

MARYLAND REGISTER

Proposed Action on Regulations

Date Filed with AELR Committee

September 29, 2023

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23-214-P

Date of Publication in MD Register

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2. COMAR Codification

Title	Subtitle	Chapter	Regulation
20	63	01	01
20	63	01	02
20	63	03	01
20	63	03	02
20	63	03	03
20	63	03	04
20	63	03	05
20	63	04	01
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20	63	20	01
20	63	20	02
20	63	20	03

3. Promulgating Authority

Public Service Commission

4. Name of Regulations Coordinator

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6. Check applicable items:

<input checked="" type="checkbox"/>	New Regulations
<input type="checkbox"/>	Amendments to Existing Regulations
<input type="checkbox"/>	Repeal of Existing Regulations

- ☐ Recodification
- ☐ Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

☐ Yes ☒ No

8. Incorporation by Reference

- ☐ Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 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 September 29, 2023. 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

September 29, 2023

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 63 COMMUNITY CHOICE AGGREGATION

20.63.01 General

20.63.03 CCA Pre-Enrollment Information

20.63.04 Transfers of Service

20.63.05 CCA Utility Coordination and Billing

20.63.07 Customer Protection

20.63.11 CCA Aggregation Plan Requirements and Application Process

20.63.12 CCA Pilot Program Termination

20.63.13 Historical and Forecast Electricity Price Trends

20.63.14 CCA Non-Commodity Fees and Charges Tariff Structure

20.63.15 Data Exchange

20.63.16 Data Privacy

20.63.17 Transition to CCA from SOS

20.63.18 Recovery of Uncollectible SOS Expense from CCA Customers

20.63.19 SOS Risk Mitigation and Pilot Annual Reporting

20.63.20 CCA Coordination Tariff

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

Notice of Proposed Action

[23-214-P]

The Public Service Commission proposes to:
adopt new chapters and new regulations under a new subtitle COMAR 20.63 - COMMUNITY CHOICE AGGREGATION as follows:

- | | | | | | | | | | |
|------|-------------|---------|-------|-------|----------|-------|---------------|----------------|--|
| (1) | Regulations | .01 | and | .02 | under | COMAR | 20.63.01 | - | General; |
| (2) | Regulations | .01-.05 | under | COMAR | 20.63.03 | - | CCA | Pre-Enrollment | Information; |
| (3) | Regulations | .01 | and | .02 | under | COMAR | 20.63.04 | Transfers | of Service; |
| (4) | Regulations | .01-.03 | under | COMAR | 20.63.05 | CCA | Utility | Coordination | and Billing; |
| (5) | Regulations | .01-.14 | under | COMAR | 20.63.07 | | | Customer | Protection; |
| (6) | Regulations | .01-.03 | under | COMAR | 20.63.11 | CCA | Aggregation | Plan | Requirements and Application Process; |
| (7) | Regulations | .01-.06 | under | COMAR | 20.63.12 | CCA | Pilot | Program | Termination; |
| (8) | Regulation | .01 | under | COMAR | 20.63.13 | | | Historical | and Forecast Electricity Price Trends; |
| (9) | Regulations | .01-.04 | under | COMAR | 20.63.14 | CCA | Non-Commodity | Fees and | Charges Tariff Structure; |
| (10) | Regulations | .01-.05 | under | COMAR | 20.63.15 | | | Data | Exchange; |
| (11) | Regulations | .01-.04 | under | COMAR | 20.63.16 | | | Data | Privacy; |
| (12) | Regulations | .01-.03 | under | COMAR | 20.63.17 | | | Transition | to CCA from SOS; |
| (13) | Regulations | .01-.03 | under | COMAR | 20.63.18 | | | Recovery | of Uncollectible SOS Expense from CCA Customers; |
| (14) | Regulations | .01-.05 | under | COMAR | 20.63.19 | | | SOS Risk | Mitigation and Pilot Annual Reporting; and |

(15) Regulations .01-.03 under COMAR 20.63.20 CCA Coordination Tariff. This action was considered by the Public Service Commission at a scheduled rulemaking (RM 80) meeting held on August 8, 2023, notice of which was given under State Government Article, § 10-111, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the Montgomery County Community Choice Aggregation Pilot Program ("Pilot") and develop procedures for:

- (1) Electric companies to transfer customers from Standard Offer Service to the Pilot;
- (2) Coordinating billing with Montgomery County;
- (3) Recovering uncollected costs;
- (4) Exchanging customer information with Montgomery County;
- (5) Montgomery County to establish a Community Choice Aggregator;
- (6) Enrolling customer accounts in the Pilot;
- (7) Applying to the Public Service Commission for approval of the Pilot Aggregation Plan;
- (8) The Commission to determine customer protections;
- (9) Monitoring the Pilot;
- (10) Mitigating risks to SOS from customer migration; and
- (11) Determining conditions for approval of Montgomery County's Pilot Applications.

Estimate of Economic Impact

I. Summary of Economic Impact. Costs to implement the regulations involve two categories: 1) impact to state and local government agencies to develop the Community Choice Aggregation Pilot Program ("CCA") and ongoing monitoring of the Pilot until the 2031 scheduled program end date, and 2) loss of sales margins to regulated utilities and licensed retail suppliers from transfer of customers to the CCA. Benefits would reflect savings to energy costs for CCA customers if prices are an improvement over Standard Offer Service ("SOS") or retail electricity contracts.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Public Service Commission	(E+)	\$220,000
B. On other State agencies:		
(1) Office of People's Counsel	(E+)	\$200,000
C. On local governments:		
(1) Prince George's County and Montgomery County	(E+)	\$300,000
D. On regulated industries or trade groups:		
(1) Regulated Utilities	(-)	\$4,000,000
E. On other industries or trade groups:		
(1) Apartment and Office Building Association of Metropolitan Washington and retail energy suppliers.	(-)	\$100,000
F. Direct and indirect effects on public:		
(1) Electric Customers	(-)	Unquantifiable

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

A(1). A. Loss of Maryland Public Service Commission assessment on retail suppliers in Montgomery County, Staff costs to participate in CCA Aggregation Plan approval case and ongoing annual reporting, monitoring, and working group participation.

B(1). Assumption: B. Office of Peoples' Counsel costs to participate in Aggregation Plan approval case and ongoing working group participation.

C(1). C. Prince George's County and Montgomery County regulatory costs and operating costs for the Pilot.

D(1). D. Revenue/return impact to BGE, Pepco, and PE based on current SOS administrative costs. Reflects loss of SOS margin for an annual period.

E(1). E. Expenses for participation in Maryland Public Service Commission approval process for CCA Aggregation Plan for AOBA and retail electricity supply companies.

F(1). F. +/- \$60,000,000 assumes +/- \$0.02 per kWh rates. Historic differences in SOS versus retail rates for residential customers is on the order of 2 cents per kWh.

Economic Impact on Small Businesses

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

Approximately 40,000 small commercial businesses in Montgomery County would be eligible to participate in the Pilot. The impact to these customers is unquantifiable until the CCA Pilot electricity rates are known but has the potential to be significant because electricity is expected to reflect a significant component of business expense.

