

HOUSE BILL 1322

Unofficial Copy
C5

2001 Regular Session
1r2843
CF SB 688

By: **Delegates McHale, Cane, Rosso, Cadden, Petzold, Bobo, Hurson,
Bronrott, Goldwater, Hammen, Sher, Owings, Hecht, Kagan, Carlson,
Oaks, Dembrow, DeCarlo, Nathan-Pulliam, Hubbard, Kopp, Montague,
Frush, Barkley, Cole, Bartlett, and Pitkin**

Introduced and read first time: February 16, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Energy-Saving Investment Program**

3 FOR the purpose of creating an Energy-Saving Investment Fund to provide funding
4 for certain purposes; requiring certain electric customers and certain gas
5 customers to contribute to the Fund through a certain energy-saving
6 investment charge, to be set by the Public Service Commission in a certain
7 manner; providing for State matching funding for the Fund; requiring the
8 Maryland Energy Administration to develop, manage, supervise, and administer
9 certain energy efficiency programs; providing for the preparation and
10 submission of a plan for the disbursement of funds to implement certain energy
11 efficiency programs throughout the State; establishing an Energy-Saving
12 Investment Advisory Board, with certain membership and duties; providing for
13 the disposition of certain funds after a certain date; defining certain terms;
14 providing for the termination of this Act; and generally relating to the
15 Energy-Saving Investment Program.

16 BY adding to
17 Article - Public Utility Companies
18 Section 7-701 through 7-708 to be under the new subtitle "Subtitle 7.
19 Energy-Saving Investment Program"
20 Annotated Code of Maryland
21 (1998 Volume and 2000 Supplement)

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

1 **Article - Public Utility Companies**

2 SUBTITLE 7. ENERGY-SAVING INVESTMENT PROGRAM.

3 7-701.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.

7 (C) "BOARD" MEANS THE ENERGY-SAVING INVESTMENT ADVISORY BOARD
8 ESTABLISHED UNDER § 7-705 OF THIS SUBTITLE.9 (D) "CHARGE" MEANS THE ENERGY-SAVING INVESTMENT CHARGE ASSESSED
10 UNDER THIS SUBTITLE.11 (E) (1) "COST-EFFECTIVE" MEANS THAT THE BENEFITS OF A PROGRAM
12 EXCEED THE COSTS ATTRIBUTABLE TO THE PROGRAM FOR THE PROGRAM'S FULL
13 DURATION AND THE LIFE OF MEASURES IMPLEMENTED UNDER THE PROGRAM.14 (2) FOR PURPOSES OF DETERMINING WHETHER A PROGRAM IS
15 COST-EFFECTIVE:16 (I) BENEFITS OF THE PROGRAM INCLUDE THE MONETARY VALUE
17 OF ALL RESOURCES SAVED AS A RESULT OF THE PROGRAM, INCLUDING
18 ELECTRICITY, NATURAL GAS, AND WATER; AND19 (II) AN APPROPRIATE MONETARY VALUE SHALL BE ASSIGNED TO
20 EACH EXTERNALITY ASSOCIATED WITH THE PROGRAM, INCLUDING PUBLIC HEALTH
21 AND ENVIRONMENTAL QUALITY.

22 (F) "ENERGY" MEANS ELECTRICITY AND NATURAL GAS.

23 (G) "ENERGY PERFORMANCE CONTRACT" MEANS A CONTRACT SETTING
24 FORTH THE TERMS AND CONDITIONS, INCLUDING MEASUREMENT AND
25 VERIFICATION OF ENERGY SAVINGS, FOR A COMPREHENSIVE ENERGY EFFICIENCY
26 PROJECT THAT IS ELIGIBLE TO COMPETE FOR FUNDS FROM THE FUND.27 (H) "FUND" MEANS THE ENERGY-SAVING INVESTMENT FUND ESTABLISHED
28 UNDER § 7-702 OF THIS SUBTITLE.29 (I) "INDUSTRIAL PROCESS LOAD" MEANS THE CONSUMPTION OF
30 ELECTRICITY BY A MANUFACTURING PROCESS AT AN ESTABLISHMENT CLASSIFIED
31 IN THE MANUFACTURING SECTOR (CODES 31, 32, AND 33) UNDER THE NORTH
32 AMERICAN INDUSTRY CLASSIFICATION SYSTEM.33 (J) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD
34 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE

1 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL
2 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

3 (K) "MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS" MEANS THE
4 ACTUAL AND CONTINUOUS MONITORING AND MEASUREMENT OF ENERGY USAGE BY
5 ENERGY EFFICIENT EQUIPMENT IN A FACILITY, UNDER A NATIONALLY RECOGNIZED
6 PROTOCOL FOR MEASUREMENT AND VERIFICATION, USED IN CONJUNCTION WITH
7 PROCEDURES FOR REPORTING ENERGY SAVINGS PRODUCED BY THE ENERGY
8 EFFICIENT EQUIPMENT.

