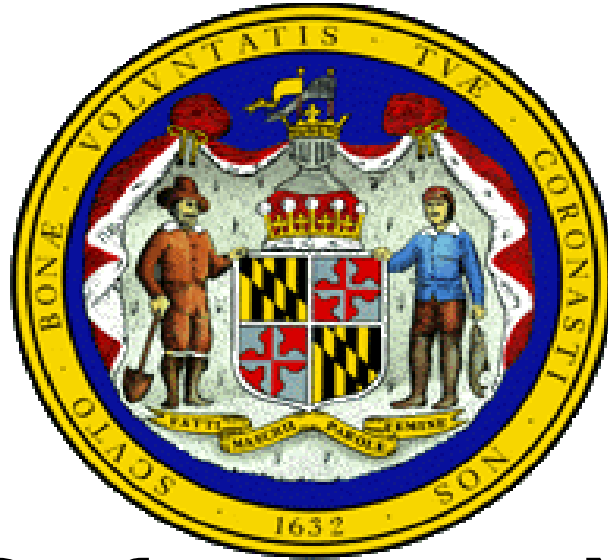




Legal Reference Manual

Introduction

- This training was developed pursuant to Public Utilities Article § 7-311(a), which requires the Commission to develop a training and educational program for any entity or individual that is licensed or seeks to be licensed, by the Commission as an electricity supplier, a gas supplier, an energy salesperson, or an energy vendor.
- The purpose of this training is to provide a thorough understanding of the Commission's laws regarding:
 1. Sales;
 2. Consumer protection; and
 3. Any other matter the Commission deems appropriate

Introduction

- Electricity Suppliers, Gas Suppliers, Energy Salespersons, and Energy Vendors are required to know and understand all Maryland laws related to retail energy choice for residential and commercial customers.
- These laws include statutes and regulations. Electricity Suppliers, Gas Suppliers, Energy Salespersons, and Energy Vendors are responsible for staying current with all relevant statutory and regulatory updates.

Introduction

- This training manual provides information about relevant Maryland statutes published in the Maryland Annotated Code and the relevant regulations published in **the Code of Maryland Regulations** (COMAR).
- This information is not an exhaustive representation of all applicable statutory and regulatory provisions.
- The statutory provisions include sections of the Public Utilities Article of the Maryland Annotated Code and the Commercial Law Article of the Maryland Annotated Code.
- To the extent that any provision listed herein has been superseded by any law, that provision should not be construed as a training requirement.

Introduction

- No electricity supplier, no gas supplier, no any energy salesperson, no any energy vendor is ever allowed to guarantee savings.
- No electricity supplier, no gas supplier, no any energy salesperson, no any energy vendor is ever allowed to represent that they work for, or are speaking on behalf of, a utility company.
- An electric or gas supplier may not pay a commission or other incentive-based compensation to an energy salesperson for enrolling customers.
- All references to the Public Utilities Article and to the Commercial Law Article refer to the Maryland Annotated Code.
- All licensees are required to review Staff Reports and Commission Orders related to 2024's Senate Bill 1 implementation. Proceedings are ongoing. Licensees must check these dockets frequently for updates.
- <https://webpscxb.psc.state.md.us/DMS/pc/PC64>
- <https://webpscxb.psc.state.md.us/DMS/pc/PC65>
- <https://webpscxb.psc.state.md.us/DMS/mailllogsearch> for Staff's Report, Do Not Transfer List (enter Maillog 314009)

Introduction

- A supplier, a supplier's agent, and a supplier's salesperson may never represent that a customer is paying for wind energy, solar energy, or any other specific type of renewable energy.
- A supplier, a supplier's agent, and a supplier's salesperson may never represent that a customer is paying for wind energy, solar energy, or any other specific type of renewable energy.

Introduction

- The Commission's Consumer Affairs Division ("CAD") receives complaints from consumers against retail energy suppliers and actively monitors supplier conduct.
- CAD can be reached at (800) 492-0474.

Definitions

Meanings Indicated

[Public Utilities Article § 101(a)]

In this division, the following words have the meanings indicated.

Aggregator

[Public Utilities Article § 101(b)]

- 1) “Aggregator” means an entity or an individual that acts on behalf of a customer to purchase electricity or gas.
- 2) “Aggregator” does not include: (i) an entity or individual that purchases electricity or gas only for its own use or for the use of its subsidiaries or affiliates; (ii) a municipal electric utility or a municipal gas utility serving only in its distribution territory; or (iii) a combination of governmental units that purchases electricity or gas for use by the governmental units.

Broker

[Public Utilities Article § 101(c)]

“Broker” means an entity or individual that acts as an agent or intermediary in the sale and purchase of electricity or gas but does not take title to electricity or gas.

Community Choice Aggregator [Public Utilities Article § 101(f)]

“Community choice aggregator” means a County that serves as an electric aggregator for the purpose of negotiating the purchase of electric generation services from an electricity supplier licensed by the Commission or from an electric generating or storage facility, or providing electricity from an electric generating facility owned by the aggregator for residential electric customers, which include master-metered multiple occupancy residences and small commercial electric customers, as defined in § 7-510.3 of the Public Utilities Article that:

Community Choice Aggregator

[Public Utilities Article § 101(f)]

- 1) are located within the County, including customers located within municipal corporations located in the county;
- 2) have not:
 - i. selected an electricity supplier other than the standard offer service supplier; or
 - ii. refused to participate in the aggregation activities of the County; and
- 3) are not located in the service territory of:
 - i. a municipal electric utility; or
 - ii. an electric cooperative.

Designation of Company

[Public Utilities Article § 101(g)]

“Company”, as a designation for a type of enterprise, includes a person that owns a company individually or as an agent, trustee, or receiver of a company.

County

[Public Utilities Article § 101(h)]

“County” means a county of the State or Baltimore City.

Electric Company

[Public Utilities Article § 101(h)]

- 1) “Electric company” means a person who physically transmits or distributes electricity in the State to a retail electric customer.
- 2) “Electric company” does not include:
 - i. the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:
 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or
 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building;

Electric Company

[Public Utilities Article § 101(h)]

- ii. any person who generates on-site generated electricity; or
- iii. a person who transmits or distributes electricity within a site owned by the person or the person's affiliate that is incidental to a primarily landlord-tenant relationship.

Electricity Supplier

[Public Utilities Article § 101(l)]

- 1) “Electricity supplier” means a person:
 - i. who sells:
 1. electricity;
 2. electricity supply services;
 3. competitive billing services; or
 4. competitive metering services; or
 - ii. who purchases, brokers, arranges, or markets electricity or electricity supply services for sale to a retail electric customer.
- 2) “Electricity supplier” includes an electric company, an aggregator, a broker, and a marketer of electricity.

Electricity Supplier

[Public Utilities Article § 101(l)]

- 3) “Electricity supplier” does not include:
- i. the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:
 - 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or
 - 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building;
 - ii. a person who generates on-site generated electricity; or

Electricity Supplier

[Public Utilities Article § 101(l)]

- iii. a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:
 - 1. an electric vehicle charging station;
 - 2. electric vehicle supply equipment; or
 - 3. an electric vehicle charging station service company or provider.

Energy Salesperson

[Public Utilities Article § 101(l-1)]

- 1) “Energy salesperson” means an individual who is licensed by the Commission to sell:
 - i. electricity or electricity supply services to residential retail electric customers on behalf of an electricity supplier as an employee or agent of the electricity supplier; or
 - ii. gas or gas supply services to residential retail gas customers on behalf of a gas supplier as an employee or agent of the gas supplier.

Energy Salesperson

[Public Utilities Article § 101(l-1)]

- 2) “Energy salesperson” does not include:
- i. the Department of General Services when the Department of General Services sells energy under § 7-704.4 of the Public Utilities Article;
 - ii. the Washington Suburban Sanitary Commission when the Washington Suburban Sanitary Commission sells energy under Division II of the Public Utilities Article;
 - iii. a community choice aggregator under § 7-510.3 of the Public Utilities Article; or iv. an employee or contractor of an electric company when the employee or contractor is performing duties specific to standard offer service.

Energy Vendor

[Public Utilities Article § 101(l-2)]

“Energy vendor” means a person that has a contract or subcontract to provide energy sales services to an electricity supplier or a gas supplier that provides electricity supply services or gas supply services, respectively, to a residential customer.

Gas Company

[Public Utilities Article § 101(m)]

- 1) “Gas company” means a public service company that:
 - i. is authorized to install or maintain facilities in, over, or under streets for furnishing or distributing gas;
 - ii. owns a gas plant and:
 1. transmits, sells, supplies, or distributes artificial or natural gas; or
 2. manufactures gas for distribution or sale.
- 2) “Gas company” includes a municipal corporation that is in the business of supplying gas for other than municipal purposes.

Gas Supplier

[Public Utilities Article § 101(p)]

- 1) “Gas supplier” means a person:
 - i. who sells:
 1. gas;
 2. gas supply services; or
 3. competitive billing services for gas supply services; or
 - ii. purchases, brokers, arranges, or markets gas or gas supply services for sale to a retail gas customer.
- 2) “Gas supplier” includes an aggregator, a broker, and a marketer of gas.

Gas Supplier

[Public Utilities Article § 101(p)]

- 3) “Gas supplier” does not include:
- i. a gas company to the extent that the gas company provides gas sales or delivery service at rates regulated by the Commission;
 - ii. the following persons who supply gas solely to occupants of a building for use by the occupants:
 - 1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; and
 - 2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building; or
 - iii. a person who transmits or distributes gas within a site owned by the person or the person’s affiliate that is incidental to a primarily landlord-tenant relationship.

Marketer

[Public Utilities Article § 101(s)]

“Marketer” means a person who purchases and takes title to electricity or gas as an intermediary for sale to a customer.

Municipal Electric Utility

[Public Utilities Article § 101(t)]

“Municipal electric utility” means a municipal corporation, or a division of a municipal corporation, that is in the business of transmitting or distributing electricity for purposes other than end use by the municipal corporation.

Ownership

[Public Utilities Article § 101(v)]

“Own” includes own, operate, lease to or from, manage, or control.

Person

[Public Utilities Article § 101(w)]

“Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

Proceeding

[Public Utilities Article § 101(y)]

“Proceeding” includes an action, complaint, hearing, investigation, trial, appeal, order, or similar matter pending before, made, or conducted by an official body.

Retail Electric Customer

[Public Utilities Article § 101(ee)]

- 1) “Retail electric customer” means a purchaser of electricity for end use in the State.
- 2) “Retail electric customer” includes:
 - i. a person that owns or operates equipment used for charging electric vehicles, including:
 1. an electric vehicle charging station;
 2. electric vehicle supply equipment; or
 3. an electric vehicle charging station service company or provider; and
 - ii. a person that charges an electric vehicle at an electric vehicle charging station that the person owns or operates.

Retail Electric Customer

[Public Utilities Article § 101(ee)]

- 3) “Retail electric customer” does not include:
- i. an occupant of a building in which the owner/operator or lessee/operator manages the internal distribution system serving the building and supplies electricity and electricity supply services solely to occupants of the building for use by the occupants;
 - ii. a person who generates on-site generated electricity, to the extent the on-site generated electricity is consumed by that person or its tenants; or
 - iii. except as provided in paragraph (2)(ii) of this subsection, a person that charges an electric vehicle at an electric vehicle charging station.

Retail Gas Customer

[Public Utilities Article § 101(ff)]

- 1) “Retail gas customer” means a purchaser of gas for end use in the State.
- 2) “Retail gas customer” excludes an occupant of a building in which the owner/operator or lessee/operator manages the internal distribution system serving the building and supplies gas and gas supply services solely to occupants of the building for use by the occupants.

Definitions (COMAR 20.53.01.02)

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

B. Terms Defined.

1) Agent.

- a) "Agent" means a person who conducts marketing or sales activities, or both, on behalf of a licensed supplier or broker.
- b) "Agent" includes:
 - i. An employee;
 - ii. A representative;
 - iii. An independent contractor;
 - iv. A vendor;
 - v. Subcontractors;
 - vi. Employees;

Definitions (COMAR 20.53.01.02)

- vii. Vendors; and
 - viii. Representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.
- 2) "CAD" means the Consumer Affairs Division within the Commission pursuant to COMAR 20.32.01.02B(2).
 - 3) "Commission" means the Public Service Commission of Maryland.
 - 4) "Consent" means an agreement with an action communicated by the following:
 - a) A written document with customer signature;
 - b) An electronic document with electronic signature; or
 - c) A voice recording only if the agreement is exempt under the Maryland Telephone Solicitations Act.

Definitions (COMAR 20.53.01.02)

- 5) "Consumer" or "customer" means the regulated utility retail electric customer account holder.
- 6) "Contract for energy assistance households" means a residential retail energy supply contract that meets the legal requirements of Public Utilities Article, § 4-308, Annotated Code of Maryland, and any other applicable requirements in the Public Utilities Article in connection with a supplier's supply service for customers who are part of an energy assistance household.
- 7) "Contract Summary" means a summary of the material terms and conditions of a retail energy supply contract, on a form provided by the Commission.

Definitions (COMAR 20.53.01.02)

- 8) "Customer choice" has the meaning stated in Public Utilities Article, § 7-501, Annotated Code of Maryland.
- 9) "Drop" means the removal of a customer from a supplier's service.
- 10) "Electric company" has the meaning stated in Public Utilities Article, § 1-101, Annotated Code of Maryland.
- 11) "Electricity supplier" or "supplier" means a person licensed under COMAR 20.51.
- 12) "Electronic transaction" means a standardized data protocol or electronic transmission medium that has been accepted by the Commission for use in Maryland.

Definitions (COMAR 20.53.01.02)

- 13) "Energy assistance household" means that the Office of Home Energy Programs found that the service address or household associated with the utility account qualified for an electric assistance program during the current or previous fiscal year. For a utility that provides both gas and electric service, an energy assistance household means that the Office of Home Energy Programs found that the service address or household associated with the utility account qualified for an electric or gas assistance program during the current or previous fiscal year.
- 14) "Energy assistance program" means the following programs administered by the Maryland Office of Home Energy Programs by which a customer receives financial assistance paying their electricity utility bills, which includes but is not necessarily limited to:

Definitions (COMAR 20.53.01.02)

- 13) "Energy assistance household" means that the Office of Home Energy Programs found that the service address or household associated with the utility account qualified for an electric assistance program during the current or previous fiscal year. For a utility that provides both gas and electric service, an energy assistance household means that the Office of Home Energy Programs found that the service address or household associated with the utility account qualified for an electric or gas assistance program during the current or previous fiscal year.
- 14) "Energy assistance program" means the following programs administered by the Maryland Office of Home Energy Programs by which a customer receives financial assistance paying their electricity utility bills, which includes but is not necessarily limited to:

Definitions (COMAR 20.53.01.02)

- a) The Maryland Energy Assistance Program;
 - b) The Electric Universal Service Program; and
 - c) The Arrearage Retirement Assistance Program.
- 15) "Enrollment" means the addition of a customer to a supplier's service.
- 16) "Evergreen contract" means an existing contract that automatically renews without any action by the customer.
- 17) "Fiscal year" means the 12-month period that begins on July 1 of a calendar year and ends June 30 of the next calendar year.
- 18) "Overcharge" means the difference between the price the customer would have paid the customer's authorized supplier and what the customer paid to the unauthorized supplier.

Definitions (COMAR 20.53.01.02)

- 19) "Public event" means an event open to the public, which may facilitate retail electricity sales and marketing activities or may result in an electricity customer enrollment transaction.
- 20) "Scheduling coordinator" means an entity or entities:
 - a) Recognized by the regional transmission organization designated for Maryland by the Federal Energy Regulatory Commission;
 - b) Qualified to act on behalf of the supplier in taking those actions with the regional transmission organization as are necessary to fulfill the supplier's coordination service obligations as defined in the utility tariff, including the submission of energy schedules to the regional transmission organization; and

Definitions (COMAR 20.53.01.02)

c) That is:

- i. A member of the regional transmission organization; or
- ii. The agent for scheduling purposes of one or more suppliers that are members of the regional transmission organization.

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

22) "Standard offer service rate" is the utility rate as approved in the utility's applicable SOS tariff that would be charged to an SOS customer, excluding any charges, adjustments, riders, or taxes related to distribution rate. The utility shall post and maintain this rate in an easily accessible location on its website.

Definitions (COMAR 20.53.01.02)

- 23) "Supplier-consolidated billing (SCB)" means a form of competitive billing services in which a gas or an electricity supplier is authorized by the Commission to render a bill to a retail gas or electric customer that includes both the supplier charges and the gas or electric company's regulated charges.
- 24) "Supply price comparison information" means the rate and language that the Commission may require to be printed on a customer's bill to permit the customer to make meaningful comparisons between competitive supplier prices and the price for standard offer service or sales service provided by the customer's utility.

Definitions (COMAR 20.53.01.02)

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

Definitions (COMAR 20.53.01.02)

- a) That he or she is voluntarily choosing to enroll with a supplier;
- b) Of the type of product offered (variable, fixed, a combination of both);
- c) Of the price and duration of the contract;
- d) Of the amount of an early termination fee (if applicable);
- e) That the customer is authorized to make the switch;
- f) Of the contract renewal procedures;
- g) That the customer may access future pricing information;
- h) That the customer has received the supplier's customer support contact information; and
- i) If the customer is entering into a supplier-consolidated billing contract:

Definitions (COMAR 20.53.01.02)

- i. That the customer is voluntarily choosing to be billed by the supplier for both supplier charges and utility charges; and
- ii. That the customer understands that the customer's previous bill provider may bill the customer for prior unpaid charges.

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

27) "Utility consolidated billing" means a customer bill produced by a utility that contains both supplier and utility charges.

Consumer Protection

Consumer Protection

Section 2-112(b)-(c) of the Public Utilities Article vests the Commission with the powers specifically conferred by law, as well as the implied and incidental powers needed or proper to carry out its functions; those powers shall be construed liberally.

Consumers May File Complaints with the Commission

- The Commission's Consumer Affairs Division ("CAD") receives complaints from consumers against retail energy suppliers and actively monitors supplier conduct.
- CAD can be reached at **(800) 492-0474.**

Consumer Protection

Electricity Suppliers, Gas Suppliers, Energy Salespersons, and Energy Vendors must provide adequate and accurate customer information to enable customers to make informed choices regarding any purchases offered by any Electricity Supplier, Gas Supplier, Energy Salespersons, and Energy Vendors. § 7-507(e)(2); § 7-603.

