

HOUSE BILL 768

C5, L6

11r0816

By: **Montgomery County Delegation**

Introduced and read first time: January 29, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Community Choice Energy – Pilot Program**

3 **MC 17–21**

4 FOR the purpose of applying certain laws regarding net energy metering and community
5 solar generating systems to customers served by a community choice aggregator;
6 altering the circumstances under which counties and municipal corporations may
7 act as an aggregator; authorizing a community choice aggregator to act as an
8 electricity supplier for certain purposes without obtaining a certain license;
9 establishing a certain Community Choice Aggregator Pilot Program; providing for
10 the application of certain provisions of this Act; establishing a process by which,
11 beginning on a certain date, a county may form a community choice aggregator;
12 requiring a county to develop and give certain notice of a certain aggregation plan
13 under certain circumstances; providing for the contents of a certain aggregation plan;
14 prohibiting a county from excluding certain customers from the ability to participate
15 in certain aggregation activities under certain circumstances; establishing a process
16 under which certain customers shall be deemed to have given permission to a certain
17 county to act as the customers' community choice aggregator; providing that certain
18 customers may refuse to participate in certain aggregation activities under certain
19 circumstances; requiring a certain electricity supplier to give certain notice to a
20 community choice aggregator regarding the end of a certain contract term;
21 prohibiting a community choice aggregator from assessing certain new fees, taxes,
22 or charges in the aggregation charges or rates under certain circumstances;
23 authorizing a community choice aggregator to provide and promote energy efficiency
24 programs, in consultation with certain persons under certain circumstances;
25 exempting a community choice aggregator from certain requirements relating to the
26 licensing of electricity suppliers; authorizing a community choice aggregator to own
27 a certain electric generating facility or electric storage facility for a certain purpose;
28 requiring a community choice aggregator to submit a certain plan to the Public
29 Service Commission for the use or disposition of a certain electric generating facility
30 or electric storage facility under certain circumstances; authorizing a community

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 choice aggregator to contract for service from an electric generating facility under
2 certain circumstances; requiring a community choice aggregator to submit a certain
3 plan to the Public Service Commission when contracting for service that exceeds a
4 certain period; requiring any contract relating to the provision of electric service by
5 a community choice aggregator to allow for or anticipate the adoption of a certain
6 mechanism; requiring a county to give or provide for certain notices to certain
7 persons and to the Commission under certain circumstances; providing for the
8 contents of certain notices; requiring the Commission to notify a certain county as to
9 its approval of the aggregation plan and certain proposed terms of service, rates, and
10 categories of certain charges, fees, or other costs under certain circumstances;
11 providing that a community choice aggregator may award contracts for competitive
12 generation service supply only at certain times; authorizing the Commission to
13 establish a schedule by which a community choice aggregator may transfer load from
14 standard offer service to retail or wholesale contracts under an aggregation plan;
15 providing that a certain county is deemed to have obtained certain customer
16 authorization to retrieve certain data; requiring an electric company to provide
17 certain data to a community choice aggregator; requiring the Commission to review
18 certain fees, request formats, and the format of certain data provided to facilitate the
19 intent of certain provisions of law; establishing a Community Choice Energy
20 Workgroup; providing for the composition and staffing of the Workgroup; requiring
21 the Workgroup to study and make recommendations regarding certain matters;
22 requiring the Workgroup to submit an annual report to the Commission on the status
23 of the community choice aggregator; requiring the Commission to report its findings
24 to the Governor and the General Assembly at the conclusion of the pilot program;
25 providing for the beginning and the termination of the pilot program; requiring the
26 Commission to report to the General Assembly on the pilot program on or before a
27 certain date; requiring the Commission to adopt certain regulations and establish
28 certain procedures; authorizing the Commission to make a certain allocation under
29 certain circumstances; requiring certain bills to contain a certain notice; requiring
30 the Commission to consider certain factors; providing for the application of this Act;
31 providing for the construction of certain provisions of this Act; defining certain terms;
32 altering certain definitions; and generally relating to the ability of a county to
33 aggregate demand for electricity within the county.

34 BY renumbering

35 Article – Public Utilities

36 Section 1–101(f) through (i) and (j) through (tt), respectively

37 to be Section 1–101(g) through (j) and (l) through (vv), respectively

38 Annotated Code of Maryland

39 (2020 Replacement Volume and 2020 Supplement)

40 BY repealing and reenacting, without amendments,

41 Article – Public Utilities

42 Section 1–101(a), 7–306(a)(1), (4), and (7) and (f)(1), and 7–306.2(d)(1) and (2)

43 Annotated Code of Maryland

44 (2020 Replacement Volume and 2020 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article – Public Utilities
 3 Section 1–101(b), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), and 7–510(f)
 4 Annotated Code of Maryland
 5 (2020 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – Public Utilities
 8 Section 1–101(f) and (k), 7–306(h), and 7–510.3
 9 Annotated Code of Maryland
 10 (2020 Replacement Volume and 2020 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 12 That Section(s) 1–101(f) through (i) and (j) through (tt), respectively, of Article – Public
 13 Utilities of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(g)
 14 through (j) and (l) through (vv), respectively.

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

17 **Article – Public Utilities**

18 1–101.

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

20 (b) (1) “Aggregator” means an entity or an individual that acts on behalf of a
 21 customer to purchase electricity or gas.

22 (2) “Aggregator” does not include:

23 (i) an entity or individual that purchases electricity or gas **ONLY** for
 24 its own use or for the use of its subsidiaries or affiliates;

25 (ii) a municipal electric utility or a municipal gas utility serving only
 26 in its distribution territory; or

27 (iii) a combination of governmental units that purchases electricity
 28 or gas for use by the governmental units.

