

Effective July 18, 2016, Chapter 5 of Maryland's Title 20, Subtitle 62 includes consumer protection measures for the state's 3-year pilot program (Authority: Public Utilities Article, §§2-113, 2-121,7-306.1, and 7-306.2, Annotated Code of Maryland). Source: [Title 20 COMAR Subtitle 62 Community Solar Energy Generation Systems, Chapter 05 Consumer Protection](#)

- Unauthorized Subscriptions.
  - No person shall subscribe a customer to a community solar energy generation system without the customer's consent.
  - A subscriber organization may not add a new charge for a new service, existing service, or service option without first obtaining consent from the customer, verifiable to the same extent and using the same methods specified under Regulation .08 of this chapter.
- Advertising and Solicitations.
  - Advertising Permitted.
    - A subscriber organization may advertise its services.
    - A subscriber organization may not engage in a marketing or trade practice that is unfair, false, misleading, or deceptive.
  - Marketing Disclosures.
    - A subscriber organization's marketing or solicitation information shall include the subscriber organization's Maryland approval number in a clear and conspicuous manner.
    - If a subscription price is quoted, the following are required:
      - A statement that the subscription price quoted is only for the specified product or services provided by the subscriber organization, and the subscription price quoted does not include any tax, commodity, utility distribution or transmission charge, or other utility fee or charge;
      - A statement that the subscriber organization's price is not regulated by the Commission; and
      - Any projected savings presented to a potential subscriber shall include a comparison that projects future electricity rates increasing at not more than 1 percent per year.
  - Internet Advertising. If a subscriber organization maintains a website, the subscriber organization shall post on the Internet readily understandable information about its services, prices, and any other mandated disclosures.
  - Telephone Solicitation.
    - A subscriber organization soliciting customers by telephone shall comply with all applicable State and federal law, including the Maryland Telephone Solicitations Act, Commercial Law Article, §§142201—142205, Annotated Code of Maryland.
    - A subscriber organization may not conduct a residential customer telephone solicitation before 8 a.m. or after 9 p.m.
- Creditworthiness.
  - A subscriber organization shall apply uniform income, security deposit, and credit standards for the purpose of making a decision as to whether to offer a subscription to customers within a given class, provided that the subscriber organization may apply separate sets of uniform standards for the purpose of promoting participation by low-income and moderate income retail electric customers.
- Geographic Marketing.
  - A subscriber organization may market services on a geographic basis.

- A subscriber organization is not required to offer services throughout an electric company's entire service territory.
- A subscriber organization may not refuse to provide service to a customer based on the economic character of a geographic area or the collective credit reputation of the area.
- Discrimination Prohibited.
  - A subscriber organization may not discriminate against any customer, based wholly or partly, on race, color, creed, national origin, or gender of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.
  - A subscriber organization may not refuse to provide service to a customer except by the application of standards that are reasonably related to the subscriber organization's economic and business purposes.
- Required Disclosures.
  - Contract Summary.
    - Either prior to or at the same time as a contract for a subscription to a CSEGS is executed, a subscriber organization shall present the customer with a completed Contract Summary Disclosure using a form that is approved by the Commission.
    - The customer shall initial a copy of the Contract Summary Disclosure to acknowledge receipt of the Contract Summary, and:
      - If a subscription contract is completed through the Internet, the completed Contract Summary shall be:
        - Available online and made available for download by the customer at the time of contracting; and
        - Transmitted to the customer by the subscriber organization by mail or by email if the customer consents to receipt of email disclosures; and
      - Whether a subscription contract is completed in person or electronically, a subscriber organization shall allow the subscriber to retain a signed version of the executed contract and an initialed version of the Contract Summary Disclosure form.
  - Notice of Subscription.
    - A subscriber organization shall provide notice of subscription of a customer to a utility in a format consistent with Commission Orders.
    - A customer entering into an agreement with a subscriber organization shall receive written notice of enrollment from the subscriber organization and the electric company.
    - Notice of enrollment under §B(1) of this regulation shall include the following:
      - Customer name;
      - Customer service address;
      - Billing name;
      - Billing address;
      - Utility name;
      - Utility account number;
      - Subscriber organization name;
      - Subscriber organization account number; and
      - Effective date of the enrollment.
- Contracts for Customer Subscription in a Community Solar Energy Generation System.
  - Minimum Contract Requirements.