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, Maryland 21202, or call 410-767-8067, or email to psc.rmcomments@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

ANDREW S. JOHNSTON
Executive Secretary

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 2024**

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:

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries are all households and small businesses in Montgomery County.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Typical annual household electricity bills in Montgomery County would correspond to the average annual Pepco customer. The Pilot would effect the commodity portion of electricity bills or approximately \$1000-\$2500 per household per year. An expected impact could be a savings or additional cost in the range of 10%-20%. The actual impact is unquantifiable until the Pilot electricity rates are known.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The expected impact on small businesses is similar to that of households. All small commercial customers, e.g. those with less than 25kW peak demand are impacted by the Pilot. There are approximately 6,000 small commercial electric customers in Montgomery County.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

All residential and small commercial customers in Montgomery County would be transferred to the Pilot CCA electric generation service unless they are: 1) already contracted to a retail supplier, or 2) take action to opt-out of the Pilot. To the extent that the Pilot results in higher or lower electricity costs, those expenses may contribute to business competitiveness. A typical small commercial annual electricity generation expense is \$1000-\$4000.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland

businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

The number of small commercial electric customers in Montgomery County should be about 60,000-65,000 accounts based on Pepco's service territory with small portions of BGE and Potomac Edison. The impacts of cost savings are unknown until CCA rates have been determined.

3. **Long-Term Impacts.** There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

The long-term impact to the economy of Maryland is depended on the success of the Pilot in meeting environmental goals while maintaining affordable electricity rates. To the extent that the SOS procurement process in Pepco and to a lesser extent BGE and Potomac Edison is negatively impacted by the transfer of customer accounts to and from the CCA, there may be cost impacts to other counties and utility service territories.

4. **Estimates of Economic Impact.** State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

Estimates to the cost of electricity and corresponding impacts to the other economic factors are not quantifiable without the results of the CCA procurement costs of energy. To the extent that the CCA provides lower costs of energy, a reduction in the cost of living and production would result. Disruption of the current SOS procurement process could impact the cost of energy by requiring wholesale bidders to face higher risks associated with the sale of energy in BGE, Pepco, and Potomac Edison service territories.

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 63 COMMUNITY CHOICE AGGREGATION

20.63.01 General

Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Aggregation Plan" means a plan prepared by a county seeking Commission approval to become a CCA pursuant to Public Utilities Article, §7-510.3, Annotated Code of Maryland.

(2) “Aggregation Supplier” means an electricity supplier licensed by the Commission that has contracted with a county to provide electric supply service to the CCA residential and small commercial electric accounts within the county.

(3) “CCA Basic Service” means the electric supply service a CCA customer receives if the customer does not select a CCA Optional Service.

(4) “CCA Optional Service” means 1 or more supply services a customer enrolled with a CCA may elect to receive.

(5) “Commission” means the Public Service Commission of Maryland.

(6) “Community Choice Aggregator (CCA)” has the meaning stated in Public Utilities Article, §1-101(f), Annotated Code of Maryland.

(7) “County” means a county authorized per Public Utilities Article, §7-510.3(c), Annotated Code of Maryland, to form a CCA.

(8) “Customer” means a regulated utility retail electric customer account holder.

(9) “Cybersecurity breach” means any unauthorized act that has been confirmed to result in access to acquisition, control, destruction, disclosure, or modification of a CCA’s information technology systems.

(10) “Drop” means the removal of a customer from a supplier’s service.

(11) “Electric company” has the meaning stated in Public Utilities Article, §1-101, Annotated Code of Maryland.

(12) “Electric storage facility” has the meaning stated in Public Utilities Article, §1-101 (K), Annotated Code of Maryland.

(13) “Electricity supplier” has the meaning stated in COMAR 20.51.01.02.B(10).

(14) “Electronic transaction” means a standardized data protocol or electronic transmission medium that has been accepted by the Commission for use in Maryland.

(15) “Enrollment” means the assignment by an electric company of an electric retail customer account to electricity supply service.

(16) “Good cybersecurity practice” means cybersecurity plans that are designed, implemented, maintained, and operated in accordance with an accepted industry cybersecurity standard and in compliance with all applicable State requirements in the Maryland Annotated Code (Commercial Law), §§14-3503—14-3508.

(17) “Information technology system” means hardware and software related to electronic processing, and storage, retrieval, transmittal, and manipulation of data.

(18) “Opt-out” means the act of a customer choosing not to participate in the CCA’s Basic Service electricity supply service for 1 or more of its accounts.

(19) “Program termination” means the cessation of all CCA electric supply service to all CCA customers.

(20) “Residential electric customer” means a customer served under 1 or more of an electric company’s residential electric tariffs.

(21) “Small commercial electric customer” means a commercial customer that has a peak electric load of not more than 25 kilowatts and includes master-metered multiple occupancy residences that have a peak electric load of not more than 25 kilowatts.

(22) “Standard offer service (SOS)” has the meaning stated in Public Utilities Article, §7-501, Annotated Code of Maryland.

(23) “Transition period” means the period during which a CCA initially enrolls customers after providing customers the opportunity to opt out of the CCA, per COMAR 20.63.04.01.

(24) “Utility consolidated billing” means the process by which an electric company renders to customers, bills that include both unregulated retail supply charges on behalf of a retail supplier and the electric company’s regulated charges.

(25) “Written notice” means a notice made in writing and includes a notice transmitted by mail, facsimile, electronic mail, or other electronic means.

(26) “Written request” means a request made in writing and includes a request transmitted by mail, facsimile, electronic mail, or other electronic means.

.02 Landlord-Tenant Service Agreements.

Electric companies shall maintain existing arrangements for landlord-tenant service agreements which shall not be affected by a CCA Pilot Program.

20.63.03 CCA Pre-Enrollment Information

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 CCA Customer Consent — Pre-Enrollment.

A. A CCA is deemed to have obtained a customer’s consent required by COMAR 20.53.03.01A(2) to request the customer’s pre-enrollment information from the electric company after the Commission has approved the CCA’s Aggregation Plan.

B. A CCA is not required to notify a customer of its intention to obtain customer information from an electric company if the customer’s consent is deemed to have been obtained according to Regulation .01 of this chapter.

.02 Pre-Enrollment Information Format.

A. An electric company shall provide to the CCA, customer account pre-enrollment information on a per-account basis using electronic transactions, per COMAR 20.53.03.02 after the Commission has approved the CCA’s Aggregation Plan.

B. A CCA may not make the request described in §A of this regulation unless the CCA is in possession of a customer's account number or equivalent retail choice identification number.

.03 CCA Formation Notice Information.

A. An electric company shall provide to a county in the process of forming a CCA, upon written request, information regarding each residential and small commercial customer in the county from the applicable electric company.

B. An electric company shall respond to the request in §A of this regulation within 10 business days.

C. The electric company shall provide the following information:

(1) Aggregate usage information for each applicable service class, which the CCA may request quarterly;

(2) A list of each residential and small commercial electric customer accounts in the county, including the following information for each account:

(a) Account Name;

(b) Service Address;

(c) Billing Address; and

(d) Utility rate class or code.

D. The electric company shall include, in the information provided, each residential electric customer account and each small commercial electric customer account at the time of the request.

