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PUBLIC SERVICE COMMISSION

January 31, 2018

David J. Collins, Executive Secretary
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul Street, 16th Floor
Baltimore, Maryland 21202

RE: Petition to Initiate a Rulemaking Associated with PC44 and Enhancements to the Competitive Markets and Customer Choice Regulations

Dear Mr. Collins:

As the Leader of the Public Conference 44 ("PC44") Competitive Markets and Customer Choice Work Group ("CMCC Work Group"), I respectfully submit this report and recommend that the Public Service Commission of Maryland ("Commission") initiate a rulemaking proceeding to consider the proposed draft regulations appended to this report. Although the CMCC Work Group reached agreement on multiple issues, the report and recommended revised regulations include several non-consensus items. Thus, I offer this report and draft regulations for the Commission's consideration in my capacity as CMCC Work Group Leader, and as a non-consensus document.

At this time, I recommend that the Commission initiate a rulemaking proceeding, request comments on this report and the proposed regulations appended thereto, and schedule a rulemaking session to consider the proposed regulatory changes. I would like to express my gratitude to members of the PC44 CMCC Work Group for their extensive and constructive engagement in these matters, and I would also like to thank the Commission for the opportunity to work on this important aspect of our grid modernization efforts.

Sincerely,

A handwritten signature in cursive script that reads "marissa P Gillett".

Marissa Paslick Gillett, esq.
PC44 Competitive Markets and

Customer Choice Work Group Leader

cc: W. Kevin Hughes, Chairman
Michael T. Richard, Commissioner
Anthony O'Donnell, Commissioner
Odogwu Obi Linton, Commissioner
Mindy L. Herman, Commissioner
PC44 Competitive Markets and Customer Choice Work Group Email Distribution List

Report Regarding Proposed Enhancements to the Competitive Markets and Customer Choice Regulations

Phase II of the PC 44 Work Group

Submitted by the PC44 Competitive Markets and Customer Choice Work Group Leader

January 31, 2018

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Petition

The Public Conference 44 (“PC44”) Phase II Competitive Markets and Customer Choice (“CMCC”) Work Group Leader respectfully requests that the Public Service Commission of Maryland (“Commission”) initiate a rulemaking to consider the regulations appended to this Report that address proposed enhancements to the competitive market and customer choice framework currently applicable in the State. As part of the same rulemaking proceeding, the PC44 CMCC Work Group Leader further respectfully requests that the Commission address the proposed regulations filed on June 30, 2017 by the Phase I CMCC Work Group Leader, which if adopted, would direct and inform the distribution and use of consumer interval data in the service territories where advanced metering infrastructure (“AMI” or “smart meters”) has been deployed.¹ The proposed regulations developed in Phase I and Phase II of the CMCC Work Group are appended as a comprehensive package in Attachment 4 to this Report; although, the regulations developed in Phase I remain substantively unchanged from those filed on June 30, 2017. Lastly, the CMCC Work Group respectfully requests guidance from the Commission regarding a potential Phase III of the Work Group, as described in Section IV of this Report.

¹ ML#215930: *Request for Rule Making in Public Conference 44* (June 30, 2017).

I. Background

On January 31, 2017, the Commission issued a Notice convening PC44, which, *inter alia*, established the CMCC Work Group and noted that, “[n]ow is the right time to reexamine certain aspects of Maryland’s retail choice market, particularly those administrative or process burdens (not related to consumer protection) that discourage customers from selecting a retail supplier.”² The Commission stated that as a result of the PC44 proceeding, it would consider “changes to retail choice that will create a more competitive, transparent, and customer-friendly market in Maryland,” and provided as specific examples of such potential actions the concepts of seamless moves, instant connects, and the implementation of online look-up tools.³

The CMCC Work Group began Phase II of its work as directed in the Summer of 2017, having spent the first half of the year dedicated to Phase I activities during which the CMCC Work Group developed non-consensus regulations to enable utilities with electric and/or gas AMI meters deployed to begin instituting a data sharing system. During Phase II of the CMCC Work Group, stakeholders and interested parties met in person four times over the course of 5 months, with each participant devoting over 25 hours of staff resources toward developing the materials discussed in this Report. As a result, draft regulations, as well as draft implementation guidance documents, were developed by the CMCC Work Group regarding the potential market enhancements of seamless moves and instant connects. Additionally, the CMCC Work Group tackled several “clean-up” items stemming from the Commission’s previous Rulemaking 54 (“RM 54”) proceeding, as well as additional customer protections related to the posting of open offers by suppliers on the Commission’s website and the marketing of budget billing products by suppliers; the draft regulations were supplemented accordingly. Lastly, the CMCC Work Group

² ML#212176: *Public Service Commission of Maryland Public Conference 44 Notice* (Jan. 31, 2017) at 10.

³ *Id.*

discussed at length multiple options for additional market enhancements that could be effectuated following a recommended Phase III, for which the CMCC Work Group respectfully requests Commission input and direction as described in a subsequent section.

II. Instant Connects and Seamless Moves

The CMCC Work Group discussed at length two potential enhancements to the existing framework for competitive markets and customer choice in the State: the implementation of regulations to effectuate instant connects (electric only) and seamless moves (electric and gas). An “instant connect” – also sometimes referred to as the concept of “first day shopping” – refers to the ability of an eligible customer to take service from an electric supplier on the first day; rather than first receiving default service from the applicable electric company and subsequently requesting enrollment with a supplier of the customer’s choosing. The concept of “seamless moves” refers to the ability of a residential or small commercial customer to relocate to another premise within the same service territory and remain in an existing contract with their supplier. Note that the current statewide practice is for a customer to revert to standard offer service (“SOS”) or sales service as a result of a move, and to subsequently re-enroll with a supplier after establishing an account at the new premise.

To inform members of the CMCC Work Group regarding the potential impact of the aforementioned policies on Maryland shopping customers, participating utilities were asked to provide customer utilization statistics for affiliates operating in states that currently permit one or both of the contemplated market enhancements. The Potomac Edison Company (“PE”), Baltimore Gas and Electric Company (“BGE”), Delmarva Power & Light Company (“Delmarva”), and the Potomac Electric Power Company (“Pepco”) all provided the requested

information for their affiliates operating in Pennsylvania, a state which began allowing instant connects and seamless moves for eligible customers within the past 2 years. BGE, Delmarva, and Pepco provided the information depicted in the table below regarding the utilization of seamless moves and instant connects in their Exelon affiliate service territory in Pennsylvania – a combined electric and gas utility serving approximately 1.6 million electric customers and over 511,000 natural gas customers.

Exelon Affiliate Monthly Customer Utilization Data for
Market Enhancement Policies Recently Implemented in Pennsylvania

Month	Seamless Moves	Instant Connects
Jun-16	359	278
Jul-16	469	262
Aug-16	449	593
Sep-16	311	518
Oct-16	398	500
Nov-16	309	362
Dec-16	285	346
Jan-17	305	398
Feb-17	245	364
Mar-17	365	308
Apr-17	354	203
May-17	502	215
Jun-17	571	242
Jul-17	631	246
Aug-17	564	187
Total To-Date	6,117	5,022

PE provided the requested information on an aggregated basis for the four FirstEnergy affiliates operating in Pennsylvania, which collectively serve approximately 2.05 million customers.⁴ To-date, across all four of the FirstEnergy Pennsylvania affiliate service territories, a total of 8,162 seamless moves have been processed – or approximately 680 per month since implementation of the policy. Of the completed seamless moves, 99.9% were for residential customers, while only

⁴ For additional context, PE notes that the four FirstEnergy affiliates operating in Pennsylvania serve approximately 1.8 million residential and small commercial customers (*i.e.* the classes eligible for a seamless move), and that roughly 620,000 customers are currently shopping for their generation supply.

0.1% of seamless moves were for commercial customers. With respect to instant connects, a total of 7,712 – or approximately 643 per month – have been processed across all four of the FirstEnergy Pennsylvania affiliate service territories since the policy’s inception. Of the completed instant connects, 76.1% were for residential customers, 21.8% were for commercial customers, 0.02% were for industrial customers, 0.2% were for lighting customers, and the remaining 1.88% were for “other” customers.

As an additional data point for the CMCC Work Group to consider, the utility stakeholders were requested to provide estimated implementation costs and timelines associated with effectuating seamless move and instant connect policies in Maryland. BGE and PE provided the requested information, as did Delmarva and Pepco on a joint basis for the combined Pepco Holdings, Inc. (“PHI”) utilities. The Southern Maryland Electric Cooperative, Inc. (“SMECO”) also provided the requested estimates. All responding utilities noted that the estimates provided in the table below assume that comparable program parameters to those utilized in the Pennsylvania context are adopted here.

Estimated Costs and Timeline Associated with Implementing Seamless Moves and Instant Connect Policies in Maryland

	BGE	PHI	PE	SMECO
Seamless Moves	\$1.4 million - \$2 million	\$836,000 - \$1.3 million	\$519,000	\$700,000 - \$1.1 million
Instant connects	\$350,000 - \$500,000	\$264,000 - \$420,000		\$320,000 - \$480,000
Estimated Implementation Timeline	12 months	10 - 12 months	6 months	12 months

After reviewing and discussing at great length the above information related to customer utilization of similar policies in another state, as well as potential costs and timelines associated

with implementing these policies in Maryland, it became evident that a divergence in viewpoints existed across the participating stakeholders in the CMCC Work Group with respect to whether it is an appropriate use of ratepayer funds to effectuate seamless moves and instant connect capabilities in the State, especially given other recent Commission efforts to implement a three-day switching rule for AMI customers.⁵ Other work group members viewed the utilization statistics from the Pennsylvania examples as indicative of missed opportunities to improve the transparency and customer service aspects of the State's competitive market.

