

HOUSE BILL 561

C5, L6
HB 730/19 – ECM

0lr0595
CF SB 315

By: **Delegates Charkoudian, Acevero, Bagnall, Bridges, Cain, Carr, Crosby, Crutchfield, Cullison, Dumais, Ebersole, Feldmark, Fennell, W. Fisher, Fraser-Hidalgo, Gilchrist, Guyton, Haynes, Healey, Hettleman, Hill, Ivey, Jalisi, Kelly, Korman, Lehman, R. Lewis, Lierman, Lopez, Love, Moon, Mosby, Palakovich Carr, Pendergrass, Reznik, Rogers, Rosenberg, Shetty, Solomon, Stewart, Terrasa, Turner, C. Watson, Wilkins, ~~and P. Young~~ P. Young, and Holmes**

Introduced and read first time: January 27, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Electric Industry – Community Choice Energy – Pilot Program**

3 FOR the purpose of applying certain laws regarding net energy metering and community
4 solar generating systems to customers served by a community choice aggregator;
5 ~~repealing a provision that prohibits a county or municipal corporation from acting as~~
6 ~~an aggregator under certain circumstances; altering the circumstances under which~~
7 counties and municipal corporations may act as an aggregator; establishing a certain
8 Community Choice Aggregator Pilot Program; providing for the application of
9 certain provisions; establishing a process by which, beginning on a certain date, a
10 county or municipal corporation or group of counties or municipal corporations may
11 form or join a community choice aggregator; requiring a county or municipal
12 corporation to develop and give certain notice of a certain aggregation plan under
13 certain circumstances; providing for the contents of a certain aggregation plan;
14 prohibiting a county or municipal corporation from excluding certain customers from
15 the ability to participate in certain aggregation activities under certain
16 circumstances; establishing a process under which certain customers shall be
17 deemed to have given permission to a certain county or municipal corporation to act
18 as the customers' community choice aggregator; providing that certain customers
19 may refuse to participate in certain aggregation activities under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 circumstances; requiring a certain electricity supplier to give certain notice to a
 2 community choice aggregator regarding the end of a certain contract term;
 3 ~~authorizing a community choice aggregator to impose a certain penalty under certain~~
 4 ~~circumstances~~; prohibiting a community choice aggregator from assessing certain
 5 new fees, taxes, or charges in the aggregation charges or rates under certain
 6 circumstances; exempting a community choice aggregator from certain requirements
 7 relating to the licensing of electricity suppliers; authorizing a community choice
 8 aggregator to own a certain electric generating facility for a certain purpose;
 9 requiring a community choice aggregator to submit a certain plan to the Public
 10 Service Commission for the use or disposition of a certain electric generating facility
 11 under certain circumstances; authorizing a community choice aggregator to contract
 12 for service from an electric generating facility under certain circumstances; requiring
 13 a county ~~or municipal corporation~~ to give or provide for certain notices to certain
 14 persons and to the Commission under certain circumstances; providing for the
 15 contents of certain notices; requiring the Commission to notify a certain county ~~or~~
 16 ~~municipal corporation~~ as to its approval of the aggregation plan and certain proposed
 17 terms of service, rates, and categories of certain charges, fees, or other costs under
 18 certain circumstances; providing that a community choice aggregator may award
 19 contracts for competitive generation service supply only at certain times; authorizing
 20 the Commission to establish a schedule by which a community choice aggregator
 21 may transfer load from standard offer service to retail or wholesale contracts under
 22 an aggregation plan; providing that a certain county ~~or municipal corporation~~ is
 23 deemed to have obtained certain customer authorization to retrieve certain data;
 24 requiring an electric company to provide certain data to a community choice
 25 aggregator; requiring the Commission to review certain fees, request formats, and
 26 the format of certain data provided to facilitate the intent of certain provisions of
 27 law; providing for the beginning and the termination of the pilot program; requiring
 28 the Commission to report to the General Assembly on the pilot program on or before
 29 a certain date; requiring the Commission to adopt certain regulations and establish
 30 certain procedures; authorizing the Commission to make a certain allocation under
 31 certain circumstances; requiring an electric company to provide certain billing
 32 services; requiring certain bills to contain a certain notice; requiring the Commission
 33 to determine the terms and conditions under which a certain electric company
 34 provides certain services; requiring the Commission to consider certain factors;
 35 providing for the application of this Act; defining certain terms; altering certain
 36 definitions; stating the intent of the General Assembly; and generally relating to the
 37 ability of a county ~~or municipal corporation~~ to aggregate demand for electricity
 38 within the county ~~or municipal corporation~~.

