

ORDER NO. 92427

SB 1 Do Not Transfer List and
Supplier Customer Prices Paid
Reporting Requirements

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

Administrative Docket
PC 67

Issue Date: June 2, 2026

ORDER ON MONTHLY PRICE DATA FILINGS

The Commission, in Order No. 91638, included in its directives a requirement that utilities and retail suppliers submit monthly price data reports, as required by Senate Bill 1 (“SB 1”), under *Annotated Code of Maryland*, Public Utilities Article (“PUA”) §7-510(g) for electric suppliers and utilities, and under PUA §7-604.2(e) for gas suppliers and utilities.¹ The utilities’ required reports will comprise monthly price data for consolidated billing customers, while monthly price data for supplier consolidated billing (“SCB”) and any existing dual billing customers, will address the: total energy usage for customers; total supply costs charged to customers purchasing from a supplier; total costs that customers would have paid under default service; net retail supply cost, compared to net default service cost; total retail supply average rate, per service territory; default service average rate, per service territory; and the difference between the retail supply average rate per service territory and default service average rate per service territory.²

¹ Maillog No. 318655.

² *Id.*

In the same Order, the Commission granted retail suppliers the discretion to submit the total energy usage data for its combined SCB and dual billing customers confidentially. Utilities have consistently filed this information publicly. The Commission did not provide any similar discretion or requirement for any other billing data to be confidentially filed. However, retail suppliers and utilities have been submitting all supplier-specific data confidentially, including supplier-specific supply costs, energy usage data, and supply costs compared to Standard Offer Service (“SOS”). This Order will clarify whether and the extent to which the required data shall be filed confidentially.

BACKGROUND

On September 2, 2025, the Commission’s Technical Staff (“Staff”) submitted recommendations for the utility and supplier price reporting, requesting that utilities submit additional information in table format, publicly and confidentially.³ Staff noted that it could not determine which retail suppliers should submit the monthly price data because utilities are not required to distinguish between suppliers with dual billed customers and those with SCB customers in any of its reporting to the Commission.⁴ Staff requested that the Commission require utilities to provide three tables, as a part of its monthly price reporting directive, that would contain data on the number of accounts for each supplier in its service territory, based on billing type and supplier name.⁵ The first table, which would be filed publicly, would comprise residential dual-billed and SCB accounts served by retail suppliers and list the number of accounts served in each category.⁶ The second table would

³ Maillog No. 321984.

⁴ *Id.* at 2.

⁵ *Id.* Samples of the tables as recommended by Staff are located on pages 2 and 3.

⁶ *Id.* at 2.

be filed in the Commission’s proprietary docket, as it would contain confidential information regarding the suppliers’ residential dual billing market share, listing the supplier name and number of residential accounts.⁷ The third table would be filed in the Commission’s proprietary docket, as it would contain confidential information regarding the SCB suppliers’ market share, specifically the supplier names and number of residential accounts.⁸

Staff emphasized that no utilities opposed its request.⁹ Staff noted further that its proposal would allow utilities to submit blank tables in months when no customers are served under dual billing or SCB.

On September 12, 2025, the Maryland Office of People’s Counsel (“OPC”) filed its response to Staff’s recommendations, contending that Tables 2 and 3 need not be confidential, the information would serve the public interest, and any table submitted without data should include a note explaining why the data is absent, as opposed to leaving the table blank.¹⁰

On October 10, 2025, the Retail Energy Supply Association (“RESA”) filed its comments, and Staff filed additional comments in response to OPC. RESA argued that Tables 2 and 3 should be filed confidentially because whether a supplier employs dual billing or SCB is proprietary information that, if made public, may provide other retail suppliers with a competitive advantage in a retail market that is readjusting following the enactment of SB 1.¹¹

⁷ *Id.*

⁸ *Id.* at 3

⁹ *Id.*

¹⁰ Maillog No. 322356.

¹¹ Maillog No. 323194.

In its reply to OPC, Staff noted that OPC never objected to the confidential filings or table format during the PC 67 stakeholder meetings, and Staff objected to notes accompanying the blank tables, arguing that utilities do not have the ability to discern why a supplier does not have customer data for the month.

On November 6, 2025, the Commission opened a docket, requesting that comments be filed by November 14, 2025, addressing: (1) whether it is in the public interest to require monthly price data under PUA §§ 7-510(g) and 7-604.2(e) and any of the tables proposed by Staff in its Recommendations to be filed publicly; and (2) any legal and policy considerations if monthly price data under PUA §§ 7- 510(g) and 7-604.2(e) and any of the tables proposed by Staff in its Recommendations are filed publicly, including the applicability of the Maryland Public Information Act.¹²

On November 14, 2025, the following parties filed comments: Maryland Energy Advocates Coalition (“MEAC”), Staff, and OPC.

