

SB0001/113029/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 1
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering a certain charge that may be assessed to a public service company; changing the name of the Retail Choice Customer Education and Protection Fund to the Education and Protection Fund; modifying the purpose and uses of the Fund; altering the scope of a certain training and educational program that the Public Service Commission is required to develop; requiring the Commission to require a residential energy retailer to post certain information on the energy retailer’s website; providing for the recovery of certain costs through rates;”; in line 5, after “State;” insert “establishing an energy vendor license for certain persons that provide energy sales services in the State;”; in the same line, after “salesperson,” insert “energy vendor,”; in line 6, strike “Public Service”; in line 9, strike the first “and” and substitute “energy vendors, and”; in line 11, strike “salespersons” and substitute “vendors”; in the same line, after “violations;” insert “prohibiting the Commission from imposing a civil penalty on an energy salesperson;”; in the same line, after the second “certain” insert “authorizations and”; in line 12, after “electricity supply” insert “and gas supply”; in line 13, strike “and an” and substitute “, a certain”; in the same line, after “supplier” insert “, a gas company, and a certain gas supplier”; in line 15, after “service” insert “or gas service”; in line 16, strike “electric companies” and substitute “billing entities”; in line 18, after “Commission;” insert “prohibiting a certain electricity supplier from marketing electricity as green power unless certain conditions are met;”; strike beginning with the second “in” in line 20 down through “year” in line 22; in lines 23 and 24, strike “a certain disclosure” and substitute “certain disclosures”; and in line 28, after “amendment;” insert “requiring, on or before a certain date, the Commission to develop a certain training and education program;”.

On page 2, in line 3, strike “7-310(b)” and substitute “2-110(a) and (b)”; in line 8, after “1-101(l-1)” insert “and (l-2)”; in the same line, strike “7-507.1” and substitute “7-

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315 through ~~7-318~~"; in the same line, after "7-603.1," insert "7-604.2"; in line 13, after "Section" insert "2-110(c)(12)"; and in the same line, strike "7-310(e)" and substitute "7-310, 7-311".

AMENDMENT NO. 2

On page 3, in line 14, after "~~(L-1)~~" insert "(1)"; in lines 16 and 19, strike "~~(1)~~" and "~~(2)~~", respectively, and substitute "(I)" and "(II)", respectively; in the same lines, in each instance, after "TO" insert "RESIDENTIAL"; and after line 20, insert:

"(2) "ENERGY SALESPERSON" DOES NOT INCLUDE:

(I) THE DEPARTMENT OF GENERAL SERVICES WHEN THE DEPARTMENT OF GENERAL SERVICES SELLS ENERGY UNDER § 7-704.4 OF THIS ARTICLE;

(II) THE WASHINGTON SUBURBAN SANITARY COMMISSION WHEN THE WASHINGTON SUBURBAN SANITARY COMMISSION SELLS ENERGY UNDER DIVISION II OF THIS ARTICLE;

(III) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS ARTICLE; OR

(IV) AN EMPLOYEE OR CONTRACTOR OF AN ELECTRIC COMPANY WHEN THE EMPLOYEE OR CONTRACTOR IS PERFORMING DUTIES SPECIFIC TO STANDARD OFFER SERVICE.

(L-2) "ENERGY VENDOR" MEANS A PERSON THAT HAS A CONTRACT OR SUBCONTRACT TO PROVIDE ENERGY SALES SERVICES TO AN ELECTRICITY SUPPLIER OR A GAS SUPPLIER THAT PROVIDES ELECTRICITY SUPPLY SERVICES OR GAS SUPPLY SERVICES, RESPECTIVELY, TO A RESIDENTIAL CUSTOMER."

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On page 5, after line 7, insert:

“2–110.

(a) In this section, “public service company” includes an electricity supplier and a gas supplier as those terms are defined in § 1–101 of this article.

(b) (1) The costs and expenses of the Commission and the Office of People’s Counsel shall be borne by the public service companies that are subject to the Commission’s jurisdiction.

(2) The costs and expenses shall be assessed as provided in this section.

(3) The Commission shall pay the money that it collects for the assessment under this section into the Public Utility Regulation Fund in the State Treasury established under § 2–110.1 of this subtitle to reimburse the State for the expenses of the Commission and the Office of People’s Counsel.

(c) (12) The total amount that may be charged to a public service company under this section for a State fiscal year may not exceed:

(i) [0.25%] 0.50% of the public service company’s gross operating revenues derived from intrastate utility and electricity supplier operations in the preceding calendar year, or other 12–month period that the Chairman determines, for the costs and expenses of the Commission other than that of the Office of People’s Counsel; plus

(ii) 0.074% of those revenues for the costs and expenses of the Office of People’s Counsel.”;

strike in their entirety lines 9 through 13, inclusive, and substitute:

“(a) In this section, “Fund” means the [Retail Choice Customer] Education and Protection Fund.

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(b) There is [a Retail Choice Customer] AN Education and Protection Fund.

(c) The purpose of the Fund is to provide resources to improve the Commission's ability to:

(1) educate customers on:

(I) retail electric and gas choice; and

(II) **ENERGY CHOICES THAT HELP MEET THE STATE'S CLIMATE COMMITMENTS UNDER §§ 7-211 AND 7-211.2 OF THIS TITLE AND §§ 2-1204.1 AND 2-1204.2 OF THE ENVIRONMENT ARTICLE;**

(2) protect customers from unfair, false, misleading, or deceptive practices by electricity SUPPLIERS, ENERGY SALESPERSONS, ENERGY VENDORS, or gas suppliers; AND

(3) **DEVELOP A TRAINING AND EDUCATIONAL PROGRAM FOR ELECTRICITY SUPPLIERS, GAS SUPPLIERS, ENERGY SALESPERSONS, AND ENERGY VENDORS AS PROVIDED UNDER § 7-311 OF THIS SUBTITLE.**

(d) The Commission shall administer the Fund.