Section 7-505(b)(7) of the Public Utilities Article and COMAR 20.53.07.07A(2) prohibit an electricity supplier from engaging in marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive.

Licenses to Supply Electricity

[Public Utilities Article § 7-507(k)]

3) Just cause includes:

- ii. switching, or causing to be switched, the electricity supply for a customer without first obtaining the customer's permission;
- iii. failing to provide electricity for its customers;
- iv. committing fraud or engaging in deceptive practices;
- viii. violating a provision of this article or any other applicable consumer protection law of the State;
- ix. conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit;

Licenses to Supply Electricity

[Public Utilities Article § 7-507(k)]

- x. Denial, suspension, or revocation of or refusal to renew a license by any State or federal authority; and
- xi. Commission of any of the acts described in the items listed immediately above by a person that is an affiliate of the licensee or that is under common control with the licensee.

Customer Account Information

[Public Utilities Article § 7-510(e)]

- 1) This subsection does not apply to:
 - i. the Department of General Services' sale of energy under § 7-704.4 of this title; or
 - ii. a community choice aggregator under § 7-510.3 of this subtitle.
- 2) An electric company and a residential electricity supplier shall establish a mechanism for a customer whose account number or customer choice identification number has been compromised to receive a replacement account number or customer choice identification number on request, subject to verification in a manner approved by the Commission.

[Public Utilities Article § 7-510(f)]

- 1) This subsection does not apply to:
 - i. the Department of General Services' sale of energy under § 7-704.4 of this title; or
 - ii. a community choice aggregator under § 7-510.3 of this subtitle.

Do Not Transfer List

[Public Utilities Article § 7-510(f)]

- 2) Except as provided in paragraph (3) of this subsection, as approved by the Commission by regulation or order, each electric company and each residential electricity supplier shall allow a customer to indicate the customer's intention to remain on standard offer service indefinitely and not to receive directed marketing contacts from electricity suppliers through the implementation of a "do not transfer" list onto which the customer may request to be placed.

See Staff's Report on the Do Not Transfer List which is available on the Commission's Website, ML 314099, filed December 6, 2024.

Do Not Transfer List

[Public Utilities Article § 7-510(f)]

- 3) A residential electricity supplier **[that is currently serving a residential customer may contact that customer even if they are]** on a “do not transfer” list **[until the existing]** electricity supply agreement entered into between the electricity supplier and the customer expires.

See Staff's Report on the Do Not Transfer List which is available on the Commission's Website, ML 314099, filed December 6, 2024.

Billing Reports

[Public Utilities Article § 7-510(g)]

- 1) In this subsection, “billing entity” means an electric company, a licensed electricity supplier, or any other entity that is responsible for issuing an electric bill to a residential customer.
- 2) On or before the 15th day of each month, each billing entity shall submit a report to the Commission on customer choice in its service territory for the preceding month, including:
 - i. the total kilowatt-hours distributed to customers purchasing electricity from a third-party electricity supplier;

See Staff’s Dec. 6, 2024, Report filed on the Commission’s website under ML 314099.

Billing Reports

[Public Utilities Article § 7-510(g)]

- ii. the total supply cost charged to customers purchasing electricity from a third-party electricity supplier;
- iii. the total cost that customers specified in item (ii) of this paragraph would have paid under standard offer service;
- iv. the net third-party total cost compared to the net standard offer service cost;
- v. the total third-party average rate;
- vi. the standard offer service average rate;

See Staff's Dec. 6, 2024, Report filed on the Commission's website under ML 314099.

Billing Reports

[Public Utilities Article § 7-510(g)]

- vii. the difference between the total third-party average rate and the standard offer service average rate;
- viii. the third-party average residential rates broken out by supplier and the variance between each of these rates and the standard offer service average rate;
- ix. the third-party average general service nondemand rates broken out by supplier and the variance between each of these third-party rates and the standard offer service average rate;

See Staff's Dec. 6, 2024, Report filed on the Commission's website under ML 314099.

Billing Reports

[Public Utilities Article § 7-510(g)]

- x. the third-party average general service demand rates broken out by supplier and the variance between each of these third-party rates and the standard offer service average rate;
- xi. the third-party average large power demand rates broken out by supplier and the variance between each of these third-party rates and the standard offer service average rate; and
- xii. other pertinent information the Commission considers appropriate.

See Staff's Dec. 6, 2024, Report filed on the Commission's website under ML 314099.

Legislative Findings; Purpose of Subtitle [Public Utilities Article § 7-602]

The General Assembly finds and declares that the purpose of this subtitle is to:

- 5) establish standards for the protection of consumers.

Consumer Protection Orders or Regulations [Public Utilities Article § 7-602]

- a) On or before July 1, 2001, the Commission shall adopt consumer protection orders or regulations for gas suppliers energy salespersons, and energy vendors that:
 - 1) protect consumers from discriminatory, unfair, deceptive, and anticompetitive acts and practices in the marketing, selling, or distributing of natural gas;
 - 2) provide for contracting, enrollment, and billing practices and procedures; and
 - 3) the Commission considers necessary to protect the consumer.

Consumer Protection Orders or Regulations

[Public Utilities Article § 7-602]

- b) In adopting orders and regulations under this section, unless the Commission determines that the circumstances do not require consistency, the Commission shall:
- 1) provide customers with protections consistent with applicable protections provided to retail electric customers; and
 - 2) impose appropriate requirements on gas suppliers, energy salespersons, and energy vendors that are consistent with applicable requirements imposed on electricity suppliers, energy salespersons, and energy vendors.

Customer Information

[Public Utilities Article § 7-604.2]

- c) A gas company and a gas supplier that supplies gas to residential retail gas customers shall establish a mechanism for a customer whose account number or customer choice identification number has been compromised to receive a replacement account number or customer choice identification number on request, subject to verification in a manner approved by the Commission.

Residential Retail Gas Customer Protection

[Public Utilities Article § 7-604.2]

d)

- 1) Except as provided in paragraph (2) of this subsection, as approved by the Commission by regulation or order, each gas company and each gas supplier that supplies gas to residential retail gas customers shall allow a customer to indicate the customer's intention to remain on default gas commodity service indefinitely and not to receive directed marketing contacts from gas suppliers through the implementation of a "do not transfer" list onto which the customer may request to be placed.
- 2) See Staff's Report on the Do Not Transfer List which is available on the Commission's Website, ML 314099, filed December 6, 2024.

Residential Retail Gas Customer Protection [Public Utilities Article § 7-604.2]

- 2) A residential gas supplier **[that is currently serving a residential customer may contact that customer even if they are]** on a “do not transfer” list **[until the existing]** electricity supply agreement entered into between the electricity supplier and the customer expires.

See Staff's Report on the Do Not Transfer List which is available on the Commission's Website, ML 314099, filed December 6, 2024.

Residential Retail Gas Customer Protection

[Public Utilities Article § 7-604.2]

e)

- 1) In this subsection, “billing entity” means a gas company, a licensed gas supplier, or any other entity that is responsible for issuing a gas bill to a residential customer.
- 2) On or before the 15th day of each month, each billing entity shall submit a report to the Commission on customer choice in its service territory for the preceding month, including:

Residential Retail Gas Customer Protection

[Public Utilities Article § 7-604.2]

- i. the total therms distributed to customers purchasing gas from a third-party gas supplier;
- ii. the total supply cost charged to customers purchasing gas from a third-party gas supplier;
- iii. the total cost that customers specified in item (ii) of this paragraph would have paid under default gas commodity service;
- iv. the net third-party total cost compared to the net default gas commodity service cost;
- v. the total third-party average rate;
- vi. the default gas commodity service average rate;

Residential Retail Gas Customer Protection

[Public Utilities Article § 7-604.2]

- vii. the difference between the total third-party average rate and the default gas commodity service average rate;
- viii. the third-party average residential rates broken out by supplier and the variance between each of these rates and the default gas commodity service average rate;
- ix. the third-party average general service nondemand rates broken out by supplier and the variance between each of these third-party rates and the default gas commodity service average rate;
- x. the third-party average general service demand rates broken out by supplier and the variance between each of these third-party rates and the default gas commodity service average rate;

Residential Retail Gas Customer Protection

[Public Utilities Article § 7-604.2]

- xi. the third-party average large power demand rates broken out by supplier and the variance between each of these third-party rates and the default gas commodity service average rate; and
- xii. other pertinent information the Commission considers appropriate.

Energy Assistance Customers

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- a) On or before January 1, 2023, the Commission shall by regulation or order establish an administrative process to approve supply offers for electricity or gas for households in the State that receive energy assistance through a program administered by the Office of Home Energy Programs.

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- 1) Beginning July 1, 2023, unless the Commission has approved the supply offer in accordance with subsection (a) of this section, a third-party retail supplier may not offer to:
 - i. provide electricity or gas to households in the State that have received energy assistance during the previous fiscal year;
 - ii. renew a contract to provide electricity or gas to households in the State that are enrolled in an energy assistance program; or
 - iii. charge a termination fee to households in the State that have received energy assistance during the previous fiscal year.

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- 2) An approved supply offer from a third-party retail supplier shall include a commitment, for the entirety of the term of the supply offer, to charging at or below the standard offer service rate or gas commodity rate for customers receiving energy assistance.
- 3) If a third-party retail supplier's offer is not approved by the Commission, the third-party retail supplier may not:
 - i. receive funds from an energy program administered by the Office of Home Energy Programs; or

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- ii. charge a customer receiving assistance from an energy program administered by the Office of Home Energy Programs.
- c) The Office of Home Energy Programs may allocate funding toward supplier charges as part of arrearage assistance for contracts that preceded a customer's application for energy assistance from the Office of Home Energy Programs.

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- 1) On or before September 1 each year, the Commission shall publish a report on the Commission's website that includes:
 - i. the names and the total number of suppliers that applied for approval to sell to energy assistance households;
 - ii. the names and the total number of suppliers that were approved under subsection (a) of this section;
 - iii. the total number of suppliers that were rejected, if any;
 - iv. the total number of energy assistance households that were signed up with a third-party supplier, as reported by the supplier;

Approval Of Supply Offers To Households Receiving Energy Assistance — Restriction On Third-party Retail Supplier — Report On Commission Website [Public Utilities Article § 4-308]

- v. the total number of submitted supplier enrollments that were denied because the supplier was not approved to serve energy assistance households, as reported by the utility; and
 - vi. the total number of self-identified energy assistance households that filed complaints about their third-party supplier.
- 2) The Commission shall send a copy of the report to the Office of People's Counsel, the Office of Home Energy Programs, and, subject to § 2-1257 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.

See Slide 234 for COMAR Provisions
Related to Energy Assistance

Renewable Energy Credits

Power To Investigate And Examine [Public Utilities Article § 7-711(a)]

The Commission has the same power and authority with respect to an electricity supplier under this subtitle that the Commission has with respect to any public service company under this division for the purposes of investigating and examining the electricity supplier to determine compliance with this subtitle and with other applicable law.

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

a)

1)

- i. The Commission shall implement a renewable energy portfolio standard that, except as provided under paragraphs (2) and (3) of this subsection, applies to all retail electricity sales in the State by electricity suppliers.
- ii. If the standard becomes applicable to electricity sold to a customer after the start of a calendar year, the standard does not apply to electricity sold to the customer during that portion of the year before the standard became applicable.

2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- i. A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:
 - ii. to residential customers in a region of the State in which electricity prices for residential customers are subject to a freeze or cap contained in a settlement agreement entered into under § 7-505 of this title until the freeze or cap has expired; or
 - iii. to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, as the agreement may be renewed or amended.
- 3) The portion of a renewable energy portfolio standard that represents offshore wind energy:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- i. applies only to the distribution sales of electric companies; and
 - ii. may not apply to distribution sales by any electric company in excess of:
 - 1. 75,000,000 kilowatt-hours of industrial process load to a single customer in a year; and
 - 2. 3,000 kilowatt-hours of electricity in a month to a customer who is an owner of agricultural land and files an Internal Revenue Service form 1040, schedule F.
- b) Except as provided in subsections (e) and (f) of this section, the renewable energy portfolio standard shall be as follows:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 1) in 2006, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;
- 2) in 2007, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;
- 3) in 2008, 2.005% from Tier 1 renewable sources, including at least 0.005% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 4) in 2009, 2.01% from Tier 1 renewable sources, including at least 0.01% derived from solar energy, and 2.5% from Tier 2 renewable sources;

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 5) in 2010, 3.025% from Tier 1 renewable sources, including at least 0.025% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 6) in 2011, 5.0% from Tier 1 renewable sources, including at least 0.05% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 7) in 2012, 6.5% from Tier 1 renewable sources, including at least 0.1% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 8) in 2013, 8.2% from Tier 1 renewable sources, including at least 0.25% derived from solar energy, and 2.5% from Tier 2 renewable sources;

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 9) in 2014, 10.3% from Tier 1 renewable sources, including at least 0.35% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 10) in 2015, 10.5% from Tier 1 renewable sources, including at least 0.5% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 11) in 2016, 12.7% from Tier 1 renewable sources, including at least 0.7% derived from solar energy, and 2.5% from Tier 2 renewable sources;
- 12) in 2017:
 - i. 13.1% from Tier 1 renewable sources, including:
 - 1. at least 1.15% derived from solar energy; and
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

ii. 2.5% from Tier 2 renewable sources;

13) in 2018:

i. 15.8% from Tier 1 renewable sources, including:

1. at least 1.5% derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

14) 2.5% from Tier 2 renewable sources;

i. 20.7% from Tier 1 renewable sources, including:

1. at least 5.5% derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

ii. 2.5% from Tier 2 renewable sources;

15) in 2020:

i. 28% from Tier 1 renewable sources, including:

1. at least 6% derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

ii. 2.5% from Tier 2 renewable sources;

16) in 2021:

i. 30.8% from Tier 1 renewable sources, including:

1. at least 7.5% derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

17) in 2022:

- i. 30.1% from Tier 1 renewable sources, including:
 - 1. at least 5.5% derived from solar energy; and
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy; and
- ii. 2.5% from Tier 2 renewable sources;

18) in 2023:

- i. 31.9% from Tier 1 renewable sources, including:
 - 1. at least 6% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 3. at least 0.05% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources;

19) in 2024:

- i. 33.7% from Tier 1 renewable sources, including:
 - 1. at least 6.5% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy; and
 - 3. at least 0.15% derived from post-2022 geothermal systems;
- ii. 2.5% from Tier 2 renewable sources;

20) in 2025:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- i. 35.5% from Tier 1 renewable sources, including:
 - 1. at least 7% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 10%, derived from offshore wind energy; and
 - 3. at least 0.25% derived from post-2022 geothermal systems;
- ii. 2.5% from Tier 2 renewable sources;

21) in 2026:

- i. 38% from Tier 1 renewable sources, including:
 - 1. at least 8% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy, including at least 400 megawatts of Round 2 offshore wind projects; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 3. at least 0.5% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources; and

22) in 2027:

- i. 41.5% from Tier 1 renewable sources, including:
 - 1. at least 9.5% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy, including at least 400 megawatts of Round 2 offshore wind projects; and
 - 3. at least 0.75% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources; and

23) in 2028:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- i. 43% from Tier 1 renewable sources, including:
 - 1. at least 11% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy, including at least 800 megawatts of Round 2 offshore wind projects; and
 - 3. at least 1% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources; and

24) in 2029:

- i. 49.5% from Tier 1 renewable sources, including:
 - 1. at least 12.5% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy, including at least 800 megawatts of Round 2 offshore wind projects; and

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- 3. at least 1% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources; and

25) in 2030 and later:

- i. 50% from Tier 1 renewable sources, including:
 - 1. at least 14.5% derived from solar energy;
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle derived from offshore wind energy, including at least 1,200 megawatts of Round 2 offshore wind projects; and
 - 3. at least 1% derived from post-2022 geothermal systems; and
- ii. 2.5% from Tier 2 renewable sources.

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- c) Before calculating the number of credits required to meet the percentages established under subsection (b) of this section, an electricity supplier shall exclude from its total retail electricity sales all retail electricity sales described in subsection (a)(2) and (3) of this section.

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

d)

- 1) Subject to subsections (a) and (c) of this section, an electricity supplier shall meet the renewable energy portfolio standard for all Tier 1 and Tier 2 renewable sources except offshore wind by accumulating the equivalent amount of renewable energy credits that equal the percentages required under this section.
- 2) An electric company shall meet the renewable energy portfolio standard for offshore wind in accordance with § 7-704.2 of this subtitle.

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

e)

- 1) The required percentage of an electric cooperative's renewable energy portfolio standard derived from solar energy shall be 2.5% in 2020 and later.
- 2) The required percentage of a municipal electric utility's renewable energy portfolio standard shall be:
 - i. in 2021:
 1. 20.4% from Tier 1 renewable sources, including:
 - A. at least 1.95% derived from solar energy; and
 - B. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

Renewable Energy Portfolio Standard [Public Utilities Article § 7-703]

- 2. 2.5% from Tier 2 renewable sources; and
- ii. in 2022 and later, 20.4% from Tier 1 renewable sources, including:
 - 1. at least 1.95% derived from solar energy; and
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy.

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

f)

1)

- i. In this subsection the following words have the meanings indicated.
- ii. “Area median income” has the meaning stated in § 4-1801 of the Housing and Community Development Article.
- iii. “Low or moderate income housing” means housing that is affordable for a household with an aggregate annual income that is below 120% of the area median income.

2) At least 25% of the required percentage of the renewable energy portfolio for each year as set forth in subsection (b) of this section derived from post-2022 geothermal systems shall be derived from systems that were installed:

Renewable Energy Portfolio Standard

[Public Utilities Article § 7-703]

- i. at single or multifamily housing units that qualified as low or moderate income housing on the date the system was installed on the property; or
- ii. at institutions that primarily serve low and moderate income individuals and families, including:
 - 1. schools with a majority of students who are eligible for free and reduced price meals;
 - 2. hospitals with a majority of patients eligible for financial assistance or who are enrolled in Medicaid; and
 - 3. other institutions that serve individuals and families where the majority of those served are eligible based on income for federal or State safety net programs.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

a)

1) Energy from a Tier 1 renewable source:

- i. is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system or facility was placed in service; and
- ii. may be applied to the percentage requirements of the standard for either Tier 1 renewable sources or Tier 2 renewable sources.

