

SENATE BILL 315

C5, L6
SB 660/19 – FIN

0lr2402
CF 0lr0595

By: **Senators Beidle, Augustine, Elfreth, Feldman, Kagan, Lam, Lee, and Rosapepe**
Introduced and read first time: January 22, 2020
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Industry – Community Choice Energy**

3 FOR the purpose of applying certain laws regarding net energy metering and community
4 solar generating systems to customers served by a community choice aggregator;
5 repealing a provision that prohibits a county or municipal corporation from acting as
6 an aggregator under certain circumstances; establishing a process by which,
7 beginning on a certain date, a county or municipal corporation or group of counties
8 or municipal corporations may form or join a community choice aggregator; requiring
9 a county or municipal corporation to develop and give certain notice of a certain
10 aggregation plan under certain circumstances; providing for the contents of a certain
11 aggregation plan; prohibiting a county or municipal corporation from excluding
12 certain customers from the ability to participate in certain aggregation activities
13 under certain circumstances; establishing a process under which certain customers
14 shall be deemed to have given permission to a certain county or municipal
15 corporation to act as the customers' community choice aggregator; providing that
16 certain customers may refuse to participate in certain aggregation activities under
17 certain circumstances; requiring a certain electricity supplier to give certain notice
18 to a community choice aggregator regarding the end of a certain contract term;
19 authorizing a community choice aggregator to impose a certain penalty under certain
20 circumstances; prohibiting a community choice aggregator from assessing certain
21 new fees, taxes, or charges in the aggregation charges or rates under certain
22 circumstances; exempting a community choice aggregator from certain requirements
23 relating to the licensing of electricity suppliers; authorizing a community choice
24 aggregator to own a certain electric generating facility for a certain purpose;
25 requiring a community choice aggregator to submit a certain plan to the Public
26 Service Commission for the use or disposition of a certain electric generating facility
27 under certain circumstances; authorizing a community choice aggregator to contract
28 for service from an electric generating facility under certain circumstances; requiring
29 a county or municipal corporation to give or provide for certain notices to certain
30 persons and to the Commission under certain circumstances; providing for the
31 contents of certain notices; requiring the Commission to notify a certain county or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



municipal corporation as to its approval of the aggregation plan and certain proposed terms of service, rates, and categories of certain charges, fees, or other costs under certain circumstances; providing that a community choice aggregator may award contracts for competitive generation service supply only at certain times; authorizing the Commission to establish a schedule by which a community choice aggregator may transfer load from standard offer service to retail or wholesale contracts under an aggregation plan; providing that a certain county or municipal corporation is deemed to have obtained certain customer authorization to retrieve certain data; requiring an electric company to provide certain data to a community choice aggregator; requiring the Commission to review certain fees, request formats, and the format of certain data provided to facilitate the intent of certain provisions of law; requiring the Commission to adopt certain regulations and establish certain procedures; authorizing the Commission to make a certain allocation under certain circumstances; requiring an electric company to provide certain billing services; requiring certain bills to contain a certain notice; requiring the Commission to determine the terms and conditions under which a certain electric company provides certain services; requiring the Commission to consider certain factors; defining certain terms; altering certain definitions; and generally relating to the ability of a county or municipal corporation to aggregate demand for electricity within the county or municipal corporation.

BY renumbering

Article – Public Utilities

Section 1–101(f) through (tt), respectively

to be Section 1–101(g) through (uu), respectively

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 1–101(a), 7–306(a)(1), (4), and (7) and (f)(1), and 7–306.2(d)(1) and (2)

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 1–101(b), 7–306(f)(5) and (h), 7–306.2(d)(3), and 7–507(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

BY adding to

Article – Public Utilities

Section 1–101(f), 7–306(h), and 7–510.3

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

BY repealing

Article – Public Utilities
Section 7–510(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 1–101(f) through (tt), respectively, of Article – Public Utilities of the
Annotated Code of Maryland be renumbered to be Section(s) 1–101(g) through (uu),
respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Public Utilities

1–101.

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

(b) (1) “Aggregator” means an entity or an individual that acts on behalf of a
customer to purchase electricity or gas.

(2) “Aggregator” does not include:

(i) an entity or individual that purchases electricity or gas **ONLY** for
its own use or for the use of its subsidiaries or affiliates;

(ii) a municipal electric utility or a municipal gas utility serving only
in its distribution territory; or

(iii) a combination of governmental units that purchases electricity
or gas for use by the governmental units.