9 (L) "PLAN" MEANS THE ENERGY-SAVING INVESTMENT PLAN UNDER § 7-704
10 OF THIS SUBTITLE.

11 7-702.

12 (A) THERE IS AN ENERGY-SAVING INVESTMENT FUND.

13 (B) THE PURPOSE OF THE FUND IS TO INCREASE THE OPPORTUNITIES FOR
14 ENERGY CONSUMERS THROUGHOUT MARYLAND TO:

15 (1) SAVE ENERGY;

16 (2) REDUCE CONSUMERS' TOTAL ENERGY COSTS; AND

17 (3) REDUCE POLLUTION AND THREATS TO PUBLIC HEALTH ASSOCIATED
18 WITH ENERGY PRODUCTION AND CONSUMPTION.

19 (C) EACH RETAIL ELECTRIC CUSTOMER AND EACH RESIDENTIAL RETAIL GAS
20 CUSTOMER SHALL CONTRIBUTE TO THE FUND THROUGH AN ENERGY-SAVING
21 INVESTMENT CHARGE THAT EACH ELECTRIC COMPANY OR ITS BILLING AGENT AND
22 EACH GAS COMPANY OR ITS BILLING AGENT SHALL COLLECT AND REMIT TO THE
23 COMPTROLLER TO BE PLACED IN THE FUND.

24 (D) THE FUND CONSISTS OF:

25 (1) THE CHARGE COLLECTED UNDER THIS SUBTITLE;

26 (2) FUNDS TO MATCH THE COLLECTED CHARGES, AS APPROPRIATED IN
27 THE STATE BUDGET AND SUBJECT TO THE AVAILABILITY OF FUNDS; AND

28 (3) ANY ADDITIONAL FUNDS APPROPRIATED TO THE FUND.

29 (E) (1) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE
30 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
31 INVESTED AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN
32 CONJUNCTION WITH THE ADMINISTRATION.

33 (2) THE COLLECTIONS FROM THE CHARGE SHALL ACCRUE TO THE
34 FUND.

1 (F) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT IS NOT
2 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (G) NOT MORE THAN 10% OF THE FUNDS PLACED IN THE FUND MAY BE
4 EXPENDED BY THE ADMINISTRATION ON MANAGEMENT AND SUPERVISION OF
5 ACTIVITIES UNDER THIS SUBTITLE.

6 (H) THE ADMINISTRATION SHALL DISBURSE FUNDS FROM THE FUND IN
7 ACCORDANCE WITH THIS SUBTITLE.

8 7-703.

9 (A) THE COMMISSION SHALL SET THE LEVEL OF THE ENERGY-SAVING
10 INVESTMENT CHARGE IN ACCORDANCE WITH THIS SECTION.

11 (B) THE CHARGE SHALL BE SET TO RECOVER:

12 (1) DURING THE PERIOD JULY 1, 2001, THROUGH MARCH 31, 2002, 0.025
13 CENT ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL
14 ELECTRIC CUSTOMER IN THE STATE, WITH THE TOTAL AMOUNT OF THE CHARGE
15 APPLICABLE TO AN INDUSTRIAL PROCESS LOAD NOT TO EXCEED \$2,500 PER MONTH;

16 (2) DURING THE PERIOD APRIL 1, 2002, THROUGH JUNE 30, 2009, 0.1 CENT
17 ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL ELECTRIC
18 CUSTOMER IN THE STATE, OR A HIGHER AMOUNT PER KILOWATT-HOUR REQUESTED
19 BY THE ADMINISTRATION AND APPROVED BY THE COMMISSION, WITH THE TOTAL
20 AMOUNT OF THE CHARGE APPLICABLE TO AN INDUSTRIAL PROCESS LOAD NOT TO
21 EXCEED \$2,500 PER MONTH; AND

