

SENATE BILL 31

C5, M5
SB 685/20 – FIN

(PRE-FILED)

11r0682
CF HB 397

By: **Senator Washington**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Committee amendments withdrawn, February 19, 2021

Senate action: Adopted with substitute committee amendments, February 19, 2021

Read second time: February 19, 2021

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 from offering to provide electricity
8 or gas to certain households, renewing a certain contract, or charging a certain fee,
9 unless the Commission has approved the supply offer; requiring, beginning on a
10 certain date, approved supply offers to include a certain commitment to charge
11 certain rates for certain customers; prohibiting a third-party retail supplier whose
12 offer is not approved by the Commission from receiving certain funds or charging a
13 certain customer under certain circumstances; authorizing the Office of Home
14 Energy Programs to allocate funding toward supplier charges as part of arrearage
15 assistance for certain contracts; requiring the Commission to publish a certain
16 annual report on or before a certain date; ~~requiring the Commission to create certain~~
17 ~~test cases to verify certain supplier billing practices~~; requiring the Commission to
18 adopt certain regulations on or before a certain date; requiring the Office of Home
19 Energy Programs to provide certain educational materials to certain customers; and
20 generally relating to electricity and natural gas supply.

21 BY adding to

22 Article – Public Utilities

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.



1 Section 4–308
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2020 Supplement)

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

6 **Article – Public Utilities**

7 **4–308.**

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

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

17 (I) PROVIDE ELECTRICITY OR GAS TO HOUSEHOLDS IN THE
18 STATE THAT HAVE RECEIVED ENERGY ASSISTANCE DURING THE PREVIOUS FISCAL
19 YEAR;

20 (II) RENEW A CONTRACT TO PROVIDE ELECTRICITY OR GAS TO
21 HOUSEHOLDS IN THE STATE THAT ENROLL THE HOUSEHOLD IN AN ENERGY
22 ASSISTANCE PROGRAM UNLESS THE COMMISSION APPROVES THE SUPPLY OFFER;
23 OR

24 (III) CHARGE A TERMINATION FEE.

25 (2) AN APPROVED SUPPLY OFFER FROM A THIRD-PARTY RETAIL
26 SUPPLIER SHALL INCLUDE A COMMITMENT TO CHARGING AT OR BELOW THE
27 STANDARD OFFER SERVICE RATE OR GAS COMMODITY RATE FOR CUSTOMERS
28 RECEIVING ENERGY ASSISTANCE.

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

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

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

3 (C) THE OFFICE OF HOME ENERGY PROGRAMS MAY ALLOCATE FUNDING
4 TOWARD SUPPLIER CHARGES AS PART OF ARREARAGE ASSISTANCE FOR CONTRACTS
5 THAT PRECEDED A CUSTOMER'S APPLICATION FOR ENERGY ASSISTANCE FROM THE
6 OFFICE OF HOME ENERGY PROGRAMS.

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

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

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

13 (III) THE TOTAL NUMBER OF SUPPLIERS THAT WERE REJECTED,
14 IF ANY;

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

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

22 (VI) THE TOTAL NUMBER OF ENERGY ASSISTANCE HOUSEHOLDS
23 THAT FILED COMPLAINTS ABOUT THEIR THIRD-PARTY SUPPLIER.

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

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

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

3 **(2) TEACHES CUSTOMERS HOW TO SHOP FOR AND COMPARE**
4 **ELECTRIC AND GAS SERVICE;**

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.