

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	03/18/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 4/29/2016**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
20	62	01	01, .02, .03, .04
20	62	02	01, - .11
20	62	03	01, .02, .03, .04, .05, .06, .07, .08
20	62	04	01, .02, .03
20	62	05	01, -.20

**3. Name of Promulgating Authority**

Public Service Commission

**4. Name of Regulations Coordinator**

Loretta V Scofield

**Telephone Number**

410-767-8381

**Mailing Address**

6 St. Paul Street

<b>City</b>	<b>State</b>	<b>Zip Code</b>
Baltimore	MD	21202

**Email**

lscofield@psc.state.md.us

**5. Name of Person to Call About this Document**

David J. Collins, Executive Secretary

**Telephone No.**

410-767-8067

**Email Address**

david.collins@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

    Date when existing text was downloaded from COMAR online: .

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 March 17, 2016. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

David J. Collins

**Title**

Executive Secretary

**Telephone No.**

410-767-8067

**Date**

March 17, 2016

**Title 20**

**PUBLIC SERVICE COMMISSION**

**Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

**20.62.01 General**

**Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

**20.62.02 Pilot Program**

**Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

**20.62.03 Pilot Program Administration**

**Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

**20.62.04 Pilot Program Study**

**Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

**20.62.05 Consumer Protection**

Authority: Public Utilities Article, §§ 2-113, 2-121, 7-306, 7-306.1, and 7-306.2,  
Annotated Code of Maryland

**Notice of Proposed Action**

□

The Public Service Commission proposes to adopt new Regulations .01, .02, .03 and .04 under COMAR 20.62.01 General; new Regulations .01, .02, .03, .04, .05, .06, .07, .08, .09, .10 and .11 under COMAR 20.62.02 Pilot Program; new Regulations .01, .02, .03, .04, .05, .06, .07, and .08 under COMAR 20.62.03 Pilot Program Administration; new Regulations .01, .02, and .03 under COMAR 20.62.04 Pilot Program Study; and new Regulations .01, .02, .03, .04, .05, .06, .07, .08, .09, .10, .11, .12, .13, .14, .15, .16, .17, .18, .19 and .20 under COMAR 20.62.05 Consumer Protection.

This action was considered at a scheduled rule making meeting on February 22, 2016, notice of which was given under State Government Article §10-506, Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to establish the framework for a pilot program under Public Utilities Article, §§ 7-306.1 and 7.306.2, Annotated Code of Maryland. The Pilot Program is designed to make solar energy available to electric customers throughout Maryland through subscriptions to community solar energy generating systems. Chapter .01 provides for the scope of the Program, applicable definitions, compliance by electric companies, and a waiver for good cause. Chapter .02 establishes the Program's capacity limits, annual cap, and program categories. Chapter .02 also sets out the duties of

Subscriber organizations and the manner in which participating electric customers will be compensated. Chapter .03 provides for the administration of the Program including the application process for eligible community solar energy generating systems. Chapter .04 addresses the data to be collected for purposes of the Pilot Program Study. Chapter .05 addresses issues involving transactions between Subscriber organizations and customers subscribing to those organizations.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

#### **I. Summary of Economic Impact.**

These regulations implement a Pilot Program for the purpose of studying the effects of community solar energy generation systems as providers of solar energy to persons who do not or cannot own their own solar systems as customer generators. It is thought that there may be some economic impact, but because this is a Pilot Program the actual impact is unknown but considered minimal.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:	NONE	
(1)	(R+)	None
B. On other State agencies:	(R+)	None
	NONE	
C. On local governments:	NONE	
(1)	(R+)	None
	Benefit (+) Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:	(+)	Minimal
	NONE	
E. On other industries or trade groups:	NONE	
(1)	(+)	Minimal
F. Direct and indirect effects on public:	(+)	Unquantifiable
	NONE	

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

A(1). The Commission will employ no additional personnel to monitor this program or write the report required by the regulations. Any effect on other State agencies or local governments are expected to be minimal and covered under their existing budgets due to the size and design of the program.

B(1). The Commission will employ no additional personnel to monitor this program or write the report required by the regulations. Any effect on other State agencies or local governments are expected to be minimal and covered under their existing budgets due to the size and design of the program.

C(1). The Commission will employ no additional personnel to monitor this program or write the report required by the regulations. Any effect on other State agencies or local governments are expected to be minimal and covered under their existing budgets due to the size and design of the program.

D(1). Regulated electric companies will be affected to the extent that they are required to provide information to Subscriber organizations that operate community solar energy generation systems, maintain a queue for applicants certified to participate in this program, participate in related workgroups, provide data, and automate limited systems for tracking membership in the program. This is not expected to result in costs that cannot be absorbed by the current work force because very few projects are at issue in the pilot program. Participants who purchase solar energy through the Subscriber organizations will be provided bill credits. However, the program provides an offset to standard offer service, and these credits are revenue neutral.

E(1). Developers of solar facilities will benefit from the ability to construct and manage community solar energy generation systems. Retail suppliers of electricity will be unaffected by these regulations because a member of a Subscriber organization may continue as a retail customer.

F(1). Members of the public who participate in the Pilot Program are expected to see some savings on their electric bills. The public as a whole will benefit from increased availability of clean energy options.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or email to , or fax to 410-333-6495. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

## **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

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.

Developers of solar facilities, which are small businesses, will benefit from the ability to construct and manage community solar energy generation systems. Retail suppliers of electricity will be unaffected by these regulations because a member of a subscriber organization may continue as a retail customer. Other small businesses will be unaffected except to the extent that they participate as a customer of a Supplier organization, in which case, they are expected to realize savings on their electric bills.

G. Small Business Worksheet:

Electric customers who lack the ability to install solar systems on their rooftops due to their status as renters or lack of space that is appropriately exposed to sun may benefit. Developers of solar facilities, which are small businesses, will benefit from the ability to construct and manage community solar energy generation systems. Retail suppliers of electricity will be unaffected by these regulations because a member of a Subscriber organization may continue as a retail customer. Other small businesses will be unaffected except to the extent that they participate, in which case, they are expected to realize savings on their electric bills.