**(F) “COMMUNITY CHOICE AGGREGATOR” MEANS A COUNTY OR MUNICIPAL
CORPORATION OR A GROUP OF COUNTIES, MUNICIPAL CORPORATIONS, OR BOTH,
THAT SERVES AS AN ELECTRIC AGGREGATOR FOR THE PURPOSE OF NEGOTIATING
THE PURCHASE OF ELECTRIC GENERATION SERVICES FROM AN ELECTRICITY
SUPPLIER LICENSED BY THE COMMISSION OR FROM AN ELECTRIC GENERATING OR
STORAGE FACILITY, OR PROVIDING ELECTRICITY FROM AN ELECTRIC GENERATING
FACILITY OWNED BY THE AGGREGATOR FOR RESIDENTIAL ELECTRIC CUSTOMERS,
INCLUDING MASTER METERED MULTIPLE OCCUPANCY RESIDENCES AND SMALL
COMMERCIAL ELECTRIC CUSTOMERS, AS DEFINED IN § 7–510.3 OF THIS ARTICLE,
THAT:**

**(1) ARE LOCATED, FOR A MUNICIPAL CORPORATION, IN THE
MUNICIPAL CORPORATION OR, FOR A COUNTY, IN ANY AREA IN THE COUNTY**

1 **OUTSIDE A MUNICIPAL CORPORATION;**

2 **(2) HAVE NOT:**

3 **(I) SELECTED AN ELECTRICITY SUPPLIER OTHER THAN THE**
4 **STANDARD OFFER SERVICE SUPPLIER; OR**

5 **(II) REFUSED TO PARTICIPATE IN THE AGGREGATION**
6 **ACTIVITIES OF THE COUNTY, MUNICIPAL CORPORATION, OR GROUP OF COUNTIES**
7 **OR GROUP OF MUNICIPAL CORPORATIONS; AND**

8 **(3) ARE NOT LOCATED IN THE SERVICE TERRITORY OF:**

9 **(I) A MUNICIPAL ELECTRIC UTILITY; OR**

10 **(II) AN ELECTRIC COOPERATIVE.**

11 7-306.

12 (a) (1) In this section the following words have the meanings indicated.

13 (4) "Eligible customer-generator" means a customer that owns and
14 operates, leases and operates, or contracts with a third party that owns and operates a
15 biomass, micro combined heat and power, solar, fuel cell, wind, or closed conduit hydro
16 electric generating facility that:

17 (i) is located on the customer's premises or contiguous property;

18 (ii) is interconnected and operated in parallel with an electric
19 company's transmission and distribution facilities; and

20 (iii) is intended primarily to offset all or part of the customer's own
21 electricity requirements.

22 (7) "Net energy metering" means measurement of the difference between
23 the electricity that is supplied by an electric company and the electricity that is generated
24 by an eligible customer-generator and fed back to the electric grid over the eligible
25 customer-generator's billing period.

26 (f) (1) The electric company shall calculate net energy metering in accordance
27 with this subsection.

28 (5) (i) An eligible customer-generator under paragraph (4) of this
29 subsection may accrue net excess generation for a period:

30 1. not to exceed 12 months; and

1 2. that ends with the billing cycle that is complete
2 immediately prior to the end of April of each year.

3 (ii) The electric company shall carry forward net excess generation
4 until:

5 1. the eligible customer-generator's consumption of
6 electricity from the grid eliminates the net excess generation; or

7 2. the accrual period under subparagraph (i) of this
8 paragraph expires.

9 (iii) 1. The dollar value of net excess generation shall be equal to
10 the generation or commodity portion of the rate that the eligible customer-generator would
11 have been charged by the electric company averaged over the previous 12-month period
12 ending with the billing cycle that is complete immediately prior to the end of April
13 multiplied by the number of kilowatt-hours of net excess generation.

14 2. For customers served by A **COMMUNITY CHOICE**
15 **AGGREGATOR OR** an electricity supplier, the dollar value of the net excess generation shall
16 be equal to the generation or commodity rate that the customer would have been charged
17 by the **COMMUNITY CHOICE AGGREGATOR OR** electricity supplier multiplied by the
18 number of kilowatt-hours of net excess generation.

19 **(H) AN ELIGIBLE CUSTOMER-GENERATOR UNDER A NET ENERGY**
20 **METERING CONTRACT MAY PARTICIPATE IN THE AGGREGATION ACTIVITIES OF A**
21 **COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS TITLE.**

22 **[(h)] (I)** On or before September 1 of each year, the Commission shall report to
23 the General Assembly, in accordance with § 2-1257 of the State Government Article, on the
24 status of the net metering program under this section, including:

25 (1) the amount of capacity of electric generating facilities owned and
26 operated by eligible customer-generators in the State by type of energy resource;

27 (2) based on the need to encourage a diversification of the State's energy
28 resource mix to ensure reliability, whether the rated generating capacity limit in subsection
29 (d) of this section should be altered; and

30 (3) other pertinent information.

