

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/14/2021	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/19/2021

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
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20	53	01	02
20	53	03	02
20	53	04	02
20	53	05	05 and .07-.13
20	53	06	03, .05 and .06
20	53	07	05-.10 and .12
20	53	08	01-.09
20	53	09	01 and .02
20	53	10	04

3. Name of Promulgating Authority

Public Service Commission

4. Name of Regulations Coordinator

Tonya L Johnson

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410-767-8381

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5. Name of Person to Call About this Document
Andrew S. Johnston

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 29, 2021.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by H. Robert Erwin, General Counsel, (telephone #410-767-8039) on October 14, 2021. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Andrew S. Johnston

Title

Executive Secretary

Telephone No.

410-767-8067

Date

October 14, 2021

**Title 20
PUBLIC SERVICE COMMISSION**

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.01 General

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.03 Pre-Enrollment Information

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.04 Transfers of Service

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.05 Supplier-Utility Coordination, Utility Consolidated Billing, and Supplier Consolidated Billing

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.06 Nonresidential Customer Protection

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.07 Residential Customer Protection

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.08 Supplier Consolidated Billing Customer Protections

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.09 Issuance, Format, and Content of Bills for Supplier Consolidated Billing

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

20.53.10 Supplier Agent Relations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 5-507, 5-511, 5-711, 7-507, 7-511 and 7-603, Annotated Code of Maryland

Notice of Proposed Action

□

The Maryland Public Service Commission proposes to (1) Amend Regulation .02 under COMAR 20.53.01 General;

(2) Amend Regulation .02 under COMAR 20.53.03 Pre-Enrollment Information;

(3) Amend Regulation .02 under COMAR 20.53.04 Transfers of Service;

(4) Amend Regulation .05 and adopt new Regulations .07-.13 under COMAR 20.53.05

Supplier-Utility Coordination, Utility Consolidated Billing, and Supplier Consolidated Billing;

(5) Amend Regulations .03, .05 and .06 under COMAR 20.53.06 Nonresidential Customer Protection;

(6) Amend Regulations .05-.10, and .12 under COMAR 20.53.07 Residential Customer Protection;

(7) Adopt new Regulations .01-.09 under a new chapter COMAR 20.53.08 Supplier Consolidated Billing Customer Protections;

(8) Adopt new Regulations .01 and .02 under a new chapter COMAR 20.53.09 Issuance, Format, and Content of Bills for Supplier Consolidated Billing; and

(9) Amend Regulation .04 under COMAR 20.53.10 Supplier Agent Relations.

This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 70) meeting held on March 10, 2021, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to (1) Define “CAD,” “supplier consolidated billing,” and “supply price comparison” and provide the additional items needed for third party verification of a contract for supplier consolidated billing;

(2) Delete the word “process” as superfluous to the meaning of electronic transaction;

(3) Establish eligibility requirements for enrollment in supplier consolidated billing and related requirements for switching from supplier consolidated billing;

(4) Set rules governing a defaulted supplier who is a consolidated biller;

(5) Describe interchange of consumption, billing, and payment information among utilities and consolidated billing entities;

(6) Establish requirements under which a consolidated billing supplier must make customers’ bills available to the utility;

(7) Establish a process for consolidated billing suppliers to change a customer’s existing billing method with notice;

(8) Provide rules for budget billing when switching to SCB or on SCB;

(9) Require supplier purchase of utility receivables and sets terms of payment posting hierarchy;

(10) Set rules regarding limited utility purchase of customers arrears;

(11) Establishes supplier consolidated billing reporting requirements for suppliers and utilities;

(12) Allow repurchased arrears from a supplier to be treated as utility charges for purpose of service termination;

(13) Establish notice requirements at enrollment and when a customer has overdue payments such that the supplier will drop a customer from supplier consolidated billing service;

(14) Require that receipt of supplier consolidated billing be contained in the Notice of Enrollment notice;

(15) Provide for the allocation of refunds ordered by CAD in the case of complaints involving supplier consolidated billing;

(16) Clarify the treatment of utility purchased receivables relative to service termination

- where supplier consolidated billing is implicated;
- (17) Clarify internet advertising responsibilities for supplier consolidated billing offers;
 - (18) Require, as a minimum contract term, identification of the billing method that will be used and the method and frequency of that billing, if a customer contracts for supplier consolidated billing;
 - (19) Provide for prominent display of notice of pending renewal of evergreen contract for supplier consolidated billing;
 - (20) Provide for disclosures related to commodity and non-commodity prices involving supplier consolidated billing;
 - (21) Specify notice of enrollment notice language and procedures for supplier consolidated billing;
 - (22) Specify procedures and notices for dropping a customer for non-payment and assignment of contract for supplier consolidated billing;
 - (23) Set forth the minimum content to be included in or with any bill issued by a supplier offering supplier consolidated billing together with additional requirements for bills that are rendered electronically;
 - (24) Require that agents being trained to act on behalf of a retail supplier understands:
 - (a) The supplier's billing options and is able to explain that the customer will receive a single bill for utility and supplier charges;
 - (b) That charges will be paid directly to the supplier unless the customer owes a previous biller, in which case the amount must be paid to the previous biller;
 - (c) The agent must also be trained on where the customer can find the utility's toll free number to resolve safety concerns and outage issues; and
 - (d) That formatting changes to supplier training records requirements are required.
 - (25) Establish required customer protection practices for suppliers providing supplier consolidated billing services and their customers. These practices apply to the following:
 - (a) Alternate payment plans;
 - (b) The conditions under which a deposit may be requested and held by a supplier;
 - (c) The conditions under which a utility must return and may request a deposit from a customer going to or from supplier consolidated billing;
 - (d) When and at what level a late payment charge is authorized;
 - (e) The length of time customer bills must be retained;
 - (f) Process by which a bill issued by a supplier offering consolidated billing may be adjusted and the conditions under which an installment plan shall be provided;
 - (g) A supplier's obligation and restrictions associated with investigating complaints;
 - (h) A supplier consolidated biller's obligation to issue a customer rights pamphlet and the timing of that issuance; and
 - (i) The requirement of a supplier consolidated biller to maintain a customer call center and the obligations of the call center and the supplier with regard to call center operations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The implementation of supplier consolidated billing will have a cost impact to customers in Maryland for the electric investor owned utilities to upgrade their IT systems to enable supplier consolidated billing. These costs will either be recovered from the retail electricity suppliers or Maryland electric customers. If costs are recovered from retail electricity suppliers, then the cost of the program would not be borne entirely by rate payers since the supplier may choose not to pass the full cost of the program onto customers in order to provide more competitive rates. If costs are recovered directly from customers, then there will be approximately \$20.14 million in costs plus unknown costs for a return and customer education.

