

ORDER NO. 90393

In The Matter of the Commission’s *
 Investigation into Default Service for Type II *
 Standard Offer Service Customers *

BEFORE THE
 PUBLIC SERVICE COMMISSION
 OF MARYLAND

 CASE NO. 9056

 In the Matter of the Competitive Selection of *
 Electricity Supplier/Standard Offer or Default *
 Service for Investor-Owned Utility Small *
 Commercial Customers and for The Potomac *
 Edison Company D/B/A Allegheny Power’s, *
 Baltimore Gas and Electric Company’s, *
 Delmarva Power and Light Company’s and *
 Potomac Electric Power Company’s *
 Residential Customers *

 CASE NO. 9064

Issue Date: October 21, 2022

1. On October 20, 2022, in Case Nos. 9056 and 9064, a virtual hearing was held concerning the conduct and results of the October 17, 2022, Standard Offer Service (“SOS”) solicitations for residential customers and Type I and Type II commercial customers full requirement services by each of the State’s investor-owned electric utilities (individually, “IOU”; and collectively, “IOUs”)¹ pursuant to Order No. 81019 in

¹ These IOUs are Baltimore Gas and Electric Company, Delmarva Power & Light Company, Potomac Electric Power Company, and the Potomac Edison Company. The Potomac Edison Company had no Type I in this solicitation.

Case No. 9056,² Order No. 81102 in Case No. 9064,³ and Order No. 82228⁴ in Case Nos. 9056 and 9064. At the hearing, Frank Mossburg of Bates White, LLC (“Bid Monitor”) testified on the conduct and results of the SOS solicitations for each IOU and Drew McAuliffe of Commission Staff (“Staff”) testified on the estimates of bill impacts given the results of the October 17, 2022 SOS bidding. Additionally, the Commission granted Prince George’s County’s motion to intervene in Case No. 9064.⁵

2. The Bid Monitor testified that the October 17, 2022 bid solicitation was for full requirements service for 10 different products among the four IOUs and that in response to the solicitation for the entire Request for Proposals (“RFP”), approximately 2.9 megawatts (“MW”) were bid for every MW needed overall. The Bid Monitor recommended that the Commission accept the results of the October 17, 2022 bid day, noting that no acceptable bids were received for the Type I procurement for Baltimore Gas and Electric Company.⁶ The recommendation was based on the following points: (1) the winning prices were consistent with broader market conditions; (2) the RFP was sufficiently competitive, with ten bidders participating in at least one offering, and nine bidders winning a share of supply; (3) the RFP was open, fair, and transparent, as all

² Order No. 81019 dated August 28, 2006, *In the Matter of the Commission’s Investigation into Default Service for Type II Standard Offer Service Customers*, Case No. 9056. The Commission denied an application for rehearing by Order No. 81093, dated November 2, 2006.

³ Order No. 81102, dated November 8, 2006, *In the Matter of the Competitive Selection of Electricity Supplier/Standard Offer or Default Service for Investor-Owned Utility Small Commercial Customers; and for The Potomac Edison Company d/b/a Allegheny Power’s, Delmarva Power and Light Company’s and Potomac Electric Power Company’s Residential Customers*, Case No. 9064.

⁴ Order No. 82228, dated September 12, 2008, *In the Matter of the Commission’s Investigation into Default Service for Type II Standard Offer Service Customers*, Case No. 9056, and *In the Matter of the Competitive Selection of Electricity Supplier/Standard Offer or Default Service for Investor-Owned Utility Small Commercial Customers; and for The Potomac Edison Company d/b/a Allegheny Power’s, Delmarva Power and Light Company’s and Potomac Electric Power Company’s Residential Customers*, Case No. 9064.

⁵ Maillog No. 242730.

⁶ A reserve procurement for Baltimore Gas and Electric Company Type 1 services will be held on October 31, 2022.

bidders, including utility affiliates, signed the same contract and all bids were judged solely on the basis of price; and (4) the process adhered to procedures laid out in the RFP and Commission Orders.⁷

3. No party offered any testimony rebutting the Bid Monitor's testimony or commented on the Bid Monitor's recommendation. Accordingly, the Commission accepted the results of the October 17, 2022 bid day absent the Type I bids for Baltimore Gas and Electric Company, and took no action on the award of the contracts for the bids found to be acceptable.

4. Per the rules of the RFP and the rejection of the Type I bids for Baltimore Gas and Electric Company, a reserve procurement for that tranche is planned for October 31, 2022.

IT IS THEREFORE, this 21st day of October, in the year Two Thousand Twenty-Two, by the Public Service Commission of Maryland, **ORDERED** that:

(1) The four Maryland investor-owned electric utilities may proceed to finalize the October 20, 2022 contracts awarded in accordance with the procedures set forth in the 2023 – 2023 Request for Proposals and applicable Commission Orders;

(2) The Commission will conduct a hearing on the reserve procurement results on November 3, 2022, beginning at 3:00 p.m., in the Frank O. Heintz Hearing Room, 16th Floor, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland;⁸

⁷ Staff Exhibit 1, Direct Testimony of Frank Mossburg of Bates White, LLC on behalf of the Staff of the Public Service Commission of Maryland, dated October 20, 2022.

⁸ As discussed in Order No. 81102 in Case No. 9064, the Commission will conduct a review of confidential and highly commercially sensitive bidder specific data during the process and at the hearings. The public

(3) That Baltimore Gas and Electric Company is directed to supply the retail bill impact of the Type I results from the reserve procurement by 9:00 am on Wednesday, November 2, 2022; and

(4) That Prince George's County's motion to intervene is granted in Case No. 9064.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

briefing, therefore, will include only the information that can be made public under the provisions of the request for proposals and the full requirements service agreement. Additionally, the Commission will solicit remarks from any of the parties and members of the public following the briefing. To the extent necessitated by confidentiality considerations, the Commission will employ in camera procedures.