

HOUSE BILL 736

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9lr2625
CF SB 703

By: **Delegates McHale, Davis, Haddaway, Krysiak, and Vaughn**

Introduced and read first time: February 10, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Universal Service Program – Modifications**

3 FOR the purpose of altering certain criteria for providing bill assistance under the
4 electric universal service program; repealing a certain limitation on providing
5 arrearage retirement assistance under the program; clarifying the scope of
6 certain weatherization assistance funded under the program; authorizing the
7 program to provide arrearage retirement assistance to certain customers under
8 certain conditions; authorizing the Department of Human Resources to
9 establish certain criteria for certain program assistance and to coordinate
10 program benefits with certain other benefits; altering certain information that
11 the Public Service Commission must report to the General Assembly; requiring
12 the Office of Home Energy Programs to report certain information to the
13 Commission and the General Assembly; altering the period within which
14 certain funds may be retained for use in certain fiscal years; making a technical
15 correction; and generally relating to low-income electric customers and the
16 electric universal service program.

17 BY repealing and reenacting, with amendments,
18 Article – Public Utility Companies
19 Section 7–512.1
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2008 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 7–512.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Commission shall establish an electric universal service
2 program to assist electric customers with annual incomes at or below 175% of the
3 federal poverty level.

4 (2) The components of the electric universal service program shall
5 include:

6 (i) bill assistance[, at a minimum of 50% of the determined
7 need];

8 (ii) low-income **RESIDENTIAL** weatherization; and

9 (iii) the retirement of arrearages for electric customers who have
10 not [previously] received assistance in retiring arrearages under the universal service
11 program[, not to exceed a total of \$1.5 million in any given] **WITHIN THE PRECEDING**
12 **7** fiscal [year] **YEARS**.

13 (3) The Department of Housing and Community Development is
14 responsible for administering the low-income **RESIDENTIAL** weatherization
15 component of the electric universal service program.

16 (4) (I) The Department of Human Resources, through the Office of
17 Home Energy Programs, is responsible for administering the bill assistance and the
18 arrearage retirement components of the electric universal service program.

19 (II) **THE DEPARTMENT OF HUMAN RESOURCES MAY:**

20 **1. ESTABLISH MINIMUM AND MAXIMUM BENEFITS**
21 **AVAILABLE TO AN ELECTRIC CUSTOMER UNDER THE BILL ASSISTANCE AND**
22 **ARREARAGE RETIREMENT COMPONENTS; AND**

23 **2. COORDINATE BENEFITS UNDER THE ELECTRIC**
24 **UNIVERSAL SERVICE PROGRAM WITH BENEFITS UNDER THE MARYLAND**
25 **ENERGY ASSISTANCE PROGRAM AND OTHER AVAILABLE ENERGY ASSISTANCE**
26 **PROGRAMS.**

27 (5) The Department of Human Resources may, with input from a
28 panel or roundtable of interested parties, contract to assist in administering the bill
29 assistance and the arrearage retirement components of the electric universal service
30 program.

31 (6) The Commission has oversight responsibility for the bill assistance
32 and the arrearage retirement components of the electric universal service program.

33 (7) In a specific case, the electric universal service program may waive
34 the income eligibility limitation under paragraph (1) of this subsection in order to

1 provide assistance to an electric customer who would qualify for a similar waiver
2 under the Maryland Energy Assistance Program established under Title 5, Subtitle 5A
3 of the Human Services Article.

4 (b) (1) All customers shall contribute to the funding of the electric
5 universal service program through a charge collected by each electric company.

6 (2) The Commission shall determine a fair and equitable allocation for
7 collecting the charges among all customer classes pursuant to subsection (e) of this
8 section.

9 (3) In accordance with subsection (f)(6) of this section, any unexpended
10 bill assistance and arrearage retirement funds returned to customers under subsection
11 (f) of this section shall be returned to each customer class as a credit in the same
12 proportion that the customer class contributed charges to the fund.