2)

- i. Energy from a Tier 1 renewable source under § 7-701(s)(1), (5), (9), (10), or (11) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- ii. Energy from a Tier 1 renewable source under § 7-701(s)(13) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source:
 - 1. is connected with the electric distribution grid serving Maryland; or
 - 2. processes wastewater from Maryland residents.
- iii. If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 3) Energy from a Tier 1 renewable source under § 7-701(s)(8) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a dam that existed as of January 1, 2004, even if a system or facility that is capable of generating electricity did not exist on that date.
- 4) Energy from a Tier 2 renewable source under § 7-701(t) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- b) On or after January 1, 2004, an electricity supplier may:
 - 1) receive renewable energy credits; and
 - 2) accumulate renewable energy credits under this subtitle.
- c)
 - 1) This subsection applies only to a generating facility that is placed in service on or after January 1, 2004.
 - 2)
 - i. On or before December 31, 2005, an electricity supplier shall receive 120% credit toward meeting the renewable energy portfolio standard for energy derived from wind.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- ii. After December 31, 2005, and on or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from wind.
- 3) On or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from methane under § 7-701(r)(4) of this subtitle.
- d) An electricity supplier shall receive credit toward meeting the renewable energy portfolio standard for electricity derived from the biomass fraction of biomass co-fired with other fuels.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

e)

- 1) In this subsection, “customer” means:
 - i. an industrial electric customer that is not on standard offer service; or
 - ii. a renewable on-site generator.
- 2) This subsection does not apply to offshore wind renewable energy credits.
- 3)
 - i. A customer may independently acquire renewable energy credits to satisfy the standards applicable to the customer’s load, including credits created by a renewable on-site generator.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- ii. Credits that a customer transfers to its electricity supplier to meet the standard and that the electricity supplier relies on in submitting its compliance report may not be resold or retransferred by the customer or by the electricity supplier.
- 4) A renewable on-site generator may retain or transfer at its sole option any credits created by the renewable on-site generator, including credits for the portion of its on-site generation from a Tier 1 renewable source or a Tier 2 renewable source that displaces the purchase of electricity by the renewable on-site generator from the grid.
- 5) A customer that satisfies the standard applicable to the customer's load under this subsection may not be required to contribute to a compliance fee recovered under § 7-706 of this subtitle.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 6) The Commission shall adopt regulations governing the application and transfer of credits under this subsection consistent with federal law.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

f)

- 1) In order to create a renewable energy credit, a Tier 1 renewable source or Tier 2 renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right-to-know provisions, permit conditions, and administrative orders.
- 2)
 - i. This paragraph applies to Tier 1 renewable sources that incinerate solid waste.
 - ii. At least 80% of the solid waste incinerated at a Tier 1 renewable source facility shall be collected from:

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9-505 of the Environment Article; and
 2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9-505 of the Environment Article, in accordance with regulations of the Commission.
- iii. An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

g.

- 1) Energy from a solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard.
- 2) Energy from a solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard.
- 3) The total amount of energy generated and consumed for a nonresidential or commercial solar water heating system shall be measured by an on-site meter that meets the required performance standards of the International Organization of Legal Metrology.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 4) The total amount of energy generated and consumed for a nonresidential or commercial solar water heating system shall be measured by an on-site meter that meets the required performance standards of the International Organization of Legal Metrology.
- i. measured by a meter that meets the required standards of the International Organization of Legal Metrology; or
 - ii.
 - 1. measured by the Solar Ratings and Certification Corporation's OG-300 thermal performance rating for the system or an equivalent certification that the Commission approves in consultation with the Administration; and
 - 2. certified to the OG-300 standard of the Solar Ratings and Certification Corporation or an equivalent certification body that the Commission approves in consultation with the Administration.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 5) A residential solar water heating system shall be installed in accordance with applicable State and local plumbing codes.
- 6) A residential solar water heating system may not produce more than five solar renewable energy credits in any 1 year.

h)

- 1) Except as provided in paragraph (6) of this subsection, energy from a geothermal heating and cooling system, including energy from a legacy geothermal system and energy from a post-2022 geothermal system, is eligible for inclusion in meeting the renewable energy portfolio standard.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 2) A person shall receive a renewable energy credit equal to the amount of energy, converted from BTUs to kilowatt-hours, that is generated by a geothermal heating and cooling system for space heating and cooling or water heating if the person:
- i. owns and operates the system;
 - ii. leases and operates the system; or
 - iii. contracts with a third party who owns and operates the portion of the system that consists of:
 - 1. a closed loop or a series of closed loop systems in which fluid is permanently confined within a pipe or tubing and does not come in contact with the outside environment; or
 - 2. an open loop system in which ground or surface water is circulated in an environmentally safe manner directly into the facility and returned to the same aquifer or surface water source.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 3) To determine the energy savings of a geothermal heating and cooling system for a residence, the Commission shall:
- i. identify available energy consumption calculators developed by the geothermal heating and cooling industry;
 - ii. collect the following data provided in the renewable energy credit application that:
 - 1. describes the name of the applicant and the address at which the geothermal heating and cooling system is installed; and
 - 2. provides the annual BTU energy savings attributable to home heating, cooling, and water heating; and
 - iii. in determining the annual amount of renewable energy credits awarded for the geothermal heating and cooling system, convert the annual BTUs into annual megawatt-hours.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 4) To determine the energy savings of a nonresidential geothermal heating and cooling system, the Commission shall:
 - i. use the geothermal heating and cooling engineering technical system designs provided with the renewable energy credit application; and
 - ii. in determining the annual amount of renewable energy credits awarded for the geothermal heating and cooling system, convert the annual BTUs into annual megawatt-hours.
- 5) A geothermal heating and cooling system shall be installed in accordance with applicable State well construction and local building code standards.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

6)

- i. A post-2022 geothermal system with a 360,000 BTU capacity is eligible for inclusion in meeting the renewable energy portfolio standard only if the company installing the system provides for its employees:
 - 1. family-sustaining wages;
 - 2. employer-provided health care with affordable deductibles and co-pays;
 - 3. career advancement training, as provided in subparagraph (ii) of this paragraph;
 - 4. fair scheduling;
 - 5. employer-paid workers' compensation and unemployment insurance;
 - 6. a retirement plan;
 - 7. paid time off; and
 - 8. the right to bargain collectively for wages and benefits.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- ii. As part of the career advancement training the installation company provides, the company shall ensure that a minimum of 10% of the employees working on the installation are enrolled in an apprenticeship program approved by and registered with the State or the federal government.
- iii. Compliance with this paragraph shall be regulated and enforced by the Department of Labor.

i.

- 1) Energy from a thermal biomass system is eligible for inclusion in meeting the renewable energy portfolio standard.
- 2)

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- i. A person that owns and operates a thermal biomass system that uses anaerobic digestion is eligible to receive a renewable energy credit.
- ii. A person that owns and operates a thermal biomass system that uses a thermochemical process is eligible to receive a renewable energy credit if the person demonstrates to the Maryland Department of the Environment that the operation of the thermal biomass system:
 - 1. is not significantly contributing to local or regional air quality impairments; and
 - 2. will substantially decrease emissions of oxides of nitrogen beyond that achieved by a direct burn combustion unit through the use of precombustion techniques, combustion techniques, or postcombustion techniques.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 3) A person that is eligible to receive a renewable energy credit under paragraph (2) of this subsection shall receive a renewable energy credit equal to the amount of energy, converted from BTUs to kilowatt-hours, that is generated by the thermal biomass system and used on site.
- 4) The total amount of energy generated and consumed for a residential, nonresidential, or commercial thermal biomass system shall be measured by an on-site meter that meets the required performance standards established by the Commission.
- 5) The Commission shall adopt regulations for the metering, verification, and reporting of the output of thermal biomass systems.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

j)

- 1) Energy from a wastewater heating or cooling system is eligible for inclusion in meeting the renewable energy portfolio standard.
- 2) A person shall receive a renewable energy credit equal to the amount of energy, converted from BTUs to kilowatt-hours, that is generated by a wastewater heating or cooling system for space heating or cooling, industrial heating or cooling, or another useful thermal purpose, if the person:
 - i. owns and operates the system;
 - ii. leases and operates the system; or
 - iii. contracts with a third party who owns and operates the system.

Renewable Energy Portfolio Standard — Eligibility For Inclusion In Meeting Standards [Public Utilities Article § 7-704]

- 3) To determine the energy savings of a wastewater heating or cooling system, the Commission shall:
 - i. use the wastewater heating or cooling engineering technical system designs provided with the renewable energy credit application; and
 - ii. in determining the annual amount of renewable energy credits awarded for the wastewater heating or cooling system, convert the annual BTUs into annual megawatt-hours.
- 4) The Commission shall adopt regulations for the metering, verification, and reporting of the output of wastewater heating or cooling systems.

Compliance; Failure To Comply [Public Utilities Article § 7-705]

a)

- 1) Except as provided in paragraph (2) of this subsection, each electricity supplier shall submit a report to the Commission each year in a form and by a date specified by the Commission that:

i.

1. demonstrates that the electricity supplier has complied with the applicable renewable energy portfolio standard under § 7-703 of this subtitle and includes the submission of the required amount of renewable energy credits; or
2. demonstrates the amount of electricity sales by which the electricity supplier failed to meet the applicable renewable energy portfolio standard;

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

- ii. documents the level of participation of minority business enterprises and minorities in the activities that support the creation of renewable energy credits used to satisfy the standard under § 7-703 of this subtitle, including development, installation, and operation of generating facilities that create credits;
- iii. documents the amounts and types of generation associated with renewable energy credits purchased in compliance with § 7-707(b) of this subtitle during the reporting period; and
- iv. documents the amount of renewable energy certificates that do not qualify as renewable energy credits as defined in § 7-701 of this subtitle, including, for each certificate:

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

1. the energy source associated with the certificate, including its location, when it was constructed, and which electric distribution system received the energy;
 2. whether the purchase of the certificate was bundled with a power purchase agreement from the energy source associated with the certificate;
 3. whether the certificate was purchased directly from the operator of the energy source or through a third party; and
 4. any other information required by the Commission.
- 2) Paragraph (1)(iii) and (iv) of this subsection does not apply to:
- i. the Department of General Services' sale of energy under § 7-704.4 of this subtitle; or
 - ii. a community choice aggregator under § 7-510.3 of this title.

Compliance; Failure To Comply [Public Utilities Article § 7-705]

b)

- 1) This subsection does not apply to a shortfall from the required Tier 1 renewable sources that is to be derived from post-2022 geothermal systems.
- 2) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article:
 - i. except as provided in item (ii) of this paragraph, a compliance fee of:

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

1. the following amounts for each kilowatt-hour of shortfall from required Tier 1 renewable sources other than the shortfall from the required Tier 1 renewable sources that is to be derived from solar energy:
 - A. 4 cents through 2016;
 - B. 3.75 cents in 2017 and 2018;
 - C. 3 cents in 2019 through 2023;
 - D. 2.75 cents in 2024;
 - E. 2.5 cents in 2025;
 - F. 2.475 cents in 2026;
 - G. 2.45 cents in 2027;
 - H. 2.25 cents in 2028 and 2029; and
 - I. 2.235 cents in 2030 and later;

Compliance; Failure To Comply [Public Utilities Article § 7-705]

2. the following amounts for each kilowatt-hour of shortfall from required Tier 1 renewable sources that is to be derived from solar energy:
 - A. 45 cents in 2008;
 - B. 40 cents in 2009 through 2014;
 - C. 35 cents in 2015 and 2016;
 - D. 19.5 cents in 2017;
 - E. 17.5 cents in 2018;
 - F. 10 cents in 2019;
 - G. 10 cents in 2020;
 - H. 8 cents in 2021;
 - I. 6 cents in 2022;
 - J. 6 cents in 2023;

Compliance; Failure To Comply [Public Utilities Article § 7-705]

- K. 6 cents in 2024;
 - L. 5.5 cents in 2025;
 - M. 4.5 cents in 2026;
 - N. 3.5 cents in 2027;
 - O. 3.25 cents in 2028;
 - P. 2.5 cents in 2029; and
 - Q. 2.25 cents in 2030 and later; and
- 3. 1.5 cents for each kilowatt-hour of shortfall from required Tier 2 renewable sources; or
- ii. for industrial process load:
 - 1. for each kilowatt-hour of shortfall from required Tier 1 renewable sources, a compliance fee of:

Compliance; Failure To Comply [Public Utilities Article § 7-705]

- A. 0.8 cents in 2006, 2007, and 2008;
 - B. 0.5 cents in 2009 and 2010;
 - C. 0.4 cents in 2011 and 2012;
 - D. 0.3 cents in 2013 and 2014;
 - E. 0.25 cents in 2015 and 2016; and
 - F. except as provided in paragraph (3) of this subsection, 0.2 cents in 2017 and later; and
- 2. nothing for any shortfall from required Tier 2 renewable sources.
- 3) For industrial process load, the compliance fee for each kilowatt-hour of shortfall from required Tier 1 renewable sources is nothing for the year following any year during which, after final calculations, the net rate impact per megawatt-hour from Round 1 offshore wind projects exceeded \$1.65 in 2012 dollars.

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

- (b-1) If an electricity supplier fails to comply with the renewable energy portfolio standard that is required to be derived from post-2022 geothermal systems for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article a compliance fee of the following amounts for each kilowatt-hour of shortfall from required post-2022 geothermal systems:

Compliance; Failure To Comply [Public Utilities Article § 7-705]

- 1) 10 cents in 2023 through 2025;
 - 2) 9 cents in 2026;
 - 3) 8 cents in 2027; and
 - 4) 6.5 cents in 2028 and later.
- c) The Commission may allow an electricity supplier to submit the report required under § 7-505(b)(4) of this title to demonstrate compliance with the renewable energy portfolio standard.
- d) An aggregator or broker who assists an electricity customer in purchasing electricity but who does not supply the electricity or take title to or ownership of the electricity may require the electricity supplier who supplies the electricity to demonstrate compliance with this subtitle.

Compliance; Failure To Comply [Public Utilities Article § 7-705]

e)

- 1) Notwithstanding the requirements of § 7-703(b) of this subtitle, if the actual or projected dollar-for-dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to, 6.0% of the electricity supplier's total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:
 - i. delay by 1 year each of the scheduled percentages for solar energy under § 7-703(b) of this subtitle that would apply to the electricity supplier; and
 - ii. allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

- 2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.
- 3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.
- 4) If the Commission allows a delay under paragraph (1) of this subsection:
 - i. the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, 6.0% of the electricity supplier's total annual retail electricity sales revenues in Maryland; and

Compliance; Failure To Comply

[Public Utilities Article § 7-705]

- ii. the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled percentage increase under § 7-703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be less than, 6.0% of the electricity supplier's total annual retail electricity sales revenues in Maryland.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- a) In this section, “green power” means energy sources or renewable energy credits that are marketed as clean, green, eco-friendly, environmentally friendly or responsible, carbon-free, renewable, 100% renewable, 100% wind, 100% hydro, 100% solar, 100% emission-free, or similar claims.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- b) This section does not apply to:
 - 1) the Department of General Services when the Department of General Services sells energy under § 7-704.4 of this subtitle;
 - 2) a community choice aggregator under § 7-510.3 of this title; or
 - 3) an electricity supplier when supplying electricity to commercial retail electric customers.
- c) An electricity supplier that supplies electricity to residential retail electric customers may not market electricity as green power unless:
 - 1) the percentage of the electricity being offered, or the equivalent number of renewable energy credits associated with the electricity being marketed as green power, that is eligible for inclusion in meeting the renewable energy portfolio standard equals or exceeds the greater of:

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- i. 51%; or
 - ii. 1% higher than the renewable energy portfolio standard for the year the electricity is provided to the customer;
- 2) the Commission approves the price of the electricity being marketed as green power in accordance with subsection (d) of this section; and
- 3) the electricity supplier submits an application to the Commission that:
- i. describes the electricity being marketed as green power, including the green power source and percentage of the electricity that is green power;
 - ii. describes how the green power complies with State law and regulations; and
 - iii. includes any other information the Commission considers necessary.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

d)

- 1) The price approved by the Commission under subsection (b)(2) of this section shall be determined through:
 - i. a proceeding held in accordance with paragraph (2) of this subsection; or
 - ii. a proceeding held in accordance with paragraph (3) of this subsection.
- 2)
 - i. Each year the Commission shall hold a proceeding to set a price per megawatt-hour for electricity marketed as green power under this section that may not be exceeded by an electricity supplier except as provided in paragraph (3) of this subsection.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- ii. Subject to paragraph (4) of this subsection, the price set by the Commission under subparagraph (i) of this paragraph may:
 - 1. Subject to paragraph (4) of this subsection, the price set by the Commission under subparagraph (i) of this paragraph may:
 - 2. differ based on the amount and source of the electricity generation.
- iii. During a proceeding held under subparagraph (i) of this paragraph, the Commission:
 - 1. shall consider:
 - A. the price of the energy purchased, including the total cost of the renewable energy credits;
 - B. the amount of electricity that is eligible for inclusion in meeting the renewable energy portfolio standard;

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- C. the state in which the electricity was generated; and
 - D. applicable market data; and
 - 2. may consider whether the purchase of renewable energy credits was bundled with a power purchase agreement from the energy sources associated with the credit.
- 3)
- i. On request by an electricity supplier, the Commission shall hold a proceeding to set a price per megawatt-hour for electricity marketed as green power for that electricity supplier.
 - ii. Subject to paragraph (4) of this subsection, at a proceeding held under this paragraph the Commission may set a price per megawatt-hour that is higher than the price determined in the proceeding held under paragraph (2) of this subsection for an electricity supplier if:

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

1. the electricity supplier demonstrates to the Commission's satisfaction, based on an independent third-party audit, that the actual cost to the electricity supplier for the generation or supply of electricity exceeds that of the price determined through the proceeding held in accordance with paragraph (2) of this subsection;
 2. the increased price reflects only the cost of the electricity marketed as green power and is not associated with any of the electricity supplier's other costs; and
 3. the electricity supplier demonstrates to the Commission's satisfaction that the electricity supplier has a significant long-term investment in renewable energy that meets the renewable energy portfolio standard under § 7-703 of this subtitle.
- iii. During a proceeding held under this paragraph, the Commission shall consider:
1. whether the purchase of renewable energy credits was bundled with a power purchase agreement from the energy sources associated with the credit;

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

2. the price of the energy purchased, including the total cost of the renewable energy credits or power purchase agreements;
3. the amount of electricity that is eligible for inclusion in meeting the renewable energy portfolio standard;
4. the state in which the electricity was generated; and
5. applicable market data.