31 7-306.2.

32 (d) (1) (i) The Commission shall establish a pilot program for a Community
33 Solar Energy Generating System Program.

(ii) The structure of the pilot program is as provided in this subsection.

(2) All rate classes may participate in the pilot program.

(3) Subscribers served by electric standard offer service, **COMMUNITY CHOICE AGGREGATORS**, and electricity suppliers may hold subscriptions to the same community solar energy generating system.

7-507.

(a) A person, other than an electric company providing standard offer service under § 7-510(c) of this subtitle [or], a municipal electric utility serving customers solely in its distribution territory, **OR A COMMUNITY CHOICE AGGREGATOR UNDER § 7-510.3 OF THIS SUBTITLE**, may not engage in the business of an electricity supplier in the State unless the person holds a license issued by the Commission.

7-510.

[(f) A county or municipal corporation may not act as an aggregator unless the Commission determines there is not sufficient competition within the boundaries of the county or municipal corporation.]

7-510.3.

(A) IN THIS SECTION, "SMALL COMMERCIAL ELECTRIC CUSTOMER" MEANS A COMMERCIAL ELECTRIC CUSTOMER THAT HAS A PEAK ELECTRIC LOAD OF NOT MORE THAN 25 KILOWATTS.

(B) BEGINNING OCTOBER 1, 2021, A COUNTY OR MUNICIPAL CORPORATION OR GROUP OF COUNTIES OR MUNICIPAL CORPORATIONS MAY FORM OR JOIN A COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION.

(C) (1) AT LEAST 60 DAYS BEFORE INITIATING THE PROCESS TO JOIN OR FORM A COMMUNITY CHOICE AGGREGATOR, A COUNTY OR MUNICIPAL CORPORATION SHALL:

(I) DEVELOP AN AGGREGATION PLAN;

(II) GIVE WRITTEN NOTICE OF THE AGGREGATION PLAN TO EACH RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION;

(III) PUBLISH A FAIR SUMMARY OF THE AGGREGATION PLAN IN

1 AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION;

2 (IV) IF THE JURISDICTION MAINTAINS A WEBSITE, PUBLISH THE
3 FULL TEXT OF THE AGGREGATION PLAN ON THE WEBSITE; AND

4 (V) GIVE, FOR THE COMMISSION'S APPROVAL, WRITTEN NOTICE
5 OF ITS INTENTION TO INITIATE A PROCESS TO JOIN OR FORM A COMMUNITY CHOICE
6 AGGREGATOR.

7 (2) THE AGGREGATION PLAN SHALL:

8 (I) DETAIL THE PROCESSES RELATED TO PARTICIPATING IN
9 THE AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR;

10 (II) CONTAIN INFORMATION ON THE OPERATIONS, FUNDING,
11 AND ORGANIZATIONAL STRUCTURE OF THE COMMUNITY CHOICE AGGREGATOR;

12 (III) PROVIDE DETAILS ON:

13 1. THE RATE SETTING AND COSTS TO PARTICIPANTS;

14 2. METHODS THAT THE COMMUNITY CHOICE
15 AGGREGATOR MUST USE FOR ENTERING INTO AND TERMINATING AGREEMENTS
16 WITH OTHER ENTITIES;

17 3. THE RIGHTS AND RESPONSIBILITIES OF
18 PARTICIPATING ELECTRIC CUSTOMERS; AND

19 4. THE TERMINATION OF THE AGGREGATION PROGRAM,
20 IF ANY; AND

21 (IV) PROVIDE FOR UNIVERSAL ELECTRICITY ACCESS,
22 RELIABILITY, AND EQUITABLE TREATMENT OF ALL RESIDENTIAL AND SMALL
23 COMMERCIAL ELECTRIC CUSTOMERS IN THE JURISDICTION.