(e) (1) The Fund is a special, [nonlapsing] NONLAPSING fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) revenue distributed to the Fund under § 13-201(e)(3) of this article;

(2) money appropriated in the State budget to the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

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(g) The Fund may be used only to:

(1) educate retail electric or gas customers on retail choice AND ENERGY CHOICES THAT HELP TO MEET THE STATE'S CLIMATE COMMITMENTS UNDER §§ 7-211 AND 7-211.2 OF THIS TITLE AND §§ 2-1204.1 AND 2-1204.2 OF THE ENVIRONMENT ARTICLE; [and]

(2) improve customer protections for retail electric or gas customers; AND

(3) DEVELOP A TRAINING AND EDUCATIONAL PROGRAM FOR ELECTRICITY SUPPLIERS, GAS SUPPLIERS, ENERGY SALESPERSONS, AND ENERGY VENDORS AS PROVIDED UNDER § 7-311 OF THIS SUBTITLE.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

7-311.

(a) The Commission shall develop a training and educational program for any entity or individual that is licensed by the Commission as an electricity supplier [or], a gas supplier, AN ENERGY SALESPERSON, OR AN ENERGY VENDOR.

(b) The Commission shall develop the program in consultation with interested stakeholders, including electricity suppliers [and], gas suppliers, ENERGY SALESPERSONS, AND ENERGY VENDORS.

(c) The program shall require that a designated representative of each licensed electricity supplier [or], licensed gas supplier, LICENSED ENERGY VENDOR,

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OR LICENSED ENERGY SALESPERSON demonstrate a thorough understanding of the Commission's regulations regarding:

- (1) sales;
 - (2) consumer protection; and
 - (3) any other matter the Commission deems appropriate.
- (d) At the conclusion of the training, the Commission shall:
- (1) conduct an examination; and
 - (2) on a satisfactory score, certify that the designated representative of the licensed electricity supplier [or], licensed gas supplier, LICENSED ENERGY SALESPERSON, OR LICENSED ENERGY VENDOR has successfully completed the training.
- (e) (1) The Commission shall determine the schedule and frequency by which a designated representative of a licensed electricity supplier [or], licensed gas supplier, LICENSED ENERGY SALESPERSON, OR LICENSED ENERGY VENDOR must complete the training and certification.
- (2) A designated representative of a new electricity supplier [or], gas supplier, ENERGY SALESPERSON, OR ENERGY VENDOR shall complete the training and certification prior to the issuance of a license.
- (f) The Commission may adopt regulations that include appropriate penalties or sanctions for failure to comply with this section.
- (g) (1) The Commission shall use [the assessments collected in accordance with § 2-110 of this article] THE FOLLOWING FUNDING SOURCES for the initial development of the training and educational program:
- (I) THE ASSESSMENTS COLLECTED IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE; OR

(II) FUNDS DEPOSITED INTO THE EDUCATION AND PROTECTION FUND IN ACCORDANCE WITH § 7-310 OF THIS SUBTITLE.

(2) The Commission may establish reasonable fees to pay for the costs of the program.

7-315.

(A) (1) IN THIS SECTION, “RESIDENTIAL ENERGY RETAILER” INCLUDES:

(I) AN ELECTRICITY SUPPLIER THAT SUPPLIES ELECTRICITY TO RESIDENTIAL RETAIL ELECTRIC CUSTOMERS;

(II) A GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS;

(III) AN ENERGY SALESPERSON; AND

(IV) AN ENERGY VENDOR.

(2) “RESIDENTIAL ENERGY RETAILER” DOES NOT INCLUDE:

(I) THE DEPARTMENT OF GENERAL SERVICES WHEN THE DEPARTMENT OF GENERAL SERVICES SELLS ENERGY UNDER § 7-704.4 OF THIS TITLE; OR

(II) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.

(B) THE COMMISSION MAY ADOPT REGULATIONS TO:

(Over)

(1) REQUIRE A RESIDENTIAL ENERGY RETAILER TO POST NOTICES AND DISCLOSURES REQUIRED UNDER THIS TITLE ON THE RETAILER'S WEBSITE:

(I) IN A PROMINENT LOCATION;

(II) USING AT LEAST A CERTAIN MINIMUM FONT SIZE; AND

(III) IN A FORMAT APPROVED BY THE COMMISSION; AND

(2) REQUIRE OR PROHIBIT THE USE OF SPECIFIC LANGUAGE IN A RESIDENTIAL ENERGY RETAILER'S MARKETING MATERIALS, DISCLAIMERS, DISCLOSURES, AND LEGAL DOCUMENTS, INCLUDING REQUIRING OR PROHIBITING THE USE OF SPECIFIC LANGUAGE BASED ON SERVICE OR PRODUCT TYPE.