- A subscribing organization's subscription contract shall contain all material terms and conditions, including:
  - A plain language disclosure of the subscription, including:
    - The terms under which the pricing will be calculated over the life of the contract and a good faith estimate of the subscription price expressed as a flat monthly rate or on a per kilowatt-hour basis; and
    - Whether any charges may increase during the course of service, and, if so, how much advance notice is provided to the subscriber;
  - Contract provisions regulating the disposition or transfer of a subscription to the CSEGS, as well as the costs or potential costs associated with such a disposition or transfer;
  - All nonrecurring (onetime) charges;
  - All recurring (monthly, yearly) charges;
  - A statement of contract duration, including the initial time period and any rollover provision;
  - Terms and conditions for early termination, including:
    - Any penalties that the subscriber organization may charge to the subscriber; and
    - The process for unsubscribing and any associated costs;
  - If a security deposit is required:
    - The amount of the security deposit;
    - A description of when and under what circumstances the security deposit will be returned;
    - A description of how the security deposit may be used; and
    - A description of how the security deposit will be protected;
  - A description of any fee or charge and the circumstances under which a customer may incur a fee or charge;
  - A statement that the subscriber organization may terminate the contract early, including:
    - Circumstances under which early cancellation by the subscriber organization may occur;
    - Manner in which the subscriber organization shall notify the customer of the early cancellation of the contract;
    - Duration of the notice period before early cancellation; and
    - Remedies available to the customer if early cancellation occurs;
  - A statement that the customer may terminate the contract early, including:
    - Circumstances under which early cancellation by the customer may occur;
    - Manner in which the customer shall notify the subscriber organization of the early cancellation of the contract;
    - Duration of the notice period before early cancellation;
    - Remedies available to the subscriber organization if early cancellation occurs; and
    - Amount of any early cancellation fee;
  - A statement describing contract renewal procedures, if any;

- A dispute procedure;
- The Commission's tollfree number and Internet address;
- A notice that the contract does not include utility charges;
- A billing procedure description;
- The data privacy policies of the subscriber organization;
- A description of any compensation to be paid for underperformance;
- Evidence of insurance;
- A longterm maintenance plan;
- Current production projections and a description of the methodology used to develop production projections;
- Contact information for the subscriber organization for questions and complaints;
- A statement that the subscriber organization and electric company do not make representations or warranties concerning the tax implications of any bill credits provided to the subscriber;
- The method of providing notice to the subscribers when the CSEGS is out of service for more than 3 business days, including notice of:
  - The estimated duration of the outage; and
  - The estimated production that will be lost due to the outage;
- An explanation of how unsubscribed production of the CSEGS will be allocated; and
- Any other terms and conditions of service.
- A residential customer may downsize the allocation of solar kilowatt hours under an existing CSEGS Subscription.
- A subscriber organization may charge or collect no more than a reasonable fee for the downsizing of a subscriber's allocation.
- Methods of Contracting.
  - A subscriber organization may not subscribe a residential customer using a process that does not require the customer's consent.
  - A subscriber organization that contracts with a customer by means of the Internet shall:
    - Confirm the identity of the person making the contract;
    - Comply with applicable Maryland and federal law; and
    - Take appropriate steps to safeguard customer privacy.
  - A subscriber organization that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with §B(2)(a) of this regulation.
- Evergreen Contracts.
  - A subscriber organization shall provide a customer with a notice of the pending renewal of an evergreen contract 30 days before the automatic renewal is scheduled to occur.
  - The subscriber organization notice required under §C(1) of this regulation shall:
    - Provide a clearly stated and highlighted notice to a customer of any changes in the material terms and conditions of the agreement; And
    - Inform the customer how to terminate the contract without penalty.
- Share Transfers and Portability.
  - A CSEGS Subscription may be transferred or assigned to a CSEGS subscriber organization or to any person or entity who qualifies to be a subscriber in the CSEGS.

