

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

hb1035

HOUSE BILL 1035

M5, C5 3l1308

CF 3l3088

By: Delegate Wilson

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 Electric Companies, Gas Companies, and the Department of Housing and

3 Community Development – Energy Efficiency and Conservation Plans

4 FOR the purpose of requiring each electric company and gas company and the Department
5 of Housing and Community Development to procure or provide for its customers or
6 certain individuals, beginning on a certain date and with a certain frequency, certain
7 energy efficiency, conservation, and greenhouse gas emissions reduction programs
8 and services to encourage and promote the efficient use and conservation of energy
9 in support of certain greenhouse gas emissions reduction goals and targets; requiring
10 the Public Service Commission to encourage and promote the efficient use and
11 conservation of energy in support of certain greenhouse gas emissions reduction
12 goals and targets in a certain manner; requiring certain electric companies and gas
13 companies and the Department of Housing and Community Development to develop
14 and submit to the Commission, on or before a certain date and with a certain
15 frequency, a plan for achieving certain energy efficiency, conservation, and
16 greenhouse gas emissions reduction targets; requiring the Department of the
17 Environment to prepare and submit to the Commission a certain analysis; and
18 generally relating to the efficient use and conservation of energy in support of
19 greenhouse gas emissions reduction goals and targets.

20 BY repealing

21 Article – Public Utilities

22 Section 7–211

23 Annotated Code of Maryland

24 (2020 Replacement Volume and 2022 Supplement)

25 BY adding to

26 Article – Public Utilities

27 The new part designation “Part I. In General” to immediately precede Section 7–201;

28 and Section 7–220 through 7–226 to be under the new part “Part II. Energy

29 Efficiency and Conservation Plans”

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1 Annotated Code of Maryland
2 (2020 Replacement Volume and 2022 Supplement)
3 BY repealing and reenacting, with amendments,
4 Article – Public Utilities
5 Section 7–510.3(j)(2)
6 Annotated Code of Maryland
7 (2020 Replacement Volume and 2022 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 9–20B–05(f)(4)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That Section(s) 7–211 of Article – Public Utilities of the Annotated Code of Maryland be
15 repealed.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the new part designation
17 “Part I. In General” be added to immediately precede Section 7–201 of Article – Public
18 Utilities of the Annotated Code of Maryland.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
20 as follows:

21 Article – Public Utilities

22 7–218. RESERVED.

23 7–219. RESERVED.

24 PART II. ENERGY EFFICIENCY AND CONSERVATION PLANS.

25 7–220.

26 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (B) “BEHIND–THE–METER PROGRAM” MEANS A PROGRAM THAT IMPACTS
29 THE CUSTOMER SIDE OF THE UTILITY METER, INCLUDING ENERGY EFFICIENCY
30 PROGRAMS, BENEFICIAL ELECTRIFICATION PROGRAMS, AND DEMAND RESPONSE
31 PROGRAMS.

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1 (C) "BENEFICIAL ELECTRIFICATION" MEANS THE REPLACEMENT OF
2 DIRECT FOSSIL FUEL WITH ELECTRICITY IN A MANNER THAT REDUCES OVERALL
3 LIFETIME EMISSIONS, ENERGY USE, OR ENERGY COSTS.

4 (D) "CARBON DIOXIDE EQUIVALENT" MEANS THE MEASUREMENT OF A
5 GIVEN WEIGHT OF GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING
6 POTENTIAL, MEASURED OVER A SPECIFIC PERIOD OF TIME, AS 1 METRIC TON OF
7 CARBON DIOXIDE.

8 (E) "DEMAND RESPONSE PROGRAM" MEANS A PROGRAM ESTABLISHED BY
9 AN ELECTRIC COMPANY THAT PROMOTES CHANGES IN ELECTRIC USAGE BY
10 CUSTOMERS FROM THEIR NORMAL CONSUMPTION PATTERNS IN RESPONSE TO:

11 (1) CHANGES IN THE PRICE OF ELECTRICITY OVER TIME; OR
12 (2) INCENTIVES DESIGNED TO INDUCE LOWER ELECTRICITY USE AT
13 TIMES OF HIGH WHOLESALE MARKET PRICES OR WHEN SYSTEM RELIABILITY IS
14 JEOPARDIZED.

