

Maryland's recent utility shut-off protections journey Case# 9745

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The situation that spurred action

- Summer 2024 and MD had their first documented heat-related death, and heat-related hospitalizations were already on the rise. MD was forecasted to have a record-breaking hot summer.
- What we have in place now in COMAR: If the temperature is forecasted to be 95 or above in the next three days (72 hours), the person can not be shut-off for non-payment on that day.
- This is not sufficient as it does not include the heat index/feels like temperatures and is too short a time period to be meaningful.

We filed an emergency petition (Pursuant to Section 2-204 of the Maryland Public Utilities Article) on 6/18/24

- The PSC can't change COMAR through an emergency order.
- The Commission has general authority to “supervise and regulate” utilities to ensure their operation “in the interest of the public,” which requires consideration of the “public safety.” And public service companies are mandated to furnish service that is “safe.”
- We recommended that the Commission issue an emergency order that expands upon the safeguards in COMAR and provides customers with additional protections during summer 2024. We cited data from the health department and the national weather service.

What did we ask for?

- Our big ask: No shut-offs for non-payment until September 15, 2024.
- In the alternative: We wanted to at minimum try and mirror our winter regs. With climate change, summer has often become more dangerous than the colder temperatures in MD.
 - No shut-offs for non-payment until Sept 15, 2024, **unless the utility first certifies to the Commission by an affidavit filed at least 24 hours before the termination**, that the termination does not constitute a threat to the life or health of the occupants. The affidavit should also include the person's name, address, how they were contacted, state that they offered the customer their bill of rights, a payment plan, and financial assistance programs. It should state that they asked the customer if anyone in the home is an older adult, a person with a disability, or is seriously ill. It also must include the reason for termination and if the person receives OHEP. The affidavit will also be forwarded to OHEP.
 - The utility can not terminate if the amount of the arrearage is less than \$500 for a single service utility or \$700 for a dual service utility and the total amount due is greater than the amount of the customer's deposit with the utility.

What did we ask for?

- In addition to our big ask as well as our second ask, we wanted whatever was hopefully chosen to be paired with these suggestions:
- Utility companies may not:
 - Terminate service for residential customers on a day for which the heat index forecast made for the utility's weather station area for that customer at 6 a.m. is 90 degrees Fahrenheit or above in that weather station area during an extreme weather period; and
 - Utility companies, from now until September 15, 2024, must consider an "extreme weather period" to mean a period of 120 hours beginning at 6 a.m. on any given day composed of five consecutive 24-hour segments during any one of which the temperature or heat index is predicted to reach or exceed the limits
 - Utility companies must temporarily waive, until September 15, 2024, reconnection fees and deposits for any residential customer whose service has been terminated and, if service was cancelled due to an outstanding bill, offer the customer a payment plan of up to 12 months in length for the outstanding arrearages.

What the utilities said

- Opposed a moratorium, stating it would lead to large arrearages and felt current regs were fine.

What our Public Service Commission said

- This came out July 23, 2024. Unfortunately, many had been turned off as over a month passed before we came to this point.
- Agreed that they had a role in this discussion. Public Utilities Article (“PUA”), *Annotated Code of Maryland*, § 2-112 grants the Commission the specific and incidental powers to carry out its functions.¹⁵ PUA § 2-113 requires the Commission to supervise and regulate public service companies to ensure their operation in the public interest, and in doing so – consider public safety.
- The Commission put out Order 91239 that temporarily modified the turn-off notice time period to essentially 30 days instead of the normal 14 days, ending September 1, 2024.
- The PSC saw that OPC was bringing up larger consumer protection issues and suggesting potential changes to COMAR. In that same Order, the PSC stated that it will initiate a rulemaking on termination rules, which will likely include summer protections.

What are we doing now

- We are currently reviewing all gas and electric consumer protection regulations and working with other advocates to suggest vital changes. These regulations have not been thoroughly reviewed in decades and new best practices exist.
- Excited about the opportunity to suggest changes to COMAR!

My contact information

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