

SENATE BILL 677

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2lr2619
CF 2lr2621

By: **Senator Rosapepe**

Introduced and read first time: February 3, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Solar Water Heating Systems and Billing**
3 **Services – Prince George’s County**

4 FOR the purpose of requiring a person to be licensed by the Public Service
5 Commission to engage in the business of providing solar water heating services
6 as a solar water heating utility provider in Prince George’s County; establishing
7 certain application and other requirements for becoming a provider; requiring
8 the Commission to determine other requirements under certain circumstances;
9 authorizing a certain provider to request a solar water heating utility biller to
10 provide certain billing services under certain circumstances; requiring a certain
11 biller to provide billing services under certain circumstances; providing that a
12 certain biller is entitled to a certain fee; providing that a certain biller is not
13 responsible for certain losses; requiring a certain biller to apply certain funds in
14 a certain manner; requiring the Commission to adopt certain regulations or
15 issue a certain order; defining certain terms; providing for the application of
16 this Act; and generally relating to billing services for solar water heating
17 systems in Prince George’s County.

18 BY adding to

19 Article – Public Utilities
20 Section 7–801 through 7–806 to be under the new subtitle “Subtitle 8. Solar
21 Water Heating Systems – Prince George’s County”
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2011 Supplement)

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

26 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 8. SOLAR WATER HEATING SYSTEMS – PRINCE GEORGE’S COUNTY.**

2 **7-801.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “SOLAR WATER HEATING SYSTEM” MEANS SOLAR WATER HEATING**
6 **EQUIPMENT THAT PROVIDES HOT WATER HEATED WHOLLY OR PARTLY BY**
7 **SOLAR ENERGY.**

8 **(C) (1) “SOLAR WATER HEATING UTILITY BILLER” MEANS AN ENTITY**
9 **THE COMMISSION AUTHORIZES UNDER THIS SUBTITLE TO PROVIDE BILLING**
10 **SERVICES FOR A SOLAR WATER HEATING UTILITY PROVIDER OR ITS ASSIGNEE.**

11 **(2) “SOLAR WATER HEATING UTILITY BILLER” MAY INCLUDE:**

12 **(I) A PUBLIC SERVICE COMPANY;**

13 **(II) THE WASHINGTON SUBURBAN SANITARY COMMISSION;**

14 **(III) AN ELECTRICITY SUPPLIER; OR**

15 **(IV) A GAS SUPPLIER.**

16 **(D) “SOLAR WATER HEATING UTILITY CONTRACT” MEANS A**
17 **LONG-TERM CONTRACT ENTERED INTO BETWEEN A CUSTOMER AND A SOLAR**
18 **WATER HEATING UTILITY PROVIDER OR ITS ASSIGNEE:**

19 **(1) TO FACILITATE THE INSTALLATION AND OPERATION OF A**
20 **SOLAR WATER HEATING SYSTEM ON PROPERTY LOCATED IN PRINCE GEORGE’S**
21 **COUNTY; AND**

22 **(2) TO PROVIDE REASONABLE COMPENSATION FROM THE**
23 **CUSTOMER TO THE SOLAR WATER HEATING UTILITY PROVIDER OR ITS**
24 **ASSIGNEE FOR PROVIDING SOLAR WATER HEATING SERVICES.**

25 **(E) “SOLAR WATER HEATING UTILITY PROVIDER” MEANS AN ENTITY**
26 **THAT INSTALLS A SOLAR WATER HEATING SYSTEM ON PROPERTY LOCATED IN**
27 **PRINCE GEORGE’S COUNTY FOR WHICH THE SOLAR WATER HEATING UTILITY**
28 **PROVIDER OR ITS ASSIGNEE:**

1 **(1) REMAINS THE OWNER OF THE SOLAR WATER HEATING**
2 **SYSTEM; AND**

3 **(2) IS ENTITLED TO REASONABLE COMPENSATION FROM A**
4 **CUSTOMER FOR PROVIDING SOLAR WATER HEATING SERVICES.**

5 **7-802.**

6 **THIS SUBTITLE APPLIES ONLY TO SOLAR WATER HEATING SYSTEMS**
7 **INSTALLED ON PROPERTY IN PRINCE GEORGE'S COUNTY.**

8 **7-803.**

9 **(A) A PERSON MAY NOT ENGAGE IN THE BUSINESS OF PROVIDING**
10 **SOLAR WATER HEATING SERVICES AS A SOLAR WATER HEATING UTILITY**
11 **PROVIDER UNDER THIS SUBTITLE UNLESS THE PERSON HOLDS A LICENSE**
12 **ISSUED BY THE COMMISSION.**

13 **(B) AN APPLICATION TO BECOME A SOLAR WATER HEATING UTILITY**
14 **PROVIDER SHALL:**

15 **(1) BE MADE TO THE COMMISSION IN WRITING ON A FORM**
16 **ADOPTED BY THE COMMISSION;**

17 **(2) BE VERIFIED BY OATH OR AFFIRMATION; AND**

18 **(3) CONTAIN INFORMATION THAT THE COMMISSION REQUIRES,**
19 **INCLUDING:**

20 **(I) PROOF OF TECHNICAL AND MANAGERIAL COMPETENCE;**
21 **AND**

22 **(II) PAYMENT OF THE APPLICABLE LICENSING FEE, AS THE**
23 **COMMISSION DETERMINES.**

24 **(C) THE COMMISSION SHALL, BY REGULATION OR ORDER:**

25 **(1) REQUIRE A LICENSEE TO:**

26 **(I) PROVIDE PROOF OF FINANCIAL INTEGRITY;**

1 **(II) POST A BOND OR OTHER SIMILAR INSTRUMENT IF, IN**
2 **THE COMMISSION’S JUDGMENT, THE BOND OR SIMILAR INSTRUMENT IS**
3 **NECESSARY TO ENSURE THE PERSON’S FINANCIAL INTEGRITY;**

