
By: **Delegate Franchot**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

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 2001 Supplement)

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

24 **Article - Public Utility Companies**

25 **SUBTITLE 7. ENERGY-SAVING INVESTMENT PROGRAM.**

26 7-701.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

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

2 (C) "BOARD" MEANS THE ENERGY-SAVING INVESTMENT ADVISORY BOARD
3 ESTABLISHED UNDER § 7-705 OF THIS SUBTITLE.

4 (D) "CHARGE" MEANS THE ENERGY-SAVING INVESTMENT CHARGE ASSESSED
5 UNDER THIS SUBTITLE.

6 (E) (1) "COST-EFFECTIVE" MEANS THAT THE BENEFITS OF A PROGRAM
7 EXCEED THE COSTS ATTRIBUTABLE TO THE PROGRAM FOR THE PROGRAM'S FULL
8 DURATION AND THE LIFE OF MEASURES IMPLEMENTED UNDER THE PROGRAM.

9 (2) FOR PURPOSES OF DETERMINING WHETHER A PROGRAM IS
10 COST-EFFECTIVE:

11 (I) BENEFITS OF THE PROGRAM INCLUDE THE MONETARY VALUE
12 OF ALL RESOURCES SAVED AS A RESULT OF THE PROGRAM, INCLUDING
13 ELECTRICITY, NATURAL GAS, AND WATER; AND

14 (II) AN APPROPRIATE MONETARY VALUE SHALL BE ASSIGNED TO
15 EACH EXTERNALITY ASSOCIATED WITH THE PROGRAM, INCLUDING PUBLIC HEALTH
16 AND ENVIRONMENTAL QUALITY.

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

18 (G) "ENERGY PERFORMANCE CONTRACT" MEANS A CONTRACT STATING THE
19 TERMS AND CONDITIONS, INCLUDING MEASUREMENT AND VERIFICATION OF
20 ENERGY SAVINGS, FOR A COMPREHENSIVE ENERGY EFFICIENCY PROJECT THAT IS
21 ELIGIBLE TO COMPETE FOR FUNDS FROM THE FUND.

22 (H) "FUND" MEANS THE ENERGY-SAVING INVESTMENT FUND ESTABLISHED
23 UNDER § 7-702 OF THIS SUBTITLE.

24 (I) "INDUSTRIAL PROCESS LOAD" MEANS THE CONSUMPTION OF
25 ELECTRICITY BY A MANUFACTURING PROCESS AT AN ESTABLISHMENT CLASSIFIED
26 IN THE MANUFACTURING SECTOR (CODES 31, 32, AND 33) UNDER THE NORTH
27 AMERICAN INDUSTRY CLASSIFICATION SYSTEM.

28 (J) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD
29 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE
30 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL
31 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

32 (K) "MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS" MEANS THE
33 ACTUAL AND CONTINUOUS MONITORING AND MEASUREMENT OF ENERGY USAGE BY
34 ENERGY EFFICIENT EQUIPMENT IN A FACILITY, UNDER A NATIONALLY RECOGNIZED
35 PROTOCOL FOR MEASUREMENT AND VERIFICATION, USED IN CONJUNCTION WITH
36 PROCEDURES FOR REPORTING ENERGY SAVINGS PRODUCED BY THE ENERGY
37 EFFICIENT EQUIPMENT.

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

3 7-702.

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

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

7 (1) SAVE ENERGY;

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

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

11 (C) EACH RETAIL ELECTRIC CUSTOMER AND EACH RESIDENTIAL RETAIL GAS
12 CUSTOMER SHALL CONTRIBUTE TO THE FUND THROUGH AN ENERGY-SAVING
13 INVESTMENT CHARGE THAT EACH ELECTRIC COMPANY OR ITS BILLING AGENT AND
14 EACH GAS COMPANY OR ITS BILLING AGENT SHALL COLLECT AND REMIT TO THE
15 COMPTROLLER TO BE PLACED IN THE FUND.

16 (D) THE FUND CONSISTS OF:

17 (1) THE CHARGE COLLECTED UNDER THIS SUBTITLE;

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

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

21 (E) (1) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE
22 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
23 INVESTED AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN
24 CONJUNCTION WITH THE ADMINISTRATION.