22 (3) DURING THE PERIOD JULY 1, 2001, THROUGH JUNE 30, 2009, AN
23 AMOUNT ON EACH THERM OF GAS DELIVERED TO A RESIDENTIAL RETAIL GAS
24 CUSTOMER IN THE STATE THAT THE COMMISSION FINDS TO HAVE THE SAME OR
25 SUBSTANTIALLY SIMILAR EFFECT ON THE TOTAL YEARLY GAS BILL OF AN AVERAGE
26 RESIDENTIAL RETAIL GAS CUSTOMER AS THE AMOUNT ESTABLISHED FOR
27 RESIDENTIAL RETAIL CUSTOMERS OF ELECTRICITY HAS ON THE TOTAL YEARLY
28 ELECTRICITY BILL OF AN AVERAGE RESIDENTIAL RETAIL ELECTRIC CUSTOMER.

29 (C) A MUNICIPAL CORPORATION OR COOPERATIVE THAT PROVIDES RETAIL
30 ELECTRIC OR GAS SERVICE TO CUSTOMERS MAY DECLINE TO COLLECT THE CHARGE
31 FROM ITS CUSTOMERS AND TO REMIT THE PROCEEDS TO THE COMPTROLLER IF IT
32 GIVES PRIOR WRITTEN NOTICE TO THE COMPTROLLER SPECIFYING THE DATE ON
33 WHICH IT WILL DECLINE TO COLLECT AND REMIT THE CHARGE.

34 (D) THE COMMISSION MAY SUSPEND THE COLLECTION OF THE CHARGE FOR
35 UP TO 6 MONTHS IF THE COMMISSION FINDS THAT THE BALANCE IN THE FUND HAS
36 EXCEEDED \$35,000,000 FOR TWO CONSECUTIVE FISCAL QUARTERS.

1 7-704.

2 (A) (1) THE ADMINISTRATION SHALL PREPARE AND MAINTAIN AN
3 ENERGY-SAVING INVESTMENT PLAN.

4 (2) ALL DISBURSEMENTS FROM THE FUND SHALL BE IN ACCORDANCE
5 WITH THE PLAN.

6 (3) THE ADMINISTRATION SHALL SUBMIT THE INITIAL PLAN TO THE
7 COMMISSION ON OR BEFORE JANUARY 2, 2002.

8 (4) THE ADMINISTRATION SHALL PERIODICALLY UPDATE THE PLAN.
9 THE ADMINISTRATION SHALL SUBMIT ITS FIRST UPDATED PLAN TO THE
10 COMMISSION ON OR BEFORE JANUARY 2, 2005.

11 (B) THE PLAN SHALL DESCRIBE, EVALUATE, AND RECOMMEND PROGRAMS
12 THAT ARE DESIGNED TO ACCOMPLISH ONE OR MORE OF THE FOLLOWING
13 OBJECTIVES:

14 (1) TO TRANSFORM MARKETS, SO THAT ENERGY EFFICIENT PRODUCTS
15 AND SERVICES THAT ARE NOT BROADLY AVAILABLE AND USED BY MARYLAND
16 CONSUMERS BECOME STANDARD PRODUCT OFFERINGS;

17 (2) TO CAPTURE OPPORTUNITIES OTHERWISE LOST FOR
18 COST-EFFECTIVE ENERGY EFFICIENT DESIGNS, MATERIALS, AND EQUIPMENT
19 WHEN HOMES AND BUILDINGS ARE BUILT, REMODELED, OR RENOVATED AND WHEN
20 EQUIPMENT IS REPLACED;

21 (3) TO REDUCE PEAK DEMAND FOR ELECTRICITY AND IMPROVE
22 SERVICE RELIABILITY FOR ALL CUSTOMERS THROUGH REAL-TIME PRICING AND
23 THROUGH ENERGY EFFICIENCY MEASURES THAT ARE ESPECIALLY EFFECTIVE AT
24 REDUCING PEAK SYSTEM DEMANDS; AND

25 (4) TO ENSURE THAT LOW-INCOME CUSTOMERS CAN FULLY
26 PARTICIPATE IN OPPORTUNITIES TO SAVE ENERGY AND REDUCE THEIR ENERGY
27 COSTS.