39 BY renumbering

40 Article – Public Utilities

41 Section 1–101(f) through (tt), respectively

42 to be Section 1–101(g) through (uu), respectively

43 Annotated Code of Maryland

44 (2010 Replacement Volume and 2019 Supplement)

45 BY repealing and reenacting, without amendments,

1 Article – Public Utilities
 2 Section 1–101(a), 7–306(a)(1), (4), and (7) and (f)(1), and 7–306.2(d)(1) and (2)
 3 Annotated Code of Maryland
 4 (2010 Replacement Volume and 2019 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Public Utilities
 7 Section 1–101(b), 7–306(f)(5) and (h), 7–306.2(d)(3), ~~and 7–507(a), and 7–510(f)~~
 8 Annotated Code of Maryland
 9 (2010 Replacement Volume and 2019 Supplement)

10 BY adding to
 11 Article – Public Utilities
 12 Section 1–101(f), 7–306(h), and 7–510.3
 13 Annotated Code of Maryland
 14 (2010 Replacement Volume and 2019 Supplement)

15 ~~BY repealing~~
 16 ~~Article – Public Utilities~~
 17 ~~Section 7–510(f)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2010 Replacement Volume and 2019 Supplement)~~

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 21 That Section(s) 1–101(f) through (tt), respectively, of Article – Public Utilities of the
 22 Annotated Code of Maryland be renumbered to be Section(s) 1–101(g) through (uu),
 23 respectively.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 25 as follows:

26 Article – Public Utilities

27 1–101.

28 (a) In this division the following words have the meanings indicated.

29 (b) (1) “Aggregator” means an entity or an individual that acts on behalf of a
 30 customer to purchase electricity or gas.

31 (2) “Aggregator” does not include:

32 (i) an entity or individual that purchases electricity or gas **ONLY** for
 33 its own use or for the use of its subsidiaries or affiliates;

34 (ii) a municipal electric utility or a municipal gas utility serving only
 35 in its distribution territory; or

(iii) a combination of governmental units that purchases electricity or gas for use by the governmental units.

(F) “COMMUNITY CHOICE AGGREGATOR” MEANS A COUNTY ~~OR MUNICIPAL CORPORATION OR A GROUP OF COUNTIES, MUNICIPAL CORPORATIONS, OR BOTH,~~ 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, INCLUDING MASTER METERED MULTIPLE OCCUPANCY RESIDENCES AND SMALL COMMERCIAL ELECTRIC CUSTOMERS, AS DEFINED IN § 7-510.3 OF THIS ARTICLE, THAT:

~~**(1) ARE LOCATED, FOR A MUNICIPAL CORPORATION, IN THE MUNICIPAL CORPORATION OR, FOR A COUNTY, IN ANY AREA IN THE COUNTY OUTSIDE A MUNICIPAL CORPORATION;**~~

(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, ~~MUNICIPAL CORPORATION, OR GROUP OF COUNTIES OR GROUP OF MUNICIPAL CORPORATIONS;~~ AND

(3) ARE NOT LOCATED IN THE SERVICE TERRITORY OF:

(I) A MUNICIPAL ELECTRIC UTILITY; OR

(II) AN ELECTRIC COOPERATIVE.

7-306.

(a) (1) In this section the following words have the meanings indicated.

(4) “Eligible customer-generator” means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, fuel cell, wind, or closed conduit hydro electric generating facility that:

1 (i) is located on the customer's premises or contiguous property;

2 (ii) is interconnected and operated in parallel with an electric
3 company's transmission and distribution facilities; and

4 (iii) is intended primarily to offset all or part of the customer's own
5 electricity requirements.

6 (7) "Net energy metering" means measurement of the difference between
7 the electricity that is supplied by an electric company and the electricity that is generated
8 by an eligible customer-generator and fed back to the electric grid over the eligible
9 customer-generator's billing period.

10 (f) (1) The electric company shall calculate net energy metering in accordance
11 with this subsection.

12 (5) (i) An eligible customer-generator under paragraph (4) of this
13 subsection may accrue net excess generation for a period:

14 1. not to exceed 12 months; and

15 2. that ends with the billing cycle that is complete
16 immediately prior to the end of April of each year.

17 (ii) The electric company shall carry forward net excess generation
18 until:

19 1. the eligible customer-generator's consumption of
20 electricity from the grid eliminates the net excess generation; or

21 2. the accrual period under subparagraph (i) of this
22 paragraph expires.

23 (iii) 1. The dollar value of net excess generation shall be equal to
24 the generation or commodity portion of the rate that the eligible customer-generator would
25 have been charged by the electric company averaged over the previous 12-month period
26 ending with the billing cycle that is complete immediately prior to the end of April
27 multiplied by the number of kilowatt-hours of net excess generation.

28 2. For customers served by **A COMMUNITY CHOICE**
29 **AGGREGATOR OR** an electricity supplier, the dollar value of the net excess generation shall
30 be equal to the generation or commodity rate that the customer would have been charged
31 by the **COMMUNITY CHOICE AGGREGATOR OR** electricity supplier multiplied by the
32 number of kilowatt-hours of net excess generation.