25 (2) THE COLLECTIONS FROM THE CHARGE SHALL ACCRUE TO THE
26 FUND.

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

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

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

1 7-703.

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

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

5 (1) DURING THE PERIOD JULY 1, 2002, THROUGH MARCH 31, 2003, 0.025
6 CENT ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL
7 ELECTRIC CUSTOMER IN THE STATE, WITH THE TOTAL AMOUNT OF THE CHARGE
8 APPLICABLE TO AN INDUSTRIAL PROCESS LOAD NOT TO EXCEED \$2,500 PER MONTH;

9 (2) DURING THE PERIOD APRIL 1, 2003, THROUGH JUNE 30, 2010, 0.1 CENT
10 ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL ELECTRIC
11 CUSTOMER IN THE STATE, OR A HIGHER AMOUNT PER KILOWATT-HOUR REQUESTED
12 BY THE ADMINISTRATION AND APPROVED BY THE COMMISSION, WITH THE TOTAL
13 AMOUNT OF THE CHARGE APPLICABLE TO AN INDUSTRIAL PROCESS LOAD NOT TO
14 EXCEED \$2,500 PER MONTH; AND

15 (3) DURING THE PERIOD JULY 1, 2002, THROUGH JUNE 30, 2010, AN
16 AMOUNT ON EACH THERM OF GAS DELIVERED TO A RESIDENTIAL RETAIL GAS
17 CUSTOMER IN THE STATE THAT THE COMMISSION FINDS TO HAVE THE SAME OR
18 SUBSTANTIALLY SIMILAR EFFECT ON THE TOTAL YEARLY GAS BILL OF AN AVERAGE
19 RESIDENTIAL RETAIL GAS CUSTOMER AS THE AMOUNT ESTABLISHED FOR
20 RESIDENTIAL RETAIL CUSTOMERS OF ELECTRICITY HAS ON THE TOTAL YEARLY
21 ELECTRICITY BILL OF AN AVERAGE RESIDENTIAL RETAIL ELECTRIC CUSTOMER.

22 (C) A MUNICIPAL CORPORATION OR COOPERATIVE THAT PROVIDES RETAIL
23 ELECTRIC OR GAS SERVICE TO CUSTOMERS MAY DECLINE TO COLLECT THE CHARGE
24 FROM ITS CUSTOMERS AND TO REMIT THE PROCEEDS TO THE COMPTROLLER IF IT
25 GIVES PRIOR WRITTEN NOTICE TO THE COMPTROLLER SPECIFYING THE DATE ON
26 WHICH IT WILL DECLINE TO COLLECT AND REMIT THE CHARGE.

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

30 7-704.

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

33 (2) ALL DISBURSEMENTS FROM THE FUND SHALL BE IN ACCORDANCE
34 WITH THE PLAN.

35 (3) THE ADMINISTRATION SHALL SUBMIT THE INITIAL PLAN TO THE
36 COMMISSION ON OR BEFORE JANUARY 2, 2003.

1 (4) THE ADMINISTRATION SHALL PERIODICALLY UPDATE THE PLAN.
2 THE ADMINISTRATION SHALL SUBMIT ITS FIRST UPDATED PLAN TO THE
3 COMMISSION ON OR BEFORE JANUARY 2, 2006.

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

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

10 (2) TO CAPTURE OPPORTUNITIES OTHERWISE LOST FOR
11 COST-EFFECTIVE ENERGY EFFICIENT DESIGNS, MATERIALS, AND EQUIPMENT
12 WHEN HOMES AND BUILDINGS ARE BUILT, REMODELED, OR RENOVATED, AND WHEN
13 EQUIPMENT IS REPLACED;

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

18 (4) TO ENSURE THAT LOW-INCOME CUSTOMERS CAN FULLY
19 PARTICIPATE IN OPPORTUNITIES TO SAVE ENERGY AND REDUCE THEIR ENERGY
20 COSTS.

