

SENATE BILL 541

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C5  
SB 688/01 - FIN

2002 Regular Session  
2r1470  
CF 2r2156

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By: **Senators Frosh, Conway, Currie, Dorman, Dyson, Exum, Forehand,  
Green, Hollinger, Kelley, Lawlah, Middleton, Pinsky, Ruben, Schrader,  
Sfikas, Stone, and Van Hollen**

Introduced and read first time: February 1, 2002

Assigned to: Finance

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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:

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 STATING THE  
24 TERMS AND CONDITIONS, INCLUDING MEASUREMENT AND VERIFICATION OF  
25 ENERGY SAVINGS, FOR A COMPREHENSIVE ENERGY EFFICIENCY PROJECT THAT IS  
26 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) "LARGE INDUSTRIAL AND LARGE COMMERCIAL CUSTOMER" MEANS AN  
30 ENTITY THAT CONSUMES MORE THAN 1,000,000 KILOWATT-HOURS OF ELECTRICITY  
31 PER YEAR.32 (J) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD  
33 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE  
34 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL  
35 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

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

9 7-702.

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

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

13 (1) SAVE ENERGY;

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

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

17 (C) EXCEPT FOR LARGE INDUSTRIAL AND LARGE COMMERCIAL CUSTOMERS,  
18 EACH RETAIL ELECTRIC CUSTOMER AND EACH RESIDENTIAL RETAIL GAS CUSTOMER  
19 SHALL CONTRIBUTE TO THE FUND THROUGH AN ENERGY-SAVING INVESTMENT  
20 CHARGE THAT EACH ELECTRIC COMPANY OR ITS BILLING AGENT AND EACH GAS  
21 COMPANY OR ITS BILLING AGENT SHALL COLLECT AND REMIT TO THE  
22 COMPTROLLER TO BE PLACED IN THE FUND.

23 (D) THE FUND CONSISTS OF:

24 (1) THE CHARGE COLLECTED UNDER THIS SUBTITLE;

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

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

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

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

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

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

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

6 7-703.

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

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

10 (1) DURING THE PERIOD JULY 1, 2002, THROUGH JUNE 30, 2003, 0.025  
11 CENT ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL  
12 ELECTRIC CUSTOMER IN THE STATE, EXCEPT FOR LARGE COMMERCIAL AND LARGE  
13 INDUSTRIAL CUSTOMERS;

14 (2) DURING THE PERIOD JULY 1, 2003, THROUGH JUNE 30, 2004, 0.05 CENT  
15 ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL ELECTRIC  
16 CUSTOMER IN THE STATE, EXCEPT FOR LARGE COMMERCIAL AND LARGE  
17 INDUSTRIAL CUSTOMERS;

18 (3) DURING THE PERIOD JULY 1, 2004, THROUGH JUNE 30, 2010, 0.1 CENT  
19 ON EACH KILOWATT-HOUR OF ELECTRICITY DELIVERED TO A RETAIL ELECTRIC  
20 CUSTOMER IN THE STATE, OR A HIGHER AMOUNT PER KILOWATT-HOUR REQUESTED  
21 BY THE ADMINISTRATION AND APPROVED BY THE COMMISSION, EXCEPT FOR LARGE  
22 COMMERCIAL AND LARGE INDUSTRIAL CUSTOMERS; AND

23 (4) DURING THE PERIOD JULY 1, 2002, THROUGH JUNE 30, 2010, AN  
24 AMOUNT ON EACH THERM OF GAS DELIVERED TO A RESIDENTIAL RETAIL GAS  
25 CUSTOMER IN THE STATE THAT THE COMMISSION FINDS TO HAVE THE SAME OR  
26 SUBSTANTIALLY SIMILAR EFFECT ON THE TOTAL YEARLY GAS BILL OF AN AVERAGE  
27 RESIDENTIAL RETAIL GAS CUSTOMER AS THE AMOUNT ESTABLISHED FOR  
28 RESIDENTIAL RETAIL CUSTOMERS OF ELECTRICITY HAS ON THE TOTAL YEARLY  
29 ELECTRICITY BILL OF AN AVERAGE RESIDENTIAL RETAIL ELECTRIC CUSTOMER.

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

35 (D) THE COMMISSION MAY SUSPEND THE COLLECTION OF THE CHARGE FOR  
36 UP TO 6 MONTHS IF THE COMMISSION FINDS THAT THE BALANCE IN THE FUND HAS  
37 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, 2003.

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, 2006.

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 ENERGY EFFICIENCY  
23 MEASURES THAT ARE ESPECIALLY EFFECTIVE AT REDUCING PEAK SYSTEM  
24 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 INSULATION, 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, EXCEPT FOR LARGE INDUSTRIAL  
6 AND LARGE COMMERCIAL CUSTOMERS;

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

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

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

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

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

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

20       (D)     THE PLAN SHALL PROVIDE THAT:

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

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

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

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

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

1 (6) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS IN THE SERVICE  
2 AREA OF EACH ELECTRIC COMPANY, GAS COMPANY, AND PARTICIPATING MUNICIPAL  
3 CORPORATION OR COOPERATIVE WILL BEAR A REASONABLE RELATIONSHIP TO THE  
4 AMOUNT OF FUNDS DEPOSITED IN THE ENERGY-SAVING INVESTMENT FUND BY THE  
5 COMPANY, MUNICIPAL CORPORATION, OR COOPERATIVE; AND

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

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

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

22 (2) THE COMMISSION SHALL APPROVE THE PLAN UNLESS IT FINDS  
23 THAT THE PLAN:

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

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

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

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

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

1 (G) THE ADMINISTRATION SHALL:

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

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

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

9 7-705.

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

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

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

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

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

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

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

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

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

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

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

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



1 (D) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR  
2 DISAPPROVE PROGRAMS, EXPENDITURES, THE SELECTION OF CONTRACTORS, THE  
3 LEVEL OF THE CHARGE, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION  
4 OR THE COMMISSION UNDER THIS SUBTITLE.

5 7-706.

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

9 7-707.

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

14 (B) THE REPORT SHALL INCLUDE:

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

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

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

22 7-708.

23 ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF JUNE 30,  
24 2012, SHALL BE RETURNED TO ELECTRIC AND GAS CONSUMERS IN A MANNER  
25 PRESCRIBED BY THE COMMISSION.

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