

## CHAPTER 129

(Senate Bill 417)

AN ACT concerning

### **Public Service Commission – Energy Efficiency and Conservation Programs and Services – ~~Prohibition of Surcharge Without Customer Consent~~ Notification and Report**

FOR the purpose of ~~prohibiting the Public Service Commission from approving any program or service for the use and conservation of energy that requires or allows a gas company or an electric company to provide a product or service to a gas customer or an electric customer for which the customer would be charged a surcharge without a certain consent; requiring a gas company or an electric company under certain circumstances to separately state a certain surcharge and clearly describe the purpose of the surcharge on a customer's bill; requiring, under certain circumstances, a gas company or an electric company to refund the amount of the surcharge or credit the amount of the surcharge; requiring electric companies and gas companies to provide certain customers with notice of certain energy efficiency and conservation charges and benefits in a certain manner with a certain frequency; requiring the Public Service Commission to report to the General Assembly on the status of certain energy efficiency and conservation programs on certain dates; making a stylistic change; making this Act an emergency measure; and generally relating to energy efficiency and conservation programs and services approved by the Public Service Commission.~~

BY repealing and reenacting, with amendments,  
Article – Public Utility Companies  
Section 7-211  
Annotated Code of Maryland  
(1998 Volume and 2007 Supplement)

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

#### **Article – Public Utility Companies**

7-211.

(a) Subject to review and approval by the Commission, each gas company and electric company shall develop and implement programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies.

(b) The Commission shall:

(1) require each gas company and electric company to establish any program or service that the Commission deems appropriate and cost effective to encourage and promote the efficient use and conservation of energy;

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost effective energy conservation and efficiency programs.

~~(C) (1) THE COMMISSION MAY NOT APPROVE ANY PROGRAM OR SERVICE FOR THE USE AND CONSERVATION OF ENERGY THAT REQUIRES OR ALLOWS A GAS COMPANY OR AN ELECTRIC COMPANY TO PROVIDE, DIRECTLY OR INDIRECTLY, A PRODUCT OR A SERVICE TO A GAS CUSTOMER OR AN ELECTRIC CUSTOMER FOR WHICH THE CUSTOMER WOULD BE ASSESSED A SURCHARGE ON THE CUSTOMER'S GAS BILL OR ELECTRIC BILL WITHOUT THE PRIOR WRITTEN CONSENT OF THE CUSTOMER.~~

~~(2) IF A CUSTOMER CONSENTS TO A SURCHARGE FOR A PRODUCT OR A SERVICE FOR THE USE AND CONSERVATION OF ENERGY, THE GAS COMPANY OR THE ELECTRIC COMPANY SHALL, ON THE CUSTOMER'S BILL:~~

~~(I) SEPARATELY STATE THE SURCHARGE; AND~~

~~(II) CLEARLY DESCRIBE THE PURPOSE OF THE SURCHARGE AT LEAST ONCE EACH YEAR, EACH ELECTRIC COMPANY AND GAS COMPANY SHALL NOTIFY AFFECTED CUSTOMERS OF THE ENERGY EFFICIENCY AND CONSERVATION CHARGES IMPOSED AND BENEFITS CONFERRED BY:~~

~~(1) PUBLICATION ON THE COMPANY'S WEBSITE; AND~~

~~(2) INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.~~

[(c)] (D) (1) On or before February 1, ~~2001~~, 2009, AND EVERY 2 YEARS THEREAFTER the Commission, in consultation with the Maryland Energy Administration, shall report, ~~subject to~~ IN ACCORDANCE WITH § 2-1246 of the State Government Article, to the General Assembly on:

(i) the status of programs and services to encourage and promote the efficient use and conservation of energy; and

(ii) a recommendation for the appropriate funding level to adequately fund these programs and services.

(2) In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider, among other factors:

(i) the impact on jobs;

(ii) the impact on the environment;

(iii) the impact on rates; and

(iv) the cost-effectiveness.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, if on or after September 1, 2007, a gas company or an electric company has collected any surcharge for a product or a service for the use and conservation of energy without the prior written consent of the customer surcharged, the gas company or the electric company shall refund the amount of the surcharge to the customer or credit the amount of the surcharge to the customer's account.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 24, 2008.**