Overall, the ultimate (and as of yet, unknown) resolution of the cost recovery issue initially appeared to generate an impasse regarding whether the CMCC Work Group could reach agreement on regulations to effectuate seamless moves and instant connects. Nonetheless, as a result of the collaborative engagement of all stakeholders, the CMCC Work Group was able to generate draft regulations related to seamless moves and instant connects, which the Work Group Leader understands to represent a consensus insofar as, *if* the Commission concludes that pursuing these policies is appropriate, then the attached regulations should be adopted.⁶ The draft regulations pertaining to seamless moves and instant connects are reflected on pages 14 – 17, and 25 (electric), and pages 43 – 45, and 52 (gas) of Attachment 4. Furthermore, the CMCC Work Group drafted guidelines that could serve as the basis for implementation plans to be filed by the utilities in the event that the proposed regulations are adopted to effectuate seamless moves and/or instant connect policies in Maryland.⁷

⁵ Although the CMCC Work Group did not consider it to be a foregone conclusion that cost recovery would be socialized across all ratepayers, the possibility of this outcome generated serious debate regarding the appropriateness of pursuing seamless moves and instant connects in Maryland.

⁶ The CMCC Work Group was unable to reach consensus on a recommendation regarding cost recovery, but did discuss several models ranging from socialization of the costs to all ratepayers, to assessing the costs to retail suppliers licensed in the State, and hybrid models in between.

⁷ See Attachment 1 for the draft implementation guidelines for seamless moves, and Attachment 2 for the draft implementation guidelines for instant connects.

III. Additional Items Reflected in the Draft Regulations

In the course of reviewing and drafting regulations to effectuate seamless moves and instant connects, it was discovered that several additional items put forward by members of the Work Group are located within the same affected subtitles of COMAR and thus could be addressed contemporaneously by the Commission in the proposed new rulemaking proceeding.

First, several clean-up items stemming from RM54 were identified and addressed, generally involving corrections to internal citations or updates to language supplanted by regulations adopted in RM54.⁸ Most notably, the Work Group discussed revised regulations stemming from a March 9, 2016 Commission directive that the [RM54 Work Group] develop “an alternate or temporary procedure for suppliers to perform criminal background checks for door-to-door agents.”⁹ The Commission has granted a waiver for all electric and gas suppliers of the existing criminal background check regulations until July 1, 2019, or until the Commission adopts final regulations regarding whether and how COMAR 20.53.08.02(B) and (C) and 20.59.08.02(B) and (C) should be amended, whichever comes first.¹⁰ The CMCC Work Group developed language it believes addresses the March 9, 2016 Commission directive, and incorporated these suggestions into the proposed regulations included in this Report as Attachment 4.¹¹

⁸ See Attachment 4, pages 19-21, 23-24, 26-33, 47-48, 50-51, and 53-60.

⁹ Effective March 14, 2016, the Commission adopted regulations through RM54 that included a requirement for a retail supplier’s agent conducting door-to-door activities to undergo a criminal background check updated at least every 36 months, subject to a very specific methodology delineated in COMAR 20.53.08.02 and 20.59.08.02. On April 18, 2016 the Office of External Relations (“OER”) requested the establishment of a Rulemaking Session to consider certain amendments to the new criminal background check language and also requested a waiver of the recently adopted language provided any affected retail supplier “...fully implement the alternative background provisions contained in the OER’s proposed revised regulations submitted on April 18, 2016....” The waiver was to be in effect until March 31, 2017, or when the Commission adopts final regulations regarding whether and how COMAR 20.53.08.02B and C and COMAR 20.59.08.02B and should be amended, whichever comes first.” See Letter Order, dated April 27, 2016.

¹⁰ See Letter Order, dated Jan. 24, 2018.

¹¹ See Attachment 4, pages 28-29 (electric) and 55-56 (gas).

Second, the CMCC Work Group discussed the addition of regulations that would require electric and gas suppliers to comply with comparable provisions for budget billing as already required of the electric and gas companies. Specifically, some members of the Work Group expressed concern related to the potential confusion caused by marketing of certain offers by retail suppliers as “budget billing options,” given that the phrase can be considered a term of art in the regulated Maryland utility sphere. To avoid instances of customer confusion, and to generally stimulate more transparency in billing options provided to shopping customers, the Work Group drafted regulations that would be applicable to suppliers who voluntarily elect to offer a budget billing option to their customers.¹² The CMCC Work Group Leader notes, however, that the proposed addition of such language is not intended by the Work Group members to supplant or otherwise limit the *utility’s* ability to offer payment plans to its customers, especially related to outstanding balances that may accrue against a customer’s utility account in the event that such balances have been purchased by the utility through the existing “Purchase of Receivables” mechanism.

Lastly, the CMCC Work Group reached a compromise on language related to the posting of open offers by suppliers to the Commission’s website, which would require modifications to existing regulations as reflected in Attachment 4. Overall, the existing website hosted by the Commission in accordance with Public Utilities Article, *Annotated Code of Maryland* § 7-510.1(b) (the “PUA § 7-510.1 website”) was a frequent topic of conversation in the Work Group, and is a subject matter recommended for further exploration by the CMCC Work Group in Phase III, as discussed in Section IV of this Report. In the interim, the Work Group suggests that the existing applicable regulations could be supplemented to make clear that any discrepancies between an open offer posted on the Commission’s PUA § 7-510.1 website by a supplier, and the

¹² See Attachment 4, pages 18 and 46.

supplier's corresponding open offer displayed on the supplier's own website, should be resolved in the manner most favorable to the customer.¹³ In addition, the CMCC Work Group discussed the issuance of a Notice by the Commission, as depicted in Attachment 3, which would serve as a reminder to all licensed electricity suppliers regarding their existing obligations related to the Commission's online secure portal and the uploading of current open offers for electricity supply choice to Maryland customers.

IV. Discussion of Potential Phase III of the CMCC Work Group

While the CMCC Work Group successfully navigated the discussions captured in Sections II and III of this Report during the second half of 2017, there was universal agreement that some items required more time to work through, and/or could benefit from additional Commission guidance before further progress could be made by the CMCC Work Group. Thus, the PC44 CMCC Work Group Leader respectfully suggests that the Commission endorse a third phase of this Work Group, and charge the next CMCC Work Group Leader with pursuing, at a minimum, the following topics: (1) revisions to the Commission's PUA § 7-510.1 website;¹⁴ and (2) additional non-residential customer protections.¹⁵

Two additional items may also be ripe for consideration in Phase III of the CMCC Work Group, but depend largely on the provision of further Commission guidance. The first item

¹³ However, it is the understanding of the PC44 CMCC Work Group Leader that stakeholders generally agree that an "affirmative defense" is available to a supplier if the supplier can provide evidence that it submitted the correct open offer to the Commission's web portal, but that there was an error or delay attributable to the website host related to its timely posting. Alternatively, stakeholders discussed seeking a waiver of this regulation once implemented until such time that an overhaul of the Commission's PUA § 7-510.1 website could be completed.

¹⁴ Specifically, members of the CMCC Work Group requested that Phase III discuss how the Commission's website could be revised to include, at a minimum, more robust customer educational information, including related to distributed energy resources, products, and customer protection.

¹⁵ For example, the Commission's Technical Staff noted near the end of Phase II that additional protections for non-residential customers should be considered in COMAR Title 20, regulations .04 and .05 of chapters 53 and 59.

relates to the advisability of requiring retail electricity suppliers to provide electronic advance notice, before any change in rate, to any customer who provides an email address to the supplier. Pursuant to existing regulations, electric and gas suppliers are required to make available to a customer his or her rate for the next billing period at least 12 days prior to the close of the customer's billing period, and in a clear, easy to access format prescribed by the supplier.¹⁶ While the supplier is also required to promptly provide the customer with written directions on how to access the rate at the time of contracting, in the contract summary, when sending any notice required by COMAR, upon request, or if the supplier changes the directions for accessing the rate,¹⁷ some members of the CMCC Work Group contend that customers who provide an email address to suppliers should also be *proactively* notified by email of an impending change in variable rates. After much debate, the CMCC Work Group was unable to reach resolution on whether this additional requirement should be levied on suppliers. Therefore, at this time, the PC44 CMCC Work Group Leader respectfully requests that the Commission provide guidance on this matter, and if so desired, tasks the Work Group with proposing regulations that would effectuate such a change as part of Phase III. The matter can most appropriately be framed as a policy decision regarding the balance between market transparency and customer accountability, and is not one that the Work Group is likely to resolve absent further Commission guidance.

Finally, the PC44 CMCC Work Group Leader respectfully requests that the Commission provide guidance related to the implementation of online look-up tools as initially contemplated in the January 31, 2017 Notice convening PC44.¹⁸ While the Work Group spent many hours over the course of several meetings discussing options ranging from enhanced customer lists to electronic look-up tools that would provide "smart responses" to invalid input data, the majority

¹⁶ COMAR 20.53.07.13(A) and COMAR 20.59.07.13(A).

¹⁷ COMAR 20.53.07.13(A) and COMAR 20.59.07.13(A).

