



Senator Melony Griffith, Chair
Senate Finance Committee
11 Bladen Street, Miller Senate Office Building, 3E
Annapolis, Maryland 21401

Re: *Senate Bill 90/HB37: Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023) - OPPOSE*

January 30, 2023

Dear Chairwoman Griffith and Members of the Senate Finance Committee:

On behalf of our client, the Maryland Retail Energy Supplier Association (MDRESA), I write this letter of opposition to Senate Bill 90/House Bill 37, entitled: *Commercial Law – Consumer Protection – Telephone Solicitation (Stop the Spam Calls Act of 2023)*.

The Retail Energy Supply Association (RESA) is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail electricity and natural gas markets deliver a more efficient, customer-oriented outcome than a regulated utility structure. RESA is devoted to working with all stakeholders to promote vibrant and sustainable competitive retail energy markets for residential and industrial consumers.

Pursuant to Maryland Public Utility Companies Section 8-205 Article - Public Utility Companies:

- (a) (1) In this section, "telephone solicitation" means an organized activity, program, or campaign to communicate by telephone with residents of Maryland in order to:*
- (i) sell, lease, or rent goods or services;*
 - (ii) attempt to sell, lease, or rent goods or services;*
 - (iii) offer or attempt to offer a gift or prize;*
 - (iv) conduct or attempt to conduct a poll; or*
 - (v) request or attempt to request survey information, if the results of the survey will be used directly to solicit persons to purchase, lease, or rent goods or services.*

As written, SB90/HB37, would prohibit a person from making certain telephone solicitations to a certain called party in a certain manner by restricting the methods, times, and identifying information that the person making the call may utilize. Specifically, before a person has the ability to perform the telephone solicitation to a resident, they must, first, receive expressed written consent.

For businesses seeking new customers by telephone, they would now be confronted with an unreasonable and unnecessary barrier that would ultimately require an additional form of solicitation from the resident. While SB90 makes a laudable attempt to prevent prospective residents from this form of sales practice, the result still remains the same. Instead of receiving a telephone

solicitation, the resident would be subjected to the possibility of two (2) solicitations – the request for consent, followed by the phone solicitation. Consequently, a solicitation will occur the moment the resident is asked to provide their expressed written consent thereby negating the entire intent of this legislation.

It is for these reasons, that we respectfully request this committee to vote for an UNFAVORABLE report of Senate Bill 90/ House Bill 37.

Sincerely,

Davion Percy, Partner
Percy Public Affairs, LLC