(C) THE COMMISSION SHALL REQUIRE A RESIDENTIAL ENERGY RETAILER TO POST ON THE RETAILER'S WEBSITE, IN CLEAR AND UNAMBIGUOUS LANGUAGE:

(1) THE TERMS AND CONDITIONS OF THE RESIDENTIAL SERVICES AND PRODUCTS SOLD BY THE RETAILER; AND

(2) AN ENVIRONMENTAL DISCLOSURE, IN A FORMAT REQUIRED BY THE COMMISSION, FOR THE RESIDENTIAL SERVICES AND PRODUCTS SOLD BY THE RETAILER.

(A) IN THIS SECTION, "MARKETING" DOES NOT INCLUDE MATERIALS TO EDUCATE OR INFORM A RETAIL CUSTOMER ABOUT STANDARD OFFER SERVICE, DEFAULT GAS COMMODITY SERVICE, OR CUSTOMER CHOICE.

(B) AN ELECTRIC COMPANY AND A GAS COMPANY MAY NOT RECOVER THROUGH ITS RATES ANY COSTS ASSOCIATED WITH MARKETING ITS SERVICES.

(C) AN ELECTRIC COOPERATIVE MAY RECOVER THROUGH ITS RATES ANY COSTS ASSOCIATED WITH MARKETING ITS SERVICES, INCLUDING THE COSTS ASSOCIATED WITH MATERIALS THAT EDUCATE OR INFORM A RETAIL CUSTOMER ABOUT STANDARD OFFER SERVICE OR CUSTOMER CHOICE.

7-317.

(A) (1) BEGINNING JULY 1, 2025, A PERSON MAY NOT ENGAGE IN THE BUSINESS OF AN ENERGY SALESPERSON IN THE STATE UNLESS THE PERSON HOLDS A LICENSE ISSUED BY THE COMMISSION.

(2) A LICENSED ENERGY SALESPERSON MAY OFFER OR SELL ELECTRICITY SUPPLY AGREEMENTS OR GAS SUPPLY AGREEMENTS TO CUSTOMERS IN THE STATE ONLY IF THE ENERGY SALESPERSON IS ASSOCIATED WITH A LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER, RESPECTIVELY.

(B) (1) AN APPLICATION FOR AN ENERGY SALESPERSON LICENSE SHALL:

(I) BE MADE TO THE COMMISSION IN WRITING ON A FORM ADOPTED BY THE COMMISSION;

(II) BE VERIFIED BY OATH OR AFFIRMATION; AND

(Over)

(III) CONTAIN INFORMATION THAT THE COMMISSION REQUIRES, INCLUDING:

1. PROOF OF ASSOCIATION WITH A LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER, AS APPROPRIATE;

2. PROOF OF COMPLIANCE WITH ALL APPLICABLE TRAINING REQUIREMENTS FOR CUSTOMER PROTECTION UNDER THIS SUBTITLE AND SUBTITLES 5 AND 6 OF THIS TITLE AS REQUIRED BY THE COMMISSION; AND

3. PAYMENT OF THE APPLICABLE LICENSING FEE.

(2) (I) THE TERM OF AN ENERGY SALESPERSON LICENSE IS 3 YEARS.

(II) THE TERMS OF LICENSES MAY BE STAGGERED AS DETERMINED BY THE COMMISSION.

(III) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, UNLESS A LICENSE IS RENEWED FOR A 3-YEAR TERM IN ACCORDANCE WITH THIS SUBSECTION, THE LICENSE EXPIRES ON THE DATE THAT THE COMMISSION SETS.

(IV) A LICENSEE MAY RENEW A LICENSE FOR A 3-YEAR TERM BEFORE THE LICENSE EXPIRES IF THE LICENSEE:

1. OTHERWISE IS ENTITLED TO BE LICENSED;

2. SUBMITS TO THE COMMISSION A RENEWAL APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES; AND

3. PAYS TO THE COMMISSION THE APPLICABLE RENEWAL FEE SET BY THE COMMISSION.

(V) A LICENSEE MAY CONTINUE TO PROVIDE SERVICES AS AN ENERGY SALESPERSON AFTER THE LICENSEE'S LICENSE EXPIRES IF THE

LICENSEE'S RENEWAL APPLICATION IS SUBMITTED TO THE COMMISSION BEFORE THE LICENSE EXPIRES.

(C) THE COMMISSION SHALL, BY REGULATION OR ORDER:

(1) REQUIRE PROOF OF FINANCIAL INTEGRITY;

(2) REQUIRE A LICENSEE TO POST A BOND OR OTHER SIMILAR INSTRUMENT IF, IN THE COMMISSION'S JUDGMENT, THE BOND OR SIMILAR INSTRUMENT IS NECESSARY TO ENSURE AN ENERGY SALESPERSON'S FINANCIAL INTEGRITY; AND

(3) ADOPT ANY OTHER REQUIREMENTS THE COMMISSION FINDS TO BE IN THE PUBLIC INTEREST.

(D) A LICENSE ISSUED UNDER THIS SECTION MAY NOT BE TRANSFERRED WITHOUT PRIOR COMMISSION APPROVAL.

7-318.

(A) BEGINNING JULY 1, 2025, A PERSON MAY NOT ENGAGE IN THE BUSINESS OF AN ENERGY VENDOR IN THE STATE UNLESS THE PERSON HOLDS A LICENSE ISSUED BY THE COMMISSION.

(B) (1) AN APPLICATION FOR AN ENERGY VENDOR LICENSE SHALL:

(I) BE MADE TO THE COMMISSION IN WRITING ON A FORM ADOPTED BY THE COMMISSION;

(II) BE VERIFIED BY OATH OR AFFIRMATION; AND

(Over)

(III) CONTAIN INFORMATION THAT THE COMMISSION REQUIRES, INCLUDING PAYMENT OF THE APPLICABLE LICENSING FEE.