¹⁸ ML#212176: *Public Service Commission of Maryland Public Conference 44 Notice* (Jan. 31, 2017) at 10, note 17.

of suppliers actively participating in the CMCC Work Group expressed the desire to move beyond online look-up tools altogether and instead eliminate the underlying customer choice ID or service number requirement that served as the initial justification for the request. An online look-up tool would allow retail suppliers to access a secure online web portal, with customer consent, to determine the customer's choice ID or service number that is required as a prerequisite to process the customer's enrollment with a supplier. Conversely, the elimination of the customer choice ID or service number would allow licensed suppliers to pursue a policy generally referred to as "wallet enrollment" that would allow customers to enroll with a supplier using information typically available to the customer in his or her wallet.

While suppliers active in the CMCC Work Group noted that other states have implemented or are considering implementing such a policy without notable incident, other members of the Work Group expressed deep reservations regarding the elimination of an element that has been viewed by their respective organizations as a hallmark of the customer protections in the State's competitive markets. Once again, this matter is most appropriately framed as a policy decision, and is not one that the Work Group is likely to resolve absent further Commission guidance. The CMCC Work Group is committed to discussing regulations during Phase III to effectuate whichever path forward the Commission advises: online look-up tools, or wallet enrollments.¹⁹

¹⁹ Note that at least one member of the CMCC Work Group suggested that online look-up tools should be pursued in the interim, while wallet enrollment policy discussions are ongoing. Other members of the Work Group noted that the cost to effectuate the online look-up tools would not be negligible, and thus it may not be advisable to pursue both market enhancements.

V. Conclusion

For the above reasons, the PC44 CMCC Work Group leader respectfully requests that the Commission initiate a rulemaking proceeding, request comments on this report and the proposed regulations appended thereto, and schedule a rulemaking session to consider the proposed regulatory changes.

Respectfully Submitted,



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Attachments

Attachment 1: Draft Implementation Guidelines for Seamless Moves

Seamless Moves Process

To be expounded upon in an implementation plan filed by the utility within 45 days of the effective date of the regulations.

A. Electric Company

1. Customer contacts utility and provides current and new service address with move-out/move-in dates.
2. If a customer is currently enrolled with a supplier, utility automatically processes the move through an 814 Move transaction.
3. Utility informs customer that supplier supply service will move to their new location (if eligibility requirements are met). The utility will submit a drop request via EDI if the customer does not wish to continue service at new location.
4. Utility will transfer summary data or interval data indicator to the new account.
5. If customer never moves or account does not become active at new address, utility will send the supplier an EDI drop transaction for the pending account at new premise. In addition, utility may send drop notification to the supplier in the event that: customer enrolls with a new supplier on the current account before connection at new account occurs; customer requests same-day service connect after previously selecting a future date; customer voids or terminates the new account; or customer requests to change the service start date on new account to a date occurring in the past.

B. Gas Company

1. Customer contacts utility and provides current and new service address with move-out/move-in dates.
2. If a customer is currently enrolled with a supplier, utility automatically processes the move through an XML transaction.
3. Utility informs customer that supplier supply service will move to their new location (if eligibility requirements are met). The utility will submit a drop request via an XML transaction if the customer does not wish to continue service at new location.
4. Utility will transfer summary data or interval data indicator to the new account.
5. If customer never moves or account does not become active at new address, utility will send the supplier an XML drop transaction for the pending account at new premise. In addition, utility may send drop notification in the event that: customer enrolls with a new supplier on the current account before connection at new account occurs; customer requests same-day service connect after previously selecting a future date; customer voids or terminates the new account; or customer requests to change the service start date on new account to a date occurring in the past.

Attachment 2: Draft Implementation Guidelines for Instant Connects

Instant Connects Process

To be expounded upon in an implementation plan filed by the utility within 45 days of the effective date of the regulations.

A. Electric Company

1. Customer contacts utility to request a new connection. Customer is responsible for satisfying all requirements to start service at new location.
2. Utility provides customer with service account number and/or choice ID at new premise and establishes pending active account. Utility will accept supplier enrollment requests on both active and pending active accounts.
3. Customer provides new account number and/or choice ID to supplier.
4. If customer changes move in date, utility will notify supplier of the new move-in date via an EDI 814 Change transaction.

Attachment 3: Draft Letter to Electric Suppliers

February XX, 2018

NOTICE REGARDING SECURE PORTAL FOR ELECTRICITY SUPPLIERS TO UPLOAD CURRENT OPEN OFFERS FOR ELECTRICITY SUPPLY CHOICE TO MARYLAND CUSTOMERS

To: All Licensed Electric Suppliers in Maryland

Pursuant to § 7-510.1(C)(1) and (II) of the Public Utilities Article, *Annotated Code of Maryland* (“PUA”), the Public Service Commission of Maryland (“Commission”) is required to maintain a secure portal on its website to receive, at least monthly, information about open offers to supply electricity from electricity suppliers. The information that is required to be uploaded by each electricity supplier shall be prominently displayed and include, at a minimum:

- (1) The terms of any open offers to supply electricity, including: (a) the duration of the contract; (b) the cost of electricity per kilowatt-hour; and (c) any cancellation fees; and
- (2) A link to the website of each electricity supplier with an open offer to supply electricity.

The Commission maintains a secure portal for electric choice suppliers to satisfy this obligation, which can be accessed via the following link: <https://webapp.psc.state.md.us/ecm/web/loginnew.cfm>. If not already established, each electricity supplier must register to use the portal. Pursuant to the instructions provided by the Commission at the time of registering for the portal, electric suppliers are required to upload new and updated offers through the Commission’s secure portal within three (3) days of a change to an open offer.²⁰ The Commission hereby provides notice to all licensed electric suppliers of the continuing obligation to comply with PUA § 7-510.1(C)(1) and (II).

By Direction of the Commission,

David J. Collins
Executive Secretary

²⁰ <https://webapp.psc.state.md.us/ecm/web/registernew.cfm>

Attachment 4: Draft Revisions to COMAR Title 20

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 32 DISPUTE Procedures

Chapter 01 Dispute Regulations

Authority: Public Utilities Article, §§ 2-112, 2-113, 2-121, and 3-102 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.32.01

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (9) (text unchanged)

(10) “Supplier” has the meaning defined in COMAR 20.54.01.02B(9) and COMAR 20.51.01.02B(10). For purposes of this Subtitle only, a Curtailment Service Provider and an Energy Consultant shall also be incorporated into the definition of a Supplier.

(11) – (12) (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 50 SERVICE SUPPLIED BY ELECTRIC COMPANIES
Chapter 01 General

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 5-303, and 7-203 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .03 under COMAR 20.50.01

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Advanced metering device” means a utility-owned device capable of recording and communicating electric consumption to the utility through a network.

~~[(2)]~~(3) Answer.

(a) “Answer” means rendering assistance to a telephone caller or accepting information necessary to process a telephone call by a customer service representative or an automated voice response system.

(b) “Answer” does not include an acknowledgement that a telephone caller is waiting on the line.

~~[(3)]~~(4) “Baseline annual usage” means:

(a) The total of an eligible customer-generator’s previous 12 months of electric energy use in kilowatt hours at the time of the installation or upgrade of an eligible customer-generator’s generating system; or

(b) An estimate of 12 months electric use in kilowatt hours based on a methodology approved by the Commission for an eligible customer-generator that does not have 12 months of electric energy use in kilowatt hours at the time of the installation or upgrade of an eligible customer-generator’s generating system.

~~[(4)]~~(5) “Billing period” means the period of time covered by a bill issued by an electric company.

[(5)](6) "Bordering jurisdiction" means the District of Columbia, Delaware, Pennsylvania, Virginia, and West Virginia.

[(7)](9) "Brochure" means a standard printed or electronic document, developed jointly by stakeholders and approved by the Commission that provides information for consumers about Historical and Interval Usage data and or the process and purposes for sharing such data with third-party service providers.

[(6)](8) "Commission" means the Public Service Commission of Maryland.

[(7)](9) "Contact voltage" means a voltage condition that may result in an object or surface being inadvertently energized.

[(8)](10) "Contact voltage risk zone (CVRZ)" means the portions of each electric company's service territory that:

(a) Are served by an underground electric distribution plant; and

(b) Have substantial pedestrian traffic or population density, whether permanent, seasonal or varying by time of day.

[(9)](11) "Contact voltage survey" means a survey performed by an electric company to detect contact voltage consistent with the company's Commission-approved voltage survey plan.

[(10)](12) "Cultural control practices" means control of vegetation through the establishment of compatible stable plant communities or the use of crops, pastures, mulching, or other managed landscapes.

[(13)](16) "Curtailed Service Provider" means an entity that aggregates the demand response resources of end-use customers and provides those resources to a Regional Transmission Operator or Independent System Operator and is licensed by the Maryland Public Service Commission.

[(11)](14) "Customer" means a person, partnership, association, corporation, or governmental agency being supplied with electric service by a utility.

[(12)](15) "Customer average interruption duration index (CAIDI)" means the system average interruption duration index (SAIDI) divided by the system average interruption frequency index (SAIFI).

[(13)](16) "Customers experiencing multiple interruptions (CEMIn)" means the ratio of the total number of customers experiencing more than "n" sustained interruptions divided by the total number of customers served.

~~[(14)]~~~~(17)~~ "Customer interruption hours" means an amount of time calculated by multiplying a sustained interruption duration by the total number of customers affected by the sustained interruption.

