

# SENATE BILL 799

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By: **Senators Klausmeier, Astle, and Pugh**

Introduced and read first time: February 10, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Electric Companies and Gas Companies – Customer Account Information**

3 FOR the purpose of requiring an electric company, a gas company, or an electric and  
4 gas company, on a certain request by a certain electricity supplier or gas  
5 supplier, to provide certain information related to certain customer accounts to  
6 the electricity supplier or gas supplier, subject to a certain restriction; requiring  
7 an electric company, a gas company, or an electric and gas company to provide  
8 the information in a certain form and to update it periodically; prohibiting an  
9 electric company, a gas company, or an electric and gas company from providing  
10 certain information without the prior authorization of a certain customer;  
11 providing the method by which an electric company, a gas company, or an  
12 electric and gas company must obtain the customer's authorization, including  
13 requiring certain notice to be provided containing certain information; requiring  
14 the notice to be provided to certain customers at certain times; establishing  
15 when a customer is deemed to have given certain authorization; authorizing a  
16 customer to withdraw authorization in a certain manner; requiring an electric  
17 company, a gas company, or an electric and gas company to ensure that certain  
18 information is not shared under certain circumstances; authorizing an electric  
19 company, a gas company, or an electric and gas company to recover certain  
20 costs, as determined by the Public Service Commission, directly from a certain  
21 electricity supplier or gas supplier; providing that an electricity supplier or a  
22 gas supplier may use certain information only for a certain purpose; prohibiting  
23 an electricity supplier or a gas supplier from selling or providing certain  
24 information to any other person, with a certain exception; authorizing an  
25 electricity supplier or a gas supplier to provide certain information to an  
26 authorized agent for a certain purpose; providing that the authorized agent is  
27 subject to the same restrictions on the use, sale, or provision of the information  
28 as an electricity supplier or a gas supplier; providing that this Act does not  
29 apply to an electric cooperative or a gas cooperative; and generally relating to  
30 electricity, gas supply, and customer account information.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Public Utility Companies  
3 Section 7–510.1  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2009 Supplement)

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

8 **Article – Public Utility Companies**

9 **7–510.1.**

10 (A) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR  
11 A GAS COOPERATIVE.

12 (B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON THE  
13 WRITTEN REQUEST OF AN ELECTRICITY SUPPLIER OR A GAS SUPPLIER  
14 LICENSED BY THE STATE, AN ELECTRIC COMPANY, A GAS COMPANY, OR AN  
15 ELECTRIC AND GAS COMPANY SHALL PROVIDE THE ELECTRICITY SUPPLIER OR  
16 GAS SUPPLIER WITH THE FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR  
17 EACH RESIDENTIAL, SMALL COMMERCIAL, AND MEDIUM COMMERCIAL  
18 CUSTOMER LOCATED IN THE SERVICE TERRITORY OF THE GAS COMPANY,  
19 ELECTRIC COMPANY, OR ELECTRIC AND GAS COMPANY:

20 (I) THE ACCOUNT NAME AND NUMBER;

21 (II) THE BILLING ADDRESS;

22 (III) THE SERVICE ADDRESS;

23 (IV) THE UTILITY RATE CLASS;

24 (V) THE STANDARD OFFER SERVICE TYPE, IF ANY;

25 (VI) THE LOAD PROFILE;

26 (VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH  
27 PERIOD; AND

28 (VIII) THE TYPE OF POWER SUPPLIED TO THE CUSTOMER:

29 1. GAS;

1                                   2.    ELECTRICITY; OR

2                                   3.    GAS AND ELECTRICITY.

3                   (2)    AN ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC  
4 AND GAS COMPANY SHALL PROVIDE THE INFORMATION REQUIRED UNDER  
5 PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM AND UPDATE THE  
6 INFORMATION AT LEAST FOUR TIMES EACH YEAR.

7           (c)    (1)    AN ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC  
8 AND GAS COMPANY MAY NOT PROVIDE CUSTOMER ACCOUNT INFORMATION  
9 UNDER SUBSECTION (B) OF THIS SECTION WITHOUT THE PRIOR  
10 AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.