4)

- i. A price approved by the Commission under this subsection may not exceed 150% of the maximum price per megawatt-hour that is authorized under § 7-510(d)(2)(i) of this title unless the Commission determines that the actual cost of the green power exceeds that amount.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- ii. Within 120 days after approving a price for green power that exceeds 150% of the maximum price per megawatt-hour that is authorized under § 7-510(d)(2)(i) of this title, and annually for as long as the price exceeds that amount, the Commission shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, that:
 - 1. demonstrates that the approved price represents only the actual price of the green power; and
 - 2. includes the Commission's order authorizing the price of the green power.
- iii. If the Commission has approved for 3 consecutive years a price for green power that exceeds 150% of the maximum price per megawatt-hour that is authorized under § 7-510(d)(2)(i) of this title, the Commission shall include in the annual report required under subparagraph (ii) of this paragraph:

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

1. information on market conditions that necessitate the approved price of the green power that exceeds 150% of the maximum price per megawatt-hour that is authorized under § 7-510(d)(2)(i) of this title; and
2. a recommendation of whether to increase the limitation on the maximum price of green power above which the Commission is required to make a determination under this paragraph.

5) The Commission:

- i. shall annually review a price approved under paragraph (3) of this subsection; and
- ii. may, on its own initiative, or on petition by the Office of People's Counsel, require an electricity supplier offering green power under a price established under paragraph (3) of this subsection to demonstrate that the price continues to meet the requirements of paragraph (3) of this subsection.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

e)

- 1) On and after January 1, 2025, an electricity supplier shall purchase renewable energy credits for each year the electricity supplier offers green power for sale to residential retail electric customers
- 2) A renewable energy credit an electricity supplier purchases under paragraph (1) of this subsection shall be retired in a PJM Environmental Information Services, Inc., generation attribute tracking system reserve subaccount accessible by the Commission.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

f)

- 1) This subsection does not apply to:
 - i. the Department of General Services when the Department of General Services sells energy under § 7-704.4 of this subtitle; or
 - ii. a community choice aggregator under § 7-510.3 of this title.
- 2) An electricity supplier that claims in the electricity supplier's marketing of electricity to residential retail electric customers that the customer will be purchasing green power shall include the following disclosure or a similar disclosure approved by the Commission:

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

“We deliver energy through the purchase of Renewable Energy Credits (RECs). A REC represents the social good that accompanies 1 megawatt-hour of renewable electricity generation. RECs may be sold separately from renewable electricity itself. Renewable electricity and RECs may be sold to different entities. The purchase of a REC does not indicate that renewable electricity itself has been purchased by the entity that purchased the REC.”.

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- g) In addition to the disclosure required under subsection (f) of this section, the Commission shall adopt regulations that require an electricity supplier, other than the Department of General Services when the Department of General Services sells energy under § 7-704.4 of this subtitle or a community choice aggregator under § 7-510.3 of this title, that offers green power for sale to residential retail customers to include in the electricity supplier's marketing materials a disclosure, written in plain language, that explains:

Marketing Electricity as Green Power

[Public Utilities Article § 7-707]

- 1) what the customer will actually be paying for when the customer purchases green power from the electricity supplier;
 - 2) how the electricity that the customer has purchased is generated;
 - 3) how the green power will benefit the environment;
 - 4) the percentage of electricity that would be provided by the electricity supplier that is eligible for inclusion in meeting the renewable energy portfolio standard; and
 - 5) the state in which the electricity was generated.
- h) The Commission, in its discretion, may determine whether an electricity supplier is marketing electricity in accordance with this section.

Applications

All licensees are required to consult the Maryland Public Service Commission's website for the most current applications.

Interstate Competition

Interstate Competition

[Public Utilities Article § 7-515]

An electricity supplier that also provides distribution service, or that has an affiliate that provides distribution service, in Pennsylvania, Delaware, West Virginia, Virginia, or the District of Columbia may not provide retail electricity supply service, directly, indirectly, or through an aggregator, marketer, or broker, in the distribution territory of an unaffiliated electric company unless there is electricity supply competition in at least a portion of the distribution service area of the electricity supplier or affiliate.

Surviving Spouses and Abuse Victims

Surviving Spouses

[Public Utilities Article § 5-501]

a)

- 1) In this section the following words have the meanings indicated.
- 2) “Account holder” means the individual in whose name a utility account is established.
- 3) “Utility” means an electric company, an electricity supplier, a gas company, a gas supplier, a sewage disposal company, a water company, or any combination of these companies.

Surviving Spouses

[Public Utilities Article § 5-501]

- b) If an account holder's surviving spouse presents to a utility the account holder's death certificate and their marriage certificate or a State or federal tax return filed jointly by the account holder and the surviving spouse in the immediately preceding year, the utility shall, without requiring any further information, other than updated contact information, or imposing any fee or penalty:
 - 1) temporarily keep the account open for a period of not less than 6 months and, during that time, treat the surviving spouse as a joint holder of the account; or

Surviving Spouses

[Public Utilities Article § 5-501]

- 2) transfer the account to the surviving spouse.
- c) Notwithstanding subsection (b)(1) of this section, a utility may:
 - 1) in accordance with any other applicable law, impose a fee or penalty or terminate an account for nonpayment; or
 - 2) at the request of the surviving spouse, close the account.

Abuse Victims

[Public Utilities Article § 5-502]

a)

- 1) In this section the following words have the meanings indicated.
- 2) “Abuse” has the meaning stated in § 4-501(b) of the Family Law Article.
- 3) “Account holder” means an individual in whose name a utility account is maintained individually or jointly with other individuals.
- 4) “Offender” means an individual who commits an act of abuse.
- 5) “Qualified third party” means:
 - i. a licensed physician or psychologist authorized to practice under the Health Occupations Article;

Abuse Victims

[Public Utilities Article § 5-502]

- ii. a social worker or caseworker of any public or private health or social services agency or provider; or
 - iii. an advocate from a domestic violence or sexual assault prevention or assistance program.
- 6) “Report by a qualified third party” means a report based on information received by a qualified third party while acting in a professional capacity that:
- i. indicates that the account holder is seeking assistance as a result of being a victim of abuse; and
 - ii. includes the following information:

Abuse Victims

[Public Utilities Article § 5-502]

1. the name of the account holder;
 2. the date, time, location, and a brief description of the incident;
 3. the name and physical description of the alleged offender, if known;
 4. the name and address of the employer of the qualified third party;
 5. if the qualified third party is required to be licensed, the licensing entity and license number of the qualified third party;
 6. the signature of the qualified third party, under seal of a notary public; and
 7. the acknowledgement and signature of the account holder under penalty of perjury.
- 7) “Utility” means an electric company, an electricity supplier, a gas company, a gas supplier, a sewage disposal company, a water company, or any combination of these companies.

Abuse Victims

[Public Utilities Article § 5-502]

b)

- 1) Subject to subsections (c) and (d) of this section, if an account holder is a victim of abuse, the account holder may terminate, and the utility shall allow for the termination of, the account holder's future liability under a utility contract if the account holder provides the utility with written notice by first-class mail or hand delivery of the account holder's request for termination of the account holder's future liability under the contract.
- 2) The notice required under paragraph (1) of this subsection shall include:

Abuse Victims

[Public Utilities Article § 5-502]

- i. a copy of an enforceable final protective order issued for the benefit of the account holder under § 4-506 of the Family Law Article;
- ii. a copy of an enforceable final peace order, for which the underlying act was an act of abuse, issued for the benefit of the account holder under § 3-1505 of the Courts Article; or
- iii. a copy of a report by a qualified third party if:
 - 1. the name and physical description of the alleged offender are redacted; and
 - 2. the report was signed by the qualified third party within the 60 days immediately preceding the date the notice is provided under paragraph (1) of this subsection.

Abuse Victims

[Public Utilities Article § 5-502]

- c) An account holder who terminates a utility contract under subsection (b) of this section is responsible for utility charges only up to and including the billing cycle during which the written notice required under subsection (b) of this section is submitted.
- d) If an account holder terminates a utility contract under subsection (b) of this section, the utility shall allow the account holder to open a new utility account for a new premises notwithstanding an account balance or arrearage at the premises described in the written notice under subsection (b) of this section.

Sales

Advertising and Solicitations (COMAR 20.53.07.07)

- The advertising and solicitations made to customers by retail energy suppliers, vendors, and salespeople is governed by [COMAR 20.53.07.07](#).
- The purpose of this section is to provide energy suppliers, vendors, and salespeople a thorough understanding of the following:
 1. Situations where advertising is and is not permitted
 2. The information required to be disclosed to customers during solicitation
 3. Methods of solicitation

Advertising Permitted (COMAR 20.53.07.07A)

- 1) A supplier may advertise its services.
- 2) A supplier may not engage in a marketing trade practice that is unfair, false, misleading, or deceptive.
- 3) A supplier may not make an offer to an energy assistance household unless the offer is for a Commission-approved contract for energy assistance households.

Advertising Permitted: Pick the Wrong Answer

Suppose you are an agent for a retail supplier called XYZ Energy who is about to make a solicitation to a customer. What are you *not* permitted to say at the beginning of a solicitation?

- A. Hello, my name is _____ and I'm with XYZ Energy. May I speak with you about our services?
- B. Hello, my name is _____. BGE is overcharging you and I'm here to fix the problem.

Advertising Permitted: Pick the Wrong Answer

Suppose you are an agent for a retail supplier called XYZ Energy who is about to make a solicitation to a customer. What are you *not* permitted to say at the beginning of a solicitation?

- A. Hello, my name is _____ and I'm with XYZ Energy. May I speak with you about our services?
- ☒ B. Hello, my name is _____. BGE is overcharging you and I'm here to fix the problem.

Advertising Permitted: Pick the Wrong Answer

B. This type of statement would not be allowed and would be considered deceptive or misleading under COMAR 20.53.07.07A(2).

BGE's price is locked into the Standard Offer of Service (SOS) rate and Gas Commodity charge that already serve as the default rates for electricity and gas, respectively. Therefore, BGE cannot overcharge relative to the SOS price and Gas Commodity charge.

Furthermore, the statement implies that XYZ Energy can "fix the problem" by charging a cheaper rate while this may not be 100% factual depending on whether BGE's SOS rate at the time of the solicitation is lower or higher than the 12-month trailing average. Finally, the agent fails to immediately identify himself as an agent of XYZ Energy.

Disclosures (COMAR 20.53.07.07B)

1. All supplier marketing or solicitation information, including that used by its agents or employees, shall include the supplier's Maryland license number in a clear and conspicuous manner.
2. If a price is quoted, the following statements are required:
 - a) The price quoted is only for the specified commodity provided by the supplier;
 - b) The price quoted does not include any tax, utility distribution charge, or other utility fee or charge; and
3. A supplier may not make an offer to an energy assistance household unless the offer is for a Commission-approved contract for energy assistance households.

Internet (COMAR 20.53.07.07C)

- 1) Internet Advertising. A supplier shall post on the Internet:
 - a) Readily understandable information about its services, prices, and emissions; and
 - b) A description of its supplier-consolidated billing offering, including a sample bill, if the supplier is licensed to provide supplier-consolidated billing services and is offering supplier-consolidated billing services.
- 2) Commission Website.
 - a) Suppliers shall submit open offers to the Commission's website according to instructions provided by the Commission.
 - b) In the event of a discrepancy between a supplier's open offer posted on the Commission's website and the supplier's corresponding open offer displayed on the supplier's website, the supplier shall honor the terms that are more favorable to the customer.

Internet: Pick the Correct Answer

For this scenario, assume Potomac Edison's 12-month trailing SOS price is 9.742¢/kWh

Suppose you are a representative of XYZ Energy. A customer prospect in the Potomac Edison service territory reaches out with a question about rates.

The customer prospect says that they checked XYZ Energy's entry on the Commission website and found an offer for electricity supply at 9.742¢/kWh.

The customer prospect also says that they noticed a newer offer on XYZ Energy's website for electricity supply at 9.500¢/kWh.

The customer prospect asks if it would be possible to enter into a contract according to the 9.500¢/kWh offer on XYZ's website.

Internet: Pick the Correct Answer

Which of the following do you say to the customer prospect next?

- A. Yes, we can get you started at the 9.500¢/kWh price that you found on our website.
- B. No, we cannot offer any price against what is on the Maryland PSC's website, but we can get you started with a contract featuring the 9.742¢/kWh rate.

Internet: Pick the Correct Answer

Which of the following do you say to the customer prospect next?

- A. Yes, we can get you started at the 9.500¢/kWh price that you found on our website.
- B. No, we cannot offer any price against what is on the Maryland PSC's website, but we can get you started with a contract featuring the 9.742¢/kWh rate.

Internet: Pick the Correct Answer

A. Recall that if there is ever a discrepancy between a supplier's open offer posted on the Commission's website and the supplier's corresponding open offer displayed on the supplier's website, the supplier must honor the terms that are more favorable to the customer.

In this case, the lower rate was the newer offer of 9.500¢/kWh on the supplier's website, so the representative of XYZ should honor that rate.

Telephone Solicitation (COMAR 20.53.07.07D)

- 1) A supplier soliciting customers by telephone shall comply with all applicable State and federal law, including the Maryland Telephone Solicitations Act, Commercial Law Article, §§ 14-2201-14-2205, Annotated Code of Maryland.
- 2) A supplier may not conduct a residential customer telephone solicitation before 8 a.m. or after 9 p.m.

Telephone Solicitation: True or False

Tyler is a call center representative for XYZ Energy and has a quota to meet before he leaves for the night. At 9:30pm, he decides to call up and solicit a chain restaurant that has recently opened a location in Baltimore. Tyler's action is fully compliant with Maryland Law.

TRUE

FALSE

Telephone Solicitation: True or False

Tyler is a call center representative for XYZ Energy and has a quota to meet before he leaves for the night. At 9:30pm, he decides to call up and solicit a chain restaurant that has recently opened a location in Baltimore. Tyler's action is fully compliant with Maryland Law.

TRUE

FALSE

Telephone Solicitation: True or False

True. The provision in COMAR 20.53.07.07D(2) disallows telephone solicitation calls before 8am and after 9pm for *residential* customers. Since the restaurant Tyler called is a commercial customer, his decision to solicit at 9:30 is not unlawful.

Door-to-Door Sales (COMAR 20.53.10.06)

- Supplier and supplier agent practices for door-to-door sales are governed by COMAR 20.53.10.06.
- The purpose of this section is to provide energy suppliers, vendors, and salespeople a thorough understanding of the procedures required of door-to-door supplier sales agents prior to, during, and after a solicitation.

Door-to-Door Sales (COMAR 20.53.10.06)

- A. A supplier and its agents shall comply with state and local government ordinances regarding door-to-door marketing and sales activities.
- B. A supplier's agent shall:
 - 1) Prominently display an identification badge; and
 - 2) Offer a business card or other material that lists:
 - a) The suppliers name and contact information, including telephone number;
 - b) The suppliers Commission license number; and
 - c) The agents name and any other identification numbers provided to the sales agent by the supplier or agent.

Door-to-Door Sales (COMAR 20.53.10.06)

- C. A supplier 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 others 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.

Door-to-Door Sales: Pick the Correct Answer

Ray is a door-to-door sales agent for XYZ Energy. He knocks on someone's door, and the resident answers. Ray introduces himself and states that he is with XYZ Energy, a retail energy supply company. Ray makes his XYZ Energy badge clearly visible and hands the customer a business card containing all information required by COMAR.

Ray begins his pitch, only to be interrupted by the resident who explains that she does not speak any English.

Door-to-Door Sales: Pick the Correct Answer

What does Ray do next?

- A. Keep moving forward with the pitch.
- B. Ask the resident if she needs anything re-explained?
- C. Thank the resident for her time and leave.

Door-to-Door Sales: Pick the Correct Answer

What does Ray do next?

- A. Keep moving forward with the pitch.
- B. Ask the resident if she needs anything re-explained?
- ☒ C. Thank the resident for her time and leave.

Door-to-Door Sales: Pick the Correct Answer

C. Recall that to comply with COMAR 20.53.10.06C, XYZ Energy will have constructed a policy requiring 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. In turn, Ray must act in accordance with that policy.

The resident has made clear that she cannot understand what Ray is saying. Therefore, he has no choice but to cease contact.

Notification Regarding Door-to-Door Activity (COMAR 20.53.10.07)

- Unlike with other marketing channels, before a supplier engages in the door-to-door marketing channel, the supplier must provide notice to the Commission's Consumer Affairs Division ("CAD").
- This notice requirement is governed by COMAR 20.53.10.07.

Notification Regarding Door-to-Door Activity (COMAR 20.53.10.07)

- A. When a supplier engages in door-to-door activity, the supplier shall notify CAD 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 supplier shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the supplier to provide notice to the Commission. The supplier 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 knowledgably. A utility may not use the information for other purposes.

Geographic Marketing (COMAR 20.53.07.04)

- A. A supplier may market services on a geographic basis.
- B. A supplier is not required to offer services throughout a particular utility's entire service territory.
- C. A supplier 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.

Agents

Agent and Salesperson Warnings

- **Reminder:** Commissioned sales are strictly prohibited.
- **Reminder:** A supplier's agent and salesperson may never represent, in any way, that they work for a utility company.
- **Reminder:** a supplier's agent and salesperson may never represent that a customer is paying for wind energy, solar energy, or any other specific type of renewable energy.

Suppliers Responsible for its Agent (COMAR 20.53.10.02)

- A. A supplier may use an agent to conduct marketing or sales activities.
- B. A supplier is responsible for any fraudulent, deceptive, or other unlawful marketing acts performed by its agent in the conduct of marketing or sales activities on behalf of a supplier.

Agent Qualifications and Standards (COMAR 20.53.10.03)

- A. A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not permit an individual to be hired if an individual fails to meet its standards. The standards shall ensure to the fullest extent practicable that the agent's qualifications, and for door-to-door agents the results of the criminal history record check, safeguard potential customers with whom the agent may make contact.

Agent Qualifications and Standards (COMAR 20.53.10.03)

- B. A supplier may not permit its agent to conduct door-to-door activities unless:
- 1) The door-to-door agent's identity has been verified by government-issued identification;
 - 2) The supplier has ensured that the agent meets any local licensing, registration, or permitting requirements of the jurisdiction where the agent will be conducting door-to-door activities; and
 - 3) The agent's criminal history record meets the supplier's standards and qualifications.

