

SB0392/367477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 392
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Mechanisms**” insert “**and Assistance**”; in line 14, after “limitations;” insert “altering the eligibility criteria for certain assistance from the Electric Universal Service Program; altering the number of years within which a certain customer may not receive certain arrearage assistance from the Program; requiring the Department of Human Services to provide certain applicants notice of and an opportunity to cure certain deficiencies in documentation; prohibiting the termination of certain service during a certain period; providing that arrearage assistance received in certain years from the Program does not count toward a certain limitation; requiring the Governor to make a certain appropriation in a certain amount for a certain fiscal year; establishing a Workgroup on Low–Income Utility Assistance to conduct a certain study of low–income energy assistance programs; providing for the membership, purpose, and staffing of the Workgroup; requiring the Workgroup to report to certain committees of the General Assembly on or before a certain date with certain recommendations;”; in line 15, after “terms;” insert “providing for the termination of certain provisions of this Act;”; in line 25, after “4–503” insert “and 7–512.1(a) and (f)”; and after line 27, insert:

“BY repealing and reenacting, without amendments,

Article - Public Utilities

Section 7-512.1(b), (c), and (e)

Annotated Code of Maryland

(2020 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article - Human Services

Section 5-5A-01

(Over)

Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article - Human Services

Section 5-5A-07

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, after “**(I)**” insert “**1.**”; in the same line, after the semicolon insert “**OR**”; in line 10, strike “**(II)**” and substitute “**2.**”; in line 12, strike “**(III)**” and substitute “**(II)**”; in the same line, after “A” insert “**BROADER**”; in line 16, after “**(4)**” insert ““**PAYMENT PLAN**” MEANS AN AGREEMENT BETWEEN AN ELIGIBLE LIMITED-INCOME CUSTOMER AND A UTILITY COMPANY TO PAY AN ARREARAGE BALANCE OVER A SPECIFIC PERIOD OF TIME TO AVOID DISCONNECTION OF A UTILITY SERVICE.”

(5) (I)”;

strike beginning with the colon in line 16 down through “**(I)**” in line 17; strike beginning with the semicolon in line 18 down through “**UTILITY**” in line 19 and substitute “.

(II) “UTILITY COMPANY” DOES NOT INCLUDE A SMALL RURAL ELECTRIC COOPERATIVE”;

in line 25, strike “**MAY**” and substitute “**SHALL**”; in line 27, strike “**THE**” and substitute ““**NOTWITHSTANDING § 4-503(B) OF THIS TITLE, THE**””; and after line 29, insert:

“(3) A MUNICIPAL ELECTRIC UTILITY MAY ADOPT A LIMITED-INCOME MECHANISM SUBJECT TO THE APPROVAL OF THE COMMISSION IN THE SAME MANNER AS A UTILITY COMPANY IN ACCORDANCE WITH THIS SECTION.”.

On page 3, in line 4, after “(I)” insert “A SEPARATE APPLICATION FOR APPROVAL OF THE MECHANISM; OR

(II) ONLY WITH THE PRIOR APPROVAL OF THE COMMISSION,”;

strike beginning with the semicolon in line 7 down through “MECHANISM” in line 9; in line 10, strike “FULLY”; in line 11, after the first “THE” insert “PRUDENTLY INCURRED”; in line 19, strike “AND”; in line 20, after “(IV)” insert “A TIME FRAME AND PROCESS FOR THE COMMISSION TO REVIEW THE EFFECTIVENESS OF THE MECHANISM AFTER IMPLEMENTATION; AND

(V)”;

after line 21, insert:

“(E) IN EVALUATING A LIMITED-INCOME MECHANISM, THE COMMISSION SHALL CONSIDER:

(1) THE DEGREE TO WHICH THE MECHANISM PROMOTES AFFORDABILITY OF ELECTRICITY OR NATURAL GAS FOR LIMITED-INCOME CUSTOMERS;

(2) THE PUBLIC INTEREST IN ALLOCATING THE COSTS OF THE MECHANISM BETWEEN THE UTILITY COMPANY’S SHAREHOLDERS AND RATE PAYERS;

(Over)

(3) THE IMPACT ON RATES, UTILITY OPERATING COSTS, CUSTOMER ARREARAGES, CUSTOMER DISCONNECTIONS, UNCOLLECTIBLE COSTS, AND SUCCESSFUL COMPLETION OF PAYMENT PLANS;

(4) THE ABILITY OF A LIMITED-INCOME CUSTOMER TO CONTINUE TO RECEIVE BENEFITS WHEN RELOCATING WITHIN THE SAME SERVICE TERRITORY;

(5) COORDINATION OF BENEFITS UNDER THE MECHANISM WITH ANY OTHER PUBLIC OR PRIVATE ASSISTANCE THAT MAY BE AVAILABLE TO THE CUSTOMER;

(6) A MINIMUM LEVEL OF SUPPORT OR ASSISTANCE STRUCTURE TO PROVIDE EQUITABLE AVAILABILITY OF LIMITED-INCOME ASSISTANCE ACROSS THE STATE; AND

(7) ANY OTHER INFORMATION THE COMMISSION CONSIDERS APPROPRIATE.”;

and in lines 22 and 28, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively.