15 (F) "ENERGY EFFICIENCY" MEANS THE USE OF LESS ENERGY TO PERFORM
16 THE SAME TASK OR PRODUCE THE SAME RESULT.

17 (G) "FRONT-OF-METER COMMUNITY PROGRAM" MEANS A PROGRAM THAT:

18 (1) IS SEPARATE FROM FRONT-OF-METER UTILITY PROGRAMS;
19 (2) IMPACTS THE UTILITY SIDE OF THE METER; AND
20 (3) DIRECTLY BENEFITS A SET OF CUSTOMERS.

21 (H) "FRONT-OF-METER UTILITY PROGRAM" MEANS A PROGRAM THAT
22 IMPACTS THE UTILITY SIDE OF A METER AND BENEFITS ALL UTILITY CUSTOMERS,
23 INCLUDING ENERGY EFFICIENCY PROGRAMS, BENEFICIAL ELECTRIFICATION
24 PROGRAMS, AND DEMAND RESPONSE PROGRAMS.

25 (I) "GREENHOUSE GAS" INCLUDES:

26 (1) CARBON DIOXIDE;
27 (2) METHANE;
28 (3) NITROUS OXIDE;

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1 (4) HYDROFLUOROCARBONS;
2 (5) PERFLUOROCARBONS; AND
3 (6) SULFUR HEXAFLUORIDE.

4 (J) "GREENHOUSE GAS EMISSIONS REDUCTION" MEANS A REDUCTION IN
5 GREENHOUSE GAS EMISSIONS, MEASURED IN METRIC TONS OF CARBON DIOXIDE
6 EQUIVALENTS, INCLUDING:

7 (1) GREENHOUSE GAS EMISSIONS FROM THE GENERATION OF
8 ELECTRICITY DELIVERED TO AND CONSUMED IN THE STATE; AND

9 (2) LINE LOSSES FROM THE TRANSMISSION AND DISTRIBUTION OF
10 ELECTRICITY, REGARDLESS OF WHETHER THE ELECTRICITY IS GENERATED
11 IN-STATE OR IMPORTED.

12 (K) "NON-ENERGY PROGRAM" MEANS A PROGRAM WITH UTILITY BENEFITS
13 THAT ARE PRIMARILY NON-ENERGY-BASED.

14 (L) "PLAN" MEANS ANY COMBINATION OF BEHIND-THE-METER PROGRAMS,
15 FRONT-OF-METER COMMUNITY PROGRAMS, FRONT-OF-METER UTILITY
16 PROGRAMS, OR NON-ENERGY PROGRAMS THAT:

17 ~~(1)~~ ACHIEVE ENERGY EFFICIENCY, CONSERVATION, AND
18 GREENHOUSE GAS EMISSIONS REDUCTION TARGETS; AND

19 ~~(2)~~ INCLUDE A COST RECOVERY PROPOSAL.

20 7-221.

21 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT ENERGY EFFICIENCY
22 IS:

23 (1) AMONG THE LEAST EXPENSIVE WAYS TO MEET THE ENERGY
24 DEMANDS OF THE STATE;

25 (2) A MEANS OF AFFORDABLE, RELIABLE, AND CLEAN ENERGY FOR
26 CONSUMERS OF MARYLAND; AND

27 (3) ONE METHOD TO ACHIEVE MARYLAND'S CLIMATE COMMITMENTS
28 FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS, INCLUDING THOSE
29 SPECIFIED IN TITLE 2, SUBTITLE 12 OF THE ENVIRONMENT ARTICLE.

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1 7-222.

2 (A) SUBJECT TO REVIEW AND APPROVAL BY THE COMMISSION, EACH
3 ELECTRIC COMPANY AND GAS COMPANY SHALL DEVELOP AND IMPLEMENT
4 PROGRAMS AND SERVICES IN ACCORDANCE WITH §§ 7-223 AND 7-224 OF THIS
5 SUBTITLE TO ENCOURAGE AND PROMOTE **BENEFICIAL ELECTRIFICATION AND** THE
6 EFFICIENT USE AND CONSERVATION
7 OF ENERGY BY CONSUMERS, ELECTRIC COMPANIES, AND GAS COMPANIES IN
8 SUPPORT OF THE GREENHOUSE GAS EMISSIONS REDUCTION GOALS AND TARGETS
9 SPECIFIED IN §§ 2-1201 AND 2-1204.1 OF THE ENVIRONMENT ARTICLE.