E. An electric company shall exclude from the list provided in §§C and D of this regulation, customer account numbers or retail choice identification numbers.

F. A county may not request the information in §C(2) of this regulation prior to the effective date of the regulation.

G. An electric company shall provide a separate list, as described in §C of this regulation for residential and small commercial customers.

.04 Information Required for the CCA Opt-Out Notice.

A. An electric company shall provide to a CCA, upon written request, customer account information regarding each customer in the requesting county after the Commission has approved the CCA's Aggregation Plan.

B. An electric company shall respond to the request in §A of this regulation within 30 calendar days.

C. The electric company shall provide the following information for each account:

(1) Account name;

(2) Service address;

(3) Utility rate class or code;

(4) Billing address;

(5) Retail choice status; and

(6) Electric company recorded SOS request or CCA opt-out status.

D. The utility shall include, in the information provided, each residential electric customer account and each small commercial electric customer account at the time of the request.

E. An electric company shall provide a separate list, as described in §C of this regulation for residential and small commercial customers.

.05 Recording Customer Information Decisions.

A. A CCA shall retain records of customer affirmative requests for CCA service including:

(1) CCA service requested; and

(2) The time and date of the request.

B. A CCA and a county in the process of forming a CCA shall retain records of the time and date of customer requests to opt-out of CCA service.

C. An electric company shall retain records of the time and date of customer requests to opt-out of CCA service or request SOS service.

D. The CCA and electric companies shall retain records in §§A, B, and C of this regulation for at least 3 years after the termination date of the CCA.

E. The electric company shall provide to the CCA, no more frequently than once per business day, the information in §C of this regulation upon written request from the CCA.

20.63.04 Transfers of Service

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Transition from Standard Offer Service.

A. Customer Information Update for the Opt-Out Notice.

A county may request, from an electric company, the data provided under COMAR 20.63.03.04C.

B. CCA Opt-Out Notice.

No less than 45 days prior to the start of CCA service, a county shall mail a notice, including the following information, to all residential and small commercial customers:

(1) Name, Commission Supplier License number, and identification of which Aggregation Supplier(s) are providing CCA Basic Service and, if applicable, CCA Optional Services;

(2) Terms and conditions of service for CCA Basic Service and, if applicable, CCA Optional Services;

- (3) Rates, charges, and fees for CCA Basic Service and, if applicable, CCA Optional Services;
- (4) A comparison of the CCA Basic Service and CCA Optional Services rates with applicable SOS rates;
- (5) Information on how a customer may select:
 - (a) SOS service by contacting the electric company;
 - (b) CCA service by responding to the notice affirmatively selecting the CCA or through a direct application process; or
 - (c) Competitive retail supply by visiting the Commission's shopping website (www.mdelectricchoice.com) and contacting a competitive supplier to enroll;
- (6) Information on the total renewable component of electricity provided under:
 - (a) CCA Basic Service;
 - (b) CCA Optional Supply Services, if applicable;
- (7) A comparison of the renewable content of the CCA Basic Service with that required by current State law;
- (8) An explanation of the following enrollment procedures:
 - (a) The means a customer may use to refuse to participate in the CCA service;
 - (b) That the customer will receive CCA Basic Service if they take no action unless the customer is served by a retail supplier;
 - (c) That the CCA will not switch a customer on a retail choice contract to the CCA without the customer's affirmative selection of the applicable CCA service;
 - (9) Information on how to access a copy of the CCA's customer information privacy policy;
 - (10) Information about customer protection; and
 - (11) A reference to the CCA's website for the information in §§(B)(1)—B(10) of this regulation.

C. Notice of Opportunity to Opt-Out of CCA Service.

The CCA shall provide, in the notice required in §B of this regulation, instructions on all methods by which a customer can refuse or opt out of CCA Basic Service by:

- (1) Responding to the CCA with the customer's choice to refuse to participate;
- (2) Request of the customer to the electric company to choose to retain or select SOS; or
- (3) Contracting for retail supply from another retail electricity supplier.

D. Processing of Opt-Out Notices and Enrollments.

- (1) A county in the process of forming a CCA shall be prepared to accept and record a customer's request to opt-out of CCA service no less than 1 day prior to sending the notice required by Public Utilities Article, §7-510.3 (d)(1)(ii), Annotated Code of Maryland.
- (2) Opt-Out Period. A county shall allow a customer at least 36 days from the date of mailing to respond to the opt-out notice described in §B of this regulation before determining the customer's choice of the CCA.
- (3) Provision of Account Numbers. An electric company shall provide, upon request of a CCA, an update of the list provided under COMAR 20.63.04.01 with the following modifications:
 - (a) An electric company shall provide account numbers solely for customers who are not, as of the date and time the report is generated, enrolled with a retail supplier or have not contacted the electric company to select SOS.
 - (b) An electric company shall notify the CCA of a customer's request to retain or select SOS.
 - (c) Any additional information needed by the CCA to enroll a customer to CCA supply service shall be provided by an electric company for customer accounts for which account numbers are provided according to §D(2)(a) of this regulation.
 - (4) A CCA may not enroll a customer who contacts the CCA or the customer's electric company to refuse participation in the CCA unless the customer subsequently affirmatively selects the CCA.
 - (5) A CCA may transmit enrollment information to an electric company according to the terms of the electric company's tariff, subject to the following limitations:
 - (a) Enrollments may not be effective prior to the date approved by the Commission in the CCA's transition schedule.
 - (b) Unless otherwise agreed to by the electric company, a CCA may not transmit to a single electric company more than 10,000 account enrollments per day.

E. Basic Service Offerings.

- (1) A CCA shall offer a single CCA Basic Service for residential customers in each applicable electric company service territory.
- (2) A CCA shall offer a single CCA Basic Service for small commercial electric customers in each applicable electric company service territory.

F. Transaction Error Handling.

The provisions of COMAR 20.53.04.03, Competitive Electricity Supply, Transfers of Service, shall apply to an Aggregation Supplier.

.02 Procedure for Enrolling New Accounts by Default.

A. Upon completion of enrollment of customers under Regulation .01 of this chapter, a CCA may request every business day a list of all customers not included in the list provided in Regulation .01(A) of this chapter as well as customers dropped from retail supply service to SOS service since the last list was provided.

B. For each new customer, this list shall include:

- (1) Account name;
- (2) Service address;
- (3) Billing address;

- (4) Retail choice status;
 - (5) CCA opt-out status;
 - (6) Utility rate class or code;
 - (7) Account numbers for customers who have not selected a retail supplier or have not contacted the utility to select SOS or have declined to participate in the CCA; and
 - (8) Any additional information needed to enroll a customer to retail supply service may be provided for customer accounts for which account numbers are provided according to §B(8) of this regulation.
- C. An electric company shall provide this information in accordance with the data transfer procedures, as described in COMAR 20.63.15.
- D. New Customer Account Enrollments.
- (1) A CCA may transmit enrollment information for a customer account listed in §A of this regulation to an electric company according to the terms of the electric company's tariff.
 - (2) A CCA may not submit an enrollment for a customer account for which the customer has contacted the CCA to opt-out unless that customer later affirmatively selects the CCA for the account in question.