While there will be costs for retail electricity suppliers to participate in supplier consolidated billing, this will be the choice of each retail electricity supplier. Additionally, a supplier may or may not recover programming costs from customers since the supplier's rates must be set competitively to attract customers. Therefore, the electricity and gas supplier costs are not included within the analysis. The economic impact provided is for the entire supplier consolidated billing program and is not for any one part of the supplier consolidated billing regulation.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$20,140,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Issuing agency will review and approve applications submitted by suppliers to receive licenses to provide supplier consolidated billing. Issuing agency may be required to handle customer complaints, enforcement actions, and other market monitoring efforts, but this is not anticipated to increase costs.

B. There is no anticipated action necessary for another State agency for the implementation and operations of supplier consolidated billing.

C. There is no anticipated action necessary for local governments for the implementation and operations of supplier consolidated billing.

D. The utilities have provided high level estimates for the cost to implement supplier consolidated billing. PE estimates that it will cost approximately \$7.3 million; DPL and Pepco estimate that it will cost \$7.64 million for both companies. BGE estimates it will cost approximately \$2.45 million (32 percent of \$7.64 million in total). All utilities have indicated that these are rough estimates of costs and that these estimates are subject to change as the technical requirements are developed and implemented. There will also be additional costs for customer education that are not included within the estimate. Additionally, some subpart of the costs will include a return for the utility which has not been estimated at this time.

E. Retail electricity suppliers who wish to provide supplier consolidated billing will have to comply with State and Commission rules to provide bills with regulated electric charges to customers. This is assumed to be a cost of doing business and would have had to be provided to comply with State and Commission rules to bill for retail electric energy. Additionally, suppliers are making the choice to participate in the program. Therefore, there are no benefits or costs for this category.

F. The public will have the ability to receive a bill from licensed retail suppliers instead of a utility. This will have some intangible incremental benefit to customers who chose to use this service by allowing the supplier to have a direct relationship with the customer. The public will likely have to pay part or all of the projected \$20.14 million and unspecified costs for a return and customer education to the utility that have been included in the regulated industry/trade group section.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

There is an unquantified benefit for small business customers who chose to start receiving a consolidated bill from an electricity supplier instead of from the utility for electricity. Not all small business customers will use this service, so to the extent the costs to implement supplier consolidated billing are socialized across all customers and not just those using the service, these customers will experience costs for a service they are choosing not to use.

If the costs for regulated utilities to implement supplier consolidated billing is billed through utility rates, this will be a cost to all customers, not just small businesses. This means small businesses will be required to pay a portion of the \$20.14 million. The allocation of these costs to small businesses will be determined by the Commission and has not been determined at this time.

No small business will be obligated to pay a supplier's costs for implementing supplier consolidated billing. A supplier may try to recover these costs through its electricity contracts with small business customers. The resulting electricity prices from the suppliers could be higher or lower than what the small business customer pays today.

These are costs that the small business has volunteered to pay as a result of signing a contract with the third party supplier.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or email to , or fax to 410-333-6495. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2022

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Fund – The Public Utility Regulation Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 01 General

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “CAD” means the Consumer Affairs Division within the Commission pursuant to COMAR 20.32.01.02B(2).

[(2)](3)—[(15)](16) (text unchanged)

(17) “Supply price comparison information” means the rate and language that the Commission may require to be printed on a customer’s bill to permit the customer to make meaningful comparisons between competitive supplier prices and the price for standard offer service or sales service provided by the customer’s utility.

[(16)](18) “Third party verification (TPV)” means consent from the customer agreeing to each of the below-listed material contract terms that is recorded by an independent person not party to the agreement or that may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the customer can cancel the TPV at any time prior to completion. The consent from the customer must include an acknowledgement:

(a)—(f) (text unchanged)

(g) That the customer may access future pricing information; [and]

(h) That the customer has received the supplier’s customer support contact information[.]; and

(i) If the customer is entering into a supplier consolidated billing contract:

(i) That the customer is voluntarily choosing to be billed by the supplier for both supplier charges and utility charges; and

(ii) That the customer understands that the customer’s previous bill provider may bill the customer for prior unpaid charges.

[(17)](19) (text unchanged)

(20) “Supplier consolidated billing” or “SCB” means a form of competitive billing services in which a gas or an electricity supplier is authorized by the Commission to render a bill to a retail gas or electric customer that includes both the supplier charges and the gas or electric company’s regulated charges.

[(18)](21)—[(19)](22) (text unchanged)

Chapter 03 Pre-Enrollment Information

.02 Pre-Enrollment Information.

A. (text unchanged)

B. A utility shall provide the information in §A of this regulation to a supplier through an electronic transaction [process] approved by the Commission.

Chapter 04 Transfers of Service

.02 Supplier Enrollment and Drops.

A.—B. (text unchanged)

C. The utility shall drop a customer from its current supplier when another supplier enrolls the customer. [A utility shall assign a customer who has been dropped by a supplier and not enrolled by a supplier to SOS.]

D. A utility shall assign a customer who has been dropped by a supplier and not enrolled by another supplier to SOS.

[D.]E. A utility [shall] may not be required to process more than two enrollments and two drops per customer per bill cycle.

[E.]F. (text unchanged)

G. A utility shall reject a customer’s enrollment into supplier consolidated billing if at the time of switch:

(1) The customer has a regulated electric utility arrearage older than 30 days;

(2) Is on a payment arrangement plan with the utility; or

(3) A customer has applied for or is receiving funds from the Office of Home Energy Programs, including but not limited to, payments authorized as part of the Electric Universal Service Program, Maryland Energy Assistance Program or enrolled into the Utility Service Protection Program.

H. The supplier shall inform the customer if a customer’s enrollment is rejected for the reasons specified in §G of this regulation.