Attached Document:

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**ALL NEW TEXT**

### ***Title 20***

### ***Public Service Commission***

### ***Subtitle 62 Community Solar Energy Generation Systems***

### ***Chapter 01 General***

**.01 Scope.**

This subtitle is applicable to electric companies and Subscriber organizations in service territories where customers have the ability to subscribe to a community solar energy generation system under a pilot program approved by the Commission.

**.02 Definitions.**

A. In this subtitle the following words have the meanings indicated.

B. Terms defined.

(1) "Agent" means a person who conducts marketing or sales activities, or both, on behalf of a Subscriber organization. Agent includes an employee, a representative, an independent contractor and a vendor. Agent includes subcontractors, employees, vendors and representatives not directly under contract with the Subscriber organization that conducts marketing or sales activities on behalf of the Subscriber organization. Agent does not include a member of a neighborhood association, church, non-profit organization, or other community organization that is a Subscriber organization when the member is conducting marketing or sales activities on behalf of the Subscriber organization to fellow members and is not receiving any compensation for those marketing or sales activities.

(2) "Baseline annual usage" has the meaning stated in §7-306.2 of the Public Utilities Article, Annotated Code of Maryland.

(3) "Brownfield" means one of the following:

(a) a former industrial or commercial site identified by Federal or State laws or regulations as contaminated or polluted;

(b) a closed landfill regulated by the Maryland Department of the Environment; or

(c) "Mined Lands" as defined in COMAR 26.21.01.01B(20)

(4) "Commission" means the Public Service Commission of Maryland.

(5) "Community solar energy generating system" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(6) "Consent" means an agreement with an action communicated by the following:

(a) a written document with customer signature; or

(b) an electronic document with electronic signature.

(7) "Consumer" or "customer" means a retail electric customer account holder of a regulated electric company.

(8) "Contract Summary" means a summary of the material terms and conditions of a community solar pilot program subscriber contract on a form provided by the Commission.

(9) "CSEGS" means a community solar energy generating system.

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

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

(12) "Low income" means a subscriber whose gross annual household income is at or below 175 percent of the federal poverty level for the year of subscription or who is certified as eligible for any federal, state, or local assistance program that limits participation to households whose income is at or below 175 percent of the federal poverty limit.

(13) "Moderate income" means a subscriber whose gross annual household income is at or below 80 percent of the median income for Maryland for the year of subscription.

(14) "Personally identifiable information" means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or capable of being linked to a specific individual.

(15) "Program" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(16) "Public event" means an event open to the public where subscriptions to a Community Solar Energy Generation System are marketed or sold.

(17) "Security deposit" means any payment of money given to a Subscriber organization by a subscriber in order to protect the Subscriber organization against nonpayment of future subscription fees, but does not include escrowed prepaid subscription fees.

(18) "Subscriber" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(19) "Subscriber organization" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(20) "Subscription" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(21) "Unsubscribed energy" has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

(22) "Utility" means an electric company as defined in Public Utilities Article §1-101, Annotated Code of Maryland.

(23) “Virtual net energy metering” has the meaning stated in Public Utilities Article §7-306.2, Annotated Code of Maryland.

**.03 Electric Company Compliance Plan.**

A. An electric company shall file a plan and relevant tariffs for compliance with this subtitle within 45 days after this regulation becomes effective.

B. A municipal electric company or electric cooperative electing to participate in the pilot program shall file a plan and related tariffs for compliance with this subtitle within 45 days after notifying the Commission of that election.

**.04 Waiver.**

The Commission may waive a regulation in this subtitle for good cause shown.

20.62.02

## **Title 20**

### **Public Service Commission**

#### **Subtitle 62 Community Solar Energy Generation Systems**

##### **Chapter 02 Pilot Program**

Authority: Public Utilities Article, §§ 2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

**.01 Pilot Program Structure.**

A. Each electric company shall establish a program to accept and administer community solar energy generating system projects for a period of three years from the earlier of:

(1) the first date of application of a Subscriber organization to operate a community solar energy generating system after the effective date of this subtitle; or,

(2) six months from the effective date of this subtitle.

B. An electric company shall apply bill credits and excess generation to subscribers’ bills in accordance with applicable tariffs.

C. An electric company shall pay Subscriber organizations for unsubscribed energy in accordance with applicable tariffs.

D. An electric company shall maintain program data and records as directed by the Commission.

**.02 Program Generation Capacity.**

**A. Capacity Limit**

**(1) Statewide Capacity.**

(a) Subject to subsection (b), an electric company shall not accept pilot program project applications after the statewide capacity of pilot projects has exceeded 1.5 percent of the 2015 Maryland peak demand in MW as measured by the sum of the nameplate capacity of each project’s inverter.

(b) An electric company shall accept an additional 0.15 percent of 2015 capacity for projects serving the LMI category if an electric utility has reached full capacity available to projects in the LMI category.

(2) Annual Cap. The following percentages of 2015 Maryland peak demand will set annual program capacity.

(a) 1<sup>st</sup> year – 0.6 percent.

(b) 2<sup>nd</sup> year – 0.6 percent.

(c) 3<sup>rd</sup> year – 0.3 percent.

(3) Program Categories – An electric company shall accept pilot projects in each of the following categories up to the annual and program capacity limits according to the percentages shown in each of the following paragraphs.

(a) Small, Brownfield and Other Category (“Small”) – 30 percent.

(i) Projects up to and including 500kW.

(ii) Projects installed on rooftops, parking lots, roadways or parking structures.

(iii) Projects installed on brownfield locations.

(iv) Projects serving more than 51 percent of kWh output to Low or Moderate income customers.

(b) Open Category (“Open”) 40 percent - Projects of any size up to 2MW.

(c) Low and Moderate Income Category (“LMI”) – 30 percent Projects serving more than 30 percent of kWh output to Low or Moderate income customers of which Low Income subscribers receive a minimum of 10 percent of kWh output.