21 (C) THE PLAN SHALL CONTAIN:

22 (1) RELEVANT BASELINE INFORMATION AS MAY BE AVAILABLE
23 REGARDING ENERGY SALES AND CONSUMPTION, PATTERNS OF ENERGY USAGE, AND
24 PREVAILING PRACTICES IN THE MARYLAND MARKETPLACE FOR GOODS AND
25 SERVICES THAT INFLUENCE ENERGY CONSUMPTION, TOGETHER WITH PLANS FOR
26 SUPPLEMENTING AVAILABLE BASELINE INFORMATION WITH NEW DATA;

27 (2) COST-EFFECTIVE ENERGY EFFICIENCY PROGRAMS RECOMMENDED
28 FOR IMPLEMENTATION, INCLUDING:

29 (I) MARKET TRANSFORMATION PROGRAMS AND
30 LOST-OPPORTUNITY PROGRAMS IN AREAS SUCH AS:

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

33 2. COMMERCIAL LIGHTING, HEATING, AIR CONDITIONING,
34 ELECTRIC MOTORS, NEW BUILDING CONSTRUCTION, BUILDING COMMISSIONING,
35 AND BUILDING OPERATION AND MAINTENANCE;

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

1 (III) REAL-TIME PRICING AND LOAD MANAGEMENT PROGRAMS;
2 AND

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

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

8 (4) PROCEDURES FOR GATHERING INFORMATION ON THE EFFECTS OF
9 EACH RECOMMENDED PROGRAM;

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

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

14 (D) THE PLAN SHALL PROVIDE THAT:

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

18 (2) EACH RECOMMENDED PROGRAM WILL YIELD NET SAVINGS OF
19 ENERGY;

20 (3) FUNDS DERIVED FROM RESIDENTIAL RETAIL ELECTRIC CUSTOMERS
21 SHALL BE DISBURSED FOR PROGRAMS TO SERVE THOSE CUSTOMERS AND FUNDS
22 DERIVED FROM RESIDENTIAL RETAIL GAS CUSTOMERS SHALL BE DISBURSED FOR
23 PROGRAMS TO SERVE THOSE CUSTOMERS;

24 (4) AT LEAST 5% OF EACH OF THE FUNDS DERIVED FROM RESIDENTIAL
25 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL GAS CUSTOMERS, RESPECTIVELY,
26 SHALL BE DIRECTED TOWARD PROGRAMS TO SERVE LOW-INCOME RESIDENTIAL
27 ELECTRIC CUSTOMERS AND LOW-INCOME RESIDENTIAL GAS CUSTOMERS,
28 RESPECTIVELY;

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

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

36 (7) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS IN THE SERVICE
37 AREA OF EACH ELECTRIC COMPANY, GAS COMPANY, AND PARTICIPATING MUNICIPAL

1 CORPORATION OR COOPERATIVE WILL BEAR A REASONABLE RELATIONSHIP TO THE
2 AMOUNT OF FUNDS DEPOSITED IN THE ENERGY-SAVING INVESTMENT FUND BY THE
3 COMPANY, MUNICIPAL CORPORATION, OR COOPERATIVE; AND

4 (8) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS TO SERVE
5 COMMERCIAL AND INDUSTRIAL CLASSES OF CUSTOMERS WILL BEAR A REASONABLE
6 RELATIONSHIP TO THE AMOUNT OF FUNDS DEPOSITED IN THE FUND ORIGINATING
7 FROM THE CLASS.

8 (E) THE ADMINISTRATION SHALL ANNUALLY DETERMINE THE AMOUNT OF
9 ANY ADDITIONAL FUNDS, IF ANY, NEEDED TO IMPLEMENT PROGRAMS
10 RECOMMENDED IN THE PLAN AND SUBMIT THE REQUEST FOR ADDITIONAL
11 FUNDING TO THE COMMISSION.

12 (F) (1) WHEN THE ADMINISTRATION SUBMITS THE PLAN OR UPDATE TO
13 THE COMMISSION, THE COMMISSION SHALL REVIEW THE PLAN OR UPDATE, AND
14 SHALL PROVIDE AN OPPORTUNITY FOR INTERESTED PARTIES TO COMMENT ON THE
15 PLAN OR UPDATE. THE COMMISSION SHALL ISSUE A FINAL ORDER BASED ON ITS
16 REVIEW WITHIN 90 DAYS AFTER RECEIVING THE PLAN OR UPDATE. IF THE
17 COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE PLAN, THE PLAN SHALL BE
18 DEEMED APPROVED AS SUBMITTED ON THE 91ST DAY AFTER THE COMMISSION
19 RECEIVES THE PLAN.

