

February 16, 2021

Delegate Dereck E. Davis  
Chair, House Economic Matters Committee  
Maryland House of Delegates  
Room 231, House Office Building  
Annapolis, MD 21401

**RE: HB768 – MONTGOMERY COUNTY – COMMUNITY CHOICE ENERGY – PILOT PROGRAM**

Position: **OPPOSE**

Dear Chairman Davis, Vice Chair Dumais, and Members of the Committee:

On behalf of our 500-member businesses and more than 45,000 employees in Montgomery County, this letter is in strong **Opposition to HB768 – Montgomery County – Community Choice Energy – Pilot Program**. This bill would establish a “Community Choice” aggregator pilot program where the County would be able to form a community choice aggregator and would require energy customers to *opt out* of the plan if they would prefer to utilize another aggregator, including private businesses already providing these services. Ironically, this bill is the opposite of “community choice.” Consumers should decide if they want to “opt in” if this program is to take place.

The bill, as currently written, would affect more than one million residents in Montgomery County, as well as hundreds of small and large commercial rate payers who currently benefit from choosing their energy supplier. The proposed legislation would automatically opt customers into a “Community Choice Energy Pilot Program” obligating them to participate for 7-years, without having made the ‘choice’ to do so. This bill is also anti-consumer, anti-competition, and anti-choice over reach by the sponsor of this legislation, totally disregarding the small businesses in the County that are already providing these services.

Though the Montgomery County customers would be notified about the auto-enrollment; it is unclear what information will be provided, how it will be provided, or if it will include details on how to opt out. Similar to the County’s Alcohol Beverage Services Department, this bill is another effort to have the County government not “govern,” but get into the business of selling services – a service that is already being provided by private businesses. This is another solution in search of a non-existent problem. If there is an issue with the current system of energy aggregators, wouldn’t make more sense to work with the Maryland Public Service Commission and others in the state to remedy what the perceived issue is?

Finally, when this bill was originally introduced in 2020 (HB561) it required at least 20% opt-in participation from Montgomery County residents to begin the pilot program. This year’s version of the bill allows legislators to overcome that hurdle, and now puts consumers in a position of having to act to opt out, which is even worse.

We respectfully urge the Economic Matters Committee **to vote UNFAVORABLE** on this bill and thank you for your consideration of our remarks.

Sincerely,



Allie Williams  
President & CEO