



PUBLIC SERVICE COMMISSION

July 24, 2015

ML: _____

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

RE: Recommendations of the Maryland PSC Leader, Version 2, Rule Making 54

Dear Mr. Collins:

Attached, please find the *Recommendations of the Maryland PSC Leader, Version 2, Rule Making 54* proposed regulations (“Proposal”). This Proposal is intended to replace and, where appropriate incorporate proposals from all prior filings in this proceeding.

On June 9th, 2015, the Commission granted a requested delay of the Rule Making proceeding so that the parties could meet to further discuss the regulations proposed herein, with the hope that greater consensus could be reached. The parties have satisfied that commitment, having met in various settings and participated consistently in multiple meetings in an attempt to reach consensus on a number of issues.¹ While progress was made this is not a consensus Proposal. Accordingly, the participating parties in Rule Making 54 respectfully request the opportunity to file brief comments highlighting concerns regarding certain elements of the Proposal.

While this Proposal adopts many of the proposals filed originally in the December 2014 Final Report, there are some differences. Below, is a brief highlight of the new Proposals:

Notice of Change in Rate (pg. 22 – Electric and pg. 46 – Gas):

This Proposal replaces the “Affirmative Consent” concept proposed originally in the December 2014 Final Report, and replaces it with a requirement that grants a customer the right to access the rate a supplier intends to bill, before the rate is billed. The information will be

¹ The PSC Leader has met and held discussions with individual groups, with groups classified according to industry (i.e. Utilities, Suppliers, etc.), and has met with all interested parties in a “Big Meeting”. The current interested party mailing list consists of over 75 interested regulated and unregulated companies, advocates, state agencies and organizations.

accessible through means defined by the supplier, provided to the consumer in advance and the right to access the information cannot be waived. This change mirrors the principle easily found throughout COMAR and utility tariff that establishes management responsibility for the consumer account on both customer and utility.² Here, that concept is extended to the supplier - customer contractual relationship by requiring the supplier to provide the information in a timely and useful manner, and for the customer, who may access the information if desired.

Supplier / Agent Relations (pg. 23 – 31 for electric) and (pg. 47 – 54 for gas)

This Proposal introduces a new subtitle entitled *Supplier – Agent Relations*. This subtitle establishes standards for individuals marketing or selling products on behalf of Suppliers. The responsibility for making sure these standards are maintained is placed on a Supplier who employs the agent’s services. This subtitle is supported by a majority of the parties, and is based in part on provisions established and already effect in Pennsylvania and other states.

Expedited Switching (pg. 10 for electric and 35 for gas)

The Proposal revises the expedited switching period proposed on March 31, 2015 from three days to five days for electric enrollments or drops, and seven days for gas enrollments or drops. In both instances, this decreases the switching period while allowing for a period to correct instances where a supplier submits an enrollment in error.

Inquiry to Public Service Commission (pg. 59)

The Proposal also expands the investigative authority of the Office of External Relations (“OER”) by allowing OER to investigate allegations of COMAR violations when made aware of it, and without a consumer complaint to move the investigation. This authority resides in COMAR currently.

Sincerely,

Odogwu Obi Linton, Esq., Director
Office of External Relations
Maryland Public Service Commission

Public Conference 35 Leader

CC: PC 35 Email List

² For example, COMAR 20.31.01.03 and .04 divide consumer and utility responsibilities when service denial occurs; COMAR 20.50.04.01-1 establishes certain responsibilities on customers to apply for service while COMAR 20.50.04.03 places certain responsibilities on utilities to provide billing information in a prescribed format.

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RECOMMENDATIONS
OF THE
MARYLAND PUBLIC SERVICE COMMISSION (“PSC”) LEADER
Version 2
RULE MAKING 54
June 26, 2015

Odogwu Obi Linton, Esq., Director
Maryland Public Service Commission
Office of External Relations

RM54 V-2.0 7-24-15
Odogwu Obi Linton, Esq., PC 35 Leader
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PROPOSED REGULATIONS

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 01 General
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .02 under COMAR 20.53.01

.02 Definitions

A. – (1) – Text Unchanged

(2) "Consent" means an agreement with an action communicated by [a written document, electronic document, or voice recording.] the following:

(a) a written document with customer signature;

(b) an electronic document with electronic signature; or

(c) a voice recording only if the agreement is exempt under the Maryland Telephone Solicitations Act.

(3) "Consumer" or "customer" [has the meaning stated in Public Utilities Article, §7-501, Annotated Code of Maryland.] means the regulated utility retail electric customer account holder.

(4) "Contract Summary" means a summary of the material terms and conditions of a retail energy supply contract, on a form provided by the Commission.