I. Customer who starts to receive energy assistance while on supplier consolidated billing.

(1) The utility shall provide a supplier 3 business days notice if a supplier’s customer on supplier consolidated billing receives a Maryland Energy Assistance Program or Electric Universal Service Program grant.

(2) The utility shall drop a customer from supplier consolidated billing to SOS after sending the supplier notice under this regulation if the supplier continues to provide the customer supplier consolidated billing service after 3 business days.

(3) A supplier may change a customer's billing method adhering to COMAR 20.53.05.08 within 3 business days of receipt of the utility notice provided in §1(1) of this regulation provided that the supplier issues the notices required by COMAR 20.53.05.08B after the change in billing method.

Chapter 05 Supplier-Utility Coordination [and], Utility Consolidated Billing, and Supplier Consolidated Billing

.05 Utility Responsibilities in the Event of Supplier Default.

A. (text unchanged)

(1)—(2) (text unchanged)

B. A defaulted supplier using utility consolidated billing [services] remains obligated to provide the utility with information necessary to allow the utility to continue consolidated billing through the conclusion of the billing cycle in which the default occurred.

C.—D. (text unchanged)

E. *Supplier Ineligible to Provide Supplier Consolidated Billing.*

(1) A supplier shall be ineligible to provide supplier consolidated billing service if:

(a) The supplier is in default under §A of this regulation; or

(b) The supplier has not paid the utility for purchased receivables 30 days after the date that the payment was due to the utility.

(2) Unless otherwise directed by the Commission, a supplier using supplier consolidated billing services who is considered to be ineligible to provide supplier consolidated billing services may issue bills to persons who were customers for charges incurred before the date of ineligibility.

(3) Unless authorized by the Commission, a supplier using supplier consolidated billing and considered to be ineligible to provide supplier consolidated billing services may not issue consolidated customer bills on or after the date of ineligibility.

(4) A supplier may continue to provide a bill solely for supplier charges to customers who were using supplier consolidated billing after the date of ineligibility if the supplier offers dual billing through that utility; otherwise the customer will be returned to standard offer service.

.07 Supplier Consolidated Billing.

A. A supplier may elect to use supplier consolidated billing upon receiving licensing that authorizes the provision of supplier consolidated billing.

B. When an authorized supplier elects to use supplier consolidated billing, a utility and a supplier shall transmit consumption, billing, payment, and related data to each other using electronic transactions approved by the Commission.

C. A utility may not obligate a supplier to purchase a customer's arrears from the utility or from another supplier.

D. *Utility Access to Supplier Bills for Supplier Consolidated Billing.*

(1) A supplier providing supplier consolidated billing services shall make a customer's bill available to the utility in an electronic format.

(2) A utility provided access to a customer's supplier consolidated billing information that includes supplier charges may not:

(a) Use the information to market standard offer service;

(b) Use the information to research or market other utility service; or

(c) Without Commission authorization, share any information the utility gains through access to the supplier bill with the utility's non-regulated affiliates or any other non-governmental entity.

.08 Supplier Changing a Customer's Billing Method.

A. A supplier may change a customer's billing method to or from supplier consolidated billing in the following circumstances:

(1) The customer's contract permits the supplier to impose on the customer a change in billing method;

(2) The customer's contract does not specify whether the supplier may impose on the customer a change in billing method; or

(3) The customer's contract permits the supplier to impose on the customer a change in billing method during an assignment or transfer of contract as described under COMAR 20.53.07.12E.

B. A supplier shall provide the customer no less than two written notices regarding a change in billing method:

(1) A notice by mail 60 days before the date of the first bill using a new billing method; and

(2) A notice by mail or email 30 days before the date of the first bill using a new billing method.

C. Notices required by §B of this regulation shall be identified as follows:

(1) A notice sent by mail shall be sent in an envelope clearly marked with a message stating that it contains important information regarding changes to the customer's energy bill; and

(2) A notice sent by email shall be identified in the subject line as a notice stating it contains important information regarding changes to the customer's energy bill.

D. A supplier's notices to change a customer's billing method as required by §B of this regulation shall inform the customer, at a minimum, of the following options which a customer may choose to:

- (1) Change the customer's current billing method to the one proposed by the supplier;*
- (2) Refuse the change in billing method and remain with the supplier if the supplier will continue the customer's contract under the current billing method;*
- (3) Elect standard offer service; or*
- (4) Switch to another supplier.*

E. A supplier shall provide all notices given under §B of this regulation with the following provisions:

- (1) A statement advising the customer of the billing change which informs the customer of the manner in which to exercise the customer's options required by §D of this regulation;*
- (2) The telephone number and Internet address for the Commission;*
- (3) The Internet address for the Maryland supplier choice website;*
- (4) The date on or after which the supplier will effectuate the change in billing method;*
- (5) A notice that the customer will not be subject to any fees or penalties for declining to accept the change in billing method unless allowed by §J(3) of this regulation;*
- (6) The expiration date of the customer's contract;*
- (7) A statement that the customer's previous bill provider may still bill the customer for unpaid charges; and*
- (8) A statement indicating that terms and conditions of the customer's contract with the supplier remain unchanged.*

F. The supplier shall provide the customer the Customer Rights Pamphlet described in COMAR 20.53.08.08 with the 60 day notice required by §B(1) of this regulation.

G. If the customer will start to receive bills under supplier consolidated billing, then in addition to the notice requirements in §E of this regulation, the notices shall include:

- (1) An explanation that the customer will receive one bill from the supplier that will include both utility and supplier charges;*
- (2) A statement of each payment method a customer may use to pay the supplier;*
- (3) Any information necessary for the customer to submit payment to the supplier; and*
- (4) A statement that the utility shall be contacted for issues relating to outages and emergencies.*

H. If the customer will start to receive bills from the utility in addition to the notice requirements in §E of this regulation, the notice shall include a statement that the customer will receive bills from the utility.

I. Customer's Response to Supplier Notices.

(1) The supplier shall effectuate the change in billing method consistent with the provisions of the notices required by §B of this regulation if the customer does not exercise one of the options in §D of this regulation, if permitted by a customer's contract in §A(1) or §A(3) of this regulation.

(2) Except as provided in §I(3) of this regulation, a supplier may not effectuate the change in billing method for customer under a contract which is silent as described in §A(2) of this regulation if the customer does not affirmatively exercise one of the options in §(D) of this regulation.