(d) Projects which qualify for the Small or LMI category may use capacity from the Open category after the electric company has accepted projects up to the limit of its respective categories.

(e) An electric company may accept an LMI project using LMI capacity as described in section A(2) of this regulation from subsequent program years if the capacity in the current year has been fully allocated.

*(4) Electric Company Program Capacity Limits.*

*(a) Subject to the annual and category limits established in this regulation, an electric company shall accept pilot program applications up to 1.5 percent of its 2015 Maryland peak demand.*

*(b) An electric company may accept project applications after it has accepted 1.5% of its 2015 peak demand in MW as measured by the sum of the nameplate capacity of each project's inverter.*

*(c) An electric company may cease accepting project applications according to the annual percentages listed in Regulation .02A(2) as applied to that company's 2015 peak demand.*

*(d) An electric company shall allocate annual capacity according to the program category percentages listed in Subsection (3) of this Section.*

*(e) An electric company shall notify the Commission if it intends to accept project applications beyond the level described in paragraph (a) of this subsection.*

*(f) An electric company shall combine the capacity of the "small" and "open" categories if the capacity allocated to the "open" category is 500kW or less.*

*(5) Unused Annual Capacity – Electric company capacity in each year which remains unused by projects shall be added to the capacity of the following year such that the total statewide capacity does not exceed the limit in Section A. of this regulation.*

*(6) Unused Category Capacity – If a category listed in Subsection (3) of this Section has unused capacity at the end of the second year of the program, the unused capacity shall be allocated on a pro-rata basis to the other categories for the third year of the program.*

*B. Each electric company shall maintain a list of accepted projects and total pilot program capacity in its service territory.*

*C. Each electric company shall provide the list in Section B. of this regulation to the Commission on the first business day after June 30 and December 31 of each year until the pilot is closed.*

*D. The Commission may direct electric companies to close the program to new applications if the total statewide net-metered generation exceeds the limit described in §7-306(d) of the Public Utilities Article, Annotated Code of Maryland.*

**.03 Number of Accounts per Project.**

*A. A Subscriber organization may subscribe up to 350 accounts per CSEGS unless the electric company in the project's service territory has developed an automated billing function for the program.*

*B. A Subscriber organization may subscribe as many accounts as needed to match the CSEGS's capacity if the electric company serving the CSEGS has developed an automated billing function for the program.*

*C. An electric company may require a Subscriber organization to maintain a minimum average subscription size of 2 kW per customer for an individual CSEGS during the pilot program.*

**.04 Subscription Credits.**

*A. Subscriber List.*

*(1) A Subscriber organization shall provide the electric company with a document indicating the proportion of a community solar energy generating system's output that shall be applied to each subscriber's bill.*

*(2) A Subscriber organization shall provide at least monthly subscriber list updates to the electric company.*

*(3) An electric company shall apply credits using the most recently updated subscriber list provided by the Subscriber organization.*

*B. An electric company shall determine the amount of kilowatt-hours to be credited to each subscriber by multiplying the subscriber's most recent generation proportion from Section A. of this regulation by the metered output of the community solar energy generating system.*

*C. Application of Subscription Credits.*

*(1) Unless otherwise directed by the Commission, an electric company may choose to apply the appropriate kilowatt-hour credit from Section B. of this regulation to each subscriber's bill as either a reduction in metered kilowatt-hour use or a dollar credit to the subscriber's billed amount.*

*(2) An electric company shall choose the same method for all subscribers in a project.*

*D. If the electric company chooses to apply the credit from Section C. of this regulation as a dollar amount, the electric company shall apply a credit no less than the value to the subscriber of the credit had it been applied to the subscriber's bill as a reduction in metered kilowatt-hours.*

*E. An electric company shall retain a record of a pilot project's kilowatt-hours applied to each subscriber's account for a period of three years.*

*F. Subscription credits shall carry over to the next month's bill until the earlier date on which:*

*(1) The subscriber's account is closed; or,*

*(2) The subscriber's last meter reading prior to the month of April.*

*G. Subscriber credits that are not carried over under Section F. shall be handled as excess generation.*

**.05 Subscription Limitations.**

*A. A subscriber may not subscribe for an amount of energy that exceeds 200 percent of the value of the subscriber's annual baseline energy usage including all subscriptions and any net metered generation.*

**B. Multiple Subscriptions.**

(1) A customer may purchase multiple subscriptions from one or more CSEGS.

(2) A subscriber's total subscribed credits must comply with Section A. of this regulation.

C. A subscriber may participate in net metering as described in §7-306 of the Public Utilities Article, Annotated Code of Maryland, such that the total of all net-metered generation and subscribed energy does not exceed 200 percent of the value of the subscriber's historic annual energy use.

**.06 Credit Payments.**

An electric company may not refund generation credits to customers except as electric bill credits or as payment for excess generation.

**.07 Excess Generation.**

A. An electric company shall pay a subscriber a dollar amount of excess generation as reasonably adjusted to exclude the distribution, transmission, and non-commodity portion of the customer's bill unless the electric company records subscriber credits as kilowatt-hours.

B. An electric company that serves electric retail choice customers shall pay the subscriber for kilowatt hours of excess generation at the lesser of the subscriber's retail supply rate or the Standard Offer Service rate in effect at the time of payment.

C. An electric company that does not provide Standard Offer Service shall pay a subscriber for kilowatt-hours of excess generation at the electric company's avoided cost of generation.

D. An electric company may pay a subscriber an amount of excess generation as a bill credit if the amount of payment is less than \$25.

E. An electric company shall make a determination to apply Section A., B., or C. of this regulation in accordance with the type of subscription credits used for the subscriber according to Regulation .04 of this chapter.

**.08 Unsubscribed Energy.**

An electric company shall file tariffs to pay a Subscriber organization for unsubscribed energy in accordance with §7-306.2(d)(7) of the Public Utilities Article, Annotated Code of Maryland.

**.09 Utility Cost Recovery.**

A. An electric company shall receive full and timely cost recovery of program credit costs.

B. An electric company may not establish a separate surcharge, fee, or rate for recovery of any program costs, including credit and administrative costs.

C. An electric company may include program credit costs in existing rate adjustments for distribution rates or as a revenue or cost component for transmission or commodity rates as accepted by the Commission.

**.10 Program Sunset.**

A. Electric company tariffs requiring payments or credits from an electric company to subscribers in effect during the program shall remain in effect for subscribers for the earlier of 25 years from the date of the end of the program or until the subscriber's contract with its Subscriber organization has ended.

B. An electric company shall continue to facilitate the operation of a Subscriber organization that was established during the program for a period of 25 years after the program has ended.

C. A Subscriber organization may continue to operate a community solar energy generating system that was established during the program for a period of 25 years after the program has ended.

D. A Subscriber organization may create, exchange, and trade subscriptions up to the full project capacity for a community solar energy generating system that was established during the program for a period of 25 years after the program has ended.

**.11 Billing Accuracy.**

A. The Commission may establish standards for billing accuracy to apply to subscriber credits and billing revenue.

B. The Commission may direct an electric company to develop additional automated billing and crediting features in order to improve billing accuracy for the program.

20.62.03

## **Title 20**

### **Public Service Commission**

#### **Subtitle 62 Community Solar Energy Generation Systems**

##### **Chapter 03 Pilot Program Administration**

**.01 Customer Eligibility.**

**A. CSEGS Location.**

(1) A customer may subscribe to a community solar energy generating system that is located in the same electric company service territory as the customer.

(2) The location of a CSEGS for the purpose of customer eligibility shall be determined by the physical location of the electric meter of the CSEGS.

B. All rate classes are eligible to subscribe to a community solar energy generating system.

C. Subscribers served by retail electricity suppliers and subscribers served by Standard Offer Service may subscribe to the same community solar energy generating system.

**.02 Subscriber organization Requirements.**

A. A Subscriber organization shall apply with the Commission for admission to the program on forms authorized by the Commission.

B. The Commission shall assign each successful applicant a CSEGS identification number.

C. An electric company that participates as a Subscriber organization may not recover CSEGS project costs through base distribution rates.

**.03 Pilot Project Application Process.**

A. An applicant that has been granted admission to the pilot program by the Commission that wishes to construct and operate a community solar energy generating system under this pilot program shall apply to the electric company serving the location of the system.

**B. Project Application Procedure.**

(1) An electric company shall establish a project application procedure in compliance with these regulations and Commission Orders.

(2) An electric company will develop its project application procedure in a manner designed to encourage achievement of program goals, timely project development, and equitable allocation of the electric company's project capacity.

(3) An electric company shall develop tariffed terms and conditions to administer the pilot program queue for filing with the Commission.

C. An electric company shall assign each project an identification number unique to the electric company's service territory for the purpose of identification.

**D. Low and Moderate Income Verification.**

(1) The Commission may establish alternate means aside from income verification or participation in the Maryland Office of Home Energy Programs' assistance programs to verify the status of Low and Moderate Income subscribers.

(2) An operator of a low-income multi-family dwelling unit may apply to the Commission to qualify as a low-income subscriber for the purposes of the pilot program.

(3) A Subscriber organization must certify to the electric company in writing that the Subscriber organization has verified the eligibility of all LMI subscribers needed to qualify for the program prior to receiving permission to operate from the electric company.

**.04 Pilot Program Queue.**

**A. Electric Company Application Process.**

(1) An electric company shall process applications filed under Regulation .03 of this Chapter in the order in which the electric company receives the application.

(2) Within 5 business days of receipt, the electric company shall acknowledge receipt of the application and notify the Subscriber organization whether the application is complete.

(3) If the application is incomplete, the electric company shall provide a written list detailing all information that must be provided to complete the application.

(4) A Subscriber organization receiving notice of an incomplete application as described in subsection (3) of this section must revise and submit the required information within 10 business days after receipt of the list of incomplete information.

(5) The electric company shall notify a Subscriber organization within 5 business days of receipt of a revised application whether the application is complete or incomplete.

(6) An electric company shall grant an extension of time to provide such information upon reasonable request from the Subscriber organization.

(7) The electric company shall reject an application that is not submitted in accordance with this section.

**B. Pilot Queue Order.**

(1) An electric company shall maintain a pilot program queue consisting of a list of pilot project applications in order of the date of receipt by the electric company of the application unless otherwise modified by subsection (2) of this section.

(2) An electric company shall file with the Commission, a tariffed procedure to prioritize multiple applications that are received:

(a) on a single business day; or

(b) in a manner that exceeds the available program capacity or category capacity in a short period of time.

(3) In order to apply for capacity in an electric company's pilot program queue, a CSEGS shall provide the following to the electric company upon application:

(a) An executed interconnection agreement;

(b) Proof of application for all applicable permits; and

(c) Proof of site control.

(4) An electric company shall accept the following as proof of site control:

(a) evidence of property ownership;

(b) an executed lease agreement; or

(c) a signed option to purchase or lease.

(5) The Commission may establish additional conditions limiting the number of projects for which any single Subscriber organization or its affiliates may apply in:

(a) The statewide program; or

(b) A single utility service territory.

#### **C. Operation Deadline.**

(1) If a project fails to begin operating within 12 months of submission of a completed application by the Subscriber organization, the electric company shall remove the project from the electric company's pilot program queue unless the Subscriber organization of the project provides to the electric company an additional deposit of \$50 per kW to maintain its position within the pilot program queue.

(2) If a project fails to begin operating within 18 months of application, the electric company shall remove the project from the electric company's pilot program queue.

(3) The electric company shall extend the operation deadline on a day-for-day basis for the following reasons:

(a) If the Subscriber organization attests and provides evidence to the electric company that a project's readiness to begin operating depends only upon receipt of permission to operate from the electric company; or

(b) If the Subscriber organization attests and provides evidence to the electric company that a governmental permit or approval for the project was subject to a legal challenge during the reservation period, and the legal challenge remains pending,

(4) Projects in the LMI category are exempt from queue deposits.

(5) An electric company will return the CSEGS deposit upon commencement of operation unless the electric company has removed the project from the queue.