1 **(H) AN ELIGIBLE CUSTOMER-GENERATOR UNDER A NET ENERGY**
 2 **METERING CONTRACT MAY PARTICIPATE IN THE AGGREGATION ACTIVITIES OF A**
 3 **COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.**

4 **[(h)] (I)** On or before September 1 of each year, the Commission shall report to
 5 the General Assembly, in accordance with § 2-1257 of the State Government Article, on the
 6 status of the net metering program under this section, including:

7 (1) the amount of capacity of electric generating facilities owned and
 8 operated by eligible customer-generators in the State by type of energy resource;

9 (2) based on the need to encourage a diversification of the State's energy
 10 resource mix to ensure reliability, whether the rated generating capacity limit in subsection
 11 (d) of this section should be altered; and

12 (3) other pertinent information.

13 7-306.2.

14 (d) (1) (i) The Commission shall establish a pilot program for a Community
 15 Solar Energy Generating System Program.

16 (ii) The structure of the pilot program is as provided in this
 17 subsection.

18 (2) All rate classes may participate in the pilot program.

19 (3) Subscribers served by electric standard offer service, **COMMUNITY**
 20 **CHOICE AGGREGATORS**, and electricity suppliers may hold subscriptions to the same
 21 community solar energy generating system.

22 7-507.

23 (a) A person, other than an electric company providing standard offer service
 24 under § 7-510(c) of this subtitle [or], a municipal electric utility serving customers solely
 25 in its distribution territory, **OR A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3**
 26 **OF THIS SUBTITLE**, may not engage in the business of an electricity supplier in the State
 27 unless the person holds a license issued by the Commission.

28 7-510.

29 **[(f) A EXCEPT AS PROVIDED IN § 7-510.3 OF THIS SUBTITLE, A** county or
 30 municipal corporation may not act as an aggregator unless the Commission determines
 31 there is not sufficient competition within the boundaries of the county or municipal
 32 corporation.**]**

1 7-510.3.

2 (A) IN THIS SECTION, "SMALL COMMERCIAL ELECTRIC CUSTOMER" MEANS
3 A COMMERCIAL ELECTRIC CUSTOMER THAT HAS A PEAK ELECTRIC LOAD OF NOT
4 MORE THAN 25 KILOWATTS.

5 (B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

6 (C) (1) THERE IS A COMMUNITY CHOICE AGGREGATION PILOT
7 PROGRAM.

8 (2) BEGINNING ~~OCTOBER 1, 2021,~~ OCTOBER 1, 2022, A COUNTY ~~OR~~
9 ~~MUNICIPAL CORPORATION OR GROUP OF COUNTIES OR MUNICIPAL CORPORATIONS~~
10 MAY FORM ~~OR JOIN~~ A COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION.

11 ~~(C)~~ (D) (1) AT LEAST 60 DAYS BEFORE INITIATING THE PROCESS TO
12 ~~JOIN OR~~ FORM A COMMUNITY CHOICE AGGREGATOR, A COUNTY ~~OR MUNICIPAL~~
13 ~~CORPORATION~~ SHALL:

14 (I) DEVELOP AN AGGREGATION PLAN;

15 (II) GIVE WRITTEN NOTICE OF THE AGGREGATION PLAN TO
16 EACH RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE
17 ~~JURISDICTION~~ COUNTY;

18 (III) PUBLISH A FAIR SUMMARY OF THE AGGREGATION PLAN IN
19 AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE ~~JURISDICTION~~
20 COUNTY;

21 (IV) IF THE JURISDICTION MAINTAINS A WEBSITE, PUBLISH THE
22 FULL TEXT OF THE AGGREGATION PLAN ON THE WEBSITE; AND

23 (V) GIVE, FOR THE COMMISSION'S APPROVAL, WRITTEN NOTICE
24 OF ITS INTENTION TO INITIATE A PROCESS TO ~~JOIN OR~~ FORM A COMMUNITY CHOICE
25 AGGREGATOR.

26 (2) THE AGGREGATION PLAN SHALL:

27 (I) DETAIL THE PROCESSES RELATED TO PARTICIPATING IN
28 THE AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR;

29 (II) CONTAIN INFORMATION ON THE OPERATIONS, FUNDING,
30 AND ORGANIZATIONAL STRUCTURE OF THE COMMUNITY CHOICE AGGREGATOR;

(III) PROVIDE DETAILS ON:

1. THE RATE SETTING AND COSTS TO PARTICIPANTS, INCLUDING AN ANALYSIS OF HISTORICAL AND FORECASTED TRENDS IN ELECTRICITY PRICES AND A PURCHASING PLAN DESIGNED TO SAVE RATEPAYERS MONEY;

2. METHODS THAT THE COMMUNITY CHOICE AGGREGATOR MUST USE FOR ENTERING INTO AND TERMINATING AGREEMENTS WITH OTHER ENTITIES;

3. THE RIGHTS AND RESPONSIBILITIES OF PARTICIPATING ELECTRIC CUSTOMERS; AND

4. THE TERMINATION OF THE AGGREGATION PROGRAM, IF ANY; AND

(IV) PROVIDE FOR UNIVERSAL ELECTRICITY ACCESS, RELIABILITY, AND EQUITABLE TREATMENT OF ALL RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN THE ~~JURISDICTION~~ COUNTY.