~~[(15)]~~~~(18)~~ "Distribution transformer" has the meaning stated in 10 CFR §431.192, as amended, which is incorporated by reference.

~~[(16)]~~~~(19)~~ "Electric company" has the meaning stated in Public Utilities Article, §1-101, Annotated Code of Maryland.

~~[(17)]~~~~(20)~~ "Electric distribution plant" means all electric company plant used to distribute electricity to its customers, including covers and protective structures and excluding customer meters and meter enclosures.

~~[(18)]~~~~(21)~~ "Electric plant" means a plant and property owned by an electric utility, used in its business operations of providing electric service to its customers.

~~(22)~~ "Electronic Interface" means a digital platform that offers control and access to data through application programming interfaces or other methods, based on a standard protocol approved by the Commission, such as the latest version of Green Button Connect My Data approved by NAESB and related documented best practices, or competing standard that offers similar functionality, that creates an automated customer authentication and authorization function for the sharing of customer billing information, including Historical Interval Usage and Interval Usage, with a Supplier, Curtailment Service Provider, or Energy Consultant.

~~[(19)]~~~~(23)~~ "Eligible customer-generator" has the meaning stated in Public Utilities Article, §7-306, Annotated Code of Maryland.

~~(24)~~ "Energy Consultant" means a person, corporation or organization, other than a Retail Electric Supplier, Retail Gas Supplier or Curtailment Service Provider, that registers under this Subtitle and provides energy information services or energy management services to a Utility customer.

~~[(20)]~~~~(25)~~ "Environmental surcharge" means the charge in dollars and cents billed by an electric company under Public Utilities Article, §7-203, Annotated Code of Maryland.

~~[(21)]~~~~(26)~~ "Excess generation" means the amount of electricity produced by an eligible customer-generator that exceeds the electricity used by the eligible customer-generator in a monthly billing period.

~~[(22)]~~~~(27)~~ "Feeder" means an electric plant that emanates from a substation, serves customers, and is normally electrically isolated at all endpoints.

~~[(23)]~~~~(28)~~ "Government emergency responder" means fire and police personnel and government employees who:

(a) Are working at the direction of fire, police, or 911 emergency dispatcher personnel to respond to an emergency; or

(b) Have been identified by fire, police, or 911 dispatcher personnel as responding to an emergency.

~~[(24)]~~[(29)] “Hazard tree” means a structurally unsound tree or tree limb that could strike poles, substations, or energized overhead electric plant when it falls.

[(30)] “Historical Interval Usage” or “HIU” means interval data that has been used to create a bill for the customer.

[(31)] “Independent System Operator” or “ISO” means an organization that coordinates, controls and monitors the operation of an electrical power system.

~~[(25)]~~[(32)] “Institute of Electrical and Electronics Engineers’ (IEEE) major event day” means a day determined to be a major event day using the IEEE method of determining excludable data for calculation of reliability indices under IEEE Std 1366TM – 2003.

~~[(26)]~~[(33)] “Interruption duration” means the period of time, truncated or rounded to the nearest minute, during which a sustained interruption occurs.

[(34)] “Interval Usage” or “IU” means the unverified amount of energy consumption recorded by an Advanced Metering Device or estimated by the utility for a defined period of time.

[(35)] “Letter of Authorization” means an affirmative written consent of a customer to obtain access to the customer’s data as described in chapter 13 of this Subtitle, including Historical Interval Usage and/or Interval Usage data, represented in writing or in electronic format.

~~[(27)]~~[(36)] “Major outage event” means an event during which:

(a) Both:

(i) More than 10 percent or 100,000, whichever is less, of the electric utility’s Maryland customers experience a sustained interruption of electric service; and

(ii) Restoration of electric service to any of these customers takes more than 24 hours; or

(b) The federal, State, or local government declares an official state of emergency in the utility’s service territory and the emergency involves interruption of electric service.

~~[(28)]~~[(37)] “Major outage event interruption data” means all electric customer interruption occurrence and duration information collected by the utility during a major outage event.

~~[(29)]~~~~(38)~~ "Mature tree" means a tree, whether or not previously pruned by the utility, that is well-established with a defined crown and that is at least 20 feet tall or 6 inches in diameter at breast height. Mature tree does not include a hazard tree.

~~[(30)]~~~~(39)~~ "Meter" means unless otherwise qualified, a device of the utility used in measuring watts, watt-hours, vars, var-hours, volt-amperes, or volt-ampere-hours.

~~[(31)]~~~~(40)~~ "Micro combined heat and power" has the meaning stated in Public Utilities Article, §7-306, Annotated Code of Maryland.

~~[(32)]~~~~(41)~~ "Momentary average interruption frequency index (MAIFIE)" means the ratio of the total number of customer momentary interruption events divided by the total number of customers served.

~~[(33)]~~~~(42)~~ Momentary Interruption.

(a) "Momentary interruption" means the loss of electric service of a duration limited to the time required to restore electric service by:

- (i) Automatic or supervisory-controlled switching operations; or
- (ii) Manual switching at locations where an operator is immediately available.

(b) "Momentary interruption" does not include a loss of electric service which takes more than 5 minutes to restore.

~~[(34)]~~~~(43)~~ "Net energy metering" has the meaning stated in Public Utilities Article, §7-306, Annotated Code of Maryland.

~~[(35)]~~~~(44)~~ "Net Excess Generation" has the meaning stated in Public Utilities Article, §7-306, Annotated Code of Maryland.

~~[(36)]~~~~(45)~~ "Normal conditions" means conditions other than a major outage event.

~~[(37)]~~~~(46)~~ "Number of customer interruptions" means the number of customers without electric service during a sustained interruption.

~~[(38)]~~~~(47)~~ "Operating district" means a distinct geographic area for which a cooperatively owned electric utility provides customer services from a decentralized office.

~~[(39)]~~~~(48)~~ Outside Assistance.

(a) "Outside assistance" means resources not routinely used by a utility for service restoration.

(b) "Outside assistance" does not include resources transferred among utility operating areas.

~~[(40)]~~[(49)] "PJM" has the meaning stated in COMAR 20.52.01.02B.

~~[(41)]~~[(50)] "Premises" means a tract of land or real estate, including buildings and other appurtenances on it.

~~[(42)]~~[(51)] "Primary distribution system" means the alternating current distribution lines supplying the primaries of distribution transformers.

~~[(43)]~~[(52)] "Protective devices" means substation breakers and reclosers, line reclosers, line sectionalizing equipment, and line fuses.

[(53)] "Regional Transmission Operator" or "RTO" means an electric power transmission system operator which coordinates, controls and monitors a multi-state electric grid.

[(54)] "Retail Electric Supplier" means a person licensed under COMAR 20.51.

~~[(44)]~~[(55)] "Secondary distribution system" means the alternating current system which connects the secondaries of distribution transformers to the customers' services.

~~[(45)]~~[(56)] "Sustained interruption" means the loss of electric service that is not classified as a momentary interruption.

~~[(46)]~~[(57)] "System average interruption duration index (SAIDI)" has the meaning stated in Public Utilities Article, §7-213(a)(2), Annotated Code of Maryland.

~~[(47)]~~[(58)] "System average interruption frequency index (SAIFI)" has the meaning stated in Public Utilities Article, §7-213(a)(3), Annotated Code of Maryland.

~~[(48)]~~[(59)] "Test current" means the current marked on the nameplate of a watt-hour meter by the manufacturer (identified as "TA" on meters manufactured since 1960). This is the current in amperes which is used as the base for adjusting and determining the accuracy of a watt-hour meter at heavy and light loads.

~~[(49)]~~[(60)] "Total number of customers served" means the number of customers provided with electric service by the distribution facility on the last day of the time period for which a reliability index is being calculated.

~~[(50)]~~[(61)] "Utility" means an "electric company" as defined in Public Utilities Article, §1-101, Annotated Code of Maryland.

~~[(51)]~~[(62)] "Utility crew" means personnel and equipment routinely used by a utility for service restoration.

~~[(52)](63)~~ “Voltage survey plan” means an electric company plan approved by the Commission governing the electric company’s contact voltage detection and testing equipment and voltage detection and testing procedures to be used when conducting contact voltage surveys.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 50 SERVICE SUPPLIED BY ELECTRIC COMPANIES

ALL NEW LANGUAGE

Chapter 13 Advanced Metering Infrastructure Interval Access Data
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 5-303, and 7-203 Annotated Code of
Maryland

Notice of Proposed Action

The Public Service Commission proposes ALL NEW Regulations .01 - .08 under COMAR
20.50.13

.01 Scope

This chapter applies to Suppliers, Curtailment Service Providers, and Energy Consultants seeking to access customer interval meter data billing information as described herein, including interval usage data via an electronic platform provided by a regulated utility that has installed Advanced Metering Devices.

.02 Customer Authorization for Curtailment Service Providers, or Energy Consultants

A) A customer may provide authorization to a Supplier, Curtailment Service Provider, or Energy Consultant to access the customer's Historical Interval Usage or Interval Usage data and may, via the utility Electronic Interface, identify one or more third-parties that it authorizes to access its data.

B) An Energy Consultant or Curtailment Service Provider must obtain a Letter of Authorization from the customer to gain access to that customer's Historical Interval Usage or Interval Usage data.

C) The Letter of Authorization must be retained for at least three years from the date of its expiration.