29 **(F) “COMMUNITY CHOICE AGGREGATOR” MEANS A COUNTY THAT SERVES**
 30 **AS AN ELECTRIC AGGREGATOR FOR THE PURPOSE OF NEGOTIATING THE PURCHASE**
 31 **OF ELECTRIC GENERATION SERVICES FROM AN ELECTRICITY SUPPLIER LICENSED**
 32 **BY THE COMMISSION OR FROM AN ELECTRIC GENERATING OR STORAGE FACILITY,**
 33 **OR PROVIDING ELECTRICITY FROM AN ELECTRIC GENERATING FACILITY OWNED BY**
 34 **THE AGGREGATOR FOR RESIDENTIAL ELECTRIC CUSTOMERS, INCLUDING**

1 MASTER-METERED MULTIPLE OCCUPANCY RESIDENCES AND SMALL COMMERCIAL
2 ELECTRIC CUSTOMERS, AS DEFINED IN § 7-510.3 OF THIS ARTICLE, THAT:

3 (1) ARE LOCATED WITHIN THE COUNTY, INCLUDING CUSTOMERS
4 LOCATED WITHIN MUNICIPAL CORPORATIONS LOCATED IN THE COUNTY;

5 (2) HAVE NOT:

6 (I) SELECTED AN ELECTRICITY SUPPLIER OTHER THAN THE
7 STANDARD OFFER SERVICE SUPPLIER; OR

8 (II) REFUSED TO PARTICIPATE IN THE AGGREGATION
9 ACTIVITIES OF THE COUNTY; AND

10 (3) ARE NOT LOCATED IN THE SERVICE TERRITORY OF:

11 (I) A MUNICIPAL ELECTRIC UTILITY; OR

12 (II) AN ELECTRIC COOPERATIVE.

13 (K) "ELECTRIC STORAGE FACILITY" MEANS A FACILITY USED TO STORE:

14 (1) ELECTRICAL ENERGY; OR

15 (2) MECHANICAL, CHEMICAL, OR THERMAL ENERGY THAT WAS
16 PREVIOUSLY ELECTRICAL ENERGY:

17 (I) FOR USE AS ELECTRICAL ENERGY AT A LATER TIME; OR

18 (II) IN A PROCESS THAT OFFSETS ELECTRICITY USE DURING
19 PEAK DEMAND.

20 7-306.

21 (a) (1) In this section the following words have the meanings indicated.

22 (4) "Eligible customer-generator" means a customer that owns and
23 operates, leases and operates, or contracts with a third party that owns and operates a
24 biomass, micro combined heat and power, solar, fuel cell, wind, or closed conduit hydro
25 electric generating facility that:

26 (i) is located on the customer's premises or contiguous property;

27 (ii) is interconnected and operated in parallel with an electric
28 company's transmission and distribution facilities; and

1 (iii) is intended primarily to offset all or part of the customer's own
2 electricity requirements.

3 (7) "Net energy metering" means measurement of the difference between
4 the electricity that is supplied by an electric company and the electricity that is generated
5 by an eligible customer-generator and fed back to the electric grid over the eligible
6 customer-generator's billing period.

7 (f) (1) The electric company shall calculate net energy metering in accordance
8 with this subsection.

9 (5) (i) An eligible customer-generator under paragraph (4) of this
10 subsection may accrue net excess generation for a period:

11 1. not to exceed 12 months; and

12 2. that ends with the billing cycle that is complete
13 immediately prior to the end of April of each year.

14 (ii) The electric company shall carry forward net excess generation
15 until:

16 1. the eligible customer-generator's consumption of
17 electricity from the grid eliminates the net excess generation; or

18 2. the accrual period under subparagraph (i) of this
19 paragraph expires.

20 (iii) 1. The dollar value of net excess generation shall be equal to
21 the generation or commodity portion of the rate that the eligible customer-generator would
22 have been charged by the electric company averaged over the previous 12-month period
23 ending with the billing cycle that is complete immediately prior to the end of April
24 multiplied by the number of kilowatt-hours of net excess generation.

25 2. For customers served by **A COMMUNITY CHOICE**
26 **AGGREGATOR OR** an electricity supplier, the dollar value of the net excess generation shall
27 be equal to the generation or commodity rate that the customer would have been charged
28 by the **COMMUNITY CHOICE AGGREGATOR OR** electricity supplier multiplied by the
29 number of kilowatt-hours of net excess generation.

30 **(H) AN ELIGIBLE CUSTOMER-GENERATOR PARTICIPATING IN NET ENERGY**
31 **METERING MAY PARTICIPATE IN THE AGGREGATION ACTIVITIES OF A COMMUNITY**
32 **CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.**

33 **[(h)] (I)** On or before September 1 of each year, the Commission shall report to

1 the General Assembly, in accordance with § 2–1257 of the State Government Article, on the
2 status of the net metering program under this section, including:

3 (1) the amount of capacity of electric generating facilities owned and
4 operated by eligible customer–generators in the State by type of energy resource;

5 (2) based on the need to encourage a diversification of the State’s energy
6 resource mix to ensure reliability, whether the rated generating capacity limit in subsection
7 (d) of this section should be altered; and

8 (3) other pertinent information.

9 7–306.2.

10 (d) (1) (i) The Commission shall establish a pilot program for a Community
11 Solar Energy Generating System Program.

12 (ii) The structure of the pilot program is as provided in this
13 subsection.

14 (2) All rate classes may participate in the pilot program.

15 (3) Subscribers served by electric standard offer service, **COMMUNITY**
16 **CHOICE AGGREGATORS**, and electricity suppliers may hold subscriptions to the same
17 community solar energy generating system.