10 (B) AS DIRECTED BY THE COMMISSION, EACH MUNICIPAL ELECTRIC OR GAS
11 UTILITY AND EACH ELECTRIC COOPERATIVE THAT SERVES A POPULATION OF LESS
12 THAN 250,000 IN ITS DISTRIBUTION TERRITORY SHALL INCLUDE ENERGY
13 EFFICIENCY AND CONSERVATION PROGRAMS OR SERVICES AS PART OF THEIR
14 SERVICE TO THEIR CUSTOMERS.

15 (C) THE COMMISSION SHALL ENCOURAGE AND PROMOTE THE EFFICIENT
16 USE AND CONSERVATION OF ENERGY IN SUPPORT OF THE GREENHOUSE GAS
17 EMISSIONS REDUCTION GOALS AND TARGETS SPECIFIED IN §§ 2-1201 AND 2-1204.1
18 OF THE ENVIRONMENT ARTICLE AND SET BY THE COMMISSION UNDER § 7-223(A)
19 OF THIS SUBTITLE BY:

20 (1) REQUIRING EACH ELECTRIC COMPANY AND GAS COMPANY TO
21 ESTABLISH ANY PROGRAM OR SERVICE THAT THE COMMISSION DETERMINES TO BE
22 APPROPRIATE AND COST-EFFECTIVE;

23 (2) ADOPTING RATE-MAKING POLICIES THAT PROVIDE COST
24 RECOVERY AND REASONABLE FINANCIAL INCENTIVES FOR ELECTRIC COMPANIES
25 AND GAS COMPANIES THROUGH A SURCHARGE ~~OR BASE RATE RECOVERY,~~
26 ~~INCLUDING THE ELECTRIC COMPANY OR GAS COMPANY'S AUTHORIZED RATE OF~~
27 ~~RETURN, FOR THE ELECTRIC COMPANY OR GAS COMPANY'S INVESTMENTS IN~~
28 ~~PROGRAMS AND RESOURCES;~~ AND

29 (3) ENSURING THAT ADOPTION OF ELECTRIC CUSTOMER CHOICE
30 UNDER SUBTITLE 5 OF THIS TITLE AND GAS CUSTOMER CHOICE UNDER SUBTITLE 6
31 OF THIS TITLE DO NOT ADVERSELY IMPACT THESE GOALS AND TARGETS.

31 7-223.

32 (A) (1) EXCEPT AS PROVIDED IN § 7-222(B) OF THIS SUBTITLE,
33 BEGINNING SEPTEMBER 1, 2023, AND EVERY 3 YEARS THEREAFTER, THE

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1 COMMISSION SHALL REQUIRE EACH ELECTRIC COMPANY AND EACH GAS COMPANY
2 TO:

3 (I) DEVELOP A PLAN FOR PROCURING OR PROVIDING FOR ITS
4 CUSTOMERS COST-EFFECTIVE **BENEFICIAL ELECTRIFICATION AND** ENERGY EFFICIENCY,
CONSERVATION, AND
5 GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS AND SERVICES IN
6 ACCORDANCE WITH § 7-224 OF THIS SUBTITLE; ~~AND~~

7 (II) PROCURE OR PROVIDE FOR ITS CUSTOMERS
8 COST-EFFECTIVE ENERGY EFFICIENCY, CONSERVATION, AND GREENHOUSE GAS
9 EMISSIONS REDUCTION PROGRAMS AND SERVICES; ~~AND~~

**(III) PROMOTE THE AVAILABILITY OF FEDERAL REBATE PROGRAMS
THAT PROVIDE BENEFITS FOR BENEFICIAL ELECTRIFICATION OR ENERGY EFFICIENCY
MEASURES.**

