

Case No. 9745: OPC Petition on Emergency Heat Protections - Strawman Regulations

Table of Contents:

COMAR 20.31.01 2

 .01 - Applicability 2

 .02 - Definitions..... 3

 .03 - Customer Responsibilities 5

 .04 - Utility Responsibilities..... 6

 .05 - Service Reconnection Charge 7

 .06 - Termination Policy Statement..... 7

 .07 - Third-Party Notification..... 8

 .08 - Alternate Payment Plans 8

COMAR 20.31.02 10

 .01 - Insufficient Reasons for Terminations..... 10

 .02 - Terminations Requiring Notice..... 11

 .03 - Terminations without Notice 11

 .04 - Termination with 7 Days Notice..... 13

 .05 - Termination Procedures 14

 .06 - Text of the Notice of Termination 15

 .07 - User Without Account 16

COMAR 20.31.03 17

 .01 - Restrictions for Serious Illness and Life-Support Equipment 17

 .02 - Restrictions for Elderly or Handicapped Individuals..... 20

 .03 – Extreme Weather Restrictions..... 21

 .04 - Temporary Residential Weather Restriction..... 23

 .05 - Designations and Approval of Weather Station Areas 23

 .06 - Occupants of a Master-Metered Building..... 24

COMAR 20.31.05 27

 .01 - Scope and Applicability 27

 .02 - Definitions..... 28

 .03 - Utility Service Protection Program..... 29

 .04 - Eligibility for Utility Service Protection Program 30

.05 - Application Procedures	30
.06 - Equal Monthly Payment Plan	31
.07 - Terminations of Service (under the USPP).....	32
.08 - Reconnection of Service	32
.09 - Utility Data Collection.....	33
.10 - Notifications to Department of Housing and Community Development	33
COMAR 20.31.06.....	34
.01 - Emergency Authorities	34

COMAR 20.31.01

.01 - Applicability

A. This subtitle applies to all electric utilities, gas utilities, and combination electric and gas utilities, as defined in this subtitle, under the jurisdiction of the Public Service Commission.

B. COMAR 20.31.02, 20.31.03, and 20.32.01 govern all terminations of electric service, gas service, or both, as the case may be, where the service, in whole or in part, is for use in a dwelling unit or units, except for those terminations governed by COMAR 20.31.05.

C. If unreasonable hardship to a utility or to a customer results from the application of any of the regulations of this subtitle, applications may be made by the affected person to the Commission for the modification of the regulation or regulations or for a temporary or permanent exemption from its requirements.

D. This subtitle does not relieve any utility to which it applies of any of its duties under the laws and regulations of Maryland or the United States.

E. This subtitle is not intended to discourage utilities from working with local, State, or federal agencies to create or implement energy assistance programs.

F. All references to the masculine gender in this subtitle include the feminine gender.

G. All references to "days" in this subtitle refer to calendar days unless otherwise specified.

.02 - Definitions

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

B. Terms Defined.

(1) "Certified nurse practitioner" means an individual certified by the State Board of Nursing under COMAR 10.27.07.

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

(3) "Customer" means a person receiving service from a utility, in whose name the account is maintained, for use in the premises.

(4) "Disputed bill" means a bill which is the subject of a bona fide controversy between a customer and the utility regarding any billing error, including, but not limited to, matters such as errors in computation, failure of the bill to reflect a payment or other credit, and billing for service which the customer alleges was not used or was used by another person.

(5) "Dwelling unit" means a room or rooms suitable for occupancy as a residence containing sanitary or kitchen facilities.

(6) "Elderly" means an individual 65 years old or older.

(7) "Equipment" means any device or apparatus, including piping, electrical wires, and meters, which is used by a utility to provide service to a customer or used by a customer to receive service from a utility.

(8) "EUSP" means Electric Universal Service Program established under Public Utilities Article, §7-512.1, Annotated Code of Maryland.

(9) "Extreme Weather Period":

(a) "Winter Extreme weather period" means a period of 72 hours beginning at 6 a.m. on any given day comprised of three consecutive 24-hour segments during any one of which the temperature, as forecast, is not expected to exceed 32 degrees Fahrenheit during the segments. Determination of the possible existence of a winter extreme weather period must be repeated every 24 hours at 6 a.m.

(b) "Summer extreme weather period" means a period of 120 hours beginning at 6 a.m. on any given day comprised of five consecutive 24-hour segments during any one of which the heat index or air temperature, as forecast, is expected to be 95 degrees Fahrenheit or above during the segments. Determination of the possible existence of a summer extreme weather period must be repeated every 24 hours at 6 a.m.

(10) "Handicapped" means an individual who:

(a) Has any physical disability or mental impairment which substantially limits one or more of the individual's life activities; and

(b) Is:

(i) Receiving disability insurance payments from a government agency that requires certification of the disability, or

(ii) Certified as being physically disabled by a licensed physician or mentally impaired by a licensed psychiatrist or registered psychologist.

(11) "Heat index" or "apparent temperature" means the temperature when relative humidity is combined with the air temperature as determined by the U.S. National Weather Service.

(11) "Life-support equipment" means any electric or gas energy-using device certified by a licensed physician, certified nurse practitioner, or physician assistant as being essential to prevent, or to provide relief from, a serious illness or to sustain the life of the customer or an occupant of the premises.

(12) "Local government" has the meaning stated in State Government Article, §11-101(g), Annotated Code of Maryland.

(13) Master-Metered Building.

(a) "Master-metered building" means, for purposes of COMAR 20.31.01, 20.31.02, and 20.31.03, a building with four or more dwelling units, where the customer buys electricity or gas from the utility and provides it to the occupants in the building either as a part of a rental agreement or lease, condominium fee, or other charge, or as

charged under the authority of Public Utilities Article, §7-303, Annotated Code of Maryland.