~~(D)~~ (E) (1) AT LEAST 60 DAYS AFTER DEVELOPING AN AGGREGATION PLAN AND GIVING THE NOTICE REQUIRED UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION, A COUNTY ~~OR MUNICIPAL CORPORATION OR GROUP OF COUNTIES OR MUNICIPAL CORPORATIONS~~ MAY INITIATE THE PROCESS OF FORMING ~~OR JOINING~~ A COMMUNITY CHOICE AGGREGATOR BY FILING WITH THE COMMISSION:

(I) A NOTICE OF INTENT TO FORM ~~OR JOIN~~ A COMMUNITY CHOICE AGGREGATOR;

(II) A COPY OF THE AGGREGATION PLAN DEVELOPED IN ACCORDANCE WITH SUBSECTION ~~(C)~~ (D) OF THIS SECTION;

(III) A DRAFT LOCAL LAW FORMING ~~OR JOINING~~ A COMMUNITY CHOICE AGGREGATOR; AND

(IV) PROPOSED TERMS OF SERVICE, RATES, AND CATEGORIES OF CHARGES, FEES, OR OTHER COSTS TO CUSTOMERS UNRELATED TO THE ACTUAL COST OF THE ELECTRICITY SUPPLY.

(2) THE NOTICE OF INTENT SHALL INCLUDE:

~~(1)~~ THE NAME OF ~~EACH~~ THE COUNTY ~~OR MUNICIPAL CORPORATION~~ IN THE COMMUNITY CHOICE AGGREGATOR; ~~AND~~

1 ~~(H) WHETHER THE COUNTY OR MUNICIPAL CORPORATION IS~~
2 ~~FORMING A COMMUNITY CHOICE AGGREGATOR OR JOINING AN EXISTING~~
3 ~~COMMUNITY CHOICE AGGREGATOR.~~

4 (3) A COUNTY ~~OR MUNICIPAL CORPORATION~~ IS A COMMUNITY
5 CHOICE AGGREGATOR AFTER:

6 (I) SUBMITTING THE NOTICE OF INTENT AND AGGREGATION
7 PLAN REQUIRED UNDER THIS SUBSECTION;

8 (II) THE COMMISSION HAS APPROVED ITS AGGREGATION PLAN
9 AND PROPOSED TERMS FILED IN ACCORDANCE WITH PARAGRAPH (1)(IV) OF THIS
10 SUBSECTION; AND

11 (III) ENACTING A LOCAL LAW THAT PROVIDES THAT THE COUNTY
12 ~~OR MUNICIPAL CORPORATION~~ SHALL ACT AS A COMMUNITY CHOICE AGGREGATOR.

13 ~~(E)~~ (F) (1) IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE
14 COMMISSION UNDER SUBSECTION ~~(K)~~ (L) OF THIS SECTION, IF A COUNTY ~~OR~~
15 ~~MUNICIPAL CORPORATION~~ ENACTS A LOCAL LAW TO ACT AS A COMMUNITY CHOICE
16 AGGREGATOR, THE COUNTY ~~OR MUNICIPAL CORPORATION~~ SHALL PROVIDE OR
17 CAUSE ITS SELECTED ELECTRICITY SUPPLIER, IF ANY, TO PROVIDE WRITTEN
18 NOTICE OF THE FORMATION OF THE COMMUNITY CHOICE AGGREGATOR TO ALL
19 RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ITS
20 JURISDICTION.

21 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL
22 INCLUDE:

23 (I) THE IDENTITY AND COMMISSION-ISSUED LICENSE
24 NUMBERS OF ANY SELECTED ELECTRICITY SUPPLIER;

25 (II) TERMS AND CONDITIONS OF SERVICE;

26 (III) NEW RATES, CHARGES, AND FEES FOR SERVICE UNDER THE
27 COMMUNITY CHOICE AGGREGATOR;

28 (IV) A COMPARISON OF THE NEW RATES AND THE RATES UNDER
29 THE CURRENT STANDARD OFFER SERVICE;

30 (V) INFORMATION ON HOW TO ACCESS THE STANDARD OFFER
31 SERVICE AVAILABLE FROM AN ELECTRIC COMPANY; AND

1 (VI) THE TOTAL RENEWABLE COMPONENT OF THE ELECTRICITY
 2 TO BE SUPPLIED THROUGH A COMMUNITY CHOICE AGGREGATOR, INCLUDING THE
 3 SPECIFIC SOURCES OF ANY RENEWABLE ENERGY COMPARED TO THE
 4 REQUIREMENTS UNDER CURRENT LAW, IF ANY.

5 (3) IN THE NOTICE REQUIRED UNDER THIS SUBSECTION, THE
 6 COUNTY ~~OR MUNICIPAL CORPORATION~~ SHALL PROVIDE TO THE RESIDENTIAL AND
 7 SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ~~ITS JURISDICTION~~ THE COUNTY THE
 8 OPPORTUNITY TO REFUSE TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
 9 THE COMMUNITY CHOICE AGGREGATOR:

10 (I) BY RETURN SUBMISSION OF THE NOTICE TO THE
 11 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC COMPANY INDICATING THE
 12 CUSTOMER'S DECISION TO REFUSE TO PARTICIPATE IN THE AGGREGATION
 13 ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR; OR

14 (II) BY CONTRACTING FOR SERVICE WITH A RETAIL
 15 ELECTRICITY SUPPLIER OR BY CHOOSING STANDARD OFFER SERVICE FROM AN
 16 ELECTRIC COMPANY.

