

HOUSE BILL 689

C5

9lr2619
CF SB 517

By: **Delegates Carey and D.E. Davis**

Introduced and read first time: February 7, 2019

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Electricity – Customer Choice – Education~~
3 Public Utilities – Electricity and Natural Gas Suppliers – Information

4 FOR the purpose of requiring the Public Service Commission to establish a certain
5 customer choice ~~website~~ websites for electric and natural gas customers; specifying
6 the contents of ~~the website~~ certain websites; requiring the Commission to use certain
7 information to maintain the information on ~~the website~~ certain websites; requiring
8 the Commission to include certain information on a certain customer education
9 webpage; requiring each electricity or natural gas supplier that is actively seeking
10 customers in a service territory in the State to maintain at least one open offer on
11 the Commission's website at all times; requiring the Commission to recover certain
12 costs in accordance with a certain provision of law; stating the intent of the General
13 Assembly; requiring the Commission to include certain information in certain
14 reports to the General Assembly and certain committees; encouraging the
15 Commission to review and consult with certain entities for certain purposes; making
16 stylistic changes; and generally relating to the Public Service Commission and
17 electric customer choice.

18 BY repealing and reenacting, without amendments,
19 Article – Public Utilities
20 Section 7–501(a), (e), and (f)
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2018 Supplement)

23 BY repealing and reenacting, with amendments,

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 Article – Public Utilities
2 Section 7–510.1
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2018 Supplement)

5 BY adding to
6 Article – Public Utilities
7 Section 7–510.2 and 7–604.1
8 Annotated Code of Maryland
9 (2010 Replacement Volume and 2018 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Public Utilities**

13 7–501.

14 (a) In this subtitle the following words have the meanings indicated.

15 (e) “Consumer” and “customer” each means a retail electric customer.

16 (f) “Customer choice” means the right of electricity suppliers and customers to
17 utilize and interconnect with the electric distribution system on a nondiscriminatory basis
18 at rates, terms, and conditions of service comparable to the electric company’s own use of
19 the system to distribute electricity from an electricity supplier to a customer, under which
20 a customer has the opportunity to purchase electricity from the customer’s choice of
21 licensed electricity suppliers.

22 7–510.1.

23 (a) The Commission shall educate customers about customer choice in accordance
24 with this section.

25 (b) (1) The Commission shall:

26 (i) host and regularly update a user–friendly customer choice
27 education section on its [Web site] WEBSITE that complies with standards issued under §
28 508 of the federal Rehabilitation Act of 1973; and

29 (ii) prominently display a link to that section of the Commission’s
30 [Web site] WEBSITE on the home page of the Commission’s [Web site] WEBSITE.

31 (2) The customer choice education section of the Commission’s [Web site]
32 WEBSITE shall include:

33 (i) a clear and simple description of:

- 1 1. customer choice;
- 2 2. how customers can shop for an electricity supplier;
- 3 3. what kinds of competitive electricity supply options
4 customers have, including:
 - 5 A. renewable energy supply;
 - 6 B. fixed and variable pricing; and
 - 7 C. other common contract terms;
- 8 4. the current price of standard offer service in the service
9 territory of each electric company; and
- 10 5. the continuing role of the electric company in delivering
11 electricity to a customer that chooses an electricity supplier;
- 12 (ii) fact sheets that:
 - 13 1. answer common questions about customer choice;
 - 14 2. advise customers about the questions customers should
15 ask when choosing an electricity supplier; [and]
 - 16 3. list the kinds of disclosures that electricity suppliers must
17 make to customers;
 - 18 4. **DESCRIBE COMMON ISSUES ABOUT CONTRACTS FOR**
19 **ELECTRICITY SUPPLY AND AVAILABLE OPTIONS; AND**
 - 20 5. **DESCRIBE CONSUMER RIGHTS AND PROTECTIONS**
21 **THAT ARE AVAILABLE AND THE MEANS OF MAKING USE OF THEM;**
- 22 (iii) a list of all electricity suppliers that have open offers to supply
23 electricity in a customer's service area, searchable by service territory or jurisdiction; [and]
- 24 (iv) a statement indicating that customers who have entered into a
25 contract with a competitive electricity supplier for electricity supply should be aware of the
26 ending date of the contract so that they may determine, before being placed into a renewal
27 contract with the current electricity supplier, whether they would like to:
 - 28 1. shop for an alternative electricity supplier;

- 1 2. renew with the current electricity supplier; or
- 2 3. return to the standard offer service which may be offered
- 3 at a price that is less than the renewal price offered by the current electricity supplier; AND

4 **(v) A LINK TO THE CUSTOMER CHOICE SHOPPING ~~WEBSITE~~**
5 **WEBSITES ESTABLISHED UNDER § 7-510.2 OF THIS SUBTITLE AND § 7-604.1 OF THIS**
6 **TITLE.**

7 (3) To the extent practicable, the list of electricity suppliers required under
8 paragraph (2)(iii) of this subsection shall include:

9 (i) the terms of any open offers to supply electricity, including:

- 10 1. the duration of the contract;
- 11 2. the cost of electricity per kilowatt-hour; and
- 12 3. any cancellation fees; and

13 (ii) a link to the [Web site] WEBSITE of each electricity supplier with
14 an open offer to supply electricity.

