COMPANY SHALL PROVIDE BILLING SERVICES FOR**
12 **A COMMUNITY CHOICE AGGREGATOR.**

13 **(2) BILLS SENT TO ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE**
14 **AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR SHALL**
15 **IDENTIFY THE COMMUNITY CHOICE AGGREGATOR AS THE ELECTRICITY SUPPLIER.**

16 **(3) THE COMMISSION SHALL DETERMINE THE TERMS AND**
17 **CONDITIONS UNDER WHICH THE ELECTRIC COMPANY PROVIDES METERING,**
18 **BILLING, COLLECTION, AND CUSTOMER SERVICES TO A COMMUNITY CHOICE**
19 **AGGREGATOR AND ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE**
20 **AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR.**

21 **(Q) (1) THE COMMISSION SHALL BY REGULATION ESTABLISH**
22 **STANDARDS AND PROCEDURES TO PROTECT THE CONSUMER RIGHTS OF**
23 **RESIDENTIAL CUSTOMERS WITHIN THE TERRITORY OF A COMMUNITY CHOICE**
24 **AGGREGATOR THAT RECEIVE ELECTRICITY SUPPLY THROUGH THE COMMUNITY**
25 **CHOICE AGGREGATOR.**

26 **(2) THE REGULATIONS SHALL PROHIBIT DISCRIMINATION AGAINST A**
27 **CUSTOMER OR ON THE BASIS OF THE LOCATION OF THE CUSTOMER.**

28 **(R) ON OR BEFORE JULY 1, 2021, THE COMMISSION SHALL ADOPT**
29 **REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS FOR:**

30 **(1) CONSUMER PROTECTION;**

31 **(2) A TARIFF STRUCTURE FOR COMMUNITY CHOICE AGGREGATION**
32 **NONCOMMODITY FEES AND CHARGES, INCLUDING A CAP ON ANY POTENTIAL EXIT**
33 **FEE;**

1 **(3) A PROTOCOL FOR DATA EXCHANGE BETWEEN COMMUNITY**
2 **CHOICE AGGREGATORS, RETAIL SUPPLIERS, AND ELECTRIC COMPANIES;**

3 **(4) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR**
4 **MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO RETAIL OR WHOLESALE**
5 **CONTRACTS UNDER AN AGGREGATION PLAN;**

6 **(5) THE METHOD BY WHICH THE COST OF DELINQUENT ACCOUNTS OF**
7 **A COMMUNITY CHOICE AGGREGATOR MAY BE RECOVERED FROM CUSTOMERS;**

8 **(6) PROCEDURES FOR ENROLLING A CUSTOMER FOR SERVICE WITH A**
9 **COMMUNITY CHOICE AGGREGATOR ON EXPIRATION OF THE CUSTOMER'S RETAIL**
10 **SUPPLY CONTRACT;**

11 **(7) PROCEDURES TO PROTECT CUSTOMER'S PRIVACY AND**
12 **CONFIDENTIAL DATA COLLECTED OR HELD BY A COMMUNITY CHOICE AGGREGATOR;**

13 **(8) PROCEDURES TO MITIGATE ANY RISK TO STANDARD OFFER**
14 **SERVICE CUSTOMERS CAUSED BY THE POTENTIAL FOR CUSTOMERS TO MIGRATE**
15 **FROM A COMMUNITY CHOICE AGGREGATOR TO STANDARD OFFER SERVICE;**

16 **(9) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR**
17 **MAY BE DISSOLVED, INCLUDING PROCEDURES FOR THE TRANSFER OF CUSTOMERS**
18 **TO STANDARD OFFER SERVICE AND THE RESALE OF CONTRACTED ELECTRICITY**
19 **SUPPLY; AND**

20 **(10) PROCEDURES TO REQUIRE THAT:**

21 **(I) A COMMUNITY CHOICE AGGREGATOR THAT TRANSFERS ALL**
22 **CUSTOMERS BACK TO STANDARD OFFER SERVICE IS CONSIDERED TO BE DISSOLVED;**
23 **AND**

24 **(II) IF A COMMUNITY CHOICE AGGREGATOR IS CONSIDERED TO**
25 **BE DISSOLVED, IT MAY NOT BE REFORMED EXCEPT THROUGH THE PROCESS OF**
26 **FORMING A NEW COMMUNITY CHOICE AGGREGATOR IN ACCORDANCE WITH THIS**
27 **SECTION.**

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2020.