20.63.05 CCA Utility Coordination and Billing

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 CCA-Utility Coordination and Billing.

A. A CCA, an Aggregation Supplier, or an energy service provider working as the agent of a CCA shall follow the supplier requirements of COMAR 20.53.05.01, 20.53.05.02, 20.53.05.03, and 20.53.05.05.

B. An electric company providing services related to electric energy scheduling, load assignment, and utility consolidated billing to a CCA, an Aggregation Supplier, or an energy service provider working as the agent of a CCA shall follow the requirements of COMAR 20.53.05 for services provided to a supplier.

.02 CCA Bill Messaging.

A. CCA Bill Item Identification.

(1) A bill sent to electric customers that participate in the aggregation activities of a CCA shall identify the CCA as the electricity supplier.

(2) An electric company shall use the name provided by Montgomery County or its designee as the identification of the CCA on a customer bill.

(3) An Aggregation Supplier or energy service provider contracted to provide services for the CCA shall transmit billing information using a distinct identification for service provided in the aggregation program from service that is provided to its other retail customers.

(4) A bill including CCA-provided services may identify any commodity services provided with a line item description that displays the rates, fees, or charges separately.

.03 CCA Price to Compare.

A. An electric company shall display its SOS rate information on each eligible customer's bill as the price to compare with retail supply offers, unless otherwise directed by the Commission.

B. A CCA shall display the SOS price to compare and the CCA Basic Service rate on the CCA website.

20.63.07 Customer Protection

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to electricity supply services that a CCA or its designated agents provide to residential and small commercial electric customers.

.02 Disclosure of Customer Information.

A CCA shall follow the disclosure of customer information regulations, as described in COMAR 20.63.16.04.

.03 Creditworthiness.

A. A CCA may not refuse CCA Basic Service to an eligible customer based on creditworthiness.

B. A CCA shall apply uniform income, deposit, and creditworthiness standards for CCA Optional Services, if applicable.

.04 CCA Service Territory.

A county which has formed a CCA shall offer supply service throughout its jurisdiction to all eligible customers that receive distribution service from the local utility.

.05 Enrollment Disputes.

A. A customer alleging a violation of this regulation shall initially submit any inquiry or dispute directly to a Community Choice Aggregator for resolution.

B. A customer alleging a violation of this regulation may, at any time, file a dispute with the Commission's Consumer Affairs Division.

C. The CCA may not enroll a customer's account who has an active retail supply contract, has affirmatively selected Standard Offer Service, or who has previously opted-out of the CCA, without the customer affirmatively selecting the CCA.

D. A CCA may not assign a customer to optional service unless the customer has affirmatively selected that optional service.

E. Upon a determination by the Consumer Affairs Division that an enrollment by the CCA was unauthorized, the Consumer Affairs Division may order the CCA to issue a refund to the customer in an amount, determined by the Consumer Affairs Division, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred, including any related early termination penalties.

F. If the charges have been billed by and the receivable purchased by the utility from the CCA, the refund of charges determined by the Consumer Affairs Division shall be remitted to the utility by the CCA. The refund determined by the Consumer Affairs Division shall be applied to the customer's utility account current balance, and the excess returned to the customer upon request. If the customer is no longer served by the CCA, the refund shall be returned to the customer.

G. Upon purchase of any receivable under this section, the utility shall be entitled to collect from the customer, and the customer shall be responsible to pay the utility the total amount billed less any refund determined by the Consumer Affairs Division.

.06 Termination.

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

B. If a utility purchases the receivables of a CCA under COMAR 20.53.05.03, the purchased CCA receivables become utility charges for the purpose of termination of service under COMAR 20.31.

.07 Advertising and Solicitations.

A. A CCA may conduct advertising for CCA services.

B. A CCA may not engage in a marketing or trade practice that is unfair, false, misleading, or deceptive.

C. A CCA shall conduct any marketing, subject to the rules in COMAR 20.53.07.07 with the exception of COMAR 20.53.07.07 (B)(1) and subject to the rules of COMAR 20.53.10.

D. Disclosures.

(1) All CCA marketing or solicitation information shall identify the Montgomery County CCA in a clear and conspicuous manner.

(2) If a price or rate is quoted, the following statements are required:

(a) The price or rate quoted is only for the specified commodity provided by the CCA;

(b) The price or rate quoted does not include any tax, electric company distribution charge, or other electric company fee or charges; and

(c) The CCA's price or rate is not regulated by the Commission.

E. Telephone Solicitation.

A CCA may not conduct outbound telephone solicitations.

.08 CCA Terms of Service.

A CCA shall follow the approved terms of service directed by the Commission when approving the CCA's Aggregation Plan.

.09 Notice of Enrollment.

A. A CCA shall provide notice of enrollment of a customer to a utility in a format consistent with the Commission-accepted electric utility supplier coordination agreement.

B. A CCA shall provide written notice to customers within 5 business days upon change in CCA service option.

C. Utility Notice of Enrollment to Customer.

An electric company shall provide written notice to a customer upon enrollment by a CCA.

D. Notice of enrollment under this regulation shall include the following:

(1) Customer name;

(2) Customer service address;

(3) Billing name;

(4) Billing address;

(5) Utility name;

(6) Utility account number;

(7) CCA name;

(8) Commodity provided; and

(9) Effective date of the enrollment.

.10 Notice of Change in Rates.

The CCA shall notify customers by posting to the CCA website any change in rates at least 30 days prior to the change in rates going into effect. The CCA website shall include instructions for contacting the CCA regarding changes in rates.

.11 CCA Customer Deposits.

The CCA may not require a customer deposit to participate in CCA Basic Service or any optional service billed through the utility consolidated billing.

.12 CCA Late Payment Charges.

The CCA may not charge customers late payment charges for CCA Basic Service or any optional service billed through utility consolidated billing.

.13 CCA Dispute Resolution.

The CCA and its customers are subject to the dispute procedures and regulations in COMAR 20.32.01.

.14 Website Information.

The CCA website shall provide the following information to customers:

- A. Current rates;*
- B. Effective period for current rates;*
- C. Terms of service;*
- D. Renewable content;*
- E. Summary of the type of costs included in rates;*
- F. Contact information for CCA;*
- G. When to contact CCA;*
- H. Contact information for electric companies;*
- I. When to contact electric companies;*
- J. CCA opt-out information including an explanation of the means to opt-out or refuse CCA service;*
- K. CCA enrollment information;*
- L. CCA customer information privacy policy;*
- M. A copy of the full text of the CCA Aggregation Plan; and*
- N. Information about customer protection.*

20.63.11 CCA Aggregation Plan Requirements and Application Process

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to Montgomery County when seeking to form a Community Choice Aggregator (“CCA”) in Maryland.

.02 Aggregation Plan Requirements.