AMENDMENT NO. 3

On page 5, after line 27, insert:

“7-512.1.

(a) (1) The Commission shall establish an electric universal service program to assist electric customers with annual incomes:

(I) at or below 175% of the federal poverty level; OR

(II) FOR A CUSTOMER AT LEAST 67 YEARS OF AGE, AT OR BELOW 200% OF THE FEDERAL POVERTY LEVEL.

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

(i) bill assistance;

(ii) low-income residential weatherization; and

(iii) the retirement of arrearages for electric customers who have not received assistance in retiring arrearages under the universal service program within the preceding [7] 5 fiscal years.

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

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

(ii) The Department of Human Services may:

1. establish minimum and maximum benefits available to an electric customer under the bill assistance and arrearage retirement components; and

(Over)

2. coordinate benefits under the electric universal service program with benefits under the Maryland Energy Assistance Program and other available energy assistance programs.

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

(6) The Commission has oversight responsibility for the bill assistance and the arrearage retirement components of the electric universal service program and any other funds expended under this section.

(7) In a specific case, the electric universal service program may waive the income eligibility limitation under paragraph (1) of this subsection in order to provide assistance to an electric customer who would qualify for a similar waiver under the Maryland Energy Assistance Program established under Title 5, Subtitle 5A of the Human Services Article.

(8) (I) IF AN APPLICANT FOR BILL ASSISTANCE OR ARREARAGE RETIREMENT IS TO BE DENIED DUE TO DEFICIENT DOCUMENTATION, THE DEPARTMENT OF HUMAN SERVICES SHALL:

1. PROMPTLY PROVIDE NOTICE OF THE DEFICIENCY TO THE APPLICANT; AND

2. AFFORD THE APPLICANT AMPLE OPPORTUNITY OF NOT LESS THAN 3 MONTHS TO CURE THE DEFICIENCY.

(II) AN ELECTRIC COMPANY MAY NOT BEGIN THE PROCESS TO TERMINATE SERVICE TO AN APPLICANT WHILE THE APPLICANT IS CURING A DEFICIENCY UNDER THIS PARAGRAPH.

(9) NOTWITHSTANDING PARAGRAPH (2)(III) OF THIS SUBSECTION, ANY ASSISTANCE RECEIVED FOR ARREARAGE RETIREMENT BY A CUSTOMER IN CALENDAR YEARS 2020 AND 2021 MAY NOT BE COUNTED TOWARD THE LIMITATION ON THE NUMBER OF TIMES THE CUSTOMER MAY RECEIVE ASSISTANCE FOR ARREARAGE RETIREMENT.

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

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

(3) Except as provided in paragraph (4) of this subsection, in accordance with subsection (f)(6) of this section, any unexpended bill assistance and arrearage retirement funds returned to customers under subsection (f) of this section shall be returned to each customer class as a credit in the same proportion that the customer class contributed charges to the fund.

(4) The Department of Human Services shall expend any unexpended bill assistance and arrearage funds that were collected in fiscal years 2010 through 2017, in excess of the total amount authorized under subsection (e) of this section, for one or more of the following purposes:

(i) bill assistance and the retirement of arrearages for customers who are eligible to receive assistance at the time services are provided;

(ii) targeted and enhanced low-income residential weatherization designed to remediate households that are considered ineligible to

participate in other State energy efficiency programs due to significant health and safety hazards;

(iii) an arrearage management program for low-income customers in arrears, including providing credits or matching payments for customers who make timely payments on current bills; or

(iv) an arrearage prevention program for low-income customers.

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

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

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

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

(c) (1) On or before December 1 of each year, the Commission shall report, subject to § 2-1257 of the State Government Article, to the General Assembly on the electric universal service program, including:

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

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

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

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

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

(ii) for bill assistance, the total amount of need, as determined by the Commission, for electric customers with annual incomes at or below 175% of the federal poverty level and the basis for this determination;

(iii) the amount of funds needed, as determined by the Commission, to retire arrearages for electric customers who have not received assistance in retiring arrearages under the electric universal service program within the preceding 7 fiscal years, and the basis for this determination;

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

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

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

(Over)

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

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

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

3. the amount of money that the Department of Human Services receives, and is projected to receive, for low-income energy assistance from:

A. the Maryland Strategic Energy Investment Fund under § 9-20B-05 of the State Government Article;

B. with respect to electric customers only, the Maryland Energy Assistance Program; and

C. any other federal, State, local, or private source.

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

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

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

(4) The electric universal service program shall be subject to audit by the Office of Legislative Audits in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

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

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

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

(f) (1) In this subsection, “fund” means the electric universal service program fund.

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

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

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

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

(Over)

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

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

(5) The Comptroller annually shall disburse up to \$1,000,000 of low-income residential weatherization funds to the Department of Housing and Community Development, as provided in the State budget.

