

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1002
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 7, in each instance, strike “requiring” and substitute “authorizing”; strike beginning with “by” in line 4 down through “date” in line 5; strike beginning with the comma in line 9 down through the second “customer” in line 10; strike beginning with “requiring” in line 11 down through “criteria” in line 13 and substitute “authorizing the Commission to specify the circumstances under which certain restrictions and agreements may be required; requiring the Commission to include certain information in a certain annual report; authorizing the Commission to adopt certain provisions for a limited period of time by order, notwithstanding a certain provision of law; requiring the Commission to adopt certain regulations to be effective by a certain date under certain circumstances; providing for the continuity of certain agreements under certain circumstances”; strike beginning with “providing” in line 14 down through “Act;” in line 15; in line 17, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 19, strike “7-307.1” and substitute “7-307”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“7-307.

(a) In this section, “termination of service” means the termination, reduction, or refusal to reinstate gas or electric service, or any other action that has the effect of reducing or denying gas or electric service because of nonpayment.

(b) (1) Subject to paragraph (2) of this subsection, the Commission shall adopt regulations concerning the prohibition against or limitation of authority of a

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public service company to terminate service for gas or electricity to a low income residential customer during the heating season for nonpayment.

(2) In adopting the regulations required under paragraph (1) of this subsection, the Commission shall consider and may include provisions relating to:

(i) the circumstances under which service may and may not be limited or terminated;

(ii) the minimum heating levels required to maintain life, health, and safety;

(iii) the medical, age, disabling, or other individual characteristics that are relevant to a prohibition against or limitation on the termination of service;

(iv) the availability of and qualification for State and federal energy assistance;

(v) the financial eligibility standards relevant to a prohibition against or limitation on the termination of service;

(vi) the availability and appropriateness of equipment designed to limit the flow of service for gas or electricity;

(vii) the short-term and long-term alternative payment plans, for appropriate customers whose accounts are in arrears, that are best designed:

1. to allow present and future continuation of service;
and

2. to encourage full payment over a period of time;

(viii) the methods that a public service company might use before and during the heating season to anticipate customer nonpayment, to assist those customers, and to avoid termination of service;

(ix) the procedures that a public service company uses to mitigate the problems of termination of service to customers, including customer contact;

(x) the procedure that a public service company shall follow before termination of service to a customer to avoid a threat to life, health, or safety;

(xi) the appropriate customer notice before the termination of service;

(xii) the appropriate opportunity and procedure for a customer to contest a proposed termination of service;

(xiii) the existence of other circumstances that because of an emergency, might justify a prohibition against or a limitation on the termination of service; and

(xiv) the economic implication of any restriction on termination of service.

(3) IN ADDITION TO THE AUTHORITY GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY BY REGULATION:

(I) PROHIBIT OR LIMIT THE AUTHORITY OF A PUBLIC SERVICE COMPANY TO TERMINATE SERVICE FOR GAS OR ELECTRICITY TO A RESIDENTIAL CUSTOMER FOR NONPAYMENT OF ARREARAGES ACCRUED DURING THE HEATING SEASON;

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(II) REQUIRE THE IMPLEMENTATION OF ONE OR MORE PLANS FOR ALTERNATIVE PAYMENT AGREEMENTS IN A FORM APPROVED BY THE COMMISSION TO ALLOW A RESIDENTIAL CUSTOMER TO PAY ARREARAGES ACCRUED DURING THE HEATING SEASON AND MAINTAIN GAS OR ELECTRIC SERVICE THROUGH THE TERM OF THE AGREEMENT; AND

(III) SPECIFY THE CIRCUMSTANCES UNDER WHICH TERMINATION LIMITATIONS AND IMPLEMENTATION OF ALTERNATIVE PAYMENT PLANS MAY BE REQUIRED UNDER THIS PARAGRAPH.

(c) (1) In accordance with § 2-1246 of the State Government Article, on or before June 1 of each year, the Commission shall report to the General Assembly on terminations of service by public service companies during the previous heating season.

(2) The report shall include information in sufficient detail to indicate the effect of the terminations of service on various categories of customers, including:

(i) income levels;

(ii) geographic areas;

(iii) energy assistance recipients; and

(iv) any other category that the Commission determines is relevant to evaluate how the State may best address the problem of assuring adequate gas and electric service for low income AND OTHER residential customers.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 30 on page 2, inclusive.

On page 2, in line 31, after "That" insert ":

(a) Notwithstanding Title 10, Subtitle 1 of the State Government Article, the Public Service Commission may by order adopt provisions limiting terminations and requiring plans for alternative payment agreements, either statewide or by service territory, under § 7-307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(b) Any order that the Commission adopts under subsection (a) of this section:

(1) may be effective only through June 30, 2010; and

(2) shall be replaced by regulations that the Commission adopts, to take effect no later than June 30, 2010, implementing § 7-307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(c) Any alternative payment agreement that is entered into under the authority of an order adopted by the Commission under subsection (a) of this section shall remain in force under its terms if the residential customer is not in breach of the agreement.

SECTION 3. AND BE IT FURTHER ENACTED, That".

On page 3, strike in their entirety lines 4 through 7, inclusive.