(3) A supplier shall drop the customer if the supplier will not continue the customer's contract under the current billing method and an alternative agreement is not established between the customer and supplier by the prescribed date in §E(4) of this regulation.

J. Imposition of Fees or Penalties.

(1) A supplier may not impose a fee or penalty on a customer who exercises one of the options in §D of this regulation before a supplier changes a customer billing method.

(2) A supplier may not impose any fees or penalties on a customer if a customer's billing method is changed as allowed in §A(2) of this regulation when a customer exercises one of the options in §D of this regulation.

(3) A supplier may not impose any fees or penalties on a customer if a customer's billing method is changed as allowed in §A(1) or §A(3) of this regulation if a customer exercises one of the options in §D of this regulation during the first two billing cycles after a customer's billing method is changed.

.09 Customer on Budget Billing with Utility at Time of Switch.

A. Utility Budget Billing True Up at Time of Switch.

(1) If a customer is on budget billing at the time of transfer to supplier consolidated billing service from utility consolidated billing or standard offer service, the utility shall provide a customer an alternative payment plan upon request if the budget deficit is greater than \$100.

(2) The utility shall inform the customer that the customer may be unable to switch to another supplier providing supplier consolidated billing until a payment plan as described in §A(1) of this regulation is paid in full.

(3) A customer may choose to pay the budget deficit in full at any time.

.10 Budget Billing for Supplier Consolidated Billing.

A. A supplier that provides supplier consolidated billing services may offer budget billing for the customer's regulated electric utility charges and supplier charges.

B. A supplier that offers budget billing for the customer's regulated electric utility charges shall purchase the customer's regulated electric utility charges from the utility according to Supplier Consolidated Billing Purchase of Receivables, COMAR 20.53.05.11.

.11 Supplier Consolidated Billing Purchase of Receivables.

A. A supplier providing supplier consolidated billing shall purchase the regulated receivables of the utility.

B. Partial payment priority.

(1) The supplier shall apply a customer's partial payment of a supplier consolidated bill in the following order:

(a) Utility arrearages and supplier commodity arrearages in proportion to the relative proportion of their sum;
(b) Current utility charges and current supplier commodity charges in proportion to the relative proportion of their sum; and

(c) Non-commodity charges.

(2) If a supplier's commodity charge is bundled with non-commodity charges, and the supplier is unable to separate the commodity and non-commodity prices, the supplier shall consider the bundled charge as a non-commodity charge for the purpose of payment posting.

C. Partial payment priority if a supplier provides both gas and electricity on the same bill.

(1) The supplier shall divide customer payments into two equal amounts and apply one half to gas receivables and the other half to electricity receivables.

(2) The supplier shall apply the payments in §C(1) of this regulation following the payment posting system in §B of this regulation.

(3) In the event a customer payment satisfies the entirety of a gas or electric arrearage, any remainder of the customer's payment will be allocated to the other arrearage before applying revenue to current charges in §B of this regulation.

(4) A non-commodity charge in §B of this regulation shall be paid after all gas and electricity utility and supplier commodity receivables have been paid.

D. If a customer disputes a charge:

(1) The supplier shall credit the customer's payment to the undisputed portion of the account; and

(2) A utility may not count the number of days a charge is disputed with CAD or the Commission toward the limit on the number of days a supplier has to sell customer arrearages to the utility under COMAR 20.53.05.12 D(1).

E. A charge is considered disputed under §D of this regulation if:

(1) A customer has filed a dispute with the Commission;

(2) The utility has communicated to the supplier that the utility considers the charge under dispute; or

(3) The supplier has communicated to the utility that the supplier considers the charge under dispute.

.12 Non-payment by Customer Receiving a Supplier Consolidated Bill.

A. If a customer has not paid the supplier's consolidated bill or otherwise has breached the supply contract:

(1) The supplier may return the non-paying customer to the utility pursuant to COMAR 20.53.07.10 or COMAR 20.53.06.06; and

(2) The supplier shall conduct reasonable collection efforts for unpaid amounts if the supplier intends to seek repurchase of the regulated electric utility charges from the utility.

B. A supplier that provides two collection notices shall have complied with the reasonable collection efforts required by §A(2) of this regulation.

(1) A supplier may include a collection notice with its final bill to the customer.

(2) A collection notice shall be sent to the customer 15 days before the supplier submits regulated electric utility charges to the utility for repurchase.

(3) If a notice was not sent with the final bill in accordance with §B(1) of this regulation, a collection notice must be sent prior to sending the collection notice required in §B(2) of this regulation.

C. A supplier shall prominently display the following information in the notices required to be sent in §B of this regulation:

(1) The total amount due;

(2) A statement that regulated utility charges will be returned to the utility due to non-payment on a specific date;

(3) The date by which the payment was due to the supplier;

(4) The date on or after which the supplier will return the regulated utility charges to the utility if payment is not received; and

(5) The telephone number at which the supplier representatives who handle payment arrangements, payment plans, and customer complaints may be reached.

D. After the supplier has conducted reasonable collection efforts as required by §A(2) of this regulation, the utility shall purchase arrearages attributable to the utility submitted by the supplier.

(1) A utility shall purchase arrearages attributable to the utility no more than:

(a) 110 days after the utility sent an invoice with the charges to the supplier for residential customers; and

(b) 105 days after the utility sent an invoice with the charges to the supplier for non-residential customers.

(2) A supplier may sell a utility arrearage to the utility if the customer remains with the supplier after a change in billing method.

E. A supplier shall provide the following to the utility when submitting unpaid charges to the utility:

(1) The amount of unpaid regulated electric utility charges; and

(2) A supplier's electronic submission to a utility of a customer's unpaid regulated electric utility charges shall constitute the supplier's certification that the customer has not paid the charges pursuant to the payment posting hierarchy in COMAR 20.53.05.11.

F. Records of Purchased Unpaid Charges.

(1) The utility shall maintain records of a utility's re-purchase of unpaid regulated electric utility charges for a minimum of three years from the date the supplier receives the utility's payment and the utility shall make the records available to the supplier upon request.

(2) The supplier shall maintain for a minimum of three years from the date the supplier receives the utility's payment, records of unpaid regulated electric utility charges sold to the utility.

