

SENATE BILL 428

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CF HB 578

By: **Senator Kelley**

Introduced and read first time: January 20, 2021

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Utilities – Annual Reports**

3 FOR the purpose of altering the due dates of certain annual reports prepared by the Public
4 Service Commission; altering the due date of a certain report by the Department of
5 Housing and Community Development relating to the Electric Universal Service
6 Program; and generally relating to public utilities and annual reports.

7 BY repealing and reenacting, with amendments,
8 Article – Public Utilities
9 Section 2–122, 7–211(k), and 7–512.1(c) and (d)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2020 Supplement)

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

14 **Article – Public Utilities**

15 2–122.

16 (a) (1) On or before [the third Wednesday of March] **MAY 1** of each year, the
17 Commission shall publish an annual report that summarizes the activities of the
18 Commission that includes:

19 (i) a summary of each regulation, opinion, or order that the

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 Commission adopted, entered, or passed during the year; and

2 (ii) any other information that the Commission considers of value.

3 (2) The Commission shall send a copy of the report to the Governor and,
4 subject to § 2–1257 of the State Government Article, to the General Assembly.

5 (b) Each year, the Commission shall publish a report that includes:

6 (1) the progress of the residential conservation service plan;

7 (2) Commission activities to moderate peak electric demand; and

8 (3) energy conservation measures taken by gas companies and electric
9 companies in the State to reduce electrical and natural gas demand.

10 7–211.

11 (k) On or before [March] **MAY** 1 of each year, the Commission, in consultation
12 with the Maryland Energy Administration, shall report, subject to § 2–1257 of the State
13 Government Article, to the General Assembly on:

14 (1) the status of programs and services to encourage and promote the
15 efficient use and conservation of energy, including an evaluation of the impact of the
16 programs and services that are directed to low–income communities, low– to
17 moderate–income communities to the extent possible, and other particular classes of
18 ratepayers;

19 (2) a recommendation for the appropriate funding level to adequately fund
20 these programs and services; and

21 (3) in accordance with subsection (c) of this section, the per capita
22 electricity consumption and the peak demand for the previous calendar year.

23 7–512.1.

24 (c) (1) On or before [December] **JANUARY** 1 of each year, the Commission
25 shall report, subject to § 2–1257 of the State Government Article, to the General Assembly
26 on the electric universal service program, including:

27 (i) subject to subsection (e) of this section, a recommendation on the
28 total amount of funds for the program for the following fiscal year based on:

29 1. the level of participation in and the amounts expended on
30 bill assistance and arrearage retirement during the preceding fiscal year;

31 2. how bill assistance and arrearage retirement payments

1 were calculated during the preceding fiscal year;

2 3. the projected needs for the bill assistance and the
3 arrearage retirement components for the next fiscal year; and

4 4. the amount of any bill assistance or arrearage retirement
5 surplus carried over in the electric universal service program fund under subsection (f)(6)(i)
6 of this section;

7 (ii) for bill assistance, the total amount of need, as determined by the
8 Commission, for electric customers with annual incomes at or below 175% of the federal
9 poverty level and the basis for this determination;

10 (iii) the amount of funds needed, as determined by the Commission,
11 to retire arrearages for electric customers who have not received assistance in retiring
12 arrearages under the electric universal service program within the preceding 7 fiscal years,
13 and the basis for this determination;

14 (iv) the amount of funds needed, as determined by the Commission,
15 for bill assistance and arrearage retirement, respectively, for customers for whom income
16 limitations may be waived under subsection (a)(7) of this section, and the basis for each
17 determination;

18 (v) the impact on customers' rates, including the allocation among
19 customer classes, from collecting the total amount recommended by the Commission under
20 item (i) of this paragraph; and

21 (vi) the impact of using other federal poverty level benchmarks on
22 costs and the effectiveness of the electric universal service program.

23 (2) (i) To assist the Commission in preparing its recommendations
24 under paragraph (1) of this subsection, the Office of Home Energy Programs shall report to
25 the Commission each year on:

26 1. the number of customers and the amount of distributions
27 made to fuel customers under the Maryland Energy Assistance Program established under
28 Title 5, Subtitle 5A of the Human Services Article, identified by funding source and fuel
29 source;

30 2. the cost of outreach and education materials provided by
31 the Office of Home Energy Programs for the electric universal service program; and

32 3. the amount of money that the Department of Human
33 Services receives, and is projected to receive, for low-income energy assistance from:

34 A. the Maryland Strategic Energy Investment Fund under §
35 9-20B-05 of the State Government Article;

1 B. with respect to electric customers only, the Maryland
2 Energy Assistance Program; and

3 C. any other federal, State, local, or private source.

4 (ii) The Office of Home Energy Programs may satisfy the reporting
5 requirement of subparagraph (i)1 of this paragraph by providing the Commission with a
6 copy of material that contains the required information and that the Office of Home Energy
7 Programs submits to the federal government.

8 (iii) The Commission shall include the information provided by the
9 Office of Home Energy Programs under subparagraph (i) of this paragraph in its report to
10 the General Assembly under paragraph (1) of this subsection.

11 (3) Subject to subsection (d)(2) of this section, the Commission shall include
12 the information provided by the Department of Housing and Community Development
13 under subsection (d)(1) of this section in its report to the General Assembly under
14 paragraph (1) of this subsection.

15 (4) The electric universal service program shall be subject to audit by the
16 Office of Legislative Audits in accordance with §§ 2–1220 through 2–1227 of the State
17 Government Article.

18 (d) (1) On or before [December] **JANUARY** 1 of each year, the Department of
19 Housing and Community Development shall report, in accordance with § 2–1257 of the
20 State Government Article, to the General Assembly on the low-income residential
21 weatherization component of the electric universal service program, including:

22 (i) the amount of funds expended during the preceding fiscal year;

23 (ii) the level of participation during the preceding fiscal year,
24 including the number of households served in each area of the State; and

25 (iii) the types of projects, including the average cost per unit,
26 provided to households during the preceding fiscal year.

27 (2) The Department of Housing and Community Development may satisfy
28 the reporting requirement under paragraph (1) of this subsection by requesting the
29 Commission to include the information in the Commission's report required under
30 subsection (c) of this section and providing the information to the Commission by the date
31 specified by the Commission.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
33 1, 2021.