18 7–507.

19 (a) A person, other than an electric company providing standard offer service
20 under § 7–510(c) of this subtitle [or], a municipal electric utility serving customers solely
21 in its distribution territory, **OR A COMMUNITY CHOICE AGGREGATOR UNDER § 7–510.3**
22 **OF THIS SUBTITLE**, may not engage in the business of an electricity supplier in the State
23 unless the person holds a license issued by the Commission.

24 7–510.

25 (f) **[A] EXCEPT AS PROVIDED IN § 7–510.3 OF THIS SUBTITLE**, A county or
26 municipal corporation may not act as an aggregator unless the Commission determines
27 there is not sufficient competition within the boundaries of the county or municipal
28 corporation.

29 **7–510.3.**

30 **(A) IN THIS SECTION, “SMALL COMMERCIAL ELECTRIC CUSTOMER” MEANS**
31 **A COMMERCIAL ELECTRIC CUSTOMER THAT HAS A PEAK ELECTRIC LOAD OF NOT**
32 **MORE THAN 25 KILOWATTS.**

1 **(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

2 **(C) (1) THERE IS A COMMUNITY CHOICE AGGREGATION PILOT**
3 **PROGRAM.**

4 **(2) BEGINNING JANUARY 1, 2023, A COUNTY MAY FORM A**
5 **COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION.**

6 **(D) (1) AT LEAST 60 DAYS BEFORE INITIATING THE PROCESS TO FORM A**
7 **COMMUNITY CHOICE AGGREGATOR, A COUNTY SHALL:**

8 **(I) DEVELOP AN AGGREGATION PLAN;**

9 **(II) GIVE WRITTEN NOTICE OF THE AGGREGATION PLAN TO**
10 **EACH RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE**
11 **COUNTY;**

12 **(III) PUBLISH A FAIR SUMMARY OF THE AGGREGATION PLAN IN**
13 **AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY;**

14 **(IV) IF THE COUNTY MAINTAINS A WEBSITE, PUBLISH THE FULL**
15 **TEXT OF THE AGGREGATION PLAN ON THE WEBSITE; AND**

16 **(V) GIVE, FOR THE COMMISSION'S APPROVAL, WRITTEN NOTICE**
17 **OF ITS INTENTION TO INITIATE A PROCESS TO FORM A COMMUNITY CHOICE**
18 **AGGREGATOR.**

19 **(2) THE AGGREGATION PLAN SHALL:**

20 **(I) DETAIL THE PROCESSES RELATED TO PARTICIPATING IN**
21 **THE AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR;**

22 **(II) CONTAIN INFORMATION ON THE OPERATIONS, FUNDING,**
23 **AND ORGANIZATIONAL STRUCTURE OF THE COMMUNITY CHOICE AGGREGATOR;**

24 **(III) PROVIDE DETAILS ON:**

25 **1. THE RATE SETTING AND COSTS TO PARTICIPANTS,**
26 **INCLUDING AN ANALYSIS OF HISTORICAL AND FORECASTED TRENDS IN**
27 **ELECTRICITY PRICES AND A PURCHASING PLAN DESIGNED TO SAVE RATEPAYERS**
28 **MONEY;**

29 **2. METHODS THAT THE COMMUNITY CHOICE**

1 AGGREGATOR MUST USE FOR ENTERING INTO AND TERMINATING AGREEMENTS
2 WITH OTHER ENTITIES;

3 **3. THE RIGHTS AND RESPONSIBILITIES OF**
4 **PARTICIPATING ELECTRIC CUSTOMERS; AND**

5 **4. THE TERMINATION OF THE AGGREGATION PROGRAM,**
6 **IF ANY; AND**

7 **(IV) PROVIDE FOR UNIVERSAL ELECTRICITY ACCESS,**
8 **RELIABILITY, AND EQUITABLE TREATMENT OF ALL RESIDENTIAL AND SMALL**
9 **COMMERCIAL ELECTRIC CUSTOMERS IN THE COUNTY.**

10 **(E) (1) AT LEAST 60 DAYS AFTER DEVELOPING AN AGGREGATION PLAN**
11 **AND GIVING THE NOTICE REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, A**
12 **COUNTY MAY INITIATE THE PROCESS OF FORMING A COMMUNITY CHOICE**
13 **AGGREGATOR BY FILING WITH THE COMMISSION:**

14 **(I) A NOTICE OF INTENT TO FORM A COMMUNITY CHOICE**
15 **AGGREGATOR;**

16 **(II) A COPY OF THE AGGREGATION PLAN DEVELOPED IN**
17 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;**

18 **(III) A DRAFT LOCAL LAW FORMING A COMMUNITY CHOICE**
19 **AGGREGATOR; AND**

20 **(IV) PROPOSED TERMS OF SERVICE, RATES, AND CATEGORIES**
21 **OF CHARGES, FEES, OR ANY OTHER COSTS TO CUSTOMERS UNRELATED TO THE**
22 **ACTUAL COST OF THE ELECTRICITY SUPPLY.**

23 **(2) THE NOTICE OF INTENT SHALL INCLUDE THE NAME OF THE**
24 **COUNTY IN THE COMMUNITY CHOICE AGGREGATOR.**

25 **(3) A COUNTY IS A COMMUNITY CHOICE AGGREGATOR AFTER:**

26 **(I) SUBMITTING THE NOTICE OF INTENT AND AGGREGATION**
27 **PLAN REQUIRED UNDER THIS SUBSECTION;**

28 **(II) THE COMMISSION HAS APPROVED ITS AGGREGATION PLAN**
29 **AND PROPOSED TERMS FILED IN ACCORDANCE WITH PARAGRAPH (1)(IV) OF THIS**
30 **SUBSECTION; AND**

31 **(III) ENACTING A LOCAL LAW THAT PROVIDES THAT THE COUNTY**

1 SHALL ACT AS A COMMUNITY CHOICE AGGREGATOR.

2 (F) (1) IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE
3 COMMISSION UNDER SUBSECTION (L) OF THIS SECTION, IF A COUNTY ENACTS A
4 LOCAL LAW TO ACT AS A COMMUNITY CHOICE AGGREGATOR, THE COUNTY SHALL
5 PROVIDE OR CAUSE ITS SELECTED ELECTRICITY SUPPLIER, IF ANY, TO PROVIDE
6 WRITTEN NOTICE OF THE FORMATION OF THE COMMUNITY CHOICE AGGREGATOR
7 TO ALL RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN THE
8 COUNTY.