.B (5) – (15) Text Unchanged (numbering does change)

(16) "Third Party Verification or TPV" means a statement from the customer that is recorded or managed by an independent person not party to the agreement. To be valid, the statement must be recorded through the use of an automated system, without the presence of the sales agent, and demonstrate that the customer accepts:

a. that he or she is voluntarily choosing to enroll with a supplier;

b. the type of product offered (variable, fixed, a combination of both);

c. the price and duration of the contract;

d. the amount of an early termination fee (if applicable);

e. that the customer is authorized to make the switch;

f. a statement describing contract renewal procedures;

g. a statement describing how the customer may access future pricing information; and

h. a statement that the customer has received the supplier's customer support contact information.

.B (17) – (19) - Text Unchanged (numbering does change)

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 03 Pre-Enrollment Information
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .02 under COMAR 20.53.03

.02 Pre-Enrollment Information

A(1) – (3) – No changes proposed

(4) Utility account number and any other number designated by the utility as necessary to process an enrollment;

A(5) – B – No changes proposed.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.02 Supplier Enrollment and Drops

A. A supplier may enroll or drop a customer by sending the appropriate electronic enrollment or drop transaction to the utility.

[A]B. Effective Dates.

(1) A utility shall process an electronic enrollment or drop from a supplier to be effective within five days after receipt of the electronic transaction. [Except as provided under §A(2) of this regulation, a utility shall process an electronic transaction for enrollment from a supplier to be effective on the customer's next scheduled meter reading date.]

C. The utility shall drop a customer from its current supplier when another supplier enrolls the customer.

(1) A utility shall assign a customer who has been dropped by a supplier and not enrolled by a supplier to SOS.

D. A utility shall be required to process no more than one enrollment or one drop per customer per bill cycle.

E. A supplier may not require that a customer provide it with advance notice, written or otherwise, before the customer switches to another supplier or to standard offer service.

[(2) An electronic transaction for enrollment from a supplier received by a utility less than 12 days before the customer's next scheduled meter reading date shall take effect on the customer's subsequent scheduled meter reading date.]

B. The utility shall drop a customer from its current supplier when another supplier enrolls the customer.]

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes deletion of Regulation .03 under COMAR 20.53.04

[.03 Supplier Drops

A. A supplier may drop a customer by sending an electronic drop transaction to the utility.

B. Drop Effective Date.

(1) Except as provided under §B(2) of this regulation, a supplier drop is effective on the customer's next scheduled meter reading date.

(2) A drop received by a utility less than 12 days before the customer's next scheduled meter reading date shall take effect on the customer's subsequent scheduled meter reading date.

C. A utility shall assign a customer who has been dropped by a supplier and not enrolled by a supplier to SOS.]

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes new Regulations .04 under COMAR 20.53.04

.04 Transaction Error Handling

A. This regulation applies to enrollment or drop transaction errors that are identified not later than [5] 3 days after the transaction is initiated by a supplier.

B. – E(2) – Text Unchanged.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes new Regulations .05 under COMAR 20.53.04

.05 Customer Initiated Drops

A. Customer Cancellation.

(1) A customer that wants to cancel a supplier contract shall first attempt to cancel the contract according to the terms of the contract.

(2) If a customer attempts to cancel a contract by contacting the utility first, the utility shall direct the customer to contact the supplier through the means detailed in the supplier contract, Terms and Conditions or may direct the customer to contact the supplier through use of contact information on the Commission's website.

(3) If a customer's cancellation request has not been received from the customer's supplier, and the customer confirms that more than three days have passed since the customer cancelled the contract with the supplier, the utility shall process a cancellation.

(4) Customer initiated drops shall be processed in accordance with the provisions of COMAR 20.53.04.02.

C. A supplier may not include cancellation provisions in its contract for service that would limit or waive this provision.

D. A customer that initiates a drop with the utility must switch back to utility supply as described in Section .02 of this chapter.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 05 Supplier-Utility Coordination and Utility Consolidated Billing
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes new Regulations .05 under COMAR 20.53.05

.06 Utility Purchased Receivables or Prorated Payments

(A) – (C) Text Unchanged

C (1) A cancellation fee is not considered a commodity and is not subject to purchase as a receivable by the utility.

(D) – (F) Text Unchanged

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

Chapter 07 Residential Customer Protection

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

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .05 under COMAR 20.53.07

.05 Unauthorized Enrollment or Service

A. A supplier may not enroll a customer without the customer's affirmative consent.

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

(C) – (D)(1) – Text Unchanged

D. Enrollment Disputes.

(2) Upon proof of the allegations, [the customer's remedy through the] that an enrollment was unauthorized, the Commission's Office of External Relations ("OER") [is limited to] may order the supplier to issue a refund to the customer in an amount, determined by OER, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred. [a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized enrollment.]

(i) If the charges have been billed by and the receivable purchased by the regulated utility, the refund determined by OER shall be remitted to the utility by the supplier. The refund determined by OER shall be applied to the customer's utility account or returned to the customer.

