

SENATE BILL 704

C5

11r2031

By: **Senators Klausmeier and Pugh**

Introduced and read first time: February 4, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2011

CHAPTER _____

1 AN ACT concerning

2 **Electric Companies and Gas Companies – Residential Customer Account**
3 **Information**

4 FOR the purpose of requiring an electric company, a gas company, or an electric and
5 gas company, on a certain request by a certain competitive supplier of electricity
6 or gas, to provide certain information related to residential customer accounts to
7 the supplier, subject to certain restrictions; requiring the distribution utility to
8 provide the information in a certain form and to update it periodically;
9 prohibiting a distribution utility from providing certain information without the
10 prior authorization of a certain customer; providing the method by which a
11 distribution utility must obtain the customer's authorization, including
12 requiring certain notice to be provided containing certain information; requiring
13 the notice to be provided to certain customers at certain times; establishing
14 when a customer is deemed to have given certain authorization; authorizing a
15 customer to withdraw authorization in a certain manner; ~~requiring a~~
16 ~~distribution utility to ensure that certain information is not shared under~~
17 ~~certain circumstances~~; requiring the Public Service Commission to allow a
18 distribution utility to recover certain costs directly from a competitive supplier;
19 providing that a competitive supplier may use certain information only for a
20 certain purpose; prohibiting a competitive supplier from selling or providing
21 certain information to any other person, with a certain exception; authorizing a
22 competitive supplier to provide certain information to an authorized agent for a
23 certain purpose; providing that the authorized agent is subject to the same
24 restrictions on the use, sale, or provision of the information as the competitive
25 supplier; providing for the application of this Act to certain gas suppliers under

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 certain provisions of law; providing that this Act does not apply to an electric
 2 cooperative or a gas cooperative; defining certain terms; and generally relating
 3 to electricity, gas supply, and residential customer account information.

4 BY adding to
 5 Article – Public Utilities
 6 Section 7–510.1 and 7–604(c)
 7 Annotated Code of Maryland
 8 (2010 Replacement Volume)

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

11 **Article – Public Utilities**

12 **7–510.1.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 14 MEANINGS INDICATED.

15 (2) “COMPETITIVE SUPPLIER” MEANS:

16 (I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS
 17 SUBTITLE; OR

18 (II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS
 19 TITLE.

20 (3) “DISTRIBUTION UTILITY” MEANS AN ELECTRIC COMPANY, A
 21 GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.

22 (B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR
 23 A GAS COOPERATIVE.

24 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE
 25 WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A
 26 DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE
 27 FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR ~~ALL~~ RESIDENTIAL
 28 CUSTOMERS LOCATED IN THE SERVICE TERRITORY OF THE DISTRIBUTION
 29 UTILITY:

30 (I) THE ACCOUNT NAME ~~AND NUMBER~~;

31 (II) THE BILLING ADDRESS;

- 1 **(III) THE SERVICE ADDRESS;**
- 2 **(IV) THE UTILITY RATE CLASS;**
- 3 **(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;**
- 4 **(VI) THE LOAD PROFILE;**
- 5 **(VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH**
6 **PERIOD FOR EACH TYPE OF POWER; AND**
- 7 **(VIII) WHETHER THE TYPE OF POWER SUPPLIED TO THE**
8 **CUSTOMER IS:**
- 9 1. **GAS;**
- 10 2. **ELECTRICITY; OR**
- 11 3. **GAS AND ELECTRICITY.**

12 **(2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION**
13 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM**
14 **AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.**

15 **(D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER**
16 **ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT**
17 **THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.**

18 **(2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A**
19 **DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT**
20 **WRITTEN NOTICE OF:**

21 1. **THE TYPE OF ACCOUNT INFORMATION THAT**
22 **WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;**

23 2. **THE RIGHT OF THE CUSTOMER TO:**

24 A. **REFUSE TO AUTHORIZE THE DISTRIBUTION**
25 **UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR**

26 B. **WITHDRAW AN EARLIER AUTHORIZATION; AND**

27 3. **THE MANNER IN WHICH THE CUSTOMER IS**
28 **REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF**
29 **A PREVIOUS AUTHORIZATION.**

1 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF**
2 **THIS PARAGRAPH SHALL BE PROVIDED:**

3 **1. AS PART OF THE WRITTEN MATERIALS SUPPLIED**
4 **TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND**

5 **2. AS A BILL INSERT TO EXISTING CUSTOMERS PRIOR**
6 **TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES INFORMATION**
7 **UNDER THIS SECTION.**

8 **(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A**
9 **DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S**
10 **ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN**
11 **UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE**
12 **DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER**
13 **PRESCRIBED BY THE NOTICE.**

14 **(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT**
15 **ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER**
16 **PRESCRIBED BY THE NOTICE.**

17 **2. IF A CUSTOMER WITHDRAWS AUTHORIZATION,**
18 **THE DISTRIBUTION UTILITY SHALL ENSURE THAT THE CUSTOMER'S ACCOUNT**
19 **INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE.**

20 ~~**(4) A DISTRIBUTION UTILITY MAY NOT INCLUDE IN THE**~~
21 ~~**INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CUSTOMER**~~
22 ~~**ACCOUNT INFORMATION OF A COMMERCIAL CUSTOMER THAT IS RECEIVING**~~
23 ~~**ELECTRICITY SUPPLY OR GAS SUPPLY FROM A COMPETITIVE SUPPLIER.**~~

24 **(E) THE COMMISSION SHALL ALLOW THE DISTRIBUTION UTILITY TO**
25 **RECOVER THE PRUDENTLY INCURRED COSTS, AS THE COMMISSION**
26 **DETERMINES, OF PROVIDING THE INFORMATION UNDER SUBSECTION (C) OF**
27 **THIS SECTION DIRECTLY FROM THE COMPETITIVE SUPPLIER THAT REQUESTED**
28 **THE INFORMATION.**

29 **(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION**
30 **OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO**
31 **ELECTRICITY AND GAS SUPPLY.**

32 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
33 **PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY**

1 INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON,
2 INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.

3 (II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION
4 OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR
5 IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1)
6 OF THIS SUBSECTION.

7 (III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER
8 THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR
10 PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS
11 SUBJECT UNDER THIS SUBSECTION.

12 7-604.

13 (C) SECTION 7-510.1 OF THIS TITLE GOVERNS THE PROVISION TO A GAS
14 SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL
15 GAS CUSTOMERS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.