Agent Qualifications and Standards (COMAR 20.53.10.03)

- C. The criminal history record shall be updated no less than every 36 months, and shall be obtained from either:
- 1) The Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months; or
 - 2) A criminal history records check conducted by the supplier or a third party that includes, at a minimum, the following:
 - a) An all-county search through the Maryland Administrative Office of the Courts, and from all other states in which the person resided within at least the last 12 months;

Agent Qualifications and Standards (COMAR 20.53.10.03)

- b) A nationwide federal criminal court search, such as the Federal Public Access to Court Electronic Records (PACER) System;
- c) A national multi-state, multi-jurisdictional criminal database search with validation conducted by a member of the National Association of Professional Background Screeners; and
- d) The U.S. Department of Justice National Sex Offender Public Registry.

Agent Qualifications and Standards (COMAR 20.53.10.03)

- D. When a supplier contracts to perform door-to-door activities, the supplier shall document that the criminal background investigation has been performed on any door-to-door agents in accordance with this section and with the standards set by the supplier. A supplier may satisfy this requirement by obtaining a written statement verifying that the criminal background check was performed in accordance with this section and with standards set by the supplier and presented in writing.

Agent Qualifications and Standards (COMAR 20.53.10.03)

- E. A supplier shall audit at least every 12 months whether the criminal background checks completed by its independent contractor or vendor have been completed in accordance with this section. A supplier shall provide the Commission notice within 30 days if the audit results demonstrate that the criminal background checks were not completed by the independent contractor or vendor in accordance with this section.

Agent Training (COMAR 20.53.10.04)

- A. A supplier 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 supplier's products and services;
 - 4) The supplier's rates, rate structures, billing, and payment options;
 - 5) The customers right to rescind and cancel contracts;

Agent Training (COMAR 20.53.10.04)

- 6) The applicability of an early termination fee for contract cancellation when the supplier 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 suppliers Contract Summary;
- 10) Terms and definitions related to energy supply, transmission and distribution service as found online at the Commissions website;
- 11) Information about how customers may contact the supplier to obtain information about billing, disputes, and complaints; and

Agent Training (COMAR 20.53.10.04)

12) The confidentiality and protection of customer information.

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

- 1) That the customer will receive one bill from the supplier going forward with the utility's and supplier's charges;
- 2) That the customer will pay the supplier directly for all charges billed;
- 3) That the customer must pay previous billers if the customer has charges outstanding; and

Agent Training (COMAR 20.53.10.04)

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

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

D. Training Records.

- 1) A supplier shall make training materials and training records available to the Commission and the Office of Peoples Counsel upon request.

Agent Training (COMAR 20.53.10.04)

- 1) A supplier shall make training materials and training records available to the Commission and the Office of Peoples Counsel upon request.
 - 2) Training records shall be treated as confidential.
- E. When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

Agent Training (COMAR 20.53.10.04)

- F. The supplier shall monitor telephonic and door-to-door marketing and sales calls to:
- 1) Evaluate the suppliers 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.

Agent Identification; Misrepresentation (COMAR 20.53.10.05)

- A. A supplier shall issue an identification badge to agents to be worn when conducting door-to-door activities or appearing at public events on behalf of a supplier. The badge shall:
- 1) Accurately identify the supplier, its trade name and logo;
 - 2) Display the agents photograph;
 - 3) Display the agent's full name;
 - 4) Be prominently displayed; and
 - 5) Display a customer service phone number for the supplier.

Agent Identification; Misrepresentation (COMAR 20.53.10.05)

- B. Upon first contact with a customer, an agent shall:
- 1) Identify the supplier that he represents; and
 - 2) State that he is not working for and is independent of the customers local distribution company.
- 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 supplier.

Agent Identification; Misrepresentation (COMAR 20.53.10.05)

- D. A supplier may not use the name, bills, marketing materials, or consumer education materials of another supplier, regulated utility, or government agency in a way that suggests a relationship that does not exist.
- E. A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

Contracts

Supplier Contracts (COMAR 20.53.07.08)

A. Minimum Contract Requirements.

- 1) Only a person licensed under COMAR 20.51 may execute an electricity supply contract with a customer.
- 2) A supplier contract shall contain all material terms and conditions.

Supplier Contracts (COMAR 20.53.07.08)

- s) A statement that a contract may be cancelled early if a supplier can no longer serve the customer under the existing contract between the supplier and the customer as required by Public Utilities Article, § 4-308, Annotated Code of Maryland;
 - t) A statement, in a prominent manner with specific written confirmation, regarding whether the customer is receiving, or received during the previous fiscal year, energy assistance from an energy assistance program; and
 - u) The Commission's toll-free number and Internet address.
- 3) Beginning July 1, 2023, if a supplier's offer is a Commission-approved offer for energy assistance households, the supplier contract shall contain a statement that energy assistance households cannot be charged more than the utility's standard offer service rate.

Supplier Contracts (COMAR 20.53.07.08)

B. Contract Summary.

- 1) At the time of completion of the contracting process, a supplier shall provide the customer a copy of the executed contract and completed Contract Summary on the form provided by the Commission.
- 2) If the contract is completed through telephone solicitation, the supplier shall send the Contract Summary to the customer along with the contract that must be signed by the customer and returned as required by the Maryland Telephone Solicitations Act. If the contract is exempt from the Maryland Telephone Solicitations Act, the supplier shall send the Contract Summary with the contract to the customer.

Supplier Contracts (COMAR 20.53.07.08)

- 3) If the contract is completed through the Internet, the Contract Summary shall be:
 - a) Available online and made available for download by the customer at the time of contracting; and
 - b) Shall be transmitted to the customer by the supplier by mail or by email if the customer consents to receipt of email disclosures.
- 4) If the contract is completed in person, the contract and the Contract Summary shall be reviewed with and provided to the customer by the supplier in hard copy or electronically, and the executed contract and Contract Summary provided to the customer at the time of contracting in hard copy or electronically if the customer consents to electronic disclosures.

Supplier Contracts (COMAR 20.53.07.08)

C. Methods of Contracting.

- 1) A supplier may not enroll a customer using a process that does not require affirmative confirmation by the customer.
- 2) If a supplier solicitation is in writing or a supplier contract is provided in response to documents submitted upon personal contact, a signed contract is required.
- 3) Internet Contracts.
 - a) A supplier that contracts with a customer by means of the Internet shall:
 - i. Confirm the identity of the person making the contract;
 - ii. Comply with applicable Maryland and federal law; and
 - iii. Take appropriate steps to safeguard customer privacy.

Supplier Contracts (COMAR 20.53.07.08)

- b) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with § B(3)(a)(i) of this regulation.

4) Telephone Contracts.

- a) A supplier may contract with a customer through a telephone solicitation.
- b) In the event a supplier is contracting with a customer as a result of a telephone solicitation that is exempt from all applicable State and federal law, including the Maryland Telephone Solicitations Act, Commercial Law Article, §§ 14-2201 through 14-2205, Annotated Code of Maryland, a supplier shall:
 - i. Comply with this regulation;
 - ii. Confirm that customer questions relating to the contract are answered;

Supplier Contracts (COMAR 20.53.07.08)

- iii. Confirm that an independent third party verifies the contract or records the entire telephone conversation and maintains the recording for the duration of the contract;
 - iv. Mail or otherwise transmit to the customer a complete written contract within 3 business days of the contracting conversation; and
 - v. Disclose all material contract terms and conditions to the customer over the telephone.
- c) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with § B(4)(b)(iv) of this regulation.

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- A. Notice. Except as permitted in §§ D and G of this regulation, a supplier shall provide the customer with notice at least 30 days before expiration or cancellation of a supply contract.
- B. Contents of Notice. The supplier's expiration or cancellation notice required under § A of this regulation shall include:
 - 1) Final bill payment instructions;
 - 2) A statement informing the customer that, unless the customer selects a new service provider, cancellation of the contract shall return the customer to the utility; and

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- 3) The toll-free telephone number and the web site address of the Commission.

C. Early Cancellation.

- 1) Notice of early cancellation by the supplier shall comply with § B of this regulation.
- 2) Early Cancellation Fee.
 - a) A supplier may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.
 - b) A supplier may deduct a cancellation fee from a customer deposit.
 - c) Beginning July 1, 2023, a supplier may not impose a cancellation fee on an energy assistance household.

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- 3) Except as provided in a tariff regarding supplier default, a utility may remove a customer from supplier services only if directed by a supplier, subject to applicable bankruptcy law.
- 4) When a supplier contracts with a customer, the newly contracting supplier shall notify the customer that the customer may incur early cancellation penalties under a current supplier contract.

D. Drop for Nonpayment Under Supplier-Consolidated Billing.

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

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- 2) A supplier's notice to a nonpaying customer shall include the information in § B of this regulation and the following:
- a) The total amount due;
 - b) The date by which the payment is due to the supplier;
 - c) The date on or after which the supplier will transmit the drop request to the utility if payment is not received; and
 - d) The telephone number at which the supplier representatives who handle payment arrangements, payment plans, and customer complaints may be reached.

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

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- F. The supplier shall provide a notice required by § E of this regulation in a prominent manner.
- G. Cancellation of Contract for Customers Who Start Receiving Energy Assistance.
 - 1) A supplier which receives notice from a utility that a customer is newly identified as an energy assistance household shall provide notice to the customer within 3 business days.
 - 2) The notice shall:
 - a) Inform the customer that:

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- i. The supplier can no longer serve the customer under their existing contract under Public Utilities Article, § 4-308, Annotated Code of Maryland;
 - ii. Unless the customer selects a new service provider with a Commission-approved contract for energy assistance households, cancellation of the contract shall return the customer to the utility's standard offer service; and
 - ii. The supplier cannot charge a termination or early cancellation fee; and
 - b) Provide the toll-free telephone number and the website address of the Commission.
- 3) In addition to the notice required in § G(2) of this regulation, if the supplier chooses to offer the customer a Commission-approved contract for energy assistance households, the supplier shall include all the information necessary to enroll the customer, including:

Notice of Contract Expiration or Cancellation (COMAR 20.53.07.10)

- a) The Commission-approved contract for energy assistance households and the contract summary; and
 - b) Instructions for the customer to provide consent to receive service under the Commission-approved contract for energy assistance households.
- 4) If the existing contract allows the supplier to provide service under a Commission-approved contract for energy assistance without additional customer consent, the supplier shall include with the notice the Commission-approved contract for energy assistance households and the contract summary.

Assignment of Contract (20.53.07.12)

- A. At least 30 days prior to the effective date of any assignment or transfer of a supplier contract from one supplier to another, the suppliers shall jointly provide written notice to the customers of the supplier, the Commission, the utility and the Office of People's Counsel of the assignment or transfer.
- 1) Notice to Customer. The suppliers shall jointly send a letter 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

Assignment of Contract (20.53.07.12)

- 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 suppliers shall file a notice with the Commission, with a copy to the Office of People's Counsel and the utility, 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 3 years or until the contracts are expired, whichever is longer.

Assignment of Contract (20.53.07.12)

- C. An assignment or transfer of a supplier contract from one supplier to another is not an enrollment or drop.
- D. Notice of Assignment or Transfer from One Supplier-Consolidated Biller to Another. If the supplier's notice in § A of this regulation is to a customer receiving supplier-consolidated billing services and the customer will continue to receive supplier-consolidated billing services from the new supplier, the notice shall include the requirements in § A of this regulation and also include:

Assignment of Contract (20.53.07.12)

- 1) That the customer will receive bills from the new supplier that will include both the utility and supplier charges;
- 2) Each method a customer may use to submit payment to the new electricity supplier;
- 3) The information necessary for the customer to submit payment to the new supplier; and
- 4) A statement that the customer's previous billing provider may bill the customer for unpaid charges.

Assignment of Contract (20.53.07.12)

- E. Notice of Assignment or Transfer that Changes a Billing Method.
 - 1) The suppliers may not change a customer billing method through assignment of contract unless permitted by the customer's contract with the assignor or transferor.
 - 2) If the assignment or transfer will result in a change in billing method, the suppliers shall follow all requirements to change a customer's billing method in COMAR 20.53.05.08 in addition to the requirements in § A of this regulation.
- F. The suppliers may not transfer a customer with a contract for energy assistance households unless the receiving supplier has a Commission-approved contract for energy assistance households.

Energy Assistance Households (COMAR 20.53.07.14

B. Contracts for Energy Assistance Households.

- 1) A contract for energy assistance households shall guarantee service at rates at or below the utility's SOS rate for the term of the contract.
- 2) The retail supplier's rate for comparison shall include all commodity charges, including fixed charges divided by the kWh consumed.
- 3) The retail supplier's rate may not include a downward adjustment to reflect non-energy products or services that the supplier provides or offers to customers, including, but not limited to, gift cards, free or discounted warranties, and discounts for non-energy products.

Energy Assistance Households (COMAR 20.53.07.14)

- C. For contracts signed or renewed on or after July 1, 2023, if a supplier charges a customer in an energy assistance household pursuant to a contract that is not a Commission-approved contract for energy assistance households, the customer is entitled to remedies.

Enrollments and Drops

Supplier Customer Consent--Pre-Enrollment (COMAR 20.53.03.01)

- A. Pre-Enrollment Customer Information. Before requesting precontracting customer information described in Regulation .02 of this chapter from a utility, a supplier shall:
 - 1) Notify the customer of its intention to request customer information from a utility; and
 - 2) Obtain the customer's consent for release of the customer's information from the utility.
- B. Notice. The supplier notice required under § A(1) of this regulation shall specify the customer information listed in Regulation .02 of this chapter to be requested from a utility.

Supplier Customer Consent--Pre-Enrollment (COMAR 20.53.03.01)

C. Customer Consent Record.

- 1) A customer's consent under § A(2) of this regulation is valid for a time mutually agreed to by the customer and the supplier.
- 2) Consent Records.
 - a) A supplier shall maintain a record of a customer's consent under § A(2) of this regulation for a period of not less than 180 days from the expiration of the customer's consent.
 - b) A supplier's customer consent records are subject to audit by the Commission.

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- A. A supplier may enroll or drop a customer by sending the appropriate electronic enrollment or drop transaction to the utility.
- B. Effective Dates. A utility shall process an electronic enrollment or drop from a supplier to be effective within 3 business days after receipt of the electronic transaction.
- C. The utility shall drop a customer from its current supplier when another supplier enrolls the customer.
- D. A utility shall assign a customer who has been dropped by a supplier and not enrolled by another supplier to SOS.

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- E. A utility may not be required to process more than two enrollments and two drops per customer per bill cycle.
- F. A supplier may not require that a customer provide it with advance notice, written or otherwise, before the customer switches to another supplier or to SOS.
- G. A utility shall reject a customer's enrollment into supplier-consolidated billing if, at the time of switch, the customer:

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- 1) Has a regulated electric utility arrearage older than 30 days;
- 2) Is on a payment arrangement plan with the utility; or
- 3) Has applied for or is receiving funds from the Office of Home Energy Programs, including but not limited to, payments authorized as part of the Electric Universal Service Program or Maryland Energy Assistance Program or enrolled into the Utility Service Protection Program.

H. Beginning July 1, 2023, a utility shall reject a customer's enrollment with a supplier if, at the time of the enrollment:

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- 1) The customer is an energy assistance household; and
 - 2) The supplier does not have a Commission-approved contract for energy assistance households.
- I. The supplier shall inform the customer within 2 weeks if a customer's enrollment is rejected for the reasons specified in § G or H of this regulation.
- J. Customer Who Starts to Receive Energy Assistance While on Supplier-Consolidated Billing.

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- 1) The utility shall provide a supplier 3 business days notice if a supplier's customer on supplier-consolidated billing receives a Maryland Energy Assistance Program or Electric Universal Service Program grant.
- 2) The utility shall drop a customer from supplier-consolidated billing to SOS after sending the supplier notice under this regulation if the supplier continues to provide the customer supplier-consolidated billing service after 3 business days.
- 3) A supplier may change a customer's billing method adhering to COMAR 20.53.05.08 within 3 business days of receipt of the utility notice provided in § I(1) of this regulation, provided that the supplier issues the notices required by COMAR 20.53.05.08B after the change in billing method.

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- K. For Contracts Signed on or After July 1, 2023 with a Customer Who Starts to Receive Energy Assistance While Receiving Service from an Electric Supplier.
- 1) When a utility determines that a supplier's existing customer is newly identified as an energy assistance household, the utility shall within 3 business days provide the supplier notice of that determination.
 - 2) Upon receipt of the notice required under § K(1) of this regulation, the retail supplier shall, within 5 business days:
 - a) Terminate the contract and return the customer to SOS;
 - b) If provided for under the existing contract, begin providing service under a Commission-approved contract for low-income customers; or

Supplier Enrollment and Drops (COMAR 20.53.04.02)

- c) Obtain the customer's consent to receive service under a Commission-approved contract for low-income customers.
- 3) The supplier shall charge the customer the supplier's current contract rate or SOS rate, whichever is lower, for the time between the supplier's receipt of the notice in § K(1) of this regulation and the date the customer either is dropped to SOS or begins receiving service under a contract for energy assistance households.

Transaction Error Handling (20.53.04.03)

- A. This regulation applies to enrollment or drop transaction errors that are identified not later than 2 business days after the transaction is initiated by a supplier.
- B. A supplier shall notify a utility of a drop error or enrollment error by an electronic cancel transaction not later than 2 business days after the enrollment or drop is initiated by the supplier.
- C. A utility shall process an electronic cancel transaction under § B of this regulation consistent with Commission approved procedures for processing enrollment-related and drop-related transactions.

Transaction Error Handling (20.53.04.03)

- D. On receipt of an electronic cancel transaction under this regulation, a utility shall return the customer to the customer's enrollment state before the erroneous transaction.
- E. Incumbent Supplier-Identified Erroneous Transactions.
 - 1) If the erroneous transaction is identified by the incumbent supplier, the incumbent supplier shall, upon verifiable consent of the customer, cancel the pending enrollment by notifying the utility by an electronic cancel transaction within 24 hours of the customer's consent.

Transaction Error Handling (20.53.04.03)

- 2) Initiation of the electronic cancel transaction by the incumbent supplier without the verifiable customer consent required in § E(1) of this regulation is considered an unauthorized enrollment of the customer with the incumbent supplier.

Customer Initiated Drops (COMAR 20.53.04.04)

A. Customer Cancellation.

- 1) A customer that wants to cancel a supplier contract shall first attempt to cancel the contract according to the terms of the contract.
- 2) If a customer attempts to cancel a contract by contacting the utility first, the utility shall direct the customer to contact the supplier through the means detailed in the supplier contract, terms and conditions or may direct the customer to contact the supplier through use of contact information on the Commissions website.
- 3) If a customer's cancellation request has not been received by the utility from the customers supplier, and the customer confirms that more than three days have passed since the customer cancelled the contract with the supplier, the utility shall process a cancellation.

