

HOUSE BILL 1285

C5

EMERGENCY BILL

9lr1521

By: **Delegate Kelly**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Energy Efficiency - Cost Recovery Surcharge**
3 **Prohibition**

4 FOR the purpose of prohibiting the Public Service Commission, in the implementation
5 of certain energy efficiency and conservation measures required by law, from
6 allowing a gas company or an electric company to impose a surcharge or any
7 other fee in addition to the adopted rate on certain ratepayers for certain
8 purposes; making this Act an emergency measure; and generally relating to cost
9 recovery for energy efficiency and conservation measures.

10 BY repealing and reenacting, with amendments,
11 Article - Public Utility Companies
12 Section 7-211(f)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2008 Supplement)

15 BY adding to
16 Article - Public Utility Companies
17 Section 7-211(m)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2008 Supplement)

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

22 **Article - Public Utility Companies**

23 7-211.

24 (f) [The] **EXCEPT AS PROVIDED IN SUBSECTION (M) OF THIS SECTION,**
25 **THE** Commission shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

11 **(M) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN**
12 **IMPLEMENTING THIS SECTION, THE COMMISSION MAY NOT ALLOW A GAS**
13 **COMPANY OR ELECTRIC COMPANY TO IMPOSE A SURCHARGE OR ANY OTHER**
14 **ADDITIONAL FEE ON RESIDENTIAL RATEPAYERS AS PART OF COST RECOVERY IN**
15 **ADDITION TO THE ADOPTED RATE.**

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