

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/27/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/11/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

20 32 01 01, .02, .03, .04

3. Name of Promulgating Authority

Public Service Commission

4. Name of Regulations Coordinator

Loretta V Scofield

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410-767-8381

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5. Name of Person to Call About this Document

David J. Collins, Executive Secretary

Telephone No.

410-767-8067

Email Address

david.collins@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: October 7, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by H. Robert Erwin, General Counsel, (telephone #410-767-8039) on October 27, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

David J. Collins

Title

Executive Secretary

Telephone No.

410-767-8067

Date

October 27, 2015

Title 20
PUBLIC SERVICE COMMISSION

Subtitle 32 DISPUTE PROCEDURES

20.32.01 Dispute Regulations

Authority: Public Utilities Article, §§2-112, 2-113, 2-121, and 3-102, Annotated Code of Maryland

Notice of Proposed Action

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The Public Service Commissions proposes to amend Regulations .01, .02, .03, and .04 under COMAR 20.32.01 General.

This action was considered at a scheduled rule making meeting on October 1, 2015, notice of which was given under State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that the Commission's Office of External Relations ("OER") may entertain complaints involving retail energy suppliers, including brokers, in the same way that it handles complaints involving utilities, to expand OER's investigative authority to include complaints regarding solicitations from retail suppliers; and to provide for the institution of investigations by OER that are referred by the Commission, Commission Staff, or customers, or initiated directly by OER. OER's investigations could include consultation with Commission Staff, the Maryland Office of Attorney General, and the Office of People's Counsel. Upon closing of an OER investigation, the summary of its findings and conclusions shall be treated as an appeal under COMAR 20.32.04. Additionally, the action restricts a utility from pursuing recovery through third party collections efforts of any charges or fees billed to the customer but not purchased by the utility.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-806, or email to , or fax to 410-333-6495. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Fund - The Public Utility Regulation Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This makes explicit existing procedures for investigations and adds the express authority to formally investigate information that may lead to formal inquiry. No additional personnel will be needed by either the Commission's Office of External Relations or the companies being investigated.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This makes explicit existing procedures for investigations and adds the express authority to formally investigate information that may lead to an investigation. No additional personnel will be needed by either the Commission's Office of External Relations or the companies being investigated.

G. Small Business Worksheet:

Attached Document:

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 32 DISPUTE PROCEDURES

Chapter 01 Dispute Regulations

Authority: Public Utilities Article, §§2-112, 2-113, 2-121, and 3-102, Annotated Code of Maryland

20.32.01.01

.01 Applicability.

A. This subtitle applies to all electric companies, gas companies, combination gas and electric companies, telephone companies, *licensed suppliers*, *licensed brokers*, and water companies under the jurisdiction of the Public Service Commission.

B. (text unchanged)

20.32.01.02

.02 Definitions.

A. (text unchanged).

B. Terms Defined.

(1) (text unchanged)

(2) "Customer" means any person, association, partnership, corporation, or governmental agency who has applied for utility service, [or] in whose name a utility service account is maintained[.], *or has been solicited by a supplier to purchase energy supply.*

(3) (text unchanged)

(4) "Disputed bill" means a bill which is the subject of a controversy between a customer and a utility regarding any billing error, including, but not limited to:

(a) – (c) (text unchanged)

(5) – (7) (text unchanged)

(8) "Supplier" *has the same meaning as defined in COMAR 20.54.01.02B(9) and COMAR 20.51.01.02B(10).*

(9)(9) "Termination" means the discontinuance of electric, gas, or telephone service to a customer or premises.

(9)(10) "Utility" means an electric company, gas company, combination gas and electric company, telephone company, or water company as defined by Public Utilities Article, §1-101, Annotated Code of Maryland.

20.32.01.03

.03 Inquiry to Utility.