(b) "Master-metered building" does not include transient facilities.

(14) "Occupant" means any individual who has a legal right to reside in the premises.

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

(16) "Physician assistant" means an individual who is licensed under Health Occupations Article, Title 15, Annotated Code of Maryland, to practice medicine with physician supervision.

(17) "Premises" means a building, or portion of a building, that is receiving service from a utility for use in a dwelling unit or units.

(18) "Serious illness" means an illness certifiable by a licensed physician, certified nurse practitioner, or physician assistant to be such that termination of service during the period of time covered by the certificate would be especially dangerous to the health of the person certified to be seriously ill.

(19) "Service" means providing electricity or gas, or both, to a premises.

(20) "Termination" means to discontinue electric, gas, or electric and gas service to a premises by a utility.

(21) "Third person" means an individual, organization, or government agency designated by the customer to receive notices of termination.

(22) "USPP" means Utility Service Protection Program, established under COMAR 20.31.05.

(23) "Utility" has the same meaning as the terms "electric company" and "gas company" as defined by Public Utilities Article, §1-101, Annotated Code of Maryland, and includes a combination electric and gas company.

.03 - Customer Responsibilities

A. Upon receiving a notice of termination, any customer may notify the utility before the date on which the termination is scheduled that he or an occupant of the premises is elderly,

handicapped, seriously ill, or relies upon life-support equipment. The customer shall obtain any necessary certification of status or provide good cause as to why the necessary certification cannot be obtained and shall inform the utility of this occupant's name and address, if different than the customer's, to prevent termination of service.

B. Notice to the utility includes sending to the utility a written statement of the status of the individual and sending to the utility the required certifications not later than the scheduled date of termination of service.

C. A customer who wishes to dispute the reasons for termination of his service or to dispute his bill shall first contact the utility and shall make every effort to resolve the dispute with the utility before contacting the Commission.

D. Customer Responsibility for Bills.

(1) A customer shall be responsible for all past-due, current, and future bills for service provided to the customer.

(2) A customer's failure to comply with the provisions of this subtitle may subject that customer to termination action by the utility.

.04 - Utility Responsibilities

A. A utility may terminate electric or gas service, or both, in accordance with the provisions of this subtitle. However, the utility shall use its discretion in unusual circumstances, including a situation involving a master-metered building, and may not terminate service if it has or is presented with reasonable grounds to believe that termination will endanger human health, life, or safety.

B. This subtitle contains minimum requirements, and a utility may expand upon these requirements so as to provide further protections for its customers, in a manner best suited to that utility's service area and other factors.

C. Each utility shall provide its customers with a reasonable opportunity to contest the proposed termination in accordance with the provisions of this subtitle.

.05 - Service Reconnection Charge

If a utility terminates service to a customer in compliance with this subtitle, and the customer requests reconnection, he shall be liable for the charge for reconnection of service contained in the utility's tariffs and the past-due amount except as provided in COMAR 20.31.05 of this subtitle.

.06 - Termination Policy Statement

A. Each utility shall include a termination policy statement as a separately identified part of the Customer Rights Pamphlet required by COMAR 20.30.04 Customers' Rights Pamphlet.

B. This statement shall include, at a minimum, the following information:

- (1) The permissible grounds for termination of service;
- (2) A statement of the procedures for terminating and reconnecting a customer's service;
- (3) A statement that the customer may designate a third party to receive termination notices;
- (4) A statement that the customer may notify the utility if the customer or an occupant of the customer's residence is elderly, is handicapped, is seriously ill, relies upon life-support equipment, or has any existing condition for which a termination of service would be a threat to life, health, or safety.
- (5) A statement of the customer's rights and remedies in termination proceedings, which shall include the information required by Regulation .06 Text of Notices of Termination under COMAR 20.31.02 Terminations;
- (6) A statement that alternate payment plans are offered by the utility; and
- (7) A statement describing the Utility Service Protection Program under COMAR 20.31.05.

.07 - Third-Party Notification

A. Each utility shall inform its customers of the availability of third-party notification, by which the customer can designate a third person to receive notices of termination of service in addition to the customer. The third party designated and notified in accordance with these regulations is not liable for the account of the customer.

B. The designated third party may initiate appropriate action to prevent termination of the customer's service.

C. Each utility shall set up a procedure for handling this third-party notification process in a manner best suited to the circumstances of the particular utility.

.08 - Alternate Payment Plans

A. Except as provided under §D of this regulation, if a low income customer is unable to pay the charges for service, the utility shall in good faith attempt to negotiate a reasonable alternate payment plan.

B. Except as provided under §§A and D of this regulation, if a customer is unable to pay the charges for service, the utility may in good faith attempt to negotiate a reasonable alternate payment plan.

C. For purposes of this regulation, "alternate payment plan" means a payment plan provided to avoid termination of service and retire all outstanding charges to the utility.

D. An "alternate payment plan" that is offered to a customer that is in arrears or is otherwise unable to pay is required to have a minimum 12-month repayment term.


E. A utility may not refuse to negotiate or offer an alternate payment plan to a customer receiving service, unless the customer:

(1) Failed to meet the terms and conditions of any alternate payment plan during the past 24 months on more than one occasion including:

(a) A USPP alternate payment plan; or

- (b) A plan arranged under the EUSP;
- (2) Committed fraud against a utility;
- (3) Committed theft of utility service; or
- (4) Denied the utility access to its equipment located on the customer's property or premises.