Customer Initiated Drops (COMAR 20.53.04.04)

- 4) Customer initiated drops shall be processed in accordance with the provisions of COMAR 20.53.04.02.
- C. A supplier may not include cancellation provisions in its contract for service that would limit or waive this provision.
- D. A customer that initiates a drop with the utility must switch back to SOS as described in Regulation .02 of this chapter.
- E. A customer's request to cancel service with the current retail supplier under this regulation does not limit cancellation provisions contained in the customers service agreement with the supplier.

Disclosure of Customer Information (COMAR 20.53.07.02)

- A. Except as provided in § B of this regulation, a supplier may not disclose a customer's billing, payment, energy assistance household status, and credit information without the customer's consent.
- B. A supplier may disclose a customer's billing, payment, and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.
- C. A supplier shall provide a customer with a copy of the supplier's customer information privacy policy.

Creditworthiness (COMAR 20.53.07.03)

- A. A supplier may refuse to provide service based on an individual's creditworthiness.
- B. A supplier shall apply uniform income, security deposit, and credit standards for the purpose of making a decision as to whether to offer a service to customers.

Unauthorized Enrollment or Service (COMAR 20.53.07.05)

- A. A supplier may not enroll a customer without the customer's consent.
- B. A supplier 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 for contracting under Regulation .08 of this chapter.
- C. Prohibition on Serving Energy Assistance Households on Unapproved Contracts.

Unauthorized Enrollment or Service (COMAR 20.53.07.05)

- 1) For contracts signed on or after July 1, 2023, a supplier may not charge an energy assistance household for supply services unless those charges are for a Commission-approved contract for energy assistance households as set forth in COMAR 20.51.02.10.
- 2) Prior to submitting an enrollment, a supplier shall make reasonable efforts to ensure that energy assistance households are only enrolled on approved contracts, including, but not limited to:
 - a) Customer inquiry;
 - b) Disclosing to the customer that an unapproved offer is not available to energy assistance households;
 - c) Checking the My OHEP Status Portal; or
 - d) Acquiring pre-enrollment information as provided in COMAR 20.53.03.02A(8).

Unauthorized Enrollment or Service (COMAR 20.53.07.05)

D. Enrollment Disputes.

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

Unauthorized Enrollment or Service (COMAR 20.53.07.05)

- a) If the charges have been billed by and the receivable purchased by the utility, the refund determined by CAD shall be remitted to the utility by the supplier. The refund determined by CAD shall be applied to the customers utility account current balance and the excess returned to the customer upon request. If the customer is no longer served by the utility, then the refund shall be returned to the customer. (As of Jan. 1, 2025, POR will only exist for commercial customers.)
- b) 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 CAD. (Footnote: please see previous footnote.)
- c) CAD-Directed Refund Under Supplier-Consolidated Billing.
 - i. If CAD determines that a refund of regulated electric utility charges is warranted and the supplier has purchased those receivables from the utility, then the utility shall issue a refund to the supplier for the amount purchased.

Unauthorized Enrollment or Service (COMAR 20.53.07.05)

- ii. A refund received by a supplier under § C(2)(c)(i) of this regulation shall be refunded to the customer by the supplier.
- iii. If CAD determines that a refund of supply charges is warranted, the supplier shall issue the refund to the customer.

E. This regulation does not limit the authority of the Commission under Public Utilities Article, § 7-507(k), Annotated Code of Maryland.

Energy Assistance Households (COMAR 20.53.07.14)

A. Utility Obligation to Reject Enrollments.

- 1) Beginning July 1, 2023, a supplier may only enroll energy assistance households onto a Commission-approved contract for energy assistance households.
- 2) Beginning on July 1, 2023, when a utility receives a supplier enrollment, the utility shall determine the customer's energy assistance household status and reject the enrollment if the supplier does not have a Commission-approved contract for energy assistance households. When rejecting an enrollment, the utility shall identify the reason for rejecting the enrollment as the customer's energy assistance household status.

Energy Assistance Households (COMAR 20.53.07.14)

- 3) The utility shall record the number of rejected enrollments and provide annual reporting to the Commission.

Customer Remedies for Supplier Violations

Energy Assistance Households (COMAR 20.53.07.14)

D. Customer Remedies.

1) Refund.

- a) Customer remedies for a violation of §§ B and C of this regulation shall be a refund for each billing period where the supplier charged more than the standard offer service rate.
- b) The refund shall be calculated as the difference between the monies paid during the billing period and the standard offer service rate during that period.
- c) The refund shall include interest based on the interest rate that is applied to a utility's refund of customer deposits under COMAR 30.01.05.

2) The refund shall be remitted as follows:

Energy Assistance Households (COMAR 20.53.07.14)

- a) If the charges have been billed by and the receivable purchased by the utility, the refund shall be remitted to the utility by the supplier. The refund 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 utility, then the refund shall be returned to the customer.
- b) 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.

Notices and Disclosures

Do Not Transfer List

- Customers may request at any time that they be placed on a “Do Not Transfer List” pursuant to 7-510(f) of the PUA.

Renewable Energy Credits

- There are specific disclosure requirements related to Renewable Energy Credits.
- All licensees must familiarize themselves with the disclosure requirements pursuant to 7-707(f)(d) of the PUA.

Residential Energy Retailer Notices And Disclosures

[Public Utilities Article § 7-315]

a)

- 1) In this section, “residential energy retailer” includes:
 - i. an electricity supplier that supplies electricity to residential retail electric customers;
 - ii. a gas supplier that supplies gas to residential retail gas customers;
 - iii. an energy salesperson; and
 - iv. an energy vendor.
- 2) “Residential energy retailer” does not include:
 - i. the Department of General Services when the Department of General Services sells energy under § 7-704.4 of this title;

Residential Energy Retailer Notices And Disclosures

[Public Utilities Article § 7-315]

- ii. a community choice aggregator under § 7-510.3 of this title;
- iii. an electricity supplier when supplying electricity to commercial retail electric customers; or
- iv. a gas supplier that supplies gas to commercial retail gas customers.

b) The Commission may adopt regulations to:

- 1) require a residential energy retailer to post notices and disclosures required under this title on the retailer's website:
 - i. in a prominent location;
 - ii. using at least a certain minimum font size; and
 - iii. in a format approved by the Commission; and

Residential Energy Retailer Notices And Disclosures

[Public Utilities Article § 7-315]

- 2) require or prohibit the use of specific language in a residential energy retailer's marketing materials, disclaimers, disclosures, and legal documents, including requiring or prohibiting the use of specific language based on service or product type.
- c) The Commission shall require a residential energy retailer to post on the retailer's website, in clear and unambiguous language:
 - 1) the terms and conditions of the residential services and products sold by the retailer; and
 - 2) an environmental disclosure, in a format required by the Commission, for the residential services and products sold by the retailer.

Licenses

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

b)

- 1) An application for an electricity supplier license shall:
 - i. be made to the Commission in writing on a form adopted by the Commission;
 - ii. be verified by oath or affirmation; and
 - iii. contain information that the Commission requires, including:
 1. proof of technical and managerial competence;
 2. proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any independent system operator or regional or system transmission operator to be used by the licensee;
 3. a certification of compliance with applicable federal and State environmental laws and regulations that relate to the generation of electricity; and
 4. payment of the applicable licensing fee.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

2)

- i. The term of a residential electricity supplier license is 3 years.
- ii. The terms of licenses may be staggered as determined by the Commission.
- iii. Unless a license for a residential electricity supplier is renewed for a 3-year term in accordance with this subsection, the license expires on the date that the Commission sets.
- iv. A licensee may renew a license for a 3-year term before the license expires if the licensee:
 - 1. otherwise is entitled to be licensed;
 - 2. submits to the Commission a renewal application on the form that the Commission provides; and
 - 3. pays to the Commission the applicable renewal fee set by the Commission.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- d) A license issued under this section may not be transferred without prior Commission approval.
- e) The Commission shall adopt regulations or issue orders to:
 - 1) protect consumers, electric companies, electricity suppliers, energy salespersons, and energy vendors from anticompetitive and abusive practices;
 - 2) require each electricity supplier, each energy salesperson, and each energy vendor to provide, in addition to the requirements under § 7-505(b)(5) of this subtitle, adequate and accurate customer information to enable customers to make informed choices regarding the purchase of any electricity services offered by the electricity supplier;

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 3) establish reasonable restrictions on telemarketing;
- 4) establish procedures for contracting with customers;
- 5) establish requirements and limitations relating to deposits, billing, collections, and contract cancellations;
- 6) establish provisions providing for the referral of a delinquent account by an electricity supplier to the standard offer service under § 7-510(c) of this subtitle; and
- 7) establish procedures for dispute resolution.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- f) In accordance with regulations or orders of the Commission, electricity bills, for competitive and regulated electric services, provided to consumers may provide, in addition to the requirements of § 7-505(b)(5) of this subtitle and subsection (e)(2) of this section, the following information:
 - 1) the identity and phone number of the electricity supplier of the service;

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 2) sufficient information to evaluate prices and services; and
- 3) information identifying whether the price is regulated or competitive.

g)

- 1) An electricity supplier, an energy salesperson, an energy vendor, or any person or governmental unit may not, without first obtaining the customer's permission:
 - i. make any change in the electricity supplier for a customer; or
 - ii. add a new charge for a new or existing service or option.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 2) The Commission shall adopt regulations or issue orders establishing procedures to prevent the practices prohibited under paragraph (1) of this subsection.

h)

- 1) An electricity supplier, an energy salesperson, or an energy vendor may not discriminate against any customer based wholly or partly on race, color, creed, national origin, gender identity, disability, sexual orientation, or sex of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 2) An electricity supplier, an energy salesperson, or an energy vendor may not refuse to provide service to a customer except by the application of standards that are reasonably related to the electricity supplier's economic and business purposes.
- i) An electricity supplier, an energy salesperson, and an energy vendor shall be subject to all applicable federal and State environmental laws and regulations.
- j) An electricity supplier shall post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

k)

- 1) Subject to subsection (r) of this section, for just cause on the Commission's own investigation or on complaint of the Office of People's Counsel, the Attorney General, or an affected party, the Commission may:
 - i. deny a license to, or revoke, suspend, or refuse to renew the license of, an electricity supplier, an energy salesperson, or an energy vendor;
 - ii. impose a civil penalty or other remedy;
 - iii. order a refund or credit to a customer; or
 - iv. impose a moratorium on adding or soliciting additional customers by the electricity supplier, energy salesperson, or energy vendor.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 2) A civil penalty may be imposed in addition to the Commission's decision to deny, revoke, suspend, or refuse to renew a license or impose a moratorium.
- 3) Just cause includes:
 - i. intentionally providing false information to the Commission;
 - ii. switching, or causing to be switched, the electricity supply for a customer without first obtaining the customer's permission;
 - iii. failing to provide electricity for its customers;
 - iv. committing fraud or engaging in deceptive practices;
 - v. failing to maintain financial integrity;
 - vi. violating a Commission regulation or order;

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- vii. failing to pay, collect, remit, or calculate accurately applicable State or local taxes;
- viii. violating a provision of this article or any other applicable consumer protection law of the State;
- ix. conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit;
- x. denial, suspension, or revocation of or refusal to renew a license by any State or federal authority; and
- xi. commission of any of the acts described in items (i) through (x) of this paragraph by a person that is an affiliate of the licensee or that is under common control with the licensee.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 1) An electricity supplier, an energy vendor, or any other person, except for an energy salesperson, selling or offering to sell electricity in the State in violation of this section or § 7-318 of this title, after notice and an opportunity for a hearing, is subject to:
 - i. a civil penalty of not more than \$25,000 for the violation;
 - ii. license denial, revocation, or suspension or refusal to renew the license; or
 - iii. both.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- 2) An energy salesperson selling or offering to sell electricity in the State in violation of this section or § 7-317 of this title, after notice and an opportunity for a hearing, is subject to license denial, revocation, or suspension or refusal to renew the license.
- 3) Each day or part of a day a violation continues is a separate violation.
- 4) Each customer to whom electricity is sold or offered in violation of this section is a separate violation.
- 5) The Commission shall determine the amount of any civil penalty after considering:

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- i. the number of previous violations of any provision of this division by the electricity supplier, energy vendor, or other person;
 - ii. the gravity of the current violation;
 - iii. the good faith of the electricity supplier, energy vendor, or other person charged in attempting to achieve compliance after notification of the violation; and
 - iv. any other matter that the Commission considers appropriate and relevant.
- m) In connection with a consumer complaint or Commission investigation under this section or § 7-317 or § 7-318 of this title, an electricity supplier, an energy salesperson, energy vendor, and any other person selling or offering to sell electricity in the State shall provide to the Commission access to any accounts, books, papers, and documents that the Commission considers necessary to resolve the matter at issue.

Licenses To Supply Electricity

[Public Utilities Article § 7-507]

- r) The Commission may not impose a civil penalty on an energy salesperson.

Licenses To Supply Gas

[Public Utilities Article § 7-603]

- a) The Commission shall license gas suppliers, energy salespersons, and energy vendors and shall have the same authority as the Commission has under §§ 7-317, 7-318, and 7-507 of this title for electricity suppliers, energy salespersons, and energy vendors, including the authority to:
- 1) deny, revoke, suspend, or refuse to renew a license;
 - 2) impose a moratorium, civil penalty, or other remedy; or
 - 3) order a refund for or credit to a customer.

Licenses To Supply Gas

[Public Utilities Article § 7-603]

- b) The Commission shall adopt licensing requirements and procedures for gas suppliers, energy salespersons, and energy vendors that protect consumers, the public interest, and the collection of all State and local taxes, consistent with the requirements for electricity suppliers under Subtitle 5 of this title and energy salespersons and energy vendors under Subtitle 3 of this title.

Energy Salesperson License

[Public Utilities Article § 7-317]

a)

- 1) Beginning July 1, 2025, a person may not engage in the business of an energy salesperson in the State unless the person holds a license issued by the Commission.
- 2) A licensed energy salesperson may offer or sell electricity supply agreements or gas supply agreements to customers in the State only if the energy salesperson is associated with a licensed electricity supplier or licensed gas supplier, respectively.

b)

Energy Salesperson License

[Public Utilities Article § 7-317]

- 1) An application for an energy salesperson license shall:
 - i. be made to the Commission in writing on a form adopted by the Commission;
 - ii. be verified by oath or affirmation; and
 - iii. contain information that the Commission requires, including:
 1. proof of association with a licensed electricity supplier or licensed gas supplier, as appropriate;
 2. proof of compliance with all applicable training requirements for customer protection under this subtitle and Subtitles 5 and 6 of this title as required by the Commission; and
 3. payment of the applicable licensing fee.
- 2)

Energy Salesperson License

[Public Utilities Article § 7-317]

- i. The term of an energy salesperson license is 3 years.
- ii. The terms of licenses may be staggered as determined by the Commission.
- iii. Subject to subparagraph (v) of this paragraph, unless a license is renewed for a 3-year term in accordance with this subsection, the license expires on the date that the Commission sets.
- iv. A licensee may renew a license for a 3-year term before the license expires if the licensee:
 - 1. otherwise is entitled to be licensed;
 - 2. submits to the Commission a renewal application on the form that the Commission provides; and
 - 3. pays to the Commission the applicable renewal fee set by the Commission.
- v. A licensee may continue to provide services as an energy salesperson after the licensee's license expires if the licensee's renewal application is submitted to the Commission before the license expires.

Energy Salesperson License

[Public Utilities Article § 7-317]

- c) A license issued under this section may not be transferred without prior Commission approval.

Energy Vendor License

[Public Utilities Article § 7-318]

a) Beginning July 1, 2025, a person may not engage in the business of an energy vendor in the State unless the person holds a license issued by the Commission.

b)

1) An application for an energy vendor license shall:

- i. be made to the Commission in writing on a form adopted by the Commission;
- ii. be verified by oath or affirmation; and
- iii. contain information that the Commission requires, including payment of the applicable licensing fee.

2)

Energy Vendor License

[Public Utilities Article § 7-318]

- i. The term of an energy vendor license is 3 years.
- ii. The terms of licenses may be staggered as determined by the Commission.
- iii. Unless a license is renewed for a 3-year term in accordance with this subsection, the license expires on the date that the Commission sets.
- iv. A licensee may renew a license for a 3-year term before the license expires if the licensee:
 - 1. otherwise is entitled to be licensed;
 - 2. submits to the Commission a renewal application on the form that the Commission provides; and
 - 3. pays to the Commission the applicable renewal fee set by the Commission.

Energy Vendor License

[Public Utilities Article § 7-318]

- d) A license issued under this section may not be transferred without prior Commission approval.

Expenses and Fees

Commission Expenses

[Public Utilities Article § 2-110]

- a) In this section, “public service company” includes an electricity supplier and a gas supplier as those terms are defined in § 1-101 of this article.
- b)
 - 1) The costs and expenses of the Commission and the Office of People’s Counsel shall be borne by the public service companies that are subject to the Commission’s jurisdiction.
 - 2) The costs and expenses shall be assessed as provided in this section.
 - 3) The Commission shall pay the money that it collects for the assessment under this section into the Public Utility Regulation Fund in the State Treasury established under § 2-110.1 of this subtitle to reimburse the State for the expenses of the Commission and the Office of People’s Counsel.

Commission Expenses

[Public Utilities Article § 2-110]

c)

1)

- i. Before each State fiscal year, the Chairman of the Commission shall estimate the Commission's total costs and expenses, including:
 1. the compensation and expenses of the Commission, its officers, agents, and personnel;
 2. the cost of retirement contributions, Social Security, health insurance, and other benefits required to be paid by the State for the personnel of the Commission;
 3. all other maintenance and operation expenses of the Commission; and
 4. all other direct and indirect costs of the Commission.
- ii. The estimate shall include, as provided by the Office of People's Counsel:

Commission Expenses

[Public Utilities Article § 2-110]

c)

1)

- i. Before each State fiscal year, the Chairman of the Commission shall estimate the Commission's total costs and expenses, including:
 - 1. the compensation and expenses of the Commission, its officers, agents, and personnel;
 - 2. the cost of retirement contributions, Social Security, health insurance, and other benefits required to be paid by the State for the personnel of the Commission;
 - 3. all other maintenance and operation expenses of the Commission; and
 - 4. all other direct and indirect costs of the Commission.
- ii. The estimate shall exclude the expenses associated with services performed by the Commission for which the Commission is reimbursed under this division.