28 (C) THE PLAN SHALL CONTAIN:

29 (1) RELEVANT BASELINE INFORMATION AS MAY BE AVAILABLE
30 REGARDING ENERGY SALES AND CONSUMPTION, PATTERNS OF ENERGY USAGE, AND
31 PREVAILING PRACTICES IN THE MARYLAND MARKETPLACE FOR GOODS AND
32 SERVICES THAT INFLUENCE ENERGY CONSUMPTION, TOGETHER WITH PLANS FOR
33 SUPPLEMENTING AVAILABLE BASELINE INFORMATION WITH NEW DATA;

34 (2) COST-EFFECTIVE ENERGY EFFICIENCY PROGRAMS RECOMMENDED
35 FOR IMPLEMENTATION, INCLUDING:

36 (I) MARKET TRANSFORMATION PROGRAMS AND
37 LOST-OPPORTUNITY PROGRAMS IN AREAS SUCH AS:

1 1. RESIDENTIAL APPLIANCES, LIGHTING, WINDOWS,
2 HEATING, AIR CONDITIONING, AND NEW HOME CONSTRUCTION; AND

3 2. COMMERCIAL LIGHTING, HEATING, AIR CONDITIONING,
4 ELECTRIC MOTORS, NEW BUILDING CONSTRUCTION, BUILDING COMMISSIONING,
5 AND BUILDING OPERATION AND MAINTENANCE;

6 (II) ENERGY PERFORMANCE CONTRACT PROGRAMS WITH OPEN
7 AND COMPETITIVE ACCESS TO ENERGY EFFICIENCY FUNDS;

8 (III) REAL-TIME PRICING AND LOAD MANAGEMENT PROGRAMS;
9 AND

10 (IV) OTHER PROGRAMS NECESSARY TO ADDRESS THE SPECIALIZED
11 NEEDS OF SMALL BUSINESSES, FARMERS, TENANTS, LOW-INCOME CONSUMERS, OR
12 OTHER CUSTOMER GROUPS;

13 (3) GOALS, MILESTONES, PERFORMANCE INDICATORS, AND BUDGETS
14 FOR EACH ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR IMPLEMENTATION;

15 (4) PROCEDURES FOR GATHERING INFORMATION ON THE EFFECTS OF
16 EACH RECOMMENDED PROGRAM;

17 (5) AN EVALUATION OF EACH RECOMMENDED PROGRAM, INCLUDING
18 AN ASSESSMENT OF ITS COST-EFFECTIVENESS TO SOCIETY; AND

19 (6) THE VIEWS AND RECOMMENDATIONS, IF ANY, OF THE BOARD
20 ESTABLISHED UNDER § 7-705 OF THIS SUBTITLE.

21 (D) THE PLAN SHALL PROVIDE THAT:

22 (1) ENERGY EFFICIENCY PROGRAMS ARE OFFERED TO RETAIL
23 ELECTRIC CUSTOMERS AND RETAIL GAS CUSTOMERS IN AREAS OF THE STATE
24 WHERE THE CHARGE IS COLLECTED;

25 (2) EACH RECOMMENDED PROGRAM WILL YIELD NET SAVINGS OF
26 ENERGY;

27 (3) FUNDS DERIVED FROM RESIDENTIAL RETAIL ELECTRIC CUSTOMERS
28 SHALL BE DISBURSED FOR PROGRAMS TO SERVE THOSE CUSTOMERS AND FUNDS
29 DERIVED FROM RESIDENTIAL RETAIL GAS CUSTOMERS SHALL BE DISBURSED FOR
30 PROGRAMS TO SERVE THOSE CUSTOMERS;

31 (4) AT LEAST 5% OF EACH OF THE FUNDS DERIVED FROM RESIDENTIAL
32 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL GAS CUSTOMERS, RESPECTIVELY,
33 SHALL BE DIRECTED TOWARD PROGRAMS TO SERVE LOW-INCOME RESIDENTIAL
34 ELECTRIC CUSTOMERS AND LOW-INCOME RESIDENTIAL GAS CUSTOMERS,
35 RESPECTIVELY;

1 (5) ANY DIRECT FINANCIAL INCENTIVES TO OWNERS, PURCHASERS, OR
2 BUILDERS OF NEW RESIDENTIAL OR COMMERCIAL BUILDINGS SHALL BE AVAILABLE
3 EXCLUSIVELY FOR STRUCTURES LOCATED IN STATE-APPROVED PRIORITY FUNDING
4 AREAS UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT
5 ARTICLE;