E. devising alternate payment plans, the utility shall consider the circumstances and financial condition of the customer including:

- (1) The size of the delinquent account;
-  (2) The customer's ability to pay;
- (3) The customer's payment history;
- (4) The anticipated energy assistance benefits for which the customer may be eligible;
- (5) The length of time that the debt has been outstanding;
- (6) The circumstances which resulted in the past due bills;
- (7) Hardships which may result from the lack of utility service to the customer; and
- (8) Any other relevant factors related to the circumstances of the customer.

F. If an alternate payment plan cannot be arranged, the utility shall promptly notify the customer.

G. If a customer fails to adhere to the alternate payment plan, the utility shall notify the customer that termination procedures may be begun pursuant to this subtitle.

H. A Company may not require down payments or deposits as a condition of beginning a payment plan for any residential customer who has received energy assistance from the Maryland Energy Assistance Program (MEAP) within the past 12 months from the date that the customer and the utility agree to the payment plan.

COMAR 20.31.02

.01 - Insufficient Reasons for Terminations

The following may not constitute sufficient cause for the utility to terminate service to an existing customer:

A. Failure of a previous customer to pay for service at the premises to be served, unless the current or prospective customer is in violation of one of the provisions of Regulation .04 of this chapter;

B. Failure of the customer to pay:

(1) For merchandise purchased from the utility;

(2) For a public utility service other than electric service, gas service, or electric and gas service, as the case may be;

(3) For service that is used in other than dwelling units;

(4) The bill of another customer as guarantor of that other customer;

(5) A bill which is delinquent for less than 3 months if the security deposit exceeds the amount of the estimated final bill for service;

(6) Any outstanding bill which is less than \$100, and which is delinquent for less than 3 months;

(7) Any undercharge for the period in excess of 4 months as described in COMAR 20.50.04.05 and 20.55.04.05; or

(8) An outstanding bill that is over 7 years old, unless the:

(a) Customer signed an agreement to pay the outstanding bill before the expiration of this period, or

(b) Outstanding bill is for service obtained by the customer in any manner described in COMAR 20.31.02.03D or 20.31.02.04A(1)—(4).

.02 - Terminations Requiring Notice

A utility may terminate service to a customer for any of the following reasons, if the utility complies with the provisions of this subtitle:

- A. The customer's violation of or noncompliance with COMAR 20.50 Service Supplied by Electric Companies or COMAR 20.55 Service Supplied by Gas Companies, or for violation of or noncompliance with the utility's tariffs and rules on file with the Commission;
- B. For failure of the customer to fulfill his contractual obligations for service or facilities subject to regulation by the Commission;
- C. For failure of the customer to permit the utility or its agents to have reasonable access to its equipment located on or in the customer's premises;
- D. For failure of the customer to provide the utility with a deposit as authorized in COMAR 20.30.02 Residential Customer Deposits;
- E. For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way, as specified by the utility as a condition to obtaining service or if the equipment or permissions are withdrawn or terminated.

.03 - Terminations without Notice

A. A utility may terminate service without notice for any of the following reasons:

- (1) A condition on the premises determined by the utility to be hazardous;
- (2) The use of equipment in such a manner as to affect adversely the utility's equipment or the utility's service to others;
- (3) Tampering with equipment furnished and owned by the utility; or
- (4) Unauthorized use of service by any method, including diversion of gas or electricity around a meter.

B. Records.

(1) Each utility shall maintain, for not less than 3 years, records that set forth the basis for its decision to terminate service under this regulation.

(2) Starting January 1, 2017, each utility shall submit to the Commission the address where service has been terminated for unauthorized use or tampering with equipment furnished and owned by the utility. The submission shall be made within one business day following the termination.

(3) Upon request, a local government shall have access to the information submitted to the Commission under §B(2) of this regulation, on the condition that the information shall be:

- (a) Used for the purpose of protecting the life, health, or safety of an individual occupying the premises where service has been terminated;
- (b) Safeguarded to protect the privacy of an individual; and
- (c) Destroyed by the local government within 30 days of its receipt.

C. Each utility that has terminated service for unauthorized use or tampering with equipment furnished and owned by the utility shall provide notice of the termination:

- (1) In a visible location at the premises;
- (2) With an occupant at the premises if safety permits; or
- (3) In a situation where the utility representative on site determines that the situation is unsafe, the utility may provide a notice to the occupant by mail and by telephone or email to the customer if there is an active account.

D. Notices required by the regulations shall include, at a minimum, the following:

- (1) Contact information for utility representatives that can explain the reason for the termination;
- (2) Safety notices regarding the use of portable generators, independent lighting and heating sources, and any other safety information;
- (3) Contact information for the Office of Home Energy Programs; and

(4) A general statement that theft of electricity or natural gas service is unlawful under Criminal Law Article, §§6-303 and 6-304, Annotated Code of Maryland.

E. Each utility shall file its form of notice required in §D of this regulation to the Commission for approval.

F. Each utility shall track the manner in which notice is provided under §C of this regulation.

G. Utilities shall file annual reports regarding terminations under this regulation in a manner and format prescribed by the Commission.

