

SENATE BILL 37

Unofficial Copy  
C5  
SB 2/02 - FIN

2003 Regular Session  
3r0394

---

By: **Senator Green**

Introduced and read first time: January 14, 2003

Assigned to: Finance

---

A BILL ENTITLED

1 AN ACT concerning

2                           **Retail Electric and Gas Industries - Aggregators - Counties and Municipal**  
3                           **Corporations**

4 FOR the purpose of repealing the provision prohibiting a county or municipal  
5 corporation from acting as an entity that acts on behalf of a customer to  
6 purchase electricity; including counties and municipal corporations in the  
7 entities that may act as aggregators for the purchase of electricity or gas under  
8 certain circumstances; and generally relating to the ability of counties and  
9 municipal corporations to act as aggregators in the retail electric and gas  
10 industries.

11 BY repealing and reenacting, with amendments,  
12 Article - Public Utility Companies  
13 Section 1-101(b)  
14 Annotated Code of Maryland  
15 (1998 Volume and 2002 Supplement)

16 BY repealing  
17 Article - Public Utility Companies  
18 Section 7-510(f)  
19 Annotated Code of Maryland  
20 (1998 Volume and 2002 Supplement)

21 BY adding to  
22 Article - Public Utility Companies  
23 Section 7-510(f)  
24 Annotated Code of Maryland  
25 (1998 Volume and 2002 Supplement)

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

1

**Article - Public Utility Companies**

2 1-101.

3 (b) (1) "Aggregator" means an entity, INCLUDING A COUNTY OR MUNICIPAL  
4 CORPORATION, or an individual that acts on behalf of a customer to purchase  
5 electricity or gas.

6 (2) "Aggregator" does not include:

7 (i) an entity or individual that purchases electricity or gas for its  
8 own use or for the use of its subsidiaries or affiliates;

9 (ii) a municipal electric utility or a municipal gas utility serving  
10 only in its distribution territory; or

11 (iii) a combination of governmental units that purchases electricity  
12 or gas for use by the governmental units.

13 7-510.

14 [(f) A county or municipal corporation may not act as an aggregator unless the  
15 Commission determines there is not sufficient competition within the boundaries of  
16 the county or municipal corporation.]

17 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
18 COUNTY OR MUNICIPAL CORPORATION MAY ACT AS AN AGGREGATOR ONLY ON  
19 BEHALF OF CUSTOMERS LOCATED WITHIN THE BOUNDARIES OF THE COUNTY OR  
20 MUNICIPAL CORPORATION.

21 (2) A COMBINATION OF TWO OR MORE COUNTIES OR MUNICIPAL  
22 CORPORATIONS MAY ACT AS AN AGGREGATOR ONLY ON BEHALF OF CUSTOMERS  
23 LOCATED WITHIN THE BOUNDARIES OF THE COUNTIES OR MUNICIPAL  
24 CORPORATIONS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 June 1, 2003.