10 (2) THE COMMISSION SHALL ENSURE THAT THE PROGRAMS AND
11 SERVICES PROCURED OR PROVIDED BY AN ELECTRIC COMPANY OR GAS COMPANY:

12 (I) HAVE PROJECTED AND VERIFIABLE ENERGY EFFICIENCY,
13 CONSERVATION, AND GREENHOUSE GAS EMISSIONS REDUCTIONS FOR EACH
14 AFFECTED CUSTOMER CLASS **THAT MEET OR EXCEED THE TOTAL ENERGY AND
ENVIRONMENTAL BENEFITS OF ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT
LEAST THE FOLLOWING ANNUAL PERCENTAGES, CALCULATED AS A PERCENTAGE OF THE
ELECTRIC COMPANY'S 2016 WEATHER-NORMALIZED GROSS RETAIL SALES AND
ELECTRICITY LOSSES:**

- 1. 2.0% PER YEAR IN 2022 THROUGH 2024;**
- 2. 2.25% PER YEAR IN 2025 AND 2026; AND**
- 3. 2.5% PER YEAR IN 2027 AND THEREAFTER;**

15 (II) ACHIEVE GROSS GREENHOUSE GAS EMISSIONS REDUCTION
16 TARGETS AS SET BY THE COMMISSION; AND

17 (III) ARE COMPOSED OF SUFFICIENT PERCENTAGES, AS
18 DETERMINED BY THE COMMISSION, OF BEHIND-THE-METER PROGRAMS,
19 NON-ENERGY PROGRAMS, FRONT-OF-METER COMMUNITY PROGRAMS, AND
20 FRONT-OF-METER UTILITY PROGRAMS.

21 (3) CONTRIBUTIONS TO GREENHOUSE GAS EMISSIONS REDUCTION
22 GOALS AND TARGETS IN A PLAN OF AN ELECTRIC COMPANY OR A GAS COMPANY MAY
23 INCLUDE **FRONT-OF METER UTILITY** PROGRAMS AND RESOURCES THAT ARE RECOVERED
IN A BASE RATE
24 PROCEEDING, SUBJECT TO COMMISSION APPROVAL.

25 (B) (1) BEGINNING SEPTEMBER 1, 2023, AND EVERY 3 YEARS
26 THEREAFTER, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
27 SHALL PROCURE OR PROVIDE TO LOW- AND MODERATE-INCOME INDIVIDUALS
28 ENERGY EFFICIENCY, CONSERVATION, AND GREENHOUSE GAS EMISSIONS
29 REDUCTION PROGRAMS AND SERVICES.

30 (2) THE DEPARTMENT OF HOUSING AND COMMUNITY
31 DEVELOPMENT MAY PROCURE OR PROVIDE SAVINGS THAT ARE ACHIEVED
32 THROUGH FUNDING SOURCES THAT MEET THE STANDARDS OF PROGRAM FUNDING
33 THROUGH UTILITY RATES OR THE U.S. DEPARTMENT OF ENERGY.

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1 (3) THE DEPARTMENT OF HOUSING AND COMMUNITY
2 DEVELOPMENT SHALL SUBMIT ANY PROGRAMS OR SERVICES PROCURED OR
3 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE COMMISSION FOR
4 REVIEW AND APPROVAL.

5 7-224.

6 (A) (1) ON OR BEFORE JULY 1, 2023, AND EVERY 3 YEARS THEREAFTER,
7 EACH ELECTRIC COMPANY, EACH GAS COMPANY, AND THE DEPARTMENT OF
8 HOUSING AND COMMUNITY DEVELOPMENT SHALL CONSULT WITH THE TECHNICAL
9 STAFF OF THE COMMISSION, THE OFFICE OF PEOPLE'S COUNSEL, THE MARYLAND
10 ENERGY ADMINISTRATION, AND THE DEPARTMENT OF THE ENVIRONMENT
11 REGARDING THE DESIGN AND ADEQUACY OF ITS PLANS FOR ACHIEVING THE
12 EFFICIENT USE AND CONSERVATION OF ENERGY IN SUPPORT OF THE GREENHOUSE
13 GAS EMISSIONS REDUCTION GOALS AND TARGETS SPECIFIED IN §§ 2-1201 AND
14 2-1204.1 OF THE ENVIRONMENT ARTICLE AND SET BY THE COMMISSION UNDER §
15 7-223(A) OF THIS SUBTITLE.