- A CSEGS subscriber who desires to transfer or assign all or part of his subscription to the CSEGS subscriber organization, in its own name, or to become unsubscribed shall notify the CSEGS subscriber organization and the transfer of the subscription to the CSEGS subscriber organization shall be effective upon such notification, unless the CSEGS subscriber specifies a later effective date.
- A CSEGS subscriber who desires to transfer or assign all or part of his subscription to another eligible customer desiring to purchase a subscription may do so only in compliance with the terms and conditions of the subscription and will be effective in accordance therewith.
- The CSEGS subscriber organization and the electric company shall jointly verify that each CSEGS subscriber is eligible to be a subscriber in the CSEGS under Public Utilities Article, §7306.2, Annotated Code of Maryland. Changes in the subscriber rolls of the CSEGS, including the effective date of changes, shall be communicated by the CSEGS subscriber organization to the electric company, in written or electronic form, as soon as practicable but no less than 30 days.
- Prices paid for subscriptions in a CSEGS may not be subject to regulation by the Commission.
- A subscriber that moves to a premise located within the service territory served by the CSEGS may change the premises to which the CSEGS electricity generation shall be attributed to the new premise, and a subscriber organization may not charge an unreasonable transfer fee to such a customer.
- Disclosure of Subscriber Information.
  - Except as provided in COMAR 20.62.04 and §B of this regulation, a subscriber organization may not disclose energy usage or personally identifiable information about a subscriber, or a subscriber's billing, payment, and credit information, without the subscriber's consent.
  - A subscriber organization may disclose a subscriber's billing, payment, and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.
  - A subscriber organization shall provide a customer with a copy of the subscriber organization's customer information privacy policy.
  - A subscriber organization shall treat information received from prospective customers, including those who do not subscribe, in accordance with §§A and C of this regulation.
- Escrow of Prepaid Subscription Fees.
  - Subscriber funds collected by the CSEGS subscriber organization in advance of commercial operation of the CSEGS shall be held in an escrow account in a manner approved by the Commission. The escrow shall be maintained by its terms until such time as the CSEGS commences commercial operation as certified by the electric company's acceptance of energy from the CSEGS.
- Notice of Contract Expiration or Cancellation.
  - A CSEGS subscriber organization shall provide the customer with notice at least 30 days before expiration or cancellation of a subscription contract.
  - Contents of Notice. The subscriber organization's expiration or cancellation notice required under §A of this regulation shall include:
    - Final bill payment instructions; and
    - The tollfree telephone number and the website address of the subscriber organization and the Commission.
  - Early Cancellation.

- Notice of early cancellation by the subscriber organization shall comply with §B of this regulation.
  - Early Cancellation Fee.
    - A subscriber organization may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.
    - A subscriber organization may deduct a cancellation fee from a customer deposit.
  - Except as provided in a tariff regarding subscriber organization default, an electric company may remove a customer from subscriber organization services only if directed by a subscriber organization, subject to applicable bankruptcy law.
  - When a subscriber organization contracts with a customer, the newly contracting subscriber organization shall notify the customer that the customer may incur early cancellation penalties under a current subscriber organization contract.
- Assignment of Subscription Contract.
  - At least 30 days prior to the effective date of any assignment or transfer of a subscription contract from one subscriber organization to another, the subscriber organizations shall jointly provide written notice of the assignment or transfer to the customers of the subscriber organization, the Commission, the electric company, and the Office of People’s Counsel.
    - Notice to Customer. The subscriber organizations shall jointly send notice to the customer informing them of the assignment or transfer. The letter shall include:
      - A description of the transaction in clear and concise language including the effective date of the assignment or transfer;
      - Customer service contact information for the assignee; and
      - A statement that 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.
    - The subscriber organizations shall file a 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 letter sent to customers.
  - Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. Records shall be maintained for a period of 3 years or until the contracts are expired, whichever is longer.
- Subscription Disputes.
  - A customer alleging a violation of this subtitle may file a dispute with the Commission’s Office of External Relations.
  - Upon proof of the allegations, the customer’s remedy through the Office of External Relations is limited to a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized subscription or other violation.
  - This subtitle does not limit:
    - The authority of the Commission under Public Utilities Article, Annotated Code of Maryland;
    - The authority of the Attorney General to investigate violations of consumer protection or other legal requirements; or