9 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL
10 INCLUDE:

11 (I) THE IDENTITY AND COMMISSION-ISSUED LICENSE
12 NUMBERS OF ANY SELECTED ELECTRICITY SUPPLIER;

13 (II) TERMS AND CONDITIONS OF SERVICE;

14 (III) NEW RATES, CHARGES, AND FEES FOR SERVICE UNDER THE
15 COMMUNITY CHOICE AGGREGATOR;

16 (IV) A COMPARISON OF THE NEW RATES AND THE RATES UNDER
17 THE CURRENT STANDARD OFFER SERVICE;

18 (V) INFORMATION ON HOW TO ACCESS THE STANDARD OFFER
19 SERVICE AVAILABLE FROM AN ELECTRIC COMPANY; AND

20 (VI) THE TOTAL RENEWABLE COMPONENT OF THE ELECTRICITY
21 TO BE SUPPLIED THROUGH A COMMUNITY CHOICE AGGREGATOR, INCLUDING THE
22 SPECIFIC SOURCES OF ANY RENEWABLE ENERGY COMPARED TO THE
23 REQUIREMENTS UNDER CURRENT LAW, IF ANY.

24 (3) IN THE NOTICE REQUIRED UNDER THIS SUBSECTION, THE
25 COUNTY SHALL PROVIDE TO THE RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC
26 CUSTOMERS IN THE COUNTY THE OPPORTUNITY TO REFUSE TO PARTICIPATE IN THE
27 AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR:

28 (I) BY RETURN SUBMISSION OF THE NOTICE TO THE
29 COMMUNITY CHOICE AGGREGATOR OR THE ELECTRIC COMPANY INDICATING THE
30 CUSTOMER'S DECISION TO REFUSE TO PARTICIPATE IN THE AGGREGATION
31 ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR; OR

32 (II) BY CONTRACTING FOR SERVICE WITH A RETAIL
33 ELECTRICITY SUPPLIER OR BY CHOOSING STANDARD OFFER SERVICE FROM AN

1 ELECTRIC COMPANY.

2 (4) A COUNTY THAT ENACTS A LOCAL LAW TO ACT AS A COMMUNITY
3 CHOICE AGGREGATOR UNDER THIS SECTION MAY NOT EXCLUDE FROM THE ABILITY
4 TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE
5 AGGREGATOR:

6 (I) ANY RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC
7 CUSTOMER IN THE COUNTY; OR

8 (II) FOR THE PROVISION OF ELECTRIC SERVICE FOR FACILITIES
9 LOCATED WITHIN THE JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR,
10 ANY GOVERNMENTAL ENTITY.

11 (G) A RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IS
12 DEEMED TO HAVE GIVEN PERMISSION TO THE COUNTY TO ACT ON THE CUSTOMER'S
13 BEHALF AS A COMMUNITY CHOICE AGGREGATOR:

14 (1) WHEN THE COUNTY RECEIVES FROM THE CUSTOMER:

15 (I) A REPLY FROM THE NOTICE REQUIRED UNDER SUBSECTION
16 (F) OF THIS SECTION BY WHICH THE CUSTOMER EXPLICITLY GRANTS PERMISSION
17 FOR THE CUSTOMER TO RECEIVE SERVICE WITH THE COMMUNITY CHOICE
18 AGGREGATOR; OR

19 (II) AN APPLICATION TO RECEIVE SERVICE WITH THE
20 COMMUNITY CHOICE AGGREGATOR;

21 (2) IN THE CASE OF A CUSTOMER RECEIVING STANDARD OFFER
22 SERVICE, WITHIN 30 DAYS AFTER THE NOTICE REQUIRED BY SUBSECTION (F) OF
23 THIS SECTION IS GIVEN IF:

24 (I) THE COUNTY HAS NOT RECEIVED A RETURNED NOTICE BY
25 THAT DATE; OR

26 (II) AFTER THE CREATION OF THE COMMUNITY CHOICE
27 AGGREGATOR AND RECEIPT OF THE NOTICE, THE CUSTOMER HAS NOT CONTRACTED
28 WITH A RETAIL ELECTRICITY SUPPLIER OR CONTACTED AN ELECTRIC COMPANY TO
29 SELECT STANDARD OFFER SERVICES; OR

30 (3) ON APPLYING FOR NEW ELECTRIC SERVICE WITHIN THE
31 TERRITORY SERVED BY THE COMMUNITY CHOICE AGGREGATOR, UNLESS THE
32 CUSTOMER HAS:

1 **(I) CONTRACTED WITH A RETAIL ELECTRICITY SUPPLIER FOR**
2 **SERVICE; OR**

3 **(II) CONTACTED AN ELECTRIC COMPANY TO SELECT STANDARD**
4 **OFFER SERVICE.**

5 **(H) EXCEPT FOR A CONTRACT THAT AUTOMATICALLY RENEWS, AT THE END**
6 **OF A CONTRACT TERM WITH AN ELECTRICITY SUPPLIER A RESIDENTIAL OR SMALL**
7 **COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION OF A COMMUNITY**
8 **CHOICE AGGREGATOR SHALL BE AUTOMATICALLY ENROLLED AS A PARTICIPANT IN**
9 **THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR UNLESS**
10 **THE CUSTOMER:**

11 **(1) GIVES WRITTEN NOTICE TO THE COUNTY DECLINING TO**
12 **PARTICIPATE IN THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE**
13 **AGGREGATOR; OR**

14 **(2) CONTRACTS FOR SERVICE WITH A RETAIL ELECTRICITY SUPPLIER**
15 **OR CONTACTS AN ELECTRIC COMPANY TO SELECT STANDARD OFFER SERVICE.**

16 **(I) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A RESIDENTIAL OR**
17 **SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE COUNTY FROM CHOOSING AT ANY**
18 **TIME:**

19 **(1) TO ENTER INTO A CONTRACT WITH AN ELECTRICITY SUPPLIER**
20 **OTHER THAN THE COMMUNITY CHOICE AGGREGATOR; OR**

21 **(2) THE STANDARD OFFER SERVICE OFFERED BY AN ELECTRIC**
22 **COMPANY.**

23 **(J) (1) A COMMUNITY CHOICE AGGREGATOR MAY NOT ASSESS ANY NEW**
24 **FEE, TAX, OR OTHER CHARGE IN THE AGGREGATION CHARGES OR RATES THAT IS**
25 **NOT RELATED TO THE COST OF:**

26 **(I) PROVIDING ELECTRICITY SUPPLY AND ELECTRICITY**
27 **SUPPLY SERVICE, INCLUDING SERVICE FROM A GENERATING STATION OWNED BY**
28 **THE COMMUNITY CHOICE AGGREGATOR;**

29 **(II) PROMOTING THE USE OF RENEWABLE ENERGY; AND**

30 **(III) PROVIDING AND PROMOTING ENERGY EFFICIENCY**
31 **PROGRAMS PROMOTED UNDER PARAGRAPHS (2) OR (3) OF THIS SUBSECTION.**

32 **(2) A COMMUNITY CHOICE AGGREGATOR, IN CONSULTATION WITH**

1 ALL INVESTOR-OWNED ELECTRIC COMPANIES WHOSE SERVICE TERRITORIES
2 INCLUDE ALL OR PART OF THE COUNTY AND THE DEPARTMENT OF HOUSING AND
3 COMMUNITY DEVELOPMENT, MAY PROMOTE ENERGY EFFICIENCY PROGRAMS THAT
4 ARE:

5 (I) OFFERED BY THE INVESTOR-OWNED ELECTRIC
6 COMPANIES; OR

7 (II) FILED BY THE INVESTOR-OWNED ELECTRIC COMPANIES
8 WITH THE COMMISSION FOR ITS APPROVAL IN ACCORDANCE WITH § 7-211 OF THIS
9 TITLE.

10 (3) IN ADDITION TO THE AUTHORITY GRANTED UNDER PARAGRAPH
11 (2) OF THIS SUBSECTION, A COMMUNITY CHOICE AGGREGATOR MAY PROVIDE AND
12 PROMOTE ENERGY EFFICIENCY PROGRAMS THAT ARE SUPPLEMENTAL TO ANY
13 PROGRAMS THAT ARE PROMOTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

14 (K) (1) EXCEPT FOR THE PURPOSES OF MEETING THE REQUIREMENTS OF
15 THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBTITLE 7 OF THIS
16 TITLE, A COMMUNITY CHOICE AGGREGATOR MAY NOT BE CONSIDERED TO BE AN
17 ELECTRICITY SUPPLIER UNDER § 7-507(A) OF THIS SUBTITLE.

18 (2) (I) A COMMUNITY CHOICE AGGREGATOR MAY OWN AN
19 ELECTRIC GENERATING FACILITY OR AN ELECTRIC STORAGE FACILITY IN
20 ACCORDANCE WITH THIS ARTICLE IF THE FACILITY IS DESIGNED TO PROVIDE
21 ENERGY PRIMARILY FOR USE BY THE PARTICIPANTS OF THE COMMUNITY CHOICE
22 AGGREGATOR.

23 (II) WHEN A COMMUNITY CHOICE AGGREGATOR BUILDS OR
24 ACQUIRES AN ELECTRIC GENERATING FACILITY OR ELECTRIC STORAGE FACILITY,
25 THE COMMUNITY CHOICE AGGREGATOR SHALL SUBMIT TO THE COMMISSION A PLAN
26 FOR THE USE OR DISPOSITION OF THE FACILITY IF THE COMMUNITY CHOICE
27 AGGREGATOR IS DISSOLVED.

28 (3) (I) A COMMUNITY CHOICE AGGREGATOR MAY CONTRACT FOR
29 SERVICE FROM AN ELECTRIC GENERATING FACILITY IN ACCORDANCE WITH THIS
30 ARTICLE IF THE AMOUNT OF CONTRACTED ELECTRICITY SUPPLY FROM THE
31 FACILITY IS NOT GREATER THAN THE AMOUNT ESTIMATED TO BE NECESSARY TO
32 MEET THE ELECTRICAL DEMAND OF THE PARTICIPANTS OF THE COMMUNITY
33 CHOICE AGGREGATOR.