15 (c) (1) To ensure the currency and accuracy of information required under
16 subsection (b)(2)(iii) of this section, the Commission shall maintain a secure portal on its
17 [Web site] WEBSITE to receive information about offers to supply electricity from electricity
18 suppliers.

19 (2) **EACH ELECTRICITY SUPPLIER THAT IS ACTIVELY SEEKING**
20 **RESIDENTIAL CUSTOMERS IN A SERVICE TERRITORY IN THE STATE SHALL MAINTAIN**
21 **AT LEAST ONE OPEN OFFER TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS**
22 **ON THE COMMISSION'S WEBSITE AT ALL TIMES.**

23 (3) At least once each month, each electricity supplier with an open offer to
24 supply electricity shall submit detailed information about the offer to the Commission
25 through a secure portal maintained by the Commission on the Commission's [Web site]
26 WEBSITE for this purpose.

27 (d) The Commission shall work with media outlets in the State to develop and air
28 public service announcements publicizing customer choice and directing customers to the
29 Commission's [Web site] WEBSITE for additional information.

30 (e) The Commission shall recover the cost of complying with this section in
31 accordance with § 2-110 of this article.

1 (f) On or before December 31 of each year, the Commission shall report, in
2 accordance with § 2-1246 of the State Government Article, to the General Assembly on the
3 status and success of the Commission's efforts to educate customers about customer choice
4 under this section.

5 **7-510.2.**

6 (A) THE COMMISSION SHALL ESTABLISH A CUSTOMER CHOICE SHOPPING
7 WEBSITE THAT ALLOWS A CUSTOMER TO:

8 ~~(1)~~ SORT ELECTRICITY SUPPLIERS THAT HAVE OPEN OFFERS TO
9 SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS IN THE CUSTOMER'S SERVICE
10 AREA; ~~AND~~

11 ~~(2) INITIATE THE TRANSITION FROM ONE ELECTRICITY SUPPLIER TO~~
12 ~~ANOTHER ELECTRICITY SUPPLIER.~~

13 (B) THE WEBSITE SHALL INCLUDE:

14 (1) A LIST OF ALL ELECTRICITY SUPPLIERS THAT HAVE OPEN OFFERS
15 TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS IN A CUSTOMER'S SERVICE
16 AREA, SORTABLE BY:

17 (I) COST OF SERVICE;

18 (II) COST OF ELECTRICITY PER KILOWATT-HOUR;

19 (III) RATE STRUCTURE;

20 (IV) DURATION OF THE CONTRACT;

21 (V) CANCELLATION FEE; AND

22 (VI) ANY OTHER ASPECT OF SERVICE THAT THE COMMISSION
23 CONSIDERS NECESSARY;

24 (2) A WAY TO COMPARE ELECTRICITY SUPPLIERS BASED ON THE
25 SORTABLE ITEMS SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION;

26 (3) A LINK TO THE WEBSITE OF EACH ELECTRICITY SUPPLIER WITH
27 AN OPEN OFFER TO SUPPLY ELECTRICITY TO RESIDENTIAL CUSTOMERS;

28 (4) A LINK TO THE CUSTOMER EDUCATION WEBPAGE ESTABLISHED
29 UNDER § 7-510.1 OF THIS SUBTITLE;

~~(5) A WAY FOR A CUSTOMER TO INITIATE THE TRANSITION FROM THE CUSTOMER'S CURRENT ELECTRICITY SUPPLIER TO ANOTHER ELECTRICITY SUPPLIER;~~

~~(6)~~ (5) A LINK TO ~~AN INFORMAL~~ A COMPLAINT PROCESS THAT PROVIDES ACCESS FOR THE CUSTOMER TO PROTECT THE CUSTOMER'S RIGHTS AND MAKE USE OF CONSUMER PROTECTIONS THROUGH THE COMMISSION; AND

~~(7)~~ (6) FACT SHEETS ON THE PROCESS FOR:

~~(H)~~ COMPARING OFFERS FROM ELECTRICITY SUPPLIERS ON THE WEBSITE, INCLUDING RELEVANT CONTRACT TERMS, REQUIREMENTS, LIMITATIONS, AND FEES; ~~AND~~

~~(H)~~ EMPLOYING THE WEBSITE TO TRANSITION FROM THE CUSTOMER'S CURRENT ELECTRICITY SUPPLIER TO ANOTHER ELECTRICITY SUPPLIER.