MEAC argued that all monthly price data from a supplier should be publicly filed to align with the intent of SB 1, and Staff’s confidentiality argument is weakened by the fact that customer numbers and total energy distribution data are published annually, by supplier, in U.S. Energy Information Administration (“EIA”) reports.¹³

Staff continued to argue for confidential filings in its comment, stating that a supplier’s expectation of privacy exists because this monthly price data has been filed confidentially in the past.¹⁴ Staff asserted that publicizing monthly price data would exceed the intent of SB 1, would give other suppliers competitive advantages, and would be

¹² Maillog No. 324078.

¹³ Maillog No. 324406.

¹⁴ Maillog No. 324394

counter to how its related filings have been docketed historically.¹⁵ Staff also contended that SB 1 only required one offer to be made public (via the Commission’s energy choice websites), but the legislation did not require suppliers to publicize all offers, which would be disclosed should the data in Tables 2 and 3 be made public.¹⁶

OPC argued that any expectation of the supplier’s privacy can and should be removed by Commission order directing this data into public view, and all data should be public in order to meet transparency and accountability standards.¹⁷ OPC stated that a side-by-side comparison of SOS and retail supply costs can help competitors determine how to market to customers.¹⁸ OPC argued further that the monthly price data is mostly in the aggregate and does not identify trade secrets, heavily protected algorithms, customer information, or proprietary strategy.¹⁹

DISCUSSION

(1) Having considered Staff’s requests and the filed comments, the Commission hereby approves Staff’s recommendation and directs that the retail suppliers continue confidential filing of the total energy usage to customers (in kwh or therms), under PUA §§ 7-510(g)(2)(i) and 7-604.2(e)(2)(i), since the Commission has previously authorized this information to be redacted from public view in its initial Order. It should be noted that at least some of the suppliers confidentially filed information, such as total customer energy consumption, can be obtained through other sources, such as the annual

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Maillog No. 324402

¹⁸ *Id.*

¹⁹ *Id.*

EIA reports as described above. Utilities shall continue to publicly file data on total energy usage across their service territories.

(2) The Commission hereby approves Staff's recommendation and directs utilities to publicly file information on total accounts served by both SCB and dual billing customers, as described in Table 1. This reporting should begin 30 days following the issuance of this Order, should include electric and gas supplier names, and should be incorporated within regular monthly price reports, as opposed to a separate document.

(3) The Commission hereby declines Staff's recommendation and directs that information in Tables 2 and 3 that identifies suppliers by preferred billing type, be filed publicly. The Commission does not find that information that provides customer counts by billing type to be proprietary, nor does disclosing billing type provide a competitive advantage. It should be noted that as of January 1, 2026, dual billing has become the sole viable billing option since SCB testing is not occurring at this time and since utility consolidated billing with purchase of receivables is generally terminated. Competitors should expect that any retail suppliers who submit monthly price reporting are offering dual billing. The Commission believes that knowledge of the retail suppliers that offer dual billing is important for market tracking, accountability, and reporting to the Maryland General Assembly.

(4) The Commission also hereby directs that other monthly price data under PUA §7-510(g) and PUA §7-604.2(e) (such as supply costs and comparison of retail supply costs to default service), except for supplier-specific total usage, as described in Item 1, be reported publicly. This information will be informative and in the interest of protecting consumers and similar to the Commission's justification publicly requiring billing type,

will be beneficial for accountability and reporting to the Maryland General Assembly. Monthly price data requires only an average of retail supply costs by supplier, instead of providing each supply contract cost by customer, and the data ensures compliance with other SB 1 limitations, such as retail costs being under the trailing 12-month averages by service territory). The Commission may revisit this directive at a later date.

(5) The Commission hereby declines OPC's recommendation that an explanation should accompany blank tables and agrees with Staff that utilities lack necessary information to describe why a SCB or dual billing supplier would lack customers.

COMMISSION DECISION

IT IS, THEREFORE, this 2nd day of June, in the year Two Thousand Twenty-Six, by the Public Service Commission of Maryland, **ORDERED**:

(1) that the Commission approves the proposed actions as described in discussion items 1 through 5 above; and

(2) that the utilities and retail suppliers take all actions as directed by the Commission in this order.

/s/ Kumar P. Barve _____

/s/ Frederick H. Hoover, Jr. _____

/s/ Bonnie A. Suchman _____

/s/ Odogwu Obi Linton _____

/s/ Ryan C. McLean _____

Commissioners