(3) A supplier shall include in the records:

(a) The customer's payment history; and

(b) The appropriate application of customer's funds pursuant to COMAR 20.53.05.11.

(4) The supplier shall make the records available to the Commission and the utility upon request.

G. A supplier shall report to the utility, every two weeks, the unpaid regulated electric utility charges.

.13 Reporting Requirements for Supplier Consolidated Billing.

A. A supplier shall record customer complaints according to the following categories:

(1) Call Center Operations;

(2) Unauthorized charges;

(3) Enrollment;

(4) Accuracy of billing services;

(5) Contract renewal or cancellation;

(6) Deposits; and

(7) Change in customer's billing method.

B. A supplier providing supplier consolidated billing shall retain for a minimum of three years the following information in a monthly format to provide to the Commission and the Office of People's Counsel upon request:

(1) Number of complaints received by the supplier from customers for the categories identified in §A of this regulation;

(2) Disputes escalated to CAD;

(3) Number of times a supplier did not charge a customer the correct amount, excluding when a utility invoices the supplier an incorrect billing amount or meter reading;

(4) Call Center metrics as described in COMAR 20.53.08.09;

(5) The number of customers dropped for non-payment;

(6) Total arrears resold to the utility separated by residential and non-residential;

(7) Average customer arrears repurchased by the utility separated by residential and non-residential;

(8) Number of customers to whom the supplier provided budget billing; and

(9) Number of bill adjustments initiated by the supplier.

C. A utility shall retain the following information for supplier consolidated billing disaggregated by supplier, in a monthly format for a minimum of three years to provide to the Commission upon request:

(1) The number of customers receiving supplier consolidated billing services;

(2) The number of customers who were dropped from supplier consolidated billing by a supplier for nonpayment;

(3) The number of customers who are using net energy metering or community solar;

(4) Total arrears repurchased by the utility;

(5) Average customer arrears repurchased by the utility by residential and nonresidential customers;

(6) Volume of retail sales and demand in supplier consolidated billing;

(7) Number of customer enrollments rejected by specific eligibility requirement;

(8) Number of customers rejected due to energy assistance;

(9) Number of customers dropped from supplier consolidated billing due to energy assistance;

(10) Number of customers who enroll in supplier consolidated billing that were on budget billing at time of enrollment;

(11) Number of times the utility failed to provide charges to supplier within 3 days; and

(12) Number of bill adjustments initiated by the utility for supplier consolidated billing customers.

Chapter 06 Nonresidential Customer Protection

.03 Termination.

A. Except as provided under §B and §C of this regulation, an electric company may not terminate service for failure of a customer to pay supplier charges.

B. (text unchanged)

C. *If a utility purchases arrearages attributable to a utility as described in COMAR 20.53.05.12D from a supplier providing supplier consolidated billing services, the purchased arrearages become utility charges for the purpose of termination of service under COMAR 20.31.*

.05 Notice of Enrollment.

A. Form and Presentation.

(1) (text unchanged)

(2) *If a customer's bill method changes, the notice of enrollment shall contain a statement that the customer's previous billing providers may still bill the customer for unpaid charges.*

[(2)](3) (text unchanged)

B. Enrollment Notice Content.

(1) (text unchanged)

(2) Notice of enrollment under §B(1) of this regulation shall include the following:

(a)—(h) (text unchanged)

(i) Commodity provided; [and]

(j) Effective date of the enrollment[.]; and

(k) *Whether the customer will receive supplier consolidated billing service.*

.06 Cancellation of Supply Service.

A.—D (text unchanged)

(1)—(2) (text unchanged)

E. *Supplier Consolidated Billing Non-paying Customer.*

(1) *A supplier providing supplier consolidated billing services shall provide a non-paying customer a minimum of 3 days notice before cancellation of the customer's contract.*

(2) *A supplier's notice to a non-paying customer under §E(1) of this regulation shall include:*

(a) *The total amount due;*

(b) *The date by which the payment is due to the supplier;*

(c) *The date on or after which the supplier will transmit the drop request to the utility if payment is not received; and*

(d) *The telephone number at which the supplier representatives who handle payment arrangements, payment plans, and customer complaints may be reached.*

F. *A customer may designate a third party to receive a notice of drop for non-payment as required in §E(2) of this regulation on the customer's behalf.*

Chapter 07 Residential Customer Protection

.05 Unauthorized Enrollment or Service.

A.— B. (text unchanged)

C. Enrollment Disputes.

(1) (text unchanged)

(2) Upon proof of the allegations, that an enrollment was unauthorized, the Commission's Consumer Affairs Division (CAD) may order the supplier to issue a refund to the customer in an amount, determined by CAD, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred.

(a)—(b) (text unchanged)

(c) *CAD directed refund under supplier consolidated billing.*

(i) *If CAD determines that a refund of regulated electric utility charges is warranted and the supplier has purchased those receivables from the utility, then the utility shall issue a refund to the supplier for the amount purchased.*

(ii) *A refund received by a supplier under Subsection 2(c)(i) of this regulation shall be refunded to the customer by the supplier.*

(iii) *If CAD determines that a refund of supply charges is warranted, the supplier shall issue the refund to the customer.*

D. (text unchanged)

.06 Termination.

A. Except as provided under [§B] §§B and C of this regulation, a utility may not terminate service for failure of a customer to pay supplier charges.

B. (text unchanged)

C. *If a utility purchases arrearages attributable to a utility as described in COMAR 20.53.05.12D from a supplier providing supplier consolidated billing services, the purchased arrearages become utility charges for the purpose of termination of service under COMAR 20.31.*

.07 Advertising and Solicitations.

A.—B. (text unchanged)

C. Internet.

(1) Internet Advertising. A supplier shall post on the Internet readily understandable information about [its services, prices, and emissions.]:

(a) *Its services, prices, and emissions; and*

(b) *A description of its supplier consolidated billing offering, including a sample bill, if the supplier is licensed to provide supplier consolidated billing services and is offering supplier consolidated billing services.*

(2) (text unchanged)

(a)—(b) (text unchanged)

D. (text unchanged)

(1)—(2) (text unchanged)

.08 Supplier Contracts.