(C) THE COMMISSION SHALL USE THE INFORMATION RECEIVED FROM AN ELECTRICITY SUPPLIER UNDER § 7-510.1 OF THIS SUBTITLE TO MAINTAIN THE INFORMATION ON THE WEBSITE.

(D) THE COMMISSION SHALL RECOVER THE COST OF COMPLYING WITH THIS SECTION IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE.

7-604.1.

(A) THE COMMISSION SHALL ESTABLISH A CUSTOMER CHOICE SHOPPING WEBSITE THAT ALLOWS A CUSTOMER TO SORT NATURAL GAS SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS IN THE CUSTOMER'S SERVICE AREA.

(B) THE WEBSITE SHALL INCLUDE:

(1) A LIST OF ALL NATURAL GAS SUPPLIERS THAT HAVE OPEN OFFERS TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS IN A CUSTOMER'S SERVICE AREA, SORTABLE BY:

(I) COST OF SERVICE;

(II) COST OF NATURAL GAS PER THERM;

(III) RATE STRUCTURE;

1 **(IV) DURATION OF THE CONTRACT;**

2 **(V) CANCELLATION FEE; AND**

3 **(VI) ANY OTHER ASPECT OF SERVICE THAT THE COMMISSION**
4 **CONSIDERS NECESSARY;**

5 **(2) A WAY TO COMPARE NATURAL GAS SUPPLIERS BASED ON THE**
6 **SORTABLE ITEMS SPECIFIED UNDER ITEM (1) OF THIS SUBSECTION;**

7 **(3) A LINK TO THE WEBSITE OF EACH NATURAL GAS SUPPLIER WITH**
8 **AN OPEN OFFER TO SUPPLY NATURAL GAS TO RESIDENTIAL CUSTOMERS;**

9 **(4) A LINK TO A COMPLAINT PROCESS THAT PROVIDES ACCESS FOR**
10 **THE CUSTOMER TO PROTECT THE CUSTOMER'S RIGHTS AND MAKE USE OF**
11 **CONSUMER PROTECTIONS THROUGH THE COMMISSION; AND**

12 **(5) FACT SHEETS ON THE PROCESS FOR COMPARING OFFERS FROM**
13 **NATURAL GAS SUPPLIERS ON THE WEBSITE, INCLUDING RELEVANT CONTRACT**
14 **TERMS, REQUIREMENTS, LIMITATIONS, AND FEES.**

15 **(C) (1) TO ENSURE THE CURRENCY AND ACCURACY OF INFORMATION**
16 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL**
17 **MAINTAIN A SECURE PORTAL ON ITS WEBSITE TO RECEIVE INFORMATION ABOUT**
18 **OFFERS TO SUPPLY NATURAL GAS FROM NATURAL GAS SUPPLIERS.**

19 **(2) AT LEAST ONCE A MONTH, EACH NATURAL GAS SUPPLIER WITH AN**
20 **OPEN OFFER TO SUPPLY NATURAL GAS SHALL SUBMIT DETAILED INFORMATION**
21 **ABOUT THE OFFER TO THE COMMISSION THROUGH A SECURE PORTAL MAINTAINED**
22 **BY THE COMMISSION ON THE COMMISSION'S WEBSITE FOR THIS PURPOSE.**

23 **(D) THE COMMISSION SHALL RECOVER THE COST OF COMPLYING WITH**
24 **THIS SECTION IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) It is the intent of the General Assembly that the Public Service Commission
27 shall fully implement this ~~Act and Act~~, revamp ~~its~~ the customer education ~~and customer~~
28 ~~choice shopping websites under §§ 7-510.1 and 7-510.2 of the Public Utilities Article~~
29 section on its website, and establish the customer choice shopping websites required under
30 §§ 7-510.2 and 7-604.1 of the Public Utilities Article, as enacted by this Act, no later than
31 October 1, 2020.

32 (b) The Commission shall include information on its compliance with this Act in:

1 (1) its annual reports on the customer choice website required under §
2 7-510.1(f) of the Public Utilities Article in 2019 and 2020; and

3 (2) an interim report to the Senate Finance Committee and the House
4 Economic Matters Committee no later than June 30, 2020.

5 (c) In revising and expanding its customer choice education website and creating
6 a customer choice shopping ~~website~~ websites under this Act, the Commission is encouraged
7 to review and consult with the utility regulatory commissions of other jurisdictions that
8 have adopted customer choice, particularly reviewing for guidance the commission
9 customer choice websites in Pennsylvania and Texas.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.