16 (2) EACH ELECTRIC COMPANY, EACH GAS COMPANY, AND THE
17 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE THE
18 TECHNICAL STAFF OF THE COMMISSION, THE OFFICE OF PEOPLE'S COUNSEL, THE
19 MARYLAND ENERGY ADMINISTRATION, AND THE DEPARTMENT OF THE
20 ENVIRONMENT WITH ANY ADDITIONAL INFORMATION REGARDING ITS PLAN, AS
21 REQUESTED.

22 (B) (1) ON OR BEFORE SEPTEMBER 1, 2023, AND EVERY 3 YEARS
23 THEREAFTER, AN ELECTRIC COMPANY, A GAS COMPANY, AND THE DEPARTMENT OF
24 HOUSING AND COMMUNITY DEVELOPMENT SHALL SUBMIT ITS PLAN TO THE
25 COMMISSION.

26 (2) EACH PLAN SHALL DETAIL A PROPOSAL FOR ACHIEVING THE
27 ENERGY EFFICIENCY, CONSERVATION, AND GREENHOUSE GAS EMISSIONS
28 REDUCTION TARGETS FOR 3 SUBSEQUENT CALENDAR YEARS.

29 (3) (I) EACH PLAN SHALL:

30 1. INCLUDE:

31 A. A DESCRIPTION OF THE PROPOSED PROGRAMS AND
32 SERVICES **INCLUDING PROGRAMS AND SERVICES THAT PROMOTE BENEFICIAL
ELECTRIFICATION.**

33 B. ANTICIPATED COSTS;

1 GREENHOUSE

2 GAS EMISSIONS REDUCTIONS, ELECTRICITY SAVINGS, AND GAS SAVINGS; AND

3
4 COMMISSION; AND

C. PROJECTED BENEFITS, INCLUDING LIFETIME

D. ANY OTHER INFORMATION REQUESTED BY THE

5 2. ADDRESS RESIDENTIAL, COMMERCIAL, AND
6 INDUSTRIAL SECTORS AS APPROPRIATE, INCLUDING LOW-INCOME COMMUNITIES
7 AND LOW- TO MODERATE-INCOME COMMUNITIES.

8 (II) A PLAN OF THE DEPARTMENT OF HOUSING AND
9 COMMUNITY DEVELOPMENT SHALL INCLUDE A DEFINITION OF “LOW- OR
10 MODERATE-INCOME INDIVIDUAL” TO BE USED IN THE PROCUREMENT OR
11 PROVISION OF ENERGY EFFICIENCY, CONSERVATION, AND GREENHOUSE GAS
12 EMISSIONS REDUCTION PROGRAMS AND SERVICES.

13 (C) (1) THE COMMISSION SHALL REVIEW THE PLAN OF EACH ELECTRIC
14 COMPANY, EACH GAS COMPANY, AND THE DEPARTMENT OF HOUSING AND
15 COMMUNITY DEVELOPMENT TO DETERMINE WHETHER THE PLAN IS ADEQUATE AND
16 COST-EFFECTIVE IN ACHIEVING THE GREENHOUSE GAS EMISSIONS REDUCTION
17 TARGETS SET BY THE COMMISSION UNDER § 7-223(A) OF THIS SUBTITLE.

18 (2) THE COMMISSION SHALL CONSIDER ANY WRITTEN FINDINGS
19 PROVIDED BY THE MARYLAND ENERGY ADMINISTRATION AND THE DEPARTMENT
20 OF THE ENVIRONMENT REGARDING THE DESIGN AND ADEQUACY OF THE PLAN.

