



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Climate Counsel Act (HB 30) Fact Sheet

Overview

The Climate Counsel Act will require Maryland to establish the Office of Climate Counsel to evaluate each matter pending before the Public Service Commission and determine if the environmental interests of the state and its residents are affected and advocate before the PSC, the Maryland General Assembly, federal regulators, and the courts on behalf of the state and its residents.

The Maryland Commission on Climate Change estimates that Maryland is the 4th most vulnerable state in terms of sea-level rise.¹ Additionally, the Maryland Department of Environment estimates that electricity use accounts for 31% of the state's Greenhouse Gas emissions.² Given the integral role the PSC plays in regulating electricity use and the electric industry in Maryland, Marylanders deserve to have an advocate with the PSC who is looking out for the state's environmental interests.

The Office of Climate Counsel would function similarly to that of the existing Office of People's Counsel (OPC) and each of the powers described below is the same as that which the OPC possesses for ratepayer interests. The OPC was founded in 1924 as the first independent utility consumer advocacy office in the United States. While the OPC focuses most of its analysis on ratepayer impact, it often does not analyze environmental impacts. The Office of Climate Counsel would follow the same model as the OPC, but have a specific focus on environmental impacts. Just as Maryland led the nation in the creation of OPC, Maryland can lead the nation in the creation of the Office of Climate Counsel.

Powers

The legislation empowers the Office of Climate Counsel to represent the environmental interests of Maryland and its residents on all matters before the PSC. Several recent proceedings before the PSC highlight the need for a dedicated climate advocate. In the PSC ruling "PC 44 Electric

¹ "Sea-Level Rise Projections for Maryland 2018," Maryland Department of Environment (Maryland Commission on Climate Change, n.d.), <https://mde.maryland.gov/programs/Air/ClimateChange/MCCC/Pages/index.aspx>.

² "State of Maryland 2017 Greenhouse Gas Emission Inventory Documentation," Maryland Department of Environment, n.d., <https://mde.maryland.gov/programs/Air/ClimateChange/Documents/MD%202017%20Periodic%20GHG%20Emissions%20Inventory%20Documentation.pdf>.

Grid”, the PSC launched a target review of election distribution systems in Maryland with the goal of ensuring that Maryland’s electric grid is customer-centered, affordable, reliable, and environmentally sustainable. However, OPC’s public comments focused mainly on ratepayer impacts in terms of cost and did not analyze how the proposal would impact Maryland’s emissions. Similarly, OPC’s comments on case #9628 regarding U.S. Wind focused strictly on ratepayer impacts and did not specifically mention environmental issues. The Climate Counsel would be empowered to analyze these types of proceedings to ensure Maryland’s environmental interests are being properly evaluated.

As the Office of Climate Counsel deems necessary, they will be able to conduct investigations and recommend the PSC make decisions which will protect the environmental interests of the state.

The Office of Climate Counsel will also be able to recommend legislation to the General Assembly on any matter related to the PSC’s jurisdiction. Additionally, the Office of Climate Counsel is entitled to appear before any federal or state jurisdiction to protect Maryland’s environmental interests. The Climate Counsel would also be added to the Maryland Commission on Climate Change which is charged with developing an action plan to combat the negative impacts of climate change.

Staffing

The Attorney General will appoint the Climate Counsel with the advice and consent of the Senate. The Climate Counsel will serve a 5 year term beginning on July 1, 2021. The Office of Climate Counsel is also entitled to the assistance of the PSC’s staff for any matter consistent with their respective interests.

The Office of Climate Counsel is permitted to consult or hire experts in the fields of utility regulation and climate change. These experts include, but are not limited to; cost of capital experts, rate design experts, accountants, economists, engineers, transportation specialists, lawyers, meteorologists, oceanographers, ecologists, foresters, geologists, seismologists and botanists.

Funding

The Climate Counsel will receive an annual salary of \$120,000. By the January 31 of each year, the Climate Counsel is required to submit a report to the Secretary of Budget and Management, as well as the General Assembly, setting forth all personnel positions and salaries within the Office of Climate Counsel. The State Budget is required to provide sufficient funds to the Office of Climate Counsel to hire staff.

The Office of Climate Counsel will also receive 0.025% of the PSC's gross operating revenues derived from intrastate utility and electricity supplier operations in the preceding calendar year, half of the amount currently used to fund OPC.