(6) If a project has been removed from the queue by the electric company, the queue deposit will be forfeited.

(7) An electric company will forward forfeited queue deposits to the Commission.

D. An electric company shall provide daily updated information on its website about the current status of its pilot program queue including the following information:

(1) Name of the applicant;

(2) Service address of the project;

(3) Inverter nameplate capacity of the project;

(4) Application date;

(5) Interconnection application status;

(6) Expected date of first operation;

(7) Project Identification Number;

(8) CSEGS Identification Number; and

(9) Remaining available capacity by year in each program category.

E. If the electric company closes its pilot program queue, it shall state the reason for closing in the same location as the information provided in Section C. of this regulation.

F. An electric company that operates as a Subscriber organization shall apply to the Commission for permission to enter each of its own projects into the electric company's pilot program queue.

#### **.05 Data Communication.**

All Subscriber organizations and utilities shall use the uniform electronic transaction processes approved by the Commission.

#### **.06 Renewable Energy Credit Ownership.**

A. Subscribers are not customer-generators under §7-306(g)(5) of the Public Utilities Article, Annotated Code of Maryland.

B. Subscriber organizations shall own and have title to all renewable energy attributes or renewable credits associated with Community Energy Generating Facilities for which they have applied.

**.07 Conversion of Existing Solar Facilities.**

**A. Eligibility.**

(1) For purposes of this subsection, "existing" means a solar generating system that commenced operation prior to May 15, 2016.

(2) Any project that commences operation on or after May 15, 2016 is not considered to be a conversion for purposes of this program.

B. A Subscriber organization may apply to convert all or a portion of an existing solar generating system with a total capacity of 500 kilowatts or less to a CSEGS.

C. A Subscriber organization may apply to convert all or a portion of an existing solar generating system to a CSEGS up to and including a capacity of 2 Megawatts after the first year of the program has ended in a service territory whose CSEGS program capacity is 5 MW or less.

**.08 Project Location.**

**A. Colocation.**

(1) An electric company shall not accept a CSEGS project of 500MW or greater that is proposed to be located on the same or adjacent property as an existing or proposed CSEGS project owned by the same Subscriber organization or affiliate of 500kw or greater in its service territory.

(2) Parcels that are subdivided after May 12, 2015 shall be considered as a single parcel for the purposes of these regulations unless a Subscriber organization demonstrates to the Commission that the subdivision was not for the purposes of program queue eligibility.

(3) An electric company shall notify the Commission of a CSEGS application that is proposed to be constructed within one mile of an existing solar facility in its service territory.

B. One or more Subscriber organizations may not construct multiple facilities on a single parcel of property.

C. Projects that are constructed in the following locations are exempt from Section A. of this regulation:

(1) on the rooftops of buildings;

(2) in areas that are zoned for industrial use and are covered by a recorded subdivision plat;

(3) of a combined capacity not exceeding 6MW on brownfield locations;

(4) over parking lots or roadways; or,

(5) on multi-level parking structures.

D. A project that is converted from an existing solar facility is not subject to Section A. of this regulation.

20.62.04

## **Title 20**

### **Public Service Commission**

#### **Subtitle 62 Community Solar Energy Generation Systems**

##### **Chapter 04 Pilot Program Study**

*Authority: Public Utilities Article, §§ 2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland*

**.01 CSEGS Study.**

An electric company shall provide the Commission with data necessary to monitor the program status, impact on operations, and other information upon request.

**.02 Utility Data.**

A. An electric company will make reasonable attempts to assist pilot program applicants with identifying means to locate and operate community energy generation facilities in a manner that minimizes adverse effects and/or maximizes distribution system benefits at locations identified by applicants.

**B. Project Information.**

(1) A utility shall designate a contact person, and provide contact information on its website and for the Commission's website for submission of all project application requests, and from whom information on the project application request process and the utility's electric distribution system can be obtained.

(2) The information provided by the utility on its website shall include studies and other materials useful to an understanding of the feasibility of interconnecting a CSEGS on the utility electric distribution system, except to the extent providing the materials would violate security requirements or confidentiality agreements or be contrary to law.

(3) In appropriate circumstances, the utility may require an applicant to execute an appropriate confidentiality agreement prior to release or access to confidential or restricted information.

C. An electric company will monitor and review its distribution system to determine any adverse or beneficial effects resulting from each installed community solar energy generating system.

D. An electric company shall maintain for the duration of the pilot, the following customer information for each project operating during the pilot subscriber data, including:

- (1) Customer class;
- (2) Annual usage;
- (3) Average bill; and
- (4) Peak demand.

E. Commission Staff shall report annually on electric companies' billing accuracy, interconnection complaints, and consumer complaints related to the program.

**.03 Subscriber organization Data.**

A. A Subscriber organization shall maintain for the duration of the pilot, the following information for each project operating during the pilot:

- (1) Ownership information;
- (2) Technical and managerial expertise;
- (3) Business address; and
- (4) Project design details, including:
  - (a) Project location/service territory;
  - (b) A/C output capacity;
  - (c) Equipment list; and
  - (d) Interconnection Requirements.
- (5) Subscriber data as directed by the Commission, including:
  - (a) Household income;
  - (b) Credit rating; and
  - (c) Other data.
- (6) Subscription information, including:
  - (a) Rates;
  - (b) Fees; and
  - (c) Terms and conditions.

B. A Subscriber organization shall provide the information in Section A. to the Commission upon request.

C. A Subscriber organization shall provide to the Commission, in a timely manner, information requested by the Commission concerning the operation of a community solar energy generating system.

20.62.05

## **Title 20**

### **Public Service Commission**

#### **Subtitle 62 Community Solar Energy Generation Systems**

##### **Chapter 05 Consumer Protection**

Authority: Public Utilities Article §§ 2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

**.01 Scope.**

A. This chapter applies to transactions between CSEGS Subscriber organizations and customers that are subscribing to a community solar energy generation system under a pilot program approved by the Commission.