17 (4) A COUNTY ~~OR MUNICIPAL CORPORATION~~ THAT ENACTS A LOCAL
 18 LAW TO ACT AS A COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION MAY NOT
 19 EXCLUDE FROM THE ABILITY TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
 20 THE COMMUNITY CHOICE AGGREGATOR:

21 (I) ANY RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC
 22 CUSTOMER IN ~~ITS JURISDICTION~~ THE COUNTY; OR

23 (II) FOR THE PROVISION OF ELECTRIC SERVICE FOR FACILITIES
 24 LOCATED WITHIN THE JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR,
 25 ANY GOVERNMENTAL ENTITY.

26 ~~(F)~~ (G) A RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IS
 27 DEEMED TO HAVE GIVEN PERMISSION TO THE COUNTY ~~OR MUNICIPAL~~
 28 ~~CORPORATION~~ TO ACT ON THE CUSTOMER'S BEHALF AS A COMMUNITY CHOICE
 29 AGGREGATOR:

30 (1) WHEN THE COUNTY ~~OR MUNICIPAL CORPORATION~~ RECEIVES
 31 FROM THE CUSTOMER:

32 (I) A REPLY FROM THE NOTICE REQUIRED UNDER SUBSECTION
 33 ~~(F)~~ (F) OF THIS SECTION BY WHICH THE CUSTOMER EXPLICITLY GRANTS
 34 PERMISSION FOR THE CUSTOMER TO RECEIVE SERVICE WITH THE COMMUNITY
 35 CHOICE AGGREGATOR; OR

1 (II) AN APPLICATION TO RECEIVE SERVICE WITH THE
2 COMMUNITY CHOICE AGGREGATOR;

3 (2) IN THE CASE OF A CUSTOMER RECEIVING STANDARD OFFER
4 SERVICE, WITHIN 30 DAYS AFTER THE NOTICE REQUIRED BY SUBSECTION ~~(E)~~ (F) OF
5 THIS SECTION IS GIVEN IF:

6 (I) THE COUNTY ~~OR MUNICIPAL CORPORATION~~ HAS NOT
7 RECEIVED A RETURNED NOTICE BY THAT DATE; OR

8 (II) AFTER THE CREATION OF THE COMMUNITY CHOICE
9 AGGREGATOR AND RECEIPT OF THE NOTICE, THE CUSTOMER HAS NOT CONTRACTED
10 WITH A RETAIL ELECTRICITY SUPPLIER OR CONTACTED AN ELECTRIC COMPANY TO
11 SELECT STANDARD OFFER SERVICES; OR

12 (3) ON APPLYING FOR NEW ELECTRIC SERVICE WITHIN THE
13 TERRITORY SERVED BY THE COMMUNITY CHOICE AGGREGATOR, UNLESS THE
14 CUSTOMER HAS:

15 (I) CONTRACTED WITH A RETAIL ELECTRICITY SUPPLIER FOR
16 SERVICE; OR

17 (II) CONTACTED AN ELECTRIC COMPANY TO SELECT STANDARD
18 OFFER SERVICE.

19 ~~(G)~~ (H) EXCEPT FOR A CONTRACT THAT AUTOMATICALLY RENEWS, AT
20 THE END OF A CONTRACT TERM WITH AN ELECTRICITY SUPPLIER A RESIDENTIAL OR
21 SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION OF A COMMUNITY
22 CHOICE AGGREGATOR SHALL BE AUTOMATICALLY ENROLLED AS A PARTICIPANT IN
23 THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR UNLESS
24 THE CUSTOMER:

25 (1) GIVES WRITTEN NOTICE TO THE COUNTY ~~OR MUNICIPAL~~
26 ~~CORPORATION~~ DECLINING TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
27 THE COMMUNITY CHOICE AGGREGATOR; OR

28 (2) CONTRACTS FOR SERVICE WITH A RETAIL ELECTRICITY SUPPLIER
29 OR CONTACTS AN ELECTRIC COMPANY TO SELECT STANDARD OFFER SERVICE.

30 ~~(H)~~ (I) ~~(1)~~ THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A
31 RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION
32 ~~OF THE COUNTY OR MUNICIPAL CORPORATION~~ COUNTY FROM CHOOSING AT ANY
33 TIME:

1 ~~(H)~~ (1) TO ENTER INTO A CONTRACT WITH AN ELECTRICITY
2 SUPPLIER OTHER THAN THE COMMUNITY CHOICE AGGREGATOR; OR

3 ~~(H)~~ (2) THE STANDARD OFFER SERVICE OFFERED BY AN
4 ELECTRIC COMPANY.