D) The Letter of Authorization shall, at a minimum:

- 1) Be in plain language;
- 2) Be headlined or titled by language telling the customer what it is;
- 3) Include the name, address, phone number, email address, and website address of the Supplier, Curtailment Service Provider, or Energy Consultant;

- 4) Include the customer's name, address and any unique customer identifiers used by the utility to authenticate a customer on the utility's website;
- 5) Include a signature line if completed on paper, or equivalent electronic signature;
- 6) Include telephone and email contact information if provided by the customer;
- 7) Clearly state the purpose for which the customer's data will be used;
- 8) Clearly state the period of time in which the agreement authorizes access and, for which data will be provided;
- 9) Include steps that need to be taken to cancel access to Historical Interval Usage and Interval Usage data;
- 10) Include space for a customer to acknowledge that the customer was given the most current version of the Commission approved educational Brochure;
- 11) State any meter identifiers, if there is more than one meter on the account; and
- 12) State any cancellation fees and the justification for them.

E) A customer's Supplier may obtain customer authorization to access that customer's Historical Interval Usage and Interval Usage data through their contract and/or enrollment authorization without a separate Letter of Authorization, pursuant to the utility's supplier coordination tariff and COMAR 20.53.03 and COMAR 20.53.07.02.

F) A copy of a customer's executed Letter of Authorization or the Supplier contract or enrollment shall be provided to the Commission and the customer upon request at no cost.

G) An Energy Consultant shall provide notice, under this Subtitle, of authorization to the customer within the next 3 business days following confirmation that the authorization has been completed.

H) The Utility shall make available electronically to the customer a list of current Supplier, Curtailment Service Provider, or Energy Consultants that are authorized to access the customer's data.

I) The Commission will keep a list of authorized Energy Consultants on its website.

.03 Cost Recovery and Technological Standard

- A) A utility shall be afforded full and timely recovery of costs prudently incurred in compliance with this Subtitle.
- B) Utilities will maintain a technology consistent with the definition of Electronic Interface delineated in this Subtitle.

C) Utilities with installed Advanced Metering Devices shall file a compliance filing detailing its plans for implementing these regulations, which shall include costs and a timeline for implementation, within 45 days of the effective date of these regulations.

.04 Interval Meter Data Access

A) A Utility shall maintain a standardized electronic process(s) to provide a Supplier that has obtained a customer's consent electronic access to that customer's interval usage data via a batch, comma-separated value file, spreadsheet or other electronic format that includes at a minimum, a rolling ten days' worth of interval usage data and is refreshed daily. The interval usage data shall be made available within 48 hours after the customer's daily meter read.

B) A Utility shall also:

1) maintain an Electronic Interface to allow a customer to select a Supplier, Curtailment Services Provider, or a Energy Consultant to receive the customer's Historical Interval Usage and Interval Usage data for a designated purpose and specified period;

2) provide an Electronic Interface to allow a Supplier, Curtailment Services Provider, or a Energy Consultant access to a customer's Historical Interval Usage and Interval Usage data, or other data specified in this Subsection, for a designated purpose and specified period of time, if the Supplier or Curtailment Service Provider, or Energy Consultant, warrants that it has properly obtained the customer's Letter of Authorization.

C) A Utility shall maintain and make available at least 24 months of Historical Interval Usage data for customers with meters enabled by advanced metering infrastructure.

D) A Utility shall establish a simple, automated process for a Supplier, Curtailment Service Provider, or Energy Consultant to apply to the Utility to receive data from the Electronic Interface.

E) A utility that follows the process specified by the Commission in this Subsection for the sharing of customer data with Suppliers, Curtailment Service Providers, or Energy Consultants, shall have no liability for the use of the data provided under this Subtitle.

.05 Type of Data

A) At a minimum, a Utility shall make the following data available in the Electronic Interface for its electric service customers:

1) service point ID;

2) account number or Electric Choice ID;

- 3) time stamp for each meter reading;
- 4) an identifier of the quality of the data (estimated, billable, etc.);
- 5) Interval usage as registered by the meter;
- 6) Peak Load Contribution (Capacity and Transmission);
- 7) Rate code (residential, small commercial, etc.); and
- 8) Historic Interval Data used for billing purposes.

.06 Energy Consultant - Registration Required

A) A Energy Consultant that wishes to access a customer's Historical Interval Usage or Interval data shall first successfully complete registration with the Commission through submission of information required by the Commission, on a form provided by the Commission;

B) The Energy Consultant shall notify the Commission within 30 days of a material change in any of the information contained in its application; and

C) Adhere to the requirements of COMAR 20.32.

.07 Suspension of Registration

A) Upon good cause shown, the Commission may revoke, limit access to Historical Interval Usage or Interval data or, suspend a Registration, if an Energy Consultant:

- 1) Intentionally provides false information;
- 2) Commits fraud or engages in deceptive practices as defined by the Maryland Consumer Protection Act;
- 3) Violates any applicable provision of this title;
- 4) Violates a Commission Order;
- 5) Fails to comply with State or local tax laws;
- 6) Violates any applicable provision the Annotated Code of Maryland or any other State consumer protection law;
- 7) Is convicted of, or has a principal who is convicted of, a felony or any crime involving fraud, theft, or deceit;
- 8) Has a similar registration or license issued by another state or the federal government suspended or revoked; or
- 9) Has consumer data hacked, phished, breached or otherwise stolen by unauthorized third-parties or has otherwise lost such consumer data through a failure to properly secure same.

.08 Customer Protections

A) Suppliers, Curtailment Service Providers, and Energy Consultants shall comply with all applicable State, County and local law.

B) A Letter of Authorization shall not be used to waive any legal protections or remedies afforded to a customer under Maryland, County or local law.

C) In addition, Energy Consultants that access customer Historical Interval Usage or Interval Usage data shall:

1) Maintain a website that contains:

- a) Customer service contact information;
- b) The firm's privacy policy;
- c) How the customer may confirm that the Energy Consultant has a current and valid authorization in place for data sharing;
- d) A clear description of how to cancel the authorization, including any applicable fees for any associated service agreement;
- e) A simple, plain statement of the purpose for which the Energy Consultant will use customer data; and
- f) provide a copy of the standard educational Brochure.

2) Not use, transfer or sell the customer's data unless:

- a) the customer explicitly authorizes the transfer for the limited and a specific purpose identified in the Letter of Authorization or service contract; or
- b) the transfer is required by a legal authority.

3) Be legally responsible for the use or misuse of a customer's data by any third party which obtains the data, legally or illegally, from the Energy Consultant.

4) Not engage in a marketing or trade practice that is unfair, false, misleading or deceptive; and

5) Take reasonable steps to ensure that the data is secure from unauthorized internal or external access.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 01 General

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.53.01

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (12) (text unchanged)

(13) “Instant Connect” means the ability of a customer to choose to have supply service from a supplier start on the customer’s first day of new utility service, without first having to enroll in SOS.

[(13)] (14) "Overcharge" means the difference between the price the customer would have paid the customer's authorized supplier and what the customer paid to the unauthorized supplier.

[(14)] (15) “Public event” means an event open to the public, which may facilitate retail electricity sales and marketing activities or may result in an electricity customer enrollment transaction.

[(15)] (16) "Scheduling coordinator" means an entity or entities:

(a) – (c) (text unchanged)

(17) “Seamless Move” means the ability of a residential or small commercial customer to maintain their current supplier at a new address within the utility’s service territory without interruption, without requiring the customer to revert back to SOS, and without any further affirmative action by the customer.

[(16)] (18) “Third party verification (TPV)” means consent from the customer agreeing to each of the below-listed material contract terms that is recorded by an independent person not party to the agreement or that may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the customer can cancel the TPV at any time prior to completion. The consent from the customer must include an acknowledgement:

(a) – (h) (text unchanged)

[(17)] (19) "Standard offer service (SOS)" has the meaning stated in Public Utility Companies Article, §7-501, Annotated Code of Maryland.

[(18)] (20) "Utility" means an electric company as defined in Public Utility Companies Article, §1-101, Annotated Code of Maryland.

[(19)] (21) "Utility consolidated billing" means a customer bill produced by a utility that contains both supplier and utility charges.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 04 Transfers of Service

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.53.04

.02 Supplier Enrollment and Drops.

A. – E. (text unchanged)

F. Instant Connects.

(1) Instant Connect capability shall be made available to all eligible customers in every utility service territory.

(2) The following eligibility criteria shall apply to a customer's request for an Instant Connect:

(a) The customer shall not be permitted to back-date the service request;

(b) The utility may require a customer to provide at least three business days' notice prior to the effective date of the Instant Connect request; and

(c) An Instant Connect is only available on a customer account for which the utility has established metered service.

G. Seamless Moves.

(1) Seamless Move capability shall be made available to all eligible residential and small commercial customers in every utility service territory.

(2) The following eligibility criteria shall apply to a Seamless Move:

(a) The location of the customer's new premise must be within the same utility service territory as the customer's current premise;

(b) The customer must maintain the same rate class, billing rate, billing option, and tax exemption percentage at the customer's new premise;

(c) The customer shall not be permitted to back-date the service request;

(d) The utility may require a customer to provide at least one business days' notice prior to the effective date of the Seamless Move;

(e) The customer must provide the move-out and move-in dates concurrent to the utility initiating the Seamless Move, and there cannot be more than three days' gap or three days' overlap between the move-out and move-in dates;

(f) The meter at the customer's new premise must be active at the time the Seamless Move is initiated;

(g) The supplier that is the subject of the customer's Seamless Move must be currently providing service to the customer's current premise; and

(h) The billing capabilities associated with the meter at the customer's current premise must be compatible with the billing capabilities associated with the meter at the customer's new premise.