A. Minimum Contract Requirements.

(1) (text unchanged)

(2) A supplier contract shall contain all material terms and conditions, including:

(a)—(e) (text unchanged)

(f) *A billing procedure description[:]; explicitly identifying the billing method that will be used by the supplier;*

(g) *[In the case of consolidated billing, a notice that the customer acknowledges that customer billing and payment information may be provided to the supplier;] A notice that the customer acknowledges that customer billing and payment information may be provided to:*

(i) *The supplier if the customer receives utility consolidated billing services; or*

(ii) *The utility if the customer receives supplier consolidated billing services.*

(h) *The frequency of the customer's bill, if the customer receives supplier consolidated billing services;*

(i) *The method by which the customer will receive the bill from the supplier if the customer receives supplier consolidated billing;*

[(h)](j)—[(p)](r) (text unchanged)

B.—C (text unchanged)

D. Evergreen Contracts.

(1)—(3) (text unchanged)

(4) *A supplier that provides supplier consolidated billing services may transmit the notice required in §D(1) of this regulation with the customer's bill if the notice is also provided in a separate mailing.*

(5) *If the supplier includes with a customer's bill, the notice of pending renewal required in §D(1) of this regulation, the notice shall be prominently displayed.*

.09 Customer Disclosure.

A. Price Information.

(1) (text unchanged)

(2) *When non-commodity products are provided with the commodity under supplier consolidated billing, the supplier shall:*

(a) *List the commodity price for energy service separately from other products if the commodity is sold separately from the other products;*

(b) *List the total charges for all products and services as the price of the commodity if the supplier does not permit a customer to purchase the electricity product without purchasing the other products or services;*

(c) *Provide the approximate commodity and non-commodity portions of the price upon the customer's request; and*

(d) *Disclose, if the commodity product has a one-time up-front cost, the price of a commodity product over a 12-month period with 1/12 of the cost being attributed to a single month for the purposes of comparing to the Supply Price Comparison Information in the utility service territory.*

[(2)](3) (text unchanged)

B. Notice of Enrollment.

(1) (text unchanged)

(2) A customer entering into an agreement with a supplier shall receive written notice of enrollment from the supplier and utility.

(a) *A supplier offering supplier consolidated billing services shall include the following information in its notice of enrollment to a customer under §B(2) of this regulation:*

(i) *An explanation of each payment method a customer may use to pay the electricity supplier;*

(ii) *The information necessary for the customer to submit payment to the supplier; and*

(iii) *A statement that the customer's previous billing providers may continue to bill the customer for unpaid charges.*

(b) *In the notice provided to a customer as required under §B(2) of this regulation or if provided for a customer switching away from supplier consolidated billing the utility shall indicate:*

- (i) *The entity that will send the bill; and*
 - (ii) *A statement that the customer's previous bill providers may still bill the customer for unpaid charges up through the date of enrollment.*
- (3) Notice of enrollment under §B(1) of this regulation shall include the following:
- (a)—(h) (text unchanged)
 - (i) *Commodity provided; [and]*
 - (j) *Effective date of the enrollment[.] ; and*
 - (k) *Whether the customer will receive supplier consolidated billing service.*

.10 Notice of Contract Expiration or Cancellation.

A. Notice. [A] *Except as permitted in §D of this regulation, a supplier shall provide the customer with notice at least 30 days before expiration or cancellation of a supply contract.*

B.—C. (text unchanged)

D. *Drop for Non-Payment under Supplier Consolidated Billing.*

(1) *A supplier providing supplier consolidated billing services shall provide a non-paying customer a minimum notice of 5 days before cancellation of the customer's contract.*

(2) *A supplier's notice to a non-paying customer shall include the information in §B of this regulation and the following:*

(a) *The total amount due;*

(b) *The date by which the payment is due to the supplier;*

(c) *The date on or after which the supplier will transmit the drop request to the utility if payment is not received; and*

(d) *The telephone number at which the supplier representatives who handle payment arrangements, payment plans, and customer complaints may be reached.*

E. *A supplier that provides supplier consolidated billing services may transmit the notices required in §§A or D of this regulation with the customer's bill.*

F. *The supplier shall provide a notice required by §E of this regulation in a prominent manner.*

.12 Assignment of Contract.

A.—C. (text unchanged)

D. *Notice of assignment or transfer from one supplier consolidated biller to another. If the supplier's notice in §A of this regulation is to a customer receiving supplier consolidated billing services and the customer will continue to receive supplier consolidated billing services from the new supplier, the notice shall include the requirements in §A of this regulation and also include:*

(1) *That the customer will receive bills from the new supplier that will include both the utility and supplier charges;*

(2) *Each method a customer may use to submit payment to the new electricity supplier;*

(3) *The information necessary for the customer to submit payment to the new supplier; and*

(4) *A statement that the customer's previous billing provider may bill the customer for unpaid charges.*

E. *Notice of assignment or transfer that changes a billing method.*

(1) *The suppliers may not change a customer bill method through assignment of contract unless permitted by the customer's contract with the assignor or transferor.*

(2) *If the assignment or transfer will result in a change in billing method, the suppliers shall follow all requirements to change a customer's billing method in COMAR 20.53.05.08 in addition to the requirements in §A of this regulation.*

Chapter 08 Supplier Consolidated Billing Customer Protections

.01 Scope.

A. *This chapter applies to suppliers providing supplier consolidated billing services.*

B. *The requirements in this chapter are in addition to all other requirements in COMAR relating to the provision of retail supply.*

.02 Alternative Payment Plans.

A. *A supplier is not required to offer alternative payment plans.*

B. *The supplier shall promptly notify the customer of the outcome of a request for an alternative payment plan.*

.03 Deposits.

A. *A supplier may charge a customer a deposit for supplier consolidated billing subject to the following:*

(1) *A supplier may request a maximum of four months of supply charges for a deposit related to commodity service;*

(2) *A supplier is not required to apply its deposit from §A(1) of this regulation or the interest accrued to any utility charges held by the supplier;*

(3) Any interest earned on deposits held by a supplier shall be returned to the customer if the deposit is not used for collection purposes;

(4) Unclaimed deposits, with accrued interest, shall be credited to an appropriate account, or shall otherwise be disposed of in accordance with State law;

(5) A supplier shall return a customer's excess deposit to the customer once the customer has no financial obligation to the supplier; and

(6) A supplier shall retain records of deposits for a minimum of three years.