A. A county seeking to form a CCA shall submit an Aggregation Plan for Commission approval.

B. A county shall include the following in its Aggregation Plan:

(1) A description of the following:

(a) The CCA’s service territory, including:

(i) Electric company service territories;

(ii) Differences between electric company service territories, if applicable;

(b) The customers to be served;

(c) The resolution process for errors in CCA enrollments or customer SOS selection;

(2) The proposed CCA transition schedule, including:

(a) Date by which the CCA will complete procurement of supply to meet initial CCA load;

(b) Date by which the electric companies in the county will send updated eligible customer lists to the CCA, per COMAR

20.63.03.03B;

(c) Date by which the CCA will have mailed the CCA opt-out notice to all residential and small commercial electric customers in the county;

(d) The schedule for residential and small commercial electric customers to respond to the opt-out notice prior to customer deemed to have given permission to participate in the CCA;

(e) Estimated schedule for submitting initial CCA enrollments to each electric company;

(f) Date on which CCA begins providing initial electric supply service to customers;

(3) Details of the circumstances and processes for participating in the aggregation activities of a CCA, including:

(a) Circumstances and processes by which customers are automatically enrolled in CCA Basic Service;

(b) Explanation of how the CCA intends to inform customers that SOS and retail supply will continue to be available;

(c) Processes to permit a customer to decline to participate in the CCA;

(d) Processes to permit a customer to select SOS or a retail supply contract;

(e) The circumstances and processes by which a CCA will determine that a customer has opted out of CCA Basic Service;

(f) Processes by which a customer can affirmatively select CCA Basic Service;

(g) Processes by which a customer can affirmatively select CCA Optional Services;

(h) Explanation of how the county intends to inform customers about the availability of Seamless Moves.

(4) The circumstances and processes by which the CCA will provide notices to customers, including:

(a) The draft notice(s);

(b) The purpose of the notice;

(c) Actions taken by CCA in response to the customer’s response to the notice;

(5) A description of the organizational structure of the CCA, including:

(a) Governance policies, including:

(i) The roles of government personnel;

(ii) The roles of elected officials;

(iii) The roles of other personnel;

- (b) *Reporting relationships within the CCA organizational structure;*
- (c) *County government entity accountable for all CCA policies and procedures;*
- (d) *The authority and responsibility of entities within the CCA organizational structure;*
- (6) *A description of the operations of the CCA, including:*
 - (a) *Each function that will be performed by the CCA;*
 - (b) *The entities responsible and accountable for these functions, including how these entities, whether internal or external, were selected;*
 - (c) *The internal oversight of the CCA;*
- (7) *A description of the funding and budget of the CCA, including:*
 - (a) *The anticipated sources of CCA revenues;*
 - (b) *The anticipated CCA operating expenses;*
 - (c) *The anticipated CCA capital costs;*
 - (d) *A projected initial operating budget for the CCA's first year of operation;*
- (8) *A description of the purchasing plan designed to save ratepayers money, including:*
 - (a) *The proposed plan for procuring supply including anticipated use of Requests for Proposals and competitive bidding;*
 - (b) *Supplier evaluation criteria, including:*
 - (i) *Price;*
 - (ii) *Performance capabilities;*
 - (iii) *Creditworthiness;*
 - (iv) *Operational capabilities;*
 - (c) *Measures that provide financial assurance associated with the supplier's commitments;*
 - (d) *Anticipated timeframe of initial procurement and subsequent procurement frequency;*
 - (e) *Differentiation of procurement by electric company service territory, if applicable;*
 - (f) *Long term power purchasing agreements and asset investment, including:*
 - (i) *Means by which counterparties would be evaluated;*
 - (ii) *Method of financing;*
 - (iii) *Key terms and conditions;*
 - (g) *Purchasing plan monitoring and oversight;*
 - (h) *Measures to mitigate price volatility for customers;*
 - (i) *The role of renewable contact in procurement evaluation;*
 - (j) *The role of price in procurement evaluation;*
 - (k) *Description of the potential impact on price that energy sourced from renewable resources may have;*
 - (l) *Description of procedures designed to ensure power is procured to serve entire projected load;*
 - (m) *Explanation of how the purchasing plan is designed to save CCA participants money;*
 - (n) *Commission review of proposed changes to the approved procurement plan.*
- (9) *A description of the processes the CCA shall use for entering into and terminating agreements with other entities, including the process for entering and terminating contracts with retail suppliers, electric generation, and electric storage facilities;*
- (10) *A proposal for reporting to the Commission regarding the CCA's procurement, including:*
 - (a) *A proposed schedule for the reporting;*
 - (b) *What information the reporting will provide;*
- (11) *A description of the rate setting process and costs to participants, including:*
 - (a) *Initial and anticipated service offering;*
 - (i) *Description of differentiation of rates and service options by electric company, if applicable;*
 - (ii) *Description of seasonal, time-of-use, or tiered rates, if applicable;*
 - (iii) *Description of demand response and energy efficiency components, if applicable;*
 - (iv) *Description of cost true-up mechanisms;*
 - (b) *Description of the frequency of rate updates, including:*
 - (i) *Potential causes for changes in rates;*
 - (ii) *How customers will be notified of rate changes;*
 - (iii) *How the Commission will be notified of rate changes;*
 - (iv) *Duration of time between a notice of a rate change and the time the rate change becomes effective;*
 - (c) *Recovery of non-commodity costs;*
 - (d) *Customer education for initial and future service offerings;*
 - (e) *Commission notification and review of proposed changes to service offerings;*
 - (f) *Customer deposit requirements;*
 - (g) *Late payment charge requirements;*
 - (h) *The methodology for establishing the rate for CCA Basic Service, including:*
 - (i) *Prevailing market prices;*
 - (ii) *Ongoing purchases;*
 - (iii) *Operating costs;*

- (12) An analysis of historical and forecast trends in electricity prices, as described in COMAR 20.63.13;
- (13) A statement of the rights and responsibilities of electric customers participating in the CCA and eligible CCA electric customers not currently participating in the CCA, including:
- (a) Proposed terms and conditions of CCA customer participation, including:
 - (i) Explanation of customer participation in the CCA;
 - (ii) The right to opt-out of participation;
 - (iii) The right to request SOS;
 - (iv) The right to enter into and retain retail supply contracts;
 - (v) The right to request CCA participation;
 - (vi) CCA optional service;
 - (vii) All processes for customer participation and opt-out;
 - (viii) Billing of CCA customers, including use of utility consolidated billing and billing for optional services, if applicable;
 - (ix) Payment rules and regulations, including late fees, if applicable;
 - (x) Dispute resolution processes;
 - (xi) Application of existing electric company regulations and terms and conditions of service;
 - (xii) Notice of changes in rates or prices;
 - (xiii) How customers will be notified of rates or price changes;
 - (xiv) Duration of time between notice of a rate change and the time a rate change become effective;
 - (xv) Contact information including a CCA website containing the terms and conditions of CCA participation;
 - (xvi) When customers should contact their electric company;
 - (xvii) When customers should contact the CCA;
 - (b) Commission review of proposed changes of the terms and conditions of CCA participation, including an explanation of how county residents and small businesses will be made aware of approved changes to the terms and conditions of CCA participation;
 - (c) A draft Customer Rights and Responsibilities Pamphlet to be provided to county residents and small commercial electric customers;
 - (d) A draft Frequently Asked Questions and Key Definitions to be provided to county residents and small commercial electric customers, including:
 - (i) Common terms and definitions;
 - (ii) Statement that the electric company's terms and conditions are unchanged by the customer's enrollment in the CCA;
 - (iii) The means by which the Frequently Asked Questions and Key Definitions may be made available to county residents and small commercial electric customers;
 - (e) A description of the CCA's data security mechanisms and data privacy policies to be provided to county residents and small commercial electric customers;
 - (f) A statement of Universal Electricity Access, Reliability, and Equitable Treatment of all residential and small commercial electric customers;
 - (g) An explanation of how the rights and responsibilities of participating electric customers contained in this section will be provided to county residents and small commercial electric customers;
- (14) The contingency plan for terminating the Aggregation Program, including:
- (a) The conditions and timing of planned termination of the CCA, if any;
 - (b) A description of the notices the CCA will provide to the Commission, electric companies in the county and CCA customers in the event of full or partial termination, including:
 - (i) Timing of notice(s) to customers, electric companies, and the Commission;
 - (ii) Information to be contained in the notice(s);
 - (c) The processes for transferring customers from the CCA to SOS service;
 - (d) The processes for winding down the CCA;
- (15) Include a proposed CCA cybersecurity plan, as described in COMAR 20.63.16.03.
- (16) Commission notification and review of changes to an approved Aggregation Plan.
- (17) A statement of the purpose of the CCA, including the goals sought to be achieved;
- (18) The proposed process for comprehensive and effective CCA outreach and education, including:
- (a) Messaging;
 - (b) Means of communication;
 - (c) Budget; and
- (19) The process by which the CCA will accept and record customer decisions to opt out of CCA participation.
- C. A county may not act upon any portion of the Aggregation Plan until the Aggregation Plan has been approved by the Commission.