34 (II) WHEN A COMMUNITY CHOICE AGGREGATOR CONTRACTS
35 FOR SERVICE FROM AN ELECTRIC GENERATING FACILITY FOR A PERIOD EXCEEDING
36 2 YEARS, THE COMMUNITY CHOICE AGGREGATOR SHALL SUBMIT TO THE

1 COMMISSION A PLAN FOR THE TRANSFER OF THE CONTRACT TO ANOTHER
2 ELECTRICITY SUPPLIER IF:

3 1. THE COMMUNITY CHOICE AGGREGATOR IS
4 DISSOLVED; OR

5 2. THE PILOT PROGRAM ENDS WITHOUT AN EXTENSION
6 OR THE CREATION OF A PERMANENT COMMUNITY CHOICE AGGREGATOR.

7 (4) ANY CONTRACT RELATING TO THE PROVISION OF ELECTRIC
8 SERVICE BY A COMMUNITY CHOICE AGGREGATOR, INCLUDING ANY CONTRACT FOR
9 THE SUPPLY OF ELECTRICITY OR THE PROCUREMENT OR FINANCING OF ELECTRIC
10 GENERATION SERVICES SHALL ALLOW FOR OR ANTICIPATE THE POTENTIAL
11 ADOPTION OF AN ALTERNATIVE RESOURCE ADEQUACY MECHANISM THAT COULD
12 APPLY IN THE STATE.

13 (L) (1) BASED ON A DETERMINATION OF THE MITIGATION OF
14 VOLUMETRIC RISK, THE COMMISSION MAY ESTABLISH BY ORDER OR REGULATION A
15 SCHEDULE THAT MAY NOT EXCEED A PERIOD OF 2 YEARS, BY WHICH A COMMUNITY
16 CHOICE AGGREGATOR MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO
17 RETAIL OR WHOLESALE CONTRACTS UNDER AN AGGREGATION PLAN.

18 (2) THE COMMISSION SHALL CONSIDER THE IMPACTS TO THE PRICE
19 AND STABILITY OF THE PROCUREMENT OF STANDARD OFFER SERVICE WHEN
20 CONSIDERING A SCHEDULE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

21 (M) (1) A COUNTY THAT IS FORMING A COMMUNITY CHOICE AGGREGATOR
22 IS DEEMED TO HAVE OBTAINED ELECTRIC CUSTOMER AUTHORIZATION TO
23 RETRIEVE PREENROLLMENT USAGE DATA FOR RESIDENTIAL AND SMALL
24 COMMERCIAL ELECTRIC CUSTOMERS IN THE COUNTY.

25 (2) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
26 COMMISSION, AN ELECTRIC COMPANY SHALL PROVIDE TO A COMMUNITY CHOICE
27 AGGREGATOR ANY RELEVANT DATA FOR CUSTOMERS IN THE JURISDICTION OF THE
28 COMMUNITY CHOICE AGGREGATOR, INCLUDING:

29 (I) PREENROLLMENT USAGE DATA; AND

30 (II) ANY OTHER APPROPRIATE BILLING AND ELECTRICAL LOAD
31 DATA.

32 (3) AN ELECTRIC COMPANY SHALL PROVIDE TO A COUNTY THAT IS
33 FORMING A COMMUNITY CHOICE AGGREGATOR DATA UNDER THIS SUBSECTION AS
34 FOLLOWS:

1 **(I) ONLY AGGREGATE DATA WHEN THE COUNTY INITIATES THE**
2 **PROCESS OF FORMING A COMMUNITY CHOICE AGGREGATOR; AND**

3 **(II) ANY CUSTOMER-SPECIFIC DATA AFTER THE AGGREGATION**
4 **PLAN IS APPROVED BY THE COMMISSION.**

5 **(N) THE COMMISSION SHALL REVIEW APPLICABLE FEES, REQUEST**
6 **FORMATS, AND THE FORMAT OF DATA PROVIDED TO FACILITATE THE INTENT OF**
7 **THIS SECTION.**

8 **(O) THE COMMISSION SHALL ESTABLISH PROCEDURES FOR AN ELECTRIC**
9 **CUSTOMER THAT IS RECEIVING ELECTRICITY SUPPLY THROUGH A COMMUNITY**
10 **CHOICE AGGREGATOR TO RECEIVE ANY BILL ASSISTANCE CREDIT OR ARREARAGE**
11 **ASSISTANCE TO WHICH THE CUSTOMER MAY BE ENTITLED UNDER §**
12 **7-512.1 OF THIS SUBTITLE OR ANY OTHER FEDERAL OR STATE BILL AND**
13 **ARREARAGE ASSISTANCE ADMINISTERED BY THE OFFICE OF HOME ENERGY**
14 **PROGRAMS.**

15 **(P) THE COMMISSION MAY ALLOCATE THE PORTION OF DELINQUENT**
16 **ACCOUNTS RECEIVABLE THAT IS ATTRIBUTABLE TO ELECTRICITY SUPPLY BETWEEN**
17 **THE ELECTRIC CUSTOMERS PARTICIPATING IN THE AGGREGATION ACTIVITIES OF A**
18 **COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC CUSTOMERS THROUGHOUT**
19 **THE ELECTRIC COMPANY'S SERVICE TERRITORY IF THE COMMISSION DETERMINES**
20 **THAT:**

21 **(1) THE AMOUNT OF DELINQUENT ACCOUNTS RECEIVABLE**
22 **ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING STANDARD OFFER SERVICE IS**
23 **PROJECTED TO INCREASE TO AN EXTENT THAT WILL MATERIALLY ADVERSELY**
24 **IMPACT THE COST OF PROVIDING STANDARD OFFER SERVICE; AND**