(2) (I) THE TERM OF AN ENERGY VENDOR LICENSE IS 3 YEARS.

(II) THE TERMS OF LICENSES MAY BE STAGGERED AS DETERMINED BY THE COMMISSION.

(III) UNLESS A LICENSE IS RENEWED FOR A 3-YEAR TERM IN ACCORDANCE WITH THIS SUBSECTION, THE LICENSE EXPIRES ON THE DATE THAT THE COMMISSION SETS.

(IV) A LICENSEE MAY RENEW A LICENSE FOR A 3-YEAR TERM BEFORE THE LICENSE EXPIRES IF THE LICENSEE:

1. OTHERWISE IS ENTITLED TO BE LICENSED;
2. SUBMITS TO THE COMMISSION A RENEWAL APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES; AND
3. PAYS TO THE COMMISSION THE APPLICABLE RENEWAL FEE SET BY THE COMMISSION.

(C) THE COMMISSION SHALL, BY REGULATION OR ORDER:

- (1) REQUIRE PROOF OF FINANCIAL INTEGRITY;
- (2) REQUIRE A LICENSEE TO POST A BOND OR OTHER SIMILAR INSTRUMENT IF, IN THE COMMISSION'S JUDGMENT, THE BOND OR SIMILAR

INSTRUMENT IS NECESSARY TO ENSURE AN ENERGY VENDOR'S FINANCIAL INTEGRITY; AND

(3) ADOPT ANY OTHER REQUIREMENTS THE COMMISSION FINDS TO BE IN THE PUBLIC INTEREST.

(D) A LICENSE ISSUED UNDER THIS SECTION MAY NOT BE TRANSFERRED WITHOUT PRIOR COMMISSION APPROVAL.”;

and in line 17, after “territory,” insert “THE DEPARTMENT OF GENERAL SERVICES SELLING ENERGY UNDER § 7-704.4 OF THIS TITLE,”.

On page 6, in line 2, strike “AN” and substitute “A RESIDENTIAL”; in line 6, after “LICENSE” insert “FOR A RESIDENTIAL ELECTRICITY SUPPLIER”; and in line 9, strike “AN ADDITIONAL” and substitute “A”.

On page 7, in line 4, strike “AND”; in line 5, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; in line 6, strike “AND” and substitute a comma; in the same line, after “SALESPERSON” insert “, AND EACH ENERGY VENDOR”; and in line 24, after “SALESPERSON,” insert “AN ENERGY VENDOR,”.

On page 8, in lines 1 and 4, in each instance, after “supplier” insert “, AN ENERGY SALESPERSON, OR AN ENERGY VENDOR”; in line 7, after “supplier” insert “, AN ENERGY SALESPERSON, AND AN ENERGY VENDOR”; in line 12, strike “FOR” and substitute “SUBJECT TO SUBSECTION (R) OF THIS SECTION, FOR”; in line 16, strike “OR” and substitute “, AN”; in the same line, after “SALESPERSON” insert “, OR AN ENERGY VENDOR”; in line 22, strike “OR” and substitute a comma; and in the same line, after “SALESPERSON” insert “, OR ENERGY VENDOR”.

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On page 9, in line 13, strike “SALESPERSON” and substitute “VENDOR”; in line 14, after “person” insert “, EXCEPT FOR AN ENERGY SALESPERSON,”; in lines 14 and 15, strike “§ 7-507.1 OF THIS SUBTITLE” and substitute “§ 7-318 OF THIS TITLE”; in line 21, after “(2)” insert “AN ENERGY SALESPERSON SELLING OR OFFERING TO SELL ELECTRICITY IN THE STATE IN VIOLATION OF THIS SECTION OR § 7-317 OF THIS TITLE, AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, IS SUBJECT TO LICENSE DENIAL, REVOCATION, OR SUSPENSION OR REFUSAL TO RENEW THE LICENSE.”

(3)”;

in lines 23 and 25, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; and in line 28, strike “SALESPERSON” and substitute “VENDOR”.

On page 10, in line 2, strike “SALESPERSON” and substitute “VENDOR”; in line 7, strike “§ 7-507.1 OF THIS SUBTITLE” and substitute “§ 7-317 OR § 7-318 OF THIS TITLE”; in line 8, after “SALESPERSON” insert “, ENERGY VENDOR”; in line 12, after “SALESPERSON,” insert “AN ENERGY VENDOR,”; in line 22, strike “AND” and substitute a comma; in line 23, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; and after line 23, insert:

“(R) THE COMMISSION MAY NOT IMPOSE A CIVIL PENALTY ON AN ENERGY SALESPERSON UNDER SUBSECTION (K) OR (L) OF THIS SECTION.”

On pages 10 through 12, strike in their entirety the lines beginning with line 24 on page 10 through line 6 on page 12, inclusive.

On page 14, in line 5, after “2003,” insert a closing bracket; in the same line, strike “an” and substitute “(I) AN”; strike beginning with “continues” in line 5 down through “have” in line 6 and substitute “HAS”; and in line 9, strike “(iii) 1.]” and substitute “(II)”.

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On page 15, strike in their entirety lines 23 through 26, inclusive.