A. A customer shall initially submit any inquiry or dispute directly to a utility *or supplier* for resolution.

B. A utility *or supplier* shall investigate a customer dispute or inquiry, and *propose a resolution of the dispute to the customer* or report its findings to the customer. *In responding to a customer inquiry about price and service, a utility may provide information about its SOS and Sales service rates and may refer the customer to the website of the Commission or the Office of People's Counsel for additional information.*

C. – G. (text unchanged)

20.32.01.04

.04 Inquiry to Public Service Commission.

A. If a customer disputes a utility[s]*or a supplier's* determination under Regulation .03 of this chapter, the customer may submit an inquiry to the Commission within 7 days of receipt of the [utility's] determination.

B. If a customer contacts the Commission or its staff before contacting a utility *or the supplier*, the customer shall be advised of Regulation .03 of this chapter and referred to the utility *or supplier*.

C. *The Office of External Relations may review and investigate [An]an inquiry [may be] referred by the Commission, [or] its staff, or a customer. [to the Office of External Relations for review and investigation.]*

(1) *If the OER initiates an investigation, it shall:*

(a) *inform the utility or supplier in writing that an investigation shall be opened, and;*

(b) *request information from the utility or supplier to review the inquiry.*

(2) *When engaging in an investigation, the OER may consult with other agencies including the Commission Staff, the Attorney General's Office or the Office of People's Counsel.*

(3) The OER shall close its investigation in writing if:

- (a) the OER determines that no further investigation is necessary or warranted;
- (b) the OER determines that the Commission has no jurisdiction to pursue an investigation;
- (c) A satisfactory resolution to the inquiry is reached; or
- (d) Any reason that requires closure of the investigation.

(4) The OER may submit a summary of its written findings and conclusions to the Commission if no resolution is reached.

(5) The summary of written findings and conclusions shall be treated as an appeal under COMAR 20.32(M).

D. (text unchanged)

E. A written inquiry shall include:

- (1) (text unchanged)
- (2) The name of the utility *and supplier*, if there is one;
- (3) (text unchanged)
- (4) A summary of the customer's efforts to resolve the inquiry or dispute with the *utility or supplier*; and
- (5) (text unchanged)

F. After receipt of an inquiry, OER shall initiate a review and an investigation to resolve the matter that includes but is not limited to:

- (1) Obtaining information from the utility *or supplier* and customer;
- (2) – (3) text unchanged)

G. Both a utility, *a supplier* and a customer *may*[shall] be given an opportunity to respond to the position or information provided to OER by the other party.

H. A utility *and a supplier* shall respond to an OER request for investigation or information and shall make a good faith attempt to do so within 7 working days of its receipt.

I. An inquiry or dispute brought under this subtitle may be closed if OER determines in the course of its investigation that the:

- (1) Customer has not dealt with the utility *or the supplier* in good faith;
- (2) (text unchanged)

(3) Utility *or supplier* has complied with Public Utilities Article, Annotated Code of Maryland, the Commission's regulations and orders, and the utility's own tariff.

J. OER shall provide the utility, *supplier if there is one*, and the customer with a written summary of its findings and conclusions on completion of its investigation.

K. (text unchanged)

L. Request for Further Review.

(1) Parties may request further review of an inquiry or dispute by filing a written request with the Assistant [Manager]Director of OER within 10 days after receiving OER's summary of its findings or conclusions, or notice that a file has been closed.

(2) (text unchanged)

(3) The Assistant [Manager]Director may further investigate, as warranted, or convene an informal conference among the parties, to mediate or resolve the dispute.

(4) The Assistant [Manager]Director shall advise the utility and the customer of the disposition of the request for further review.

M. The Assistant [Manager's]Director's disposition may be appealed to the Commission within 10 days of its receipt by filing a complaint under Public Utilities Article, §3-102, Annotated Code of Maryland, and COMAR 20.07.03.

N. Pending the disposition of a customer's inquiry or dispute by the Public Service Commission, a utility:

(1) (text unchanged)

(2) May not terminate a customer's service *or pursue recovery through third party collection efforts of any charges or fees billed to the customer but not purchased by the utility*, except for reasons permissible under COMAR 20.31.02.03.