25 **(2) THE PROJECTED INCREASE IN THE AMOUNT OF DELINQUENT**
26 **ACCOUNTS RECEIVABLE ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING**
27 **STANDARD OFFER SERVICE IS DIRECTLY OR INDIRECTLY CAUSED BY THE**
28 **MIGRATION OF A SUBSTANTIAL NUMBER OF ELECTRIC CUSTOMERS FROM**
29 **STANDARD OFFER SERVICE TO PARTICIPATION IN THE AGGREGATION ACTIVITIES**
30 **OF A COMMUNITY CHOICE AGGREGATOR.**

31 **(Q) BILLS SENT TO ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE**
32 **AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR SHALL**
33 **IDENTIFY THE COMMUNITY CHOICE AGGREGATOR AS THE ELECTRICITY SUPPLIER.**

34 **(R) (1) IN THIS SUBSECTION, "WORKGROUP" MEANS THE COMMUNITY**
35 **CHOICE ENERGY WORKGROUP ESTABLISHED IN ACCORDANCE WITH THIS**

1 SUBSECTION.

2 (2) ON OR BEFORE JULY 1, 2021, THE COMMISSION SHALL
3 ESTABLISH A COMMUNITY CHOICE ENERGY WORKGROUP.

4 (3) THE WORKGROUP SHALL CONSIST OF AT LEAST THE FOLLOWING
5 MEMBERS:

6 (I) ONE REPRESENTATIVE OF THE MONTGOMERY COUNTY
7 GOVERNMENT;

8 (II) ONE REPRESENTATIVE OF THE OFFICE OF PEOPLE'S
9 COUNSEL;

10 (III) ONE REPRESENTATIVE OF EACH INVESTOR-OWNED
11 ELECTRIC COMPANY WHOSE SERVICE TERRITORY INCLUDES ALL OR PART OF A
12 COUNTY THAT PARTICIPATES IN THE PILOT PROGRAM;

13 (IV) ONE REPRESENTATIVE OF ANY COMPETITIVE ELECTRICITY
14 SUPPLIER;

15 (V) ONE REPRESENTATIVE OF RESIDENTIAL AND SMALL
16 COMMERCIAL ELECTRIC CUSTOMERS;

17 (VI) ONE REPRESENTATIVE OF LOW-INCOME COMMUNITIES;

18 (VII) ONE REPRESENTATIVE OF MINORITY RESIDENTIAL
19 COMMUNITIES;

20 (VIII) ONE REPRESENTATIVE WITH EXPERTISE IN IMPLEMENTING
21 COMMUNITY CHOICE AGGREGATION PROGRAMS; AND

22 (IX) ANY OTHER INDIVIDUALS IDENTIFIED BY THE COMMISSION.

23 (4) THE COMMISSION SHALL PROVIDE STAFF FOR THE WORKGROUP.

24 (5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE
25 AUTHORITY OF THE COMMISSION TO TAKE ANY ACTION, INCLUDING THE ADOPTION
26 OF REGULATIONS, WITHOUT A RECOMMENDATION FROM THE WORKGROUP.

27 (6) (I) DURING ANY YEAR THAT A COMMUNITY CHOICE
28 AGGREGATOR OPERATES IN THE STATE, THE WORKGROUP SHALL SUBMIT AN
29 ANNUAL REPORT ON THE STATUS OF THE COMMUNITY CHOICE AGGREGATOR TO THE

1 COMMISSION.

2 (II) THE WORKGROUP SHALL INCLUDE IN THE ANNUAL REPORT
3 INFORMATION REGARDING:

4 1. RATES, CHARGES, AND FEES FOR SERVICE UNDER
5 EACH COMMUNITY CHOICE AGGREGATOR;

6 2. RENEWABLE ENERGY;

7 3. CUSTOMER SATISFACTION;

8 4. ENROLLMENT; AND

9 5. ANY OTHER INFORMATION OR METRIC DETERMINED
10 BY THE WORKGROUP OR REQUESTED BY THE COMMISSION.

11 (S) (1) THE COMMISSION SHALL BY REGULATION ESTABLISH
12 STANDARDS AND PROCEDURES TO PROTECT THE CONSUMER RIGHTS OF
13 RESIDENTIAL CUSTOMERS WITHIN THE TERRITORY OF A COMMUNITY CHOICE
14 AGGREGATOR THAT RECEIVE ELECTRICITY SUPPLY THROUGH THE COMMUNITY
15 CHOICE AGGREGATOR.

16 (2) THE REGULATIONS SHALL PROHIBIT DISCRIMINATION AGAINST A
17 CUSTOMER ON THE BASIS OF THE LOCATION OF THE CUSTOMER.

18 (3) THE COMMISSION SHALL SEEK THE ADVICE AND
19 RECOMMENDATION OF THE COMMUNITY CHOICE ENERGY WORKGROUP
20 ESTABLISHED UNDER SUBSECTION (R) OF THIS SECTION WHEN CARRYING OUT THE
21 PROVISIONS OF THIS SECTION AND ADOPTING REGULATIONS.

22 (T) (1) THE PILOT PROGRAM SHALL:

23 (I) BEGIN ON THE EARLIER OF:

24 1. THE DATE THAT A COUNTY GIVES NOTICE TO THE
25 COMMISSION OF ITS INTENTION TO INITIATE A PROCESS TO FORM A COMMUNITY
26 CHOICE AGGREGATOR, IN ACCORDANCE WITH SUBSECTION (D)(1)(V) OF THIS
27 SECTION; OR

28 2. JANUARY 1, 2024; AND

29 (II) END 7 YEARS AFTER THE BEGINNING DATE, BUT NOT

1 SOONER THAN DECEMBER 31, 2031.

2 (2) ON OR BEFORE DECEMBER 31 OF THE SIXTH YEAR AFTER THE
3 BEGINNING OF THE PILOT PROGRAM, THE COMMISSION SHALL, IN ACCORDANCE
4 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE GENERAL
5 ASSEMBLY ON THE STATUS AND EFFECTIVENESS OF THE PILOT PROGRAM.