On page 17, after line 8, insert:

“(10) AN ELECTRIC COOPERATIVE MAY ADVERTISE, MARKET, AND PROMOTE STANDARD OFFER SERVICE AND RELATED PRODUCTS IN ITS SERVICE TERRITORY, INCLUDING AVAILABILITY, PRICE, AND OTHER TERMS, IN COMPLIANCE WITH APPROPRIATE CONSUMER PROTECTIONS CONSISTENT WITH THOSE THAT APPLY TO ELECTRICITY SUPPLIERS UNDER § 7-507 OF THIS SUBTITLE.”;

in line 13, after “TO” insert “**RESIDENTIAL**”; in line 14, after “THAN” insert “**SUPPLY OFFERED THROUGH:**”

(I);

in the same line, after “SERVICE” insert “;

(II) THE DEPARTMENT OF GENERAL SERVICES’ SALE OF ENERGY UNDER § 7-704.4 OF THIS TITLE; OR

(III) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS SUBTITLE”;

in line 15, strike “AN” and substitute “**A RESIDENTIAL**”; in line 16, after “ELECTRICITY” insert “**, OTHER THAN GREEN POWER,**”; in line 20, after “OFFER” insert “**RESIDENTIAL**”; in lines 20 and 21, strike “:

1.”;

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in line 21, after “TIME” insert “;

(III) MAY, FOR ELECTRICITY SUPPLY OTHER THAN GREEN POWER, AUTOMATICALLY RENEW THE TERM ONLY IF THE ELECTRICITY SUPPLIER PROVIDES NOTICE TO THE CUSTOMER 90 DAYS BEFORE AND 30 DAYS BEFORE RENEWAL;

(IV) MAY OFFER GREEN POWER THAT MEETS THE REQUIREMENTS OF § 7-707 OF THIS TITLE, BUT MAY NOT AUTOMATICALLY RENEW THE TERM WITH THE CUSTOMER”;

strike in their entirety lines 22 and 23; in lines 24 and 27, strike “(III)” and “(IV)”, respectively, and substitute “(V)” and “(VI)”, respectively; in line 26, after “YEAR;” insert “AND”; and strike beginning with “; AND” in line 28 down through “AGREEMENT” in line 30.

On page 18, in line 1, strike “(2)(III)” and substitute “(2)(V)”; strike in their entirety lines 4 through 9, inclusive; in line 10, strike “(5)” and substitute “(4)”; in the same line, strike “AN” and substitute “A RESIDENTIAL”; in line 11, strike the second “AN” and substitute “THE”; in line 13, after “(E)” insert “(1) THIS SUBSECTION DOES NOT APPLY TO:

(I) THE DEPARTMENT OF GENERAL SERVICES’ SALE OF ENERGY UNDER § 7-704.4 OF THIS TITLE; OR

(II) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS SUBTITLE.

(2)”;

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in the same line, strike “AN” and substitute “A RESIDENTIAL”; in line 19, after “(F)” insert “(1) THIS SUBSECTION DOES NOT APPLY TO:

(I) THE DEPARTMENT OF GENERAL SERVICES’ SALE OF ENERGY UNDER § 7-704.4 OF THIS TITLE; OR

(II) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS SUBTITLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,”;

in the same line, strike “AS” and substitute “AS”; in line 20, after “EACH” insert “RESIDENTIAL”; after line 24, insert:

“(3) A RESIDENTIAL ELECTRICITY SUPPLIER MAY CONTACT A CUSTOMER ON A “DO NOT TRANSFER” LIST UNTIL THE ELECTRICITY SUPPLY AGREEMENT ENTERED INTO BETWEEN THE ELECTRICITY SUPPLIER AND THE CUSTOMER EXPIRES.”;

in line 25, after “(G)” insert:

“(1) IN THIS SUBSECTION, “BILLING ENTITY” MEANS AN ELECTRIC COMPANY, A LICENSED ELECTRICITY SUPPLIER, OR ANY OTHER ENTITY THAT IS RESPONSIBLE FOR ISSUING AN ELECTRIC BILL TO A RESIDENTIAL CUSTOMER.

(2)”;

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in the same line, strike “ELECTRIC”; in line 26, strike “COMPANY” and substitute “BILLING ENTITY”; and in lines 28, 30, and 32, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively.

On page 19, in lines 1, 3, 4, 5, 7, 10, 13, 16, and 19, strike “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively, and substitute “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, “(X)”, “(XI)”, and “(XII)”, respectively.

On page 20, in lines 1, 8, 10, and 16, in each instance, strike “AND” and substitute a comma; in lines 2, 8, 10, and 16, in each instance, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; in lines 9 and 10, strike “§§ 7-507 AND 7-507.1” and substitute “§§ 7-317, 7-318, AND 7-507”; in line 18, strike “AND ENERGY SALESPERSONS”; in line 19, after “TITLE” insert “AND ENERGY SALESPERSONS AND ENERGY VENDORS UNDER SUBTITLE 3 OF THIS TITLE”; in line 21, strike “FOR” and substitute “SUBJECT TO SUBSECTION (B)(5) OF THIS SECTION, FOR”; in lines 25 and 29, in each instance, strike “OR” and substitute a comma; and in the same lines, in each instance, after “SALESPERSON” insert “, OR AN ENERGY VENDOR”.

On page 21, in line 26, after “(1)” insert “(I)”; in the same line, strike “SALESPERSON” and substitute “VENDOR”; and in line 27, after “PERSON” insert “, EXCEPT FOR AN ENERGY SALESPERSON,”.