.04 - Termination with 7 Days Notice

A. Electric service, gas service, or both, may be terminated in accordance with this regulation, if service at a dwelling unit has been secured in any manner described below:

(1) Application was made in a fictitious name;

(2) Application was made in the name of an individual who is not an occupant of the dwelling unit, without disclosure of the individual's actual address;

(3) Application was made in the name of a third party without disclosing that fact or without bona fide authority from the third party;

(4) Application was made without disclosure of a material fact or by misrepresentation of a material fact;

(5) Application was made for connection of service to a dwelling where there are co-occupants, if a service account for that dwelling unit was previously maintained in a current co-occupant's name during a period of co-occupancy with the applicant and the co-occupant has failed to pay or make satisfactory arrangements to pay an outstanding bill or undisputed portion of a disputed bill for service at the dwelling unit, the collection of which is not barred under applicable State or federal law;

(6) Application was made for connection of service to a dwelling unit where there are co-occupants, if the service account at a prior dwelling unit of the applicant was listed in a current

co-occupant's name, and the co-occupant has failed to pay or to make satisfactory arrangement to pay an outstanding bill or undisputed portion of a disputed bill for service at the prior dwelling unit, the collection of which is not barred under applicable State or federal law; or

(7) Application was made by an individual for the purpose of assisting another occupant of a dwelling unit to avoid payment of that occupant's prior outstanding bill.

B. For purposes of this regulation, "co-occupants" means two or more adults who occupy the same dwelling unit as their primary domicile or legal residence within the State.

C. If service at a dwelling unit was secured in any manner described in §A of this regulation, the utility may give 7 days notice that the service will be terminated, and may then proceed to terminate service subject to the provisions of §E of this regulation. The notice shall state:

(1) The manner in which service was secured;

(2) The approximate time period during which the service was used;

(3) A summary of the facts or circumstances upon which the utility bases its determination that a termination is warranted; and

(4) The amount of any outstanding bill.

D. If a bona fide occupant of the premises subject to termination under this regulation is seriously ill, the provisions of COMAR 20.31.03.01 Restrictions for Serious Illness and Life-Support Equipment, shall supersede the provisions of this regulation.

E. If a customer disputes the proposed termination, the customer shall do so in accordance with the provisions of COMAR 20.32.01.

.05 - Termination Procedures

A. Except as provided by Regulations .03 and .04 of this chapter and by Chapters 03, 04, and 05 of this subtitle, a utility shall terminate service in accordance with the provisions of this regulation.

B. Commencing Termination Procedures.

(1) A utility may commence termination procedures only if it has made reasonable attempts to collect the past-due bills using normal collection procedures.

(2) "Normal collection procedures" shall include collection practices normally used by the utility and shall include at least one notice that the bill in question is past due.

C. The utility shall send a notice of termination to the customer at least 45 days before the date on or after which termination will occur.

D. Notices of termination shall be delivered in person or sent by first class mail, and shall be sent to the name and address of the person in whose name the account is held.

E. If the customer has designated a third person to receive termination notices pursuant to COMAR 20.31.01.07 Third-Party Notification, the notices of termination shall be sent to the designated third person as well as to the customer.

F. The utility shall advise the customer of the availability of alternate payment plans offered by the utility in accordance with COMAR 20.31.01.08 and the Utility Service Protection Program offered by the utility in accordance with COMAR 20.31.05.

G. If a customer disputes the proposed termination, he shall do so in accordance with the provisions of COMAR 20.32.01.

H. The utility may terminate service if it is prepared to accept payment of the amount due and to reconnect service on both the day of termination and the day subsequent to termination, except that termination of service on a Saturday is permissible in those special situations where the service must be terminated at a meter inside the premises and where the utility has previously and unsuccessfully attempted to gain access to the meter on at least two weekdays.

.06 - Text of the Notice of Termination

Notices of termination required by these regulations shall include, as a minimum, the following:

- A. The name and account number of the customer whose service is to be terminated;
- B. The address of the premises where service is to be terminated;
- C. A statement of the reasons for the proposed termination;
- D. The date on or after which the proposed termination will occur;
- E. The charges for reconnection of service, if any;
- F. A statement of the total amount due, if applicable;
- G. A statement of the customer's rights and remedies, which shall include a summary of the dispute procedures, the office address of the utility, and the telephone numbers at which the utility representatives who handle customer complaints may be reached;
- H. A statement that it is the responsibility of the customer to notify the utility if he is unable to pay for service in accordance with the requirements of the utility's billing practices; and
- I. A statement that it is the responsibility of the customer to notify the utility that he, or an occupant of the premises, is elderly, handicapped, has a serious illness, or relies upon life-support equipment; a brief explanation of the special provisions regarding elderly, handicapped, or persons seriously ill or relying on life-support equipment; and an explanation of notification procedures.

.07 - User Without Account

- A. For purposes of this regulation, a “user without account” is a person or persons in possession of a residential property that is using regulated utility service without an active account and is not subject to termination under Regulation .03 of this chapter.
- B. A utility may not terminate service to a user without account without adhering to this regulation.
- C. Upon discovering a user without account, a utility shall provide written notice to the occupants at the residential property:

- (1) Not less than 3 days prior to service termination; or
- (2) By mail not less than 7 days prior to service termination.

D. Notice required by §C of this regulation shall include, at a minimum, the following:

- (1) The utility's name and phone number;
- (2) A statement that the notice is a shut-off notice;
- (3) The address to which the notice applies;
- (4) A statement that the company is aware that service is being used from the address without an open account;
- (5) An invitation to apply for service as soon as possible; and
- (6) The date by which an application for service must be submitted to avoid service termination.

COMAR 20.31.03

.01 - Restrictions for Serious Illness and Life-Support Equipment

A. Electric or gas service, or both, may not be terminated for an initial period of up to 30 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant of the premises, subject to the provisions of this regulation.

B. Certification Requirement.

(1) A serious illness or the need for life-support equipment shall be certified to the utility by:

- (a) A licensed physician;
- (b) A certified nurse practitioner;
- (c) A physician assistant; or

(d) A licensed social worker.

(2) When a utility uses a form for the physician, a certified nurse practitioner, physician assistant, or a licensed social worker to certify a serious illness or the need for life support equipment under this regulation, it shall use the form provided by the Commission.