Commission Expenses

[Public Utilities Article § 2-110]

- iii. The estimate shall include, as provided by the Office of People's Counsel:
 - 1. the compensation and expenses of the Office of People's Counsel, its officers, agents, and personnel;
 - 2. the cost of retirement contributions, Social Security, health insurance, and other benefits required to be paid by the State for the personnel of the Office of People's Counsel;
 - 3. all other maintenance and operation expenses of the Office of People's Counsel; and
 - 4. all other direct and indirect costs of the Office of People's Counsel.
- 2) Based on the estimate, the Chairman shall determine the amount to be paid by each public service company.
- 3) The Commission shall send a bill to each public service company on or before May 1 of each year.

Commission Expenses

[Public Utilities Article § 2-110]

4)

- i. The bill shall equal the product of:
 - 1. the estimated total costs and expenses of the Commission and the Office of People's Counsel during the next fiscal year; multiplied by
 - 2. the ratio of the gross operating revenues for the public service company derived from intrastate utility and electricity supplier operations in the preceding calendar year, or other 12-month period as the Chairman determines, to the total of the gross operating revenues derived from intrastate utility and electricity supplier operations for all public service companies that are billed under this section over that period.

Commission Expenses

[Public Utilities Article § 2-110]

- ii. To the extent that the Commission requires an electric company to report the gross operating revenue derived from intrastate utility and electricity supplier operation in order to calculate the bill under subparagraph (i) of this paragraph, a small rural electric cooperative described in § 7-502(a) of this article may satisfy the requirement by submitting to the Commission an estimate made in accordance with a formula approved by the Commission from information that the small rural electric cooperative submits to the rural utilities service.
- 5) The minimum bill for a public service company shall be \$10.
- 6) The public service company:
- i. shall pay the bill on or before the next July 15; or
 - ii. may elect to make partial payments on the 15th days of July, October, January, and April.

Commission Expenses

[Public Utilities Article § 2-110]

- 7) A partial payment shall equal 25% of the bill and may not be less than \$10.
- 8) During any State fiscal year, the Chairman may change the estimate of costs and expenses of the Commission and the estimate of costs and expenses of the Office of People's Counsel, as changed by the People's Counsel.
- 9)
 - i. On or before September 15 of each year, the Chairman shall compute the actual costs and expenses of the Commission, and the actual costs and expenses of the Office of People's Counsel, as provided by the People's Counsel for the preceding fiscal year.

Commission Expenses

[Public Utilities Article § 2-110]

- ii. If the amounts collected are less than the actual costs and expenses of the Commission and the Office of the People's Counsel, after deducting the amounts recovered under §§ 2-111(a) and 2-123 of this subtitle, on or before October 15, the Chairman shall send to any public service company that is affected a statement that shows the amount due.
 - iii. If the amounts collected exceed the actual costs and expenses of the Commission and the Office of the People's Counsel for the preceding fiscal year, the Commission shall deduct any excess retained funds from the appropriation for the next fiscal year before the Commission determines the amount to be paid by each public service company for the next fiscal year under paragraph (2) of this subsection.
- 11) A public service company shall pay an amount due within 30 days after the statement is received.

Commission Expenses

[Public Utilities Article § 2-110]

- 12) The total amount that may be charged to a public service company under this section for a State fiscal year may not exceed:
- i. 0.50% of the public service company's gross operating revenues derived from intrastate utility and electricity supplier operations in the preceding calendar year, or other 12-month period that the Chairman determines, for the costs and expenses of the Commission other than that of the Office of People's Counsel; plus

d)

- 1) Within 30 days after the Commission issues a bill under subsection (c) of this section, the party billed may request a hearing as to the amount of the bill.

Commission Expenses

[Public Utilities Article § 2-110]

- 2) Any amount of a bill that is not paid within 30 days after the date of determination on a hearing or, if a hearing is not requested, on the date when payment is due, shall bear annual interest at a rate, not less than 6%, that the Commission sets by regulation.

Jurisdiction and Power of the Maryland Public Service Commission

Jurisdiction; General Powers

[Public Utilities Article § 2-112]

a)

- 1) Except as provided in paragraph (2) of this subsection, to the full extent that the Constitution and laws of the United States allow, the Commission has jurisdiction over each public service company that engages in or operates a utility business in the State and over motor carrier companies as provided in Title 9 of this article.
- 2) Except as provided in Title 5, Subtitle 6, Part VI of the Corporations and Associations Article, the Commission does not have jurisdiction over a member-regulated cooperative as defined in § 5-601 of the Corporations and Associations Article.

Jurisdiction; General Powers

[Public Utilities Article § 2-112]

b)

- 1) The Commission has the powers specifically conferred by law.
- 2) The Commission has the implied and incidental powers needed or proper to carry out its functions under this division.

c) The powers of the Commission shall be construed liberally.

Investigations

[Public Utilities Article § 2-115]

- a) The Commission shall initiate and conduct any investigation necessary to execute its powers or perform its duties under this division.
- b) The Commission may:
 - 1) examine the records of a public service company;
 - 2) compel production of the records by subpoena; and
 - 3) require verified copies of the records to be filed with the Commission.

Investigations

[Public Utilities Article § 2-115]

- a) The Commission shall initiate and conduct any investigation necessary to execute its powers or perform its duties under this division.
- b) The Commission may:
 - 1) examine the records of a public service company;
 - 2) compel production of the records by subpoena; and
 - 3) require verified copies of the records to be filed with the Commission.

Fees

[Public Utilities Article § 2-123]

- a) In accordance with this section, the Commission may charge reasonable and nondiscriminatory fees for the filing of documents with the Commission and for other services performed by the Commission.
- b) Actions for which the Commission may charge a fee include:
 - 9) any other filing or service for which the Commission reasonably determines that a fee is required.
- d) A document for which a filing fee is required may be received by the Commission at any time, but may not be considered filed until the filing fee has been paid.

Education and Training

Training and Educational Program — Electricity and Gas Suppliers [Public Utilities Article § 7-311]

- a) The Commission shall develop a training and educational program for any entity or individual that is licensed by the Commission as an electricity supplier, a gas supplier, an energy salesperson, or an energy vendor.
- b) The Commission shall develop the program in consultation with interested stakeholders, including electricity suppliers, gas suppliers, energy salespersons, and energy vendors.
- c) The program shall require that a designated representative of each licensed electricity supplier, licensed gas supplier, licensed energy vendor, or licensed energy salesperson demonstrate a thorough understanding of the Commission's regulations regarding:

Training and Educational Program — Electricity and Gas Suppliers [Public Utilities Article § 7-311]

- 1) sales;
 - 2) consumer protection; and
 - 3) any other matter the Commission deems appropriate.
- d) At the conclusion of the training, the Commission shall:
- 1) conduct an examination; and
 - 2) on a satisfactory score, certify that the designated representative of the licensed electricity supplier, licensed gas supplier, licensed energy salesperson, or licensed energy vendor has successfully completed the training.

Training and Educational Program — Electricity and Gas Suppliers [Public Utilities Article § 7-311]

e)

- 1) The Commission shall determine the schedule and frequency by which a designated representative of a licensed electricity supplier, licensed gas supplier, licensed energy salesperson, or licensed energy vendor must complete the training and certification.
- 2) A designated representative of a new electricity supplier, gas supplier, energy salesperson, or energy vendor shall complete the training and certification prior to the issuance of a license.

f) The Commission may adopt regulations that include appropriate penalties or sanctions for failure to comply with this section.

Training and Educational Program — Electricity and Gas Suppliers [Public Utilities Article § 7-311]

g)

- 1) The Commission shall use the following funding sources for the initial development of the training and educational program:
 - i. the assessments collected in accordance with § 2-110 of this article; or
 - ii. funds deposited into the Education and Protection Fund in accordance with § 7-310 of this subtitle.
- 2) The Commission may establish reasonable fees to pay for the costs of the program.

Customer Information Requested by Customer

Billing Information Provided Upon Request — Form of Information

[Public Utilities Article § 7-312]

- a) On request of a retail electricity customer, an electric company shall provide to the customer the historic usage and billing information for the customer's account for not less than the preceding 12 months.
- b) The electric company shall make the information under subsection (a) of this section available to the customer in one of the following forms, as requested by the customer:

Billing Information Provided Upon Request — Form of Information [Public Utilities Article § 7-312]

- 1) information accessible to the customer on the electric company's website;
- 2) information provided electronically to the customer in a searchable PDF format; or
- 3) a physical document sent to the customer at the customer's billing address.

Change in Service Address

Maintenance of Customer Subscriptions and Contracts Following Change of Address — Accommodation by Electric Company [Public Utilities Article § 7-314]

- a) This section applies to electric companies, electric cooperatives, and municipal utilities that offer customer choice for competitive electricity supply under Subtitle 5 of this title.
- b) A residential electric customer who has a change in the service address associated with the customer's electricity account may maintain the customer's competitive electricity supply contract for the new address if the new address is within the same electric territory as the old address.

Maintenance of Customer Subscriptions and Contracts Following Change of Address — Accommodation by Electric Company [Public Utilities Article § 7-314]

- c) An electric company may not terminate a customer's contract due to a change of address for the service address associated with the contract if the requirements under subsection (b) of this section are met.
- d) An electric company shall make any changes necessary to accommodate a customer's change of address on notification by the customer.

Enforcement

Penalties

Maryland law allows civil penalties against electricity suppliers, gas suppliers, and energy vendors for violations. There is no civil penalty against an energy salesperson but the salesperson is subject to license revocation/denial/suspension/nonrenewal.

The Commission may impose a civil penalty not exceeding **\$25,000 per day** against a person for a violation of any effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

k)

- 1) Subject to subsection (r) of this section, for just cause on the Commission's own investigation or on complaint of the Office of People's Counsel, the Attorney General, or an affected party, the Commission may:
 - ii. impose a civil penalty or other remedy;
- 2) A civil penalty may be imposed in addition to the Commission's decision to deny, revoke, suspend, or refuse to renew a license or impose a moratorium.

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

3) Just cause includes:

- i. intentionally providing false information to the Commission;
- ii. switching, or causing to be switched, the electricity supply for a customer without first obtaining the customer's permission;
- iii. failing to provide electricity for its customers;
- iv. committing fraud or engaging in deceptive practices;
- v. failing to maintain financial integrity;
- vi. violating a Commission regulation or order;
- vii. failing to pay, collect, remit, or calculate accurately applicable State taxes;

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- viii. violating a provision of this article or any other applicable consumer protection law of the State;
- ix. conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit;
- x. denial, suspension, or revocation of or refusal to renew a license by any State or federal authority; and

l)

- 1) An electricity supplier, an energy vendor, or any other person, except for an energy salesperson, selling or offering to sell electricity in the State in violation of this section or § 7-318 of this title, after notice and an opportunity for a hearing, is subject to:

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- i. a civil penalty of not more than \$25,000 for the violation;
 - ii. license denial, revocation, or suspension or refusal to renew the license; or
 - iii. both.
- 2) An energy salesperson selling or offering to sell electricity in the State in violation of this section or § 7-317 of this title, after notice and an opportunity for a hearing, is subject to license denial, revocation, or suspension or refusal to renew the license.
- 3) Each day or part of a day a violation continues is a separate violation.

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- 4) Each customer to whom electricity is sold or offered in violation of this section is a separate violation.
- 5) The Commission shall determine the amount of any civil penalty after considering:
 - i. the number of previous violations of any provision of this division by the electricity supplier, energy vendor, or other person;
 - ii. the gravity of the current violation;
 - iii. the good faith of the electricity supplier, energy vendor, or other person charged in attempting to achieve compliance after notification of the violation; and

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- iv. any other matter that the Commission considers appropriate and relevant.

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- m) In connection with a consumer complaint or Commission investigation under this section or § 7-317 or § 7-318 of this title, an electricity supplier, an energy salesperson, energy vendor, and any other person selling or offering to sell electricity in the State shall provide to the Commission access to any accounts, books, papers, and documents that the Commission considers necessary to resolve the matter at issue.

Licenses to Supply Electricity

[Public Utilities Article § 7-507]

- n) The Commission may order the electricity supplier, energy salesperson, an energy vendor, or other person to cease adding or soliciting additional customers or to cease serving customers in the State.
- q) Nothing in this subtitle may be construed to affect the authority of the Division of Consumer Protection in the Office of the Attorney General to enforce violations of Titles 13 and 14 of the Commercial Law Article or any other applicable State law or regulation in connection with the activities of electricity suppliers, energy salespersons, and energy vendors.
- r) The Commission may not impose a civil penalty on an energy salesperson under subsection (k) or (l) of this section.

Licenses to Supply Electricity

[Public Utilities Article § 7-603]

- a) The Commission shall license gas suppliers, energy salespersons, and energy vendors and shall have the same authority as the Commission has under §§ 7-317, 7-318, and 7-507 of this title for electricity suppliers, energy salespersons, and energy vendors, including the authority to:
 - 2) impose a moratorium, civil penalty, or other remedy; or

Licenses to Supply Electricity

[Public Utilities Article § 7-603]

- b) The Commission shall adopt licensing requirements and procedures for gas suppliers, energy salespersons, and energy vendors that protect consumers, the public interest, and the collection of all State and local taxes, consistent with the requirements for electricity suppliers under Subtitle 5 of this title and energy salespersons and energy vendors under Subtitle 3 of this title.

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

a)

- 1) Subject to subsection (b)(5) of this section, for just cause on the Commission's own investigation or on complaint of the Office of People's Counsel, the Attorney General, or an affected party, the Commission may:
 - i. deny a license to, or revoke, suspend, or refuse to renew the license of, a gas supplier, an energy salesperson, or an energy vendor;
 - ii. impose a civil penalty or other remedy;

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- iii. order a refund or credit to a customer; or
 - iv. impose a moratorium on adding or soliciting additional customers by the gas supplier, energy salesperson, or an energy vendor.
- 2) A civil penalty may be imposed in addition to the Commission's decision to deny, revoke, suspend, or refuse to renew a license or impose a moratorium.
- 3) Just cause includes:

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- i. intentionally providing false information to the Commission;
- ii. switching, or causing to be switched, the gas supply for a customer without first obtaining the customer's permission;
- iii. failing to provide gas for its customers;
- iv. committing fraud or engaging in deceptive practices;
- v. failing to maintain financial integrity;
- vi. violating a Commission regulation or order;
- vii. failing to pay, collect, remit, or calculate accurately applicable State or local taxes;

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- viii. violating a provision of this article or any other applicable consumer protection law of the State;
- ix. conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit;
- x. denial, suspension, or revocation of or refusal to renew a license by any State or federal authority; and
- xi. commission of any of the acts described in items (i) through (x) of this paragraph by a person that is an affiliate of the licensee or that is under common control with the licensee.

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

b)

1)

- i. A gas supplier, an energy vendor, or any other person, except for an energy salesperson, selling or offering to sell gas in the State in violation of this section or § 7-603 of this subtitle, after notice and an opportunity for a hearing, is subject to:
 - 1. a civil penalty of not more than \$25,000 for the violation;
 - 2. license denial, revocation, or suspension or refusal to renew the license; or
 - 3. both.

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- ii. An energy salesperson selling or offering to sell gas in the State in violation of this section or § 7-603 of this subtitle, after notice and an opportunity for a hearing, is subject to license denial, revocation, or suspension or refusal to renew the license.
- 2) Each day or part of a day a violation continues is a separate violation.
- 3) Each customer to whom gas is sold or offered in violation of this section is a separate violation.
- 4) The Commission shall determine the amount of any civil penalty after considering:

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- i. the number of previous violations of any provision of this division by the gas supplier, energy vendor, or other person;
 - ii. the gravity of the current violation;
 - iii. the good faith of the gas supplier, energy vendor, or other person charged in attempting to achieve compliance after notification of the violation; and
 - iv. any other matter that the Commission considers appropriate and relevant.
- 5) The Commission may not impose a civil penalty on an individual energy salesperson in accordance with this subsection.

Enforcement of Consumer Protections

[Public Utilities Article § 7-603.1]

- c) In connection with a consumer complaint or Commission investigation under this section or § 7-603 of this subtitle, a gas supplier, an energy salesperson, an energy vendor, and any other person selling or offering to sell gas in the State shall provide to the Commission access to any accounts, books, papers, and documents that the Commission considers necessary to resolve the matter at issue.
- d) The Commission may order the gas supplier, energy salesperson, an energy vendor, or other person to cease adding or soliciting additional customers or to cease serving customers in the State.

Public Service Commission Violations

[Public Utilities Article § 13-101]

- b) A person may not fail, neglect, or refuse to comply with any provision of this division or any effective and outstanding direction, ruling, order, rule, regulation, or decision of the Commission.

Civil Penalties

[Public Utilities Article § 13-201]

b)

- 1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding \$25,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

Civil Penalties

[Public Utilities Article § 13-201]

c)

- 1) A civil penalty may be imposed in addition to any other penalty authorized by this division.
- 2) Each violation is a separate offense.
- 3) Each day or part of a day the violation continues is a separate offense.

d) The Commission shall determine the amount of any civil penalty after considering:

Civil Penalties

[Public Utilities Article § 13-201]

- 1) the number of previous violations of any provision of this article;
- 2) the gravity of the current violation;
- 3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and
- 4) any other matter that the Commission considers appropriate and relevant.

e)

Civil Penalties

[Public Utilities Article § 13-201]

- 1) Except as provided in paragraphs (2) and (3) of this subsection, a civil penalty collected under this section shall be paid into the Resiliency Hub Grant Program Fund established under § 9-2011 of the State Government Article.
- 2) A civil penalty assessed for a violation of a service quality and reliability standard under § 7-213 of this article shall be paid into the Electric Reliability Remediation Fund under § 7-213(j) of this article.
- 3) A civil penalty assessed for a violation of § 7-317, § 7-318, § 7-505(b)(7), § 7-507, § 7-603, § 7-603.1, § 7-604, § 7-606, or § 7-707 of this article, or a rule, an order, or a regulation adopted under any of those sections, shall be paid into the Education and Protection Fund under § 7-310 of this article.

Billing

Billing

[Public Utilities Article § 7-510(d)(4)]

A residential electricity supplier may not sell to an electric company, and an electric company may not purchase from the electricity supplier, accounts receivable.

Billing

[Public Utilities Article § 7-604.2 (b)(4)]

A gas supplier that supplies gas to residential retail gas customers may not sell to a gas company, and a gas company may not purchase from the gas supplier, accounts receivable.