On page 22, in lines 1, 3, and 5, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; after line 5, insert:

“(II) AN ENERGY SALESPERSON SELLING OR OFFERING TO SELL GAS IN THE STATE IN VIOLATION OF THIS SECTION OR § 7-603 OF THIS SUBTITLE, AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, IS SUBJECT TO LICENSE DENIAL, REVOCATION, OR SUSPENSION OR REFUSAL TO RENEW THE LICENSE.”;

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in lines 13 and 17, in each instance, strike “SALESPERSON” and substitute “VENDOR”; after line 20, insert:

“(5) THE COMMISSION MAY NOT IMPOSE A CIVIL PENALTY ON AN INDIVIDUAL ENERGY SALESPERSON IN ACCORDANCE WITH THIS SUBSECTION.”;

and in lines 23 and 28, in each instance, after “SALESPERSON,” insert “AN ENERGY VENDOR,”.

On page 23, in line 2, strike “AND” and substitute a comma; in the same line, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; in lines 12 and 14, in each instance, strike “AND” and substitute a comma; in lines 13 and 14, in each instance, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; after line 14, insert:

“7-604.2.

(A) IN THIS SECTION, “DEFAULT GAS COMMODITY SERVICE” MEANS THE SUPPLY OF RETAIL GAS COMMODITY SERVICE BY A CUSTOMER’S GAS COMPANY.

(B) (1) THIS SUBSECTION APPLIES TO RESIDENTIAL GAS SUPPLY OTHER THAN DEFAULT GAS COMMODITY SERVICE PROVIDED BY A GAS COMPANY.

(2) A GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS:

(I) MAY OFFER GAS SERVICE ONLY AT A PRICE THAT DOES NOT EXCEED THE TRAILING 12-MONTH AVERAGE OF THE GAS COMPANY’S DEFAULT GAS COMMODITY SERVICE IN THE GAS COMPANY’S SERVICE TERRITORY AS OF THE DATE OF THE AGREEMENT WITH THE CUSTOMER;

(Over)

(II) MAY OFFER RESIDENTIAL GAS SUPPLY ONLY FOR A TERM NOT TO EXCEED 12 MONTHS AT A TIME AND MAY AUTOMATICALLY RENEW THE TERM ONLY IF THE GAS SUPPLIER PROVIDES NOTICE TO THE CUSTOMER 90 DAYS BEFORE AND 30 DAYS BEFORE RENEWAL;

(III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MAY NOT OFFER A VARIABLE RATE OTHER THAN A RATE THAT ADJUSTS FOR SEASONAL VARIATION NOT MORE THAN TWICE IN A SINGLE YEAR; AND

(IV) MAY NOT PAY A COMMISSION OR OTHER INCENTIVE-BASED COMPENSATION TO AN ENERGY SALESPERSON FOR ENROLLING CUSTOMERS.

(3) PARAGRAPH (2)(III) OF THIS SUBSECTION DOES NOT PROHIBIT THE OFFER AND USE OF RATES THAT DIFFER BASED ON THE TOTAL NUMBER OF THERMS USED BY A CUSTOMER IN ANY BILLING PERIOD.

(4) A GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS MAY NOT SELL TO A GAS COMPANY, AND A GAS COMPANY MAY NOT PURCHASE FROM THE GAS SUPPLIER, ACCOUNTS RECEIVABLE.

(C) A GAS COMPANY AND A GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS SHALL ESTABLISH A MECHANISM FOR A CUSTOMER WHOSE ACCOUNT NUMBER OR CUSTOMER CHOICE IDENTIFICATION NUMBER HAS BEEN COMPROMISED TO RECEIVE A REPLACEMENT ACCOUNT NUMBER OR CUSTOMER CHOICE IDENTIFICATION NUMBER ON REQUEST, SUBJECT TO VERIFICATION IN A MANNER APPROVED BY THE COMMISSION.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AS APPROVED BY THE COMMISSION BY REGULATION OR ORDER, EACH GAS COMPANY AND EACH GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS SHALL ALLOW A CUSTOMER TO INDICATE THE CUSTOMER'S INTENTION TO REMAIN ON DEFAULT GAS COMMODITY SERVICE INDEFINITELY AND NOT TO RECEIVE DIRECTED MARKETING CONTACTS FROM GAS SUPPLIERS THROUGH THE IMPLEMENTATION OF A "DO NOT TRANSFER" LIST ONTO WHICH THE CUSTOMER MAY REQUEST TO BE PLACED.

(2) A GAS SUPPLIER THAT SUPPLIES GAS TO RESIDENTIAL RETAIL GAS CUSTOMERS MAY CONTACT A CUSTOMER ON A "DO NOT TRANSFER" LIST UNTIL THE GAS SUPPLY AGREEMENT ENTERED INTO BETWEEN THE GAS SUPPLIER AND THE CUSTOMER EXPIRES.

(E) (1) IN THIS SUBSECTION, "BILLING ENTITY" MEANS A GAS COMPANY, A LICENSED GAS SUPPLIER, OR ANY OTHER ENTITY THAT IS RESPONSIBLE FOR ISSUING A GAS BILL TO A RESIDENTIAL CUSTOMER.