.03 Aggregation Plan Approval Process.

A. Filing Schedule and Requirements.

- (1) A county, when initiating a process to form a CCA, shall file with the Commission, the following:
- (a) A notice of intent to form a CCA;

- (b) A copy of the County's Aggregation Plan;
- (c) A draft local law forming the CCA;
- (d) Proposed terms of service;
- (e) Proposed categories of charges;
- (f) Proposed categories of fees; and
- (g) Proposed costs unrelated to actual cost of the electricity supply.
- (2) A county may not initiate a process to form a CCA unless the county has:
 - (a) Met the preliminary requirements in §B of this regulation;
 - (b) Commit to CCA formation on or after December 31, 2023; and
 - (c) Received from the Commission, approval of a petition to initiate a process to form a CCA.
- B. Preliminary Requirements.**

A county may not initiate a process to form a CCA unless it has, at least 60 days prior, performed the following:

 - (1) Developed an Aggregation Plan consistent with COMAR 20.63.11.02;
 - (2) Filed with the Commission, a petition for approval of the county's intention to initiate a process to form a CCA;
 - (3) Included in its petition, proof of the following:
 - (a) Provision of a written notice of the Aggregation Plan to each residential and small commercial electric customer in the county using a list provided by each electric company serving the county's residents and businesses;
 - (b) Publication of a fair summary of the Aggregation Plan in at least 1 newspaper of general circulation in the county; and
 - (c) Publication, on the county's website, of the full text of the Aggregation Plan;
- C. Aggregation Plan Discovery Requests.**
 - (1) A county, after filing the petition to the Commission described in §B(2) of this regulation, shall make reasonable efforts to respond within 10 business days to information requests, including data requests, sent to the county regarding the County's Aggregation Plan unless the Commission imposes a different deadline.
 - (2) A county shall respond to requests made by the Commission's Technical Staff, Maryland Peoples' Counsel, electric companies serving Montgomery County customers, Apartment and Office Building Association of Metropolitan Washington, and other parties to which the Commission has granted discovery rights.
 - (3) Objections to discovery and discovery responses shall be made within 3 business days unless otherwise directed by the Commission.
- D. Approval of an Aggregation Plan.**

A county may not begin providing CCA service to its residential and small commercial customers until after the following has occurred:

 - (1) The Commission has approved the County's Aggregation Plan.
 - (2) The county has enacted a local law that provides that the county shall act as a CCA.
- E. Approval of Aggregation Plan Changes.**
 - (1) A CCA may not implement material changes to the approved Aggregation Plan without Commission approval.
 - (2) A CCA shall notify the Commission of any non-material change to the approved Aggregation Plan every 6 months.
 - (3) All changes to CCA Basic and Optional Services shall not be considered material changes.

20.63.12 CCA Pilot Program Termination

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to the planned or unplanned termination of Community Choice Aggregation ("CCA") electric supply service.

.02 Termination Plan.

A CCA shall comply with the termination contingency plan approved for the CCA by the Commission.

.03 Notice of Planned Program Termination.

A. For the years 2028, 2029, and 2030, a CCA shall file with the Commission its current termination plan by April 15 of each year.

B. The CCA shall include in the filing the planned termination date, or range of dates, for each electric company service territory.

C. A CCA shall, no less than 16 months prior to the planned termination date of the pilot, notify the Commission and all affected electric distribution companies with CCA customers in the county of any planned program termination of CCA electric supply service that would result in CCA customers switching to SOS supply.

D. The CCA shall include in the notice required by §B of this regulation:

- (1) The CCA electric supply services in each electric company service territory to be terminated;
- (2) The planned date or range of dates of termination for each electric company service territory;
- (3) The number of customers served, by rate class, for each electric company service territory that the CCA plans to be switched to SOS;

(4) An explanation of how affected customers enrolled in the CCA will be notified of the planned electric supply service termination no less than 90 days prior to the termination date; and

(5) An explanation of why the electric supply service is being terminated.

.04 Notice of Unplanned Program Termination.

A. The CCA shall notify the Commission, all residential and small commercial electric customers in the county, and all electric companies with CCA customers in the county of any unplanned termination of CCA electric supply service that would result in CCA customers receiving SOS supply as soon as practicable.

B. A CCA shall include in the notice to the Commission and electric distribution companies of unplanned CCA Pilot Program termination:

(1) The CCA electric supply services in each electric company service territory to be terminated;

(2) The planned date, or range of dates, of termination for each electric company service territory;

(3) The number of customers, by rate class, served for each electric company service territory that the CCA plans to be switched to SOS;

(4) An explanation of how affected customers enrolled in the CCA will be notified of the unplanned electric supply service termination; and

(5) An explanation of why the electric supply service is being terminated.

C. A CCA shall include in the notice to affected residential and small commercial electric customers of unplanned CCA Pilot Program termination:

(1) The planned date, or range of dates, of termination for each electric company service territory; and

(2) An explanation that affected customers will be returned to SOS unless they enter into a retail supply contract.

.05 CCA Termination.

A. A CCA shall coordinate with each electric company, the transfer of customers back to SOS upon termination of the CCA in order to mitigate the impact to SOS procurement.

B. A CCA that transfers all customers to SOS shall be considered to be dissolved.

C. A CCA may not re-form unless it has followed the procedures established by this subtitle for establishing a new CCA.

D. A CCA may not recover from electric company customers or electric companies, any stranded costs for electricity supply contracts entered into by the CCA or generation owned by the CCA.

E. A county shall make reasonable efforts to mitigate any electric company SOS procurement costs associated with transferring CCA customers back to SOS upon termination of a CCA.