4 **(III) PROVIDE PROOF THAT IT IS QUALIFIED TO DO BUSINESS**
5 **IN THE STATE WITH THE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND**

6 **(IV) AGREE TO BE SUBJECT TO ALL APPLICABLE TAXES; AND**

7 **(2) DETERMINE ANY OTHER REQUIREMENTS THE COMMISSION**
8 **FINDS TO BE IN THE PUBLIC INTEREST.**

9 **7-804.**

10 **A SOLAR WATER HEATING UTILITY PROVIDER MAY REQUEST A SOLAR**
11 **WATER HEATING UTILITY BILLER TO PROVIDE BILLING SERVICES FOR THE**
12 **SOLAR WATER HEATING UTILITY PROVIDER IF:**

13 **(1) THE SOLAR WATER HEATING UTILITY PROVIDER HAS**
14 **NOTIFIED THE COMMISSION THAT THE SOLAR WATER HEATING UTILITY**
15 **PROVIDER WOULD LIKE TO USE THE SOLAR WATER HEATING UTILITY BILLER TO**
16 **PROVIDE BILLING SERVICES FOR THE SOLAR WATER HEATING UTILITY**
17 **PROVIDER; AND**

18 **(2) THE COMMISSION HAS AUTHORIZED THE SOLAR WATER**
19 **HEATING UTILITY BILLER TO PROVIDE BILLING SERVICES FOR THE SOLAR**
20 **WATER HEATING UTILITY PROVIDER.**

21 **7-805.**

22 **(A) A SOLAR WATER HEATING UTILITY BILLER SHALL PROVIDE BILLING**
23 **SERVICES FOR A SOLAR WATER HEATING UTILITY PROVIDER IF:**

24 **(1) THE SOLAR WATER HEATING UTILITY PROVIDER:**

25 **(I) IS LICENSED UNDER THIS SUBTITLE; AND**

26 **(II) REQUESTS THE SOLAR WATER HEATING UTILITY BILLER**
27 **TO PROVIDE BILLING SERVICES FOR THE SOLAR WATER HEATING UTILITY**
28 **PROVIDER;**

1 **(2) THE SOLAR WATER HEATING UTILITY BILLER HAS BEEN**
2 **AUTHORIZED UNDER § 7-804 OF THIS SUBTITLE TO PROVIDE BILLING SERVICES**
3 **FOR THE SOLAR WATER HEATING UTILITY PROVIDER; AND**

4 **(3) THE CUSTOMER OF THE SOLAR WATER HEATING UTILITY**
5 **PROVIDER:**

6 **(I) IS A CURRENT CUSTOMER OF THE SOLAR WATER**
7 **HEATING UTILITY BILLER FOR OTHER BILLING SERVICES; AND**

8 **(II) THE CUSTOMER AGREES TO HAVING THE SOLAR WATER**
9 **HEATING UTILITY BILLER PROVIDE BILLING SERVICES FOR THE SOLAR WATER**
10 **HEATING UTILITY PROVIDER.**

11 **(B) THE SOLAR WATER HEATING UTILITY BILLER SHALL BE ENTITLED**
12 **TO A FEE IN AN AMOUNT EQUAL TO 1.5% OF THE AMOUNT BILLED TO**
13 **CUSTOMERS TO COVER THE EXPENSES OF BILLING WITH THE BALANCE**
14 **REMITTED TO THE SOLAR WATER HEATING UTILITY PROVIDER WITHIN 30 DAYS**
15 **AFTER COLLECTION.**

16 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
17 **SOLAR WATER HEATING UTILITY BILLER IS NOT RESPONSIBLE FOR LOSSES**
18 **ASSOCIATED WITH THE COLLECTION OF FUNDS RELATED TO THE BILLING OF**
19 **CUSTOMERS FOR SOLAR WATER HEATING SERVICES.**

20 **(2) THE SOLAR WATER HEATING UTILITY BILLER:**

21 **(I) SHALL ALLOCATE FUNDS RECEIVED FROM EACH**
22 **CUSTOMER ACCORDING TO THE SERVICES PROVIDED TO THE CUSTOMER; AND**

23 **(II) MAY NOT DISCRIMINATE IN THE APPLICATION OF FUNDS**
24 **RECEIVED FROM A CUSTOMER BY FAVORING ITS OTHER BILLING SERVICES**
25 **OVER THE BILLING SERVICES IT PROVIDES FOR A SOLAR WATER HEATING**
26 **UTILITY PROVIDER.**

27 **7-806.**

28 **THE COMMISSION SHALL ADOPT REGULATIONS OR ISSUE AN ORDER TO**
29 **ESTABLISH PROCEDURES TO CARRY OUT THIS SUBTITLE.**

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
31 **October 1, 2012.**