5 ~~(2)~~ ~~A COMMUNITY CHOICE AGGREGATOR MAY IMPOSE A PENALTY ON~~
6 ~~AN ELECTRIC CUSTOMER FOR OPTING OUT OF PARTICIPATION IN THE~~
7 ~~AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR ONLY IF THE~~
8 ~~ELECTRIC CUSTOMER OPTS OUT OF PARTICIPATION MORE THAN 180 DAYS AFTER~~
9 ~~THE CUSTOMER IS ENROLLED AS A PARTICIPANT.~~

10 ~~(H)~~ (J) A COMMUNITY CHOICE AGGREGATOR MAY NOT ASSESS ANY NEW
11 FEE, TAX, OR OTHER CHARGE IN THE AGGREGATION CHARGES OR RATES THAT IS
12 NOT RELATED TO THE COST OF:

13 (1) PROVIDING ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY
14 SERVICE, INCLUDING SERVICE FROM A GENERATING STATION OWNED BY THE
15 COMMUNITY CHOICE AGGREGATOR;

16 (2) PROMOTING THE USE OF RENEWABLE ENERGY; AND

17 (3) PROVIDING AND PROMOTING ENERGY EFFICIENCY MEASURES
18 THAT ARE COMPLEMENTARY TO THOSE OFFERED IN ACCORDANCE WITH § 7-211 OF
19 THIS TITLE.

20 ~~(J)~~ (K) (1) EXCEPT FOR THE PURPOSES OF MEETING THE
21 REQUIREMENTS OF THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER
22 SUBTITLE 7 OF THIS TITLE, A COMMUNITY CHOICE AGGREGATOR MAY NOT BE
23 CONSIDERED TO BE AN ELECTRICITY SUPPLIER UNDER § 7-507(A) OF THIS
24 SUBTITLE.

25 (2) (I) A COMMUNITY CHOICE AGGREGATOR MAY OWN AN
26 ELECTRIC GENERATING FACILITY OR AN ELECTRIC STORAGE FACILITY IN
27 ACCORDANCE WITH THIS ARTICLE IF THE FACILITY IS DESIGNED TO PROVIDE
28 ENERGY PRIMARILY FOR USE BY THE PARTICIPANTS OF THE COMMUNITY CHOICE
29 AGGREGATOR.

30 (II) WHEN A COMMUNITY CHOICE AGGREGATOR BUILDS OR
31 ACQUIRES AN ELECTRIC GENERATING FACILITY OR ELECTRIC STORAGE FACILITY,
32 THE COMMUNITY CHOICE AGGREGATOR SHALL SUBMIT TO THE COMMISSION A PLAN
33 FOR THE USE OR DISPOSITION OF THE FACILITY IF THE COMMUNITY CHOICE
34 AGGREGATOR IS DISSOLVED.

1 (3) A COMMUNITY CHOICE AGGREGATOR MAY CONTRACT FOR
 2 SERVICE FROM AN ELECTRIC GENERATING FACILITY IN ACCORDANCE WITH THIS
 3 ARTICLE IF THE AMOUNT OF CONTRACTED ELECTRICITY SUPPLY FROM THE
 4 FACILITY IS NOT GREATER THAN THE AMOUNT ESTIMATED TO BE NECESSARY TO
 5 MEET THE ELECTRICAL DEMAND OF THE PARTICIPANTS OF THE COMMUNITY
 6 CHOICE AGGREGATOR.

7 ~~(K)~~ (L) (1) BASED ON A DETERMINATION OF THE MITIGATION OF
 8 VOLUMETRIC RISK, THE COMMISSION MAY ESTABLISH BY ORDER OR REGULATION A
 9 SCHEDULE, WHICH MAY NOT EXCEED A PERIOD OF 2 YEARS, BY WHICH A COMMUNITY
 10 CHOICE AGGREGATOR MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO
 11 RETAIL OR WHOLESALE CONTRACTS UNDER AN AGGREGATION PLAN.

12 (2) THE COMMISSION SHALL CONSIDER THE IMPACTS TO THE PRICE
 13 AND STABILITY OF THE PROCUREMENT OF STANDARD OFFER SERVICE WHEN
 14 CONSIDERING A SCHEDULE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

15 ~~(L)~~ (M) (1) A COUNTY ~~OR MUNICIPAL CORPORATION~~ THAT IS FORMING
 16 ~~OR JOINING~~ A COMMUNITY CHOICE AGGREGATOR IS DEEMED TO HAVE OBTAINED
 17 ELECTRIC CUSTOMER AUTHORIZATION TO RETRIEVE PREENROLLMENT USAGE
 18 DATA FOR RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN THE
 19 ~~JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR~~ COUNTY.

20 (2) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
 21 COMMISSION, AN ELECTRIC COMPANY SHALL PROVIDE TO A COMMUNITY CHOICE
 22 AGGREGATOR ANY RELEVANT DATA FOR CUSTOMERS IN THE JURISDICTION OF THE
 23 COMMUNITY CHOICE AGGREGATOR, INCLUDING:

24 (I) PREENROLLMENT USAGE DATA; AND

25 (II) ANY OTHER APPROPRIATE BILLING AND ELECTRICAL LOAD
 26 DATA.