(2) ON OR BEFORE THE 15TH DAY OF EACH MONTH, EACH BILLING ENTITY SHALL SUBMIT A REPORT TO THE COMMISSION ON CUSTOMER CHOICE IN ITS SERVICE TERRITORY FOR THE PRECEDING MONTH, INCLUDING:

(I) THE TOTAL THERMS DISTRIBUTED TO CUSTOMERS PURCHASING GAS FROM A THIRD-PARTY GAS SUPPLIER;

(II) THE TOTAL SUPPLY COST CHARGED TO CUSTOMERS PURCHASING GAS FROM A THIRD-PARTY GAS SUPPLIER;

(III) THE TOTAL COST THAT CUSTOMERS SPECIFIED IN ITEM (II) OF THIS PARAGRAPH WOULD HAVE PAID UNDER DEFAULT GAS COMMODITY SERVICE;

(IV) THE NET THIRD-PARTY TOTAL COST COMPARED TO THE NET DEFAULT GAS COMMODITY SERVICE COST;

(V) THE TOTAL THIRD-PARTY AVERAGE RATE;

(VI) THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE;

(VII) THE DIFFERENCE BETWEEN THE TOTAL THIRD-PARTY AVERAGE RATE AND THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE;

(VIII) THE THIRD-PARTY AVERAGE RESIDENTIAL RATES BROKEN OUT BY SUPPLIER AND THE VARIANCE BETWEEN EACH OF THESE RATES AND THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE;

(IX) THE THIRD-PARTY AVERAGE GENERAL SERVICE NONDEMAND RATES BROKEN OUT BY SUPPLIER AND THE VARIANCE BETWEEN EACH OF THESE THIRD-PARTY RATES AND THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE;

(X) THE THIRD-PARTY AVERAGE GENERAL SERVICE DEMAND RATES BROKEN OUT BY SUPPLIER AND THE VARIANCE BETWEEN EACH OF THESE THIRD-PARTY RATES AND THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE;

(XI) THE THIRD-PARTY AVERAGE LARGE POWER DEMAND RATES BROKEN OUT BY SUPPLIER AND THE VARIANCE BETWEEN EACH OF THESE THIRD-PARTY RATES AND THE DEFAULT GAS COMMODITY SERVICE AVERAGE RATE; AND

(XII) OTHER PERTINENT INFORMATION THE COMMISSION CONSIDERS APPROPRIATE.

(F) THE COMMISSION SHALL, BY REGULATION OR ORDER, ADOPT PROCEDURES TO CARRY OUT THIS SECTION.”;

in line 20, strike “OR” and substitute a comma; in the same line, after “SALESPERSONS” insert “, OR ENERGY VENDORS”; in line 21, strike “AND”; in line 22, after “SALESPERSONS” insert “, AND ENERGY VENDORS”; in line 31, strike “OR” and substitute a comma; and in the same line, after “SALESPERSON” insert “, OR AN ENERGY VENDOR”.

On page 24, in line 2, strike “Each” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH”; in lines 4, 7, 9, and 13, strike “(1) (i)”, “(ii)”, “(2)”, and “(3)”, respectively, and substitute “(I) 1.”, “2.”, “(II)”, and “(III)”, respectively; in line 12, strike “AND”; in line 15, after “PERIOD” insert “; AND”

(IV) DOCUMENTS THE AMOUNT OF RENEWABLE ENERGY CERTIFICATES THAT DO NOT QUALIFY AS RENEWABLE ENERGY CREDITS AS DEFINED IN § 7-701 OF THIS SUBTITLE, INCLUDING, FOR EACH CERTIFICATE:

1. THE ENERGY SOURCE ASSOCIATED WITH THE CERTIFICATE, INCLUDING ITS LOCATION, WHEN IT WAS CONSTRUCTED, AND WHICH ELECTRIC DISTRIBUTION SYSTEM RECEIVED THE ENERGY;

(Over)

2. WHETHER THE PURCHASE OF THE CERTIFICATE WAS BUNDLED WITH A POWER PURCHASE AGREEMENT FROM THE ENERGY SOURCE ASSOCIATED WITH THE CERTIFICATE;

3. WHETHER THE CERTIFICATE WAS PURCHASED DIRECTLY FROM THE OPERATOR OF THE ENERGY SOURCE OR THROUGH A THIRD PARTY; AND

4. ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

(2) PARAGRAPH (1)(III) AND (IV) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) THE DEPARTMENT OF GENERAL SERVICES' SALE OF ENERGY UNDER § 7-704.4 OF THIS SUBTITLE; OR

(II) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE”;

strike in their entirety lines 17 through 21, inclusive, and substitute:

“(A) IN THIS SECTION, “ELECTRICITY SUPPLIER” DOES NOT INCLUDE:

(1) THE DEPARTMENT OF GENERAL SERVICES WHEN THE DEPARTMENT OF GENERAL SERVICES SELLS ENERGY UNDER § 7-704.4 OF THIS SUBTITLE; OR

(2) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.

(B) (1) AN ELECTRICITY SUPPLIER THAT SUPPLIES ELECTRICITY TO RESIDENTIAL RETAIL ELECTRIC CUSTOMERS MAY NOT MARKET ELECTRICITY AS GREEN POWER UNLESS:

(I) THE PERCENTAGE OF THE ELECTRICITY BEING OFFERED, OR THE EQUIVALENT NUMBER OF RENEWABLE ENERGY CREDITS ASSOCIATED WITH THE ELECTRICITY MARKETED AS GREEN POWER, THAT IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD EQUALS OR EXCEEDS THE GREATER OF:

1. 51%; OR

2. 1% HIGHER THAN THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR THE YEAR THE ELECTRICITY IS PROVIDED TO THE CUSTOMER; AND

(II) THE COMMISSION APPROVES THE PRICE OF THE ELECTRICITY BEING MARKETED AS GREEN POWER.