(ii) Upon purchase of any receivable under this section, the customer shall be responsible to pay the utility the total amount billed less any refund determined by OER.

(iii) Upon purchase of any receivable under this section the utility is entitled to collect from the customer the total amount billed less the refund determined by OER in this section.

E. – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .07 under COMAR 20.53.07

.07 Advertising and Solicitations

.07 (A)(1) - .07(A)(2) – Text Unchanged

B. Disclosures.

(1) [A] All supplier[‘s] marketing or solicitation information, including that used by its agents or employees, shall include the supplier's Maryland license number in a clear and conspicuous manner.

.07(B)(2) - .07(B)(2)(c) – Text Unchanged

C. Internet

(1) Internet Advertising. A supplier shall post on the Internet readily understandable information about its services, prices, and emissions.

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

D. Telephone Solicitation.

.07(D)(1) - .07(D)(2) – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .08 under COMAR 20.53.07

.08 Supplier Contracts

.08(A) - .08(A)(2)(c) – Text Unchanged

(d) A clear and concise price description of each service, [including all fixed and variable costs];

.08(A)(2)(e) - .08(A)(2)(k)(ii) – Text Unchanged

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

.08(A)(2)(k)(iv) - - .08(A)(2)(o) – Text Unchanged

B. Contract Summary

1. At the time of enrollment, a supplier shall provide a copy of the executed contract and completed Contract Summary on the form provided by the Commission.

a. If enrollment is completed through telephone solicitation, the Supplier shall send the contract and the Contract Summary to the customer for signature and return as required by the Maryland Telephone Solicitation Act.

b. If enrollment is exempt from the Maryland Telephone Solicitation Act, the supplier shall include the Contract Summary with the Contract in any welcome packet sent by the supplier to the customer.

2. If enrollment is completed through the Internet, the Contract Summary shall be:

a. Available online and made available for download by the customer at the time of enrollment; and

b. Shall be transmitted to the customer by the supplier by mail or by email if the customer consents to receipt of email disclosures.

c. If the enrollment is completed in person, the Contract Summary shall be given to the customer by the supplier at the time of contracting.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .09 under COMAR 20.53.07

.09 Customer Disclosure

A. Price Information.

(1) The supplier's price description for service shall include all [fixed and variable] supply components.

.09(A)(2) - .09(B)(3)(j) - Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .10 under COMAR 20.53.07

.10 Notice of Contract Expiration or Cancellation

A. Notice. A supplier shall provide the customer with notice [45] at least 30 days before expiration or cancellation of a supply contract.

.10.B – C – Text Unchanged.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .11 under COMAR 20.53.07

.11 Rescission Period

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

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes NEW Regulations .12 under COMAR 20.53.07

.12 Assignment of Contract

(A) At least 30 days prior to the effective date of any assignment or transfer of a Supplier contract from one Supplier to Another, the Suppliers shall jointly provide written notice to the customers of the supplier, the Commission, the electric company and the Office of People’s Counsel of the Assignment or Transfer.

(1) Notice to Customer – the Suppliers shall jointly send a letter to the Customer informing them of the assignment or transfer. The letter shall include;

(a) A description of the transaction in straightforward language including the effective date of the assignment or transfer; and

(b) Customer Service contact information for the assignee.

(2) The terms and conditions of the customer’s contract at the time of assignment shall remain the same for the remainder of the contract term; and

(3) File Notice with the Commission, with a copy to the Office of People’s Counsel and the electric company, of the Assignment or Transfer of the Customer Contracts and include a copy of the Notice letter sent to customers.

(B) A supplier shall transfer all documents and records related to the assigned contracts to the assignee. Records shall be maintained for a period of three years or until the contracts are expired, whichever is longer.

(C) An Assignment or Transfer of a supplier Contract from one Supplier to another is not an enrollment or drop.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes NEW Regulations .13 under COMAR 20.53.07

.13 Notice of Change in Rate

A. When a customer's rate changes, a supplier shall make available to a customer his or her rate for the next billing period;

(1) The rate shall be made available at least twelve days prior to close of the customer's billing period;

(2) The rate shall be made available in a clear, easy to access format prescribed by the supplier;

(3) The supplier shall promptly give the customer directions on how to access the rate:

(a) at the time of enrollment;

(b) when sending any notice as required in this Title;

(c) upon request; or

(d) if the supplier changes the directions for accessing the rate.

B. A supplier may provide an estimated rate for the customer's next billing period. If the supplier provides an estimated rate for the customer, the supplier shall not use a rate for billing purposes that is higher than the estimate.