(3) A utility shall accept a certification from a licensed physician, a certified nurse practitioner, a physician assistant, or a licensed social worker of a serious illness or need for life support equipment under this regulation.

(4) Except when a form is used under §B(2) of this regulation, the physician, certified nurse practitioner, a physician assistant, or a licensed social worker certification required under §B(1) of this regulation shall be in writing and include:

(a) The name and address of the seriously ill person;

(b) A statement that the seriously ill person or person in need of life support equipment is the customer or an occupant of the premises;

(c) The name, address, telephone number, physician or certified nurse practitioner license number, and signature of the certifying physician, certified nurse practitioner, physician assistant, or licensed social worker; and

(d) A statement that termination will aggravate a serious illness or prevent the use of life-support equipment.

(5) A utility shall accept the physician, certified nurse practitioner, physician assistant, or licensed social worker certification under this regulation either in paper form or by facsimile or as a scanned original attached to an email from the certifying physician's or certified nurse practitioner's office.

C. The certifying physician, the certified nurse practitioner, the physician assistant, the licensed social worker, or the customer may initially telephone the utility of the intent to obtain certification. The required certificate is to be forwarded to the utility not later than the day before the scheduled date for termination of service.

D. The customer shall promptly, within 30 days of submitting a certification under this regulation, enter into an agreement with the utility for the payment of the unpaid bills and current amounts due for service in accordance with COMAR 20.31.01.08.

E. Certification may be renewed by the customer, a licensed physician, a certified nurse practitioner, a physician assistant, or a licensed social worker by providing another certificate to the utility, including updated information specified in §B(4) of this regulation. Renewal of a certification may not relieve the customer of responsibility to enter into or to maintain an existing payment agreement, as provided in §D of this regulation.

F. Sufficiency of Certification.

(1) If the utility questions the adequacy or integrity of the certification provided:

(a) The utility may refuse to honor the certification provided under §B(1) of this regulation only for the following reasons:

(i) The certification form is not completed;

(ii) The certification form is not signed by a licensed physician, certified nurse practitioner, physician assistant, or licensed social worker; or

(iii) The certification form appears to have been altered; or

(b) The utility may petition the Commission to determine the adequacy of the certification provided under §B of this regulation for any other reason.

(2) If the utility files a petition under §F(1)(b) of this regulation, the utility may not terminate service until:

(a) The Commission determines the adequacy of the certification; or

(b) The certification has expired and has not been renewed.

G. A utility may terminate electric or gas service to the premises of a customer under this regulation only if the utility:

(1) Between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated, at a minimum, attempts to make personal contact with the customer on two separate occasions, each of which shall occur on a separate date;

(2) Attempts to make personal contact with the customer by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination with the customer or a responsible person 18 years old or older at the premises, or, if no one is at home, leaving a copy of the notice at the premises; and

(3) Documents each attempt to make personal contact under this section.

H. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and the availability of alternate payment plans or other payment arrangements offered by the utility.

.02 - Restrictions for Elderly or Handicapped Individuals

A. Upon receiving notice from the customer that he or an occupant of the premises to which the service is going to be terminated is an elderly or handicapped individual, a utility may terminate service to that premises only in accordance with the provisions of this regulation.

B. Between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated, the utility shall, at a minimum, attempt to make personal contact with the customer on two separate occasions, each of which shall occur on a separate day.

C. The utility's attempt to make personal contact with the customer shall be by either:

(1) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(2) Visiting the premises and leaving a copy of the notice of termination with the customer or a responsible person 18 years old or older at the premises, or if no one is at home, leaving a copy of the notice at the premises.

D. The utility shall document each attempt to make personal contact under this regulation.

E. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and of the availability of alternate payment plans offered by the utility.

.03 – Extreme Weather Restrictions

A. An electric, gas, or electric and gas utility, unless the utility first certifies to the Commission, by an affidavit filed at least 24 hours before the termination, that the termination does not constitute a threat to the life or health of the residential occupants, may not:

(1) terminate gas or electric service to occupants of residential buildings for nonpayment of bills during the period November 1 through and including March 31 of the immediately succeeding calendar year; or

(2) terminate for non-payment of bills either electric service, or gas service that is used for cooling if the customer has notified the gas utility of that usage, for the period of July 1 through and including August 31 for occupants of residential buildings.

B. The affidavit shall state in addition to the requirements of §A of this regulation.

(1) The name of the customer whose service is to be terminated and the address of the premises involved;

(2) That the customer has been notified both in writing and by personal contact, if made, of his rights and remedies as stated in COMAR 20.31.02.06G and has been informed of possible sources of financial assistance and the availability of alternate payment plans and the Utility Service Protection Program offered by the utility;

(3) The dates on which personal contact with the customer or an adult member of the household was made or attempted;

(4) The reason for the termination;

(5) Whether the customer is a participant in the Utility Service Protection Program or the Electric Universal Service Program;

(6) Whether the customer claims an occupant of the dwelling unit is elderly, handicapped, seriously ill, or dependent upon the use of life-support equipment and, if so, that the utility has complied with the provisions of COMAR 20.31.03.01 and .02;

(7) That the amount of the arrearage for which termination is sought is greater than \$200 for a single service utility or \$300 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility; and

(8) That a copy of the affidavit has been forwarded to the Department of Human Services, Office of Home Energy Programs and the local administering agency, if the customer has been certified to the utility as eligible for MEAP or EUSP Assistance.

C. Affidavits are valid for 12 days after the most recent personal contact with the customer was made or attempted.

D. Personal Contact with Customer.

(1) In addition to the requirements of §A of this regulation, for any termination occurring within the above periods, the utility shall, at a minimum, attempt to make personal contact with the customer twice between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated.