24 (D) (1) AT LEAST 60 DAYS AFTER DEVELOPING AN AGGREGATION PLAN
25 AND GIVING THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, A
26 COUNTY OR MUNICIPAL CORPORATION OR GROUP OF COUNTIES OR MUNICIPAL
27 CORPORATIONS MAY INITIATE THE PROCESS OF FORMING OR JOINING A
28 COMMUNITY CHOICE AGGREGATOR BY FILING WITH THE COMMISSION:

29 (I) A NOTICE OF INTENT TO FORM OR JOIN A COMMUNITY
30 CHOICE AGGREGATOR;

(II) A COPY OF THE AGGREGATION PLAN DEVELOPED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION;

(III) A DRAFT LOCAL LAW FORMING OR JOINING A COMMUNITY CHOICE AGGREGATOR; AND

(IV) PROPOSED TERMS OF SERVICE, RATES, AND CATEGORIES OF CHARGES, FEES, OR OTHER COSTS TO CUSTOMERS UNRELATED TO THE ACTUAL COST OF THE ELECTRICITY SUPPLY.

(2) THE NOTICE OF INTENT SHALL INCLUDE:

(I) THE NAME OF EACH COUNTY OR MUNICIPAL CORPORATION IN THE COMMUNITY CHOICE AGGREGATOR; AND

(II) WHETHER THE COUNTY OR MUNICIPAL CORPORATION IS FORMING A COMMUNITY CHOICE AGGREGATOR OR JOINING AN EXISTING COMMUNITY CHOICE AGGREGATOR.

(3) A COUNTY OR MUNICIPAL CORPORATION IS A COMMUNITY CHOICE AGGREGATOR AFTER:

(I) SUBMITTING THE NOTICE OF INTENT AND AGGREGATION PLAN REQUIRED UNDER THIS SUBSECTION;

(II) THE COMMISSION HAS APPROVED ITS AGGREGATION PLAN AND PROPOSED TERMS FILED IN ACCORDANCE WITH PARAGRAPH (1)(IV) OF THIS SUBSECTION; AND

(III) ENACTING A LOCAL LAW THAT PROVIDES THAT THE COUNTY OR MUNICIPAL CORPORATION SHALL ACT AS A COMMUNITY CHOICE AGGREGATOR.

(E) (1) IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE COMMISSION UNDER SUBSECTION (K) OF THIS SECTION, IF A COUNTY OR MUNICIPAL CORPORATION ENACTS A LOCAL LAW TO ACT AS A COMMUNITY CHOICE AGGREGATOR, THE COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE OR CAUSE ITS SELECTED ELECTRICITY SUPPLIER, IF ANY, TO PROVIDE WRITTEN NOTICE OF THE FORMATION OF THE COMMUNITY CHOICE AGGREGATOR TO ALL RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ITS JURISDICTION.

(2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL

1 INCLUDE:

2 (I) THE IDENTITY AND COMMISSION-ISSUED LICENSE
3 NUMBERS OF ANY SELECTED ELECTRICITY SUPPLIER;

4 (II) TERMS AND CONDITIONS OF SERVICE;

5 (III) NEW RATES, CHARGES, AND FEES FOR SERVICE UNDER THE
6 COMMUNITY CHOICE AGGREGATOR;

7 (IV) A COMPARISON OF THE NEW RATES AND THE RATES UNDER
8 THE CURRENT STANDARD OFFER SERVICE;

9 (V) INFORMATION ON HOW TO ACCESS THE STANDARD OFFER
10 SERVICE AVAILABLE FROM AN ELECTRIC COMPANY; AND

11 (VI) THE TOTAL RENEWABLE COMPONENT OF THE ELECTRICITY
12 TO BE SUPPLIED THROUGH A COMMUNITY CHOICE AGGREGATOR, INCLUDING THE
13 SPECIFIC SOURCES OF ANY RENEWABLE ENERGY COMPARED TO THE
14 REQUIREMENTS UNDER CURRENT LAW, IF ANY.

15 (3) IN THE NOTICE REQUIRED UNDER THIS SUBSECTION, THE
16 COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE TO THE RESIDENTIAL AND
17 SMALL COMMERCIAL ELECTRIC CUSTOMERS IN ITS JURISDICTION THE
18 OPPORTUNITY TO REFUSE TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
19 THE COMMUNITY CHOICE AGGREGATOR:

20 (I) BY RETURN SUBMISSION OF THE NOTICE TO THE
21 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC COMPANY INDICATING THE
22 CUSTOMER'S DECISION TO REFUSE TO PARTICIPATE IN THE AGGREGATION
23 ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR; OR

24 (II) BY CONTRACTING FOR SERVICE WITH A RETAIL
25 ELECTRICITY SUPPLIER OR BY CHOOSING STANDARD OFFER SERVICE FROM AN
26 ELECTRIC COMPANY.