H. Utilities shall file a plan and relevant tariffs for compliance with §§ F and G within 45 days after this regulation becomes effective.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 05 Supplier-Utility Coordination and Utility Consolidated Billing
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of
Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.53.05

.04 Budget Billing.

A. – C. (text unchanged)

D. A supplier that offers a budget billing option under Section C. of this regulation shall do so as follows:

(1) Monthly payments shall be calculated as follows:

(a) The supplier shall calculate the average annual cost of supplying electricity to the customer based on a 12-month history of the customer's dwelling or a comparable dwelling; and

(b) The estimated annual cost shall be divided by 12 to give the monthly budget billing payment obligation for electric commodity services.

(2) The monthly bill shall separately state each of the following:

(a) The budget billing amount due for the month;

(b) The customer's actual usage for the month;

(c) The cost of the electric commodity services for the customer's actual usage for the month; and

(d) The current total of a customer's existing overcharge or undercharge by the supplier under the budget billing plan.

(3) 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 no more than 12 future monthly payments.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.53.06

.02 Enrollment.

A. (text unchanged)

B. A customer's choice of electricity supplier is the electricity supplier with the last enrollment of the customer received by the utility [12 days before the customer's next meter reading date] consistent with the requirements of COMAR 20.53.04.02.

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .06 under COMAR 20.53.06

.06 Cancellation of Supply Service.

A. – D. (text unchanged)

[E. A customer's request to cancel service with the customer's current retail supplier under this regulation does not limit cancellation provisions contained in the customer's service agreement with the supplier.]

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .07 under COMAR 20.53.06

.07 Rescission Period.

A supplier is not required to offer a contract rescission period except where required by law.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .07 under COMAR 20.53.07

.07 Advertising and Solicitations.

A. – B. (text unchanged)

C. Internet.

(1) (text unchanged)

(2) Commission Website.

(a) Suppliers shall submit open offers to the Commission's website according to instructions provided by the Commission.

(b) In the event of a discrepancy between a supplier's open offer posted on the Commission's website and the supplier's corresponding open offer displayed on the supplier's website, the supplier shall honor the terms of the open offer on the Commission's website to the extent that those terms are more favorable for the customer.

D. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .08 under COMAR 20.53.07

.08 Supplier Contracts.

A. Minimum Contract Requirements.

(1) (text unchanged)

(2) A supplier contract shall contain all material terms and conditions, including:

(a) –(k) (text unchanged)

(l) A statement that the customer may terminate the contract early, including the:

(i) – (ii) (text unchanged)

(iii) [Duration of the notice period before early cancellation;

(iv)] Remedies available to the supplier if early cancellation occurs; and

[(v)](iv) Amount of any early cancellation fee;

(m) – (n) (text unchanged)

(o) A dispute procedure; [and]

(p) The Commission’s toll-free number and Internet address[.];

(q) A description of the use and purpose for which a customer’s historical interval data or interval data will be used; and

(r) A statement that the customer has received the latest version of the Commission-approved educational brochure as defined in COMAR 20.50.01.03(B)(7).

B. (text unchanged)

C. Methods of Contracting.

(1) – (2) (text unchanged)

(3) Internet Contracts.

(a) (text unchanged)

(b) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with [~~§B(3)(a)(i)~~]§C(3)(a)(i) of this regulation.

(4) Telephone Contracts.

(a) – (b) (text unchanged)

(c) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with [~~§B(4)(b)(iv)~~]§C(4)(b)(iv) of this regulation.

D. Evergreen Contracts.

(1) (text unchanged)

(2) The supplier notice required under [~~§C(1)~~]§D(1) of this regulation shall:

(a) – (d) (text unchanged)

(3) (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .10 under COMAR 20.53.07

.10 Notice of Contract Expiration or Cancellation.

A. Notice. A supplier shall provide the customer with notice at least 30 days before expiration or cancellation of a supply contract.

B. (text unchanged)

C. Early Cancellation.

(1) (text unchanged)

(2) Early Cancellation Fee.

(a) A supplier may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.

(b) A supplier may deduct a cancellation fee from a customer deposit.

(c) A supplier is prohibited from imposing an early cancellation fee if a customer elects not to pursue a Seamless Move.

(3) – (4) (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes NEW Regulations .01 under COMAR 20.53.08

.01 Scope.

This chapter applies to supplier services to residential customers.

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .01 under COMAR 20.53.08

[.01].02 Suppliers Responsible for its Agent.

A. – B. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.53.08

[.02].03 Agent Qualifications and Standards.

A. (text unchanged)

B. A supplier may not permit [a person]its agent to conduct door-to-door activities [until]unless the door-to-door agent's identity has been verified by government-issued identification, the supplier has ensured that the agent meets any local licensing, registration or permitting requirements of the jurisdiction where the agent will be conducting door-to-door activities, and the agent's criminal history record meets the supplier's standards and qualifications. The [it has obtained and reviewed a]criminal history record shall be updated no less than every 36 months, and shall be obtained from either:

(1) [t]The Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months[. The criminal history record check shall be updated no less than every 36 months. A supplier shall subscribe to automatic updates from the Maryland Criminal Justice Information System.]; or

(2) A criminal history records check conducted by the supplier or a third party that includes, at a minimum, the following:

(a) An All-County search through the Maryland Administrative Office of the Courts, and from all other states in which the person resided within at least the last 12 months;

(b) A nationwide federal criminal court search, such as the Federal Public Access to Court Electronic Records (PACER) System;

(c) A national multi-State Multi-Jurisdictional criminal database search with validation conducted by a member of the National Association of Professional Background Screeners; and

(d) The U.S. Department of Justice National Sex Offender Public Registry.

C. When a supplier contracts [with an independent contractor or vendor]to perform door-to-door activities, the supplier shall document that the[contractor or vendor has performed] criminal background investigation[s] has been performed on [an agent]any door-to-door agents in accordance with this section and with the standards set by the supplier. A supplier may satisfy this requirement by obtaining [from the independent contractor or vendor]a written statement [affirming]verifying that the criminal background check was performed [by them or under their supervision]in accordance with this section and with standards set by the supplier and presented in writing.

D. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .03 under COMAR 20.53.08

[.03].04 Agent Training.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.53.08

[.04].05 Agent Identification; Misrepresentation.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .05 under COMAR 20.53.08

.05.06 Door-to-Door Sales.

The following provisions do not preempt the Maryland Door to Door Sales Act.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .06 under COMAR 20.53.08

[.06].07 Notification Regarding Door-to-Door Activity.

A. – B. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 55 SERVICE SUPPLIED BY GAS COMPANIES
Chapter 4 Definitions

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-301 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.55.01

.04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (2) (text unchanged)

(3) “Advanced metering device” means a utility owned device capable of recording and communicating gas consumption to the utility through a network.

(4) “Brochure” means a standard printed or electronic document, developed jointly by stakeholders and approved by the Commission that provides information for consumers about Historical and Interval Usage data and or the process and purposes for sharing such data with third-party service providers.

~~(3)~~(5) "Check flow" means a flow between 20 percent and 50 percent of the rated capacity of a meter.

~~(4)~~(6) "Commission" means the Public Service Commission of Maryland.

~~(5)~~(7) "Cubic foot" of gas means:

(a) Where gas is supplied and metered to customers at the pressure normally maintained on residential customers' meters, a cubic foot of gas is that quantity of gas which, at the temperature and pressure existing in the meter, occupies 1 cubic foot.

(b) Where gas is supplied and measured with corrections made for pressure or temperature conditions, or both, existing in the meter, a cubic foot of gas is that quantity of gas which occupies a cubic foot after the metered quantity has been corrected to the absolute pressure or the temperature, or both, specified in the utility's tariff (see COMAR 20.55.03.01B(8)).

(c) The standard cubic foot of gas for testing the gas itself for heating value shall be that quantity of gas, saturated with water vapor, which at a temperature of 60°F and a pressure of 30 inches of mercury occupies 1 cubic foot. (Temperature of mercury = 32°F; acceleration due to gravity = 32.17 feet per second per second; density of mercury = 13.595 grams per cubic centimeter.)

(8) “Curtailed Service Provider” means an entity that aggregates the demand response resources of end-use customers and provides those resources to a Regional Transmission Operator or Independent System Operator and is licensed by the Maryland Public Service Commission.

[(6)](9) "Customer" means a person, partnership, association, corporation, or governmental agency being supplied with gas service and whose name appears on the application for service.

[(6-1)](10) "Division" means the Engineering Division of the Commission.

(11) “Electronic Interface” means a digital platform that offers control and access to data through application programming interfaces or other methods, based on a standard protocol approved by the Commission, such as the latest version of Green Button Connect My Data approved by NAESB and related documented best practices, or competing standard that offers similar functionality, that creates an automated customer authentication and authorization function for the sharing of customer billing information, including Historical Interval Usage and Interval Usage, with a Supplier, Curtailed Service Provider, or Energy Consultant.

(12) “Energy Consultant” means a person, corporation or organization, other than a Retail Electric Supplier, Retail Gas Supplier or Curtailed Service Provider, that registers under this Subtitle and provides energy information services or energy management services to a Utility customer.