27 (3) AN ELECTRIC COMPANY SHALL PROVIDE TO A COUNTY ~~OR~~
 28 ~~MUNICIPALITY~~ THAT IS FORMING ~~OR JOINING~~ A COMMUNITY CHOICE AGGREGATOR
 29 DATA UNDER THIS SUBSECTION AS FOLLOWS:

30 (I) ONLY AGGREGATE DATA WHEN THE COUNTY ~~OR~~
 31 ~~MUNICIPALITY~~ INITIATES THE PROCESS OF ~~JOINING OR~~ FORMING A COMMUNITY
 32 CHOICE AGGREGATOR; AND

33 (II) ANY CUSTOMER-SPECIFIC DATA AFTER THE AGGREGATION
 34 PLAN IS APPROVED BY THE COMMISSION.

1 ~~(M)~~ (N) THE COMMISSION SHALL REVIEW APPLICABLE FEES, REQUEST
2 FORMATS, AND THE FORMAT OF DATA PROVIDED TO FACILITATE THE INTENT OF
3 THIS SECTION.

4 ~~(N)~~ (O) THE COMMISSION SHALL ESTABLISH PROCEDURES FOR AN
5 ELECTRIC CUSTOMER THAT IS RECEIVING ELECTRICITY SUPPLY THROUGH A
6 COMMUNITY CHOICE AGGREGATOR TO RECEIVE ANY BILL ASSISTANCE CREDIT OR
7 ARREARAGE ASSISTANCE TO WHICH THE CUSTOMER MAY BE ENTITLED UNDER §
8 7-512.1 OF THIS SUBTITLE OR ANY OTHER FEDERAL OR STATE BILL AND
9 ARREARAGE ASSISTANCE ADMINISTERED BY THE OFFICE OF HOME ENERGY
10 PROGRAMS.

11 ~~(O)~~ (P) THE COMMISSION MAY ALLOCATE THE PORTION OF DELINQUENT
12 ACCOUNT RECEIVABLES THAT IS ATTRIBUTABLE TO ELECTRICITY SUPPLY BETWEEN
13 THE ELECTRIC CUSTOMERS PARTICIPATING IN THE AGGREGATION ACTIVITIES OF A
14 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC CUSTOMERS THROUGHOUT
15 THE ELECTRIC COMPANY'S SERVICE TERRITORY IF THE COMMISSION DETERMINES
16 THAT:

17 (1) THE AMOUNT OF DELINQUENT ACCOUNTS RECEIVABLE
18 ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING STANDARD OFFER SERVICE IS
19 PROJECTED TO INCREASE TO AN EXTENT THAT WILL MATERIALLY ADVERSELY
20 IMPACT THE COST OF PROVIDING STANDARD OFFER SERVICE; AND

21 (2) THE PROJECTED INCREASE IN THE AMOUNT OF DELINQUENT
22 ACCOUNTS RECEIVABLE ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING
23 STANDARD OFFER SERVICE IS DIRECTLY OR INDIRECTLY CAUSED BY THE
24 MIGRATION OF A SUBSTANTIAL NUMBER OF ELECTRIC CUSTOMERS FROM
25 STANDARD OFFER SERVICE TO PARTICIPATION IN THE AGGREGATION ACTIVITIES
26 OF A COMMUNITY CHOICE AGGREGATOR.

27 ~~(P)~~ (Q) (1) AN ELECTRIC COMPANY SHALL PROVIDE BILLING SERVICES
28 FOR A COMMUNITY CHOICE AGGREGATOR.

29 (2) BILLS SENT TO ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE
30 AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR SHALL
31 IDENTIFY THE COMMUNITY CHOICE AGGREGATOR AS THE ELECTRICITY SUPPLIER.

32 (3) THE COMMISSION SHALL DETERMINE THE TERMS AND
33 CONDITIONS UNDER WHICH THE ELECTRIC COMPANY PROVIDES METERING,
34 BILLING, COLLECTION, AND CUSTOMER SERVICES TO A COMMUNITY CHOICE
35 AGGREGATOR AND ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE
36 AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR.

1 ~~(Q)~~ (R) (1) THE COMMISSION SHALL BY REGULATION ESTABLISH
2 STANDARDS AND PROCEDURES TO PROTECT THE CONSUMER RIGHTS OF
3 RESIDENTIAL CUSTOMERS WITHIN THE TERRITORY OF A COMMUNITY CHOICE
4 AGGREGATOR THAT RECEIVE ELECTRICITY SUPPLY THROUGH THE COMMUNITY
5 CHOICE AGGREGATOR.

6 (2) THE REGULATIONS SHALL PROHIBIT DISCRIMINATION AGAINST A
7 CUSTOMER OR ON THE BASIS OF THE LOCATION OF THE CUSTOMER.