.06 Sale by the CCA of Contracted Energy Supplies.

A. Within 30 days of the termination date of the CCA, the county shall inform the Commission of any CCA power purchase agreements designated for the CCA load for electricity supply which will exceed necessary supply for CCA customers by filing with the Commission, a notice of Excess Contracted Electricity Supply.

(1) This notice shall include a description of each power purchase agreement for electricity supply which will exceed necessary supply for CCA customers, including:

(a) Power purchase agreement duration;

(b) Remaining amount due to the contracted supplier;

(c) Any plan to resell the power purchase agreement or renegotiate the contract; and

(d) A statement of how the county intends to recover any power purchase agreement costs that are not recovered from CCA participants;

(2) Within 180 days of the notice, the county shall file with the Commission a notice explaining the status of any contract identified in §A(1) of this regulation.

B. Mitigation of SOS Unplanned Load.

A CCA returning customers to SOS shall make available to the affected electric company any excess contracted electricity supply with right of first refusal.

20.63.13 Historical and Forecast Electricity Price Trends

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Trend Analysis.

A county shall include in its Aggregation Plan an analysis of historical and forecast trends in electricity prices, including:

A. A graph or table of historical Residential and Type I SOS prices for the most recent 36 months of data available for each electric utility within the county; and

B. A graph or table of a 36 month or longer forecast of residential and small commercial customer energy rates meeting baseline state renewable energy goals for each electric utility within the county.

20.63.14 CCA Non-Commodity Fees and Charges Tariff Structure

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to the rates, fees, and charges that a CCA may charge electric distribution customers within the county.

.02 Permitted Fees, Taxes, and Charges.

A CCA or its designated agents may not assess any fee, tax, or other charge bundled into the aggregation charges or rates billed to CCA customers that is not related to the cost of:

- A. Providing electricity supply and electricity supply service including service from a generating station owned by the CCA;*
- B. Promoting the use of renewable energy; or*
- C. Promoting electric company energy efficiency programs for electric companies within the county such that:*

(1) Any promotion shall be conducted in consultation with the electric company and the Department of Housing and Community Development; and

(2) The county may not promote electric company energy efficiency programs not approved by the Commission.

- D. Providing and promoting programs supplemental to programs permitted in §C(2) of this regulation.*

.03 Description of Non-Commodity Charges and Rates.

A CCA shall separately state any components of bundled charges or rates permitted by Regulation .02 of this chapter as a separate line item in its published terms and conditions of service.

.04 Separate Billing of Non-Bundled Charges.

A CCA may not send a separate bill to a customer for the same costs the electric company purchases from the CCA, per COMAR 20.63.05.

20.63.15 Data Exchange

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to enrollment transactions and data exchanged between an electric distribution company and a CCA or its designated agents.

.02 Standards.

For all data exchanges aside from exchanges using Maryland standard electronic data exchange, per COMAR 20.53.01.03, electric companies and a CCA shall mutually agree upon a standardized approach subject to Commission approval.

.03 Cybersecurity.

CCA and electric companies shall maintain the exchange of data in a manner consistent with good cybersecurity practice.

.04 Electric Company Instructions.

A. An electric company shall provide a CCA with written instructions on how to access, via the approved Commission methods, the customer lists and other information provided under this chapter.

- B. An electric company may provide data exchange procedures for CCAs via tariff.*

.05 Operating Procedures.

A CCA shall comply with directions provided by an electric company regarding transmission and security of customer data.

20.63.16 Data Privacy

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Scope.

This chapter applies to electricity supply services that a CCA or its designated agents provide to residential and small commercial electric customers.

.02 Good Cybersecurity Practice.

All CCAs shall follow good cybersecurity practice.

.03 Cybersecurity Plans.

As part of its Aggregation Plan, as described in COMAR 20.63.11.02, the CCA shall submit to the Commission a proposed cybersecurity plan including:

A. Cybersecurity-related governance, risk management, procurement practices, personnel hiring, training policies, situational awareness, response, recovery, and transparent reporting of cybersecurity incidents to State and federal entities.

- B. How the CCA will inform the Commission of a cybersecurity breach; and*

C. An explanation of the application of the county's cybersecurity plan, policies, procedures, and support to the CCA, if applicable.

.04 Disclosure of Customer Information.

A. A CCA or its Aggregation Supplier may not disclose customer information provided to the CCA or its Aggregation Suppliers by the electric company or collected from the customer as part of the CCA including a customer's billing, payment, enrollment, and credit information to an entity other than the electric company without the customer's written or electronic consent, except that a CCA may disclose a customer's billing, payment, enrollment, and credit information but only if necessary to facilitate billing, bill collection, enrollment, or credit reporting.

B. A CCA shall provide, upon request of the customer, a copy of the CCA's customer information privacy policy via the CCA website or by mail.

C. The Aggregation Supplier shall protect all customer information when it ceases to be the CCA's Aggregation Supplier or the CCA is terminated, and the Aggregation Supplier shall not use for marketing purposes any information obtained as the Aggregation Supplier once it ceases to be the Aggregation Supplier.

20.63.17 Transition to CCA from SOS

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Scope.

This regulation addresses the initial transition of customers in Montgomery County from SOS to CCA default service.

.02 Transition Schedule.

A. A CCA shall follow the CCA Transition Schedule approved by the Commission.

B. A CCA shall not transmit enrollment transactions for CCA Basic Service to an electric company prior to the start date of the CCA Transition Schedule approved by the Commission.

C. A CCA shall complete the initial transmission of enrollment transactions of customer accounts to the electric company in the amount of time allowed by the CCA Transition Schedule approved by the Commission.

D. For customers that were not enrolled by the CCA during the initial Commission-approved transition period, the CCA may enroll these customers according to the transfers of service permitted by COMAR 20.63.04.02 and COMAR 20.63.04.03.

E. 10 days prior to the start of the CCA transition period, a CCA shall advise each electric company of the number of residential and small commercial accounts which the CCA expects to transfer from SOS according to the approved transition schedule.

F. An electric company shall establish a means to communicate regarding the daily transfer of accounts from SOS to CCA service to assure a smooth transition from SOS to CCA service during the transition schedule.

.03 Transition Reporting.

A. A CCA shall prepare, for each impacted electric company, a report, filed with the Public Service Commission, as soon as possible, but no later than 30 calendar days after the end of the approved CCA Transition Schedule.

B. Each impacted electric company shall assist the CCA to the extent requested by the CCA.

C. The report described in §A shall include:

(1) A tabulation of the number and type of customer accounts that have been enrolled in CCA service;

(2) A description of differences in the transition from SOS to CCA service from the approved Aggregation Plan transition period;

(3) A summary of enrollment errors, if any, and the status of correction and mitigation of errors;

(4) A description of any outstanding issues from the transition requiring immediate Commission attention; and

(5) Recommended actions, if any.

20.63.18 Recovery of Uncollectible SOS Expense from CCA Customers

Authority: Public Utilities Article, §§ 1–101(b), 1–101(f) and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland.

.01 Scope.

This chapter addresses possible Commission allocation of SOS uncollectible costs to CCA customers, per Public Utilities Article, §7-510.3(p), Annotated Code of Maryland.