27 (4) A COUNTY OR MUNICIPAL CORPORATION THAT ENACTS A LOCAL
28 LAW TO ACT AS A COMMUNITY CHOICE AGGREGATOR UNDER THIS SECTION MAY NOT
29 EXCLUDE FROM THE ABILITY TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF
30 THE COMMUNITY CHOICE AGGREGATOR:

31 (I) ANY RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC
32 CUSTOMER IN ITS JURISDICTION; OR

1 **(II) FOR THE PROVISION OF ELECTRIC SERVICE FOR FACILITIES**
2 **LOCATED WITHIN THE JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR,**
3 **ANY GOVERNMENTAL ENTITY.**

4 **(F) A RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IS**
5 **DEEMED TO HAVE GIVEN PERMISSION TO THE COUNTY OR MUNICIPAL**
6 **CORPORATION TO ACT ON THE CUSTOMER'S BEHALF AS A COMMUNITY CHOICE**
7 **AGGREGATOR:**

8 **(1) WHEN THE COUNTY OR MUNICIPAL CORPORATION RECEIVES**
9 **FROM THE CUSTOMER:**

10 **(I) A REPLY FROM THE NOTICE REQUIRED UNDER SUBSECTION**
11 **(E) OF THIS SECTION BY WHICH THE CUSTOMER EXPLICITLY GRANTS PERMISSION**
12 **FOR THE CUSTOMER TO RECEIVE SERVICE WITH THE COMMUNITY CHOICE**
13 **AGGREGATOR; OR**

14 **(II) AN APPLICATION TO RECEIVE SERVICE WITH THE**
15 **COMMUNITY CHOICE AGGREGATOR;**

16 **(2) IN THE CASE OF A CUSTOMER RECEIVING STANDARD OFFER**
17 **SERVICE, WITHIN 30 DAYS AFTER THE NOTICE REQUIRED BY SUBSECTION (E) OF**
18 **THIS SECTION IS GIVEN IF:**

19 **(I) THE COUNTY OR MUNICIPAL CORPORATION HAS NOT**
20 **RECEIVED A RETURNED NOTICE BY THAT DATE; OR**

21 **(II) AFTER THE CREATION OF THE COMMUNITY CHOICE**
22 **AGGREGATOR AND RECEIPT OF THE NOTICE, THE CUSTOMER HAS NOT CONTRACTED**
23 **WITH A RETAIL ELECTRICITY SUPPLIER OR CONTACTED AN ELECTRIC COMPANY TO**
24 **SELECT STANDARD OFFER SERVICES; OR**

25 **(3) ON APPLYING FOR NEW ELECTRIC SERVICE WITHIN THE**
26 **TERRITORY SERVED BY THE COMMUNITY CHOICE AGGREGATOR, UNLESS THE**
27 **CUSTOMER HAS:**

28 **(I) CONTRACTED WITH A RETAIL ELECTRICITY SUPPLIER FOR**
29 **SERVICE; OR**

30 **(II) CONTACTED AN ELECTRIC COMPANY TO SELECT STANDARD**
31 **OFFER SERVICE.**

1 **(G) EXCEPT FOR A CONTRACT THAT AUTOMATICALLY RENEWS, AT THE END**
2 **OF A CONTRACT TERM WITH AN ELECTRICITY SUPPLIER A RESIDENTIAL OR SMALL**
3 **COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION OF A COMMUNITY**
4 **CHOICE AGGREGATOR SHALL BE AUTOMATICALLY ENROLLED AS A PARTICIPANT IN**
5 **THE AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR UNLESS**
6 **THE CUSTOMER:**

7 **(1) GIVES WRITTEN NOTICE TO THE COUNTY OR MUNICIPAL**
8 **CORPORATION DECLINING TO PARTICIPATE IN THE AGGREGATION ACTIVITIES OF**
9 **THE COMMUNITY CHOICE AGGREGATOR; OR**

10 **(2) CONTRACTS FOR SERVICE WITH A RETAIL ELECTRICITY SUPPLIER**
11 **OR CONTACTS AN ELECTRIC COMPANY TO SELECT STANDARD OFFER SERVICE.**

12 **(H) (1) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A**
13 **RESIDENTIAL OR SMALL COMMERCIAL ELECTRIC CUSTOMER IN THE JURISDICTION**
14 **OF THE COUNTY OR MUNICIPAL CORPORATION FROM CHOOSING AT ANY TIME:**