(2) The utility's attempt to make personal contact under this section shall occur on two separate days.

(3) The utility's attempt to make personal contact with a customer shall be by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination and either a Customer's Rights Pamphlet or a pamphlet which explains the customer extreme weather termination rights, including the Utility Service Protection Program with the customer or a responsible person 18 years old or older at the premises, or if no one is home, leaving a copy of the notice and pamphlets at the premises.

(4) The utility shall document each attempt to make personal contact under this section.

(5) Financial Assistance. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and of the availability of alternate payment plans and the Utility Service Protection Program offered by the utility.

.04 - Temporary Residential Weather Restriction

- A. A utility may not terminate service because of nonpayment to any customer if the utility's designated weather station area for that customer is in a winter extreme weather period.
- B. A utility may not terminate, either gas service that is used for cooling if the customer has notified the gas utility of that usage, or electric service, because of nonpayment, for any customer occupying a residential building, if the utility's weather station area for that customer is in a summer extreme weather period.

.05 - Designations and Approval of Weather Station Areas

A. A utility shall designate and file with the Commission for approval a list of one or more weather station areas within its service territory which specifies the portion of the utility's service territory covered by each weather station area for the purpose of complying with Regulations .03 and .04 of this chapter.

B. After the initial filing, a utility is only required to file subsequent designations for approval when changes are made to previously approved weather stations areas.

.06 - Occupants of a Master-Metered Building

A. This regulation applies to terminations of service in master-metered buildings.

B. A utility shall notify occupants in a master-metered building of an impending termination of service by all of the following. A utility shall:

(1) Individually notify all occupants by:

(a) First-class mail, postmarked not less than 45 days prior to the proposed date of disconnection and addressed to the “occupant” of each dwelling unit subject to the loss of service if the postal address is readily available to the utility; or

(b) Flyers or “door stuffers”, of a proposed termination at least 45 days before the scheduled termination date; and

(2) Notify occupants by posting termination notices in conspicuous locations in the building, such as near mailboxes, entrances, and exits at least 45 days before the scheduled termination date.

C. In a situation where the utility is unable to comply with §B(1) and/or (2) of this regulation despite reasonable, documented efforts to do so, the utility may seek a waiver from the Commission of its obligations under §B(1) and/or (2) of this regulation pursuant to COMAR 20.07.01.01-1. If a waiver from §B(1) and/or (2) of this regulation is requested, the utility shall not terminate service to the master-metered building until the Commission rules on the utility’s requested waiver or the utility shall have complied with §B(1) and (2) of this regulation, provided that the waiver request shall be deemed approved if the Commission has not acted upon it within 45 days of filing.

D. If the utility seeks a waiver under §C of this regulation, the utility shall also, no later than 1 business day after its waiver request, notify, via electronic mail and first class mail, the Commission's Consumer Affairs Division and the People's Counsel of:

(1) The utility's waiver request; and

(2) All the utility's efforts to fully comply with §B(1) and (2) of this regulation and why complete compliance was not feasible.

E. The notices provided pursuant to §B(1) and (2) of this regulation shall, at a minimum, include the following:

(1) A statement that the utility intends to terminate utility service to the master-metered building;

(2) The name of the utility customer in whose name the account is maintained and the customer's mailing address, email address, phone number as reflected in the records of the utility not including the account number or other confidential information without the consent of the customer of record;

(3) The address of the master-metered building where service is to be terminated not including the amount owed or other billing, payment, credit or similar information without the consent of the customer of record;

(4) The date on or after which the proposed termination will occur;

(5) The office address of the utility and the utility's customer service phone number;

(6) A statement that the occupant has applicable rights with respect to the potential service termination subject to the provisions of COMAR 20.31.03.01, including:

(a) The right to delay termination for an initial period of up to 30 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant of the master-metered building;

(b) How occupants can notify the utility in such circumstances including providing the required certification to the utility; and

(c) That after the initial delay, certification may be renewed once to request an additional delay by providing another certificate to the utility;

(7) A statement that it is the responsibility of the customer to notify the utility if the customer is unable to pay for service in accordance with the requirements of the utility's billing practices;

(8) A statement that limited-income occupants may qualify for assistance including for:

(a) Financial and/or relocation assistance through 2-1-1 Maryland, and the current contact details, including phone number and website, for 2-1-1 Maryland; and

(b) Financial assistance towards utility bill payments through the Maryland Energy Assistance Program may be available, but only to limited income individuals, upon relocation and establishment of a utility account in their own name, and the current contact details, including phone number and website, for the Maryland Department of Human Services, Office of Home Energy Programs, which administers the Maryland Home Energy Assistance Program; and

(9) A statement that for further information the occupant can contact:

(a) The Maryland Public Service Commission's Consumer Affairs Division and the current phone number for the Maryland Public Service Commission's Consumer Affairs Division;

(b) The Maryland Office of People's Counsel and the current phone number for the Maryland Office of People's Counsel;

(c) The utility's customer service division and the current phone number for the utility's customer service division; and

(d) The Maryland Office of Attorney General, Consumer Protection Division and the current phone number for the Maryland Office of Attorney General, Consumer Protection Division.

F. The notices posted pursuant to §B(2) of this regulation may also include the information required as necessary to satisfy Public Utilities Article, §7-307.2, Annotated Code of Maryland.

G. If a utility does not terminate service within 60 days of the date of the proposed termination in the notice posted pursuant to §B(2) of this regulation, the utility shall provide additional notices pursuant to §B(2) of this regulation.