6 (6) ANY PROGRAM FOUND TO BE NO LONGER COST-EFFECTIVE SHALL
7 NOT BE CONTINUED;

8 (7) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS IN THE SERVICE
9 AREA OF EACH ELECTRIC COMPANY, GAS COMPANY, AND PARTICIPATING MUNICIPAL
10 CORPORATION OR COOPERATIVE WILL BEAR A REASONABLE RELATIONSHIP TO THE
11 AMOUNT OF FUNDS DEPOSITED IN THE ENERGY-SAVING INVESTMENT FUND BY THE
12 COMPANY, MUNICIPAL CORPORATION, OR COOPERATIVE; AND

13 (8) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS TO SERVE
14 COMMERCIAL AND INDUSTRIAL CLASSES OF CUSTOMERS WILL BEAR A REASONABLE
15 RELATIONSHIP TO THE AMOUNT OF FUNDS DEPOSITED IN THE FUND ORIGINATING
16 FROM THE CLASS.

17 (E) THE ADMINISTRATION SHALL ANNUALLY DETERMINE THE AMOUNT OF
18 ANY ADDITIONAL FUNDS, IF ANY, NEEDED TO IMPLEMENT PROGRAMS
19 RECOMMENDED IN THE PLAN AND SUBMIT THE REQUEST FOR ADDITIONAL
20 FUNDING TO THE COMMISSION.

21 (F) (1) WHEN THE ADMINISTRATION SUBMITS THE PLAN OR UPDATE TO
22 THE COMMISSION, THE COMMISSION SHALL REVIEW THE PLAN OR UPDATE, AND
23 SHALL PROVIDE AN OPPORTUNITY FOR INTERESTED PARTIES TO COMMENT ON THE
24 PLAN OR UPDATE. THE COMMISSION SHALL ISSUE A FINAL ORDER BASED ON ITS
25 REVIEW WITHIN 90 DAYS AFTER RECEIVING THE PLAN OR UPDATE. IF THE
26 COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE PLAN, THE PLAN SHALL BE
27 DEEMED APPROVED AS SUBMITTED ON THE 91ST DAY AFTER THE COMMISSION
28 RECEIVES THE PLAN.

29 (2) THE COMMISSION SHALL APPROVE THE PLAN UNLESS IT FINDS
30 THAT THE PLAN:

31 (I) IS INCONSISTENT WITH THE PURPOSES STATED IN § 7-702(B) OF
32 THIS SUBTITLE;

33 (II) IS INCONSISTENT WITH THE OBJECTIVES STATED IN (B) OF
34 THIS SECTION; OR

35 (III) FAILS TO MEET THE PROVISIONS OF (D) OF THIS SECTION.

36 (3) AS PART OF ITS FINAL ORDER, THE COMMISSION MAY MODIFY OR
37 REJECT ANY ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR
38 IMPLEMENTATION IF IT FINDS THAT THE PROGRAM IS NOT COST-EFFECTIVE.

1 (4) WITHIN 60 DAYS AFTER ANY FINAL ORDER REJECTING OR
2 MODIFYING THE PLAN OR PLAN UPDATE OR ANY ENERGY EFFICIENCY PROGRAM
3 RECOMMENDED IN THE PLAN OR PLAN UPDATE, THE ADMINISTRATION MAY FILE
4 WITH THE COMMISSION A SUPPLEMENT TO THE PLAN SEEKING TO REMEDY ANY
5 DEFECT IN THE PRIOR SUBMISSION IDENTIFIED IN THE ORDER OF THE COMMISSION.
6 THE COMMISSION SHALL REVIEW THE SUPPLEMENT TO THE PLAN AND ISSUE A
7 FINAL ORDER BASED ON ITS REVIEW WITHIN 60 DAYS AFTER RECEIVING THE
8 SUPPLEMENT. IF THE COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE
9 SUPPLEMENT, THE SUPPLEMENT SHALL BE DEEMED APPROVED AS SUBMITTED ON
10 THE 61ST DAY AFTER THE COMMISSION RECEIVES THE SUPPLEMENT.

11 (G) THE ADMINISTRATION SHALL:

12 (1) MANAGE, SUPERVISE, AND ADMINISTER THE ENERGY EFFICIENCY
13 PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN;

14 (2) ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE
15 IMPLEMENTED EFFICIENCY PROGRAMS CARRY OUT THE PURPOSES OF THE PLAN;
16 AND

17 (3) DEVELOP PROCEDURES FOR MONITORING AND ASSESSING ALL
18 ENERGY EFFICIENCY PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN.