.02 Identification of Delinquent Accounts Receivable Attributable to CCA Customers at the CCA Start of Service.

No later than 90 days prior to the date established by the Commission to begin enrollment of customers in a CCA, an electric company shall calculate and file with the Commission, the following relating to a transfer of the electric company's customers from SOS to the CCA:

A. An estimate of the amount of SOS uncollectible expense which would be attributable to all residential and small commercial SOS customers in the county at the start of CCA service.

B. An estimate of the change in the SOS administrative charge or other charges used to recover SOS uncollectible expense based on a range of expected numbers of accounts that would transfer to the CCA from SOS service.

C. A proposed allocation or assignment to the CCA, of the estimated SOS uncollectible expense identified in §A of this regulation, which would, if the change in SOS administrative charges materially adversely impacts the cost of providing SOS, mitigate the change in SOS administrative charges identified in §B of this regulation.

.03 Recovery of CCA Uncollectible Expense.

A. An electric utility shall propose to the Commission a tariff provision that establishes a means to recover the estimated SOS uncollectible expense proposed in Regulation .01 of this chapter.

B. An electric utility shall propose the recovery of CCA uncollectible expense as part of a discount rate tariff that is used for purchased receivables for a CCA using utility consolidated billing to be recovered over a 12-month period following enrollment of customers in the CCA or as otherwise accepted by the Commission.

C. An electric utility may propose an alternate tariff method of recovery of CCA uncollectible expense for a CCA using other billing methods.

20.63.19 SOS Risk Mitigation and Pilot Annual Reporting

Authority: Public Utilities Article, §§ 1-101(b), 1-101(f) and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland.

.01 Scope.

This regulation addresses the responsibilities of a county serving as a CCA to monitor and mitigate the risks to SOS from the potential for customers to migrate from CCA service to SOS.

.02 CCA Monthly Reporting.

A CCA shall, on a monthly basis, monitor and file with the Commission, and file copies in all Commission dockets pertaining to the SOS Procurement Improvement Process and Community Choice Aggregation, the following data on a calendar monthly basis beginning with the data for the second month after the start of the transition of accounts to CCA service, and the filing shall include:

- A. The number of accounts enrolled in CCA service, broken down by electric company rate class and electric company service territory;
- B. The number of accounts which leave CCA service each month broken down by electric company rate class and electric company service territory;
- C. Rates, charges, and fees for each service option provided by the CCA for each electric company service area;
- D. The renewable energy content for each service option provided by the CCA for each electric company service area;
- E. Monthly total enrollment for each service option provided by the CCA for each electric company service area;
- F. Summary of customer complaints received by the CCA;
- G. Explanation of anticipated changes in service offerings;
- H. Summary of CCA procurement by electric company service area; and
- I. Explanation of anticipated changes in CCA procurement.

.03 Risk Mitigation Monitoring.

As soon as practicable, but in no circumstance more than 30 days after the CCA becomes aware of the information requiring notification under this regulation, if the CCA determines that sufficient migration may occur that would trigger detrimental SOS procurement changes prior to or during the next SOS procurement cycle or subsequent SOS procurement cycles, the CCA shall:

- A. Notify the Commission, the Procurement Improvement Process Workgroup, the electric companies serving accounts in Montgomery County, and other interested parties;
- B. Consult with the Commission Staff, the electric companies serving accounts in Montgomery County, Office of People's Counsel, and Prince George's County; and
- C. Recommend to the Commission a course of action to mitigate detrimental impact to SOS service or SOS customers.

.04 Risk Mitigation.

- A. The CCA shall employ measures to mitigate price volatility for CCA customers, as referenced in the CCA's Aggregation Plan.
- B. The CCA shall employ measures to mitigate the risk of Aggregation Suppliers' or other suppliers' failure to provide contracted services, as referenced in the CCA's Aggregation Plan.

.05 Pilot Annual Reporting.

- A. The purpose of this regulation is to provide necessary data for annual reporting of the Community Choice Energy Workgroup.
- B. The CCA shall provide the following information to the Commission on or before August 1 of each year that the CCA provides supply service in the county, and the filing shall include:
 - (1) Rates, charges, and fees for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;
 - (2) The renewable energy content for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;
 - (3) Monthly total enrollment for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;
 - (4) Summary of customer complaints received by the CCA for 12 months prior to June 1 of that year;
 - (5) Explanation of anticipated changes in service offerings over the next 12 months;
 - (6) Summary of CCA procurement by electric company service area over the past 12 months; and
 - (7) Explanation of anticipated changes in CCA procurement over the next 12 months.

20.63.20 CCA Coordination Tariff

.01 Scope.

This chapter applies to the use by electric companies of a tariff to govern the requirements for a county serving as a CCA, Aggregation Suppliers, or agents thereof.

.02 Tariffs.

A. Introduction of a CCA Coordination Tariff.

(1) An electric company serving customers within Montgomery County shall, within 60 days after the Commission adopts the regulations for final publication, file with the Commission proposed tariff language to address the electric company's interactions with a CCA for the duration of the Pilot.

(2) An electric company may incorporate the tariff provisions required by this chapter in the company's existing Electricity Supplier Coordination Tariff.

(3) Each electric company serving accounts in Montgomery County shall coordinate with the other electric companies serving accounts in Montgomery County to propose consistent tariff provisions.

B. An electric company shall include at least the following terms and conditions in its tariff for CCA interactions:

- (1) Billing and payment collection;*
- (2) Dispute resolution;*
- (3) Financial settlement;*
- (4) Losses;*
- (5) Metering services;*
- (6) PJM interconnection requirements;*
- (7) Scheduling; and*
- (8) Utility charges.*

.03 Pilot Cost Recovery.

A. Updates to CCA uncollected cost recovery methods.

(1) An electric company shall continuously track a CCA's uncollectible expense, as described in COMAR 20.63.18 for the duration of the Pilot.

(2) An electric company shall file revised tariffs for CCA uncollectible expense recovery at least annually.

B. Pilot Administrative Expense Recovery.

In addition to those required by §A of this regulation, an electric company shall propose to the Commission, a tariff provision that establishes a means to recover the following estimated expenses attributable to the CCA:

- (1) Cash Working Capital Component*
- (2) Program Development Cost Compt*
- (3) Purchase of Receivable Risk Component*

C. Purchase of Receivables Discount Rates.

(1) An electric company shall propose the recovery of administrative expense required by §B of this regulation, as part of a discount rate tariff that is used for purchased receivables for a CCA using utility consolidated billing.

(2) An electric company shall continuously track a CCA's administrative expense, as described in §B of this regulation for the duration of the Pilot.

(3) An electric company shall file revised tariffs for CCA administrative expense recovery at least annually.

D. An electric company may propose tariff language to establish a method that is different than §C of this regulation for recovery of CCA administrative expense for a CCA.

E. All Commission approved CCA related costs incurred by an electric company shall be recovered from the CCA through tariff provisions, per §§B, C and D of this regulation.

F. An electric company may propose costs related to the Pilot in addition to those listed in §§A and B of this regulation for recovery via the methods described in §§ C or D of this regulation.