21 (3) IN APPROVING THE PLAN OF AN ELECTRIC COMPANY OR A GAS
22 COMPANY, THE COMMISSION SHALL CONSIDER:

23 (I) THE COST-EFFECTIVENESS OF THE RESIDENTIAL AND
24 COMMERCIAL SECTOR SUBPORTFOLIOS BY USING THE PRIMARY STATE
25 JURISDICTION-SPECIFIC TEST, AS DEVELOPED, UPDATED, OR APPROVED BY THE
26 COMMISSION;

27 (II) THE IMPACT ON RATES OF EACH RATEPAYER CLASS;

28 (III) THE IMPACT ON JOBS;

29 (IV) THE IMPACT ON THE ENVIRONMENT; AND

30 (V) THE IMPACT ON THE GREENHOUSE GAS EMISSIONS
31 REDUCTION TARGETS SPECIFIED IN §§ 2-1201 AND 2-1204.1 OF THE ENVIRONMENT
32 ARTICLE AND SET BY THE COMMISSION UNDER § 7-223(A) OF THIS SUBTITLE.

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1 (4) (I) IN APPROVING THE PLAN OF THE DEPARTMENT OF
2 HOUSING AND COMMUNITY DEVELOPMENT, THE COMMISSION SHALL CONSIDER:

3 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH, THE COST-EFFECTIVENESS OF THE PLAN BY USING THE PRIMARY
5 STATE JURISDICTION-SPECIFIC TEST, AS DEVELOPED, UPDATED, OR APPROVED BY
6 THE COMMISSION;
7 2. THE IMPACT ON RATES OF EACH RATEPAYER CLASS;
8 3. THE IMPACT ON JOBS;
9 4. THE IMPACT ON THE ENVIRONMENT; AND
10 5. THE IMPACT ON THE GREENHOUSE GAS EMISSIONS
11 TARGETS SPECIFIED IN §§ 2-1201 AND 2-1204.1 OF THE ENVIRONMENT ARTICLE
12 AND SET BY THE COMMISSION UNDER § 7-223(A) OF THIS SUBTITLE.

13 (II) THE PROGRAMS AND SERVICES OFFERED BY THE
14 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ARE NOT REQUIRED
15 TO BE COST-EFFECTIVE.

(5) IN ITS REVIEW OF PLANS UNDER PARAGRAPH (1) OF THIS SUBSECTION,
THE COMMISSION SHALL:

(I) APPLY A MARYLAND-SPECIFIC COST TEST AT THE SECTOR
LEVEL AS THE PRIMARY TEST FOR PLAN SCREENING.

(II) APPLY A TOTAL RESOURCE COST TEST FOR USE AS A BASELINE
AND COMPARISON BENCHMARKING TOOL; AND

(III) UTILIZE OTHER COST-EFFECTIVENESS TESTS AS DETERMINED
BY THE COMMISSION.

16 (D) THE DEPARTMENT OF THE ENVIRONMENT SHALL PREPARE AND
17 SUBMIT TO THE COMMISSION AN ANALYSIS REGARDING THE ADEQUACY OF THE
18 PLAN IN SUPPORTING THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION
19 GOALS SPECIFIED IN §§ 2-1201 AND 2-1204.1 OF THE ENVIRONMENT ARTICLE AND
20 SET BY THE COMMISSION UNDER § 7-223(A) OF THIS SUBTITLE.

21 7-225.

22 (A) (1) EACH ELECTRIC COMPANY, EACH GAS COMPANY, AND THE
23 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE TO
24 THE COMMISSION EVERY 6 MONTHS AN UPDATE ON PLAN IMPLEMENTATION AND
25 PROGRESS MADE TOWARD ACHIEVING THE EFFICIENT USE AND CONSERVATION OF
26 ENERGY IN SUPPORT OF THE GREENHOUSE GAS EMISSIONS REDUCTION GOALS AND
27 TARGETS SPECIFIED IN §§ 2-1201 AND 2-1204.1 OF THE ENVIRONMENT ARTICLE
28 AND SET BY THE COMMISSION UNDER § 7-223(A) OF THIS SUBTITLE.

29 (2) THE COMMISSION SHALL MONITOR AND ANALYZE THE IMPACT OF
30 EACH PROGRAM AND SERVICE TO ENSURE THAT THE OUTCOME OF EACH PROGRAM
31 AND SERVICE PROVIDES THE BEST POSSIBLE RESULTS.