13 (4) An electric company shall recover electric universal service
14 program costs in accordance with § 7-512 of this subtitle.

15 (5) As determined by the Office of Home Energy Programs, bill
16 assistance payments to an electric company may be on a monthly basis for each
17 customer.

18 (6) The Commission shall determine the allocation of the electric
19 universal service charge among the generation, transmission, and distribution rate
20 components of all classes.

21 (7) The Commission may not assess the electric universal service
22 surcharge on a per kilowatt-hour basis.

23 (c) (1) On or before December 1 of each year, the Commission shall
24 report, subject to § 2-1246 of the State Government Article, to the General Assembly
25 on the electric universal service program, including:

26 (i) subject to subsection (e) of this section, a recommendation on
27 the total amount of funds for the program for the following fiscal year based on:

28 1. the level of participation in and the amounts
29 expended on bill assistance and arrearage retirement during the preceding fiscal year;

30 2. how bill assistance and arrearage retirement
31 payments were calculated during the preceding fiscal year;

32 3. the projected needs for the bill assistance and the
33 arrearage retirement components for the next fiscal year; and

1 4. the amount of any bill assistance or arrearage
2 retirement surplus carried over in the electric universal service program fund under
3 subsection (f)(6)(i) of this section;

4 (ii) for bill [assistance:

5 1.] **ASSISTANCE**, the total amount of need, as determined
6 by the Commission, for electric customers with annual incomes at or below [150%]
7 **175%** of the federal poverty level and the basis for this determination; [and

8 2. the percentage of need, as determined by the
9 Commission, but at a minimum of 50%, that should be funded through the electric
10 universal service program and the basis for this determination;]

11 (iii) the amount of funds needed, as determined by the
12 Commission, to retire arrearages for electric customers who have not [previously]
13 received assistance in retiring arrearages under the electric universal service program
14 **WITHIN THE PRECEDING 7 FISCAL YEARS**, and the basis for this determination;

15 (iv) the amount of funds needed, as determined by the
16 Commission, for bill assistance and arrearage retirement, respectively, for customers
17 for whom income limitations may be waived under subsection (a)(7) of this section, and
18 the basis for each determination;

19 (v) the impact on customers' rates, including the allocation
20 among customer classes, from collecting the total amount recommended by the
21 Commission under item (i) of this paragraph; and

22 (vi) the impact of using other federal poverty level benchmarks
23 on costs and the effectiveness of the electric universal service program.

24 (2) (i) To assist the Commission in preparing its recommendations
25 under paragraph (1) of this subsection, the Office of Home Energy Programs shall
26 report to the Commission each year on:

27 1. the number of customers and the amount of
28 distributions made to fuel customers under the Maryland Energy Assistance Program
29 established under Title 5, Subtitle 5A of the Human Services Article, identified by
30 funding source and fuel source; [and]

31 2. the cost of outreach and education materials provided
32 by the Office of Home Energy Programs for the electric universal service program;
33 **AND**

1 **3. THE AMOUNT OF MONEY THAT THE DEPARTMENT**
2 **OF HUMAN RESOURCES RECEIVES, AND IS PROJECTED TO RECEIVE, FOR**
3 **LOW-INCOME ENERGY ASSISTANCE FROM:**

4 **A. THE MARYLAND STRATEGIC ENERGY**
5 **INVESTMENT FUND UNDER § 9-20B-05 OF THE STATE GOVERNMENT ARTICLE;**

6 **B. WITH RESPECT TO ELECTRIC CUSTOMERS ONLY,**
7 **THE MARYLAND ENERGY ASSISTANCE PROGRAM; AND**

8 **C. ANY OTHER FEDERAL, STATE, LOCAL, OR PRIVATE**
9 **SOURCE.**

10 (ii) The Office of Home Energy Programs may satisfy the
11 reporting requirement of subparagraph (i)1 of this paragraph by providing the
12 Commission with a copy of material that contains the required information and that
13 the Office of Home Energy Programs submits to the federal government.