No Discrimination and License Requirements

Licenses to Supply Electricity

[Public Utilities Article § 7-507(h)]

- 1) An electricity supplier, an energy salesperson, or an energy vendor may not discriminate against any customer based wholly or partly on race, color, creed, national origin, gender identity, disability, sexual orientation, or sex of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.
- 2) An electricity supplier, an energy salesperson, or an energy vendor may not refuse to provide service to a customer except by the application of standards that are reasonably related to the electricity supplier's economic and business purposes.

Electricity Supplier License Required (COMAR 20.51.02.01)

- A. A person may not engage in the business of an electricity supplier in the State without obtaining a license from the Commission.
- B. A person is limited by the terms of the license issued by the Commission.
- C. A license issued under this chapter may not be transferred without prior approval of the Commission.

Application Requirements (COMAR 20.51.02.02)

- A. A person applying for an electricity supplier license or to transfer an existing license shall file an application on the form provided by the Commission.
- B. The application shall contain at least the following information:
 - 1) The technical and managerial competency of the applicant;
 - 2) A statement indicating compliance with all applicable requirements of the:
 - a) Federal Energy Regulatory Commission; and
 - b) Any independent system operator, regional transmission operator, or system transmission operator to be used by the applicant;

Application Requirements (COMAR 20.51.02.02)

- 3) A statement of compliance with:
 - a) Applicable federal and State consumer protection laws; and
 - b) Environmental laws and regulations relating to the generation of electricity;
- 4) Financial documents as follows:
 - a) One of the following:
 - i. Balance sheets and income statements for the two most recent 12-month periods for which information is available;
 - ii. If the applicant has not been in existence for at least two-12 month periods, balance sheets and income statements for the life of the business; or
 - iii. If a parent corporation or other person undertakes to ensure the financial integrity of the applicant, the parent corporation's or other person's balance sheets and income statements, for at least the two most recent 12 month periods, together with documentation of the undertaking;

Application Requirements (COMAR 20.51.02.02)

- b) Credit reports or ratings prepared by a nationally recognized statistical rating organization regarding the applicant's payment and credit history, to the extent available or allowed;
 - c) A current long-term bond rating, or other senior debt rating, if available;
 - d) Proof that the applicant has met the credit requirements of PJM Interconnection, LLC, if the applicant has done so, and a detailed description of any credit security requirements PJM Interconnection, LLC has imposed upon the applicant; or
 - e) Other evidence of financial integrity the applicant wishes to provide for the Commission's consideration;
- 5) A certificate from:
- 5) The state under which the applicant's business is formed, indicating that the applicant is in good standing and qualified to do business in the state of formation; and

Application Requirements (COMAR 20.51.02.02)

- b) The Maryland Department of Assessments and Taxation indicating that the applicant is qualified to do business in the State, if the business of the applicant is formed under the laws of a state other than Maryland;
- 6) An affidavit of tax compliance, including local taxes and surcharges;
- 7) If the applicant provides competitive billing services:
 - a) A statement of compliance with any local licensing and bonding requirement; and
 - b) A copy of the agreement between the electric company and the applicant that:
 - i. Details the reciprocal responsibilities for collection and ownership of accounts receivable; and
 - ii. Prohibits the electric company from commencing collection or service termination action of any kind against a retail customer for nonpayment of utility charges billed by the electricity supplier unless the retail customer fails upon request to provide evidence of payment to the electricity supplier of the utility charges;

Application Requirements (COMAR 20.51.02.02)

- 8) If the applicant intends to collect a deposit or prepayment from a retail customer, a bond as required under COMAR 20.51.03.03 or similar instrument approved by the Commission;
- 9) If applicable, a certificate of compliance with the provisions of the Labor and Employment Article, Title 9, Annotated Code of Maryland, relating to Maryland Workers' Compensation;
- 10) A statement confirming that upon the Commission granting a license to the electricity supplier under Regulation .09 of this chapter, the electricity supplier will notify each of the administrators appointed under COMAR 20.61.06.09 of its name, contact details and any other relevant administrative details that an administrator may require in order to efficiently invoice such electricity supplier as required by COMAR 20.61.06.11; and

Application Requirements (COMAR 20.51.02.02)

11) A statement confirming that the applicant will not offer or provide supplier-consolidated billing without Commission licensing that authorizes the provision of supplier-consolidated billing.

- C. An applicant seeking to act solely as a broker or aggregator of electricity supply and electricity supply services shall submit a \$10,000 bond in the form described in Regulation .08G of this chapter.
- D. An applicant who provides financial documents under § B(4)(a) of this regulation shall provide audited balance statements, if available.

Application Requirements (COMAR 20.51.02.02)

- E. In addition to the requirements of §§ A--D of this regulation, an applicant seeking to provide supplier-consolidated billing shall, at a minimum, provide the following:
- 1) Certification that the applicant will comply with all laws and regulatory requirements for Maryland bills that contain regulated utility charges and retail energy charges;
 - 2) Certification that the applicant will comply with all applicable statutes and regulatory requirements and maintain the following functions:
 - a) Call center operations;
 - b) Complaint resolution procedures; and
 - c) Billing, credit, and collection procedures;

Application Requirements (COMAR 20.51.02.02)

- 3) Certification that the applicant will coordinate with the electric company to exchange information and data using Statewide uniform formats and standards approved by the Commission when engaging in supplier-consolidated billing in the electric company's service territory;
 - 4) Proof of an ongoing quality assurance process that documents the accuracy of customer bills; and
 - 5) Such additional information as the Commission may require.
- F. A licensed electricity supplier that seeks to perform supplier-consolidated billing shall apply to amend its authority under the terms of this subtitle.

Material Change in Application Information (COMAR 20.51.02.04)

An applicant shall immediately inform the Commission of any material change in the information provided in the application during the application review process.

Fees (COMAR 20.51.02.05)

When the initial application is filed, the applicant shall pay a nonrefundable filing fee, as specified by the Commission in the application form.

Accuracy of Information (COMAR 20.51.02.06)

- A. An applicant who submits misleading, incomplete, inaccurate information or fails to provide the updated information required under COMAR 20.51.03.01 may be penalized under the Public Utilities Article, Annotated Code of Maryland.
- B. A penalty under § A of this regulation may include the:
 - 1) Denial of an electricity supplier license;
 - 2) Revocation or suspension of a license issued under Regulation .09 of this chapter;

SEE ENFORCEMENT SECTION

Accuracy of Information (COMAR 20.51.02.06)

- 4) Imposition of a moratorium on adding or soliciting additional customers; or
- 5) Any other action the Commission considers appropriate.

C. The Commission shall consider, in determining the amount of the civil penalty imposed under § B(3) of this regulation, the:

- 1) Number of previous violations of any provision of Commission law or regulations;
- 2) Gravity of the current violation; and
- 3) Good faith of the electricity supplier or person charged in attempting to achieve compliance after the Commission provides notice of the violation.

Classification of Information (COMAR 20.51.02.07)

- A. An applicant may designate answers or documents proprietary or confidential only if there is a valid legal or factual basis supporting the designation.
- B. Applicant answers or documents designated as proprietary or confidential shall be reviewed by the Commission.
- C. Following review, the Commission shall classify answers or documents identified as proprietary or confidential by the applicant as either public, proprietary, or confidential.
- D. Only answers identified as public may be inspected by the general public.

Financial Integrity (COMAR 20.51.02.08)

J. Maintaining a Bond as Proof of Financial Integrity.

- 1) At the request of an electricity supplier, upon expiration or withdrawal of a bond submitted under this regulation, or on a periodic basis, the Commission shall review the financial information submitted by a licensed electricity supplier.
- 2) Based on new or additional information submitted by the electricity supplier, the Commission may find that the electricity supplier meets the Commission's financial integrity standards and no longer needs to provide a bond.

Financial Integrity (COMAR 20.51.02.08)

- 3) In the absence of a Commission finding that a bond is no longer necessary, a supplier shall renew or replace a bond before the expiration of the bond.
 - 4) Failure to maintain a valid bond required under this regulation may result in the suspension or revocation of an electricity supplier's license.
- K. A licensed electricity supplier may seek to withdraw a bond or other form of financial integrity guarantee provided to the Commission, if:

Financial Integrity (COMAR 20.51.02.08)

- 1) PJM Interconnection, LLC grants the electricity supplier an unsecured credit allowance in an amount greater than \$2,000,000; and
- 2) The supplier provides documentation of the credit allowance to the Commission.

Approving a Contract for Energy Assistance Households (COMAR 20.51.02.10)

- A. For contracts signed on or after July 1, 2023, an electricity supplier may not serve a customer in an energy assistance household except pursuant to a Commission-approved contract for energy assistance households. The supplier provides documentation of the credit allowance to the Commission.
- B. An electricity supplier applying for approval of a contract for energy assistance households shall file on a form provided by the Commission.

Approving a Contract for Energy Assistance Households (COMAR 20.51.02.10)

C. The submission shall include:

- 1) The identity of the applicant;
- 2) The service territories and commodities applied for;
- 3) A copy of the contract and contract summary form that will be used for sales to energy assistance households;
- 4) A description of the price a customer will pay, as it will appear on the customer contract;
- 5) For any months where the utility standard offer service rate is not known at the time of application, a description of how the supplier will ensure that the retail supplier's rate for energy assistance households remains at or below the utility standard offer service rate;

Approving a Contract for Energy Assistance Households (COMAR 20.51.02.10)

- 6) A commitment for the entirety of the term of the supply contract to charge at or below the utility standard offer service rate;
 - 7) A commitment to follow the terms of Public Utilities Article, § 4-308, Annotated Code of Maryland; and
 - 8) A commitment to uniquely identify the offer in such a way as to distinguish the Commission-approved contract for energy assistance households from other supply products the supplier may be offering for sale in Maryland.
- D. The Commission may approve a supplier's application for a contract for energy assistance households subject to any conditions the Commission determines appropriate.

Licensee's Updated Information (COMAR 20.51.03.01)

- A. In this chapter, a material change means one or more of the following conditions:
- 1) PJM Interconnection, LLC has reduced the licensee's unsecured credit allowance to a level below \$2,000,000.
 - 2) The licensee is denied credit by a Maryland electric company.
 - 3) At least two of the nationally recognized statistical rating organizations have reduced the licensee's rating by two or more grades, or to a level below investment grade.
 - 4) The licensee has filed for bankruptcy protection or been subjected to involuntary bankruptcy proceedings.

Licensee's Updated Information (COMAR 20.51.03.01)

- 5) The licensee has had a license revoked, suspended, or restricted in another state.
- 6) A parent corporation or other person who has undertaken to guarantee the licensee's financial integrity withdraws the guarantee.
- 7) In addition to any of the conditions under § A(1)--(6) of this regulation, if a supplier provides supplier-consolidated billing, a material change includes:
 - a) The transfer of supplier-consolidated billing services from a supplier to a third-party agent;
 - b) The transfer of supplier-consolidated billing services from one third-party agent to another third-party agent; or

Licensee's Updated Information (COMAR 20.51.03.01)

- c) Cancellation of the bonding or collateral for supplier-consolidated billing required under COMAR 20.51.02.08G.

B. Within 10 business days of a material change, a licensed electricity supplier shall:

- 1) Update or supplement the information required in the application under COMAR 20.51.02.02B(1), (4), and (5) and COMAR 20.51.02.02E; and
- 2) File a copy of the updated or supplemental information with the Commission.

Licensee's Updated Information (COMAR 20.51.03.01)

- B. Except for information pertaining to the financial integrity of the licensee, a licensee shall provide to the Commission annual updates of the information required in the application under COMAR 20.51.02. The annual update required by this section shall be filed within 120 days of the close of the fiscal year of the licensee.
- C. A licensed electricity supplier shall provide additional information as may be required by the Commission.

Required Filing--Electric Company Service Agreement (COMAR 20.51.03.02)

An electricity supplier shall file with the Commission a copy of every service agreement entered into with an electric company within 10 business days of the execution of the agreement.

Requirement -- Collection of Prepayment or Deposit (COMAR 20.51.03.03)

- A. An applicant who intends to collect or an electricity supplier who collects a deposit or prepayment for electric supply from a customer shall post a bond as required under this regulation.
- B. The initial bond requirement for an applicant or electricity supplier who intends to collect a deposit or prepayment from a customer shall be \$50,000.
- C. Six months after the posting of the initial bond, or when the suppliers amount of deposits or prepayments exceeds its initial bond required by this regulation, whichever is earlier, an electricity supplier shall:

Requirement -- Collection of Prepayment or Deposit (COMAR 20.51.03.03)

- 1) Conduct an audit, performed by an independent certified public accountant or a Commission auditor;
- 2) If an independent certified public accountant is used, provide a copy to the Commission; and
- 3) Comply with the bonding requirements in §§ D and E of this regulation.

D. Except as provided in § B of this regulation, the bond required under § A of this regulation shall equal or exceed the total amount of any deposits or prepayments an electricity supplier collects.

Requirement -- Collection of Prepayment or Deposit (COMAR 20.51.03.03)

- E. In calculating the bonding requirement under § D of this regulation, prepayments or deposits do not include funds:
- 1) Collected from a customer whose metered demand is expected to or does exceed 1 MW during any month of the previous 12-month period; or
 - 2) Received in advance of service from a customer who voluntarily participates in a billing plan under which the customer's electric costs are averaged over a period of time.
- F. The bond required by § A of this regulation shall be obtained from a company licensed in the State to write surety types of insurance.

Electricity Supplier License -- Cessation of Business (COMAR 20.51.03.05)

- A. A licensee shall provide 60 days prior written notice to the Commission and to the administrators appointed under COMAR 20.61.06.09 of an intention to cease providing services to all customers in:
 - 1) The State;
 - 2) A specified electric company service area;
 - 3) A specified customer class; or
 - 4) A specified type of billing.
- B. Following receipt of the notice required by § A of this regulation, the Commission may require the licensee to provide notice to the public and take other appropriate action.

Electricity Supplier License -- Cessation of Business (COMAR 20.51.03.05)

- C. If a supplier ceases providing a particular type of billing service, notice to customers, at a minimum, shall specify the following:
- 1) That the supplier will no longer provide the specific type of billing service to customers in the State, service territory, or to a customer class, as applicable;
 - 2) The billing method to which the customer will be subject after the supplier ceases to offer the current billing method it was providing; and
 - 3) The date on which the customers current billing service will cease and the new billing service will begin.
- D. If a supplier that is ceasing a specific type of billing service intends to retain a customer on a different billing model, the supplier shall follow COMAR 20.53.05.08.

License Revocation or Suspension (COMAR 20.51.03.06)

The Commission may revoke or suspend a license, if a licensee:

- A. Intentionally provides false information;
- B. Switches, or causes to be switched, the electricity supply for a customer without first obtaining the customer's permission;
- C. Fails to provide electricity for its customers;
- D. Commits fraud or engages in deceptive practices;
- E. Fails to maintain financial integrity;
- F. Violates any applicable provision of this title;

License Revocation or Suspension (COMAR 20.51.03.06)

The Commission may revoke or suspend a license, if a licensee:

- G. Violates a Commission Order;
- H. Fails to comply with State or local tax laws;
- I. Violates any applicable provision of the Public Utilities Article, Annotated Code of Maryland, or any other State consumer protection law;
- J. Is convicted of, or has a principal who is convicted of, a felony or any crime involving fraud, theft, or deceit; or
- K. Has a similar license issued by another state or the federal government suspended or revoked.

Pricing

Pricing

Residential Electricity Suppliers and Residential Gas Suppliers are not allowed to offer variable price contracts. No contract may be in effect for any length of time that exceeds 12 months. For electricity, the only price that is allowed is the 12-month trailing SOS average. For gas, the only price that is allowed is the 12-month trailing default gas commodity price.

Pricing

[Public Utilities Article § 7-510]

d)

- 1) This subsection applies to residential electricity supply other than supply offered through:
 - i. standard offer service;
 - ii. the Department of General Services' sale of energy under § 7-704.4 of this title; or
 - iii. a community choice aggregator under § 7-510.3 of this subtitle.
- 2) A residential electricity supplier:
 - i. may offer electricity, other than green power, only at a price that does not exceed the trailing 12-month average of the electric company's standard offer service rate in the electric company's service territory as of the date of agreement with the customer;

Pricing – Electric Supply

[Public Utilities Article § 7-510]

- ii. may offer residential electricity supply only
 - iii. may, for electricity supply other than green power, automatically renew the term only if the electricity supplier provides notice to the customer 90 days before and 30 days before renewal;
 - iv. may offer green power that meets the requirements of § 7-707 of this title, but may not automatically renew the term with the customer;
 - v. subject to paragraph (3) of this subsection, may not offer a variable rate other than a rate that adjusts for seasonal variation not more than twice in a single year; and may not pay a commission or other incentive-based compensation to an energy salesperson for enrolling customers.
- 3) Paragraph (2)(v) of this subsection does not prohibit the offer and use of time-of-use rates that establish different rates for periods within a single day.

POR – Electric Supply

[Public Utilities Article § 7-510]

- 4) A residential electricity supplier may not sell to an electric company, and an electric company may not purchase from the electricity supplier, accounts receivable.

Pricing – Gas Supply

[Public Utilities Article § 7-604.2]

- a) In this section, “default gas commodity service” means the supply of retail gas commodity service by a customer’s gas company.
- b)
 - 1) This subsection applies to residential gas supply other than default gas commodity service provided by a gas company.
 - 2) A gas supplier that supplies gas to residential retail gas customers:
 - i. may offer gas service only at a price that does not exceed the trailing 12-month average of the gas company’s default gas commodity service in the gas company’s service territory as of the date of the agreement with the customer;

Pricing – Gas Supply

[Public Utilities Article § 7-604.2]

- ii. may offer residential gas supply only for a term not to exceed 12 months at a time and may automatically renew the term only if the gas supplier provides notice to the customer 90 days before and 30 days before renewal;
 - iii. subject to paragraph (3) of this subsection, may not offer a variable rate other than a rate that adjusts for seasonal variation not more than twice in a single year; and
 - iv. may not pay a commission or other incentive-based compensation to an energy salesperson for enrolling customers.
- 3) Paragraph (2)(iii) of this subsection does not prohibit the offer and use of rates that differ based on the total number of therms used by a customer in any billing period.

APPENDIX

Appendix - continued

All licensees are required to review Staff Reports and Commission Orders related to 2024's Senate Bill 1 implementation. Proceedings are ongoing. Licensees must check these dockets frequently for updates.

- <https://webpscxb.psc.state.md.us/DMS/pc/PC64>
- <https://webpscxb.psc.state.md.us/DMS/pc/PC65>
- <https://webpscxb.psc.state.md.us/DMS/maillogsearch> for Staff's Report, Do Not Transfer List (enter Maillog 314009)