15 **(I) TO ENTER INTO A CONTRACT WITH AN ELECTRICITY**
16 **SUPPLIER OTHER THAN THE COMMUNITY CHOICE AGGREGATOR; OR**

17 **(II) THE STANDARD OFFER SERVICE OFFERED BY AN ELECTRIC**
18 **COMPANY.**

19 **(2) A COMMUNITY CHOICE AGGREGATOR MAY IMPOSE A PENALTY ON**
20 **AN ELECTRIC CUSTOMER FOR OPTING OUT OF PARTICIPATION IN THE**
21 **AGGREGATION ACTIVITIES OF THE COMMUNITY CHOICE AGGREGATOR ONLY IF THE**
22 **ELECTRIC CUSTOMER OPTS OUT OF PARTICIPATION MORE THAN 180 DAYS AFTER**
23 **THE CUSTOMER IS ENROLLED AS A PARTICIPANT.**

24 **(I) A COMMUNITY CHOICE AGGREGATOR MAY NOT ASSESS ANY NEW FEE,**
25 **TAX, OR OTHER CHARGE IN THE AGGREGATION CHARGES OR RATES THAT IS NOT**
26 **RELATED TO THE COST OF:**

27 **(1) PROVIDING ELECTRICITY SUPPLY AND ELECTRICITY SUPPLY**
28 **SERVICE, INCLUDING SERVICE FROM A GENERATING STATION OWNED BY THE**
29 **COMMUNITY CHOICE AGGREGATOR;**

30 **(2) PROMOTING THE USE OF RENEWABLE ENERGY; AND**

31 **(3) PROVIDING AND PROMOTING ENERGY EFFICIENCY MEASURES**
32 **THAT ARE COMPLEMENTARY TO THOSE OFFERED IN ACCORDANCE WITH § 7-211 OF**
33 **THIS TITLE.**

1 **(J) (1) EXCEPT FOR THE PURPOSES OF MEETING THE REQUIREMENTS OF**
2 **THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBTITLE 7 OF THIS**
3 **TITLE, A COMMUNITY CHOICE AGGREGATOR MAY NOT BE CONSIDERED TO BE AN**
4 **ELECTRICITY SUPPLIER UNDER § 7-507(A) OF THIS SUBTITLE.**

5 **(2) (I) A COMMUNITY CHOICE AGGREGATOR MAY OWN AN**
6 **ELECTRIC GENERATING FACILITY OR AN ELECTRIC STORAGE FACILITY IN**
7 **ACCORDANCE WITH THIS ARTICLE IF THE FACILITY IS DESIGNED TO PROVIDE**
8 **ENERGY PRIMARILY FOR USE BY THE PARTICIPANTS OF THE COMMUNITY CHOICE**
9 **AGGREGATOR.**

10 **(II) WHEN A COMMUNITY CHOICE AGGREGATOR BUILDS OR**
11 **ACQUIRES AN ELECTRIC GENERATING FACILITY OR ELECTRIC STORAGE FACILITY,**
12 **THE COMMUNITY CHOICE AGGREGATOR SHALL SUBMIT TO THE COMMISSION A PLAN**
13 **FOR THE USE OR DISPOSITION OF THE FACILITY IF THE COMMUNITY CHOICE**
14 **AGGREGATOR IS DISSOLVED.**

15 **(3) A COMMUNITY CHOICE AGGREGATOR MAY CONTRACT FOR**
16 **SERVICE FROM AN ELECTRIC GENERATING FACILITY IN ACCORDANCE WITH THIS**
17 **ARTICLE IF THE AMOUNT OF CONTRACTED ELECTRICITY SUPPLY FROM THE**
18 **FACILITY IS NOT GREATER THAN THE AMOUNT ESTIMATED TO BE NECESSARY TO**
19 **MEET THE ELECTRICAL DEMAND OF THE PARTICIPANTS OF THE COMMUNITY**
20 **CHOICE AGGREGATOR.**

21 **(K) (1) BASED ON A DETERMINATION OF THE MITIGATION OF**
22 **VOLUMETRIC RISK, THE COMMISSION MAY ESTABLISH BY ORDER OR REGULATION A**
23 **SCHEDULE, WHICH MAY NOT EXCEED A PERIOD OF 2 YEARS, BY WHICH A COMMUNITY**
24 **CHOICE AGGREGATOR MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO**
25 **RETAIL OR WHOLESALE CONTRACTS UNDER AN AGGREGATION PLAN.**

26 **(2) THE COMMISSION SHALL CONSIDER THE IMPACTS TO THE PRICE**
27 **AND STABILITY OF THE PROCUREMENT OF STANDARD OFFER SERVICE WHEN**
28 **CONSIDERING A SCHEDULE UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

29 **(L) (1) A COUNTY OR MUNICIPAL CORPORATION THAT IS FORMING OR**
30 **JOINING A COMMUNITY CHOICE AGGREGATOR IS DEEMED TO HAVE OBTAINED**
31 **ELECTRIC CUSTOMER AUTHORIZATION TO RETRIEVE PREENROLLMENT USAGE**
32 **DATA FOR RESIDENTIAL AND SMALL COMMERCIAL ELECTRIC CUSTOMERS IN THE**
33 **JURISDICTION OF THE COMMUNITY CHOICE AGGREGATOR.**

34 **(2) IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE**
35 **COMMISSION, AN ELECTRIC COMPANY SHALL PROVIDE TO A COMMUNITY CHOICE**

1 AGGREGATOR ANY RELEVANT DATA FOR CUSTOMERS IN THE JURISDICTION OF THE
2 COMMUNITY CHOICE AGGREGATOR, INCLUDING:

3 (I) PREENROLLMENT USAGE DATA; AND

4 (II) ANY OTHER APPROPRIATE BILLING AND ELECTRICAL LOAD
5 DATA.

6 (3) AN ELECTRIC COMPANY SHALL PROVIDE TO A COUNTY OR
7 MUNICIPALITY THAT IS FORMING OR JOINING A COMMUNITY CHOICE AGGREGATOR
8 DATA UNDER THIS SUBSECTION AS FOLLOWS:

9 (I) ONLY AGGREGATE DATA WHEN THE COUNTY OR
10 MUNICIPALITY INITIATES THE PROCESS OF JOINING OR FORMING A COMMUNITY
11 CHOICE AGGREGATOR; AND

12 (II) ANY CUSTOMER-SPECIFIC DATA AFTER THE AGGREGATION
13 PLAN IS APPROVED BY THE COMMISSION.

14 (M) THE COMMISSION SHALL REVIEW APPLICABLE FEES, REQUEST
15 FORMATS, AND THE FORMAT OF DATA PROVIDED TO FACILITATE THE INTENT OF
16 THIS SECTION.

17 (N) THE COMMISSION SHALL ESTABLISH PROCEDURES FOR AN ELECTRIC
18 CUSTOMER THAT IS RECEIVING ELECTRICITY SUPPLY THROUGH A COMMUNITY
19 CHOICE AGGREGATOR TO RECEIVE ANY BILL ASSISTANCE CREDIT OR ARREARAGE
20 ASSISTANCE TO WHICH THE CUSTOMER MAY BE ENTITLED UNDER § 7-512.1 OF THIS
21 SUBTITLE OR ANY OTHER FEDERAL OR STATE BILL AND ARREARAGE ASSISTANCE
22 ADMINISTERED BY THE OFFICE OF HOME ENERGY PROGRAMS.

23 (O) THE COMMISSION MAY ALLOCATE THE PORTION OF DELINQUENT
24 ACCOUNT RECEIVABLES THAT IS ATTRIBUTABLE TO ELECTRICITY SUPPLY BETWEEN
25 THE ELECTRIC CUSTOMERS PARTICIPATING IN THE AGGREGATION ACTIVITIES OF A
26 COMMUNITY CHOICE AGGREGATOR AND THE ELECTRIC CUSTOMERS THROUGHOUT
27 THE ELECTRIC COMPANY'S SERVICE TERRITORY IF THE COMMISSION DETERMINES
28 THAT:

29 (1) THE AMOUNT OF DELINQUENT ACCOUNTS RECEIVABLE
30 ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING STANDARD OFFER SERVICE IS
31 PROJECTED TO INCREASE TO AN EXTENT THAT WILL MATERIALLY ADVERSELY
32 IMPACT THE COST OF PROVIDING STANDARD OFFER SERVICE; AND

33 (2) THE PROJECTED INCREASE IN THE AMOUNT OF DELINQUENT

1 ACCOUNTS RECEIVABLE ATTRIBUTABLE TO ELECTRIC CUSTOMERS RECEIVING
2 STANDARD OFFER SERVICE IS DIRECTLY OR INDIRECTLY CAUSED BY THE
3 MIGRATION OF A SUBSTANTIAL NUMBER OF ELECTRIC CUSTOMERS FROM
4 STANDARD OFFER SERVICE TO PARTICIPATION IN THE AGGREGATION ACTIVITIES
5 OF A COMMUNITY CHOICE AGGREGATOR.

6 (P) (1) AN ELECTRIC COMPANY SHALL PROVIDE BILLING SERVICES FOR
7 A COMMUNITY CHOICE AGGREGATOR.