C. Neither a supplier nor a customer may limit or waive this provision.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.01 Definitions

- 1) “Agent” means a person who conducts marketing or sales activities, or both, on behalf of a licensed supplier or broker. The term includes an employee, a representative, an independent contractor or a vendor. The term also includes subcontractors, employees, vendors and representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.
- 2) “Commission” means The Maryland Public Service Commission.
- 3) "Consumer" or "Customer” means the regulated utility retail electric customer account holder.
- 4) “Contract Summary” means a summary of the material terms and conditions of a competitive choice contract, on a form provided by the Commission
- 5) “Electricity Supplier” or “Supplier” has the same meaning as defined in COMAR 20.51.01.02(B)(10).
- 6) “Verification” means a method of independently confirming that a customer has agreed to enter into a contract and receive service from a supplier.
- 7) “Verification process” means an action by means of written, audio or electronic documentation by which a customer validates his intent to enter into a contract and receive service from a supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.02 Suppliers Liable for its agent

(A) A supplier may use an agent to conduct marketing or sales activities.

(B) A supplier is responsible for any fraudulent, deceptive or other unlawful marketing acts performed by its agent in the conduct of marketing or sales activities on behalf of a supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.03 Agent Qualifications and Standards

(A) A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not hire an individual that fails to meet its standards.

(B) A supplier may not permit a person to conduct door-to-door sales and marketing activities until it has obtained and reviewed a criminal history record from the Maryland Criminal Justice Information System and from every other state in which the person resided for the last 12 months.

(C) When a supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background investigations on an agent in accordance with this section and with the standards set by the supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.04 Agent Training

(A) A supplier shall ensure the training of its agents on the following subjects:

- (1) Local, State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate.
 - (2) Responsible and ethical sales practices.
 - (3) The supplier's products and services.
 - (4) The supplier's rates, rate structures and payment options.
 - (5) The customer's right to rescind and cancel contracts.
 - (6) The applicability of an early termination fee for contract cancellation when the supplier has one.
 - (7) The necessity of adhering to the script and knowledge of the contents of the script if one is used.
 - (8) The proper completion of transaction documents.
 - (9) The supplier's disclosure statement.
 - (10) Terms and definitions related to energy supply, transmission and distribution service as found online at the Commission's website.
 - (11) Information about how customers may contact the supplier to obtain information about billing, disputes and complaints.
 - (12) The confidentiality and protection of customer information.
- (B) A supplier shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.
- (C) A supplier shall make training materials and training records available to the Commission upon request.

(D) When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

(E) The supplier shall monitor telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the supplier's training program.

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.05 Agent identification; misrepresentation

(A) A supplier shall issue an identification badge to agents to be worn when conducting in person sales activities on behalf of a supplier. The badge must:

- (1) Accurately identify the supplier, its trade name and logo;
- (2) Display the agent's photograph;
- (3) Display the agent's full name;
- (4) Be prominently displayed; and
- (5) Display a customer-service phone number for the supplier.

(B) Upon first contact with a customer, an agent shall

- (1) identify the supplier that he represents; and
- (2) state that he is not working for and is independent of the customer's local distribution company or other supplier;

(C) When conducting in person sales activities, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with an regulated utility, government agency or another supplier.

(D) A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, regulated utility or government agency in a way that suggests a relationship that does not exist.

(E) A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.06 Door-to-door sales

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

(A) A supplier and its agents shall comply with state and local government ordinances regarding door-to-door marketing and sales activities.

(B) If there are no local ordinances regarding door to door marketing and sales activities, a supplier's agent:

(1) shall prominently display an identification badge;

(2) shall offer a business card or other material that lists:

(a) the supplier's name and contact information, including telephone number,

(b) the supplier's Commission license number; and

(c) the agent's name and any other identification numbers provided to the sales agent by the supplier or agent.

(C) The agent shall terminate the contact with the customer when a customer is incapable of understanding and responding to the information being conveyed by the agent due to:

(1) limited language skills;

(2) illness; or

(3) age.

(D) When an agent completes a transaction with a customer, the agent shall:

(1) Provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leaves each other's presence;

(2) Explain the supplier's verification process to the customer.

(E) An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises or if the customer does not express an interest in what the agent is attempting to sell.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes NEW Regulations .07 under COMAR 20.53.08

.07 Notification regarding marketing or sales activity

(A) When a supplier engages in door-to-door sales and marketing activity, the supplier shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

(B) A supplier shall provide the local distribution company with general, nonproprietary information about the door-to-door sales and marketing activity that caused the supplier to provide notice to the Commission. The supplier shall provide this general information to the distribution company no later than the morning of the day that the sales and marketing activities begin.

(C) In responding to a customer inquiry about price and service, a distribution company may provide information about its own price and terms and may refer the customer to the website of the Commission or the Office of People's Counsel for additional information.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 01 General

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

Notice of Proposed Action

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

.02 Definitions

A. – (1) – Text Unchanged

(2) "Consent" means an agreement with an action communicated by [a written document, electronic document, or voice recording.] the following:

(a) a written document with customer signature;

(b) an electronic document with electronic signature; or

(c) a voice recording only if the agreement is exempt under the Maryland Telephone Solicitations Act.