[(7)](13) "Full rated flow" means a flow of approximately 100 percent of the rated capacity of a meter.

[(7-1)](14) "Gas master meter operator" has the meaning stated in Public Utilities Article, §1-101, Annotated Code of Maryland.

[(8)](15) "Gas plant" or "pipeline facility" means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

(16) “Historical Interval Usage” or “HIU” means interval data that has been used to create a bill for the customer.

[(9)](17) "Incident" has the meaning stated in 49 CFR §191.3, as amended, which is incorporated by reference.

(18) “Independent System Operator” or “ISO” means an organization that coordinates, controls and monitors the operation of an electrical power system.

(19) “Interval Usage” or “IU” means the unverified amount of energy consumption recorded by an Advanced Metering Device or estimated by the utility for a defined period of time.

(20) “Letter of Authorization” means an affirmative written consent of a customer to obtain access to the customer’s data as described in chapter 10 of this Subtitle, including Historical Interval Usage and/or Interval Usage data, represented in writing or in electronic format.

[(10)](21) "Main" means a distribution line that serves as a common source of supply for more than one service line.

[(11)](22) "Meter", without other qualification, means a device which is used by a utility in measuring a quantity of gas.

[(12)](23) "Percent accuracy" means the ratio expressed in percent of the meter indicated volume (numerator) to the prover or other working standard volume (denominator) obtained in volumetric testing of gas meters.

[(13)](24) "Percent proof" means the ratio expressed in percent of the prover or other working standard volume (numerator) to the meter indicated volume (denominator) obtained in volumetric testing of gas meters.

[(14)](25) "Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

[(15)](26) "Places of public assembly" means a building or portions of a building used for gathering together of 100 or more persons, the capacity being designated by the fire department for common purposes of deliberation, worship, or services, such as but not limited to churches, schools, hospitals, halls, theaters, and municipal facilities.

[(16)](27) "Premises" means a tract of land or real estate, including buildings and other appurtenances on it.

[(17)](28) "Rated capacity of a meter" means the capacity of the meter as specified by the manufacturer under the conditions of use.

(29) “Regional Transmission Operator” or “RTO” means an electric power transmission system operator which coordinates, controls and monitors a multi-state electric grid.

(30) “Retail Gas Supplier” means a person licensed under COMAR 20.54.

[(18)](31) "Service line" means a gas pipe owned, operated, or maintained by a utility that runs from a main or a pipeline to the meter serving a customer.

[(19)](32) "Utility" or "company" means any gas company operating under the jurisdiction of the Commission.

[(20)](33) "Working standard" means the prover, test meter, or other approved device used to test customer meters or associated devices, or both.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 55 SERVICE SUPPLIED BY GAS COMPANIES

ALL NEW LANGUAGE

Chapter 10 Advanced Metering Infrastructure Interval Access Data
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-301 Annotated Code of
Maryland

Notice of Proposed Action

The Public Service Commission proposes ALL NEW Regulations .01 - .08 under COMAR
20.55.10

.01 Scope

This chapter applies to Suppliers, Curtailment Service Providers, and Energy Consultants seeking to access customer interval meter data billing information as described herein, including interval usage data via an electronic platform provided by a regulated utility that has installed Advanced Metering Devices.

.02 Customer Authorization for Curtailment Service Providers, or Energy Consultants

A) A customer may provide authorization to a Supplier, Curtailment Service Provider, or Energy Consultant to access the customer's Historical Interval Usage or Interval Usage data and may, via the utility Electronic Interface, identify one or more third-parties that it authorizes to access its data.

B) An Energy Consultant or Curtailment Service Provider must obtain a Letter of Authorization from the customer to gain access to that customer's Historical Interval Usage or Interval Usage data.

C) The Letter of Authorization must be retained for at least three years from the date of its expiration.

D) The Letter of Authorization shall, at a minimum:

- 1) Be in plain language;
- 2) Be headlined or titled by language telling the customer what it is;
- 3) Include the name, address, phone number, email address, and website address of the Supplier, Curtailment Service Provider, or Energy Consultant;

- 4) Include the customer's name, address and any unique customer identifiers used by the utility to authenticate a customer on the utility's website;
- 5) Include a signature line if completed on paper, or equivalent electronic signature;
- 6) Include telephone and email contact information if provided by the customer;
- 7) Clearly state the purpose for which the customer's data will be used;
- 8) Clearly state the period of time in which the agreement authorizes access and, for which data will be provided;
- 9) Include steps that need to be taken to cancel access to Historical Interval Usage and Interval Usage data;
- 10) Include space for a customer to acknowledge that the customer was given the most current version of the Commission approved educational Brochure;
- 11) State any meter identifiers, if there is more than one meter on the account; and
- 12) State any cancellation fees and the justification for them.

E) A customer's Supplier may obtain customer authorization to access that customer's Historical Interval Usage and Interval Usage data through their contract and/or enrollment authorization without a separate Letter of Authorization, pursuant to the utility's supplier coordination tariff and COMAR 20.59.07.02.

F) A copy of a customer's executed Letter of Authorization or the Supplier contract or enrollment shall be provided to the Commission and the customer upon request at no cost.

G) An Energy Consultant shall provide notice, under this Subtitle, of authorization to the customer within the next 3 business days following confirmation that the authorization has been completed.

H) The Utility shall make available electronically to the customer a list of current Supplier, Curtailment Service Provider, or Energy Consultants that are authorized to access the customer's data.

I) The Commission will keep a list of authorized Energy Consultants on its website.

.03 Cost Recovery and Technological Standard

- A) A utility shall be afforded full and timely recovery of costs prudently incurred in compliance with this Subtitle.
- B) Utilities will maintain a technology consistent with the definition of Electronic Interface delineated in this Subtitle.

C) Utilities with installed Advanced Metering Devices shall file a compliance filing detailing its plans for implementing these regulations, which shall include costs and a timeline for implementation, within 45 days of the effective date of these regulations.

.04 Interval Meter Data Access

A) A Utility shall maintain a standardized electronic process(s) to provide a Supplier that has obtained a customer's consent electronic access to that customer's interval usage data via a batch, comma-separated value file, spreadsheet or other electronic format that includes at a minimum, a rolling ten days' worth of interval usage data and is refreshed daily. The interval usage data shall be made available within 48 hours after the customer's daily meter read.

B) A Utility shall also:

1) maintain an Electronic Interface to allow a customer to select a Supplier, Curtailment Services Provider, or a Energy Consultant to receive the customer's Historical Interval Usage and Interval Usage data for a designated purpose and specified period;

2) provide an Electronic Interface to allow a Supplier, Curtailment Services Provider, or a Energy Consultant access to a customer's Historical Interval Usage and Interval Usage data, or other data specified in this Subsection, for a designated purpose and specified period of time, if the Supplier or Curtailment Service Provider, or Energy Consultant, warrants that it has properly obtained the customer's Letter of Authorization.

C) A Utility shall maintain and make available at least 24 months of Historical Interval Usage data for customers with meters enabled by advanced metering infrastructure.

D) A Utility shall establish a simple, automated process for a Supplier, Curtailment Service Provider, or Energy Consultant to apply to the Utility to receive data from the Electronic Interface.

E) A utility that follows the process specified by the Commission in this Subsection for the sharing of customer data with Suppliers, Curtailment Service Providers, or Energy Consultants, shall have no liability for the use of the data provided under this Subtitle.

.05 Type of Data

A) At a minimum, a Utility shall make the following data available in the Electronic Interface for its gas service customers:

1) service point ID;

2) account number or Gas Choice ID;

- 3) time stamp for each meter reading;
- 4) an identifier of the quality of the data (estimated, billable, etc.);
- 5) Interval usage as registered by the meter;
- 6) Peak Load Contribution (Capacity and Transmission);
- 7) Rate code (residential, small commercial, etc.); and
- 8) Historic Interval Data used for billing purposes.

.06 Energy Consultant - Registration Required

A) A Energy Consultant that wishes to access a customer's Historical Interval Usage or Interval data shall first successfully complete registration with the Commission through submission of information required by the Commission, on a form provided by the Commission;

B) The Energy Consultant shall notify the Commission within 30 days of a material change in any of the information contained in its application; and

C) Adhere to the requirements of COMAR 20.32.

.07 Suspension of Registration

A) Upon good cause shown, the Commission may revoke, limit access to Historical Interval Usage or Interval data or, suspend a Registration, if an Energy Consultant:

- 1) Intentionally provides false information;
- 2) Commits fraud or engages in deceptive practices as defined by the Maryland Consumer Protection Act;
- 3) Violates any applicable provision of this title;
- 4) Violates a Commission Order;
- 5) Fails to comply with State or local tax laws;
- 6) Violates any applicable provision the Annotated Code of Maryland or any other State consumer protection law;
- 7) Is convicted of, or has a principal who is convicted of, a felony or any crime involving fraud, theft, or deceit;
- 8) Has a similar registration or license issued by another state or the federal government suspended or revoked; or
- 9) Has consumer data hacked, phished, breached or otherwise stolen by unauthorized third-parties or has otherwise lost such consumer data through a failure to properly secure same.

.08 Customer Protections

A) Suppliers, Curtailment Service Providers, and Energy Consultants shall comply with all applicable State, County and local law.

B) A Letter of Authorization shall not be used to waive any legal protections or remedies afforded to a customer under Maryland, County or local law.

