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December 1, 2011

David J. Collins, Executive Secretary  
Public Service Commission of Maryland  
William Donald Schaeffer Tower  
6 St. Paul Street, 16<sup>th</sup> Floor  
Baltimore, Maryland 21202

Re: Request for Comment Regarding Implementation of PUA §7-507(j) Requirement that Electricity Suppliers Post on the Internet Information Regarding Services and Rates for Small Commercial and Residential Electric Customers

Dear Mr. Collins:

Public Utilities Article (“PUA”) §7-507(j) requires that an electricity supplier (a definition which includes brokers and CSPs) “post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.” In reviewing PUA §7-507(j) in order to evaluate compliance, Staff has determined that there are many issues that need clarification. Staff is seeking public and industry comment on these issues in preparation for the proposal and/or implementation of more specific guidelines for the electronic publishing of information for consumers.

Staff believes the main issue here is whether to allow for a broad or narrow interpretation of PUA §7-507(j). A narrow interpretation would require suppliers to provide a description and price for each residential and small commercial service offering. A broad interpretation would allow suppliers to make much more general statements about their offerings. Staff has identified eleven specific inquiries for comment.

**1. Do we need to create a distinction between suppliers who have “open offers” to any eligible customer and suppliers and brokers who generally have only negotiated contracts with customers?**

If a supplier has existing customers, but no offers to new customers, does this supplier need to post information about its services and rates?

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- 2. Can a supplier's 'services' and 'prices' be described in broad terms? (i.e., Would a phrase such as "We will work with multiple suppliers to get you the best price" qualify as "readily understandable information about . . . prices"?)**  
Some brokers, and most if not all CSPs, may not be able to post specific prices on their websites. In the event a broker or CSP does not have a specific offer price, what can they post to ensure compliance with PUA 7-507(j)?
- 3. Does PUA §7-507(j) require all suppliers to have a web site?**  
Statute requires that supplier post information "on the Internet". Does posting on the Commission's supplier web portal suffice?
- 4. If a supplier only provides service via negotiated contracts, how would that supplier comply with PUA §7-507(j)?**  
Would a posting on the internet that listed a specific price along with a statement such as "further discounts may be available" comply with PUA §7-507(j)?
- 5. What should be the rule for a variable price product offer?**  
How often should a supplier offering variable rate pricing be required to update their website?
- 6. Does every service offering need to be posted on the internet, or does posting a single offer on the internet qualify?**
- 7. Is a posting that includes some variation of "Not offering service at this time" acceptable?**  
Should there be a requirement that suppliers who are not currently offering service explicitly state that on their websites?
- 8. Is a posting that states "contact the supplier for a quote" acceptable?**  
Is this allowable for brokers and aggregators?
- 9. Should PUA §7-507(j) apply to natural gas suppliers?**  
PUA §7-604(b) states that "in adopting orders and regulations under this section, unless the Commission determines that the circumstances do not require consistency, the Commission shall:  
(1) provide customers with protections consistent with applicable protections provided to retail electric customers; and  
(2) impose appropriate requirements on gas suppliers that are consistent with applicable requirements imposed on electricity suppliers..
- 10. Must a specific rate be posted on the website?**  
Is a supplier allowed to provide a general description of its rates?

**11. Should the Commission define the term “small commercial”?**

It is not clear to Staff which supplier offers are subject to PUA §7-507(j). If so, should the definition of small commercial be that of a Type I SOS customer?<sup>1</sup>

Staff therefore requests that public and industry comment be sought on the above issues in preparation for the proposal and/or implementation of more specific guidelines for the electronic publishing of information for consumers. Staff will then evaluate the need for the proposal of regulations and will begin working with the suppliers to ensure compliance with PUA §7-507(j).

An original and 17 copies of this document, which has been e-filed today, are enclosed for filing. If you have any questions, please do not hesitate to contact me at 410-767-8101 or by e-mail at [jgrace@psc.state.md.us](mailto:jgrace@psc.state.md.us). Thank you in advance for your time and effort in this matter.

Respectfully submitted,

Jennifer J. Grace,  
Assistant Staff Counsel

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<sup>1</sup> A Type I customer is a commercial customer that does not have: 1) a metered 30-minute demand that equals or exceeds 25 kW; 2) energy consumption in excess of 6,000 kWh in any two consecutive winter billing months; or, 3) a monthly energy consumption that exceeds 7,500 kWh for a single summer billing month.