(3) "Consumer" or "customer" [has the meaning stated in Public Utilities Article, §7-501, Annotated Code of Maryland.] means the regulated utility retail electric customer account holder.

(4) "Contract Summary" means a summary of the material terms and conditions of a retail energy supply contract, on a form provided by the Commission.

.B (5) – (15) Text Unchanged (numbering does change)

(16) "Third Party Verification or TPV" means a statement from the customer that is recorded or managed by an independent person not party to the agreement. To be valid, the statement must be recorded through the use of an automated system, without the presence of the sales agent, and demonstrate that the customer accepts:

a. that he or she is voluntarily choosing to enroll with a supplier;

b. the type of product offered (variable, fixed, a combination of both);

c. the price and duration of the contract;

d. the amount of an early termination fee (if applicable);

e. that the customer is authorized to make the switch;

f. a statement describing contract renewal procedures;

g. a statement describing how the customer may access future pricing information; and

h. a statement that the customer has received the supplier's customer support contact information.

.B (17) – (19) - Text Unchanged (numbering does change)

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 03 Pre-Enrollment Information
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes to revise Regulations .02 under COMAR 20.59.03

.02 Pre-Enrollment Information

A(1) – (3) – No changes proposed

(4) Utility account number and any other number designated by the utility as necessary to process an enrollment;

A(5) – B – No changes proposed.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-603 Annotated Code of Maryland
Notice of Proposed Action

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

.02 Enrollment

A. Effective Dates.

(1) – No Changes Proposed

(2) An electronic transaction for enrollment from a supplier received by a utility less than [12] 7 days before the first day of the next month shall take effect on the first day of the next subsequent month.

A(3) – D. – No Changes Proposed

E. A supplier may not require that a customer provide it with advance notice, written or otherwise, before the customer switches to another supplier or to standard offer service.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-603 Annotated Code of Maryland
Notice of Proposed Action

The Public Service Commission proposes revised Regulations .03 under COMAR 20.59.04

.03 Supplier Drops

A – B (1) – No Changes Proposed.

(2) A drop received by a utility less than [12] 7 days before the first day of the next month shall take effect on the first day of the next subsequent month.

C - No Changes Proposed.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 04 Transfers of Service
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland
Notice of Proposed Action

The Public Service Commission proposes new Regulations .03 under COMAR 20.59.04

.04 Customer Initiated Drops (Note proposed deletion of .03)

(1) A customer that wants to cancel a supplier contract shall first attempt to cancel the contract according to the terms of the contract.

(2) If a customer attempts to cancel a contract by contacting the utility first, the utility shall direct the customer to contact the supplier through the means detailed in the supplier contract, Terms and Conditions or may direct the customer to contact the supplier through use of contact information on the Commission's website.

(3) If a customer's cancellation request has not been received from the customer's supplier, and the customer confirms that more than three days have passed since the customer cancelled the contract with the supplier, the utility shall process a cancellation.

(4) Customer initiated drops shall be processed in accordance with the provisions of COMAR 20.59.04.03.

C. A supplier may not include cancellation provisions in its contract for service that would limit or waive this provision.

D. A customer that initiates a drop with the utility must switch back to utility supply as described in Section .02 of this chapter.

Title 20

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

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

The Public Service Commission proposes revised Regulations .03 under COMAR 20.59.05

.03 Utility Purchased Receivables or Prorated Payments

A. – C. – No Text Change

C. (1) A cancellation fee is not considered a commodity and is not subject to purchase as a receivable by the utility.

D. - F. – No Text Change

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .05 under COMAR 20.59.07

.05 Unauthorized Enrollment or Service

A. A supplier may not enroll a customer without the customer's affirmative consent.

[B. The customer's choice of gas supplier is the gas supplier with the last enrollment of the customer received by the utility 12 days before the customer's next meter reading date.]

(C) – (D)(1) – Text Unchanged

D. Enrollment Disputes.

(2) Upon proof of the allegations, [the customer's remedy through the] that an enrollment was unauthorized, the Commission's Office of External Relations ("OER") [is limited to] may order the supplier to issue a refund to the customer in an amount, determined by OER, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred. [a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized enrollment.]

(i) If the charges have been billed by and the receivable purchased by the regulated utility, the refund determined by OER shall be remitted to the utility by the supplier. The refund determined by OER shall be applied to the customer's utility account or returned to the customer.

(ii) Upon purchase of any receivable under this section, the customer shall be responsible to pay the utility the total amount billed less any refund determined by OER.

(iii) Upon purchase of any receivable under this section the utility is entitled to collect from the customer the total amount billed less the refund determined by OER in this section.

E. – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

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

.07 Advertising and Solicitations

.07 (A)(1) - .07(A)(2) – Text Unchanged

B. Disclosures.

(1) [A] All supplier[‘s] marketing or solicitation information, including that used by its agents or employees, shall include the supplier's Maryland license number in a clear and conspicuous manner.