8 (S) (1) THE PILOT PROGRAM SHALL:

9 (I) BEGIN ON THE EARLIER OF:

10 1. THE DATE THAT A COUNTY GIVES NOTICE TO THE
11 COMMISSION OF ITS INTENTION TO INITIATE A PROCESS TO FORM A COMMUNITY
12 CHOICE AGGREGATOR, IN ACCORDANCE WITH SUBSECTION (D)(1)(V) OF THIS
13 SECTION; OR

14 2. JANUARY 1, 2023; AND

15 (II) END 7 YEARS AFTER THE BEGINNING DATE, BUT NOT
16 SOONER THAN DECEMBER 31, 2030.

17 (2) ON OR BEFORE DECEMBER 31 OF THE SIXTH YEAR AFTER THE
18 BEGINNING OF THE PILOT PROGRAM, THE COMMISSION SHALL, IN ACCORDANCE
19 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE GENERAL
20 ASSEMBLY ON THE STATUS AND EFFECTIVENESS OF THE PILOT PROGRAM.

21 ~~(R)~~ (T) ON OR BEFORE ~~JULY 1, 2021,~~ JULY 1, 2022, THE COMMISSION
22 SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING
23 REGULATIONS FOR:

24 (1) CONSUMER PROTECTION;

25 (2) PROCEDURES TO CONSIDER AND REVIEW THE ANALYSIS OF
26 HISTORICAL AND FORECASTED TRENDS IN ELECTRICITY PRICES AND A PURCHASING
27 PLAN DESIGNED TO SAVE RATEPAYERS MONEY SUBMITTED BY COUNTY;

28 (3) A TARIFF STRUCTURE FOR COMMUNITY CHOICE AGGREGATION
29 NONCOMMODITY FEES AND CHARGES, INCLUDING A CAP ON ANY POTENTIAL EXIT
30 FEE;

1 ~~(3)~~ (4) A PROTOCOL FOR DATA EXCHANGE BETWEEN COMMUNITY
2 CHOICE AGGREGATORS, RETAIL SUPPLIERS, AND ELECTRIC COMPANIES,
3 INCLUDING PROHIBITIONS ON THE COMMUNITY CHOICE AGGREGATOR FROM
4 SHARING, DISCLOSING, OR OTHERWISE MAKING ACCESSIBLE TO A THIRD PARTY A
5 CUSTOMER'S PERSONAL INFORMATION;

6 ~~(4)~~ (5) PROCEDURES BY WHICH A COMMUNITY CHOICE
7 AGGREGATOR MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO RETAIL
8 OR WHOLESALE CONTRACTS UNDER AN AGGREGATION PLAN;

9 ~~(5)~~ (6) THE METHOD BY WHICH THE COST OF DELINQUENT
10 ACCOUNTS OF A COMMUNITY CHOICE AGGREGATOR MAY BE RECOVERED FROM
11 CUSTOMERS;

12 ~~(6)~~ (7) PROCEDURES FOR ENROLLING A CUSTOMER FOR SERVICE
13 WITH A COMMUNITY CHOICE AGGREGATOR ON EXPIRATION OF THE CUSTOMER'S
14 RETAIL SUPPLY CONTRACT;

15 ~~(7)~~ (8) PROCEDURES TO PROTECT CUSTOMER'S PRIVACY AND
16 CONFIDENTIAL DATA COLLECTED OR HELD BY A COMMUNITY CHOICE AGGREGATOR;

17 ~~(8)~~ (9) PROCEDURES TO MITIGATE ANY RISK TO STANDARD OFFER
18 SERVICE CUSTOMERS CAUSED BY THE POTENTIAL FOR CUSTOMERS TO MIGRATE
19 FROM A COMMUNITY CHOICE AGGREGATOR TO STANDARD OFFER SERVICE;

20 ~~(9)~~ (10) PROCEDURES BY WHICH A COMMUNITY CHOICE
21 AGGREGATOR MAY BE DISSOLVED, INCLUDING PROCEDURES FOR THE TRANSFER OF
22 CUSTOMERS TO STANDARD OFFER SERVICE AND THE RESALE OF CONTRACTED
23 ELECTRICITY SUPPLY; AND

24 ~~(10)~~ (11) PROCEDURES TO REQUIRE THAT:

25 (I) A COMMUNITY CHOICE AGGREGATOR THAT TRANSFERS ALL
26 CUSTOMERS BACK TO STANDARD OFFER SERVICE IS CONSIDERED TO BE DISSOLVED;
27 AND

28 (II) IF A COMMUNITY CHOICE AGGREGATOR IS CONSIDERED TO
29 BE DISSOLVED, IT MAY NOT BE REFORMED EXCEPT THROUGH THE PROCESS OF
30 FORMING A NEW COMMUNITY CHOICE AGGREGATOR IN ACCORDANCE WITH THIS
31 SECTION.

32 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
33 Assembly that, in accordance with the Maryland Constitution, before any legislation may
34 take effect that would expand the community choice aggregation program to be available

1 in jurisdictions other than that authorized for Montgomery County under this Act, the
2 legislation shall be submitted by referendum to the voters of the affected jurisdictions.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.