C) In addition, Energy Consultants that access customer Historical Interval Usage or Interval Usage data shall:

1) Maintain a website that contains:

- a) Customer service contact information;
- b) The firm's privacy policy;
- c) How the customer may confirm that the Energy Consultant has a current and valid authorization in place for data sharing;
- d) A clear description of how to cancel the authorization, including any applicable fees for any associated service agreement;
- e) A simple, plain statement of the purpose for which the Energy Consultant will use customer data; and
- f) provide a copy of the standard educational Brochure.

2) Not use, transfer or sell the customer's data unless:

- a) the customer explicitly authorizes the transfer for the limited and a specific purpose identified in the Letter of Authorization or service contract; or
- b) the transfer is required by a legal authority.

3) Be legally responsible for the use or misuse of a customer's data by any third party which obtains the data, legally or illegally, from the Energy Consultant.

4) Not engage in a marketing or trade practice that is unfair, false, misleading or deceptive; and

5) Take reasonable steps to ensure that the data is secure from unauthorized internal or external access.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 01 General

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.59.01

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (16) (text unchanged)

~~[(17)]~~~~(19)~~ “Third party verification or TPV” means consent from the customer agreeing to each of the below-listed material contract terms that is recorded by an independent person not party to the agreement or may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the customer can cancel the TPV at any time prior to completion. The consent from the customer must include an acknowledgement:

(a) – (h) (text unchanged)

~~[(18)]~~~~(17)~~ "Sales service" means the supply of retail gas commodity service by the customer's gas company.

~~(18)~~ “Seamless Move” means the ability of a residential or small commercial customer to maintain their current supplier at a new address within the utility’s service territory without interruption, without requiring the customer to revert back to sales service, and without any further affirmative action by the customer.

~~[(19)]~~~~(20)~~ "Utility" means a gas company as defined in Public Utilities Article, §1-101, Annotated Code of Maryland.

~~[(20)]~~~~(21)~~ "Utility consolidated billing" means a customer bill produced by a utility that contains both utility charges and supplier gas sales commodity charges.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 04 Transfers of Service

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.59.04

.02 Enrollment.

A. – E. (text unchanged)

F. Seamless Moves.

(1) Seamless Move capability shall be made available to all eligible residential and small commercial customers in every utility service territory.

(2) The following eligibility criteria shall apply to a Seamless Move:

(a) The location of the customer's new premise must be within the same utility service territory as the customer's current premise;

(b) The customer must maintain the same rate class, billing rate, billing option, and tax exemption percentage at the customer's new premise;

(c) The customer shall not be permitted to back-date the service request;

(d) The utility may require a customer to provide at least one business days' notice prior to the effective date of the Seamless Move;

(e) The customer must provide the move-out and move-in dates concurrent to the utility initiating the Seamless Move, and there cannot be more than three days' gap or three days' overlap between the move-out and move-in dates;

(f) The meter at the customer's new premise must be active at the time the Seamless Move is initiated;

(g) The supplier that is the subject of the customer's Seamless Move must be currently providing service to the customer's current premise; and

(h) The billing capabilities associated with the meter at the customer's current premise must be compatible with the billing capabilities associated with the meter at the customer's new premise.

G. Utilities shall file a plan and relevant tariffs for compliance with §F within 45 days after this regulation becomes effective.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 05 Utility Consolidated Billing

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.59.05

.04 Budget Billing.

A. – C. (text unchanged)

D. A supplier that offers a budget billing option under §C. of this regulation shall do so as follows:

(1) Monthly payments shall be calculated as follows:

(a) The supplier shall calculate the average annual cost of supplying natural gas to the customer based on a 12-month history of the customer's dwelling or a comparable dwelling; and

(b) The estimated annual cost shall be divided by 12 to give the monthly budget billing payment obligation for natural gas commodity services.

(2) The monthly bill shall separately state each of the following:

(a) The budget billing amount due for the month;

(b) The customer's actual usage for the month;

(c) The cost of the natural gas commodity services for the customer's actual usage for the month; and

(d) The current total of a customer's existing overcharge or undercharge by the supplier under the budget billing plan.

(3) 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 no more than 12 future monthly payments.

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 59 COMPETITIVE GAS SUPPLY

Chapter 06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .06 under COMAR 20.59.06

.06 Cancellation of Supply Service.

A. – D. (text unchanged)

[E. A customer's request to cancel service with the customer's current retail supplier under this regulation does not limit cancellation provisions contained in the customer's service agreement with the supplier.]

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .07 under COMAR 20.59.06

.07 Rescission Period.

A supplier is not required to offer a contract rescission period except where required by law.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606,
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .07 under COMAR 20.59.07

.07 Advertising and Solicitations.

A. – B. (text unchanged)

C. Internet.

(1) (text unchanged)

(2) Commission Website.

(a) Suppliers shall submit open offers to the Commission's website according to instructions provided by the Commission.

(b) In the event of a discrepancy between a supplier's open offer posted on the Commission's website and the supplier's corresponding open offer displayed on the supplier's website, the supplier shall honor the terms of the open offer on the Commission's website to the extent that those terms are more favorable for the customer.

D. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .08 under COMAR 20.59.07

.08 Supplier Contracts.

A. Minimum Contract Requirements.

(1) (text unchanged)

(2) A supplier contract shall contain all material terms and conditions, including:

(a) –(k) (text unchanged)

(l) A statement that the customer may terminate the contract early, including the:

(i) – (ii) (text unchanged)

(iii) [Duration of the notice period before early cancellation;

(iv)] Remedies available to the supplier if early cancellation occurs; and

[(v)](iv) Amount of any early cancellation fee;

(m) – (n) (text unchanged)

(o) A dispute procedure; [and]

(p) The Commission's toll-free number and Internet address[.];

(q) A description of the use and purpose for which a customer's historical interval data or interval data will be used; and

(r) A statement that the customer has received the latest version of the Commission-approved educational brochure as defined in COMAR 20.55.01.04(B)(4).

B. (text unchanged)

C. Methods of Contracting.

(1) – (2) (text unchanged)

(3) Internet Contracts.

(a) (text unchanged)

(b) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with [~~§B(3)(a)(i)~~]§C(3)(a)(i) of this regulation.

(4) Telephone Contracts.

(a) – (b) (text unchanged)

(c) A supplier that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with [~~§B(4)(b)(iv)~~]§C(4)(b)(iv) of this regulation.

D. Evergreen Contracts.

(1) (text unchanged)

(2) The supplier notice required under [~~§C(1)~~]§D(1) of this regulation shall:

(a) – (d) (text unchanged)

(3) (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .10 under COMAR 20.59.07

.10 Notice of Contract Expiration or Cancellation.

A. Notice. A supplier shall provide the customer with notice at least 30 days before expiration or cancellation of a supply contract.

B. (text unchanged)

C. Early Cancellation.

(1) (text unchanged)

(2) Early Cancellation Fee.

(a) A supplier may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.

(b) A supplier may deduct a cancellation fee from a customer deposit.

(c) A supplier is prohibited from imposing an early cancellation fee if a customer elects not to pursue a Seamless Move.

(3) – (5) (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes NEW Regulations .01 under COMAR 20.59.08

.01 Scope.

This chapter applies to supplier services to residential customers.

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .01 under COMAR 20.59.08

[.01].02 Suppliers Responsible for its Agent.

A. – B. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.59.08

[.02].03 Agent Qualifications and Standards.

A. (text unchanged)

B. A supplier may not permit [a person]its agent to conduct door-to-door activities [until]unless the door-to-door agent's identity has been verified by government-issued identification, the supplier has ensured that the agent meets any local licensing, registration or permitting requirements of the jurisdiction where the agent will be conducting door-to-door activities, and the agent's criminal history record meets the supplier's standards and qualifications. The [it has obtained and reviewed a]criminal history record shall be updated no less than every 36 months, and shall be obtained from either:

(1) [t]The Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months[. The criminal history record check shall be updated no less than every 36 months. A supplier shall subscribe to automatic updates from the Maryland Criminal Justice Information System.]; or

(2) A criminal history records check conducted by the supplier or a third party that includes, at a minimum, the following:

(a) An All-County search through the Maryland Administrative Office of the Courts, and from all other states in which the person resided within at least the last 12 months;

(b) A nationwide federal criminal court search, such as the Federal Public Access to Court Electronic Records (PACER) System;

(c) A national multi-State Multi-Jurisdictional criminal database search with validation conducted by a member of the National Association of Professional Background Screeners; and

(d) The U.S. Department of Justice National Sex Offender Public Registry.

C. When a supplier contracts [with an independent contractor or vendor]to perform door-to-door activities, the supplier shall document that the[contractor or vendor has performed] criminal background investigation[s] has been performed on [an agent]any door-to-door agents in accordance with this section and with the standards set by the supplier. A supplier may satisfy this requirement by obtaining [from the independent contractor or vendor]a written statement [affirming]verifying that the criminal background check was performed [by them or under their supervision]in accordance with this section and with standards set by the supplier and presented in writing.

D. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .03 under COMAR 20.59.08

[.03].04 Agent Training.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.59.08

[.04].05 Agent Identification; Misrepresentation.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .05 under COMAR 20.59.08

.05.06 Door-to-Door Sales.

The following provisions do not preempt the Maryland Door to Door Sales Act.

A. – E. (text unchanged)

Title 20

PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606
Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .06 under COMAR 20.59.08

[.06].07 Notification Regarding Door-to-Door Activity.

A. – B. (text unchanged)