



The Honorable Delegate Derek E. Davis
Chair, House Economics Matters Committee
Room 231
House Office Bill
Annapolis, MD 21401-1991

February 13, 2020

RE: House Bill 561-Community Choice Energy

Dear Chairman Davis:

Kay Management owns and/or operates approximately 10,000 apartment homes in Anne Arundel, Montgomery, and Prince Georges County Maryland. This bill, if passed, will be harmful to third party suppliers of electricity, our customers, and our own Company. Kay Management Company strongly opposes HB561 and SB315. Kay Management opposes this legislation on the four following points:

1. With respect to customer account data, the release of individual utility account data to third parties has been long recognized as a fundamental right of the individual or business utility account holder to control. (Other examples of protected and confidential information include, but are not limited to, financial data, healthcare records, employment history, academic records, tax records, military service information, driving records, etc.) The confidentiality of proprietary utility customer account information has always been recognized by the State's utilities and is relied upon by utility customers. Businesses and individuals have always viewed this information as proprietary and confidential, to be accessed and used only by third parties for specified and limited purposes under protection of law only *after prior affirmative written consent is provided*.
2. As proprietary and confidential **utility account data** is stored electronically, it is imperative that cyber security measures ensure that such data is protected and only released to third parties upon *the prior affirmative written consent* of the utility account holder. The utility account holder must retain control of the dissemination of their proprietary information on terms and conditions that are acceptable to them and thereby maximizing the protection of the data.



3. Kay Management is concerned that forcing customers into a county or municipal aggregation pool, HB561 would allow access to a customer's private electric account usage data which has been protected by the Maryland Public Service Commission, as well as the State's utilities up to now. We consider the unauthorized release of our customer data on an opt-out basis to be overly burdensome and dangerous. We must continue to have complete control over our account information.

4. An individual or business utility account holder must affirmatively choose in writing to release its information to any alternative competitive energy provider. Kay Management has always supported the right of an electric utility customer to participate in customer choice by prior written affirmative consent, i.e. "opt-in", and not requiring the customer to "opt-out". Kay Management, therefore, continues to conclude that non-residential energy customers, many of whom derive their energy supply from competitive energy suppliers under negotiated agreements, should be exempt from mandatory participation in county/municipality aggregation unless they choose to "opt-in." This is true customer choice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve LoVecchio".

Steve LoVecchio
Vice President of Engineering and Energy
Kay Management Company, Inc.