

# SENATE BILL 1082

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7lr3676  
CF HB 1473

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By: **Senator Rosapepe**

Introduced and read first time: February 15, 2017

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Gas and Electric Companies – Deposit Charges**

3 FOR the purpose of prohibiting a gas company or an electric company from imposing a  
4 certain deposit requirement on certain customers; prohibiting a gas company or an  
5 electric company from terminating certain service for failure to pay all or part of a  
6 deposit under certain circumstances; providing for the application of this Act; and  
7 generally relating to electric utilities and customer billing.

8 BY repealing and reenacting, with amendments,  
9 Article – Public Utilities  
10 Section 7–305  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article – Public Utilities  
15 Section 7–307  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2016 Supplement)

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

20 **Article – Public Utilities**

21 7–305.

22 (a) A gas company or electric company may bill its customers for gas, electricity,  
23 or any other service it renders only on the basis of the net total cost of the service under the  
24 applicable rate that is filed for that service.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) The Commission may authorize a gas company or electric company to apply an additional charge over the net total cost to any bill or part of a bill that is not paid:

(i) within 20 days for a residential customer or residential cooperative; or

(ii) within 15 days for any other customer.

(2) (i) The additional charge that is applied by a gas company or electric company under this subsection may not exceed 5% of the net bill or part of the bill.

(ii) Unless the Commission approves the imposition of different charges on different classes of customers, any additional charges applied by a gas company or electric company under this subsection shall be uniform for all customers.

**(C) (1) THIS SUBSECTION APPLIES TO ELECTRIC CUSTOMERS OR GAS CUSTOMERS WHO:**

**(I) ARE AT LEAST 65 YEARS OLD; AND**

**(II) HAVE AN ANNUAL INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY LEVEL.**

**(2) NOTWITHSTANDING § 7-307 OF THIS SUBTITLE, A GAS COMPANY OR AN ELECTRIC COMPANY MAY NOT:**

**(I) IMPOSE A DEPOSIT REQUIREMENT ON THE CUSTOMER; OR**

**(II) TERMINATE GAS SERVICE OR ELECTRICITY SERVICE TO THE CUSTOMER FOR FAILURE TO PAY ALL OR PART OF A DEPOSIT IF THE CUSTOMER PAYS WHEN DUE ALL CURRENT CHARGES FOR GAS OR ELECTRICITY DELIVERED AND CONSUMED.**

7-307.

(a) In this section, “termination of service” means the termination, reduction, or refusal to reinstate gas or electric service, or any other action that has the effect of reducing or denying gas or electric service because of nonpayment.

(b) (1) Subject to paragraph (2) of this subsection, the Commission shall adopt regulations concerning the prohibition against or limitation of authority of a public service company to terminate service for gas or electricity to a low income residential customer during the heating season for nonpayment.

1                   (2) In adopting the regulations required under paragraph (1) of this  
2 subsection, the Commission shall consider and may include provisions relating to:

3                   (i) the circumstances under which service may and may not be  
4 limited or terminated;

5                   (ii) the minimum heating levels required to maintain life, health,  
6 and safety;

7                   (iii) the medical, age, disabling, or other individual characteristics  
8 that are relevant to a prohibition against or limitation on the termination of service;

9                   (iv) the availability of and qualification for State and federal energy  
10 assistance;

11                   (v) the financial eligibility standards relevant to a prohibition  
12 against or limitation on the termination of service;

13                   (vi) the availability and appropriateness of equipment designed to  
14 limit the flow of service for gas or electricity;

15                   (vii) the short-term and long-term alternative payment plans, for  
16 appropriate customers whose accounts are in arrears, that are best designed:

17                               1. to allow present and future continuation of service; and

18                               2. to encourage full payment over a period of time;

19                   (viii) the methods that a public service company might use before and  
20 during the heating season to anticipate customer nonpayment, to assist those customers,  
21 and to avoid termination of service;

22                   (ix) the procedures that a public service company uses to mitigate the  
23 problems of termination of service to customers, including customer contact;

24                   (x) the procedure that a public service company shall follow before  
25 termination of service to a customer to avoid a threat to life, health, or safety;

26                   (xi) the appropriate customer notice before the termination of  
27 service;

28                   (xii) the appropriate opportunity and procedure for a customer to  
29 contest a proposed termination of service;

30                   (xiii) the existence of other circumstances that because of an  
31 emergency, might justify a prohibition against or a limitation on the termination of service;  
32 and

(xiv) the economic implication of any restriction on termination of service.

(c) (1) In accordance with § 2–1246 of the State Government Article, on or before September 1 of each year, the Commission shall report to the General Assembly on terminations of service by public service companies during the previous heating season.

(2) The report shall include information in sufficient detail to indicate the effect of the terminations of service on various categories of customers, including:

(i) income levels;

(ii) geographic areas;

(iii) energy assistance recipients; and

(iv) any other category that the Commission determines is relevant to evaluate how the State may best address the problem of assuring adequate gas and electric service for low income residential customers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.