H. In addition to the notices prescribed in §B of this regulation, a utility shall, not less than 45 days prior to termination of service to a master-metered building, provide written and electronic notice of its intention to terminate to the Commission's Consumer Affairs Division, Maryland Office of People's Counsel, the Maryland Office of the Attorney General, Consumer Protection Division, and any director of the social services for the political subdivision or subdivisions in which the master-metered building is located as well as a brief description of the notice provided.

I. Each utility shall identify and maintain on its records those accounts for service to master-metered buildings to ensure that service to such premises is not terminated prior to compliance with the provisions of this section. It shall be the responsibility of the customer to inform the utility that service is being provided to a master-metered building. The utility shall ask the customer at the time a new service application is submitted whether service is requested at a master-metered building and publish information about how to notify the utility that service is being provided to a master-metered building in its annual consumer publication and on its website.

COMAR 20.31.05

.01 - Scope and Applicability

A. This chapter applies to all electric utilities, gas utilities, and combination electric and gas utilities, as defined in this subtitle, under the jurisdiction of the Public Service Commission.

B. This chapter governs terminations and reconnections of electric service, gas service, or both, for residential customers qualifying for the Utility Service Protection Program (USPP).

C. Upon good cause shown, the Commission may authorize a municipally owned electric utility, a municipally owned electric and gas utility, or an electric or gas utility with fewer than 5,000 customers to establish instead of the Utility Service Protection Program another program designed to safeguard MEAP customers from termination of service during the heating season. In order to obtain this authorization, the utility shall show to the satisfaction of the Commission that implementation of the USPP will be unduly burdensome for the utility and that the alternative program provides adequate and appropriate safeguards to MEAP customers.

.02 - Definitions

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

B. Terms Defined.

(1) "Arrearage" or "outstanding arrearage" means amounts owed by a customer for gas or electric service other than the most current billing cycle usage.

(2) "Heating season" means billing months of November through March of successive calendar years.

(3) "MEAP" means the Maryland Energy Assistance Program administered by the Maryland Department of Human Services.

(4) "MEAP eligible" means a utility customer who has met the criteria established by the Maryland Energy Assistance Program for receipt of an energy assistance grant.

(5) "Poverty levels" or "percentages of poverty" means the income guidelines used by the Department of Human Services to establish income eligibility for MEAP grants.

(6) "Program participant" means a customer who has met all eligibility requirements, completed all application procedures, and is enrolled in the Utility Service Protection Program.

.03 - Utility Service Protection Program

A. Each utility under the jurisdiction of the Public Service Commission shall provide and administer a Utility Service Protection Program consistent with these regulations.

B. Each utility shall establish and offer its Utility Service Protection Program before November 1 of each year.

C. Before November 1 of each year, each utility shall advise customers of the availability of the Utility Service Protection Program through all of the following:

(1) Bill inserts in September and October which provide a description of the Utility Service Protection Program.

(2) Either a Customer Rights Pamphlet which includes a general summary of the Utility Service Protection Program or a separate pamphlet explaining the Utility Service Protection Program.

(3) Normal collection procedures.

(4) A letter to all electric and gas heating customers whose service was terminated since the last heating season and not reconnected. The letter should include:

(a) The provisions of the Utility Service Protection Program;

(b) The amount of the customer's arrearage;

(c) The conditions for service reconnection under Regulation .08; and

(d) Information regarding the availability and sources of assistance for which the customer may qualify.

(5) Other reasonable promotional efforts.

.04 - Eligibility for Utility Service Protection Program

Utility customers eligible for energy assistance from the Maryland Energy Assistance Program (MEAP) are eligible for participation in the Utility Service Protection Program, provided that the customer:

- A. Complies with the application procedures set forth in Regulation .05; and
- B. Secures reconnection of any terminated gas or electric service by making the designated payment for outstanding arrearages described in Regulation .08.

.05 - Application Procedures

A. For participation in the Utility Service Protection Program, a customer shall apply for the Maryland Energy Assistance Program for those utilities which provide gas and electric service to the customer.

B. Completed applications forwarded by MEAP to the utility shall include:

(1) A written certification from MEAP that the applicant has applied and is eligible for MEAP; and

(2) A written designation from MEAP of the applicant's poverty level and grant amount payable to the utility.

C. The applicant shall sign a form requesting participation in the USPP and agreeing to:

(1) Comply with the terms of the Utility Service Protection Program;

(2) Make payments pursuant to an annual payment plan which is specific to the customer and calculated in accordance with Regulation .06; and

(3) Make payments pursuant to a supplemental payment plan to retire any accumulated arrearages under COMAR 20.31.01.08. The utility shall consider the poverty level of the

household as determined in the MEAP application in establishing the amount of the required monthly payment to liquidate arrearages.

D. At the time of application, an applicant shall be notified of all protections and responsibilities accorded under Regulations .06—.08 of this chapter.

E. An applicant shall be promptly notified by the utility of his acceptance into the Utility Service Protection Program and be provided with a copy of the equal monthly payment plan designated for that applicant under Regulation .06 of this chapter.

F. Each utility shall reimburse the MEAP for its administrative costs of taking applications from program participants and forwarding them to the utility. The charge shall be as established by the Commission upon request by MEAP.

.06 - Equal Monthly Payment Plan

A. An equal monthly payment plan based on the estimated cost of average annual utility usage minus annual MEAP benefits payable to the utility shall be used as the basis to determine appropriate payments for participation in the Utility Service Protection Program.

B. Monthly payments shall be calculated as follows:

(1) The utility shall calculate average annual cost based on a 12-month history of the customer's dwelling or a comparable dwelling;

(2) The average annual cost shall be reduced by the amount of the participant's MEAP benefit; and

(3) The estimated annual cost shall be divided by 12 to give the monthly payment obligation.

