

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/22/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/27/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
20	31	01	.02
20	31	02	.03, .07

3. Name of Promulgating Authority

Public Service Commission

4. Name of Regulations Coordinator
Sue Thomas

Telephone Number
410-767-8308

Mailing Address

6 St. Paul Street

City	State	Zip Code
Baltimore	MD	21202

Email

susan.thomas@maryland.gov

5. Name of Person to Call About this Document
David J. Collins, Executive Secretary

Telephone No.
410-767-8067

Email Address

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: April 4, 2016.
- 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 General Provisions Article, §3-302(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 April 21, 2016. 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

April 21, 2016

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 31 TERMINATIONS OF SERVICE

20.31.01 General

Subtitle 31 TERMINATIONS OF SERVICE

20.31.02 Terminations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-307, Annotated Code of Maryland

Notice of Proposed Action

[]

The Public Service Commission proposes to amend Regulation .02 under COMAR 20.31.01 General Regulations, amend Regulation .03 under COMAR 20.31.02 Terminations and add Regulation .07 under COMAR 20.31.02 Terminations. This action was considered at scheduled rule making meeting on March 18, 2016, 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 amend and establish new regulations that will provide additional termination of service notice provisions in certain circumstances, that will better service customers, the utilities and the Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed regulations will grant local governments the option to access the address of residential properties where a utility has terminated service due to meter tampering. They may, but are not required to, take some action to assist customers in the property; actions taken by the local governments in response to this information may result in some expenditures, which are unquantifiable at this stage. Utilities will be required to submit the property address to the Commission within one day of termination and, must also provide certain additional safety notices to the property after service termination. In order to facilitate these additional notice requirements and reporting provisions, the Utilities estimate a collective cost of approximately \$150,000 required to effectuate IT system changes. The Utilities today provide some notice to customers in theft of service instances; any additional resources required to implement the incremental notice provisions will be minimal and unquantifiable. Benefits of these regulations on other industries, trade groups, and the public are unquantifiable but may include realization of additional safety of citizens and property resulting from additional notice requirements.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
(1)	(E+)	Unquantifiable
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$150,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Unquantifiable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C(1). Additional notices to residential properties when utility service is terminated will encourage customers to access helpful state and local assistance.

D. In order to facilitate these additional notice requirements and reporting provisions, the Utilities estimate a collective cost of approximately \$150,000 requirement to effectuate IT system changes.

F. Additional notices to residential properties when utility service is terminated will encourage customers to access helpful state and local assistance.

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 410-767-8067, or email to , or fax to 410-333-6495. Comments will be accepted through June 27, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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:

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

There is minimal or no economic impact on small businesses. These regulations require regulated electric and/or gas utilities to provide additional notice to residential properties where service has been terminated for meter tampering. These notices will provide safety and energy assistance information and, contact numbers for the local regulated utility.

Local governments will also be able to access the address information where service has been terminated. They may choose to provide assistance to the property, but these regulations do not require that they do so.

G. Small Business Worksheet:

Attached Document:

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Chapter 01 General Regulations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-307, Annotated Code of Maryland

20.31.01.01

.01 Applicability.

A. – G. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (11) (text unchanged)

(12) “Local Government” means the same as in the Maryland Code State Governments Article §11-101(g).

[(12)](13) (text unchanged)

[(13)](14) (text unchanged)

[(14)](15) (text unchanged)

[(15)](16) (text unchanged)
[(16)](17) (text unchanged)
[(17)](18) (text unchanged)
[(18)](19) (text unchanged)
[(19)](20) (text unchanged)
[(20)](21) (text unchanged)
[(21)](22) (text unchanged)

20.31.02.01

.01 Insufficient Reasons for Terminations.

A. – B. (text unchanged)

.02 Terminations Requiring Notice.

A. – E. (text unchanged)

.03 Terminations Without Notice.

A utility may terminate service without notice [to a customer] for any of the following reasons:

A. A condition on the [customer's] premises determined by the utility to be hazardous;

B. The [customer's] use of equipment in such a manner as to affect adversely the utility's equipment or the utility's service to others;

C. [The customer's] T[t]ampering with equipment furnished and owned by the utility;

D. [The customer's] U[u]nauthorized use of service by any method, including diversion of gas or electricity around a meter.

E. Each utility shall maintain, for not less than three years, records that set forth the basis for its decision to terminate service under this regulation.

(1) Starting January 1, 2017, each utility shall submit to the Commission the address where service has been terminated for unauthorized use or tampering with equipment furnished and owned by the utility. The submission shall be made within one business day following the termination

(2) Upon request, a local government shall have access to the information submitted to the Commission under section E of this regulation, on the condition that the information shall be:

(a) used for the purpose of protecting the life, health, or safety of an individual occupying the premises where service has been terminated;

(b) safeguarded to protect the privacy of an individual; and

(c) destroyed by the local government within 30 days of its receipt.

F. Each utility that has terminated service for unauthorized use or tampering with equipment furnished and owned by the utility shall provide Notice of the termination:

- (1) in a visible location at the premises;
- (2) with an occupant at the premises if safety permits; or
- (3) in a situation where the utility representative on site determines that the situation is unsafe, the utility may provide a Notice to the occupant by mail and by telephone or email to the customer if there is an active account.

G. Notices required by the regulations shall include, at a minimum, the following:

- (1) contact information for utility representatives that can explain the reason for the termination;
- (2) safety notices regarding the use of portable generators, independent lighting and heating sources, and any other safety information;
- (3) contact information for the Office of Home Energy Programs; and
- (4) a general statement that theft of electricity or natural gas service is unlawful under the Annotated Code of Maryland, Criminal Law Article §6-303 and §6-304.

H. Each utility shall file its form of Notice required in section G. of this regulation to the Commission for approval.

I. Each utility shall track the manner in which Notice is provided under section F. of this regulation.

J. Utilities shall file annual reports regarding terminations under this regulation in a manner and format prescribed by the Commission.

.04 Termination with 7 Days Notice.

A.- E. (text unchanged)

.05 Termination Procedures.

A. - H. (text unchanged)

.06 Text of the Notice of Termination.

A. – I. (text unchanged)

.07 User Without Account.

A. For purposes of this regulation, a “User Without Account” is a person or persons in possession of a residential property that is using regulated utility service without an active account and is not subject to termination under regulation .03 of this chapter.

B. A utility may not terminate service to a User Without Account without adhering to this regulation.

C. Upon discovering a User Without Account, a utility shall provide written notice to the occupants at the residential property:

- (1) not less than three days prior to service termination; or
- (2) by mail not less than seven days prior to service termination.

D. Notice required by section C. of this regulation shall include, at a minimum, the following:

- (1) The utility’s name and phone number;
- (2) A statement that the notice is a shut-off notice;
- (3) The address to which the notice applies;
- (4) A statement that the company is aware that service is being used from the address without an open account;
- (5) An invitation to apply for service as soon as possible; and
- (6) The date by which an application for service must be submitted to avoid service termination.