

# SENATE BILL 31

C5, M5

(11r0682)

## ENROLLED BILL

— Finance/Economic Matters —

Introduced by **Senator Washington**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Electricity and Gas – Energy Suppliers – Supply Offers**

3 FOR the purpose of requiring the Public Service Commission, on or before a certain date,  
4 to establish an administrative process to approve supply offers for electricity or gas  
5 for households in the State that receive energy assistance through a program  
6 administered by the Office of Home Energy Programs; prohibiting, beginning on a  
7 certain date, ~~approved third-party supply offers~~ unless the Commission has  
8 approved the supply offer, a third-party retail supplier from offering to provide  
9 electricity or gas to certain households, renewing a certain contract, or charging a  
10 certain fee, ~~unless the Commission has approved the supply offer~~; requiring,  
11 beginning on a certain date, approved supply offers to include a certain commitment  
12 for the entirety of the term of the supply offer to charge certain rates for certain  
13 customers; prohibiting a third-party retail supplier whose offer is not approved by  
14 the Commission from receiving certain funds or charging a certain customer under  
15 certain circumstances; authorizing the Office of Home Energy Programs to allocate

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 funding toward supplier charges as part of arrearage assistance for certain contracts;  
 2 requiring the Commission to publish a certain annual report on or before a certain  
 3 date; ~~requiring the Commission to create certain test cases to verify certain supplier~~  
 4 ~~billing practices; requiring the Commission to adopt certain regulations on or before~~  
 5 ~~a certain date; requiring the Office of Home Energy Programs to provide certain~~  
 6 ~~educational materials to certain customers;~~ and generally relating to electricity and  
 7 natural gas supply.

8 BY adding to

9 Article – Public Utilities

10 Section 4–308

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2020 Supplement)

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

15 **Article – Public Utilities**

16 **4–308.**

17 (A) ON OR BEFORE JANUARY 1, ~~2022~~ **2023**, THE COMMISSION SHALL BY  
 18 REGULATION OR ORDER ESTABLISH AN ADMINISTRATIVE PROCESS TO APPROVE  
 19 SUPPLY OFFERS FOR ELECTRICITY OR GAS FOR HOUSEHOLDS IN THE STATE THAT  
 20 RECEIVE ENERGY ASSISTANCE THROUGH A PROGRAM ADMINISTERED BY THE  
 21 OFFICE OF HOME ENERGY PROGRAMS.

22 (B) (1) BEGINNING JULY 1, ~~2022~~ **2023**, ~~AN APPROVED SUPPLY OFFER~~  
 23 UNLESS THE COMMISSION HAS APPROVED THE SUPPLY OFFER IN ACCORDANCE  
 24 WITH SUBSECTION (A) OF THIS SECTION, A THIRD-PARTY RETAIL SUPPLIER MAY  
 25 NOT OFFER TO:

26 (I) PROVIDE ELECTRICITY OR GAS TO HOUSEHOLDS IN THE  
 27 STATE THAT HAVE RECEIVED ENERGY ASSISTANCE DURING THE PREVIOUS FISCAL  
 28 YEAR;

29 (II) RENEW A CONTRACT TO PROVIDE ELECTRICITY OR GAS TO  
 30 HOUSEHOLDS IN THE STATE THAT ~~ENROLL THE HOUSEHOLD~~ ARE ENROLLED IN AN  
 31 ENERGY ASSISTANCE PROGRAM ~~UNLESS THE COMMISSION APPROVES THE SUPPLY~~  
 32 ~~OFFER; OR~~

33 (III) CHARGE A TERMINATION FEE TO HOUSEHOLDS IN THE  
 34 STATE THAT HAVE RECEIVED ENERGY ASSISTANCE DURING THE PREVIOUS FISCAL  
 35 YEAR.

1           (2) AN APPROVED SUPPLY OFFER FROM A THIRD-PARTY RETAIL  
2 SUPPLIER SHALL INCLUDE A COMMITMENT, FOR THE ENTIRETY OF THE TERM OF  
3 THE SUPPLY OFFER, TO CHARGING AT OR BELOW THE STANDARD OFFER SERVICE  
4 RATE OR GAS COMMODITY RATE FOR CUSTOMERS RECEIVING ENERGY ASSISTANCE.