.07(B)(2) - .07(B)(2)(c) – Text Unchanged

C. Internet

(1) Internet Advertising. A supplier shall post on the Internet readily understandable information about its services, prices, and emissions.

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

D. Telephone Solicitation.

.07(D)(1) - .07(D)(2) – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

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

.08 Supplier Contracts

.08(A) - .08(A)(2)(c) – Text Unchanged

(d) A clear and concise price description of each service, [including]:

.08(A)(2)(e) - .08(A)(2)(k)(ii) – Text Unchanged

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

.08(A)(2)(k)(iv) - - .08(A)(2)(o) – Text Unchanged

B. Contract Summary

1. At the time of enrollment, a supplier shall provide a copy of the executed contract and completed Contract Summary on the form provided by the Commission.

a. If enrollment is completed through telephone solicitation, the Supplier shall send the contract and the Contract Summary to the customer for signature and return as required by the Maryland Telephone Solicitation Act.

b. If enrollment is exempt from the Maryland Telephone Solicitation Act, the supplier shall include the Contract Disclosure Sheet with the Contract in any welcome packet sent by the supplier to the customer.

2. If enrollment is completed through the Internet, the Contract Summary shall be:

a. Available online and made available for download by the customer at the time of enrollment; and

b. Shall be transmitted to the customer by the supplier by mail or by email if the customer consents to receipt of email disclosures.

c. If the enrollment is completed in person, the Contract Summary shall be given to the customer by the supplier at the time of contracting.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .09 under COMAR 20.59.07

.09 Customer Disclosure

A. Price Information.

(1) A supplier's price for service shall include all [fixed and variable] components.

.09(A)(2) - .09(B)(3)(j) - Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

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

.10 Notice of Contract Expiration or Cancellation

A. Notice. A supplier shall provide the customer with notice [45] 30 days before expiration or cancellation of a supply contract.

.10(B) - .10(C)(2)(b) - Text Unchanged

(3) Except as provided in COMAR 20.59.04.04 and .05, OR a tariff providing for a supplier default, a utility may remove a customer from supplier services only if directed by a supplier, subject to applicable bankruptcy law.

.10(C)(4) - .10(C)(5) Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .11 under COMAR 20.59.07

.11 Rescission Period

A Supplier is not required to offer a contract recession period except where required by law.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .12 under COMAR 20.59.07

.12 Assignment of Contract

(A) At least 30 days prior to the effective date of any assignment or transfer of a Supplier contract from one Supplier to Another, the Suppliers shall jointly provide written notice to the customers of the supplier, the Commission, the electric company and the Office of People’s Counsel of the Assignment or Transfer.

(1) Notice to Customer – the Suppliers shall jointly send a letter to the Customer informing them of the assignment or transfer. The letter shall include;

(a) A description of the transaction in straightforward language including the effective date of the assignment or transfer; and

(b) Customer Service contact information for the assignee.

(2) The terms and conditions of the customer’s contract at the time of assignment shall remain the same for the remainder of the contract term; and

(3) File Notice with the Commission, with a copy to the Office of People’s Counsel and the electric company, of the Assignment or Transfer of the Customer Contracts and include a copy of the Notice letter sent to customers.

(B) A supplier shall transfer all documents and records related to the assigned contracts to the assignee. Records shall be maintained for a period of three years or until the contracts are expired, whichever is longer.

(C) An Assignment or Transfer of a supplier Contract from one Supplier to another is not an enrollment or drop.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 07 Residential Customer Protection
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-604 Annotated Code of Maryland

Notice of Proposed Action

The Public Service Commission proposes new Regulations .13 under COMAR 20.59.07

.13 Notice of Change in Rate

A. When a customer's rate changes, a supplier shall make available to a customer his or her rate for the next billing period;

(1) The rate shall be made available at least twelve days prior to close of the customer's billing period;

(2) The rate shall be made available in a clear, easy to access format prescribed by the supplier;

(3) The supplier shall promptly give the customer directions on how to access the rate:

(a) at the time of enrollment;

(b) when sending any notice as required in this Title;

(c) upon request; or

(d) if the supplier changes the directions for accessing the rate.

B. A supplier may provide an estimated rate for the customer's next billing period. If the supplier provides an estimated rate for the customer, the supplier shall not use a rate for billing purposes that is higher than the estimate.

