

## Chapter 636

**(House Bill 397)**

AN ACT concerning

**Electricity and Gas – Energy Suppliers – Supply Offers**

FOR the purpose of requiring the Public Service Commission, on or before a certain date, to establish an administrative process to approve supply offers for electricity or gas for households in the State that receive energy assistance through a program administered by the Office of Home Energy Programs; prohibiting, beginning on a certain date, ~~approved supply offers unless the Commission has approved the supply offer, a third-party retail supplier~~ from offering to provide electricity or gas to certain households, renewing a certain contract, or charging a certain fee; requiring, beginning on a certain date, approved supply offers to include a certain commitment for the entirety of the term of the supply offer to charge certain rates for certain customers; prohibiting a third-party retail supplier whose offer is not approved by the Commission from receiving certain funds or charging a certain customer under certain circumstances; authorizing the Office of Home Energy Programs to allocate funding toward supplier charges as part of arrearage assistance for certain contracts; requiring the Commission to publish a certain annual report on or before a certain date; ~~requiring the Commission to create certain test cases to verify certain supplier billing practices;~~ and generally relating to electricity and natural gas supply.

BY adding to

Article – Public Utilities

Section 4-308

Annotated Code of Maryland

(2020 Replacement Volume and 2020 Supplement)

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

**Article – Public Utilities****4-308.**

**(A) ON OR BEFORE JANUARY 1, ~~2022~~ 2023, THE COMMISSION SHALL BY REGULATION OR ORDER ESTABLISH AN ADMINISTRATIVE PROCESS TO APPROVE SUPPLY OFFERS FOR ELECTRICITY OR GAS FOR HOUSEHOLDS IN THE STATE THAT RECEIVE ENERGY ASSISTANCE THROUGH A PROGRAM ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS.**

**(B) (1) BEGINNING JULY 1, ~~2022~~ 2023, ~~AN~~ UNLESS THE COMMISSION HAS APPROVED THE SUPPLY OFFER IN ACCORDANCE WITH SUBSECTION (A) OF THIS**

**SECTION, A THIRD-PARTY RETAIL SUPPLIER MAY NOT OFFER TO:**

(I) PROVIDE ELECTRICITY OR GAS TO HOUSEHOLDS IN THE STATE THAT HAVE RECEIVED ENERGY ASSISTANCE DURING THE PREVIOUS FISCAL YEAR;

(II) RENEW A CONTRACT TO PROVIDE ELECTRICITY OR GAS TO HOUSEHOLDS IN THE STATE THAT ~~ENROLL THE HOUSEHOLD~~ ARE ENROLLED IN AN ENERGY ASSISTANCE PROGRAM ~~UNLESS THE COMMISSION APPROVES THE SUPPLY OFFER~~; OR

(III) CHARGE A TERMINATION FEE TO HOUSEHOLDS IN THE STATE THAT HAVE RECEIVED ENERGY ASSISTANCE DURING THE PREVIOUS FISCAL YEAR.

(2) AN APPROVED SUPPLY OFFER FROM A THIRD-PARTY RETAIL SUPPLIER SHALL INCLUDE A COMMITMENT, FOR THE ENTIRETY OF THE TERM OF THE SUPPLY OFFER, TO CHARGING AT OR BELOW THE STANDARD OFFER SERVICE RATE OR GAS COMMODITY RATE FOR CUSTOMERS RECEIVING ENERGY ASSISTANCE.

(3) IF A THIRD-PARTY RETAIL SUPPLIER'S OFFER IS NOT APPROVED BY THE COMMISSION, THE THIRD-PARTY RETAIL SUPPLIER MAY NOT:

(I) RECEIVE FUNDS FROM AN ENERGY PROGRAM ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS; OR

(II) CHARGE A CUSTOMER RECEIVING ASSISTANCE FROM AN ENERGY PROGRAM ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS.

(C) THE OFFICE OF HOME ENERGY PROGRAMS MAY ALLOCATE FUNDING TOWARD SUPPLIER CHARGES AS PART OF ARREARAGE ASSISTANCE FOR CONTRACTS THAT PRECEDED A CUSTOMER'S APPLICATION FOR ENERGY ASSISTANCE FROM THE OFFICE OF HOME ENERGY PROGRAMS.

(D) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE COMMISSION SHALL PUBLISH A REPORT ON THE COMMISSION'S WEBSITE THAT INCLUDES:

(I) THE NAMES AND THE TOTAL NUMBER OF SUPPLIERS THAT APPLIED FOR APPROVAL TO SELL TO ENERGY ASSISTANCE HOUSEHOLDS;

(II) THE NAMES AND THE TOTAL NUMBER OF SUPPLIERS THAT WERE APPROVED UNDER SUBSECTION (A) OF THIS SECTION;

(III) THE TOTAL NUMBER OF SUPPLIERS THAT WERE REJECTED, IF ANY;

(IV) THE TOTAL NUMBER OF ENERGY ASSISTANCE HOUSEHOLDS THAT WERE SIGNED UP WITH A THIRD-PARTY SUPPLIER, AS REPORTED BY THE SUPPLIER;

(V) THE TOTAL NUMBER ~~OF “NEW ENROLLMENT” REQUESTS FOR ENERGY ASSISTANCE HOUSEHOLDS~~ OF SUBMITTED SUPPLIER ENROLLMENTS THAT WERE DENIED BECAUSE THE SUPPLIER WAS NOT APPROVED TO SERVE ENERGY ASSISTANCE HOUSEHOLDS, AS REPORTED BY THE UTILITY; AND

(VI) THE TOTAL NUMBER OF SELF-IDENTIFIED ENERGY ASSISTANCE HOUSEHOLDS THAT FILED COMPLAINTS ABOUT THEIR THIRD-PARTY SUPPLIER.

(2) THE COMMISSION SHALL SEND A COPY OF THE REPORT TO THE OFFICE OF PEOPLE’S COUNSEL, THE OFFICE OF HOME ENERGY PROGRAMS, AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE.

~~(E) EACH YEAR THE COMMISSION SHALL CREATE TEST CASES FOR NEW ENROLLMENTS THAT SHALL BE RUN THROUGH EACH UTILITY’S BILLING AND ENROLLMENT SYSTEM ON A QUARTERLY BASIS TO VERIFY THAT SUPPLIERS ON THE APPROVED LIST ARE CORRECTLY CHARGING HOUSEHOLDS THAT RECEIVE ENERGY ASSISTANCE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.