(6) (i) At the end of a given fiscal year, any unexpended bill assistance and arrearage retirement funds that were collected for that fiscal year shall be retained in the fund and shall be made available for disbursement through the first 6 months of the next fiscal year to customers who:

1. qualify for assistance from the fund during the given fiscal year;
2. apply for assistance from the fund before the end of the given fiscal year; and
3. remain eligible for assistance at the time services are provided.

(ii) If the Commission determines that an extension is needed, the Commission may extend up to an additional [3] 6 months the period in which unexpended bill assistance and arrearage retirement funds may be made available for disbursement under subparagraph (i) of this paragraph.

(iii) 1. Any bill assistance and arrearage retirement funds collected for a given fiscal year that are retained under subparagraph (i) of this

paragraph and that remain unexpended at the end of the period allowed under subparagraphs (i) and (ii) of this paragraph shall be returned to each customer class in the proportion that the customer class contributed charges to the fund for the given fiscal year in the form of a credit toward the charge assessed in the following fiscal year.

2. If the Commission determines that it is impractical to establish a rate credit for the amount to be returned for a given fiscal year to customers under subparagraph 1 of this subparagraph, the Commission:

A. may defer the return for not more than 2 additional fiscal years; and

B. shall combine the returned amount for that fiscal year with amounts to be returned for the following fiscal years when calculating the rate credit for the final fiscal year of the period.”.

AMENDMENT NO. 4

On page 5, in line 28, after “2.” insert “AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Human Services

5-5A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Energy emergency” means a lack of fuel or the imminent discontinuation of energy services supplied by a fuel vendor or utility vendor that will endanger health, safety, or welfare.

(c) “Fuel vendor” means a person that distributes, transports, produces, or offers for sale coal products, fuel oil, kerosene, bottled gas, propane, or wood for fuel use or consumption in the State.

(d) “Office” means the Office of Home Energy Programs.

(e) “Program” means the Energy Assistance Program.

(f) “Utility vendor” means a person that distributes, transports, or produces natural gas or electricity for use or consumption in the State.

5-5A-07.

(a) (1) The Office shall:

 (i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

 (ii) establish intake procedures for those experiencing an energy emergency;

 (iii) establish guidelines for the income and program eligibility of applicants; and

 (iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) The Office shall determine program and income eligibility guidelines.

(3) The amount of assistance shall be based on need.

(C) FOR FISCAL YEAR 2023 ONLY, THE GOVERNOR SHALL APPROPRIATE TO THE OFFICE AN AMOUNT EQUAL TO THE UNEXPENDED APPROPRIATION TO THE OFFICE FOR FISCAL YEAR 2021 FUNDING THAT WAS INCLUDED IN SUPPLEMENTAL BUDGET NO. 5.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Low–Income Utility Assistance.

(b) The purpose of the Workgroup is to examine the forms of federal, State, local, and private assistance available to low–income residential electric and natural gas customers.

(c) The Workgroup consists of:

(1) the Secretary of Human Services or the Secretary’s designee;

(2) the Secretary of Housing and Community Development, or the Secretary’s designee;

(Over)

- (3) the Attorney General, or the Attorney General's designee;
 - (4) the Chairman of the Public Service Commission, or the Chairman's designee;
 - (5) the People's Counsel, or the People's Counsel's designee;
 - (6) one member of the Senate of Maryland, appointed by the President of the Senate;
 - (7) one member of the House of Delegates, appointed by the Speaker of the House; and
 - (8) the following members appointed by the Governor:
 - (i) two members representing the interests of low-income residential electric and natural gas customers; and
 - (ii) two members representing natural gas and electric utilities.
- (d) The Secretary of Human Services or the Secretary's designee shall serve as the chair of the Workgroup.
- (e) The Department of Human Services shall staff the Workgroup.
- (f) The Workgroup shall study:
 - (1) the different systems and forms of financial assistance available to low-income electric and natural gas customers in the State from federal, State, local, and private sources, especially the Electric Universal Service Program and the Maryland Energy Assistance Program;

(2) inefficiencies and gaps in the availability, qualification, and processing of applications for and delivery of financial assistance to low-income electric and natural gas customers;

(3) the feasibility of establishing a new natural gas universal service program, or the expansion of existing programs to cover low-income natural gas customers, including the characteristics of any new or expanded program;

(4) coordination of benefits under existing financial assistance programs for low-income electric and natural gas customers and means to improve coordination so as to extend and enhance the effectiveness of these programs;

(5) anticipated short-term and long-term demand for financial assistance for low-income electric and natural gas customers in the wake of the COVID-19 pandemic and systemic economic inequities, particularly in disadvantaged communities;

(6) the feasibility of establishing one or more financial assistance programs for small businesses in low-income communities; and

(7) any other matter the Workgroup considers relevant and helpful to addressing the needs of low-income utility customers.

(g) The Workgroup shall submit a report of the study, findings, and recommendations, including recommended legislation and regulatory changes, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on or before January 1, 2022.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

(Over)

SECTION 5."