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PUBLIC SERVICE COMMISSION

May 24, 2018

In the Matter of the Petition of NRG Energy, Inc., Interstate Gas Supply, Inc., Just Energy Group, Inc., Direct Energy Services, LLC and ENGIE Resources LLC for Implementation of Supplier Consolidated Billing for Electricity and Natural Gas in Maryland.	* * * * * * * *	Case No. 9461
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NOTICE OF BRIEFING SCHEDULE

On February 20-21, 2018, the Maryland Public Service Commission (“Commission”) held a legislative-style hearing on the Petition for Implementation of Supplier Consolidated Billing for Electricity and Natural Gas in Maryland (“Petition”) filed on September 7, 2017 by NRG Energy, Inc., Interstate Gas Supply, Inc. d/b/a IGS Energy, Just Energy Group, Inc., Direct Energy Services, LLC, and ENGIE Resources LLC (collectively the “Petitioners”). Specifically, the Petitioners requested that the Commission issue an order mandating the implementation of Supplier Consolidated Billing (“SCB”) as a billing option available to customers of competitive licensed retail electricity and natural gas suppliers by June 30, 2019. The Petitioners also requested that the Commission adopt certain policy recommendations and elements related to SCB and establish a rulemaking proceeding and working groups to facilitate the drafting of new and revised Code of Maryland Regulations (“COMAR”) provisions needed to implement SCB.

The Petitioners claimed that one element crucial to successful implementation of SCB is the right of SCB providers to direct the regulated utilities to terminate electric and/or gas service for nonpayment. The Petitioners argue: “It is imperative that any SCB rules or regulations afford the supplier the same tools to disconnect for non-payment as currently afforded the utilities.”¹ Nevertheless, during the hearing and in comments, several parties objected to the Petitioners’ request, claiming that the Public Utility Article of the Maryland Code (“PUA”) does not envision that a customer’s electric or gas service may legally be terminated for unpaid obligations owed to a non-utility.²

The Commission finds that the record on this fundamental issue has not been fully developed and provides parties with an opportunity to brief this and related questions.

Specifically, the Commission asks the following:

1. Under the PUA, absent additional legislative change, does the Commission have the authority to empower SCB providers to direct utilities to disconnect customers for non-payment of non-utility obligations?
2. If the right of SCB providers to direct termination of service is consistent with the PUA, are there other provisions of the PUA that must be amended to make the rights and obligations of SCB providers consistent with those of utilities prior to the implementation of SCB?
3. Does the PUA require that any customer disconnected from retail supplier service be returned to utility-administered Standard Offer Service, irrespective of when or if the customer repays any outstanding obligations to the SCB provider that directed the customer’s disconnection?³

¹ Petition at 17.

² See OPC Comments at 14, claiming “only utilities have the authority to disconnect customers from the distribution system ...” and Reply Comments of the Potomac Edison Company and southern Maryland Electric Cooperative, Inc. at 3, stating broadly that SCB “is not authorized by the Maryland Public Utilities Article... and may not be adopted without a legislative change.”

³ The parties are not prohibited by this Order from addressing in their briefs other issues related to the authority of the Commission to implement SCB not specified above.

The parties are provided three weeks from the issuance date of this Order to file an initial brief addressing the questions listed above. Reply briefs shall be filed two weeks from the date the initial briefs are due.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary