

BEFORE THE
PUBLIC SERVICE COMMISSION OF MARYLAND

Emergency Weather Terminations –
Revisions to COMAR 20.31

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Administrative Docket
RM 86

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**OFFICE OF PEOPLE’S COUNSEL’S SUPPLEMENTAL PETITION FOR
RULEMAKING GOVERNING UPDATED UTILITY SERVICE TERMINATION
AND RATEPAYER PROTECTION REGULATIONS**

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INTRODUCTION

The Office of People’s Counsel files this petition in support of the comprehensive changes to termination and customer protection regulations it has proposed in several recent filings, culminating with today’s proposed changes to COMAR 20.30, 20.32, 20.50, and 20.55, including regulations governing notice prior to termination, alternate payment plans, and medical certifications.¹ Most recently, the Commission unanimously moved to propose new rules to protect customers from utility shutoffs during soaring summer temperatures.²

Summertime protections are not enough, however. As Chair Hoover noted during the initial rulemaking session for those regulations, “[I]t’s time for us to do a fairly substantial review and revision of the existing regulations regarding billing collection and termination practices.”³ Recent termination trends have laid bare the need for comprehensive consumer protection reform.⁴ Now, even as utility rates continue to rise—in some cases, dramatically⁵—the amount of energy assistance available per person has

¹ Maryland Office of People’s Counsel, *Office of People’s Counsel’s Comments in Response to the Commission’s Notice Initiating a Rulemaking and Rulemaking Session (RM 86)* (RM 86, Nov. 18, 2024), with the proposed updated regulations included in that filing attached hereto as Appendix A, and Office of People’s Counsel, *Office of People’s Counsel’s Proposed Changes to COMAR 20.31 in Response to the Commission’s Notice Initiating a Rulemaking and Rulemaking Session (RM 86)-Proposed revisions and additions to regulations* (RM 86, Dec. 4, 2024), with the proposed updated regulations included in that filing attached hereto as Appendix B. Appendix C contains proposed updated regulations that OPC has not previously filed—specifically, proposed modifications to COMAR 20.30, 20.32, 20.50, and 20.55.

² Md. Pub. Serv. Comm’n, *COMAR Rulemaking Session 196 January 22, 2025* (Minutes) (RM 86, February 4, 2025).

³ Md. Pub. Serv. Comm’n, *RM86 – 12/5/2024*, YouTube at 19:40-19:55 (Dec. 5, 2024), <https://www.youtube.com/watch?v=xy2F5lrszic>

⁴ See *infra* § III.C.

⁵ See OPC, *Maryland’s Utility Rates and Charges* (June 2024), <https://opc.maryland.gov/Consumer-Learning/Utility-Rates-and-Basics> (the “Distribution Rates Report”). BGE’s gas distribution rates have

plummeted,⁶ leaving many customers without sufficient help to pay unaffordable utility bills and pushing the number of calls to OPC’s Consumer Assistance Unit to a record number in Fiscal Year 2024.⁷

The calls OPC’s seasoned Consumer Assistance Unit representatives receive from customers are often shocking and illustrate the need for updated regulations. For example, customers reported to OPC that their utility:

- Terminated the electric service at the home of a mother with a 3-month-old infant who relied on electricity-powered breathing equipment;
- Terminated the electric service of a family with a bed-bound son, assisted by a nurse, who was dependent on several electric-powered machines for suction and breathing;
- Offered an \$850 per month payment plan to a 75-year-old, visually impaired customer with severe health issues who was facing shutoff;
- Demanded a customer pay a new security deposit to restore service after a termination for non-payment, in addition to the customer’s outstanding bill; and
- Demanded that customers experiencing temporary financial difficulties pay reassessed security deposits as high as \$710 following late payments that did not culminate in termination,

more than tripled since 2010, exceeding the rate of inflation by a factor of nearly three; Columbia’s rates have increased at about 3.5 times the rate of inflation; and Washington Gas’s rates have increased at roughly the rate of inflation. *Id.* at 6. From 2010-2024, electricity rates for the State’s three Exelon utilities have also increased faster than inflation and at annual average rates substantially higher than the State’s other major electric utilities—Pepco (6.4 percent), Delmarva Power (6.0 percent), BGE (4.6 percent), SMECO (3.6 percent), Potomac Edison (2.3 percent). *Id.* at 10-12.

⁶ Md. Dep’t of Human Servs. (“DHS”), *Electric Universal Service Program (EUSP) Proposed Operations Plan for State Fiscal Year 2025* (CN 8903, Aug. 23, 2024) at 3 [hereinafter FY 2025 Plan]. Increased eligibility for energy assistance resulted in a maximum bill assistance benefit for FY 2025 of \$575, well below the average bill assistance grant of \$682 in FY 2024.

⁷ In FY 2024, OPC’s Consumer Assistance Unit received the highest volume of customer calls since FY 2013. During the period of July 2024 through January 2025, OPC received 1,643 calls—a 58 percent increase over the 1,042 calls received between July 2023 and January 2024.

without any notice that a security deposit would be reassessed due to late-payment patterns.

These examples demonstrate the need for added customer protections that include: an increased notice period prior to termination; customer education on assistance programs; reforms to regulations that allow the assessment of fees that mostly serve to contribute to vicious cycles of unpaid utility bills; and several others elaborated in this petition and included in proposed regulations. Below we explain some of the problems and challenges customers face under existing regulations that cry out for reform. OPC then provides, as Appendices A through C, suggested redlined changes to existing regulations.⁸

PROCEDURAL HISTORY

OPC filed comments on November 18, 2024⁹ and December 4, 2024,¹⁰ proposing changes and additions to the draft COMAR 20.31 revisions the Commission had appended to its notice initiating this rulemaking docket.¹¹ In its earlier comments, OPC suggested that the Commission convene a work group to consider certain issues and indicated its intention to file a supplemental petition in support of comprehensive changes

⁸ Some of the weather-related regulations contained in Appendix A have already been addressed by the Commission, as Appendix A contains proposed regulations filed by OPC on November 18, 2024.

⁹ OPC, *Office of People's Counsel's Comments in Response to the Commission's Notice Initiating a Rulemaking and Rulemaking Session (RM 86)* (RM 86, Nov. 18, 2024). In these comments, OPC noted the significant overlap between termination regulations and regulations impacting limited-income customers as well as its intent to file comprehensive modifications to the Commission's consumer protection regulations. *Id.* at 4

¹⁰ OPC, *Office of People's Counsel's Proposed Changes to COMAR 20.31 in Response to the Commission's Notice Initiating a Rulemaking and Rulemaking Session (RM 86)-Proposed revisions and additions to regulations* (RM 86, Dec. 4, 2024).

¹¹ Md. Pub. Serv. Comm'n, *Notice Initiating a Rulemaking and Rulemaking Session (RM 86), Emergency Weather Terminations-Revisions to COMAR 20.31* (RM 86, Oct. 21, 2024).

to consumer protection regulations.¹² After holding a rulemaking session on December 5, 2024, the Commission directed its advisor to convene a work group and submit a revised draft of proposed regulations by December 30, 2024.¹³ On December 31, 2024, the Emergency Weather Terminations Work Group leader submitted proposed revisions to COMAR 20.31 governing emergency weather terminations.¹⁴ OPC filed comments on January 17, 2025¹⁵ in response to the Commission’s invitation to comment¹⁶ on the work group report.¹⁷ The Commission held a rulemaking session on January 22, 2025 to consider the revisions after accepting comments from stakeholders and proposed new regulations designed to protect customers from utility shutoffs during extreme summer temperatures. The Commission has issued minutes that memorialize its decision to publish revisions to COMAR 20.31.01.02 and COMAR 20.31.03.04 in the *Maryland Register*,¹⁸ and the work group is scheduled to reconvene on February 28th. OPC now

¹² OPC, *Office of People’s Counsel’s Proposed Changes to COMAR 20.31 in Response to the Commission’s Notice Initiating a Rulemaking and Rulemaking Session (RM 86)-Proposed revisions and additions to regulations* (RM 86, Dec. 4, 2024) (See cover letter).

¹³ Md. Pub. Serv. Comm’n, *Notice Directing a Work Group, Emergency Weather Terminations-Revisions to COMAR 20.31*, (RM 86, Dec. 5, 2024). The Commission noted that the work group may wish to defer certain new issues to a second rulemaking in light of OPC’s December 4th filing, as current and future proposals may delay the Commission’s ability to promulgate regulations by summer 2025. *Id.* In its rulemaking proceeding, the Commission expressed interest in having heat-related termination protections in place before summer 2025.

¹⁴ Md. Pub. Serv. Comm’n Technical Staff, *RM86 Weather Termination Restrictions Work Group (“Work Group Report”)* (RM86, December 31, 2024).

¹⁵ OPC, *OPC Comments on the Emergency Weather Terminations Work Group Report of December 31, 2024*, (RM 86, Jan. 17, 2025).

¹⁶ Md. Pub. Serv. Comm’n, *Notice of Rulemaking Session and Opportunity to Comment* (RM 86) (RM86, January 2, 2025).

¹⁷ Work Group Report, *supra* note 14.

¹⁸ Md. Pub. Serv. Comm’n, *COMAR Rulemaking Session 196 January 22, 2025* (Minutes) (RM 86, February 4, 2025).

files this petition in support of comprehensive changes to consumer protection regulations.

ARGUMENT

I. The Commission should revise its regulations to protect utility customers from unfair and dangerous practices.

Current regulations allow utilities to make arbitrary determinations regarding whether to establish or terminate a customer's service,¹⁹ impose needless barriers on customers trying to establish or reestablish utility service,²⁰ permit disparate outcomes due to varying utility arrearage and termination practices,²¹ and do not provide customers with adequate time to seek assistance prior to termination.²² Our proposed changes would reduce the length of time utilities have to refuse service based on an outstanding bill;²³ increase awareness of assistance programs, customer rights, and procedures for billing and dispute resolution;²⁴ and make information more inclusive and understandable for customers.²⁵ The Commission should adopt OPC's proposed regulations to reduce the utilities' broad discretion to establish or terminate customers and to minimize barriers for customers—particularly those that are low-income—who try to establish or reestablish service. By adopting OPC's proposed regulations, the Commission will also increase transparency and uniformity among utilities by standardizing certain arrearage and

¹⁹ See *infra* § I.A.

²⁰ See *infra* § I.B.

²¹ See *infra* § I.D.

²² See *infra* § I.E.

²³ See *infra* § I.C.

²⁴ See *infra* § I.F.

²⁵ See *infra* § I.G.

termination practices to prevent disparate outcomes and will give customers facing termination more time to seek needed assistance.

A. OPC’s proposed revisions are designed to reduce the utilities’ broad discretion in determining how to establish or terminate utility service.

Existing regulations contain ambiguous language that the Commission should revise to benefit customers by (i) clarifying the situations that permit service termination or refusal of service, (ii) increasing uniformity of past-due bill collection practices, and (iii) providing minimum requirements for alternate payment plans to reduce arbitrary utility determinations. For example, the Commission should:

- Replace any reference to the “misrepresentation of a material fact” as the basis for refusing to connect or terminate service, with language that only permits a utility’s refusal to connect service or to terminate service if the application contains a false statement or omission that, if not made, would have allowed the utility to deny service;²⁶
- Expand the “normal collection procedures” utilities must use to collect past-due bills to include a termination notice sent via first class mail, phone, and, if consented to, email and text;²⁷ and
- Ensure that the text of the termination notice informs customers about their outstanding balance, rights, assistance programs, and payment options.²⁸

²⁶ See Appendix B at proposed COMAR 20.31.02.04A(4)-(5); See Appendix C at proposed COMAR 20.50.04.01-2B(4)-(5) and 20.55.04.01-2B(4)-(5).

²⁷ See Appendix B at proposed COMAR 20.31.02.05B (providing that “normal collection procedures” include practices set forth in the Customers’ Rights and Assistance Pamphlet, at least one notice sent via first class mail, one phone call, as well as one notice sent by email and text if consented to).

²⁸ See Appendix B at proposed COMAR 20.31.02.06G (requiring that notices of termination include, among other things, descriptions of the time frames and procedures to submit disputes and information regarding assistance programs).

These proposed changes will standardize and improve existing regulations. *First*, the changes will reduce the risk of arbitrariness and bias in utility termination or service refusal decisions. Arbitrariness would be reduced by removing any reference to the undefined “material fact” and instead only permitting termination or refusal of service if an application contains a “false statement” or “omission” that, if it had not been made, would have allowed the utility to deny service. Currently, utilities can use a purported “misrepresentation of a material fact” as the basis for a customer service termination even if the utility could not have denied service for the alleged misrepresentation.²⁹ Allowing the utility to interpret whether a fact is material and has been misrepresented means utilities have wide latitude to make arbitrary determinations that affect customer health, comfort, and safety.

Second, the Commission should define “normal collection procedures” to include at least one termination notice sent via first class mail, one phone call, and, if the customer consented to electronic communication, one notice sent by email and one by text.³⁰ Current regulations define “normal collection procedures” to include “collection practices normally used by the utility” which “shall include at least one notice that the bill in question in past due,” but do not specify what type of notice utilities must provide.³¹

²⁹ COMAR 20.31.02.04A(4).

³⁰ See Appendix B at proposed COMAR 20.31.02.05B.2.

³¹ COMAR 20.31.02.05B.

Finally, the Commission should require that termination notices include information about the customer's outstanding balance, customer rights, assistance programs, and payment plan options to promote clarity and uniformity among utilities.³²

These changes are examples of those OPC has proposed in the attached regulations to increase uniformity across the utilities—which currently have different practices. These changes will also increase transparency for customers that are facing terminations and negotiating payment plans while reducing potentially biased determinations from the utilities.

B. The Commission should minimize barriers that residential customers face to establish or reestablish utility service.

Customers—especially those who are limited-income—face unnecessary barriers to establishing utility service and to reestablishing service after a termination. For example, under current regulations, utilities may:

- require customers to establish credit or pay a deposit;
- require customers who may or may not have had their service terminated to reestablish credit;
- add reassessed deposits to customer bills without warning, then terminate service for failure to pay a deposit; and
- refuse service to customers with outstanding bills up to 7 years old.³³

Many of these barriers serve no or little practical purpose and only punish low-income customers or those experiencing temporary financial difficulties by making it more

³² See Appendix B at proposed COMAR 20.31.02.06G.

³³ COMAR 20.30.02; 20.30.02.03; 20.31.02.02D; 20.50.04.01-2A(2).

difficult for them to improve their financial situation, thus contributing to the vicious cycle of unpaid utility bills. To reduce these barriers, the Commission should:

- Reduce the requirement that a customer certify continuous employment to establish credit from three years to one year and require that utilities set forth guidelines for establishing credit in their Commission-approved tariffs and describe the guidelines in their Commission-approved Customers' Rights and Assistance Pamphlets.³⁴
- Prohibit utilities from requiring customers who receive benefits through the Office of Home Energy Programs ("OHEP") or any Commission-approved limited-income mechanism pursuant to PUA § 4-309 to establish credit or pay a cash deposit to receive utility service.³⁵
- Prohibit utilities from imposing late fees on customers who receive OHEP benefits or Commission-approved limited-income mechanism benefits pursuant to PUA §4-309.³⁶
- Define "hardship" to include hardships caused by a change in household income, which the utility must consider when considering whether to give customers bill due-date extensions.³⁷
- Prohibit utilities from requiring customers to reestablish credit.³⁸
- Prohibit utilities from terminating service for failure to pay security or cash deposits.³⁹
- Prohibit utilities from terminating service for outstanding bills more than five years old unless the customer agrees to pay the outstanding bill before the expiration of this period.⁴⁰

These changes will reduce barriers by removing needlessly punitive practices and lightening energy burdens for limited income customers and those struggling financially

³⁴ See Appendix C proposed COMAR 20.30.02.02B(2)(a)-(e).

³⁵ See Appendix C proposed COMAR 20.30.02.02D

³⁶ See Appendix C proposed COMAR 20.30.03.01B(3).

³⁷ See Appendix C proposed COMAR 20.30.03.04B(1).

³⁸ See Appendix C proposing to eliminate COMAR 20.30.02.03.

³⁹ See Appendix B proposed COMAR 20.31.02.01B(9).

⁴⁰ See Appendix B proposed COMAR 20.31.02.01B(8) (proposing to reduce the period from 7 to 5 years).

who may not qualify for assistance. For example, reducing from three years to one year the requirement that a customer certify continuous employment to establish credit will make it easier for young customers just starting to earn an income to establish credit, while requiring that utility guidelines for establishing credit be described in the Commission-approved Customers' Rights and Assistance Pamphlet will increase oversight and transparency. Below, OPC offers support for its proposals to eliminate punitive utility practices; reduce utility tactics that result in snowballing bills; and shorten the period of time, from seven years to five years, that a utility can use an overdue bill to justify a refusal or denial of service.

1. The Commission should prohibit punitive utility practices involving late fees, deposits, and credit requirements for certain low-income customers.

By requiring low-income customers to establish credit and pay a cash deposit to receive utility service, utilities impose unnecessary burdens on low-income customers trying to establish service.⁴¹ Similarly, the late payment fees utilities impose can be highly burdensome on low-income households by adding to the total cost of maintaining necessary utility service.⁴² The utility practice of charging late payment fees has been

⁴¹ See, e.g., Chandra Farley et al., *Advancing Equity in Utility Regulation: Future Electric Utility Regulation Report No. 12*, at 38 (Nov. 2021), https://www.nclc.org/wp-content/uploads/2022/08/Rpt_adv_equity_util_reg.pdf (explaining that by requiring onerous security deposits as a condition of providing service, utilities impede low-income households from establishing service); Kayla Branch, *A \$440 Utility Deposit Almost Kept Her From Finding a Home*, *The Frontier* (Aug. 4, 2022), <https://www.readfrontier.org/stories/a-440-dollar-utility-deposit-almost-kept-her-from-finding-a-home/> (discussing how imposing deposits on low-income customers can be a barrier to housing).

⁴² See, e.g., Chandra Farley et al., *Advancing Equity in Utility Regulation: Future Electric Utility Regulation Report No. 12*, at 38 (Nov. 2021), https://www.nclc.org/wp-content/uploads/2022/08/Rpt_adv_equity_util_reg.pdf

criticized for having little to do with the actual administrative costs a utility incurs when attempting to obtain payment, and for essentially penalizing those who cannot afford to pay.⁴³ The Kentucky Public Service Commission opined—when reviewing the effects of a pandemic-related moratorium on late fees for residential customers—that “late fees have little discernible effect on the timeliness of residential customer payments for utility service.”⁴⁴ These practices work counter to the goals of federal and state payment assistance and energy efficiency programs by imposing fees that undermine efforts to keep customers connected.⁴⁵ Prohibiting utilities from imposing late fees—as well as deposits, and credit requirements—on certain low-income customers will remove needless financial burdens and reduce the debt these customers may owe the utility.

2. The Commission should bar utilities from requiring customers to reestablish credit and from terminating service for failure to pay new deposits.

Allowing utilities to force existing customers who are temporarily short on money—perhaps due to a job change, unexpected medical bill, or other event—to reestablish credit makes little sense and compounds hurdles for customers trying to regain financial stability. Existing regulations allow utilities to require present

⁴³ See Jason Lo, Food or power: Energy bill late fees force some tough choices, Associated Press, (Mar. 14, 2022), <https://apnews.com/article/energy-late-fees-louisiana-kentucky-da59030e9abc8b5271b4a13eee15f63d>. In 2022, the Associated Press reported that certain utilities, including BGE, charged late fees much higher than the national average, and BGE’s percentage of revenues derived from late fees was roughly double the national average. *Id.*

⁴⁴ *Id.*

⁴⁵ Chandra Farley et al., *Advancing Equity in Utility Regulation: Future Electric Utility Regulation Report No. 12*, at 35 (Nov. 2021), https://www.nclc.org/wp-content/uploads/2022/08/Rpt_adv_equity_util_reg.pdf (explaining that “when a state LIHEAP office scrambles to cobble together the resources necessary to keep a client from losing utility service, those efforts may be undermined by an unreasonable payment plan or onerous security deposit and late payment fee provisions”).

or former residential customers to “reestablish” credit based on prior payment behavior. Examples of such prior payment behavior include being terminated by the utility during the last 12 months for a single instance of nonpayment or failing to pay a bill when it became due on more than two occasions in the last 12 months.⁴⁶ Customers who have already established credit with the utility but fail to pay a bill by the expiration date noted on a termination notice may be required to pay a deposit, pay the outstanding bill, reestablish credit, *and* pay a reconnection charge.⁴⁷ Just as concerning: customers who are actively receiving service but experience a material change in “the conditions of service or the basis on which credit was originally established”—presumably including a job loss or change—are subject to a requirement that they reestablish credit.⁴⁸ This accumulation of charges adds insult to injury for customers who are struggling to pay bills.⁴⁹ The utilities should be prohibited from requiring existing customers to reestablish credit.⁵⁰

Similarly, allowing a utility to terminate service to a customer who has paid their bill but failed to pay an imposed deposit is nonsensical. The customer who could not afford a deposit—even with the looming risk of a utility shutoff—then faces a termination fee and yet another request for a deposit. If the customer can somehow

⁴⁶ COMAR 20.30.02.03(A).

⁴⁷ COMAR 20.30.02.03(B); 20.31.01.05.

⁴⁸ COMAR 20.30.02.03(A)(5).

⁴⁹ Chandra Farley et al., *Advancing Equity in Utility Regulation: Future Electric Utility Regulation Report No. 12*, at 35 (Nov. 2021), https://www.nclc.org/wp-content/uploads/2022/08/Rpt_adv_equity_util_reg.pdf

⁵⁰ See Appendix C proposing to eliminate COMAR 20.30.02.03.

afford those charges, the customer must then also pay a reconnection fee. What is more likely, of course, is that the customer will spend some time without service while attempting to gather the requested funds. Or, even worse, the customer could lose their subsidized housing voucher due to a lack of utility service in the home and face homelessness.⁵¹ To address these snowballing charges and give customers experiencing temporary financial difficulties a chance to get back on their feet, the Commission should prohibit utilities from terminating service for a customer's failure to pay security or cash deposits.⁵²

C. The Commission should reduce the length of time utilities can refuse or deny service based on an outstanding bill.

Currently, utilities can refuse or terminate service to customers who have outstanding utility bills up to 7 years old.⁵³ The utilities cannot file debt collection lawsuits after three years, but customers are still denied utility service for an additional four years. Therefore, a customer can be denied utility service for a legally uncollectible debt (unless a lawsuit was timely filed). OPC does not want to encourage filing lawsuits against customers who cannot pay their bills, nor increase the burden borne by other ratepayers for others' uncollectible debts. To balance these concerns, the Commission

⁵¹ See Ariel Dreihobl & Lauren Ross, *Lifting the High Energy Burden in America's Largest Cities: How Energy Efficiency Can Improve Low Income and Underserved Communities*, American Council for an Energy Efficient Economy, 13 (April 2016), <https://www.aceee.org/sites/default/files/publications/researchreports/u1602.pdf>; John Vick & Carol Norton, *State of Metropolitan Housing Report 2008*, at 4 (2008), https://metropolitanhousing.org/wp-content/uploads/2020/10/2008_State_of_Metropolitan_Housing_Report.pdf (surveying research findings that utility shutoffs were among the primary causes of homelessness).

⁵² See Appendix B proposed COMAR 20.31.02.01B(9)

⁵³ COMAR 20.31.02.01(B)(8).

should *reduce* the period during which an outstanding bill can justify a denial of utility service to five years. Similarly, the Commission should require the utilities to include, in their customer rights pamphlets, information about how the non-payment of a bill can affect the customer, and for how long. OPC has received calls from the Maryland Legal Aid Bureau regarding their clients' requests for assistance with consumer bankruptcies due to debt owed to the utilities. Absent a compelling justification from the utilities that outweighs the adverse financial impacts on utility customers—especially limited-income customers—including bankruptcy, the Commission should end the utilities' practice of using 7-year-old debt to justify service denials.

D. The Commission should standardize requirements for arrearage and collection practices to increase transparency and uniformity among utilities.

As demonstrated in the PC 53 work group report, utilities currently employ a wide variety of practices with regard to arrearage and collection timelines for bill render dates/invoices, payment due dates, the dates that late fees are imposed, and termination notice dates.⁵⁴ Current regulations give utilities broad flexibility in establishing certain minimum requirements for these arrearage and collection “practices” or “timelines,” which are prescribed in the utility’s Commission-approved tariff.⁵⁵ Although utilities should have the discretion to exceed certain minimum standards, current regulations

⁵⁴ Md. Pub. Serv. Comm’n Staff, *PC53 Data Reporting Work Group Leader’s Report on a Draft Data Reporting Template and Additional Data Reporting Metrics* (PC53, June 7, 2023) at 7-9. These timelines are collectively referred to as a utility’s “collection practices.”

⁵⁵ COMAR 20.31.01.04 specifies utilities’ flexibility regarding arrearage and collection timelines stating “a utility may expand upon these requirements so as to provide further protections for its customers, a manner best suited to that utility’s service area and other factors.”

permit disparate outcomes. For example, in the case of Baltimore Gas and Electric Company, “[a]rrearage notices vary by customer payment behavior. Some customers will receive a reminder and others will receive a turn-off notice.”⁵⁶ Similarly, Choptank Electric issues a termination notice 24 days after an invoice is issued, while multiple other utilities issue termination notices 36 days after their invoices are issued.⁵⁷ To address disparate outcomes and increase transparency, the Commission should standardize certain minimum requirements for utility collection practices. To do this, the Commission should:

- Require that a utility’s “normal collection procedures” be set forth in the Commission-approved Customers’ Rights and Assistance Pamphlet;⁵⁸
- Require that a utility’s notice to customers that it is commencing termination under “normal collection procedures” include the bill that is past due via first class mail, making one phone call to the customer, and, if the customer has consented to electronic communication, providing one notice sent via e-mail and one by text message;⁵⁹
- Require that the text of a termination notice provide a statement of the customer’s rights and remedies that includes (1) the right to speak to utility supervisory personnel and the right to submit a dispute to the Commission, along with a description of the time frames and procedures to submit disputes, and the address, telephone number, and website address of the Commission’s Consumer Affairs Division; (2) information on OHEP assistance programs, any Commission-approved programs under PUA § 4-309, and any programs administered by the utility to assist low-income customers; (3) the Termination Policy Statement set forth in

⁵⁶ Md. Pub. Serv. Comm’n Staff, *PC53 Data Reporting Work Group Leader’s Report on a Draft Data Reporting Template and Additional Data Reporting Metrics* (PC53, June 7, 2023) at 8.

⁵⁷ Md. Pub. Serv. Comm’n Staff, *PC53 Data Reporting Work Group Leader’s Report on a Draft Data Reporting Template and Additional Data Reporting Metrics* (PC53, June 7, 2023) at 8.

⁵⁸ See Appendix B proposed COMAR 20.31.02.05B.

⁵⁹ See Appendix B proposed COMAR 20.31.02.05B.

COMAR 20.31.01.06, including restrictions on terminations and those grounds that do not constitute sufficient cause for termination; and (4) a website link to the utility's Customers' Rights and Assistance Pamphlet;⁶⁰

- Increase the minimum termination notice period from 14 to 30 days.⁶¹
- Prohibit termination for any outstanding bill that is less than \$500 for a single service utility or less than \$700 for a dual service utility and has been delinquent for less than three months.⁶²

In addition to standardizing minimum collection practices for arrearage and termination practices, the Commission should adopt the prohibition in the final bullet above and revise the minimum outstanding bill amounts that can trigger a termination, as the minimum outstanding bill amounts currently set forth in regulations do not reflect today's much higher utility bills. Current regulations permit a utility to terminate service for an outstanding bill that is less than \$100 and has been delinquent for more than three months.⁶³ For many customers, \$100 likely represents a *portion* of just *one month's* utility bill for a single service utility, not to mention a utility bill for a dual service utility. The Commission should adopt OPC's proposed change to prohibit termination for any outstanding bill that is less than \$500 for a single service utility or less than \$700 for a dual service utility and has been delinquent for less than three months.⁶⁴

⁶⁰ See Appendix B proposed COMAR 20.31.02.06G.

⁶¹ See Appendix B proposed COMAR 20.31.02.05C.

⁶² See Appendix B proposed COMAR 20.31.02.01B(6). This proposed change increases the amount constituting insufficient cause for termination from less than \$100.

⁶³ COMAR 20.31.02.01B(6).

⁶⁴ See Appendix B proposed COMAR 20.31.02.01B(6).

E. The Commission should extend the notification period for most residential utility service terminations and the times when residential terminations are prohibited.

OPC's proposed changes to current regulations extend the notification period for nearly every type of residential utility service termination and expand the dates on which terminations are prohibited. These proposed changes would account for the fact that customers facing shutoff are often experiencing a myriad of personal and financial difficulties that contribute to a vicious cycle of unpaid utility bills. Extending the notification period prior to residential utility service termination and expanding the dates on which terminations are prohibited will provide customers with more time to seek assistance before facing an extended period without utility service, account for potential postal service delays, and, in some cases, protect vulnerable individuals in households facing termination. Specifically, the Commission should:

- Prohibit utilities from terminating service between 5:00 p.m. on Thursday and 8:00 a.m. on Monday; on a legal holiday; on a day or a day prior to a day that the utility is not prepared to accept payment of the amount due and reconnect service; and on a day or a day prior to a day that the utility is closed to the public;⁶⁵
- Increase the minimum termination notice period from seven to 14 days for occupants of a dwelling where service was secured by any manner described in COMAR 20.31.02.04A;⁶⁶

⁶⁵ See Appendix B proposed COMAR 20.31.02.05H.

⁶⁶ See Appendix B proposed COMAR 20.31.02.04C. This section describes cases of possible fraud and misrepresentation. OPC recognizes that utilities should have the ability to terminate service to individuals who obtained service by fraud or misrepresentation but also recognizes that these households may contain vulnerable individuals, including children, as well as other individuals who played no role in the alleged fraud or misrepresentation. Additional notice prior to termination will increase the chance that these individuals can find assistance or alternative arrangements.

- Increase the minimum termination notice periods under COMAR 20.31.02.05C and COMAR 20.31.03.06B from 14 to 30 days;⁶⁷

Prohibit utilities from terminating service for an initial period of at least 60 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant.⁶⁸

F. The Commission should require the utilities to increase customer awareness of assistance programs, customer rights, and billing and dispute resolution procedures.

Utility customers’ calls to OPC’s Consumer Assistance Unit highlight the widespread lack of knowledge regarding available assistance programs, existing customer rights, and dispute resolution options. The Commission should require the utilities to take advantage of every opportunity to increase awareness, starting with a rebranding of the “Customers’ Rights Pamphlet” as the “Customers’ Rights and Assistance Pamphlet” in order to more accurately describe its contents.⁶⁹ The revised pamphlet should include:

- expanded descriptions of utility procedures, including the utility’s procedure for determining creditworthiness;
- a provision against charging individuals who are not customers—including co-occupants who are not customers—with customers’ bills;
- the procedure to request medical certifications and the protections afforded by medical certifications;
- seasonal termination protections;

⁶⁷ See Appendix B proposed COMAR 20.31.02.05C; See Appendix B proposed COMAR 20.31.03.06B (providing increased notice for occupants in a master-metered building).

⁶⁸ See Appendix B proposed COMAR 20.31.03.01A (increasing the initial period from 30 to 60 days). However, as discussed below, OPC recommends that this topic be addressed by the RM 86 Work Group.

⁶⁹ See Appendix C proposed COMAR 20.30.04.01.

- a detailed description of security deposit policies;
- termination restrictions;
- the right to speak to utility supervisory personnel and submit a dispute to the Commission, with a description of the relevant time frames and procedures;
- available assistance programs; and
- protections for victims of abuse delineated in PUA § 5-502.⁷⁰

The utilities should make the pamphlets available on their websites and expand the methods by which the pamphlets are distributed to customers.⁷¹ If OPC's proposed changes to security deposit procedures and the assessment of late payment charges are accepted, those revised regulations should be included in the Customers' Rights and Assistance Pamphlet as well.

In addition to expanding the contents of the Customers' Rights and Assistance Pamphlet, the Commission should require the utilities to utilize interactions with customers as opportunities to advise customers of their rights. Existing regulations should be updated to require utility personnel engaged in direct contact with customers to inform customers that they have a right to request to speak to a supervisor if the customer believes the customer is being treated unfairly, or for further consideration of a concern.⁷² Customers should be informed that they may make this request, which shall be honored by the utility, at any time during the course of the customer's interactions with the

⁷⁰ See Appendix C proposed COMAR 20.30.04.02; See Appendix B COMAR 20.31.01.06.

⁷¹ See Appendix C proposed COMAR 20.30.04.03.

⁷² See Appendix C proposed COMAR 20.30.02.06; See Appendix B COMAR 20.31.02.06.G.1.

utility.⁷³ When the utilities request deposits from customers, customer service personnel should notify customers of their right to receive a refund of deposits, with interest, and the procedure to request a return of their deposits.⁷⁴ The utilities should also provide itemized bills that demonstrate the use of a deposit against the customer’s unpaid balance.⁷⁵ When utility personnel speak with residential customers who indicate that they are having difficulty paying their bills, utility personnel—if the utility uses late payment policies, practices, provisions or charges—should notify these customers of the utility’s bill extender plan.⁷⁶ The utilities should also notify residential customers of their bill extender plans through their websites, on customer bills, and through annual electronic communications to any customers who consented to electronic communication.⁷⁷

Utilities are currently required to furnish a copy of relevant regulations to customers upon request.⁷⁸ But few customers would think to ask for a copy of “regulations” by name. The utilities should provide an internet link to these regulations in their Customers’ Rights and Assistance Pamphlets, on customer bills, and on their websites, and send them electronically, on an annual basis, to any customer who has agreed to receive electronic communications.⁷⁹ These measures will empower customers to address any concerns with their utilities and increase customer awareness of utility practices, procedures, and customer rights.

⁷³ See Appendix B proposed COMAR 20.30.02.06.

⁷⁴ See Appendix B proposed COMAR 20.30.02.04.I.

⁷⁵ See Appendix B proposed COMAR 20.30.02.04-1.

⁷⁶ See Appendix B proposed COMAR 20.30.03.01.E.3.

⁷⁷ See Appendix B proposed COMAR 20.30.03.01.E.3.

⁷⁸ COMAR 20.30.02.07.

⁷⁹ See Appendix C proposed COMAR 20.30.02.07.B.

G. The Commission should require the utilities’ Customers’ Rights and Assistance Pamphlets to be easy to understand, inclusive, and available in multiple languages.

Adult literacy data collected by The National Center for Education Statistics between 2012 and 2017 revealed that an estimated 20 percent of adults in Maryland could “be considered at risk for difficulties using or comprehending print material,” while another 31 percent were “nearing proficiency but still struggling to perform tasks with text-based information.”⁸⁰ Census data revealed that an estimated 21.5 percent of households spoke languages other than English at home in 2023, although it is unclear how many individuals in the surveyed households also spoke English.⁸¹ All of these data points illustrate the importance of ensuring that utility regulations—and dispute procedures—are accessible for all. The Commission should revise regulations to require the utilities’ Customers’ Rights and Assistance Pamphlets to be written in clear, straightforward language.⁸² The pamphlets should be translated into, at a minimum, the three most common languages in Maryland other than English, as identified by the most recent U.S. Census Bureau American Community Survey for which data is available.⁸³ The Commission’s Consumer Affairs Division should also utilize clear, straightforward language in its written communications to customers.⁸⁴

⁸⁰ The Nat’l Ctr. for Educ. Statistics, U.S. Program for the International Assessment of Adult Competencies (PIAAC) Skills Map, <https://nces.ed.gov/surveys/piaac/skillsmap/> (last visited Jan. 14, 2025).

⁸¹ U.S. Census Bureau (2023 American Community Survey 1-Year Estimates), Maryland, <https://data.census.gov/profile/Maryland?g=040XX00US24> (last visited Jan. 14, 2025).

⁸² See Appendix C proposed COMAR 20.30.04.02.

⁸³ See Appendix C proposed COMAR 20.30.04.02.

⁸⁴ See Appendix C proposed COMAR 20.32.01.04.P.

In addition to ensuring that regulations and dispute procedures are easily accessible by as many Marylanders as possible, current regulations should be revised for purposes of inclusivity. The masculine pronouns that are present throughout the regulations should be replaced with gender-neutral pronouns (*they* instead of *he*), with the “Applicability” section of COMAR 20.31 reflecting this change.⁸⁵ References to elderly individuals should be replaced with references to older adults, which is also the language used by the Maryland Department of Aging.⁸⁶ References to handicapped individuals should be replaced with references to persons with disabilities.⁸⁷

II. The Commission should direct a work group to discuss some of the more complex issues that necessitate updated regulations.

OPC has identified certain topics that may require more extensive discussion among stakeholders before revised regulations are drafted. Although OPC has made proposed revisions to the regulations concerning some of these topics, they are not intended to represent our final recommendations. We recommend that a work group specifically consider the following:

⁸⁵ See Appendix B proposed COMAR 20.31.01.01.

⁸⁶ Md. Dep’t of Aging, More Support for Older Adults, <https://aging.maryland.gov/Pages/Supports-for-Older-Adults.aspx> (last visited Jan. 14, 2025); “Because terms like *seniors*, *elderly*, *the aged*, *aging dependents*, *old-old*, *young-old*, and similar ‘other-ing’ terms connote a stereotype, avoid using them. Terms such as *older persons*, *older people*, *older adults*, *older patients*, *older individuals*, *persons 65 years and older*, or *the older population* are preferred. Use *older adults*, a term less likely to connote discrimination and negative stereotypes, when describing individuals 65 years old and older.” Frey, Tracy, and Roxanne K. Young, ‘Correct and Preferred Usage’, *AMA Manual of Style: A Guide for Authors and Editors*, 11th ed. (New York, 2020; online ed., AMA Manual of Style, Feb. 3, 2020), <https://doi.org/10.1093/jama/9780190246556.003.0011> (last visited Jan. 14, 2025).

⁸⁷ “Avoid labeling (and thus equating) people with their disabilities or diseases (eg, the blind, schizophrenics, epileptics). Instead, put the person first.” Frey, Tracy, and Roxanne K. Young, ‘Correct and Preferred Usage’, *AMA Manual of Style: A Guide for Authors and Editors*, 11th ed. (New York, 2020; online ed., AMA Manual of Style, Feb. 3, 2020), <https://doi.org/10.1093/jama/9780190246556.003.0011> (last visited Jan. 14, 2025).

- A definition of “OHEP benefits” to expand upon and replace the references to “EUSP” benefits in COMAR sections 20.30 and 20.31;
- Options to expand and automate, to the extent possible, the bill extender plan;
- If OPC’s recommendations to eliminate late fees and security deposits for limited-income customers are accepted, the work group should consider whether the Utility Service Protection Program should continue under its current parameters;
- Revisions to alternate payment plans;
- Insufficient reasons for termination under COMAR 20.31.02.01, including the amount of time that utilities may retroactively bill customers for undercharges resulting from slow meters, and the amount of time that an unpaid customer bill can be used as a justification for termination of service;
- The process and requirements surrounding medical certifications, including a revision of the form used for medical certifications;
- Stronger protections for older adults and persons with disabilities;
- Eliminating reconnection fees for all customers, depending on the actual fees incurred by the utilities for disconnecting service (to be discussed by the work group); and
- Data collection and sharing among the Department of Housing and Community Development, the utilities, and the Commission pursuant to COMAR 20.31.05.10.

OPC would like to have the benefit of additional data and stakeholder input before making final recommendations on the topics noted above.

III. The need for comprehensive reform is urgent.

Approximately one-fifth of households in Maryland face unaffordable energy burdens.⁸⁸ Energy burdens are, in part, exacerbated by rising energy costs and inadequate per capita energy assistance. By April 2024, OHEP had run out of funding for two critical energy assistance programs, three months before the end of FY 2024.⁸⁹ As further detailed below, higher energy costs, government budgetary constraints and an unprecedented increase in utility bill assistance applications to OHEP in FY 2024 drove the funding exhaustion.⁹⁰ With the rising cost of utility service and decreased benefit amounts, more utility customers are struggling to make ends meet—a budding affordability crisis that, for the reasons below, appears poised to expand absent government action. Revised regulations will not address rising utility rates or funding deficits for energy assistance, but they can increase customer education and awareness; help protect the most vulnerable utility customers; provide all customers with more notice prior to terminations so that they have an opportunity to seek energy assistance; eliminate arbitrary utility decision-making that can lead to terminations or a refusal to provide service; and reduce barriers to the reestablishment of utility service after terminations. Comprehensive regulatory reform comprises a concrete action that the Commission

⁸⁸ Arjun Makhijani et al., *Energy Affordability in Maryland*, at 138 (Feb 2023), <https://ieer.org/wp/wp-content/uploads/2023/12/Energy-Affordability-in-Maryland-2023-Final-Report.pdf>.

⁸⁹ Md. Pub. Serv. Comm’n, *Maryland PSC Orders Utilities to Provide Extended Notice to Customers Affected by Bill Assistance Funding Shortage, PSC also supports continuation of voluntary halt to shut-offs*, at 1 (June 18, 2024), https://www.psc.state.md.us/wp-content/uploads/MD-PSC-Order-on-MEAP-Funding-Shortfall_06182024.pdf [hereinafter Commission’s June Release]. Funding ran out for the Maryland Energy Assistance Program (“MEAP”) and the Gas Arrearage Retirement Assistance Program (“GARA”).

⁹⁰ *Id.* at 2.

should take now to mitigate the impact of rising rates and declining energy assistance on Maryland ratepayers.

A. Maryland utility rates are generally increasing faster than the rate of inflation due to multiple drivers.

Marylanders are facing increased utility rates as a result of several factors. First, the gas and electric distribution rates of many of Maryland’s largest utilities are increasing faster than the rate of inflation. As OPC recently showed in a report that tracked the distribution rates of the state’s largest utilities from 2006 through June, 2024,⁹¹ these rate increases are being driven in large part by accelerated cost recovery mechanisms such as the Strategic Infrastructure Development and Enhancement Plan (“STRIDE”) law and multi-year alternative rate mechanisms.⁹² The infrastructure costs embedded in such plans are paid off over decades.

Second, transmission and wholesale electricity market costs have been rising.⁹³ Between 2015 and 2023, PJM transmission costs, which are reflected in the electrical supply charges on a customer’s bill, more than doubled across the PJM region.⁹⁴ And in PJM’s capacity market base residual auction (“BRA”) for the 2025/2026 delivery year, system-wide prices increased more than 800 percent relative to the 2024/2025 delivery

⁹¹ Distribution Rates Report, *supra* note 5, at 10.

⁹² *See id.* at 14-20.

⁹³ *See* OPC, *Bill and Rate Impacts of PJM’s 2025/2026 Capacity Market Results & Reliability Must-Run Units in Maryland* (Aug. 2024), <https://opc.maryland.gov/Consumer-Learning/FERC-and-PJM-Issues>.

⁹⁴ David Gardiner and Associates, *Consumer Advocates of the PJM States’ Transmission Handbook*, Vol. 1 at 3 (Feb. 2024), https://www.dgardiner.com/wp-content/uploads/2024/02/CAPS-DGA_PJM-Transmission-Handbook_Executive-Summary_February-2024.pdf (noting that both PJM and PJM’s Independent Market Monitor show that transmission costs have more than doubled between 2015 and 2023).

year.⁹⁵ This unprecedented price spike represents a \$12.5 billion increase in capacity costs across the PJM footprint.⁹⁶ For Maryland customers, monthly electric bills are projected to increase by between \$4 and \$18 per month starting in June, 2025, depending on a customer’s utility.⁹⁷ “Reliability must run” costs associated with the Brandon Shores and Wagner coal-fired power plants are likely to further increase customer bills.⁹⁸

Third, many of the state’s climate initiatives are or soon will be funded through utility rates. Current programs that rely on ratepayer funding support include the EmPOWER Maryland programs, which are funded through a customer surcharge,⁹⁹ and the Commission-initiated electric vehicle pilot program, which is entering its second phase.¹⁰⁰ In the years ahead, ratepayers will be asked to fund Distributed Renewable Integration and Vehicle Electrification Act (“DRIVE Act”) programs to facilitate use of distributed energy resources (“DER”) as generating systems that provide power to the electric grid;¹⁰¹ pilot thermal energy network systems programs, which will test the development of networked geothermal heat pump systems to supply electricity;¹⁰² and

⁹⁵ OPC, *Bill and Rate Impacts of PJM’s 2025/2026 Capacity Market Results & Reliability Must-Run Units in Maryland* (Aug. 2024) at 6.

⁹⁶ *Id.* at 6.

⁹⁷ *Id.* at 7. Average residential customers in the BGE, Allegheny Power System, Delmarva Power South, and Pepco locational deliverability areas (LDAs) will see an additional \$16, \$18, \$4, and \$14 per month, respectively, on their electric bills beginning in 2025 or soon after. *Id.*

⁹⁸ See OPC “FERC and PJM Issues” webpage, <https://opc.maryland.gov/Consumer-Learning/FERC-and-PJM-Issues>.

⁹⁹ See Md. Code Ann., PUA §§ 7-220 to 7-228.

¹⁰⁰ See Case No. 9478. On August 23, 2024, the Commission entered Order No. 91297, establishing Phase II of the program. The pilot utilities filed their Phase II plans in December 2024.

¹⁰¹ See PC 44 and Commission Order No. 91391.

¹⁰² See PUA § 7-1102 and Case No. 9749.

battery energy storage systems, for which the legislature has established a target of 3,000 megawatts of cost-effective storage by 2033.¹⁰³

B. Increased eligibility—and need—for energy assistance has resulted in a massive funding shortfall, leading to diminished per-person assistance.

The Department of Human Services’ implementation of House Bill 323 in January 2024 dramatically increased the number of households eligible for energy assistance. Prior to HB 323, households with income at or below 200 percent of the federal poverty guidelines were eligible for benefits from EUSP and MEAP. HB 323 expanded eligibility by making households receiving benefits from multiple federal low-income assistance programs categorically eligible for EUSP and MEAP benefits.¹⁰⁴ Applications for energy assistance increased by 100,150 between FY 2023 and FY 2024, representing a 74.2 percent increase over the same period in the prior year and far exceeding OHEP’s projected increase of 30,000.¹⁰⁵ Of FY 2024’s 243,252 applications, 162,532 had not received energy assistance in a prior fiscal year, which illustrates the rapid growth in demand for energy assistance.¹⁰⁶ But even before House Bill 323’s implementation, applications for energy assistance were on the rise, as OHEP reported that prior to January 1, 2024, the number of applications was 17.58 percent higher than the same six-

¹⁰³ See PUA § 7-216.1 and Case No. 9715.

¹⁰⁴ HB 323 (2023) made those receiving benefits through Supplemental Nutrition Assistance Program (“SNAP”), Supplemental Security Income (“SSI”), Temporary Assistance for Needy Families (“TANF”) and Means-Tested Veterans Affairs Benefits categorically eligible for fuel and utility assistance programs. Md. Code Ann. Hum. Servs. § 5-5A-07(b)(2)(ii).

¹⁰⁵ FY 2025 Plan, *supra* note 6, at 12, Table 2; Md. Dep’t of Human Servs. (“DHS”), *Electric Universal Service Program (EUSP) Proposed Operations Plan for State Fiscal Year 2024* (CN 8903, June 27, 2023) at 16.

¹⁰⁶ Interview with Courtney Thomas, Acting Dir. of the Off. of Home Energy Programs, (Jan. 28, 2025).

month period in FY 2023.¹⁰⁷ Increased eligibility for energy assistance resulted in a maximum bill assistance benefit for FY 2025 of \$575, well below the average bill assistance grant of \$682 in FY 2024.¹⁰⁸ For FY 2025, OHEP anticipates an increase in the number of applications due to ongoing customer need and the impact of categorical eligibility and automatic enrollment in OHEP Programs.¹⁰⁹

Increased eligibility for energy assistance has stressed FY 2025 funding and resulted in large reductions in per person assistance. Under OHEP's FY 2025 benefits schedule, bill assistance will range from just \$25, for categorically eligible households that exceed 200 percent of the federal poverty level, to a maximum of \$575.¹¹⁰ While it is encouraging that more people are enrolling in energy assistance programs, the fact that the \$575 maximum is already significantly lower than FY 2024's average bill assistance of \$682¹¹¹ raises serious concerns about the additional burden a decrease in per person assistance will place on low-income ratepayers.

C. Terminations increased dramatically in 2023, and high customer bills have recently led one utility to temporarily pause disconnections for February 2025.

Maryland utilities collectively terminated more customers' service in 2023 than 2019, leaving a staggering 21,644 more customers without essential utility services for some period of 2023. The charts below highlight residential terminations for BGE,

¹⁰⁷ FY 2025 Plan, *supra* note 6, at 16.

¹⁰⁸ FY 2025 Plan, *supra* note 6, at 3.

¹⁰⁹ FY 2025 Plan, *supra* note 6, at 16.

¹¹⁰ *Id.* at 3. In Order No. 91441, the Commission agreed that the \$25 nominal benefit does little to offset energy burdens, but nonetheless approved OHEP's FY 2025 plan noting that this amount would only be for categorically eligible households that would not have received assistance prior to HB 323's implementation. Md. Pub. Serv. Comm'n, *Order No. 91441*, ML No. 314113 (CN 8903, Dec 9, 2024).

¹¹¹ FY 2025 Plan, *supra* note 6, at 3.

Potomac Electric Power Company (“Pepco”), Delmarva Power & Light Company, and The Potomac Edison Company since 2014.¹¹² Throughout this section, we draw comparisons between terminations that occurred in 2019 and 2023 because they represent pre- and post-pandemic years that were less affected by COVID-19 policies that impacted termination figures, and therefore are more comparable to previous years. Similarly, adjustments to termination policies in response to OHEP funding exhaustion and Commission directives made 2024 termination rates somewhat irregular when compared to pre-2020 years. On May 28, 2024, the Commission issued a formal notice requesting comments on the energy assistance funding shortfall and directing utilities to provide information on any actions taken to protect customers.¹¹³ In its June 18, 2024 press release, the Commission noted that most Maryland utilities voluntarily halted disconnections for customers whose assistance applications had been denied when OHEP funding was exhausted.¹¹⁴ Additionally, the Commission’s July 23, 2024 order for the utilities to add 16 days to any termination notice issued for non-payment through September 1, 2024—in response to OPC’s petition of June 18, 2024—may have contributed to a decrease in terminations.¹¹⁵

¹¹² OPC generated these charts using the Termination & Arrearage Monthly Report tool on the PSC’s website (<https://www.psc.state.md.us/termination-arrearages/>), with the exception of termination data for BGE and PE for June through December of 2024, which was not yet available via the search feature. OPC utilized BGE’s and PE’s monthly filings in the PC 53 docket to obtain this data.

¹¹³ Md. Pub. Serv. Comm’n, *Notice of Request for Comments Related to MEAP Funding Exhaustion*, ML No. 309906 (May 28, 2024).

¹¹⁴ Commission’s June Release, *supra* note 88, at 1.

¹¹⁵ Md. Pub. Serv. Comm’n, Order No. 91239 (July 23, 2024); Maryland Office of People’s Counsel, *Petition of the Office of People’s Counsel Requesting an Emergency Order to Protect Utility Customers from Extreme Heat*, ML No. 310339 (CN 9745, June 18, 2024).

In BGE’s case, terminations rose dramatically from 57,991 in 2019 to 79,281 in 2023, representing a 36.7 percent increase. BGE’s 79,281 terminations in 2023 represent a record high over the past ten years and demonstrate a nearly 20 percent increase over 2022’s previous record (since 2014) of 66,326 terminations. In 2024, BGE’s terminations decreased to 46,708—which may be attributed, in part, to voluntary pauses in terminations. BGE temporarily paused terminations when OHEP funding was exhausted.¹¹⁶ Additionally, it is OPC’s understanding, based on conversations with BGE’s counsel that the company temporarily halted disconnections during a system upgrade for a period of two months in 2024.

Terminations in Pepco, Delmarva, and Potomac Edison’s territories were less dramatic but still concerning. Pepco’s 2023 terminations dropped 51 percent from 2019 to 17,715 terminations. In 2024, Pepco’s terminations again declined—this time by 15 percent—to 15,108 terminations in 2024. Declines in Pepco’s termination rates are encouraging, but it remains alarming that 15,108 customers—1,823 of which were low income—were without essential utility services for some period in 2024. Delmarva’s 2023 terminations dropped 3 percent from 2019 to a still worrisome 7,373. In 2024, Delmarva’s terminations surpassed both 2019 and 2023 figures and increased to 7,729 terminations—a 4.8 percent increase from 2023’s 7,373 terminations.¹¹⁷ Meanwhile,

¹¹⁶ On June 4, 2024, BGE filed comments indicating it was among those utilities that had halted terminations in light of the funding shortfall, but it is unclear during what period of time the company halted terminations. Baltimore Gas and Electric Company, *Notice of Request for Comments Related to MEAP Funding Exhaustion*, ML No. 310073 (June 4, 2024).

¹¹⁷ On June 4, 2024, Pepco and Delmarva filed joint comments explaining the companies had “put in place protections . . . for those customers that [were] denied MEAP due to funds being exhausted,” which

Potomac Edison’s 2023 terminations rose 8 percent from 2019 to 7,767 terminations. In 2024, Potomac Edison’s terminations fell to 5,028.¹¹⁸

Baltimore Gas and Electric											
Turn-offs	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Low Income	11709	12494	9127	8228	10809	9093	1670	1360	4462	10567	9623
Non Low Income	45819	42828	41281	43536	49888	48898	6232	26486	61864	68714	37083
TOTAL	57528	55322	50408	51764	60697	57991	7902	27846	66326	79281	46706

Pepco Holdings, Inc.											
Turn-offs	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Low Income	1453	196	1374	647	755	2626	561	1119	1500	1846	1823
Non Low Income	15679	18952	38157	25241	26218	33859	6039	16939	7349	15869	13285
TOTAL	17132	19148	39531	25888	26973	36485	6600	18058	8849	17715	15108

Delmarva Power											
Turn-offs	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Low Income	985	195	1089	763	721	1400	243	534	726	1621	2319
Non Low Income	3090	4265	8597	8048	6446	6199	1010	4117	1379	5752	5410
TOTAL	4075	4460	9686	8811	7167	7599	1253	4651	2105	7373	7729

prevented eligible customers from being disconnected until July 15, 2024. Potomac Electric Power Company, *Maryland Energy Assistance Program*, ML No. 310057 (June 4, 2024).

¹¹⁸ Potomac Edison filed comments in June 2024 indicating steps it had taken in response to the MEAP funding exhaustion, which notably did not include pausing terminations. The Potomac Edison Company, *Potomac Edison’s Response to Notice of Request for Comments Related to MEAP Funding Exhaustion*, ML No. 310077 (June 4, 2024).

Potomac Edison											
Turn-offs	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Low Income	3210	3413	3336	3274	3427	3457	38	111	119	3657	2066
Non Low Income	5598	4398	4860	4532	3556	3730	29	115	65	4110	2962
TOTAL	8808	7811	8196	7806	6983	7187	67	226	184	7767	5028

High bills continue to plague utility customers, with BGE recently announcing that it would pause service disconnections in February 2025, waive late payment fees from January 1, 2025, and waive the deposit requirement for customers who have had their service disconnected, due to “unanticipated high bills.”¹¹⁹ Absent legislative and Commission-passed reform, however, the termination problems OPC has highlighted above are expected to continue.

CONCLUSION

Utility rates are rising in Maryland while per capita customer assistance is declining. Service terminations continue at concerning rates, with utilities free—absent reform—to abandon voluntary cessations and resume practices that will further increase terminations. This is the time to perform a comprehensive review and revision of Maryland’s regulations affecting utility customers to increase transparency and clarity,

¹¹⁹ CBS News, *BGE pauses service disconnections, waives late fees due to high bills for some in Maryland* (February 4, 2025), <https://www.cbsnews.com/baltimore/news/maryland-bge-gas-electric-bills-rate-increase-utilities/> (last visited February 7, 2025). Although BGE did not proactively notify OPC of its pause of service disconnections, OPC learned about it through this article.

decrease terminations, and improve the service provided to customers. OPC appreciates the Commission's attention to this matter and respectfully requests that the Commission issue an order:

- Directing the RM 86 work group leader to consider the proposals in OPC's supplemental petition, along with its earlier proposed, and yet to be resolved, regulation changes; and
- Directing the work group leader to file a status report with the Commission, no later than May 30, 2025 providing an update on the work group's progress in developing recommendations.

Respectfully Submitted,

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February 20, 2025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February 2025, the foregoing *Office of People's Counsel's Supplemental Petition for Rulemaking Governing Updated Utility Service Termination and Ratepayer Protection Regulations* was sent via e-mail to all parties referenced in the RM86 Work Group Report of December 31, 2024 (no service list is currently available for this proceeding).

Respectfully submitted,

/electronic signature/
Nicole L. Zeichner
Assistant People's Counsel

**OFFICE OF PEOPLE’S COUNSEL’S COMMENTS IN RESPONSE TO THE
COMMISSION’S NOTICE INITIATING A RULEMAKING AND
RULEMAKING SESSION (RM 86)**

**APPENDIX A: Proposed revisions and additions to existing regulations regarding
extreme weather¹**

In the foregoing regulations:

- a. proposed deletions to existing regulations are denoted by ~~stricken~~ text;
- b. proposed additions to existing regulations are denoted by red, underlined text;
- c. proposed deletions to the Commission’s draft regulations are denoted by ~~stricken~~ text in red; and
- d. proposed addition to the Commission’s draft regulations are denoted by red, bold, underlined text.

COMAR 20.31.01.02

.02 - Definitions

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(9) “Extreme weather period”, the determination of which must be made every 24 hours at 6 a.m., means a period of ~~72~~ 120 hours beginning at 6 a.m. on any given day comprised of ~~three~~ five consecutive 24-hour segments during any one of which:

(a) the temperature, as forecast, is not expected to exceed 32 degrees Fahrenheit during the segments;

(b) ~~or is expected to~~ the temperature, as forecast, is expected to be 95 degrees Fahrenheit or above during the segments; ~~or~~

(c) the heat index, as forecast, is expected to be 90 degrees Fahrenheit or above during the segments. ~~Determination of the possible existence of an extreme weather period must be repeated every 24 hours at 6 a.m.~~

¹ OPC reserves the right to make additional or different recommendations as part of a rulemaking proceeding, and in its supplemental filing that will address comprehensive proposed changes to regulations.

(11) “Heat index” refers to a combination of relative humidity and air temperature, as calculated by the U.S. National Weather Service.

COMAR 20.31.03.03
.03 Winter Restrictions.

A. An electric, gas, or electric and gas utility may not terminate gas or electric service to occupants of residential buildings for nonpayment of bills during the period November 1 through and including March 31 of the immediately succeeding calendar year unless the utility first certifies to the Commission by an affidavit filed at least 24 hours before the termination, that the termination does not constitute a threat to the life or health of the residential occupants.

B. The affidavit shall:

- (1) be made on personal knowledge;
- (2) set forth the facts in §§A and C of this regulation;
- (3) affirmatively state that the affiant is competent to testify to the matters set forth in the affidavit; and
- (4) be made by signing the statement in the following form: “I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.”

B.C. The affidavit shall state in addition to the requirements of §§A, B, and D of this regulation-:

- (1) The name of the customer whose service is to be terminated and the address of the premises involved;
- (2) That the customer has been notified both in writing and by personal contact, if personal contact has been made, of ~~his~~the customer’s rights and remedies as stated in COMAR 20.31.02.06G and has been informed of possible sources of financial assistance and the availability of alternate payment plans and the Utility Service Protection Program offered by the utility;
- (3) The dates on which personal contact with the customer or an adult member of the household was made or attempted;
- (4) If personal contact was made, that the utility asked the customer or an adult member of the household if the customer or an occupant of the premises is an older adult, a person with a disability, seriously ill, or relies upon life-support equipment, and if the response was in the affirmative, that the utility offered the

customer a payment plan and notified the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01;

(45) The reason for the termination;

(56) Whether the customer is a participant in the Utility Service Protection Program, ~~or the Electric Universal Service Program~~ an OHEP program, or is a recipient of benefits under a limited-income mechanism pursuant to Maryland Code, Public Utilities Article, § 4-309;

(67) Whether the customer claims an occupant of the dwelling unit is ~~elderly~~ an older adult, handicapped ~~a~~ person with a disability, seriously ill, or dependent upon the use of life-support equipment and, if so, that the utility has complied with the provisions of COMAR 20.31.03.01 and .02;

(78) That the amount of the arrearage for which termination is sought is greater than ~~\$200~~ 500 for a single service utility or ~~\$300~~ 700 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility; and

(89) That a copy of the affidavit has been forwarded to the Department of Human Resources, Office of Home Energy Programs and the local administering agency, if the customer has been certified to the utility as eligible for ~~MEAP~~ or EUSP ~~OHEP~~ Assistance.

C. Affidavits are valid for 12 days after the most recent personal contact with the customer was made or attempted.

D. Personal Contact with Customer.

(1) In addition to the requirements §§A, B, and C of this regulation, for any termination occurring within the above wintertime period, the utility shall, at a minimum, attempt to make personal contact with the customer twice between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated.

(2) The utility's attempt to make personal contact under this section shall occur on two separate days.

(3) The utility's attempt to make personal contact with a customer shall be by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination and either a Customer's' Rights and Assistance Pamphlet ~~or a pamphlet which explains the customer winter termination rights, including the Utility Service Protection Program~~ with the customer or a responsible person 18 years old or older at the premises, or if no one is home, leaving a copy of the notice and pamphlets at the premises.

(4) The utility shall document each attempt to make personal contact under this section.

(5) Financial Assistance. If personal contact is made, the utility shall inform the customer of:

- a. possible sources of financial assistance, including OHEP and any benefits available under limited-income mechanisms pursuant to Maryland Code, Public Utilities Article § 4-309;
- b. ~~and of the availability of alternate payment plans and the Utility Service Protection Program offered by the utility;~~ and
- c. the customer's right to file a complaint with the Commission's Consumer Affairs Division if the customer believes the bill amount is incorrect.

(6) Customer Health. If personal contact is made, the utility shall ask the customer if the customer or an occupant of the premises is an older adult, a person with a disability, seriously ill, or relies upon life-support equipment, and shall include the customer's response in the affidavit. If the response is in the affirmative, the utility shall offer the customer a payment plan and notify the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01.

E. Temporary Restriction. In addition to the provisions of §§A, B, C, and D of this regulation, a utility may not terminate service because of nonpayment to any customer in a utility's designated weather station area for that customer in which the forecast temperature made at 6 a.m. is 32 degrees Fahrenheit or below in that weather station area during an extreme weather period.

COMAR 20.31.03.04

.04 Temporary Residential Spring and Summer Restrictions.

~~A utility may not terminate, either gas service that is used for cooling if the customer has notified the gas utility of that usage, or electric service, because of nonpayment, for any customer occupying a residential building, for which the temperature forecast made for~~

~~the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above in that weather station area during an extreme weather period.~~

A. An electric, gas, or electric and gas utility may not terminate gas or electric service to occupants of residential buildings for nonpayment of bills during the period June 1 through and including August 31 of the immediately succeeding calendar year unless the utility first certifies to the Commission by an affidavit filed at least 24 hours before the termination that the termination does not constitute a threat to the life or health of the residential occupants.

B. The affidavit shall:

- (1) be made on personal knowledge;
- (2) set forth the facts in §§A and C of this regulation;
- (3) affirmatively state that the affiant is competent to testify to the matters set forth in the affidavit; and
- (4) be made by signing the statement in the following form: "I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true."

C. The affidavit shall state, in addition to the requirements of §§A, B, and D of this regulation the following:

- (1) The name of the customer whose service is to be terminated and the address of the premises involved;
- (2) That the customer has been notified both in writing and by personal contact, if personal contact has been made, of the customer's rights and remedies as stated in COMAR 20.31.02.06G and has been informed of possible sources of financial assistance and the availability of alternate payment plans and the Utility Service Protection Program offered by the utility;
- (3) The dates on which personal contact with the customer or an adult member of the household was made or attempted;
- (4) If personal contact was made, that the utility asked the customer or an adult member of the household if the customer or an occupant of the premises is an older adult, person with a disability, seriously ill, or relies upon life-support equipment, and if the response was in the affirmative, that the utility offered the customer a payment plan and notified the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01;
- (5) The reason for the termination;

(6) Whether the customer is a participant in the Utility Service Protection Program, an OHEP program, or is a recipient of benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309;

(7) Whether the customer claims an occupant of the dwelling unit is an older adult, a person with a disability, seriously ill, or dependent upon the use of life-support equipment and, if so, that the utility has complied with the provisions of COMAR 20.31.03.01 and .02;

(8) That the amount of the arrearage for which termination is sought is greater than \$500 for a single service utility or \$700 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility; and

(9) That a copy of the affidavit has been forwarded to the Department of Human Resources, Office of Home Energy Programs and the local administering agency, if the customer has been certified to the utility as eligible for OHEP Assistance.

C. Affidavits are valid for 12 days after the most recent personal contact with the customer was made or attempted.

D. Personal Contact with Customer.

(1) In addition to the requirements of §§A, B, and C of this regulation, for any termination occurring within the above spring and summer period, the utility shall, at a minimum, attempt to make personal contact with the customer twice between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated.

(2) The utility's attempt to make personal contact under this section shall occur on two separate days.

(3) The utility's attempt to make personal contact with a customer shall be by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination and either a Customers' Rights and Assistance Pamphlet with the customer or a responsible person 18 years old or older at the premises, or if no one is home, leaving a copy of the notice and pamphlets at the premises.

(4) The utility shall document each attempt to make personal contact under this section.

(5) Financial Assistance. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and of the availability of alternate payment plans and the Utility Service Protection Program offered by the utility.

(6) Customer Health. If personal contact is made, the utility shall ask the customer if the customer or an occupant of the premises is an older adult, person with a disability, seriously ill, or relies upon life-support equipment, and shall include the customer's response in the affidavit. If the response is in the affirmative, the utility shall offer the customer a payment plan and notify the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01.

E. Temporary Restriction. In addition to the provisions of §§A, B, C, and D of this regulation, a utility may not terminate either gas service that is used for cooling, if the customer has notified the gas utility of that usage, or electric service because of nonpayment, for any customer occupying a residential building for which:

- (1) the temperature forecast in the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above during an extreme weather period; or
- (2) the heat index forecast made for the utility's weather station area for that customer at 6 a.m. is 90 degrees Fahrenheit or above during an extreme weather period.

COMAR 20.31.06

.01 - Emergency Authorities

- A. If the Commission finds that an emergency of any nature has developed or is impending and that emergency protections for residential customers are necessary to protect the public health, welfare, or safety of the utilities' customers, the Commission may declare a "public utility service state of emergency".
- B. A public utility service state of emergency declared by the Commission shall remain in effect until the Commission, by written order, finds that the basis for the public utility service state of emergency has ended.
- C. A public utility service state of emergency may apply to all or some Maryland utilities, and may in some cases apply only to certain categories of utilities, such as electric, natural gas, water, transportation and telecommunications.

D. During a public utility service state of emergency, the following rules shall apply to utilities for which the public utility state of emergency is specified**cally to be applicable:**

1. Utilities may not engage in service terminations or charge late fees or service reconnection fees.
2. Utilities may not require down payments or deposits as a condition of beginning a payment plan or connecting service for any residential customer.
3. Utilities may not require residential customers to provide income or other financial records as a condition of entering into an alternate payment plan.
4. Utilities may not charge service reconnection charges ~~for customers who have not failed to comply with the terms of an agreed payment plan within the prior 18 months.~~
5. **Utilities may not require residential customers to establish credit as a condition of connecting service.**

E. The Commission may, by written order during a public utility service state of emergency, suspend in whole or in part any regulation or order in conflict with the above emergency regulations.

F. The Commission may, for good cause, suspend or waive the application of any part of this section.

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND**

Emergency Weather Terminations –
Revisions to COMAR 20.31

Administrative Docket
RM 86

**OFFICE OF PEOPLE’S COUNSEL’S PROPOSED CHANGES TO COMAR 20.31
IN RESPONSE TO THE COMMISSION’S NOTICE INITIATING A
RULEMAKING AND RULEMAKING SESSION (RM 86)
Proposed revisions and additions to regulations¹**

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PEOPLE’S COUNSEL

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Dated: December 4, 2024

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Baltimore, Maryland 21202
(410) 767-8150

¹ OPC reserves the right to make additional or different recommendations as part of the rulemaking proceeding.

In the foregoing regulations:

- a. proposed deletions to existing regulations are denoted by ~~stricken~~ text; and
- b. proposed additions to existing regulations are denoted by red, underlined text.

COMAR 20.31.01.01

Applicability

A. This subtitle applies to all electric utilities, gas utilities, and combination electric and gas utilities, as defined in this subtitle, under the jurisdiction of the Public Service Commission.

B. COMAR 20.31.02, 20.31.03, and 20.32.01 govern all terminations of electric service, gas service, or both, as the case may be, where the service, in whole or in part, is for use in a dwelling unit or units, except for those terminations governed by COMAR 20.31.05.

C. If unreasonable hardship to a utility or to a customer results from the application of any of the regulations of this subtitle, applications may be made by the affected person to the Commission for the modification of the regulation or regulations or for a temporary or permanent exemption from its requirements.

D. This subtitle does not relieve any utility to which it applies of any of its duties under the laws and regulations of Maryland or the United States.

E. This subtitle is not intended to discourage utilities from working with local, State, or federal agencies to create or implement energy assistance programs.

F. All references to ~~the gender pronouns masculine gender~~ in this subtitle include ~~the feminine gender~~ all gender pronouns.

G. All references to “days” in this subtitle refer to calendar days unless otherwise specified.

COMAR 20.31.01.02

Definitions

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Certified nurse practitioner” means an individual certified by the State Board of Nursing under COMAR 10.27.07.

- (2) “Commission” means the Public Service Commission of Maryland.
- (3) “Customer” means a person receiving service from a utility, in whose name the account is maintained, for use in the premises.
- (4) “Disputed bill” means a bill which is the subject of a bona fide controversy between a customer and the utility regarding any billing error, including, but not limited to, matters such as errors in computation, failure of the bill to reflect a payment or other credit, and billing for service which the customer alleges was not used or was used by another person.
- (5) “Dwelling unit” means a room or rooms suitable for occupancy as a residence containing sanitary or kitchen facilities.
- (6) “~~Elderly~~Older adult” means an individual 65 years old or older.
- (7) “Equipment” means any device or apparatus, including piping, electrical wires, and meters, which is used by a utility to provide service to a customer or used by a customer to receive service from a utility.
- (8) “EUSP” means Electric Universal Service Program established under Public Utilities Article, § 7-512.1, Annotated Code of Maryland.
- (9) “Extreme weather period”, the determination of which must be made every 24 hours at 6 a.m., means a period of ~~72~~ 120 hours beginning at 6 a.m. on any given day comprised ~~ing of three~~ five consecutive 24-hour segments during any one of which:
- (a) the temperature, as forecast, is not expected to exceed 32 degrees Fahrenheit during the segments;
 - (b) or is expected to the temperature, as forecast, is expected to be 95 degrees Fahrenheit or above during the segments; or
 - (c) the heat index, as forecast, is expected to be 90 degrees Fahrenheit or above during the segments. ~~Determination of the possible existence of an extreme weather period must be repeated every 24 hours at 6 a.m.~~
- (10) “~~Handicapped~~Person with a disability” means an individual who:
- (a) Has any physical disability or mental impairment which substantially limits one or more of the individual's life activities; and
 - (b) Is:
 - (i) Receiving disability insurance payments from a government agency that requires certification of the disability, or

(ii) Certified as being physically disabled by a licensed physician or mentally impaired by a licensed psychiatrist or registered psychologist.

(11) “Heat index” refers to a combination of relative humidity and air temperature, as calculated by the U.S. National Weather Service.

(12) “Life-support equipment” means any electric or gas energy-using device certified by a licensed physician, certified nurse practitioner, or physician assistant as being essential to prevent, or to provide relief from, a serious illness or to sustain the life of the customer or an occupant of the premises.

(13) “Local government” has the meaning stated in State Government Article, § 11-101(g), Annotated Code of Maryland.

(14) Master-Metered Building.

(a) “Master-metered building” means, for purposes of COMAR 20.31.01, 20.31.02, and 20.31.03, a building with four or more dwelling units, where the customer buys electricity or gas from the utility and provides it to the occupants in the building either as a part of a rental agreement or lease, condominium fee, or other charge, or as charged under the authority of Public Utilities Article, § 7-303, Annotated Code of Maryland.

(b) “Master-metered building” does not include transient facilities.

(15) “Occupant” means any individual who has a legal right to reside in the premises.

(16) “Person” has the meaning stated in Public Utilities Article, § 1-101, Annotated Code of Maryland.

(17) “Physician assistant” means an individual who is licensed under Health Occupations Article, Title 15, Annotated Code of Maryland, to practice medicine with physician supervision.

(18) “Premises” means a building, or portion of a building, that is receiving service from a utility for use in a dwelling unit or units.

(19) “Serious illness” means an illness certifiable by a licensed physician, certified nurse practitioner, or physician assistant to be such that termination of service during the period of time covered by the certificate would be especially dangerous to the health of the person certified to be seriously ill.

(19~~20~~) “Service” means providing electricity or gas, or both, to a premises.
(20~~21~~) “Termination” means to discontinue electric, gas, or electric and gas service to a premises by a utility.

(21~~22~~) “Third person” means an individual, organization, or government agency designated by the customer to receive notices of termination.

(22~~23~~) “USPP” means Utility Service Protection Program, established under COMAR 20.31.05.

(23~~24~~) “Utility” has the same meaning as the terms “electric company” and “gas company” as defined by Public Utilities Article, § 1-101, Annotated Code of Maryland, and includes a combination electric and gas company.

COMAR 20.31.01.03 Customer Responsibilities

A. Upon receiving a notice of termination, any customer may who notify~~ies~~ the utility ~~either~~ before the date on which the termination is scheduled ~~or within 14~~30 days of receiving the notice, whichever occurs first, that he the customer or an occupant of the premises is ~~elderly~~an older adult, handicapped person with a disability, seriously ill, or relies upon life-support equipment, shall receive the protections delineated in COMAR 20.31.03.01 and COMAR 20.31.03.02. The customer shall obtain any necessary certification of status pursuant to COMAR 20.31.03.01 and shall inform the utility of this occupant's name and address, if different than the customer's, to prevent termination of service.

B. Notice to the utility sufficient to prevent termination of service pursuant to section (A), above, includes any form of communication with the utility, with any necessary certifications pursuant to COMAR 20.31.03.01 to be provided to the utility within ten (10) days of the customer providing notice to the utility. ~~sending to the utility a written statement of the status of the individual and sending to the utility the required certifications not later than the scheduled date of termination of service.~~

C. A customer who wishes to dispute the reasons for termination of his service or to dispute ~~his~~ the customer's bill shall first contact the utility and shall make every effort to resolve the dispute with the utility before contacting the Commission.

D. Customer Responsibility for Bills.

(1) A customer shall be responsible for all past-due, current, and future bills for service provided to the customer.

(2) A customer's failure to comply with the provisions of this subtitle may subject that customer to termination action by the utility.

COMAR 20.31.01.05

.05 Service Reconnection Charge.

If a utility terminates service to a customer in compliance with this subtitle, and the customer requests reconnection, ~~he~~ the customer shall be liable for the charge for reconnection of service contained in the utility's tariffs and the past-due amount, ~~except:~~

A. customers who receive benefits administered by the Office of Home Energy Programs;

B. customers who receive benefits under a limited-income mechanism pursuant to Maryland Code, Public Utilities Article, § 4-309; and

C. as provided in COMAR 20.31.05 of this subtitle.

COMAR 20.31.01.06

Termination Policy Statement

A. Each utility shall include a termination policy statement as a separately identified part of the Customers' Rights and Assistance Pamphlet required by COMAR 20.30.04 Customers' Rights and Assistance Pamphlet.

B. This statement shall include, at a minimum, the following information:

(1) ~~The permissible grounds for termination of service~~ The grounds for which the utility may terminate service;

(2) Any restrictions on the days on which a utility may terminate service;

~~(23)~~ A statement of the procedures for terminating and reconnecting a customer's service;

~~(34)~~ A statement that the customer may designate a third party to receive termination notices;

~~(45)~~ A statement that the customer may notify the utility if the customer or an occupant of the customer's residence is ~~elderly~~ an older adult, is ~~handicapped~~ a person with a disability, is seriously ill, relies upon life-support equipment, or has any existing condition for which a termination of service would be a threat to life, health, or safety.

- (56) A statement of the customer's rights and remedies in termination proceedings, which shall include the information required by Regulation .06 Text of Notices of Termination under COMAR 20.31.02 Terminations;
- (67) A statement that alternate payment plans are offered by the utility; and
- (78) A statement describing the Utility Service Protection Program under COMAR 20.31.05.

COMAR 20.31.01.07

.07 Third-Party Notification.

A. Each utility shall inform its customers of the availability of third-party notification, by which the customer can designate a third person to receive notices of termination of service in addition to the customer. The third party designated and notified in accordance with these regulations is not liable for the account of the customer.

B. The designated third party may initiate appropriate action to prevent termination of the customer's service, including, but not limited to, paying all or part of the customer's bill without being added to the account as a customer or accepting responsibility for current or future customer bills.

C. Each utility shall set up a procedure for handling this third-party notification process in a manner best suited to the circumstances of the particular utility.

COMAR 20.31.01.08

.08 Alternate Payment Plans.

A. Except as provided under §D of this regulation, if a low income customer is unable to pay the charges for service, the utility shall in good faith attempt to negotiate a reasonable alternate payment plan.

B. Except as provided under §§A and D of this regulation, if a customer is unable to pay the charges for service, the utility may in good faith attempt to negotiate a reasonable alternate payment plan.

C. For purposes of this regulation, "alternate payment plan" means a payment plan provided to avoid termination of service and retire all outstanding charges to the utility.

D. A utility may refuse to negotiate or offer an alternate payment plan to a customer receiving service, if the customer:

(1) Failed to meet the terms and conditions of any alternate payment plan during the past ~~18~~6 months including:

- (a) A USPP alternate payment plan; or
 - (b) A plan arranged ~~under the EUSP~~through OHEP;
- (2) Committed fraud against a utility;

- (3) Committed theft of utility service; or
- (4) Denied the utility access to its equipment located on the customer's property or premises.

E. When devising alternate payment plans, the utility shall consider the circumstances and financial condition of the customer including:

- (1) The size of the delinquent account;
- (2) The customer's ability to pay;
- (3) The customer's payment history;
- (4) The anticipated energy assistance benefits for which the customer may be eligible;
- (5) The length of time that the debt has been outstanding;
- (6) The circumstances which resulted in the past due bills;
- (7) Hardships which may result from the lack of utility service to the customer; and
- (8) Any other relevant factors related to the circumstances of the customer.

F. If an alternate payment plan cannot be arranged, the utility shall promptly notify the customer.

G. If a customer fails to adhere to the alternate payment plan, the utility shall notify the customer that termination procedures may be begun pursuant to this subtitle.

COMAR 20.31.02.01

.01 Insufficient Reasons for Terminations.

The following may not constitute sufficient cause for the utility to terminate service to an existing customer:

A. Failure of a previous customer to pay for service at the premises to be served, unless the current or prospective customer is in violation of one of the provisions of Regulation .04 of this chapter;

B. Failure of the customer to pay:

- (1) For merchandise purchased from the utility;
- (2) For a public utility service other than electric service, gas service, or electric and gas service, as the case may be;
- (3) For service that is used in other than dwelling units;
- (4) The bill of another customer as guarantor of that other customer;

- (5) A bill which is delinquent for less than 3 months if the security deposit exceeds the amount of the estimated final bill for service;
- (6) Any outstanding bill which is less than ~~\$100~~500 for a single service utility, and \$700 for a dual service utility, and which is delinquent for less than 3 months;
- (7) Any undercharge for the period in excess of 4 months as described in COMAR 20.50.04.05 and 20.55.04.05; ~~or~~
- (8) An outstanding bill that is over ~~7~~5 years old, unless the:
- ~~(a) Customer signed an agreement to pay the outstanding bill before the expiration of this period; or~~
 - ~~(b) Outstanding bill is for service obtained by the customer in any manner described in COMAR 20.31.02.03D or 20.31.02.04A(1) (4); or~~
- (9) A security deposit or cash deposit.

COMAR 20.31.02.02

.02 Terminations Requiring Notice.

A utility may terminate service to a customer for any of the following reasons, if the utility complies with the provisions of this subtitle:

- A. The customer's violation of or noncompliance with COMAR 20.50 Service Supplied by Electric Companies or COMAR 20.55 Service Supplied by Gas Companies, or for violation of or noncompliance with the utility's tariffs and rules on file with the Commission;
- B. For failure of the customer to fulfill ~~his~~the customer's contractual obligations for service or facilities subject to regulation by the Commission;
- C. For failure of the customer to permit the utility or its agents to have reasonable access to its equipment located on or in the customer's premises;
- ~~D. For failure of the customer to provide the utility with a deposit as authorized in COMAR 20.30.02 Residential Customer Deposits~~
- E. D. For failure of the customer to furnish the service equipment, permits, certificates, or rights-of-way, as specified by the utility as a condition to obtaining service or if the equipment or permissions are withdrawn or terminated.

COMAR 20.31.02.04

.04 Termination with 147 Days Notice.

A. Electric service, gas service, or both, may be terminated in accordance with this regulation, if service at a dwelling unit has been secured in any manner described below:

- (1) Application was made in a fictitious name;
- (2) Application was made in the name of an individual who is not an occupant of the dwelling unit, without disclosure of the individual's actual address;
- (3) Application was made in the name of a third party without disclosing that fact or without bona fide authority from the third party;
- (4) ~~Application was made without disclosure of a material fact or by misrepresentation of a material fact;~~ Application contains a false statement, which, if it had not been made, would have allowed the utility to deny service pursuant to these regulations;
- (5) Application contains an omission, the subject of which, if disclosed, would have allowed the utility to deny service pursuant to these regulations;
- (5~~6~~) Application was made for connection of service to a dwelling where there are co-occupants, if a service account for that dwelling unit was previously maintained in a current co-occupant's name during a period of co-occupancy with the applicant and the co-occupant has failed to pay or make satisfactory arrangements to pay an outstanding bill or undisputed portion of a disputed bill for service at the dwelling unit, the collection of which is not barred under applicable State or federal law;
- (6~~7~~) Application was made for connection of service to a dwelling unit where there are co-occupants, if the service account at a prior dwelling unit of the applicant was listed in a current co-occupant's name, and the co-occupant has failed to pay or to make satisfactory arrangement to pay an outstanding bill or undisputed portion of a disputed bill for service at the prior dwelling unit, the collection of which is not barred under applicable State or federal law; or
- (7) ~~Application was made by an individual for the purpose of assisting another occupant of a dwelling unit to avoid payment of that occupant's prior outstanding bill.~~

B. For purposes of this regulation, “co-occupants” means two or more adults who occupy the same dwelling unit as their primary domicile or legal residence within the State.

C. If service at a dwelling unit was secured in any manner described in §A of this regulation, the utility may give ~~7~~14 days notice that the service will be terminated, and may then proceed to terminate service subject to the provisions of §E of this regulation. The notice shall state:

- (1) The manner in which service was secured;
- (2) The approximate time period during which the service was used;
- (3) A summary of the facts or circumstances upon which the utility bases its determination that a termination is warranted; and
- (4) The amount of any outstanding bill.

D. If a ~~bona fide~~ an occupant of the premises subject to termination under this regulation is seriously ill or relies on life-support equipment, the provisions of COMAR 20.31.03.01 Restrictions for Serious Illness and Life-Support Equipment, shall supersede the provisions of this regulation.

E. If a customer disputes the proposed termination, the customer shall do so in accordance with the provisions of COMAR 20.32.01.

COMAR 20.31.02.05 **.05 Termination Procedures.**

A. Except as provided by Regulations .03 and .04 of this chapter and by Chapters 03, 04, and 05 of this subtitle, a utility shall terminate service in accordance with the provisions of this regulation.

B. Commencing Termination Procedures.

- (1) A utility may commence termination procedures only if it has made reasonable attempts to collect the past-due bills using normal collection procedures.
- (2) “Normal collection procedures” shall include collection practices set forth in the Customers’ Rights and Assistance Pamphlet ~~normally used by the utility~~ and shall include at least one ~~mailed~~-notice sent via first class mail that the bill in

question is past due, one phone call, and, if the customer consented to electronic communication, one notice sent by electronic mail and one notice sent by text message.

C. The utility shall send a notice of termination to the customer at least ~~14~~30 days before the date on or after which termination will occur.

D. Notices of termination shall be delivered in person or sent by first class mail, and shall be sent to the name and address of the person in whose name the account is held.

E. If the customer has designated a third person to receive termination notices pursuant to COMAR 20.31.01.07 Third-Party Notification, the notices of termination shall be sent to the designated third person as well as to the customer.

F. The utility shall advise the customer of the availability of alternate payment plans offered by the utility in accordance with COMAR 20.31.01.08 and the Utility Service Protection Program offered by the utility in accordance with COMAR 20.31.05.

G. If a customer disputes the proposed termination, ~~he~~ the customer shall do so in accordance with the provisions of COMAR 20.32.01.

H. The utility ~~shall~~may not terminate service:

(1) between 5:00 p.m. on Thursday and 8:00 a.m. on Monday;

(2) on a legal holiday;

(3) on a day that the utility is not prepared to accept payment of the amount due and reconnect service;

(4) on a day prior to a day that the utility is not prepared to accept payment of the amount due and reconnect service;

(5) on a day that the utility is closed to the public; or

(6) on a day prior to a day that the utility is closed to the public. ~~if it is prepared to accept payment of the amount due and to reconnect service on both the day of termination and the day subsequent to termination, except that termination of service on a Saturday is permissible in those special situations where the service must be terminated at a meter inside the premises and where the utility has previously and unsuccessfully attempted to gain access to the meter on at least two weekdays.~~

COMAR 20.31.02.06

.06 Text of the Notice of Termination.

Notices of termination required by these regulations shall include, as a minimum, the following:

- A. The name and account number of the customer whose service is to be terminated;
- B. The address of the premises where service is to be terminated;
- C. A statement of the reasons for the proposed termination;
- D. The date on or after which the proposed termination will occur;
- E. The charges for reconnection of service, if any;
- F. A statement of the total amount due, if applicable;
- G. A statement of the customer's rights and remedies, which shall include:
 - (1) a summary of the dispute procedures, including the right to speak to utility supervisory personnel and the right to submit a dispute to the Commission, with a description of the time frames and procedures to submit disputes and the address, telephone number, and website address of the Commission's Consumer Affairs Division;
 - (2) the office address of the utility;
 - (3) ~~and~~ the telephone numbers at which the utility representatives who handle customer complaints may be reached;
 - (1) information on:
 - a. the Office of Home Energy Program's assistance programs;
 - b. any Commission-approved programs under Maryland Code, Public Utilities Article, § 4-309; and
 - c. any programs administered by the utility to assist low-income customers;
 - (5) the Termination Policy Statement as set forth in COMAR 20.31.01.06, including restrictions on terminations and grounds that do not constitute sufficient cause for termination;
 - (6) a website link to the utility's Customers' Rights and Assistance Pamphlet.
- H. A statement that it is the responsibility of the customer to notify the utility if ~~he~~ the customer is unable to pay for service in accordance with the requirements of the utility's billing practices; and

I. A statement that it is the responsibility of the customer to ~~notify~~ communicate to the utility that ~~he~~ the customer, or an occupant of the premises, is ~~elderly~~ an older adult, ~~handicapped~~ a person with a disability, has a serious illness, or relies upon life-support equipment; a brief explanation of the special provisions regarding ~~elderly~~ older adults, ~~handicapped~~ persons with disabilities, or persons seriously ill or relying on life-support equipment; and an explanation of notification procedures.

COMAR 20.31.02.07

.07 User Without Account.

A. For purposes of this regulation, a “user without account” is a person or persons in possession of a residential property that is using regulated utility service without an active account and is not subject to termination under Regulation .03 of this chapter.

B. A utility may not terminate service to a user without account without adhering to this regulation.

C. Upon discovering a user without account, a utility shall provide written notice to the occupants at the residential property:

~~(1) Not less than 3 days prior to service termination; or~~

~~(2) By mail not less than 7~~14 ~~days prior to service termination;~~

~~(2) By telephone; and~~

(3) If the person or persons have consented to electronic communication, at least one notice sent by electronic mail and at least one notice sent by text message.

D. Notice required by §C of this regulation shall include, at a minimum, the following:

(1) The utility's name and phone number;

(2) A statement that the notice is a shut-off notice;

(3) The address to which the notice applies;

(4) A statement that the company is aware that service is being used from the address without an open account;

(5) An invitation to apply for service as soon as possible; and

(6) The date by which an application for service must be submitted to avoid service termination.

(7) A notification that the user without account should notify the utility immediately if an occupant is an older adult, person with a disability, is seriously ill, or relies on life-support equipment, as special considerations may apply.

E. For users without accounts, the utility should adhere to any requirements of COMAR 20.31.03.01 and COMAR 20.31.03.02 regarding individuals who are older adults, persons with disabilities, are seriously ill, or rely on life-support equipment.

COMAR 20.31.03.01

.01 Restrictions for Serious Illness and Life-Support Equipment.

A. Electric or gas service, or both, may not be terminated for an initial period of ~~up to 30~~at least 60 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant of the premises, subject to the provisions of this regulation.

B. Certification Requirement.

(1) A serious illness or the need for life-support equipment shall be certified to the utility by:

- (a) A licensed physician;
- (b) A certified nurse practitioner; or
- (c) A physician assistant.

(2) When a utility uses a form for the physician, a certified nurse practitioner, or physician assistant to certify a serious illness or the need for life support equipment under this regulation, it shall use the form provided by the Commission.

(3) A utility shall accept a certification from a licensed physician, a certified nurse practitioner, or a physician assistant of a serious illness or need for life support equipment under this regulation.

(4) Except when a form is used under § B(2) of this regulation, the physician, certified nurse practitioner or a physician assistant certification required under § B(1) of this regulation shall be in writing and include:

- (a) The name and address of the seriously ill person;
- (b) A statement that the seriously ill person or person in need of life support equipment is the customer or an occupant of the premises;
- (c) The name, address, telephone number, physician or certified nurse practitioner license number, ~~and~~ signature of the certifying physician, certified nurse practitioner, or physician assistant, and date of signature; and
- (d) A statement that termination will aggravate a serious illness or prevent the use of life-support equipment.

(5) A utility shall accept the physician, certified nurse practitioner, or physician assistant certification under this regulation either in paper form or by facsimile or as a scanned original attached to an email from the certifying physician's or certified nurse practitioner's office.

C. The certifying physician, the certified nurse practitioner, the physician assistant, or the customer may initially telephone the utility of the intent to obtain certification. The required certificate is to be forwarded to the utility not later than the day before the scheduled date for termination of service.

D. The customer shall promptly, within ~~30~~60 days of submitting a certification under this regulation, enter into an agreement with the utility for the payment of the unpaid bills and current amounts due for service in accordance with COMAR 20.31.01.08.

E. Certification may be renewed by the customer, a licensed physician, a certified nurse practitioner, or physician assistant by providing another certificate to the utility, including updated information specified in § B(4) of this regulation, but renewal shall not be required for at least 3 years from the date of prior certification, and the utility shall notify the customer 60 days in advance of the expiration of this 3 year period. Renewal of a certification may not relieve the customer of responsibility to enter into or to maintain an existing payment agreement, as provided in § D of this regulation.

F. Sufficiency of Certification.

(1) If the utility questions the adequacy or integrity of the certification provided:

(a) The utility may refuse to honor the certification provided under § B(1) of this regulation only for the following reasons:

(i) The certification form is not completed;

(ii) The certification form is not signed by a licensed physician, certified nurse practitioner, or physician assistant; or

(iii) The certification form appears to have been altered; or

(b) The utility may petition the Commission to determine the adequacy of the certification provided under § B of this regulation for any other reason.

(2) If the utility files a petition under § F(1)(b) of this regulation, the utility may not terminate service until:

(a) The Commission determines the adequacy of the certification; or

(b) The certification has expired and has not been renewed.

G. A utility may terminate electric or gas service to the premises of a customer under this regulation only if the utility:

(1) Between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated, at a minimum, attempts to make personal contact with the customer on two separate occasions, each of which shall occur on a separate date;

(2) Attempts to make personal contact with the customer by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination with the customer or a responsible person 18 years old or older at the premises, or, if no one is at home, leaving a copy of the notice at the premises; and

(3) Documents each attempt to make personal contact under this section.

H. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and the availability of alternate payment plans, bill extender plans, or other payment arrangements offered by the utility.

COMAR 20.31.03.02

.02 Restrictions for Elderly or Handicapped Individuals.

A. Upon receiving notice from the customer that he the customer or an occupant of the premises to which the service is going to be terminated is an ~~elderly~~ older adult or ~~handicapped individual~~ person with a disability, a utility may terminate service to that premises only in accordance with the provisions of this regulation.

B. Between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated, the utility shall, at a minimum, attempt to make personal contact with the customer on two separate occasions, each of which shall occur on a separate day.

C. The utility's attempt to make personal contact with the customer shall be by either:

(1) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(2) Visiting the premises and leaving a copy of the notice of termination with the customer or a responsible person 18 years old or older at the premises, or if no one is at home, leaving a copy of the notice at the premises.

D. The utility shall document each attempt to make personal contact under this regulation.

E. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and of the availability of alternate payment plans, bill extender plans, or other payment arrangements offered by the utility.

COMAR 20.31.03.03

.03 Winter Restrictions.

A. An electric, gas, or electric and gas utility may not terminate gas or electric service to occupants of residential buildings for nonpayment of bills during the period November 1 through and including March 31 of the immediately succeeding calendar year unless the utility first certifies to the Commission by an affidavit filed at least 24 hours before the termination, that the termination does not constitute a threat to the life or health of the residential occupants.

B. The affidavit shall:

(1) be made on personal knowledge;

(2) set forth the facts in §§A and C of this regulation;

(3) affirmatively state that the affiant is competent to testify to the matters set forth in the affidavit; and

(4) be made by signing the statement in the following form: “I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.”

B.C. The affidavit shall state in addition to the requirements of §§ A, B, and D of this regulation.:

(1) The name of the customer whose service is to be terminated and the address of the premises involved;

(2) That the customer has been notified both in writing and by personal contact, if personal contact has been made, of ~~his~~the customer's rights and remedies as stated in COMAR 20.31.02.06G and has been informed of possible sources of financial assistance and the availability of alternate payment plans, bill extender plans, and the Utility Service Protection Program offered by the utility, and other payment arrangements offered by the utility;

(3) The dates on which personal contact with the customer or an adult member of the household was made or attempted;

(4) If personal contact was made, that the utility asked the customer or an adult member of the household if the customer or an occupant of the premises is an older adult, a person with a disability, seriously ill, or relies upon life-support equipment, and if the response was in the affirmative, that the utility offered the customer a payment plan and notified the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01;

(45) The reason for the termination;

(56) Whether the customer is a participant in the Utility Service Protection Program, ~~or the Electric Universal Service Program~~ an OHEP program, or is a recipient of benefits under a limited-income mechanism pursuant to Maryland Code, Public Utilities Article, § 4-309;

(67) Whether the customer claims an occupant of the dwelling unit is ~~elderly~~ an older adult, handicapped ~~a~~ person with a disability, seriously ill, or dependent upon the use of life-support equipment and, if so, that the utility has complied with the provisions of COMAR 20.31.03.01 and .02;

(78) That the amount of the arrearage for which termination is sought is greater than ~~\$200~~ 500 for a single service utility or ~~\$300~~ 700 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility; and

(§9) That a copy of the affidavit has been forwarded to the Department of Human Resources, Office of Home Energy Programs and the local administering agency, if the customer has been certified to the utility as eligible for ~~MEAP~~ ~~or~~ ~~EUSP~~ OHEP Assistance.

C. Affidavits are valid for 12 days after the most recent personal contact with the customer was made or attempted.

D. Personal Contact with Customer.

(1) In addition to the requirements §§A, B, and C of this regulation, for any termination occurring within the above wintertime period, the utility shall, at a minimum, attempt to make personal contact with the customer twice between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated.

(2) The utility's attempt to make personal contact under this section shall occur on two separate days.

(3) The utility's attempt to make personal contact with a customer shall be by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination and either a Customer's' Rights and Assistance Pamphlet ~~or a pamphlet which explains the customer winter termination rights, including the Utility Service Protection Program~~ with the customer or a responsible person 18 years old or older at the premises, or if no one is home, leaving a copy of the notice and pamphlets at the premises.

(4) The utility shall document each attempt to make personal contact under this section.

(5) Financial Assistance. If personal contact is made, the utility shall inform the customer of:

a. possible sources of financial assistance, including OHEP and any benefits available under limited-income mechanisms pursuant to Maryland Code, Public Utilities Article § 4-309;

b. ~~and of~~ the availability of alternate payment plans and the Utility Service Protection Program offered by the utility; and

- c. the customer's right to file a complaint with the Commission's Consumer Affairs Division if the customer believes the bill amount is incorrect.

(6) Customer Health. If personal contact is made, the utility shall ask the customer if the customer or an occupant of the premises is an older adult, a person with a disability, seriously ill, or relies upon life-support equipment, and shall include the customer's response in the affidavit. If the response is in the affirmative, the utility shall offer the customer a payment plan and notify the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01.

E. Temporary Restriction. In addition to the provisions of §§A, B, C, and D of this regulation, a utility may not terminate service because of nonpayment to any customer in a utility's designated weather station area for that customer in which the forecast temperature made at 6 a.m. is 32 degrees Fahrenheit or below in that weather station area during an extreme weather period.

COMAR 20.31.03.04

.04 Temporary Residential Spring and Summer Restrictions.

~~A utility may not terminate, either gas service that is used for cooling if the customer has notified the gas utility of that usage, or electric service, because of nonpayment, for any customer occupying a residential building, for which the temperature forecast made for the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above in that weather station area during an extreme weather period.~~

A. An electric, gas, or electric and gas utility may not terminate gas or electric service to occupants of residential buildings for nonpayment of bills during the period June 1 through and including August 31 of the immediately succeeding calendar year unless the utility first certifies to the Commission by an affidavit filed at least 24 hours before the termination that the termination does not constitute a threat to the life or health of the residential occupants.

B. The affidavit shall:

- (1) be made on personal knowledge;
- (2) set forth the facts in §§A and C of this regulation;
- (3) affirmatively state that the affiant is competent to testify to the matters set forth in the affidavit; and

(4) be made by signing the statement in the following form: “I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.”

C. The affidavit shall state, in addition to the requirements of §§A, B, and D of this regulation the following:

(1) The name of the customer whose service is to be terminated and the address of the premises involved;

(2) That the customer has been notified both in writing and by personal contact, if personal contact has been made, of the customer’s rights and remedies as stated in COMAR 20.31.02.06G and has been informed of possible sources of financial assistance and the availability of alternate payment plans and the Utility Service Protection Program offered by the utility;

(3) The dates on which personal contact with the customer or an adult member of the household was made or attempted;

(4) If personal contact was made, that the utility asked the customer or an adult member of the household if the customer or an occupant of the premises is an older adult, person with a disability, seriously ill, or relies upon life-support equipment, and if the response was in the affirmative, that the utility offered the customer a payment plan and notified the customer of the customer’s right to submit a medical certification pursuant to COMAR 20.31.03.01;

(5) The reason for the termination;

(6) Whether the customer is a participant in the Utility Service Protection Program, an OHEP program, or is a recipient of benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309;

(7) Whether the customer claims an occupant of the dwelling unit is an older adult, a person with a disability, seriously ill, or dependent upon the use of life-support equipment and, if so, that the utility has complied with the provisions of COMAR 20.31.03.01 and .02;

(8) That the amount of the arrearage for which termination is sought is greater than \$500 for a single service utility or \$700 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility;
and

(9) That a copy of the affidavit has been forwarded to the Department of Human Resources, Office of Home Energy Programs and the local administering agency, if the customer has been certified to the utility as eligible for OHEP Assistance.

C. Affidavits are valid for 12 days after the most recent personal contact with the customer was made or attempted.

D. Personal Contact with Customer.

(1) In addition to the requirements of §§A, B, and C of this regulation, for any termination occurring within the above spring and summer period, the utility shall, at a minimum, attempt to make personal contact with the customer twice between the date the notice of termination is mailed to the customer and the date on or after which service is to be terminated.

(2) The utility's attempt to make personal contact under this section shall occur on two separate days.

(3) The utility's attempt to make personal contact with a customer shall be by either:

(a) Telephoning the customer during business hours, or, if no one is home, during the evening after 6 p.m.; or

(b) Visiting the premises and leaving a copy of the notice of termination and either a Customers' Rights and Assistance Pamphlet with the customer or a responsible person 18 years old or older at the premises, or if no one is home, leaving a copy of the notice and pamphlets at the premises.

(4) The utility shall document each attempt to make personal contact under this section.

(5) Financial Assistance. If personal contact is made, the utility shall inform the customer of possible sources of financial assistance and of the availability of alternate payment plans and the Utility Service Protection Program offered by the utility.

(6) Customer Health. If personal contact is made, the utility shall ask the customer if the customer or an occupant of the premises is an older adult, person with a disability, seriously ill, or relies upon life-support equipment, and shall include the customer's response in the affidavit. If the response is in the affirmative, the utility shall offer the customer a payment plan and notify the customer of the customer's right to submit a medical certification pursuant to COMAR 20.31.03.01.

E. Temporary Restriction. In addition to the provisions of §§A, B, C, and D of this regulation, a utility may not terminate either gas service that is used for cooling, if the customer has notified the gas utility of that usage, or electric service because of nonpayment, for any customer occupying a residential building for which:

- (1) the temperature forecast in the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above during an extreme weather period; or
- (2) the heat index forecast made for the utility's weather station area for that customer at 6 a.m. is 90 degrees Fahrenheit or above during an extreme weather period.

COMAR 20.31.03.06

.06 Occupants of a Master-Metered Building.

A. This regulation applies to terminations of service in master-metered buildings.

B. A utility shall notify occupants in a master-metered building of an impending termination of service by all of the following. A utility shall:

(1) Individually notify all occupants by:

(a) First-class mail, postmarked not less than ~~14~~30 days prior to the proposed date of disconnection and addressed to the “occupant” of each dwelling unit subject to the loss of service if the postal address is readily available to the utility; or

(b) Flyers or “door stuffers”, of a proposed termination at least ~~14~~30 days before the scheduled termination date; and

(2) Notify occupants by posting termination notices in conspicuous locations in the building, such as near mailboxes, entrances, and exits at least ~~14~~30 days before the scheduled termination date.

C. In a situation where the utility is unable to comply with § B(1) and/or (2) of this regulation despite reasonable, documented efforts to do so, the utility may seek a waiver from the Commission of its obligations under § B(1) and/or (2) of this regulation pursuant to COMAR 20.07.01.01-1. If a waiver from § B(1) and/or (2) of this regulation is requested, the utility shall not terminate service to the master-metered building until the Commission rules on the utility's requested waiver or the utility shall have complied with § B(1) and (2) of this regulation, provided that the waiver request shall be deemed approved if the Commission has not acted upon it within 30 days of filing.

D. If the utility seeks a waiver under § C of this regulation, the utility shall also, no later than 1 business day after its waiver request, notify, via electronic mail and first class mail, the Commission's Consumer Affairs Division and the People's Counsel of:

- (1) The utility's waiver request; and
- (2) All the utility's efforts to fully comply with § B(1) and (2) of this regulation and why complete compliance was not feasible.

E. The notices provided pursuant to § B(1) and (2) of this regulation shall, at a minimum, include the following:

- (1) A statement that the utility intends to terminate utility service to the master-metered building;
- (2) The name of the utility customer in whose name the account is maintained and the customer's mailing address, email address, phone number as reflected in the records of the utility not including the account number or other confidential information without the consent of the customer of record;
- (3) The address of the master-metered building where service is to be terminated not including the amount owed or other billing, payment, credit or similar information without the consent of the customer of record;
- (4) The date on or after which the proposed termination will occur;
- (5) The office address of the utility and the utility's customer service phone number;
- (6) A statement that the occupant has applicable rights with respect to the potential service termination subject to the provisions of COMAR 20.31.03.01, including:
 - (a) The right to delay termination for an initial period of up to ~~30~~60 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life-support equipment of any occupant of the master-metered building;
 - (b) How occupants can notify the utility in such circumstances including providing the required certification to the utility; and
 - (c) That after the initial delay, certification may be renewed once to request an additional delay by providing another certificate to the utility;

(7) A statement that it is the responsibility of the customer to notify the utility if the customer is unable to pay for service in accordance with the requirements of the utility's billing practices;

(8) A statement that limited-income occupants may qualify for assistance including for:

(a) Financial and/or relocation assistance through 2-1-1 Maryland, and the current contact details, including phone number and website, for 2-1-1 Maryland; and

(b) Financial assistance towards utility bill payments through the Maryland Energy Assistance Program may be available, but only to limited income individuals, upon relocation and establishment of a utility account in their own name, and the current contact details, including phone number and website, for the Maryland Department of Human Services, Office of Home Energy Programs, which administers the Maryland Home Energy Assistance Program; and

(9) A statement that for further information the occupant can contact:

(a) The Maryland Public Service Commission's Consumer Affairs Division and the current phone number [and website](#) for the Maryland Public Service Commission's Consumer Affairs Division;

(b) The Maryland Office of People's Counsel and the current phone number [and website](#) for the Maryland Office of People's Counsel;

(c) The utility's customer service division and the current phone number [and website](#) for the utility's customer service division; and

(d) The Maryland Office of Attorney General, Consumer Protection Division and the current phone number [and website](#) for the Maryland Office of Attorney General, Consumer Protection Division.

F. The notices posted pursuant to § B(2) of this regulation may also include the information required as necessary to satisfy Public Utilities Article, § 7-307.2, Annotated Code of Maryland.

G. If a utility does not terminate service within 60 days of the date of the proposed termination in the notice posted pursuant to § B(2) of this regulation, the utility shall provide additional notices pursuant to § B(2) of this regulation.

H. In addition to the notices prescribed in § B of this regulation, a utility shall, not less than ~~14~~³⁰ days prior to termination of service to a master-metered building, provide written and electronic notice of its intention to terminate to the Commission's Consumer Affairs Division, Maryland Office of People's Counsel, the Maryland Office of the Attorney General, Consumer Protection Division, and any director of the social services for the political subdivision or subdivisions in which the master-metered building is located as well as a brief description of the notice provided.

I. Each utility shall identify and maintain on its records those accounts for service to master-metered buildings to ensure that service to such premises is not terminated prior to compliance with the provisions of this section. It shall be the responsibility of the customer to inform the utility that service is being provided to a master-metered building. The utility shall ask the customer at the time a new service application is submitted whether service is requested at a master-metered building and publish information about how to notify the utility that service is being provided to a master-metered building in its annual consumer publication and on its website.

COMAR 20.31.05.05

.05 Application Procedures.

A. For participation in the Utility Service Protection Program, a customer shall apply for ~~the Maryland Energy Assistance Program~~ OHEP benefits for those utilities which provide gas and electric service to the customer.

B. Completed applications forwarded by ~~MEAP~~ OHEP to the utility shall include:

(1) A written certification from ~~MEAP~~ OHEP that the applicant has applied and is eligible for ~~MEAP~~OHEP; and

(2) A written designation from ~~MEAP~~ OHEP of the applicant's poverty level and grant amount payable to the utility.

C. The applicant shall sign a form requesting participation in the USPP and agreeing to:

(1) Comply with the terms of the Utility Service Protection Program;

(2) Make payments pursuant to an annual payment plan which is specific to the customer and calculated in accordance with Regulation .06; and

(3) Make payments pursuant to a supplemental payment plan to retire any accumulated arrearages under COMAR 20.31.01.08. The utility shall consider the

poverty level of the household as determined in the ~~MEAP~~OHEP application in establishing the amount of the required monthly payment to liquidate arrearages.

D. At the time of application, an applicant shall be notified of all protections and responsibilities accorded under Regulations .06--.08 of this chapter.

E. An applicant shall be promptly notified by the utility of ~~his~~the applicant's acceptance into the Utility Service Protection Program and be provided with a copy of the equal monthly payment plan designated for that applicant under Regulation .06 of this chapter.

F. Each utility shall reimburse the ~~MEAP~~OHEP for its administrative costs of taking applications from program participants and forwarding them to the utility. The charge shall be as established by the Commission upon request by ~~MEAP~~OHEP.

COMAR 20.31.05.06

.06 Equal Monthly Payment Plan.

A. An equal monthly payment plan based on the estimated cost of average annual utility usage minus annual ~~MEAP~~ OHEP benefits and benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309 that are payable to the utility shall be used as the basis to determine appropriate payments for participation in the Utility Service Protection Program.

B. Monthly payments shall be calculated as follows:

(1) The utility shall calculate average annual cost based on a 12-month history of the customer's dwelling or a comparable dwelling;

(2) The average annual cost shall be reduced by the amount of the participant's ~~MEAP benefit~~ OHEP benefits and benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309; and

(3) The estimated annual cost shall be divided by 12 to give the monthly payment obligation.

C. The monthly bill shall separately state each of the following:

(1) The combined amount due under the equal monthly payment plan plus the amount due under the supplemental payment plan under COMAR 20.31.04.01, if applicable;

(2) The actual usage for the month; and

(3) The cost of the actual usage for the month.

D. The estimated annual obligation shall be recalculated at least once six months ~~a year~~ to reflect actual customer consumption. If actual usage exceeds the average monthly billing, the excess may be amortized over future monthly payments.

COMAR 20.31.05.07

.07 Terminations of Service.

A. If a customer fails to make a payment in compliance with ~~his~~the customer's equal monthly payment plan, a utility shall provide at least one warning notice that the payment is past due and that nonpayment of two consecutive bills shall render the customer subject to removal from the Utility Service Protection Program and service termination.

B. Except as otherwise provided in § D, a customer may be removed from the Utility Service Protection Program and subject to service termination if the customer fails to pay, on two consecutive monthly due dates, the amount due.

C. Notwithstanding a customer making payments in compliance with ~~his~~the customer's equal monthly payment plan, the customer may be subject to service termination when applicable grounds exist under COMAR 20.31.02.03 or COMAR 20.31.02.04.

D. In initiating service termination, the utility shall comply with COMAR 20.31 before any termination of service may occur.

COMAR 20.31.05.08

.08 Reconnection of Service.

A. A customer eligible for participation in the Utility Service Protection Program who is not receiving utility service shall have ~~his~~the customer's utility service reconnected for the purpose of participation in the Utility Service Protection Program, provided that the customer:

- (1) Is certified eligible for ~~MEAP~~OHEP assistance;
- (2) Complies with the application procedures in Regulation .05; and
- (3) Makes the designated payment for outstanding arrearages as described in § B.

B. Amount of Payment.

(1) A customer participating in the Utility Service Protection Program shall pay an amount sufficient to reduce the outstanding arrearage to \$400.

(2) A customer who has previously participated in and has been removed from the Utility Service Protection Program shall pay the greater of:

(a) An amount sufficient to reduce outstanding arrearage to \$400; or

(b) The amount covering the monthly installments in arrears in the customer's equal monthly payment account and supplemental payment account at the date of reconnection.

C. Application of ~~MEAP~~OHEP Benefits to Arrearages.

(1) Applicants for the USPP program may elect to apply all or part of the ~~MEAP~~OHEP benefit to past arrearages to qualify for participation in the USPP after all other emergency funds, public and private, for which the client is eligible have been used.

(2) In the case of an election in § C(1), the equal monthly payment shall be based on estimated annual consumption less any remaining ~~MEAP~~OHEP benefits.

D. A reconnection fee or additional security deposit may not be charged to customers eligible for reconnection under § A.

COMAR 20.31.05.10

.10 Notifications to Department of Housing and Community Development and Mandatory Reporting by the Department of Housing and Community Development

A. For purposes of scheduling low-cost weatherization, utilities shall provide the Department of Housing and Community Development Weatherization Program with the names and addresses of customers with incomes at 50 percent of poverty or below whose service is reconnected pursuant to Regulation .08.

B. Each utility shall furnish the Department of Housing and Community Development with the name, address, and winter energy consumption, November through March, of those Utility Service Protection Program participants whose usage is 135 percent or more of the system average for residential consumption of that fuel. The utility shall also notify the customer of his the customer's high energy consumption.

C. The Commission shall request that the Department of Housing and Community Development file a report with the Commission, with a copy provided to the Office of People's Counsel, during the months of March and September, which states the number of referrals it received pursuant to (A) and (B), above, from each utility in the 6 months prior, and states the number of referrals that fall into each of the following categories:

(1) the customer has not yet been contacted by the Department of Housing and Community Development;

(2) the Department of Housing and Community Development's attempts to contact the customer have been unsuccessful;

(2) the customer has been contacted and declined weatherization services;

(4) the customer has been contacted but was ineligible for services due to the condition of the customer's home;

(5) the customer has been contacted and has expressed interest in weatherization services, but the services have not yet been completed;

(6) weatherization services have been completed; and

(7) any other categories as determined by the Department of Housing and Community Development.

OPC Petition for Rulemaking to Revise Utility Customer Rights and Termination Regulations
APPENDIX C: Proposed revisions and additions to other regulations not previously filed by OPC in this docket¹

In the following regulations, proposed deletions are denoted by ~~stricken~~ text, while proposed additions are denoted by red, underlined text.

COMAR 20.30.02.02

.02 Establishment of Credit.

A. Except as provided in §§C, D and E of this regulation, a utility may require each applicant for residential service to establish credit in compliance with the methods and procedures listed in §B of this regulation.

B. Methods of Establishing Credit.

(1) In order to establish credit, a utility may require an applicant for residential service to demonstrate good paying habits by showing that the applicant:

(a) ~~Was a customer of a Maryland utility within the preceding 2 years;~~

(a~~b~~) Does not currently owe any outstanding bills for utility service to a utility doing business in Maryland;

(b~~e~~) Did not have service discontinued for non-payment of a utility bill during the last 12 months that service, if any, was provided; and

(c~~d~~) Did not on more than two occasions during the last 12 months that service, if any, was provided, fail to pay a utility bill before a late payment charge was assessed under COMAR 20.30.03.01A ~~when it became due.~~

(2) In addition to demonstrating good paying habits under §B(1), a utility may require an applicant for residential service to elect one of the following conditions to satisfy ~~any one of the following~~ in order to establish credit:

(a) Certifying continuous employment for 31 years with current employer;

¹ OPC reserves the right to make additional or different recommendations as part of a rulemaking proceeding.

(b) Showing the ownership of or a contract for the purchase of the dwelling unit for which service is requested and either occupying it or intending to occupy it as the applicant's personal place of residence;

(c) Showing a written lease for a dwelling unit for which service is requested and either occupying it or intending to occupy it as the applicant's personal place of residence;

(~~e~~d) Furnishing a guaranty satisfactory to the utility to secure payment of bills for the service requested in an amount not to exceed the amount of the cash deposit under Regulation .04 of this chapter; or

(~~d~~e) Otherwise establishing credit satisfactory to the utility in conformance with additional reasonable guidelines ~~regulations~~ that are:

- (i) set forth in a which it may adopt Commission-approved tariff applicable to the utility; and
- (ii) described in the utility's Commission-approved Customers' Rights and Assistance Pamphlet required under chapter .04 of this subtitle.

(3) A guaranty under §B(2)(~~d~~e) shall be in writing and continue in effect for 1 year from the installation date of the service, or until the applicant's credit is otherwise established.

(4) If an applicant for residential service is unable to establish credit under the provisions of §B(1) and (2), a utility may require the applicant to establish credit by making a cash deposit to secure payment of a final bill for service under Regulation .04.

(5) If an applicant is subject to outstanding judgments, a utility may require the applicant to establish credit by furnishing a guaranty under §B(2)(~~d~~e) and (3), or by making a cash deposit under Regulation .04 of this chapter.

(6) The establishment of credit under this regulation does not relieve the applicant or customer from compliance with the reasonable regulations of the utility as to prompt payment of bills, and does not relieve the customer from having service terminated for non-payment of bills due for service furnished.

~~(7) A utility shall advise all applicants for service that a customer may be required to reestablish credit under Regulation .03 if the conditions of service or the basis on which credit was originally established materially change.~~

C. Exemption for Individuals 60 Years Old or Older. An individual 60 years old or older applying only for residential service is exempt from any cash deposit requirement if the individual presents satisfactory proof of:

- (1) Age;
- (2) Intent to be the primary consumer of the service as evidenced by lease, mortgage, rental agreement, or title to the dwelling unit to be served being maintained in the name of the applicant; and
- (3) The absence of any outstanding bill owed to a utility for service.

D. Exemption for Certain Limited-Income Customers. A utility may not require the following applicants for residential service to establish credit or provide a cash deposit:

- (1) An individual who receives benefits administered by the Office of Home Energy Programs; or
- (2) An individual who receives benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309.

E. Prohibition on collecting deposits from multiple individuals at the same address. A utility may not collect a deposit from an applicant for service or a customer if the utility is in possession of a deposit for an existing customer at the same service address.

COMAR 20.30.02.03
.03 Reestablishment of Credit

~~A. A utility may require an applicant for residential service who is a former residential customer of that utility to reestablish credit under Regulation .02 of this chapter at the time of the application if one of the following exists:~~

- ~~(1) Customer owes an outstanding bill for a prior residential service;~~
- ~~(2) Customer's residential account had been terminated by the utility during the last 12 months of prior service because of nonpayment of bills;~~ (3) ~~Customer failed to pay a bill on more than two occasions in the last 12 months of prior service;~~

~~B. A residential customer who has established credit and is receiving service, but who fails to pay a bill by the expiration date of a termination of service notice, may be required by the utility to reestablish credit by depositing the amount prescribed in Regulation .04 of this chapter in addition to paying the outstanding bill and a reasonable~~

~~reconnection charge, provided that any prior deposit paid by the customer has been refunded.~~

COMAR 20.30.02.04

.04 Deposit.

A. Amount of Deposit. The deposit required by the utility may not be less than \$5 or more in amount than $\frac{2}{12}$ of the estimated charges for service for the ensuing 12 months, except that an amount equal to $\frac{3}{12}$ of the estimated charge for service for the ensuing 12 months will be permitted for those utilities which bill quarterly. If the actual billing is substantially ~~different from~~ **lower than** the estimated charge for service, then the amount of the deposit **shall** ~~may~~ be adjusted **downward** to the applicable proportion of the actual billing.

B. Deposit Receipt. Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means by which a depositor may establish **his a** claim if ~~his~~**the** receipt is lost.

C. Interest on Deposits.

(1) Each utility shall pay simple per annum interest on a deposit from the date of receipt by the utility.

(2) The rate in §C(1) of this regulation shall be a weighted monthly average of calendar year rates appropriate to the holding period.

(3) Calendar Year Rates.

(a) The calendar year rates shall be established in December of each year to be effective January 1 of the following year.

(b) The rate shall be equal to the average of the percent yields of 1-year treasury constant maturities for September, October, and November of the preceding year.

D. Payment of Interest. Interest shall be paid annually, if requested by the customer, or at the time the deposit is returned.

E. Cessation of Interest. The obligation to pay interest on a deposit shall cease upon one of the following events:

(1) The date it is returned or credited to the customer's bill for service;

(2) The date service is terminated; or

(3) The date notice is sent to the customer's last known address that the deposit is no longer required.

F. Record of Deposit. Each utility shall keep records to show:

(1) The name and address of each depositor;

(2) The amount and date of the deposit; and

(3) Each transaction concerning the deposit.

G. Unclaimed Deposits. Unclaimed deposits, with accrued interest, shall be credited to an appropriate account, or shall otherwise be disposed of in accordance with Commercial Law Article, Title 17, Annotated Code of Maryland.

H. Payment of Deposit.

(1) A utility shall provide an installment plan for the payment of deposits in excess of \$50.

(2) The installment plan may require a customer to pay the greater of \$50 or one-third of the total deposit by the date that service is provided.

(3) A utility shall offer a customer the option to pay a required deposit amount:

(a) Between \$50 and \$150 in even installments over a period of at least ~~8~~12 weeks; or

(b) Over \$150 in even installments over a period of at least ~~12~~24 weeks.

(4) The customer shall be notified of this right at the time of the initial deposit request and in the utility's Customers' Rights and Assistance Pamphlet.

I. Return of Deposit. The utility shall notify the customer at the time the utility requests a deposit of:

(1) the customer's right to receive a refund of the deposit with interest, pursuant to COMAR 20.30.02.05; and

(2) the procedure to request the return of a deposit under COMAR 20.30.02.05C.

COMAR 20.30.02.04-1
.04-1 Use of Deposit.

A. A utility may apply a residential customer deposit plus accrued interest, first against any unpaid balance due the utility for that service as determined by the final bill issued to the customer, and then against any unpaid balance due the utility on any other residential account of that customer.

B. The utility shall provide an itemized bill that clearly identifies the use of any deposit applied against the customer's unpaid balance.

COMAR 20.30.02.05
.05 Refund of Deposit.

A. Discontinuance of Service. Upon discontinuance of service, the utility shall promptly and automatically refund the customer's deposit plus accrued interest, or the balance, if any, in excess of the unpaid bills for service furnished by the utility. A transfer of service from one premises to another within the service area of the utility may not be deemed a discontinuance of service within the meaning of these regulations.

B. Good Payment Record. If the customer has paid bills for service for the first 12 months of service following payment of ~~his~~the customer's deposit without having had service discontinued for non-payment of bill or without having had more than two occasions in which a bill was not paid when it became due, and the customer is not then delinquent in the payment of ~~his~~the customer's bills, the utility shall promptly and automatically refund the deposit plus accrued interest. If the customer has had service terminated for non-payment of ~~his~~the customer's bill or had more than two past due bills for the period, the utility shall thereafter review the account every 12 months and shall promptly and automatically refund the deposit plus accrued interest after the customer has not had service terminated for non-payment of bill or bill or had more than two past due bills during the 12 months before any review and is not then delinquent in the payment of ~~his~~the customer's bills.

C. Establishment of Credit. The utility shall promptly return the deposit plus accrued interest at any time upon request if the customer's credit has been established in accordance with the methods specified in Regulation .02B, provided the customer owes no outstanding bills for the service and during the last 12 consecutive months that service was provided has not had more than two occasions in which a bill was not paid within a reasonable period after it became due or had service terminated for non-payment of the bill.

D. Customers 60 Years Old or Older. A utility shall promptly refund the deposit plus interest of a present customer who is 60 years old or older provided the customer:

- (1) Requests refund of the deposit;
- (2) Presents satisfactory proof of age; and
- (3) Does not have a past due or uncollected bill owing to the utility.

E. Option of Utility. At the option of the utility, a deposit plus accrued interest may be refunded, in whole or in part, at any time earlier than the times prescribed in this regulation.

COMAR 20.30.02.06

Appeal by Applicant or Customer.

A. Customer Notification of Right to Speak with Utility Supervisory Personnel. Each utility shall direct its personnel engaged in initial contact with an applicant for service, or customer seeking to establish credit under the provisions of these regulations, to notify the applicant or customer that the applicant or customer has a right to request to speak to supervisory personnel for further consideration of a problem or concern, or if the individual believes that the individual is being treated unfairly, at any time during the course of the customer's interactions with the utility.

A. B. Appeal to Utility Supervisory Personnel. Each utility shall direct its personnel engaged in initial contact with an applicant for service, or customer seeking to establish ~~or re-establish~~ credit under the provisions of these regulations, to refer the applicant or customer, at ~~his~~ the applicant or customer's request, to supervisory personnel for further consideration of ~~his~~ a problem or concern, or if the individual believes that the individual is being treated unfairly.

B. C. Appeal to Commission Personnel. Each utility shall further direct the supervisory personnel to inform the applicant or customer who expresses dissatisfaction with the decision of the supervisory personnel, of ~~his~~ a right to have the problem, concern, or alleged unfair treatment reviewed by the Commission and shall furnish ~~him~~ the individual with the business address, website address, and telephone number of the Commission.

COMAR 20.30.02.07

Information to Customers.

A. Provision of Regulations to Applicants and Customers Upon Request. Each utility, upon request, shall furnish a copy of these regulations to the applicant for service or customer from whom a deposit is required and the copy shall contain the name, address, website address, and telephone number of the Commission.

B. Publication of Regulations by Utility. Each utility shall include an internet link to these regulations in their Customers' Rights and Assistance Pamphlets, on their websites, and on customer bills, and a copy of these regulations shall be sent electronically on an annual basis to any customer who has agreed to receive electronic communications.

COMAR 20.30.03.01

Authorization to Impose Late Payment Charges.

A. Except as provided in § B(3) of this regulation, a utility is authorized to impose late payment charges in compliance with the methods and procedures listed as set forth in §§ B(1)-(2) and C of this regulation.

B. Residential Customers and Residential Cooperatives.

(1) Each gas, electric, gas and electric, or telephone company using late payment charge provisions, policies, or practices for residential customers and residential cooperatives, may be authorized to apply to bills not paid within 20 days after the date of rendition up to 1-1/2 percent of the net bill, and at the end of the first nominal billing interval after that, an additional charge to be made equal to 1-1/2 percent of any portion of the original amount which remains unpaid at the time, and at the end of the second nominal billing interval, an additional charge to be made equal to 2 percent of any portion of the original amount which remains unpaid at the time. The total of the charges should not exceed 5 percent of the original unpaid amount.

(2) For residential customers and residential cooperatives, each gas, electric, gas and electric, or telephone company utilizing late payment provisions, policies, or practices authorized by this Commission shall apply the late payment charges to any bill or part of a bill not paid within 20 days calculated upon the net total cost less applicable taxes and, when applicable, the environmental surcharge.

(3) Prohibition Against Late Payment Charges for Certain Limited-Income Customers. A utility may not assess late fees against the following residential customers or collect late fees from the following residential customers:

(a) An individual who receives benefits administered by the Office of Home Energy Programs;

(b) An individual who receives benefits under a limited-income mechanism pursuant to Section 4-309, Public Utilities Article, Annotated Code of Maryland.

BC. All Other Classes of Customers.

(1) Each gas, electric, gas and electric, or telephone company using late payment charge provisions, policies, or practices for all other classes of customers not provided for in §A of this regulation, may be authorized to apply to bills not paid within 15 days after the date of rendition up to 1-1/2 percent of the net bill, and at the end of the first nominal billing interval after that, an additional charge to be made equal to 1-1/2 percent of any portion of the original amount which remains unpaid at that time, and at the end of the second nominal billing interval, an additional charge to be made equal to 2 percent of any portion of the original amount which remains unpaid at the time. The total of these charges may not exceed 5 percent.

(2) For all other classes of customers not provided for in §A of this regulation, each gas, electric, gas and electric, or telephone company utilizing late payment provisions, policies, or practices authorized by this Commission shall apply the late payment charge to any bill or part of a bill not paid within 15 days calculated upon the net total cost less applicable taxes and, if applicable, the environmental surcharge.

ED. “Late payment charge” means an additional charge, over the net total cost of utility service provided, which is applied to any past-due bill under this regulation.

DE. Bill Extender Plan.

(1) A gas, electric, gas and electric, or telephone company using late payment provisions, policies, practices, and charges shall establish and offer to a residential customer a bill extender plan to forestall terminations pursuant to §E(2) of this regulation for assist the customer receiving monthly Social Security benefits, supplemental security income, disability payments, or other financial aid through government-sponsored assistance programs which constitutes the main source of income within the customer's household.

(2) The bill extender plan shall automatically extend a bill due date so that late payment charges are not incurred until:

- (a) Thirty days after the date of bill rendition;
- (b) A reasonable time following receipt of benefits or financial aid, as described in §D(1) of this regulation, by an eligible customer; or
- (c) As provided in the utility's tariff.

(3) A gas, electric, gas and electric, or telephone company using late payment provisions, policies, practices, and charges shall notify its residential customers of its bill extender plan through its website, on customer bills, during direct communications with customers who indicate difficulty paying their bills, and through annual electronic communication to any customer who has agreed to receive electronic communication.

~~(34)~~ A utility customer shall request participation in the plan and provide adequate proof of eligibility.

COMAR 20.30.03.04

.04 Practices to be Extended to Customers.

Each gas, electric, gas and electric, or telephone company utilizing late payment charge provisions, policies, or practices shall extend to its customers the following practices in relation to the application of late payment charges:

- A. An allowance shall be made for conflicting governmental and company holidays;
- B. Consideration shall be given by the utilities for an extension of the due date when, within the discretion of the company, conditions warrant, such as where the customer claims:
 - (1) hardship, including hardship caused by a change in household income; or
 - (2) ~~claims of~~ late delivery of a bill, etc.

COMAR 20.30.04.01

Customers' Rights and Assistance Pamphlet

Each gas, electric and combination gas and electric utility shall prepare a pamphlet, to be titled, in full or in part, "Customers' Rights and Assistance", in accordance with this chapter, subject to the Commission's approval, summarizing the rights and responsibilities of their customers, consistent with the utilities' tariff provisions and the Commission's regulations.

COMAR 20.30.04.02 Contents of Pamphlet

The pamphlet shall contain, at a minimum, a statement or description of the following information, written in clear, straightforward language, and translated into, at a minimum, the three most common languages in Maryland other than English, as identified by the most recent U.S. Census Bureau American Community Survey for which data is available:

A. Service application procedures including

- (1) a description of the requirement utilized by the utility to determine creditworthiness;
- (2) a provision permitting more than one individual in a dwelling unit to request classification as a customer and to be listed on the service account; and
- (3) a provision explaining the prohibition against charging individuals who are not customers, including co-occupants who are not customers, with customers' bills, in keeping with COMAR 20.31.01.02B(3) and 20.31.02.01A;

B. Billing procedures, including

- (1) the any late payment charges under COMAR 20.30.03.01;
- (2) the considerations afforded by the utility to customers under COMAR 20.30.03.04; and
- (3) prohibitions against assessing late payment charges against certain customers;

C. Methods for customers to verify billing accuracy;

D. Explanation of the utility's fuel adjustment clause, or purchased gas clause, or both;

E. Explanation of seasonal rate differentials;

F. Customer payment policies, including

- (1) a general summary of alternate payment plans;
- (2) the protections afforded by a medical certification;
- (3) the procedure to request a medical certification;
- (4) and the Winter Heating Protection Program; and
- (5) Spring and Summer Restrictions under COMAR 20.31.03.04;

G. Security deposit policies, including

- (1) the prohibitions against collecting security deposits from certain customers;
- (2) the customer's right to receive a refund of a deposit with interest pursuant to COMAR 20.30.02.05; and
- (3) the procedure to request a refund;

H. The Termination Policy Statement as set forth in COMAR 20.31.01.06, including restrictions on terminations and grounds that do not constitute sufficient cause for termination;

- I. Inquiry, service, and complaint procedures, including the right to speak to utility supervisory personnel under COMAR 20.30.02.06 and the right to submit a dispute to the Commission, with a description of the time frames and procedures to submit disputes;
- J. The information contained in COMAR 20.31.02.01(B)(8) regarding the length of time by which the utility can refuse or terminate service due to an outstanding bill;
- ~~JK.~~ Information on the Office of Home Energy Program's assistance programs~~Maryland Energy Assistance Program~~, limited-income mechanism benefits under Public Utilities Article, §4-309, Annotated Code of Maryland and on access to other programs to assist low-income customers;
- ~~KL.~~ Other pertinent information including the address, telephone number, and website address of the Consumer Affairs Division;
- ~~LM.~~ Information on the utility's bill extender plan;
- ~~MN.~~ The residential rate schedules available; ~~and~~
- ~~NO.~~ For electric utilities and combination electric and gas utilities only:
(1) A summary of the reports required by COMAR 20.50.07.06, including explanations of the reliability indices; and
(2) Instructions for how customers can request reliability indices for their electric service-; and
- P. Account holder protections under Public Utilities Article, § 5-502, Annotated Code of Maryland.

COMAR 20.30.04.03 **Delivery to Customer**

This pamphlet shall:

- A. Be mailed or, at the option of the utility and upon request by the customer, delivered by electronic means to each customer of the utility once each year during the month of August, September, or October;
- B. Be delivered or mailed to each new customer of the utility when the new customer initiates service;
- C. Be available to applicants for service and prior or current customers at all times upon request; ~~and~~
- D. Be made available publicly and prominently on the utility's website, with the website link appearing on all customer bills;
- E. Be disseminated through the utility's social media accounts at a minimum of once each year during the month of August, September, or October; and
- ~~ƆF.~~ Indicate that it is being provided in accordance with the Commission's regulations.

COMAR 20.32.01.04

.04 Inquiry to Public Service Commission.

A. If a customer disputes a utility's, a supplier's, or a Subscriber organization's determination under Regulation .03 of this chapter, the customer may submit an inquiry to the Commission within ~~7~~15 days of receipt of the determination.

B. If a customer contacts the Commission or its staff before contacting the utility, the supplier, or the subscriber organization, the customer shall be advised of Regulation .03 of this chapter and referred to the utility, supplier, or the subscriber organization.

C. The Consumer Affairs Division may review and investigate an inquiry referred by the Commission, its staff, or a customer.

(1) If the CAD initiates an investigation, it shall:

(a) Inform the utility or supplier in writing that an investigation shall be opened; and

(b) Request information from the utility or supplier to review the inquiry.

(2) When engaging in an investigation, the CAD may consult with other agencies including the Commission staff, the Attorney General's Office or the Office of People's Counsel.

(3) The CAD shall close its investigation in writing if:

(a) The CAD determines that no further investigation is necessary or warranted;

(b) The CAD determines that the Commission has no jurisdiction to pursue an investigation;

(c) A satisfactory resolution to the inquiry is reached; or

(d) Any reason that requires closure of the investigation.

(4) The CAD may submit a summary of its written findings and conclusions to the Commission if no resolution is reached.

(5) The summary of written findings and conclusions shall be treated as an appeal under COMAR 20.32(M).

D. CAD may require that a customer submit a written inquiry to expedite investigation of a dispute.

E. A written inquiry shall include:

- (1) The name, address, telephone number, and account number of the customer;
- (2) The name of the utility and supplier, if there is one;
- (3) The reason for the inquiry or dispute;
- (4) A summary of the customer's efforts to resolve the inquiry or dispute with the utility or supplier; and
- (5) Copies of bills, termination notices, correspondence, or other documentation relevant to the inquiry.

F. After receipt of an inquiry, CAD shall initiate a review and an investigation to resolve the matter that includes but is not limited to:

- (1) Obtaining information from the utility or supplier and customer;
- (2) Reviewing applicable statutes, regulations, and tariffs; and
- (3) Mediating between the parties.

G. A utility, a supplier, a subscriber organization, and a customer may be given an opportunity to respond to the position or information provided to CAD by the other party.

H. A utility and a supplier or subscriber organization shall respond to a CAD request for investigation or information and shall make a good faith attempt to do so within 7 working days of its receipt.

I. An inquiry or dispute brought under this subtitle may be closed if CAD determines in the course of its investigation that the:

- (1) Customer has not dealt with the utility, the supplier, or the subscriber organization in good faith;
- (2) Customer has otherwise failed to comply with COMAR Title 20; or

(3) Utility, supplier, or subscriber organization has complied with Public Utilities Article, Annotated Code of Maryland, the Commission's regulations and orders, and the utility's own tariff.

J. CAD shall provide the utility, the supplier if there is one, the subscriber organization, if there is one, and the customer with a written summary of its findings and conclusions on completion of its investigation.

K. The utility shall provide to CAD, with a copy sent to the customer, a written explanation of how it resolved the issue and complied with CAD's instructions for resolution, if any.

~~K~~L. If CAD ~~believes~~confirms that a dispute or inquiry has been satisfactorily resolved, the parties shall be advised that no further action will be taken, and that the file will be closed unless a request for further review under § L of this regulation is submitted.

~~L~~M. Request for Further Review.

(1) Parties may request further review of an inquiry or dispute by filing a written request with the Assistant Director of CAD within ~~10~~30 days after receiving CAD's summary of its findings or conclusions, or notice that a file has been closed.

(2) A request for further review shall include:

- (a) An explanation of the need for further review;
- (b) The action or relief requested; and
- (c) New or additional information or documentation relevant to the dispute.

(3) The Assistant Director may further investigate, as warranted, or convene an informal conference among the parties, to mediate or resolve the dispute.

(4) The Assistant Director shall advise the utility and the customer of the disposition of the request for further review.

~~M~~N. The Assistant Director's disposition may be appealed to the Commission within ~~10~~30 days of its receipt by filing a complaint under Public Utilities Article, § 3-102, Annotated Code of Maryland, and COMAR 20.07.03.

~~N~~O. Pending the disposition of a customer's inquiry or dispute by the Public Service Commission, a utility:

(1) May require a customer to pay only the undisputed portion of a bill; and

(2) May not terminate a customer's service or pursue recovery through third party collection efforts of any charges or fees billed to the customer but not purchased by the utility, except for reasons permissible under COMAR 20.31.02.03.

P. All communications from CAD to a customer shall be written in clear, straightforward language.

Q. CAD shall provide telephonic interpretation services for both in-person and telephonic customer service to promptly serve customers who speak languages other than English and make the availability of telephonic interpretation services known to customers.

COMAR 20.50.04.01

.01 Information for Customers.

A. System Maps or Records. Each utility shall maintain up-to-date maps, plans, or records of its entire transmission and distribution system, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving a locality.

B. Selecting Rate Schedule. Each utility shall assist the customer or prospective customer in selecting the most economical rate schedule.

C. Notifying Customers. Each utility shall notify customers affected by a change in rates or schedule classification.

D. Tariff Notice.

(1) A utility shall post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that a copy of its tariff, as filed with the Commission, is available for inspection.

(2) A utility shall post its tariff and pending tariff changes on its website.

(3) After Commission acceptance of a tariff change, a utility shall update the tariff posted on its website not later than 3 business days after the date of acceptance.

E. Meter Reading Instruction. Upon request, each utility shall inform its customers as to the method of reading meters.

F. Language Access.

(1) A utility shall provide telephonic interpretation services for both in-person and telephonic customer service to promptly serve applicants and customers who speak languages other than English.

(2) A utility shall make the availability of telephonic interpretation services in §F(1) of this regulation known to applicants and customers, including by posting this information conspicuously on its website in a message that is translated into, at a minimum, the three most common languages in Maryland other than English, as identified by the most recent U.S. Census Bureau American Community Survey for which data is available.

G. Other Information. Each utility shall furnish such additional information as the customer may reasonably request.

COMAR 20.50.04.01-1
.01-1 Application for Service.

A. A utility may accept either written or verbal applications for service. Each verbal application for service shall be promptly confirmed in writing by the utility. A utility may require an applicant to sign and return a copy of the written confirmation. The application shall include the:

- (1) Name, address, home and work telephone numbers, and employer of the customer of record;
- (2) Address of the premises for which electric service is requested;
- (3) Mailing address and telephone number of the customer of record if ~~he~~the customer is not an occupant of the premises for which service is requested; and
- (4) Customer of record's former electric service address and the date customer moved, if applicable.

B. A utility may require an applicant to sign and return a copy of the written confirmation before providing service. If a signature is required, electronic signatures must be accepted by the utility.

C. Upon request of the applicant, an electric utility shall accept more than one individual customer name on applications for service. All persons named on an account shall be customers of record.

D. When the name of the person applying for service is different from the name of the applicant, when more than one name is to be on an account, or when there is a reasonable

basis for questioning the authority of a person requesting service in the name of the applicant, the utility may request that the applicant or applicants appear at the utility's designated office, present satisfactory identification, and execute a written application for service, or provide identification through secure electronic means, which shall be described in the utility's Commission-approved Customers' Rights and Assistance Pamphlet.

E. Customer Identification. A utility may require a customer to provide a written, signed statement attesting to an order, decree, or agreement formalizing a name change, but may not request a copy of the actual order, divorce decree, or separation agreement.

F. Utility Notification Prior to Application. Before adding a customer to an existing account with an existing account balance, a utility must advise the customer of how this may impact the customer's responsibility for the existing account balance, and shall notify the customer, if the customer is eligible, and not violating the provisions of COMAR 20.50.04.01-2(B)(6) and COMAR 20.50.04.01-2(B)(7), of the customer's right to open a new account instead.

COMAR 20.50.04.01-2
.01-2 Denial of Application for Residential Service.

A. Payment of Outstanding Bills.

(1) Except as prohibited by State or federal law, a utility may refuse to provide service for a former customer unless the customer has paid, or has made satisfactory arrangements to pay, any outstanding bill, or undisputed portion of a disputed bill, for prior residential service.

(2) A utility may not refuse service to a customer for nonpayment of an outstanding bill that is over 75 years old, unless the:

~~(a) Customer~~ signed an agreement to pay the outstanding bill before the expiration of this period; ~~or~~

~~(b) Outstanding bill is for service obtained by the customer in any manner described in COMAR 20.31.02.03D or COMAR 20.31.02.04A(1)-(4).~~

B. Refusal to Connect Service. A utility may refuse to connect service if an attempt to secure service is made in any manner described below. If application is made:

(1) In a fictitious name;

(2) In the name of an individual who is not an occupant of the premises, without disclosure of the individual's actual address;

(3) In the name of a third party without disclosing that fact or without bona fide authority from the third party;

~~(4) Without disclosure of a material fact or by misrepresentation of a material fact;~~
With a false statement, which, if it had not been made, would have allowed the utility to deny service pursuant to these regulations, the utility's tariff, and the utility's practice as set forth in the utility's Commission-approved Customers' Rights and Assistance Pamphlet required under COMAR 20.30.04;

(5) With an omission, the subject of which, if disclosed, would have allowed the utility to deny service pursuant to these regulations, the utility's tariff, and the utility's practice as set forth in the utility's Commission-approved Customers' Rights and Assistance Pamphlet required under COMAR 20.30.04;

~~(56)~~ For connection of service to a residence where there are co-occupants, if a service account for that dwelling unit was previously maintained in a current co-occupant's name during a period of co-occupancy with the applicant and the co-occupant has failed to pay or make satisfactory arrangements to pay an outstanding bill or undisputed portion of a disputed bill for service at the dwelling unit, the collection of which is not barred under applicable State or federal law;

~~(67)~~ For connection of service to a dwelling unit where there are co-occupants, if the service account of a prior dwelling unit of the applicant was listed in a current co-occupant's name and the co-occupant has failed to pay or to make satisfactory arrangement to pay an outstanding bill or undisputed portion of a disputed bill for service at the prior dwelling unit, the collection of which is not barred under applicable State or federal law; or

~~(78) By an individual for the purpose of assisting another occupant of a dwelling unit to avoid payment of that occupant's prior outstanding bill.~~

C. For purposes of § B, "co-occupants" means two or more adults who occupy the same dwelling unit as their primary domicile, or legal residence within the State.

D. For purposes of this regulation, a utility may provide service conditionally for not more than 30 days after the date of application. If, during this time, a utility discovers that an application has been made in one of the manners enumerated in this regulation, it may disconnect service in accordance with §§ E and F.

E. If a utility denies or disconnects service pursuant to this regulation, the utility shall notify the individual in writing of the reason for the denial or disconnection including the facts or circumstances upon which the utility bases its determination that service should be denied or disconnected.

F. An individual who disputes the proposed denial or disconnection shall do so in accordance with the provisions of COMAR 20.32.01.

G. The Commission's Consumer Affairs Division may direct a utility to connect service, if deemed safe, in a customer's name during the pendency of an investigation if a utility denies an application for service due to an unpaid arrearage for unauthorized use or tampering with equipment furnished and owned by the utility but does not provide the amount necessary to reconnect service within 3 business days of a filed complaint, provided that the applicant makes a payment to the utility:

(1) In an amount that represents 2/12 of the estimated charges for service for the ensuing 12 months; and

(2) Of any outstanding prior bill or in accordance with an alternate payment plan as described in COMAR 20.31.01.08 and agreed to by the utility.

COMAR 20.50.04.02

.02 Customer Deposits.

Each utility may require from a customer a deposit to be applied against any unpaid balance due the utility for service at the time service is terminated, in accordance with the provisions of Subtitle 30 of this title and subject to the restrictions in COMAR 20.30.02.02(D).

COMAR 20.50.04.03

.03 Bill Forms.

A. The bill forms shall show:

(1) The readings of all meters used for billing purposes at the end of the period for which the bill is rendered;

(2) The meter reading date;

(3) The number and kind of units metered;

- (4) The applicable rate schedule, including any seasonal or time differential in base rates for the billing period in which the differential is applicable, or identification of the applicable rate schedule;
- (5) Any State or local surcharges;
- (6) The applicable late payment charge, if any, separately stated or labelled a late payment charge, or a statement that the total amount due includes:
 - (a) A late payment charge,
 - (b) An explanation of the calculation, and
 - (c) The date of applicability of the late payment charge;
- (7) The total due, including any prior unpaid amount but excluding the current late payment charge;
- (8) The date by which the customer shall pay the bill in order to avoid a late payment charge;
- (9) A distinct marking to identify an estimated bill;
- (10) Information concerning the customer's electricity usage during the same billing period in the prior year;
- (11) The utility's appropriate business address and telephone number for billing inquiries; and
- (12) Any conversions from meter reading units to billing units, or any calculations to determine billing units from recording or other devices, and any other factors used in determining the bill;
- (13) A line item that clearly identifies any OHEP benefits or benefits under a limited-income mechanism pursuant to MD Code, Public Utilities, § 4-309 that are applied against the bill, and the amount thereof; and
- (14) A “Definitions” section, written in plain language, to assist customers with understanding the bill form.

B. Rate Schedule. If the actual rates are not shown on the bill form as required in §A(4), the bill shall carry a statement to the effect that the applicable rate schedule, including the

actual seasonal, or time differential, the fuel rate and the customer charge will be furnished on request.

C. The Commission may, for good cause, grant a waiver or exemption from provisions in this regulation. A utility may request a waiver of exemption by filing an application with the Commission which sets forth the facts and reasons for the waiver or exemption.

COMAR 20.50.04.05 **.05 Adjustment of Bills.**

A. Fast Meters. Whenever a meter is tested and found to have over-registered more than 2 percent, the utility shall recalculate the bills for service of the last customer of record receiving service through the meter and shall make a refund if the amount of the adjustment exceeds \$1. The refund shall be for the period that the customer received service through the meter, but for not more than the periods established below:

(1) Known Date of Error. If the date on which the error first developed or occurred can be established, the bills for service shall be recalculated from that time.

(2) Unknown Date of Error. If the time at which the error first developed or occurred cannot be established, it shall be assumed that the over-registration existed for a period of 3 years or a period equal to one-half of the time since the meter was last tested, whichever is less.

B. Slow Meters. Whenever a meter is found to be more than 2 percent slow, the utility may bill the customer one-half of the unbilled error, in equal monthly billings spread over a period of 12 months, for a period of:

(1) no more than 3~~12~~ months, without prior authorization from the Commission, unless the meter has been tested within that 3~~12~~-month period, in which event the utility may bill the customer one-half the unbilled error for the period since the meter was last tested. If the amount of under-registration is less than \$5, the utility may not adjust the bill; or

(2) greater than 3 months but less than 12 months, if authorized by the Commission, unless the meter has been tested within that period, in which event the utility may bill the customer one-half the unbilled error for the period since the meter was last tested. If the amount of under-registration is less than \$5, the utility may not adjust the bill.

C. Accuracy Calculation. Billing adjustments due to fast or slow meters shall be calculated on the basis that the meter should be 100 percent accurate. For watt-hour

meters, the average accuracy shall be the arithmetic average of the percentage registration at light load and at heavy load, giving the heavy load registration a weight of 4.

D. Overcharge-Undercharge Adjustment. When a customer has been overcharged or undercharged for services because of incorrect application of the rate schedule, incorrect calculation of charges, or other similar reasons, the amount of overcharge or undercharge adjustment shall be determined separately during the period of time the discrepancy occurred, in accordance with the following:

(1) Overcharge Adjustment. The total overcharge for the period the discrepancy occurred shall be refunded or credited to the customer, except for an overcharge resulting from an incorrect reading of the meter when the amount shall automatically be corrected in a subsequent billing based on the correct meter reading.

(2) Undercharge Adjustment.

(a) Unless authorized by the Commission, retroactive billing may not be for undercharging which occurred for a period of more than 123 months ~~before the discovery of the error~~. A utility may seek the Commission's authorization for retroactive billing for undercharges which occurred for a period of more than 123 months but not more than 312 years months ~~before the discovery of the error~~ if the customer knew, or reasonably should have known, that the bills were in error. The utility's request to the Commission shall be in writing and shall explain the factual basis for the request to the customer with a notice of the customer's right to write to the Commission, within 2030 days, if the customer is in opposition to the request.

(b) ~~If the total undercharge is more than 35 percent of the customer's average monthly bill during the preceding 3 months,~~ The customer shall be allowed to enter into an installment plan to pay the total retroactive billing, without interest. In such a plan the monthly payments against the undercharge may not exceed 35 percent of the customer's average monthly bill during the preceding 3 months, and the monthly payments shall be divided equally over a period of 12 months. ~~However, if the installment plan will not recover within a 12-month period the total undercharge, the monthly payment may be equal to the total undercharge divided by 12 or a number greater than 12.~~

(c) Unless otherwise authorized by the Commission, the utility may not deny service for nonpayment ~~only for that portion of the undercharge applicable to the 4 months immediately before the discovery of the error.~~

~~E. If requested by a customer, a utility shall provide means by which any undercharge may be paid in installments over a reasonable period of time, but not less than the same period in which any undercharges were incurred.~~

F. Theft of Service.

(1) If a meter is found not to register, in whole or in part, due to tampering or interference with the company's material, equipment, or facilities, the utility may issue an estimated bill.

(2) The company shall retain all information relied on to calculate the estimated bill for not less than 3 years or until the conclusion of a Commission investigation, whichever is longer.

COMAR 20.55.04.01

.01 Information for Customers.

A. System Maps or Records. Each utility shall maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

B. Selecting Rate Schedule. Each utility shall assist the customer or prospective customer in selecting the most economical rate schedule.

C. Notifying Customers. Each utility shall notify customers affected by a change in rates or schedule classification.

D. Tariff Notice.

(1) Each utility shall post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that a copy of its tariff, as filed with the Commission, is available for inspection.

(2) A utility shall post its tariff and pending tariff changes on its website.

(3) After Commission acceptance of a tariff change, a utility shall update the tariff posted on its website not later than 3 business days after the date of acceptance.

E. Meter Reading Instruction. Upon request, each utility shall inform its customers as to the method of reading meters.

F. Hazards of Gas. At least twice each year, a notice shall be distributed to each customer, informing him of the hazards of leaking gas and instructing him of the procedures to be followed in reporting gas leaks. At the same time, notices to the general public informing them of the same information shall be made through newspaper ads.

Notices (customer and general public) shall make mention of the possible entry of gas by the various means including leakage along other routes, possibly even if the party does not have gas service. In addition, a sample odor indicator shall be distributed to each customer at least biennially.

G. The utility shall provide telephonic interpretation services for both in-person and telephonic customer service to promptly serve applicants and customers who speak languages other than English and make the availability of telephonic interpretation services known to applicants and customers.

H. Other Information. Each utility shall furnish such additional information as the customer may reasonably request.

COMAR 20.55.04.01-2

.01-2 Denial of Application for Residential Service.

A. Payment of Outstanding Bills.

(1) Except as prohibited by State or federal law, a utility may refuse to provide service for a former customer unless the customer has paid or has made satisfactory arrangements to pay any outstanding bill or undisputed portion of a disputed bill for prior residential service.

(2) A utility may not refuse service to a customer for nonpayment of any outstanding bill that is over ~~7~~⁵ years old, unless the:

~~(a) Customer signed an agreement to pay the outstanding bill before the expiration of this period; or~~

~~(b) Outstanding bill is for service obtained by the customer in any manner described in COMAR 20.31.02.03D or COMAR 20.31.02.04A(1)–(4).~~

B. Refusal to Connect Service. A utility may refuse to connect service if an attempt to secure service is made in any manner described below. If application is made:

(1) In a fictitious name;

(2) In the name of an individual who is not an occupant of the premises, without disclosure of the individual's actual address;

(3) In the name of a third party without disclosing that fact or without bona fide authority from the third party;

~~(4) Without disclosure of a material fact or by misrepresentation of a material fact; With a false statement, which, if it had not been made, would have allowed the utility to deny service pursuant to these regulations, the utility's tariff, and the utility's practice as set forth in the utility's Commission-approved Customers' Rights and Assistance Pamphlet required under COMAR 20.30.04;~~

~~(5) With an omission, the subject of which, if disclosed, would have allowed the utility to deny service pursuant to these regulations, the utility's tariff, and the utility's practice as set forth in the utility's Commission-approved Customers' Rights and Assistance Pamphlet required under COMAR 20.30.04;~~

~~(56) For connection of service to a residence where there are co-occupants, if a service account for that dwelling unit was previously maintained in a current co-occupant's name during a period of co-occupancy with the applicant and the co-occupant has failed to pay or make satisfactory arrangements to pay an outstanding bill or undisputed portion of a disputed bill for service at the dwelling unit, the collection of which is not barred under applicable State or federal law;~~

~~(67) For connection of service to a dwelling unit where there are co-occupants, if the service account of a prior dwelling unit of the applicant was listed in a current co-occupant's name and the co-occupant has failed to pay or to make satisfactory arrangement to pay an outstanding bill or undisputed portion of a disputed bill for service at the prior dwelling unit, the collection of which is not barred under applicable State or federal law; or~~

~~(78) By an individual for the purpose of assisting another occupant of a dwelling unit to avoid payment of that occupant's prior outstanding bill.~~

C. For purposes of § B, "co-occupants" means two or more adults who occupy the same dwelling unit as their primary domicile, or legal residence within the State.

D. For purposes of this regulation, a utility may provide service conditionally for not more than 30 days after the date of application. If, during this time, a utility discovers that an application has been made in one of the manners enumerated in this regulation, it may disconnect service in accordance with §§ E and F.

E. If a utility denies or disconnects service pursuant to this regulation, the utility shall notify the individual in writing of the reason for the denial or disconnection including the

facts or circumstances upon which the utility bases its determination that service should be denied or disconnected.

F. An individual who disputes the proposed denial or disconnection shall do so in accordance with the provisions of COMAR 20.32.01.

G. The Commission's Consumer Affairs Division may direct a utility to connect service, if deemed safe, in a customer's name during the pendency of an investigation if a utility denies an application for service due to an unpaid arrearage for unauthorized use or tampering with equipment furnished and owned by the utility but does not provide the amount necessary to reconnect service within 3 business days of a filed complaint, provided that the applicant makes a payment to the utility:

(1) In an amount that represents 2/12 of the estimated charges for service for the ensuing 12 months; and

(2) Of any outstanding prior bill or in accordance with an alternate payment plan as described in COMAR 20.31.01.08 and agreed to by the utility.

COMAR 20.55.04.02
.02 Customer Deposits.

Each utility may require from a customer a deposit to be applied against any unpaid balance due the utility for service at the time service is terminated, in accordance with the provisions of Subtitle 30 of this title and subject to the restrictions in COMAR 20.30.02.02(D).

COMAR 20.55.04.05
.05 Adjustment of Bills.

A. Fast Meters.

(1) Whenever a meter is tested and found to have over-registered more than 2 percent, the utility shall recalculate the bills for service of the last customer of record receiving service through the meter and shall make a refund if the amount of the adjustment exceeds \$1. The refund shall be for the period that the customer received service through the meter, but for not more than the periods established in §A(2) of this regulation.

(2) Known Date of Error. If the date on which the error first developed or occurred can be established, then the utility shall make a refund based on that known date. If the known date of error cannot be established, then it shall be assumed that the over-registration existed for a period of 3 years or a period equal to one-half of the time since the meter was last tested, whichever is less.

B. Non-registering Meters. Whenever a meter is found not to register, the utility may render an estimated bill.

C. Slow Meters. Whenever a meter is found to be more than 2 percent slow, the utility may bill the customer one-half of the unbilled undercharge, in equal monthly billings spread over a period of 12 months, for a period of:

(1) no more than 3~~12~~ months, without prior authorization from the Commission, unless the meter has been tested within that 3~~12~~-month period, in which event the utility may bill the customer one-half the unbilled undercharge for the period since the meter was last tested. If the amount of under-registration is less than \$5, the utility may not bill the customer for the undercharge; or

(2) greater than 3 months but less than 12 months, if authorized by the Commission, unless the meter has been tested within that period, in which event the utility may bill the customer one-half the unbilled error for the period since the meter was last tested. If the amount of under-registration is less than \$5, the utility may not adjust the bill.

D. Accuracy Calculation. Billing adjustments due to fast or slow meters shall be calculated on the basis that the meter should be 100 percent accurate. For the purpose of billing adjustment, the meter error shall be the error at check flow.

E. Overcharge--Undercharge Adjustment. When a customer has been overcharged or undercharged for services because of incorrect application of the rate schedule, incorrect calculation of charges, or other similar reasons, the amount of overcharge or undercharge adjustment shall be determined separately during the period of time the discrepancy occurred, in accordance with the following:

(1) Overcharge Adjustment. The total overcharge for the period the discrepancy occurred shall be refunded or credited to the customer, except for an overcharge resulting from an incorrect reading of the meter when the amount shall automatically be corrected in a subsequent billing based on the correct meter reading.

(2) Undercharge Adjustment.

(a) Unless authorized by the Commission, retroactive billing may not be for undercharging which occurred for a period of more than ~~123~~ months ~~before the discovery of the error~~. A utility may seek the Commission's authorization for retroactive billing for undercharges which occurred for a period of more than ~~123~~ months but not more than ~~312~~ years months ~~before the discovery of the error~~ if the customer knew, or reasonably should have known, that the bills were in error. The utility's request to the Commission shall be in writing and shall explain the factual basis for the request to the customer with a notice of the customer's right to write to the Commission, within 20 days, if the customer is in opposition to the request.

(b) ~~If the total undercharge is more than 35 percent of the customer's average monthly bill during the preceding 3 months, †~~The customer shall be allowed to enter into an installment plan to pay the total retroactive billing, without interest. In such a plan the monthly payments against the undercharge may not exceed 35 percent of the customer's average monthly bill during the preceding 3 months, and the monthly payments shall be divided equally over a period of 12 months. ~~However, if the installment plan will not recover within a 12-month period the total undercharge, the monthly payment may be equal to the total undercharge divided by 12 or a number greater than 12.~~

(c) Unless otherwise authorized by the Commission, the utility may not deny service for nonpayment ~~only for that portion of the undercharge applicable to the 4 months immediately before the discovery of the error~~.

(d) A utility shall not attempt to collect undercharges from any customer other than as set forth in this regulation, including by seeking to collect the balance of any undercharges not collected pursuant to this regulation by including those costs in utility rates.

~~F. If requested by a customer, a utility shall provide means by which any undercharge may be paid in installments over a reasonable period of time, but not less than the same time period in which any undercharges were incurred.~~

G. Theft of Service.

(1) If a meter is found not to register, in whole or in part, due to tampering or interference with the company's material, equipment, or facilities, the utility may issue an estimated bill.

(2) The company shall retain all information relied on to calculate the estimated bill for not less than 3 years or until the conclusion of a Commission investigation, whichever is longer.