- The ability of a customer to pursue other relief against a subscriber organization or other party.
- Subscriber Organizations Responsible for the Actions of Its Agents.
  - A subscriber organization may use an agent to conduct marketing or sales activities.
  - A subscriber organization is responsible for any fraudulent, deceptive, or other unlawful marketing performed by its agent while marketing or selling subscriptions on behalf the subscriber organization.
- Agent Qualifications and Standards.
  - A subscriber organization shall develop standards and qualifications for individuals it chooses to hire as its agents. A subscriber organization may not hire an individual that fails to meet its standards.
  - A subscriber organization may not permit a person to conduct door-to-door activities until it has obtained and reviewed a criminal history record in the same manner as provided in COMAR 20.53.08.
  - When a subscriber organization contracts with an independent contractor or vendor to perform door-to-door activities, the subscriber organization shall document that the contractor or vendor has performed criminal background investigations on an agent in accordance with this regulation and with the standards set by the subscriber organization. A subscriber organization may satisfy this requirement by obtaining from the independent contractor or vendor a written statement affirming that the criminal background check was performed by them or under their supervision in accordance with this regulation and with standards set by the subscriber organization and presented in writing.
  - A subscriber organization shall periodically audit whether the background checks completed by its independent contractor or vendor have been completed in accordance with this regulation.
- Agent Training.
  - A subscriber organization shall ensure the training of its agents on the following subjects:
    - 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;
    - Responsible and ethical sales practices;
    - The subscriber organization's products and services;
    - The subscriber organization's rates, rate structures, and payment options;
    - The customer's right to rescind and cancel contracts;
    - The applicability of an early termination fee for contract cancellation when the subscriber organization has one;
    - The necessity of adhering to the script and knowledge of the contents of the script if one is used;
    - The proper completion of transaction documents;
    - The subscriber organization's Contract Summary Disclosure;
    - Information about how customers may contact the subscriber organization to obtain information about billing, disputes, and complaints; and
    - The confidentiality and protection of customer information.
  - A subscriber organization shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

- A subscriber organization shall make training materials and training records available to the Commission and the Office of People’s Counsel upon request. Any such material shall be treated as confidential.
- When a subscriber organization contracts with an independent contractor to perform marketing or sales activities on the subscriber organization’s behalf, the subscriber organization shall confirm that the contractor or vendor has provided subscriber organization approved training to agents and independent contractors in accordance with this section. The subscriber organization shall monitor telephonic and door-to-door marketing and sales calls to:
  - Evaluate the subscriber organization’s training program; and
  - Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.
- Agent Identification and Misrepresentation.
  - A subscriber organization shall issue an identification badge to agents to be worn and prominently displayed when conducting door-to-door activities or appearing at public events on behalf of a subscriber organization. The badge shall:
    - Accurately identify the subscriber organization, its trade name, and its logo;
    - Display the agent’s photograph;
    - Display the agent’s full name; and
    - Display a customer service phone number for the subscriber organization.
  - Upon first contact with a customer, an agent shall:
    - Identify the subscriber organization that he represents; and
    - State that he is not working for and is independent of the customer’s local distribution company or another subscriber organization.
  - When conducting door-to-door activities or appearing at a public event, 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 a utility, government agency, or another subscriber organization.
  - A subscriber organization may not use the name, bills, marketing materials, or consumer education materials of another.
  - A subscriber organization or subscriber organization agent may not say or suggest to a customer that a utility customer is required to choose a CSEGS subscriber organization.
- Door-to-Door Sales.
  - A subscriber organization and its agents shall comply with the Maryland Door-to-Door Sales Act, local government ordinances regarding door-to-door marketing and sales activities, and any other applicable consumer protection law.
  - A subscriber organization’s agent shall:
    - Prominently display an identification badge; and
    - Offer a business card or other material that lists:
      - The subscriber organization’s name and contact information, including telephone number;
      - The Maryland approval number of the subscriber organization’s CSEGS project; and
      - The agent’s name and any other identification numbers provided to the sales agent by the subscriber organization or agent.



- A subscriber organization shall establish a policy that requires an agent to terminate contact with a customer if the customer is incapable of understanding and responding to the information being conveyed by the agent.
- When an agent completes a transaction with a customer, the agent shall 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 leave each other's presence.
- 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.
- Notifications Regarding Door-to-Door Activity.
  - When a subscriber organization engages in door-to-door activity, the subscriber organization 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.
  - A subscriber organization shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the subscriber organization to provide notice to the Commission. The subscriber organization shall provide this general information to the utility no later than the morning of the day that the sales and marketing activities begin. The utility shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may address customer inquiries knowledgeably. A utility may not use the information for other purposes.