B. Regulations .08, .09, .14, .16, .17, .18, and .20 do not apply to non-residential customers.

**.02 Unauthorized Subscriptions.**

A. No person shall subscribe a customer to a community solar energy generation system without the customer's consent.

B. A Subscriber organization may not add a new charge for a new service, existing service, or service option without first obtaining consent from the customer, verifiable to the same extent and using the same methods specified under Regulation .08 of this chapter.

**.03 Advertising and Solicitations.**

A. Advertising Permitted.

- (1) A Subscriber organization may advertise its services.

(2) A Subscriber organization may not engage in a marketing or trade practice that is unfair, false, misleading, or deceptive.

**B. Marketing Disclosures.**

(1) A Subscriber organization's marketing or solicitation information shall include the Subscriber organization's Maryland approval number in a clear and conspicuous manner.

(2) If a subscription price is quoted, the following are required:

(a) A statement that the subscription price quoted is only for the specified product or services provided by the Subscriber organization, and the subscription price quoted does not include any tax, commodity, utility distribution or transmission charge, or other utility fee or charge;

(b) A statement that the Subscriber organization's price is not regulated by the Commission; and

(c) Any projected savings presented to a potential subscriber must include a comparison that projects future electricity rates increasing at not more than 1 percent per year.

C. Internet Advertising. If a Subscriber organization maintains a website, the Subscriber organization shall post on the Internet readily understandable information about its services, prices, and any other mandated disclosures.

**D. Telephone Solicitation.**

(1) A Subscriber organization soliciting customers by telephone shall comply with all applicable State and federal law, including the Maryland Telephone Solicitations Act, Commercial Law Article, §14-2201 through §14-2205, Annotated Code of Maryland.

(2) A Subscriber organization may not conduct a residential customer telephone solicitation before 8:00 a.m. or after 9:00 p.m.

**.04 Creditworthiness.**

A Subscriber organization shall apply uniform income, security deposit, and credit standards for the purpose of making a decision as to whether to offer a subscription to customers within a given class, provided that the Subscriber organization may apply separate sets of uniform standards for the purpose of promoting participation by low-income and moderate income retail electric customers.

**.05 Geographic Marketing.**

A. A Subscriber organization may market services on a geographic basis.

B. A Subscriber organization is not required to offer services throughout an electric company's entire service territory.

C. A Subscriber organization may not refuse to provide service to a customer based on the economic character of a geographic area or the collective credit reputation of the area.

**.06 Discrimination Prohibited.**

A. A Subscriber organization may not discriminate against any customer, based wholly or partly, on race, color, creed, national origin, or gender of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.

B. A Subscriber organization may not refuse to provide service to a customer except by the application of standards that are reasonably related to the Subscriber organization's economic and business purposes.

**.07 Required Disclosures.**

**A. Contract Summary.**

(1) Either prior to or at the same time as a contract for a subscription to a CSEGS is executed, a Subscriber organization shall present the customer with a completed Contract Summary Disclosure using a form that is approved by the Commission.

(2) The customer must initial a copy of the Contract Summary Disclosure to acknowledge receipt of the Contract Summary; and

(a) If a subscription contract is completed through the Internet, the completed Contract Summary shall be:

(i) Available online and made available for download by the customer at the time of contracting; and

(ii) Shall be transmitted to the customer by the subscription organization by mail or by email if the customer consents to receipt of email disclosures.

(b) Whether a subscription contract is completed in person or electronically, a Subscriber organization must allow the subscriber to retain a signed version of the executed contract and an initialed version of the Contract Summary Disclosure form.

**B. Notice of Subscription.**

(1) A Subscriber organization shall provide notice of subscription of a customer to a utility in a format consistent with Commission Orders.

(2) A customer entering into an agreement with a Subscriber organization shall receive written notice of enrollment from the Subscriber organization and the electric company.

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

(a) Customer name;

(b) Customer service address;

- (c) Billing name;
- (d) Billing address;
- (e) Utility name;
- (f) Utility account number;
- (g) Subscriber organization name;
- (h) Subscriber organization account number; and
- (i) Effective date of the enrollment.

**.08 Contracts for Customer Subscription in a Community Solar Energy Generation System.**

**A. Minimum Contract Requirements.**

(1) A subscribing organization's subscription contract shall contain all material terms and conditions, including:

- (a) A plain language disclosure of the subscription, including:
  - (i) The terms under which the pricing will be calculated over the life of the contract and a good faith estimate of the subscription price expressed as a flat monthly rate or on a per kilowatt-hour basis; and
  - (ii) Whether any charges may increase during the course of service, and, if so, how much advance notice is provided to the subscriber.
- (b) Contract provisions regulating the disposition or transfer of a subscription to the CSEGS, as well as the costs or potential costs associated with such a disposition or transfer;
- (c) All nonrecurring (one-time) charges;
- (d) All recurring (monthly, yearly) charges;
- (e) A statement of contract duration, including the initial time period and any rollover provision;
- (f) Terms and conditions for early termination, including:
  - (i) Any penalties that the Subscriber organization may charge to the subscriber; and
  - (ii) The process for unsubscribing and any associated costs.
- (g) If a security deposit is required:
  - (i) The amount of the security deposit;
  - (ii) A description of when and under what circumstances the security deposit will be returned;
  - (iii) A description of how the security deposit may be used; and
  - (iv) A description of how the security deposit will be protected.
- (h) A description of any fee or charge and the circumstances under which a customer may incur a fee or charge;
  - (i) A statement that the Subscriber organization may terminate the contract early, including:
    - (i) Circumstances under which early cancellation by the Subscriber organization may occur;
    - (ii) Manner in which the Subscriber organization shall notify the customer of the early cancellation of the contract;
    - (iii) Duration of the notice period before early cancellation; and
    - (iv) Remedies available to the customer if early cancellation occurs;
  - (j) A statement that the customer may terminate the contract early, including:
    - (i) Circumstances under which early cancellation by the customer may occur;
    - (ii) Manner in which the customer shall notify the Subscriber organization of the early cancellation of the contract;
    - (iii) Duration of the notice period before early cancellation;
    - (iv) Remedies available to the Subscriber organization if early cancellation occurs; and
    - (v) Amount of any early cancellation fee;
- (k) A statement describing contract renewal procedures, if any;
- (l) A dispute procedure;
- (m) The Commission's toll-free number and Internet address;
- (n) A notice that the contract does not include utility charges;
- (o) A billing procedure description;
- (p) The data privacy policies of the Subscriber organization;
- (q) A description of any compensation to be paid for underperformance;
- (r) Evidence of insurance;
- (s) A long-term maintenance plan;
- (t) Current production projections and a description of the methodology used to develop production projections;
  - (u) Contact information for the Subscriber organization for questions and complaints;
  - (v) A statement that the Subscriber organization and electric company do not make representations or warranties concerning the tax implications of any bill credits provided to the subscriber;
  - (w) The method of providing notice to the subscribers when the CSEGS is out of service for more than three business days, including notice of:
    - (i) The estimated duration of the outage; and