14 (iii) The Commission shall include the information provided by
15 the Office of Home Energy Programs under subparagraph (i) of this paragraph in its
16 report to the General Assembly under paragraph (1) of this subsection.

17 (3) Subject to subsection (d)(2) of this section, the Commission shall
18 include the information provided by the Department of Housing and Community
19 Development under subsection (d)(1) of this section in its report to the General
20 Assembly under paragraph (1) of this subsection.

21 (4) (i) The Office of Legislative Audits shall conduct a performance
22 audit of the electric universal service program once every 3 years or at another
23 interval as directed by the Joint Audit Committee and shall report the results of the
24 audit to the General Assembly.

25 (ii) The cost of the performance audit under this paragraph
26 shall be included in the costs of administering the electric universal service program,
27 and funded through the electric universal service program fund under subsection (f) of
28 this section.

29 (d) (1) On or before December 1 of each year, the Department of Housing
30 and Community Development shall report, in accordance with § 2-1246 of the State
31 Government Article, to the General Assembly on the low-income **RESIDENTIAL**
32 weatherization component of the electric universal service program, including:

33 (i) the amount of funds expended during the preceding fiscal
34 year;

35 (ii) the level of participation during the preceding fiscal year,
36 including the number of households served in each area of the State; and

1 (iii) the types of projects, including the average cost per unit,
2 provided to households during the preceding fiscal year.

3 (2) The Department of Housing and Community Development may
4 satisfy the reporting requirement under paragraph (1) of this subsection by requesting
5 the Commission to include the information in the Commission's report required under
6 subsection (c) of this section and providing the information to the Commission by the
7 date specified by the Commission.

8 (e) The total amount of funds to be collected for the electric universal service
9 program each year shall be \$37 million, allocated in the following manner:

10 (1) \$27.4 million shall be collected from the industrial and commercial
11 classes; and

12 (2) \$9.6 million shall be collected from the residential class.

13 (f) (1) In this subsection, "fund" means the electric universal service
14 program fund.

15 (2) There is an electric universal service program fund.

16 (3) (i) 1. The Comptroller shall collect the revenue collected by
17 electric companies under subsection (b) of this section and place the revenue into the
18 fund.

19 2. The General Assembly may appropriate funds
20 supplemental to the funds collected under subparagraph 1 of this subparagraph.

21 (ii) The fund is a continuing, nonlapsing fund that is not subject
22 to § 7-302 of the State Finance and Procurement Article.

23 (iii) The purpose of the fund is to assist electric customers as
24 provided in subsection (a)(1) of this section.

25 (4) The Department of Human Resources, with oversight by the
26 Commission, shall disburse the bill assistance and arrearage retirement funds in
27 accordance with the provisions of this section.

28 (5) The Comptroller annually shall disburse \$1,000,000 of low-income
29 **RESIDENTIAL** weatherization funds to the Department of Housing and Community
30 Development.

31 (6) (i) At the end of a given fiscal year, any unexpended bill
32 assistance and arrearage retirement funds that were collected for that fiscal year shall

1 be retained in the fund and shall be made available for disbursement through the first
2 [3] 6 months of the next fiscal year to customers who:

3 1. qualify for assistance from the fund during the given
4 fiscal year;

5 2. apply for assistance from the fund before the end of
6 the given fiscal year; and

7 3. remain eligible for assistance at the time services are
8 provided.

9 (ii) If the Commission determines that an extension is needed,
10 the Commission may extend up to an additional 3 months the period in which
11 unexpended bill assistance and arrearage retirement funds may be made available for
12 disbursement under subparagraph (i) of this paragraph.

13 (iii) Any bill assistance and arrearage retirement funds collected
14 for a given fiscal year that are retained under subparagraph (i) of this paragraph and
15 that remain unexpended at the end of the period allowed under subparagraphs (i) and
16 (ii) of this paragraph shall be returned to each customer class in the proportion that
17 the customer class contributed charges to the fund for the given fiscal year in the form
18 of a credit toward the charge assessed in the following fiscal year.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2009.