C. The monthly bill shall separately state each of the following:

(1) The combined amount due under the equal monthly payment plan plus the amount due under the supplemental payment plan under COMAR 20.31.04.01, if applicable;

(2) The actual usage for the month; and

(3) The cost of the actual usage for the month.

D. The estimated annual obligation shall be recalculated at least once a year to reflect actual customer consumption. If actual usage exceeds the average monthly billing, the excess may be amortized over future monthly payments.

.07 - Terminations of Service (under the USPP)

A. If a customer fails to make a payment in compliance with his equal monthly payment plan, a utility shall provide at least one warning notice that the payment is past due and that nonpayment of two consecutive bills shall render the customer subject to removal from the Utility Service Protection Program and service termination.

B. Except as otherwise provided in §D, a customer may be removed from the Utility Service Protection Program and subject to service termination if the customer fails to pay, on two consecutive monthly due dates, the amount due.

C. Notwithstanding a customer making payments in compliance with his equal monthly payment plan, the customer may be subject to service termination when applicable grounds exist under COMAR 20.31.02.03 or COMAR 20.31.02.04.

D. In initiating service termination, the utility shall comply with COMAR 20.31 before any termination of service may occur.

.08 - Reconnection of Service

A. A customer eligible for participation in the Utility Service Protection Program who is not receiving utility service shall have his utility service reconnected for the purpose of participation in the Utility Service Protection Program, provided that the customer:

(1) Is certified eligible for MEAP assistance;

(2) Complies with the application procedures in Regulation .05; and

(3) Makes the designated payment for outstanding arrearages as described in §B.

B. Amount of Payment.

(1) A customer participating in the Utility Service Protection Program shall pay an amount sufficient to reduce the outstanding arrearage to \$400.

(2) A customer who has previously participated in and has been removed from the Utility Service Protection Program shall pay the greater of:

(a) An amount sufficient to reduce outstanding arrearage to \$400; or

(b) The amount covering the monthly installments in arrears in the customer's equal monthly payment account and supplemental payment account at the date of reconnection.

C. Application of MEAP Benefits to Arrearages.

(1) Applicants for the USPP program may elect to apply all or part of the MEAP benefit to past arrearages to qualify for participation in the USPP after all other emergency funds, public and private, for which the client is eligible have been used.

(2) In the case of an election in §C(1), the equal monthly payment shall be based on estimated annual consumption less any remaining MEAP benefits.

D. A reconnection fee or additional security deposit may not be charged to customers eligible for reconnection under §A.

.09 - Utility Data Collection

In order to evaluate the impact of the Utility Service Protection Program, each participating utility shall compile and maintain certain data, as specified by the Public Service Commission, to be filed with the Commission for the year ending March 31. The data shall be filed with the Commission not later than September 1.

.10 - Notifications to Department of Housing and Community Development

A. For purposes of scheduling low-cost weatherization, utilities shall provide the Department of Housing and Community Development Weatherization Program with the names and addresses of customers with incomes at 50 percent of poverty or below whose service is reconnected pursuant to Regulation .08.

B. Each utility shall furnish the Department of Housing and Community Development with the name, address, and winter energy consumption, November through March, of those Utility Service Protection Program participants whose usage is 135 percent or more of the system average for residential consumption of that fuel. The utility shall also notify the customer of his high energy consumption.

If the Commission finds that an emergency has developed or is impending due to any cause, and that emergency protections for residential ratepayers are necessary to protect the public health, welfare, or safety, the Commission shall declare a service” state of emergency.

The state of emergency continues until the Commission terminates the service state of emergency by order.

During the state of emergency, the following rules shall apply:

(1) Utilities may not engage in service terminations or charge late fees or service reconnection fees.

(2) Utilities may not require down payments or deposits as a condition of beginning a payment plan or connecting service for any residential customer.

(3) Utilities may not require residential customers to provide income or other financial records as a condition of entering into an alternate payment plan.

(4) Utilities may not charge service reconnection charges for customers who have not failed to comply with the terms of an agreed payment plan within the prior 18 months.

The Commission may, by order, suspend in whole or in part any regulation or order in conflict with the above emergency rules.

The Commission may, for good cause, suspend the application of any part of this section.

COMAR 20.31.06

.01 - Emergency Authorities

A. If the Commission finds that an emergency of any nature has developed or is impending and that emergency protections for residential customers are necessary to protect the public health, welfare, or safety of the utilities’ customers, the Commission may declare a “public utility service state of emergency”.

B. A public utility service state of emergency declared by the Commission shall remain in effect until the Commission, by written order, finds that the basis for the public utility service state of emergency has ended.

C. A public utility service state of emergency may apply to all or some Maryland utilities, and may in some cases apply only to certain categories of utilities, such as electric, natural gas, water, transportation and telecommunications.

- D. During a public utility service state of emergency, the following rules shall apply to utilities for which the public utility state of emergency is specified to be applicable:
1. Utilities may not engage in service terminations or charge late fees or service reconnection fees.
 2. Utilities may not require down payments or deposits as a condition of beginning a payment plan or connecting service for any residential customer.
 3. Utilities may not require residential customers to provide income or other financial records as a condition of entering into an alternate payment plan.
 4. Utilities may not charge service reconnection charges for customers who have not failed to comply with the terms of an agreed payment plan within the prior 18 months.
- E. The Commission may, by written order during a public utility service state of emergency, suspend in whole or in part any regulation or order in conflict with the above emergency regulations.
- F. The Commission may, for good cause, suspend or waive the application of any part of this section.