C. Neither a supplier nor a customer may limit or waive this provision.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action

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

.01 Definitions

- 1) “Agent” means a person who conducts marketing or sales activities, or both, on behalf of a licensed supplier or broker. The term includes an employee, a representative, an independent contractor or a vendor. The term also includes subcontractors, employees, vendors and representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.
- 2) “Commission” means The Maryland Public Service Commission.
- 3) "Consumer" or "Customer" means the regulated utility retail electric customer account holder.
- 4) “Contract Summary” means a summary of the material terms and conditions of a competitive choice contract, on a form provided by the Commission
- 5) “Gas Supplier” or “Supplier” has the same meaning as defined in COMAR 20.54.01.02(B)(9).
- 6) “Verification” means a method of independently confirming that a customer has agreed to enter into a contract and receive service from a supplier.
- 7) “Verification process” means an action by means of written, audio or electronic documentation by which a customer validates his intent to enter into a contract and receive service from a supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 COMPETITIVE GAS SUPPLY
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .02 under COMAR 20.59.08

.02 Suppliers Liable for its agent

(A) A supplier may use an agent to conduct marketing or sales activities.

(B) A supplier is responsible for any fraudulent, deceptive or other unlawful marketing acts performed by its agent in the conduct of marketing or sales activities on behalf of a supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .03 under COMAR 20.59.08

.03 Agent Qualifications and Standards

(A) A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not hire an individual that fails to meet its standards.

(B) A supplier may not permit a person to conduct door-to-door sales and marketing activities until it has obtained and reviewed a criminal history record from the Maryland Criminal Justice Information System and from every other state in which the person resided for the last 12 months.

(C) When a supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background investigations on an agent in accordance with this section and with the standards set by the supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .04 under COMAR 20.59.08

.04 Agent Training

(A) A supplier shall ensure the training of its agents on the following subjects:

- (1) Local, State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate.
 - (2) Responsible and ethical sales practices.
 - (3) The supplier's products and services.
 - (4) The supplier's rates, rate structures and payment options.
 - (5) The customer's right to rescind and cancel contracts.
 - (6) The applicability of an early termination fee for contract cancellation when the supplier has one.
 - (7) The necessity of adhering to the script and knowledge of the contents of the script if one is used.
 - (8) The proper completion of transaction documents.
 - (9) The supplier's disclosure statement.
 - (10) Terms and definitions related to energy supply, transmission and distribution service as found online at the Commission's website.
 - (11) Information about how customers may contact the supplier to obtain information about billing, disputes and complaints.
 - (12) The confidentiality and protection of customer information.
- (B) A supplier shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.
- (C) A supplier shall make training materials and training records available to the Commission upon request.
- (D) When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

(E) The supplier shall monitor telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the supplier's training program.

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .05 under COMAR 20.59.08

.05 Agent identification; misrepresentation

(A) A supplier shall issue an identification badge to agents to be worn when conducting in person sales activities on behalf of a supplier. The badge must:

- (1) Accurately identify the supplier, its trade name and logo;
- (2) Display the agent's photograph;
- (3) Display the agent's full name;
- (4) Be prominently displayed; and
- (5) Display a customer-service phone number for the supplier.

(B) Upon first contact with a customer, an agent shall

- (1) identify the supplier that he represents; and
- (2) state that he is not working for and is independent of the customer's local distribution company or other supplier;

(C) When conducting in person sales activities, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with an regulated utility, government agency or another supplier.

(D) A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, regulated utility or government agency in a way that suggests a relationship that does not exist.

(E) A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 59 SUPPLIER AGENT RELATIONS
Chapter 08 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .06 under COMAR 20.59.08

.06 Door-to-door sales

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

(A) A supplier and its agents shall comply with state and local government ordinances regarding door-to-door marketing and sales activities.

(B) If there are no local ordinances regarding door to door marketing and sales activities, a supplier's agent shall:

(1) shall prominently display an identification badge;

(2) shall offer a business card or other material that lists:

(a) the supplier's name and contact information, including telephone number,

(b) the supplier's Commission license number; and

(c) the agent's name and any other identification numbers provided to the sales agent by the supplier or agent.

(C) The agent shall terminate the contact with the customer when a customer is incapable of understanding and responding to the information being conveyed by the agent due to:

(1) limited language skills;

(2) illness; or

(3) age.

(D) When an agent completes a transaction with a customer, the agent shall:

(1) Provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leaves each other's presence;

(2) Explain the supplier's verification process to the customer.

(E) An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises or if the customer does not express an interest in what the agent is attempting to sell.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 53 SUPPLIER AGENT RELATIONS
Chapter 01 Supplier Agent Relations
Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, and 7-507 Annotated Code of Maryland

Notice of Proposed Action
The Public Service Commission proposes revised Regulations .07 under COMAR 20.53.08

.07 Notification regarding marketing or sales activity.

(A) When a supplier engages in door-to-door sales and marketing activity, the supplier shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

(B) A supplier shall provide the local distribution company with general, nonproprietary information about the door-to-door sales and marketing activity that caused the supplier to provide notice to the Commission. The supplier shall provide this general information to the distribution company no later than the morning of the day that the sales and marketing activities begin.

(C) In responding to a customer inquiry about price and service, a distribution company may provide information about its own price and terms and may refer the customer to the website of the Commission or the Office of People's Counsel for additional information.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 32 DISPUTE RESOLUTION
Chapter 01 General

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

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .01 under COMAR 20.32.01

.01 Applicability.