B. If a utility holds a customer's deposit at the time of enrollment in supplier consolidated billing, the utility shall:

(1) Refund within 60 days, the commodity portion of the deposit to the customer after applying the deposit to any outstanding utility charges;

(2) Continue to follow all existing deposit requirements under COMAR 20.30.01 and 20.30.02 for any portion of the deposit retained; and

(3) Count payments made by a customer in full and on time to the supplier toward the customer's good payment record under COMAR 20.30.01.05B and C and COMAR 20.30.02.05B and C.

C. Deposits for customers returning to utility billing from supplier consolidated billing.

(1) A utility may require a deposit for supply charges from a customer when a customer switches or is dropped from supplier consolidated billing in accordance with existing deposit requirements under COMAR 20.30.01 and 20.30.02;

(2) A utility shall consider a customer's payment record when determining whether to assess a customer's deposit in COMAR 20.30.01 and 20.30.02.

.04 Late Payment Charges.

A. A supplier shall only charge a late fee if it is specified in the customer's contract.

B. A supplier may not charge a late fee in excess of 5 percent.

.05 Customer Bill Record Retention.

A. A supplier shall retain customer billing records for the length of time necessary to permit both the supplier and the utility to comply with Adjustment of Bill COMAR 20.53.08.06, but not less than 3 years.

B. A supplier shall make available to the Commission or utility records necessary to ensure accurate bills and appropriate application of payments to utility and supply charges upon request.

.06 Adjustment of Bill.

A. Process when a utility issues an adjustment of bill as prescribed in COMAR 20.50.04.05 to a supplier providing supplier consolidated billing.

(1) The supplier shall refund or credit the customer if the bill adjustment results in an overcharge.

(2) The supplier may attempt to collect the amount due from a customer if the bill adjustment made by the utility results in an undercharge.

B. Process when a supplier determines that it has incorrectly billed a customer.

(1) If a supplier determines that the bill adjustment results in an overcharge, the supplier shall refund or credit the customer.

(2) If a supplier determines that the bill adjustment results in an undercharge, the supplier may attempt to collect the amount due.

(3) Restrictions regarding supplier billing undercharges under §B(2) of this regulation.

(a) A supplier may not issue a bill adjustment for an undercharge if the price used to calculate the bill adjustment was not previously disclosed to the customers by contract or as required in COMAR 20.53.07.13.

(b) The supplier may retroactively bill an undercharge that is less than 12 months old without Commission authorization.

(c) A supplier may seek the Commission's authorization for retroactive billing for undercharges which occurred more than 12 months but less than 3 years before the discovery of the error if the customer knew, or reasonably should have known, that the bills were in error.

(d) The supplier shall provide a written notice if an undercharge is greater than 12 months to the customer that explains the factual basis for the undercharge together with a notice of the customer's right to write to the Commission, within 20 days, if the customer is in opposition to the request.

C. Supplier billing an undercharge under §A or §B of this regulation.

(1) If the total undercharge is more than 35 percent of the customer's average monthly bill during the most recent 3 months of service with the supplier, the customer shall be allowed to enter into an installment plan to pay the total retroactive billing, without interest.

(2) In the installment plan under §C(1) of this regulation, the monthly payments against the undercharge may not exceed 35 percent of the customer's average monthly bill during the most recent 3 months of the customer's service with the supplier. However, if the installment plan will not recover the total undercharge within a 12-month period, the monthly payment may be equal to the total undercharge divided by a number no less than 12.

(3) If requested by a customer, a supplier shall provide a means by which any undercharge may be paid in installments over a reasonable period of time, but not less than the same period over which any undercharges were incurred.

(4) If a supplier is required to provide an installment plan due to a utility-identified bill adjustment in §A of this regulation, the unbilled regulated utility charges of an installment plan as required by §C of this regulation may not count toward the limit on the number of days a supplier has to sell customer arrearages to the utility under COMAR 20.53.05.12D(1).

.07 Investigation of Complaints.

A. A supplier shall investigate promptly and thoroughly any complaint concerning its charges or practices.

B. A supplier may not charge or pursue collections activities against a customer for charges under dispute at the Commission.

.08 Customer Rights Pamphlet.

A. A supplier providing supplier consolidated billing shall prepare a pamphlet for customers that summarizes the rights and responsibilities of a customer receiving supplier consolidated billing services.

B. The contents of the customer rights pamphlet required under §A of this regulation shall be provided on a form approved by the Commission.

C. The pamphlet shall be mailed or, with the customer's consent, delivered by electronic means to each customer of the supplier:

(1) Together with the contract and contract summary;

(2) When a customer's billing method changes to supplier consolidated billing services from another billing method;

(3) Upon the customer's request; and

(4) Each October of each subsequent year the customer is with the supplier.

D. The delivery of the pamphlet in §C of this regulation does not alter the requirements of delivery for other materials required by regulation or law.

.09 Call Center Requirements – Supplier Consolidated Billing.

A. A supplier shall ensure that a supplier's call center representatives who interact with customers at a minimum are able to:

(1) Assist customers with contacting a utility, including providing the utility's phone number, to resolve safety matters related to utility service;

(2) Assist customers with billing, disputes and complaints requests, and provide the utility customer service number upon request; and

(3) Explain how a customer can file a complaint with the Commission and provide the Commission's contact information.

B. Call Center Metrics.

(1) A supplier shall answer within 30 seconds, on an annual basis, at least 75 percent of all calls offered to the supplier for customer service.

(2) A supplier shall achieve an annual average abandoned call percentage rate of 5 percent or less, calculated by dividing the total number of abandoned calls by the total number of calls offered to the supplier for customer service.

(3) A supplier shall design its telecommunications systems to accommodate expected volumes of customer calls with minimal or, if possible, no customer busy signals during normal conditions.

C. Other Customer Communications Information.

(1) A supplier shall state the following in its report to the Commission:

(a) The percentage of calls that are answered within 30 seconds;

(b) The abandoned call percentage rate;

(c) First call resolution;

(d) The average time to resolve a customer request; and

(2) The average speed of answer, which shall be calculated by dividing the total amount of time callers spend in queue after requesting to speak to a customer service representative through the automated voice response system by the total number of calls handled, including calls handled by the automated voice response system.

D. Customer Communications Standards Period.

(1) A supplier shall measure each standard in this regulation using the 12-month period ending December 31.