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1 (3) IN MONITORING AND ANALYZING THE IMPACT OF A PROGRAM OR
2 SERVICE UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE COMMISSION FINDS
3 THAT THE OUTCOME OF THE PROGRAM OR SERVICE MAY NOT BE PROVIDING THE
4 BEST POSSIBLE RESULTS, THE COMMISSION SHALL DIRECT THE ELECTRIC
5 COMPANY, THE GAS COMPANY, OR THE DEPARTMENT OF HOUSING AND
6 COMMUNITY DEVELOPMENT TO INCLUDE IN ITS NEXT UPDATE UNDER PARAGRAPH
7 (1) OF THIS SUBSECTION SPECIFIC MEASURES TO ADDRESS THE FINDINGS.

8 (B) (1) AT LEAST ONCE EACH YEAR, EACH ELECTRIC COMPANY AND EACH
9 GAS COMPANY SHALL NOTIFY AFFECTED CUSTOMERS OF THE ENERGY EFFICIENCY
10 AND CONSERVATION CHARGES IMPOSED AND BENEFITS CONFERRED.

11 (2) THE NOTICE SHALL BE PROVIDED BY PUBLICATION ON THE
12 COMPANY'S WEBSITE AND INCLUSION WITH BILLING INFORMATION SUCH AS A BILL
13 INSERT OR BILL MESSAGE.

14 (C) ON OR BEFORE MAY 1 EACH YEAR, THE COMMISSION SHALL REPORT,
15 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE
16 GENERAL ASSEMBLY ON:

17 (1) THE STATUS OF PROGRAMS AND SERVICES TO ENCOURAGE AND
18 PROMOTE ENERGY EFFICIENCY, CONSERVATION, AND GREENHOUSE GAS EMISSIONS
19 REDUCTIONS, INCLUDING AN EVALUATION OF THE IMPACT OF THE PROGRAMS AND
20 SERVICES THAT ARE DIRECTED TO LOW-INCOME COMMUNITIES, LOW- TO
21 MODERATE-INCOME COMMUNITIES TO THE EXTENT POSSIBLE, AND OTHER
22 PARTICULAR CLASSES OF RATEPAYERS; AND

23 (2) A RECOMMENDATION FOR THE APPROPRIATE FUNDING LEVEL TO
24 ADEQUATELY FUND THESE PROGRAMS AND SERVICES.

25 7-226.

26 (A) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION MAY NOT
27 REQUIRE OR ALLOW AN ELECTRIC COMPANY OR A GAS COMPANY TO REQUIRE A
28 CUSTOMER TO AUTHORIZE THE ELECTRIC COMPANY OR GAS COMPANY TO CONTROL
29 THE AMOUNT OF THE CUSTOMER'S ELECTRICITY USAGE OR GAS USAGE.

30 (B) A CUSTOMER MAY PROVIDE CONSENT TO PARTICIPATE IN A PROGRAM
31 OF AN ELECTRIC COMPANY OR A GAS COMPANY PROVIDING DIRECT LOAD CONTROL
32 OR OTHER UTILITY MANIPULATION OF A CUSTOMER'S ELECTRICITY OR GAS USAGE.

33 7-510.3.

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1 (j) (2) A community choice aggregator, in consultation with all
2 investor-owned electric companies whose service territories include all or part of the county
3 and the Department of Housing and Community Development, may promote energy
4 efficiency programs that are:

5 (i) offered by the investor-owned electric companies; or
6 (ii) filed by the investor-owned electric companies with the
7 Commission for its approval in accordance with [§ 7-211] SUBTITLE 2, PART II of this
8 title.

9 Article – State Government

10 9-20B-05.

11 (f) The Administration shall use the Fund:

12 (4) to provide rate relief by offsetting electricity rates of residential
13 customers, including an offset of surcharges imposed on ratepayers under [§ 7-211] TITLE
14 7, SUBTITLE 2, PART II of the Public Utilities Article;

15 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
16 Annotated Code of Maryland, in consultation with and subject to the approval of the
17 Department of Legislative Services, shall correct, with no further action required by the
18 General Assembly, cross-references and terminology rendered incorrect by this Act. The
19 publisher shall adequately describe any correction that is made in an editor's note following
20 the section affected.

21 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2023.