

BY: Delegate Davis

**AMENDMENTS TO SENATE BILL 244**  
(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 1, in line 2, after “Choice” insert “- Customer Account Information”; in line 15, after “date,” insert “requiring an electric company, a gas company, or an electric and gas company, on a certain request by a certain competitive supplier of electricity or gas, to provide certain information related to certain customer accounts to the supplier, subject to certain restrictions; requiring the distribution utility to provide the information in a certain form and to update it periodically; prohibiting a distribution utility from providing certain information without the prior authorization of a certain customer; providing the method by which a distribution utility must obtain the customer’s authorization, including requiring certain notice to be provided containing certain information; requiring the notice to be provided to certain customers at certain times; establishing when a customer is deemed to have given certain authorization; authorizing a customer to withdraw authorization in a certain manner; requiring a distribution utility to ensure that certain information is not shared under certain circumstances; requiring a distribution utility to notify a certain competitive supplier that a certain customer has withdrawn certain authorization; requiring a competitive supplier to redact certain information from its records under certain circumstances and refrain from contacting a certain customer in a certain manner under certain circumstances; requiring the Commission to allow a distribution utility to recover certain costs directly from a competitive supplier; providing that a competitive supplier may use certain information only for a certain purpose; prohibiting a competitive supplier from selling or providing certain information to any other person, with a certain exception; authorizing a competitive supplier to provide certain information to an authorized agent for a certain purpose; providing that the authorized agent is subject to the same restrictions on the use, sale, or provision of the information as the competitive supplier; requiring a certain competitive supplier to include certain information in certain marketing materials sent to certain customers;

(Over)

providing for the application of a portion of this Act to certain gas suppliers under certain provisions of law; providing that a portion of this Act does not apply to an electric cooperative or a gas cooperative; defining certain terms;"; and in line 20, after "choice" insert ", electricity, gas supply, and customer account information".

On page 2, in line 5, after "7-510.1" insert ", 7-510.2, and 7-604(c)".

AMENDMENT NO. 2

On page 5, after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utilities

7-510.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMPETITIVE SUPPLIER" MEANS:

(I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS SUBTITLE; OR

(II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS TITLE.

(3) "DISTRIBUTION UTILITY" MEANS AN ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.

**(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR A GAS COOPERATIVE.**

**(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR EACH RESIDENTIAL CUSTOMER AND SMALL COMMERCIAL CUSTOMER LOCATED IN THE SERVICE TERRITORY OF THE DISTRIBUTION UTILITY:**

**(I) THE ACCOUNT NAME;**

**(II) THE BILLING ADDRESS;**

**(III) THE SERVICE ADDRESS;**

**(IV) THE UTILITY RATE CLASS;**

**(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;**

**(VI) THE LOAD PROFILE;**

**(VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH PERIOD FOR EACH TYPE OF POWER; AND**

**(VIII) WHETHER THE TYPE OF POWER SUPPLIED TO THE CUSTOMER IS:**

**1. GAS;**

(Over)

2. ELECTRICITY; OR

3. GAS AND ELECTRICITY.

(2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.

(D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.

(2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT WRITTEN NOTICE OF:

1. THE TYPE OF ACCOUNT INFORMATION THAT WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;

2. THE RIGHT OF THE CUSTOMER TO:

A. REFUSE TO AUTHORIZE THE DISTRIBUTION UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR

B. WITHDRAW AN EARLIER AUTHORIZATION; AND

3. THE MANNER IN WHICH THE CUSTOMER IS REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF A PREVIOUS AUTHORIZATION.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PROVIDED:

1. AS PART OF THE WRITTEN MATERIALS SUPPLIED TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND

2. AS A BILL INSERT TO EXISTING CUSTOMERS PRIOR TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES INFORMATION UNDER THIS SECTION.

(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER PRESCRIBED BY THE NOTICE.

(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER PRESCRIBED BY THE NOTICE.

2. IF A CUSTOMER WITHDRAWS AUTHORIZATION, THE DISTRIBUTION UTILITY SHALL:

A. ENSURE THAT THE CUSTOMER'S ACCOUNT INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE; AND

B. NOTIFY THE COMPETITIVE SUPPLIER THAT THE CUSTOMER HAS WITHDRAWN AUTHORIZATION.

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3. ON RECEIVING NOTICE FROM A DISTRIBUTION  
UTILITY THAT A CUSTOMER HAS WITHDRAWN AUTHORIZATION UNDER THIS  
PARAGRAPH, THE COMPETITIVE SUPPLIER SHALL:

A. REDACT THE CUSTOMER'S INFORMATION FROM  
ITS RECORDS; AND

B. REFRAIN FROM CONTACTING THE CUSTOMER  
DIRECTLY BY MAIL OR TELEPHONE TO MARKET SERVICES TO THE CUSTOMER.

(4) A DISTRIBUTION UTILITY MAY NOT INCLUDE IN THE  
INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CUSTOMER  
ACCOUNT INFORMATION OF A COMMERCIAL CUSTOMER THAT IS RECEIVING  
ELECTRICITY SUPPLY OR GAS SUPPLY FROM A COMPETITIVE SUPPLIER.

(E) THE COMMISSION SHALL ALLOW THE DISTRIBUTION UTILITY TO  
RECOVER THE PRUDENTLY INCURRED COSTS, AS THE COMMISSION  
DETERMINES, OF PROVIDING THE INFORMATION UNDER SUBSECTION (C) OF  
THIS SECTION DIRECTLY FROM THE COMPETITIVE SUPPLIER THAT REQUESTED  
THE INFORMATION.

(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION  
OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO  
ELECTRICITY AND GAS SUPPLY.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY  
INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON,  
INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.

(II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS SUBJECT UNDER THIS SUBSECTION.

(G) A COMPETITIVE SUPPLIER SHALL INCLUDE IN ANY MARKETING MATERIALS SENT TO A RESIDENTIAL CUSTOMER OR SMALL COMMERCIAL CUSTOMER INFORMATION ON HOW A CUSTOMER MAY CONTACT THE CUSTOMER'S DISTRIBUTION UTILITY TO WITHDRAW AUTHORIZATION FOR THE DISTRIBUTION UTILITY TO PROVIDE TO COMPETITIVE SUPPLIERS INFORMATION ABOUT THE CUSTOMER'S ACCOUNT.

7-604.

(C) SECTION 7-510.2 OF THIS TITLE GOVERNS THE PROVISION TO A GAS SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL CUSTOMERS AND SMALL COMMERCIAL CUSTOMERS.”;

in line 19, strike “2.” and substitute “3.”; in line 22, after “by” insert “Section 1 of”; and in line 24, after “of” insert “Section 1 of”.

On page 6, in line 31, strike “3.” and substitute “4.”.