A. This subtitle applies to all electric companies, gas companies, combination gas and electric companies, telephone companies, licensed suppliers, licensed brokers, and water companies under the jurisdiction of the Public Service Commission.

01B. – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 32 DISPUTE RESOLUTION
Chapter 01 General

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

Notice of Proposed Action

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

.02 Definitions.

A. – (B)(7) – No proposed changes.

(8) “Supplier” has the same meaning as defined in COMAR 20.54.01.02(B)(9) and COMAR 20.51.01.02(B)(10).

(9) "Termination" means the discontinuance of electric, gas, or telephone service to a customer or premises.

(10) – No proposed changes.

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 32 DISPUTE RESOLUTION
Chapter 01 General

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

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .02 under COMAR 20.32.02

.02 Inquiry to Utility

.02(A) – .02(B)(1) – Text Unchanged

(2) "Customer" means any person, association, partnership, corporation, or governmental agency who has, applied for utility service [or]; in whose name a utility service account is maintained; or has been solicited to purchase deregulated products.

.02(B)(3) – .02(B)(9) – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 32 DISPUTE RESOLUTION
Chapter 01 General

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

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .03 under COMAR 20.32.03

.03 Inquiry to Utility.

A. A customer shall initially submit any inquiry or dispute directly to a utility or supplier for resolution.

B. A utility or supplier shall investigate a customer dispute or inquiry, and propose a resolution of the dispute to the customer or report its findings to the customer.

.03(C) - .03(G) – Text Unchanged

Title 20
PUBLIC SERVICE COMMISSION
Subtitle 32 DISPUTE RESOLUTION
Chapter 01 General

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

Notice of Proposed Action

The Public Service Commission proposes revised Regulations .04 under COMAR 20.32.04

.04 Inquiry to Public Service Commission.

(A) If a customer disputes a utility['s] or a supplier's determination under Regulation .03 of this chapter, the customer may submit an inquiry to the Commission within 7 days of receipt of the [utility's] determination.

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

(C) The Office of External Relations may review and investigate [A]an inquiry [may be] referred by the Commission, [or] its staff, or a customer [to the Office of External Relations for review and investigation.]

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

(a) inform the utility in writing that an investigation shall be opened, and;

(b) request information from the utility to review the inquiry.

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

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

(a) the OER determines that no further investigation is necessary or warranted;

(b) the OER 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 OER 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) – (E)(1) – No changes proposed.

(2) The name of the utility and supplier, if there is one;

(D) – (E)(1) – No changes proposed.

(4) A summary of the customer's efforts to resolve the inquiry or dispute with the utility or supplier; and

(E)(5) – (F) – No changes proposed.

(1) Obtaining information from the utility or supplier and customer;

(F)(2) – (F)(3) – No changes proposed.

(G) Both a utility, a supplier and a customer may [shall] be given an opportunity to respond to the position or information provided to OER by the other party.

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

(I) – No proposed change.

(1) Customer has not dealt with the utility or the supplier in good faith;

(I) (2) – No proposed change.

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

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

(K) – N(1) – No proposed changes.

(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.

APPENDIX B

Draft Contract Summary

Maryland Contract Summary

Electric Generation or Gas Supplier Information	Company name, License Number, Contact Information (email, website AND customer service telephone number for cancellations, questions, renewals, etc). Company logo, slogan or other marketing can appear here too.
Price Structure	Fixed or Variable, Gas
Supply Price	«Rate» «Name» Plus «Monthly Fee» per month
Statement Regarding Savings	The supply price may not always provide a savings.
Incentives	«Marketing Messages» Such as budget billing , renewable energy characteristics, etc. If renewable energy is claimed, specify the renewable energy percentage.
Contract Start Date	Describe when the term of the contract will begin (e.g. next applicable utility meter read date).
Contract Term/Length	Describe the term of the contract (e.g., XX months or XX billing cycles following the Contract Start Date).
Cancellation/Early Termination Fees	Yes, «ETF». Explain when due and how much,
Rescission	Describe any applicable rescission period (e.g. no penalty or fees for termination within X business days of enrollment).
Renewal Terms	Provide a description of renewal terms.

For additional information, please refer to your Terms and Conditions. Please retain this document for your records. If you have any questions regarding this agreement, contact your competitive supplier using the information above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2015, a copy of the foregoing “*Recommendations of the Maryland PSC Leader, Version 2, Rule Making 54*” was served by email to the PC 35 and RM54 Service lists and to parties that have requested it.

Odogwu Obi Linton, Esq.,
PSC Leader, PC 35

Director
Office of External Relations
and Retail Market Development
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul St.
15th Floor
Baltimore, MD 21202

410-767-8046
Odogwuobi.linton@maryland.gov