19 7-705.

20 (A) ON OR BEFORE JULY 1, 2001, THE DIRECTOR OF THE ADMINISTRATION
21 SHALL CONVENE AN ENERGY-SAVING INVESTMENT ADVISORY BOARD.

22 (B) THE BOARD SHALL CONSIST OF UP TO SEVEN MEMBERS APPOINTED TO
23 FIXED TERMS BY THE ADMINISTRATION, AND SHALL INCLUDE:

24 (1) A REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL,
25 SELECTED BY THE PEOPLE'S COUNSEL;

26 (2) A REPRESENTATIVE OF THE STAFF OF THE COMMISSION, SELECTED
27 BY THE CHAIRMAN OF THE COMMISSION;

28 (3) TWO REPRESENTATIVES OF ELECTRIC COMPANIES, INCLUDING AT
29 LEAST ONE REPRESENTATIVE OF A PARTICIPATING MUNICIPAL CORPORATION OR
30 COOPERATIVE;

31 (4) ONE REPRESENTATIVE OF A NOT-FOR-PROFIT ORGANIZATION THAT
32 SERVES LOW-INCOME RESIDENTS; AND

33 (5) TWO REPRESENTATIVES OF NOT-FOR-PROFIT ORGANIZATIONS
34 CONCERNED WITH ENERGY AND ENVIRONMENTAL POLICY.

35 (C) THE BOARD SHALL PROVIDE THE ADMINISTRATION WITH REVIEW AND
36 COMMENT ON:

1 (1) DRAFT AND FINAL VERSIONS OF THE PLAN, PLAN UPDATES, AND
2 PLAN SUPPLEMENTS;

3 (2) GOALS, MILESTONES, BUDGETS, AND PERFORMANCE INDICATORS
4 FOR EACH ENERGY EFFICIENCY PROGRAM IN THE PLAN, ON A SEMIANNUAL BASIS;

5 (3) RECOMMENDATIONS FOR PROSPECTIVE ENERGY EFFICIENCY
6 PROGRAMS; AND

7 (4) OTHER MATTERS CONCERNING ENERGY EFFICIENCY THAT THE
8 BOARD MAY SEEK TO ADDRESS.

9 (D) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR
10 DISAPPROVE PROGRAMS, EXPENDITURES, THE SELECTION OF CONTRACTORS, THE
11 LEVEL OF THE CHARGE, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION
12 OR THE COMMISSION UNDER THIS SUBTITLE.

13 7-706.

14 THE ADMINISTRATION MAY CONTRACT WITH ONE OR MORE
15 NONGOVERNMENTAL ENTITIES FOR ASSISTANCE IN CARRYING OUT ITS
16 RESPONSIBILITIES UNDER THIS SUBTITLE.

17 7-707.

18 (A) ON OR BEFORE JANUARY 2, 2003, AND AT 1-YEAR INTERVALS THEREAFTER
19 THROUGH JANUARY 2, 2011, THE ADMINISTRATION SHALL, IN COOPERATION WITH
20 THE COMPTROLLER, SUBMIT AN ANNUAL REPORT ON THE FUND TO THE GENERAL
21 ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

22 (B) THE REPORT SHALL INCLUDE:

23 (1) AN ACCOUNTING OF ALL FUNDS DEPOSITED TO AND DISBURSED
24 FROM THE FUND;

25 (2) A DESCRIPTION OF ENERGY EFFICIENCY PROGRAMS PROPOSED,
26 UNDERWAY, OR COMPLETED; AND

27 (3) A SUMMARY OF PROGRAM RESULTS, EXPRESSED IN TERMS OF
28 ENERGY SAVINGS, COST SAVINGS TO CONSUMERS, POLLUTION PREVENTION, AND
29 MARKET EFFECTS.

30 7-708.

31 ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF JUNE 30,
32 2011, SHALL BE RETURNED TO ELECTRIC AND GAS CONSUMERS IN A MANNER
33 PRESCRIBED BY THE COMMISSION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 2001. It shall remain effective for a period of 10 years and 6 months and, at the

1 end of December 31, 2011, with no further action required by the General Assembly,
2 this Act shall be abrogated and of no further force and effect.