

# SENATE BILL 685

C5, M5

0lr1919  
CF 0lr1921

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By: **Senators Washington, Benson, and Kelley**

Introduced and read first time: February 3, 2020

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Electricity and Gas – Energy Suppliers – Assisted Customers**

3 FOR the purpose of prohibiting a retail electricity supplier from knowingly enrolling a  
4 certain residential customer with or submitting an enrollment to change a certain  
5 customer's electricity supplier to a competitive supplier under certain circumstances;  
6 requiring an electric company to confirm certain matters in its records at a certain  
7 time; requiring an electric company to reject a certain enrollment or change request  
8 under certain circumstances; requiring an electric company to verify a certain  
9 customer's status at a certain time; providing that an electric customer is considered  
10 to have chosen standard offer service if the customer has received certain assistance  
11 during a certain period; prohibiting a retail natural gas supplier from knowingly  
12 enrolling a certain residential customer with or submitting an enrollment to change  
13 a certain customer's natural gas supplier to a competitive supplier under certain  
14 circumstances; requiring a gas company to confirm certain matters in its records at  
15 a certain time; requiring a gas company to reject a certain enrollment or change  
16 request under certain circumstances; requiring a gas company to verify a certain  
17 customer's status at a certain time; providing that a natural gas customer is  
18 considered to purchase natural gas supply from the gas company if the customer has  
19 received certain assistance during a certain period; providing that certain  
20 agreements for electricity supply and natural gas supply are void and unenforceable  
21 under certain circumstances; providing for the application of this Act; providing that  
22 existing obligations or contract rights may not be impaired by this Act; and generally  
23 relating to electricity and natural gas supply.

24 BY adding to

25 Article – Public Utilities

26 Section 7–505(e) and 7–604.2

27 Annotated Code of Maryland

28 (2010 Replacement Volume and 2019 Supplement)

29 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Utilities  
2 Section 7–510(c)(2)  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2019 Supplement)

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

7 **Article – Public Utilities**

8 7–505.

9 **(E) (1) ON AND AFTER NOVEMBER 1, 2020, A RETAIL ELECTRICITY**  
10 **SUPPLIER MAY NOT KNOWINGLY ENROLL A RESIDENTIAL CUSTOMER WITH, OR**  
11 **SUBMIT AN ENROLLMENT TO CHANGE A RESIDENTIAL CUSTOMER’S ELECTRICITY**  
12 **SUPPLIER TO, A COMPETITIVE SUPPLIER, IF THE RECORDS OF THE ELECTRIC**  
13 **COMPANY INDICATE THAT DURING THE PRECEDING 12 MONTHS THE CUSTOMER**  
14 **HAS:**

15 **(I) RECEIVED FINANCIAL ASSISTANCE DURING THE**  
16 **PRECEDING 12 MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE**  
17 **OF HOME ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

18 **(II) PARTICIPATED IN ANY ASSISTANCE PROGRAM AUTHORIZED**  
19 **BY THE COMMISSION.**

20 **(2) (I) BEFORE AN ELECTRIC COMPANY ENROLLS A RESIDENTIAL**  
21 **CUSTOMER WITH, OR EXECUTES A CHANGE IN A RESIDENTIAL CUSTOMER’S**  
22 **ELECTRICITY SUPPLIER TO, A COMPETITIVE SUPPLIER, THE ELECTRIC COMPANY**  
23 **SHALL CONFIRM AT THE TIME OF THE REQUEST WHETHER ITS RECORDS INDICATE**  
24 **THAT DURING THE PRECEDING 12 MONTHS THE CUSTOMER HAS:**

25 **1. RECEIVED FINANCIAL ASSISTANCE DURING THE**  
26 **PRECEDING 12 MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE**  
27 **OF HOME ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

28 **2. PARTICIPATED IN ANY ASSISTANCE PROGRAM**  
29 **AUTHORIZED BY THE COMMISSION.**

30 **(II) IF THE CUSTOMER HAS RECEIVED ASSISTANCE OR**  
31 **PARTICIPATED IN A PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**  
32 **ELECTRIC COMPANY SHALL REJECT THE ENROLLMENT OR CHANGE REQUEST FOR**  
33 **THE CUSTOMER.**

1           **(3) THE ELECTRIC COMPANY SHALL VERIFY THE STATUS OF A**  
2 **RESIDENTIAL CUSTOMER RECEIVING ASSISTANCE AT THE TIME OF EACH**  
3 **COMPETITIVE SUPPLY CONTRACT RENEWAL OR CHANGE IN COMMODITY PRICE.**

4           **(4) AN AGREEMENT BETWEEN A RETAIL ELECTRICITY SUPPLIER AND**  
5 **A RESIDENTIAL CUSTOMER IN VIOLATION OF THIS SECTION IS VOID AND**  
6 **UNENFORCEABLE.**

7 7-510.