- (ii) *The estimated production that will be lost due to the outage.*
        - (x) *An explanation of how unsubscribed production of the CSEGS will be allocated; and*
        - (y) *Any other terms and conditions of service.*
      - (2) *A residential customer may downsize the allocation of solar kilowatt hours under an existing CSEGS Subscription.*
      - (3) *A Subscriber organization may charge or collect no more than a reasonable fee for the downsizing of a subscriber's allocation.*
    - B. Methods of Contracting.**
      - (1) *A Subscriber organization may not subscribe a residential customer using a process that does not require the customer's consent.*
      - (2) *A Subscriber organization that contracts with a customer by means of the Internet shall:*
        - (a) *Confirm the identity of the person making the contract;*
        - (b) *Comply with applicable Maryland and federal law; and*
        - (c) *Take appropriate steps to safeguard customer privacy.*
      - (3) *A Subscriber organization that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with §B(2)(a) of this regulation.*
    - C. Evergreen Contracts.**
      - (1) *A Subscriber organization shall provide a customer with a notice of the pending renewal of an evergreen contract 30 days before the automatic renewal is scheduled to occur.*
      - (2) *The Subscriber organization notice required under §C(1) of this regulation shall:*
        - (a) *Provide a clearly stated and highlighted notice to a customer of any changes in the material terms and conditions of the agreement; and*
        - (b) *Inform the customer how to terminate the contract without penalty.*

**.09 Share Transfers and Portability.**

- A. *A CSEGS Subscription may be transferred or assigned to a CSEGS Subscriber organization or to any person or entity who qualifies to be a subscriber in the CSEGS.*
- B. *A CSEGS subscriber who desires to transfer or assign all or part of his subscription to the CSEGS Subscriber organization, in its own name, or to become unsubscribed shall notify the CSEGS Subscriber organization and the transfer of the subscription to the CSEGS Subscriber organization shall be effective upon such notification, unless the CSEGS subscriber specifies a later effective date.*
- C. *A CSEGS subscriber who desires to transfer or assign all or part of his subscription to another eligible customer desiring to purchase a subscription may do so only in compliance with the terms and conditions of the subscription and will be effective in accordance therewith.*
- D. *The CSEGS Subscriber organization and the electric company shall jointly verify that each CSEGS subscriber is eligible to be a subscriber in the CSEGS under §7-306.2 of the Public Utilities Article, Annotated Code of Maryland. Changes in the subscriber rolls of the CSEGS, including the effective date of changes, shall be communicated by the CSEGS subscriber organization to the electric company, in written or electronic form, as soon as practicable but no less than 30 days.*
- E. *Prices paid for subscriptions in a CSEGS shall not be subject to regulation by the Commission.*
- F. *A Subscriber that moves to a premise located within the service territory served by the CSEGS may change the premises to which the CSEGS electricity generation shall be attributed to the new premise, and a Subscriber organization may not charge an unreasonable transfer fee to such a customer.*

**.10 Disclosure of Subscriber Information.**

- A. *Except as provided in Chapter 4 of this subtitle and §B of this regulation, a Subscriber organization may not disclose energy usage or personally identifiable information about a subscriber, or a subscriber's billing, payment, and credit information, without the subscriber's consent.*
- B. *A Subscriber organization may disclose a subscriber's billing, payment, and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.*
- C. *A Subscriber organization shall provide a customer with a copy of the Subscriber organization's customer information privacy policy.*
- D. *A Subscriber organization shall treat information received from prospective customers, including those who do not subscribe, in accordance with section A. and C. of this regulation.*

**.11 Escrow of Prepaid Subscription Fees.**

*Subscriber funds collected by the CSEGS Subscriber organization in advance of commercial operation of the CSEGS shall be held in an escrow account in a manner approved by the Commission. The escrow shall be maintained by its terms until such time as the CSEGS commences commercial operation as certified by the electric company's acceptance of energy from the CSEGS.*

**.12 Notice of Contract Expiration or Cancellation.**

A. A CSEGS Subscriber organization shall provide the customer with notice at least 30 days before expiration or cancellation of a subscription contract.

B. Contents of Notice. The Subscriber organization's expiration or cancellation notice required under §A of this regulation shall include:

(1) Final bill payment instructions; and

(2) The toll free telephone number and the web site address of the Subscriber organization and the Commission.

C. Early Cancellation.

(1) Notice of early cancellation by the Subscriber organization shall comply with §B of this regulation.

(2) Early Cancellation Fee.

(a) A Subscriber organization may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.

(b) A Subscriber organization may deduct a cancellation fee from a customer deposit.

(3) Except as provided in a tariff regarding Subscriber organization default, an electric company may remove a customer from Subscriber organization services only if directed by a Subscriber organization, subject to applicable bankruptcy law.

(4) When a Subscriber organization contracts with a customer, the newly contracting Subscriber organization shall notify the customer that the customer may incur early cancellation penalties under a current Subscriber organization contract.