11                   (2)    (i)    TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, AN  
12 ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY  
13 SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT WRITTEN NOTICE OF:

14                                   1.    THE TYPE OF ACCOUNT INFORMATION THAT  
15 WOULD BE PROVIDED TO THE ELECTRICITY SUPPLIER OR GAS SUPPLIER;

16                                   2.    THE RIGHT OF THE CUSTOMER TO:

17   A.    REFUSE TO AUTHORIZE AN ELECTRIC COMPANY, A  
18 GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY TO SHARE INFORMATION  
19 REGARDING THE CUSTOMER'S ACCOUNT; OR

20   B.    TO WITHDRAW AN EARLIER AUTHORIZATION; AND

21                                   3.    THE MANNER IN WHICH THE CUSTOMER IS  
22 REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF  
23 A PREVIOUS AUTHORIZATION.

24                                   (ii)   THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF  
25 THIS PARAGRAPH SHALL BE PROVIDED:

26   1.    AS PART OF THE WRITTEN MATERIALS SUPPLIED  
27 TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND

28   2.    AS A BILL INSERT TO EXISTING CUSTOMERS  
29 PRIOR TO THE FIRST TIME THAT AN ELECTRIC COMPANY, A GAS COMPANY, OR  
30 AN ELECTRIC AND GAS COMPANY PROVIDES INFORMATION UNDER THIS  
31 SECTION.

1           **(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED AN**  
2 **ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY TO**  
3 **PROVIDE INFORMATION ABOUT THE CUSTOMER'S ACCOUNT UNDER THIS**  
4 **SECTION IF, 45 DAYS AFTER NOTICE IS GIVEN UNDER THIS SUBSECTION, THE**  
5 **CUSTOMER DOES NOT INFORM THE ELECTRIC COMPANY, GAS COMPANY, OR**  
6 **ELECTRIC AND GAS COMPANY OF THE CUSTOMER'S REFUSAL IN THE MANNER**  
7 **PRESCRIBED BY THE NOTICE.**

8                   **(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT**  
9 **ANY TIME BY NOTIFYING THE ELECTRIC COMPANY, GAS COMPANY, OR ELECTRIC**  
10 **AND GAS COMPANY IN THE MANNER PRESCRIBED BY THE NOTICE.**

11                   **2. IF A CUSTOMER WITHDRAWS AUTHORIZATION,**  
12 **THE ELECTRIC COMPANY, GAS COMPANY, OR ELECTRIC AND GAS COMPANY**  
13 **SHALL ENSURE THAT THE CUSTOMER'S ACCOUNT INFORMATION IS NOT**  
14 **PROVIDED IN THE NEXT UPDATE.**

15           **(D) THE COMMISSION SHALL AUTHORIZE AN ELECTRIC COMPANY, A**  
16 **GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY TO RECOVER THE**  
17 **PRUDENTLY INCURRED COSTS, AS DETERMINED BY THE COMMISSION, OF**  
18 **PROVIDING THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION**  
19 **DIRECTLY FROM THE ELECTRICITY SUPPLIER OR GAS SUPPLIER THAT**  
20 **REQUESTED THE INFORMATION.**

21           **(E) (1) AN ELECTRICITY SUPPLIER OR GAS SUPPLIER MAY USE THE**  
22 **INFORMATION OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES**  
23 **RELATED TO ELECTRICITY AND GAS SUPPLY.**

24                   **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
25 **PARAGRAPH, AN ELECTRICITY SUPPLIER OR GAS SUPPLIER MAY NOT SELL OR**  
26 **PROVIDE ANY INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER**  
27 **PERSON, INCLUDING AN AFFILIATE OF THE ELECTRICITY SUPPLIER OR GAS**  
28 **SUPPLIER.**

29                   **(II) AN ELECTRICITY SUPPLIER OR A GAS SUPPLIER MAY**  
30 **PROVIDE INFORMATION OBTAINED UNDER THIS SECTION TO AN AUTHORIZED**  
31 **AGENT TO DEVELOP OR IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE**  
32 **WITH PARAGRAPH (1) OF THIS SUBSECTION.**

33                   **(III) AN AUTHORIZED AGENT OF AN ELECTRICITY SUPPLIER**  
34 **OR A GAS SUPPLIER THAT HAS OBTAINED INFORMATION UNDER**  
35 **SUBPARAGRAPH (II) OF THIS PARAGRAPH IS SUBJECT TO THE SAME**

1 RESTRICTIONS ON THE USE, SALE, OR PROVISION OF THE INFORMATION TO  
2 WHICH THE ELECTRICITY SUPPLIER OR GAS SUPPLIER IS SUBJECT UNDER THIS  
3 SUBSECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2010.