(2) For the calendar year in which the regulations become effective, the standards shall be measured from the date the regulations are effective until and including December 31 of that year for reporting purposes only.

E. Reporting.

(1) A supplier that uses the same call center for both gas and electric service is not required to provide separate data for both gas and electric service.

(2) A supplier that uses the same call center for both gas and electric service in multiple jurisdictions is not required to provide separate data for Maryland customers unless the supplier tracks Maryland customers separately.

(3) A supplier shall report its year-ending performance in this regulation to the Commission:

- (a) For the first three years after obtaining a license to provide SCB; and
- (b) Every three years after the supplier has held a SCB license for more than three years.

F. Except as otherwise set forth in §C of this regulation, the standards in this regulation shall apply to customer calls offered to or received by a supplier's call center, call overflow system, and a third-party vendor retained by the supplier.

G. Corrective Action Plan. If a supplier fails to satisfy the standard in §A, §B, or §C of this regulation, it shall provide, in its report to the Commission, an explanation of why it did not achieve the standards, and provide a corrective action plan, if necessary.

Chapter 09 Issuance, Format, and Content of Bills for Supplier Consolidated Billing

.01 Scope.

A. This chapter applies to suppliers licensed to issue supplier consolidated bills.

.02 Bill Content.

A. Bills shall include accurate and understandable information.

B. The supplier shall at a minimum include the following information on the bill:

- (1) The supplier's name, address, website address, and license number;
- (2) The supplier's toll-free telephone number and the hours the customer may make billing inquiries;
- (3) The Commission's toll-free telephone number and website address;
- (4) The customer's name, billing address, and service address;
- (5) The customer's utility account number;
- (6) The customer's retail choice identification number, if applicable;
- (7) The supplier account number, if applicable;
- (8) The service period for which the bill is rendered;
- (9) The date on which the bill was issued;
- (10) The meter number;
- (11) The next meter reading date;
- (12) The identification of regulated and non-regulated charges;
- (13) The identification and itemization of non-commodity charges if sold separately from the commodity;
- (14) Current electric charges pursuant to the supplier's contract with the customer, labeled "current charges" and which include:

(a) If the supplier provides both gas and electric service to the customer then the supplier's current electric charges shall be separated from gas charges, if these charges appear on the same bill;

(b) To the extent applicable, an itemization of each charge, including the unit price for supply service, charges other than for electric service, applicable taxes and fees, and any other charges pursuant to the supplier's contract with the customer;

(c) Applicable billing determinants: beginning meter read, ending meter read, demand meter read, consumption, demand, meter reading date, and any conversion from meter reading units to billing units; and

(d) A distinct marking to identify an estimated bill;

(15) Identification of transmission charges or a statement that the transmission charges are included within the supply charges;

(16) If the customer is on a budget billing plan with the supplier, the payment due under the plan shall be clearly shown in addition to the current charges;

(17) An itemization and amount of any non-recurring charge, including late payment charges, returned check fees, or other fees pursuant to the supplier's contract with the customer;

(18) If there is a late payment charge:

- (a) An explanation of the calculation, and
- (b) The date of applicability of the late payment charge.

(19) Information received from the utility regarding the customer's regulated electric utility charges including:

(a) Those prescribed in COMAR 20.50.04.03 with the exception of COMAR 20.50.04.03A(6)—(8);

(b) Universal service program charges;

(c) Customer charges;

(d) Taxes and Fees;

(e) Information regarding the customer's net-metered usage, if applicable, including any credits issued by the utility;

(f) Information regarding the customer's participation in a community solar energy generating system project pursuant to COMAR 20.62, if applicable;

(g) The utility's phone numbers necessary for the customer to make other inquiries as necessary unrelated to the utility's bill or outage and safety concerns;

(h) The utility's toll-free telephone number that the customer may call 24 hours a day, seven days a week, to report power outages and concerns about the safety of the electric power system shall be prominently displayed on the first page of the bill;

(i) The utility's correspondence address;

(j) The utility's website; and

(k) Other information as the Commission may require.

(20) All surcharge's and fees required by the Comptroller, Commission, and Utilities;

(21) The total due, broken down by total utility and supply charges, including any prior unpaid amount but excluding the current late payment charge;

(22) The previous amount due to the supplier;

(23) The date by which payment from the customer must be received by the supplier to avoid a late payment charge;

(24) Information on how, and to whom, the customer may make payments;

(25) For a variable price product, information on how the customer may access his or her price for the next billing cycle in accordance with COMAR 20.53.07.13;

(26) Bill inserts as directed by the Commission;

(27) Information regarding:

(a) The utility's Supply Price Comparison Information, if applicable; and

(b) The contract expiration date.

(28) Any other information as required by a governmental entity.

C. A supplier may not be required to print a utility's billing addresses as prescribed under COMAR 20.50.04.03A(11).

D. Online Bills. A supplier issuing supplier consolidated bills online shall comply with the following:

(1) A Supplier shall obtain from the customer consent to use online billing;

(2) The online billing statement shall include the requirements in §B of this regulation;

(3) The supplier shall maintain a secure and encrypted site for accessing the customer's account;

(4) Any fees to accept online payments shall be clearly disclosed in a payment window; and

(5) Any payment made online shall be credited to the customer's account as of the day it is received by the supplier. The time needed to post the payment shall be clearly stated.

Chapter [08] 10 Supplier Agent Relations

.04 Agent Training.

A. A supplier shall ensure the training of its agents on the following subjects:

(1)—(3) (text unchanged)

(4) The supplier's rates, rate structures, billing, and payment options;

(5)—(12) (text unchanged)

B. Where an agent represents a supplier engaged in supplier consolidated billing, the agent shall be able to explain:

(1) That the customer will receive one bill from the supplier going forward with the utility's and supplier's charges;

(2) That the customer will pay the supplier directly for all charges billed;

(3) That the customer must pay previous billers if the customer has charges outstanding; and

(4) Information on where the customer can find the utility's toll free telephone number to resolve future concerns relating to outages and safety.

[B.]C. (text unchanged)

D. Training Records.

[C.](1) A supplier shall make training materials and training records available to the Commission and the Office of People's Counsel upon request. [Any such material shall be treated as confidential.]

(2) Training records shall be treated as confidential.

[D.]E.—[E.]F. (text unchanged)