5           (3) IF A THIRD-PARTY RETAIL SUPPLIER'S OFFER IS NOT APPROVED  
6 BY THE COMMISSION, THE THIRD-PARTY RETAIL SUPPLIER MAY NOT:

7           (I) RECEIVE FUNDS FROM AN ENERGY PROGRAM  
8 ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS; OR

9           (II) CHARGE A CUSTOMER RECEIVING ASSISTANCE FROM AN  
10 ENERGY PROGRAM ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS.

11           (C) THE OFFICE OF HOME ENERGY PROGRAMS MAY ALLOCATE FUNDING  
12 TOWARD SUPPLIER CHARGES AS PART OF ARREARAGE ASSISTANCE FOR CONTRACTS  
13 THAT PRECEDED A CUSTOMER'S APPLICATION FOR ENERGY ASSISTANCE FROM THE  
14 OFFICE OF HOME ENERGY PROGRAMS.

15           (D) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE COMMISSION  
16 SHALL PUBLISH A REPORT ON THE COMMISSION'S WEBSITE THAT INCLUDES:

17           (I) THE NAMES AND THE TOTAL NUMBER OF SUPPLIERS THAT  
18 APPLIED FOR APPROVAL TO SELL TO ENERGY ASSISTANCE HOUSEHOLDS;

19           (II) THE NAMES AND THE TOTAL NUMBER OF SUPPLIERS THAT  
20 WERE APPROVED UNDER SUBSECTION (A) OF THIS SECTION;

21           (III) THE TOTAL NUMBER OF SUPPLIERS THAT WERE REJECTED,  
22 IF ANY;

23           (IV) THE TOTAL NUMBER OF ENERGY ASSISTANCE HOUSEHOLDS  
24 THAT WERE SIGNED UP WITH ~~A AN APPROVED~~ A THIRD-PARTY SUPPLIER, AS  
25 REPORTED BY THE SUPPLIER;

26           (V) THE TOTAL NUMBER OF ~~"NEW ENROLLMENT" REQUESTS~~  
27 ~~FOR ENERGY ASSISTANCE HOUSEHOLDS~~ OF SUBMITTED SUPPLIER ENROLLMENTS  
28 THAT WERE DENIED BECAUSE THE SUPPLIER WAS NOT APPROVED TO SERVE  
29 ENERGY ASSISTANCE HOUSEHOLDS, AS REPORTED BY THE UTILITY; AND

30           (VI) THE TOTAL NUMBER OF SELF-IDENTIFIED ENERGY  
31 ASSISTANCE HOUSEHOLDS THAT FILED COMPLAINTS ABOUT THEIR THIRD-PARTY  
32 SUPPLIER.

(2) THE COMMISSION SHALL SEND A COPY OF THE REPORT TO THE OFFICE OF PEOPLE’S COUNSEL, THE OFFICE OF HOME ENERGY PROGRAMS, AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE.

~~(E) EACH YEAR THE COMMISSION SHALL CREATE TEST CASES FOR NEW ENROLLMENTS THAT SHALL BE RUN THROUGH EACH UTILITY’S BILLING AND ENROLLMENT SYSTEM ON A QUARTERLY BASIS TO VERIFY THAT SUPPLIERS ON THE APPROVED LIST ARE CORRECTLY CHARGING HOUSEHOLDS THAT RECEIVE ENERGY ASSISTANCE. ON OR BEFORE JANUARY 1, 2023, THE COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING A CUSTOMER EDUCATION PROGRAM THAT:~~

~~(1) EDUCATES CUSTOMERS ON THE BENEFITS OF COMPARISON SHOPPING FOR ELECTRIC AND GAS SERVICE;~~

~~(2) TEACHES CUSTOMERS HOW TO SHOP FOR AND COMPARE ELECTRIC AND GAS SERVICE;~~

~~(3) INFORMS CUSTOMERS HOW TO ACCESS THE COMMISSION’S CUSTOMER CHOICE SHOPPING WEBSITE; AND~~

~~(4) PROVIDES THE INFORMATION SPECIFIED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION TO CUSTOMERS ON A QUARTERLY BASIS.~~

~~(F) THE OFFICE OF HOME ENERGY PROGRAMS SHALL PROVIDE TO A CUSTOMER THE MATERIALS DEVELOPED UNDER SUBSECTION (E) OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.