8           (c) (2) Electricity supply purchased from a customer's electric company is  
9 known as standard offer service. A customer is considered to have chosen the standard offer  
10 service if the customer:

11                   (i) is not allowed to choose an electricity supplier under the phase  
12 in of customer choice in subsection (a) of this section;

13                   (ii) contracts for electricity with an electricity supplier and it is not  
14 delivered;

15                   (iii) cannot arrange for electricity from an electricity supplier;

16                   (iv) does not choose an electricity supplier;

17                   (v) chooses the standard offer service; [or]

18                   (vi) has been denied service or referred to the standard offer service  
19 by an electricity supplier in accordance with § 7-507(e)(6) of this subtitle; **OR**

20           **(VII) HAS:**

21                   **1. RECEIVED FINANCIAL ASSISTANCE DURING THE**  
22 **PRECEDING 12 MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE**  
23 **OF HOME ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

24                   **2. PARTICIPATED IN ANY ASSISTANCE PROGRAM**  
25 **AUTHORIZED BY THE COMMISSION.**

26 **7-604.2.**

27           **(A) ON AND AFTER NOVEMBER 1, 2020, A RETAIL NATURAL GAS SUPPLIER**  
28 **MAY NOT KNOWINGLY ENROLL A RESIDENTIAL CUSTOMER WITH, OR SUBMIT AN**  
29 **ENROLLMENT TO CHANGE A RESIDENTIAL CUSTOMER'S NATURAL GAS SUPPLIER TO,**  
30 **A COMPETITIVE SUPPLIER, IF THE RECORDS OF THE GAS COMPANY INDICATE THAT**  
31 **DURING THE PRECEDING 12 MONTHS THE CUSTOMER HAS:**

1           **(1) RECEIVED FINANCIAL ASSISTANCE DURING THE PRECEDING 12**  
2 **MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE OF HOME**  
3 **ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

4           **(2) PARTICIPATED IN ANY ASSISTANCE PROGRAM AUTHORIZED BY**  
5 **THE COMMISSION.**

6           **(B) (1) BEFORE A GAS COMPANY ENROLLS A RESIDENTIAL CUSTOMER**  
7 **WITH, OR EXECUTES A CHANGE IN A RESIDENTIAL CUSTOMER'S NATURAL GAS**  
8 **SUPPLIER TO, A COMPETITIVE SUPPLIER, THE GAS COMPANY SHALL CONFIRM AT**  
9 **THE TIME OF THE REQUEST WHETHER ITS RECORDS INDICATE THAT DURING THE**  
10 **PRECEDING 12 MONTHS THE CUSTOMER HAS:**

11           **(I) RECEIVED FINANCIAL ASSISTANCE DURING THE**  
12 **PRECEDING 12 MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE**  
13 **OF HOME ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

14           **(II) PARTICIPATED IN ANY ASSISTANCE PROGRAM AUTHORIZED**  
15 **BY THE COMMISSION.**

16           **(2) IF THE CUSTOMER HAS RECEIVED ASSISTANCE OR PARTICIPATED**  
17 **IN A PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GAS COMPANY**  
18 **SHALL REJECT THE ENROLLMENT OR CHANGE REQUEST FOR THE CUSTOMER.**

19           **(C) THE GAS COMPANY SHALL VERIFY THE STATUS OF A RESIDENTIAL**  
20 **CUSTOMER RECEIVING ASSISTANCE AT THE TIME OF EACH COMPETITIVE SUPPLY**  
21 **CONTRACT RENEWAL OR CHANGE IN COMMODITY PRICE.**

22           **(D) A RETAIL NATURAL GAS CUSTOMER IS CONSIDERED TO HAVE CHOSEN**  
23 **TO PURCHASE NATURAL GAS SUPPLY FROM THE GAS COMPANY IF THE CUSTOMER**  
24 **HAS:**

25           **(1) RECEIVED FINANCIAL ASSISTANCE DURING THE PRECEDING 12**  
26 **MONTHS THROUGH ANY PROGRAM ADMINISTERED BY THE OFFICE OF HOME**  
27 **ENERGY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; OR**

28           **(2) PARTICIPATED IN ANY ASSISTANCE PROGRAM AUTHORIZED BY**  
29 **THE COMMISSION.**

30           **(E) AN AGREEMENT BETWEEN A RETAIL GAS SUPPLIER AND A RESIDENTIAL**  
31 **CUSTOMER IN VIOLATION OF THIS SECTION IS VOID AND UNENFORCEABLE.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
2 contracts for electricity and natural gas supply for customers in the State on and after  
3 November 1, 2020, including contracts that are renewed or that have any change in the  
4 price for the energy commodity supply on or after that date.

5           SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing obligation  
6 or contract right may not be impaired in any way by this Act.

7           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2020.