20 (2) THE COMMISSION SHALL APPROVE THE PLAN UNLESS IT FINDS
21 THAT THE PLAN:

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

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

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

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

30 (4) WITHIN 60 DAYS AFTER ANY FINAL ORDER REJECTING OR
31 MODIFYING THE PLAN OR PLAN UPDATE OR ANY ENERGY EFFICIENCY PROGRAM
32 RECOMMENDED IN THE PLAN OR PLAN UPDATE, THE ADMINISTRATION MAY FILE
33 WITH THE COMMISSION A SUPPLEMENT TO THE PLAN SEEKING TO REMEDY ANY
34 DEFECT IN THE PRIOR SUBMISSION IDENTIFIED IN THE ORDER OF THE COMMISSION.
35 THE COMMISSION SHALL REVIEW THE SUPPLEMENT TO THE PLAN AND ISSUE A
36 FINAL ORDER BASED ON ITS REVIEW WITHIN 60 DAYS AFTER RECEIVING THE
37 SUPPLEMENT. IF THE COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE
38 SUPPLEMENT, THE SUPPLEMENT SHALL BE DEEMED APPROVED AS SUBMITTED ON
39 THE 61ST DAY AFTER THE COMMISSION RECEIVES THE SUPPLEMENT.

40 (G) THE ADMINISTRATION SHALL:

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

3 (2) ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE
4 IMPLEMENTED EFFICIENCY PROGRAMS CARRY OUT THE PURPOSES OF THE PLAN;
5 AND

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

8 7-705.

9 (A) ON OR BEFORE JULY 1, 2002, THE DIRECTOR OF THE ADMINISTRATION
10 SHALL CONVENE AN ENERGY-SAVING INVESTMENT ADVISORY BOARD.

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

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

15 (2) A REPRESENTATIVE OF THE STAFF OF THE COMMISSION, SELECTED
16 BY THE CHAIRMAN OF THE COMMISSION;

17 (3) TWO REPRESENTATIVES OF ELECTRIC COMPANIES, INCLUDING AT
18 LEAST ONE REPRESENTATIVE OF A PARTICIPATING MUNICIPAL CORPORATION OR
19 COOPERATIVE;

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

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

24 (C) THE BOARD SHALL PROVIDE THE ADMINISTRATION WITH REVIEW AND
25 COMMENT ON:

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

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

30 (3) RECOMMENDATIONS FOR PROSPECTIVE ENERGY EFFICIENCY
31 PROGRAMS; AND

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

34 (D) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR
35 DISAPPROVE PROGRAMS, EXPENDITURES, THE SELECTION OF CONTRACTORS, THE

1 LEVEL OF THE CHARGE, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION
2 OR THE COMMISSION UNDER THIS SUBTITLE.

3 7-706.

4 THE ADMINISTRATION MAY CONTRACT WITH ONE OR MORE
5 NONGOVERNMENTAL ENTITIES FOR ASSISTANCE IN CARRYING OUT ITS
6 RESPONSIBILITIES UNDER THIS SUBTITLE.

7 7-707.

8 (A) ON OR BEFORE JANUARY 2, 2004, AND AT 1-YEAR INTERVALS THEREAFTER
9 THROUGH JANUARY 2, 2012, THE ADMINISTRATION SHALL, IN COOPERATION WITH
10 THE COMPTROLLER, SUBMIT AN ANNUAL REPORT ON THE FUND TO THE GENERAL
11 ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

12 (B) THE REPORT SHALL INCLUDE:

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

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

17 (3) A SUMMARY OF PROGRAM RESULTS, EXPRESSED IN TERMS OF
18 ENERGY SAVINGS, COST SAVINGS TO CONSUMERS, POLLUTION PREVENTION, AND
19 MARKET EFFECTS.

20 7-708.

21 ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF JUNE 30,
22 2012, SHALL BE RETURNED TO ELECTRIC AND GAS CONSUMERS IN A MANNER
23 PRESCRIBED BY THE COMMISSION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2002. It shall remain effective for a period of 10 years and 6 months and, at the
26 end of December 31, 2012, with no further action required by the General Assembly,
27 this Act shall be abrogated and of no further force and effect.