6 (U) (1) AT THE CONCLUSION OF THE PILOT PROGRAM DESCRIBED IN THIS
7 SECTION, THE COMMISSION SHALL STUDY:

8 (I) THE OVERALL COSTS AND BENEFITS OF THE PILOT
9 PROGRAM;

10 (II) WHETHER THERE WERE ANY INCREMENTAL COSTS BORNE
11 BY STANDARD OFFER SERVICE CUSTOMERS RESULTING FROM THE MIGRATION OF
12 CUSTOMERS BETWEEN THE COMMUNITY CHOICE AGGREGATOR AND STANDARD
13 OFFER SERVICE; AND

14 (III) WHAT MECHANISMS COULD BE IMPLEMENTED TO HOLD
15 STANDARD OFFER SERVICE CUSTOMERS HARMLESS FROM ANY INCREMENTAL
16 COSTS BORNE BY STANDARD OFFER SERVICE CUSTOMERS IDENTIFIED UNDER ITEM
17 (II) OF THIS PARAGRAPH.

18 (2) THE COMMISSION SHALL SEEK THE ADVICE AND
19 RECOMMENDATION OF THE COMMUNITY CHOICE ENERGY WORKGROUP IN THE
20 STUDY REQUIRED UNDER THIS SUBSECTION.

21 (3) ON OR BEFORE DECEMBER 31, 2031, THE COMMISSION SHALL
22 REPORT THE FINDINGS OF THE STUDY TO THE GOVERNOR AND THE GENERAL
23 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

24 (V) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSION SHALL ADOPT
25 REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS FOR:

26 (1) CONSUMER PROTECTION;

27 (2) PROCEDURES TO CONSIDER AND REVIEW THE ANALYSIS OF
28 HISTORICAL AND FORECASTED TRENDS IN ELECTRICITY PRICES AND A PURCHASING
29 PLAN DESIGNED TO SAVE RATEPAYERS MONEY, SUBMITTED BY COUNTY;

30 (3) A TARIFF STRUCTURE FOR COMMUNITY CHOICE AGGREGATION
31 NONCOMMODITY FEES AND CHARGES;

32 (4) A PROTOCOL FOR DATA EXCHANGE BETWEEN COMMUNITY

1 CHOICE AGGREGATORS, RETAIL SUPPLIERS, AND ELECTRIC COMPANIES,
2 INCLUDING PROHIBITIONS ON THE COMMUNITY CHOICE AGGREGATOR FROM
3 SHARING, DISCLOSING, OR OTHERWISE MAKING ACCESSIBLE TO A THIRD PARTY A
4 CUSTOMER'S PERSONAL INFORMATION;

5 (5) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR
6 MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO RETAIL OR WHOLESALE
7 CONTRACTS UNDER AN AGGREGATION PLAN;

8 (6) THE METHOD BY WHICH THE COST OF DELINQUENT ACCOUNTS OF
9 A COMMUNITY CHOICE AGGREGATOR MAY BE RECOVERED FROM CUSTOMERS;

10 (7) PROCEDURES FOR ENROLLING A CUSTOMER FOR SERVICE WITH A
11 COMMUNITY CHOICE AGGREGATOR ON EXPIRATION OF THE CUSTOMER'S RETAIL
12 SUPPLY CONTRACT;

13 (8) PROCEDURES TO PROTECT CUSTOMER'S PRIVACY AND
14 CONFIDENTIAL DATA COLLECTED OR HELD BY A COMMUNITY CHOICE AGGREGATOR;

15 (9) PROCEDURES TO MITIGATE ANY RISK TO STANDARD OFFER
16 SERVICE CUSTOMERS CAUSED BY THE POTENTIAL FOR CUSTOMERS TO MIGRATE
17 FROM A COMMUNITY CHOICE AGGREGATOR TO STANDARD OFFER SERVICE;

18 (10) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR
19 MAY BE DISSOLVED, INCLUDING PROCEDURES FOR THE TRANSFER OF CUSTOMERS
20 TO STANDARD OFFER SERVICE AND THE RESALE OF CONTRACTED ELECTRICITY
21 SUPPLY;

22 (11) THE APPROVAL OF A TARIFF STRUCTURE FOR COMMUNITY
23 CHOICE AGGREGATOR INTERACTIONS WITH ELECTRIC COMPANIES, INCLUDING:

24 (I) BILLING AND PAYMENT COLLECTION;

25 (II) DISPUTE RESOLUTION;

26 (III) FINANCIAL SETTLEMENT;

27 (IV) LOSSES;

28 (V) METERING SERVICES;

29 (VI) PJM INTERCONNECTION REQUIREMENTS;

30 (VII) SCHEDULING; AND

1 **(VIII) UTILITY CHARGES; AND**

2 **(12) PROCEDURES TO REQUIRE THAT:**

3 **(I) A COMMUNITY CHOICE AGGREGATOR THAT TRANSFERS ALL**
4 **CUSTOMERS BACK TO STANDARD OFFER SERVICE IS CONSIDERED TO BE DISSOLVED;**
5 **AND**

6 **(II) IF A COMMUNITY CHOICE AGGREGATOR IS CONSIDERED TO**
7 **BE DISSOLVED, IT MAY NOT BE REFORMED EXCEPT THROUGH THE PROCESS OF**
8 **FORMING A NEW COMMUNITY CHOICE AGGREGATOR IN ACCORDANCE WITH THIS**
9 **SECTION.**

10 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
11 **1, 2021.**