### **.13 Assignment of Subscription Contract.**

A. At least 30 days prior to the effective date of any assignment or transfer of a subscription contract from one Subscriber organization to another, the Subscriber organizations shall jointly provide written notice of the Assignment or Transfer to the customers of the Subscriber organization, the Commission, the electric company, and the Office of People's Counsel.

(1) Notice to Customer- the Subscriber organizations shall jointly send notice to the Customer informing them of the assignment or transfer. The letter shall include:

(a) A description of the transaction in clear and concise language including the effective date of the assignment or transfer;

(b) Customer Service contact information for the assignee; and

(c) A statement that the terms and conditions of the customer's contract at the time of assignment shall remain the same for the remainder of the contract term.

(2) The Subscriber organizations shall file a notice with the Commission, with a copy to the Office of People's Counsel and the electric company, of the Assignment or Transfer of the customer contracts and include a copy of the letter sent to customers.

B. Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. Records shall be maintained for a period of three years or until the contracts are expired, whichever is longer.

### **.14 Subscription Disputes.**

A. A customer alleging a violation of this subtitle may file a dispute with the Commission's Office of External Relations.

B. Upon proof of the allegations, the customer's remedy through the Office of External Relations is limited to a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized subscription or other violation.

C. This subtitle does not limit:

(1) the authority of the Commission under the Public Utilities Article, Annotated Code of Maryland;

(2) the authority of the Attorney General to investigate violations of consumer protection or other legal requirements; or

(3) the ability of a customer to pursue other relief against a Subscriber organization or other party.

### **.15 Subscriber organizations Responsible for the Actions of its Agents.**

A. A Subscriber organization may use an agent to conduct marketing or sales activities.

B. A Subscriber organization is responsible for any fraudulent, deceptive, or other unlawful marketing performed by its agent while marketing or selling subscriptions on behalf the Subscriber organization.

### **.16 Agent Qualifications and Standards.**

A. A Subscriber organization shall develop standards and qualifications for individuals it chooses to hire as its agents. A Subscriber organization may not hire an individual that fails to meet its standards.

B. A Subscriber organization may not permit a person to conduct door-to-door activities until it has obtained and reviewed a criminal history record in the same manner as provided in COMAR 20.53.08.

C. When a Subscriber organization contracts with an independent contractor or vendor to perform door-to-door activities, the Subscriber organization shall document that the contractor or vendor has performed criminal background investigations on an agent in accordance with this section and with the standards set by the Subscriber

organization. A Subscriber organization may satisfy this requirement by obtaining from the independent contractor or vendor a written statement affirming that the criminal background check was performed by them or under their supervision in accordance with this section and with standards set by the Subscriber organization and presented in writing.

D. A Subscriber organization shall periodically audit whether the background checks completed by its independent contractor or vendor have been completed in accordance with this section.

**.17 Agent Training.**

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

(1) Local, State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate;

(2) Responsible and ethical sales practices;

(3) The Subscriber organization's products and services;

(4) The Subscriber organization's rates, rate structures and payment options;

(5) The customer's right to rescind and cancel contracts;

(6) The applicability of an early termination fee for contract cancellation when the Subscriber organization has one;

(7) The necessity of adhering to the script and knowledge of the contents of the script if one is used;

(8) The proper completion of transaction documents;

(9) The Subscriber organization's Contract Summary Disclosure;

(10) Information about how customers may contact the Subscriber organization to obtain information about billing, disputes and complaints; and

(11) The confidentiality and protection of customer information.

B. A Subscriber organization shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

C. A Subscriber organization 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.

D. When a Subscriber organization contracts with an independent contractor to perform marketing or sales activities on the Subscriber organization's behalf, the Subscriber organization shall confirm that the contractor or vendor has provided Subscriber organization- approved training to agents and independent contractors in accordance with this section.

E. The Subscriber organization shall monitor telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the Subscriber organization's training program; and

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

**.18 Agent Identification and Misrepresentation.**

A. A Subscriber organization shall issue an identification badge to agents to be worn and prominently displayed when conducting door-to-door activities or appearing at public events on behalf of a Subscriber organization. The badge must:

(1) Accurately identify the Subscriber organization, its trade name and logo;

(2) Display the agent's photograph;

(3) Display the agent's full name; and

(4) Display a customer-service phone number for the Subscriber organization.

B. Upon first contact with a customer, an agent shall:

(1) Identify the Subscriber organization that he represents; and

(2) State that he is not working for and is independent of the customer's local distribution company or another Subscriber organization.

C. When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo that suggests a relationship that does not exist with a utility, government agency, or another Subscriber organization.

D. A Subscriber organization may not use the name, bills, marketing materials or consumer education materials of another

E. A Subscriber organization or Subscriber organization agent may not say or suggest to a customer that a utility customer is required to choose a CSEGS subscriber organization.

**.19 Door-to-Door Sales.**

A. A Subscriber organization and its agents shall comply with the Maryland Door-to-Door Sales Act, local government ordinances regarding door-to-door marketing and sales activities, and any other applicable consumer protection law.

B. A Subscriber organization's agent shall:

(1) Prominently display an identification badge; and

(2) Offer a business card or other material that lists:

(a) The Subscriber organization's name and contact information, including telephone number;

(b) The Maryland approval number of the Subscriber organization's CSEGS project; and

(c) The agent's name and any other identification numbers provided to the sales agent by the Subscriber organization or agent.

C. A Subscriber organization shall establish a policy that requires an agent to terminate contact with a customer if the customer is incapable of understanding and responding to the information being conveyed by the agent.

D. When an agent completes a transaction with a customer, the agent shall provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leave each other's presence.

E. An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises, or if the customer does not express an interest in what the agent is attempting to sell.

**.20 Notifications Regarding Door-to-Door Activity.**

A. When a Subscriber organization engages in door-to-door activity, the Subscriber organization shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

B. A Subscriber organization shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the Subscriber organization to provide notice to the Commission. The Subscriber organization shall provide this general information to the utility no later than the morning of the day that the sales and marketing activities begin. The utility shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may address customer inquiries knowledgeably. A utility may not use the information for other purposes.

**END ALL NEW TEXT**