(2) IN APPROVING THE PRICE OF ELECTRICITY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER:

(I) WHETHER THE PURCHASE OF RENEWABLE ENERGY CREDITS WAS BUNDLED WITH A POWER PURCHASE AGREEMENT FROM THE ENERGY SOURCES ASSOCIATED WITH THE CREDIT;

(Over)

(II) THE PRICE OF THE ENERGY PURCHASED, INCLUDING THE TOTAL COST OF THE RENEWABLE ENERGY CREDITS OR POWER PURCHASE AGREEMENTS;

(III) THE AMOUNT OF ELECTRICITY THAT IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD; AND

(IV) THE STATE IN WHICH THE ELECTRICITY WAS GENERATED.”;

in line 22, strike “(B)” and substitute “(C)”; in line 25, after “CUSTOMERS” insert “AS FOLLOWS:”

(I) BEGINNING JULY 1, 2025, 0% OF THE CREDITS MAY BE GENERATED IN THE PJM REGION;

(II) BEGINNING JULY 1, 2027, AT LEAST 10% OF THE CREDITS SHALL BE GENERATED IN THE PJM REGION;

(III) BEGINNING JULY 1, 2029, AT LEAST 20% OF THE CREDITS SHALL BE GENERATED IN THE PJM REGION;

(IV) BEGINNING JULY 1, 2031, AT LEAST 30% OF THE CREDITS SHALL BE GENERATED IN THE PJM REGION;

(V) BEGINNING JULY 1, 2033, AT LEAST 40% OF THE CREDITS SHALL BE GENERATED IN THE PJM REGION; AND

(VI) BEGINNING JULY 1, 2035, AT LEAST 50% OF THE CREDITS SHALL BE GENERATED IN THE PJM REGION”;

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and strike in their entirety lines 26 through 31, inclusive.

On page 25, in line 1, strike “(II)” and substitute “**(2) A RENEWABLE ENERGY CREDIT SHALL BE**”; in line 4, strike “(C)” and substitute “**(D) (1)**

THIS SUBSECTION DOES NOT APPLY TO:

(I) THE DEPARTMENT OF GENERAL SERVICES WHEN THE DEPARTMENT OF GENERAL SERVICES SELLS ENERGY UNDER § 7-704.4 OF THIS SUBTITLE; OR

(II) A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.

(2)”;

and strike in their entirety lines 9 through 12, inclusive, and substitute:

“WE DELIVER ENERGY THROUGH THE PURCHASE OF RENEWABLE ENERGY CREDITS (RECs). A REC REPRESENTS THE SOCIAL GOOD THAT ACCOMPANIES 1 MEGAWATT-HOUR OF RENEWABLE ELECTRICITY GENERATION. RECS MAY BE SOLD SEPARATELY FROM RENEWABLE ELECTRICITY ITSELF. RENEWABLE ELECTRICITY AND RECS MAY BE SOLD TO DIFFERENT ENTITIES. THE PURCHASE OF A REC DOES NOT INDICATE THAT RENEWABLE ELECTRICITY ITSELF HAS BEEN PURCHASED BY THE ENTITY THAT PURCHASED THE REC.”.

(E) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE COMMISSION SHALL ADOPT REGULATIONS THAT REQUIRE AN ELECTRICITY SUPPLIER, OTHER THAN THE DEPARTMENT OF GENERAL SERVICES WHEN THE DEPARTMENT OF GENERAL SERVICES SELLS

(Over)

ENERGY UNDER § 7-704.4 OF THIS SUBTITLE OR A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE, THAT OFFERS GREEN POWER FOR SALE TO RESIDENTIAL RETAIL CUSTOMERS TO INCLUDE IN THE ELECTRICITY SUPPLIER'S MARKETING MATERIALS A DISCLOSURE, WRITTEN IN PLAIN LANGUAGE, THAT EXPLAINS:

(1) WHAT THE CUSTOMER WILL ACTUALLY BE PAYING FOR WHEN THE CUSTOMER PURCHASES GREEN POWER FROM THE ELECTRICITY SUPPLIER;

(2) HOW THE ELECTRICITY THAT THE CUSTOMER HAS PURCHASED IS GENERATED;

(3) HOW THE GREEN POWER WILL BENEFIT THE ENVIRONMENT;

(4) THE PERCENTAGE OF ELECTRICITY THAT WOULD BE PROVIDED BY THE ELECTRICITY SUPPLIER THAT IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD; AND

(5) THE STATE IN WHICH THE ELECTRICITY WAS GENERATED.”.

On page 26, in line 14, after “§ 7-606]” insert “§ 7-317, § 7-318,”; in the same line, strike “§ 7-507.1,”; and in line 16, strike “Retail Choice Customer”.

On page 28, after line 2, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2024, the Public Service Commission shall:

(1) in accordance with § 7-311 of the Public Utilities Article, as enacted by Section 1 of this Act, develop a training and education program for any entity or

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individual that is licensed by the Commission as an electricity supplier, a gas supplier, an energy salesperson, or an energy vendor; and

(2) in accordance with § 2-1257 of the State Government Article, report to the General Assembly on the status of the development of the training and education program required under § 7-311 of the Public Utilities Article, as enacted by Section 1 of this Act.”;

in lines 3, 5, 9, and 13, strike “5.”, “6.”, “7.”, and “8.”, respectively, and substitute “6.”, “7.”, “8.”, and “9.”, respectively; and in line 5, strike “§ 7-510(d)” and substitute “§§ 7-510(d) and 7-604.2(c)”.