8 (2) BILLS SENT TO ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE
9 AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR SHALL
10 IDENTIFY THE COMMUNITY CHOICE AGGREGATOR AS THE ELECTRICITY SUPPLIER.

11 (3) THE COMMISSION SHALL DETERMINE THE TERMS AND
12 CONDITIONS UNDER WHICH THE ELECTRIC COMPANY PROVIDES METERING,
13 BILLING, COLLECTION, AND CUSTOMER SERVICES TO A COMMUNITY CHOICE
14 AGGREGATOR AND ELECTRIC CUSTOMERS THAT PARTICIPATE IN THE
15 AGGREGATION ACTIVITIES OF A COMMUNITY CHOICE AGGREGATOR.

16 (Q) (1) THE COMMISSION SHALL BY REGULATION ESTABLISH
17 STANDARDS AND PROCEDURES TO PROTECT THE CONSUMER RIGHTS OF
18 RESIDENTIAL CUSTOMERS WITHIN THE TERRITORY OF A COMMUNITY CHOICE
19 AGGREGATOR THAT RECEIVE ELECTRICITY SUPPLY THROUGH THE COMMUNITY
20 CHOICE AGGREGATOR.

21 (2) THE REGULATIONS SHALL PROHIBIT DISCRIMINATION AGAINST A
22 CUSTOMER OR ON THE BASIS OF THE LOCATION OF THE CUSTOMER.

23 (R) ON OR BEFORE JULY 1, 2021, THE COMMISSION SHALL ADOPT
24 REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING REGULATIONS FOR:

25 (1) CONSUMER PROTECTION;

26 (2) A TARIFF STRUCTURE FOR COMMUNITY CHOICE AGGREGATION
27 NONCOMMODITY FEES AND CHARGES, INCLUDING A CAP ON ANY POTENTIAL EXIT
28 FEE;

29 (3) A PROTOCOL FOR DATA EXCHANGE BETWEEN COMMUNITY
30 CHOICE AGGREGATORS, RETAIL SUPPLIERS, AND ELECTRIC COMPANIES;

31 (4) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR
32 MAY TRANSFER LOAD FROM STANDARD OFFER SERVICE TO RETAIL OR WHOLESALE
33 CONTRACTS UNDER AN AGGREGATION PLAN;

1 **(5) THE METHOD BY WHICH THE COST OF DELINQUENT ACCOUNTS OF**
2 **A COMMUNITY CHOICE AGGREGATOR MAY BE RECOVERED FROM CUSTOMERS;**

3 **(6) PROCEDURES FOR ENROLLING A CUSTOMER FOR SERVICE WITH A**
4 **COMMUNITY CHOICE AGGREGATOR ON EXPIRATION OF THE CUSTOMER'S RETAIL**
5 **SUPPLY CONTRACT;**

6 **(7) PROCEDURES TO PROTECT CUSTOMER'S PRIVACY AND**
7 **CONFIDENTIAL DATA COLLECTED OR HELD BY A COMMUNITY CHOICE AGGREGATOR;**

8 **(8) PROCEDURES TO MITIGATE ANY RISK TO STANDARD OFFER**
9 **SERVICE CUSTOMERS CAUSED BY THE POTENTIAL FOR CUSTOMERS TO MIGRATE**
10 **FROM A COMMUNITY CHOICE AGGREGATOR TO STANDARD OFFER SERVICE;**

11 **(9) PROCEDURES BY WHICH A COMMUNITY CHOICE AGGREGATOR**
12 **MAY BE DISSOLVED, INCLUDING PROCEDURES FOR THE TRANSFER OF CUSTOMERS**
13 **TO STANDARD OFFER SERVICE AND THE RESALE OF CONTRACTED ELECTRICITY**
14 **SUPPLY; AND**

15 **(10) PROCEDURES TO REQUIRE THAT:**

16 **(I) A COMMUNITY CHOICE AGGREGATOR THAT TRANSFERS ALL**
17 **CUSTOMERS BACK TO STANDARD OFFER SERVICE IS CONSIDERED TO BE DISSOLVED;**
18 **AND**

19 **(II) IF A COMMUNITY CHOICE AGGREGATOR IS CONSIDERED TO**
20 **BE DISSOLVED, IT MAY NOT BE REFORMED EXCEPT THROUGH THE PROCESS OF**
21 **FORMING A NEW COMMUNITY CHOICE AGGREGATOR IN ACCORDANCE WITH THIS**
22 **SECTION.**

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.