

Maryland Register



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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 30, 2023 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of October 30, 2023.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is incorporated into COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.maryland.gov, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

**Availability of Monthly List of
Maryland Documents**

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

**CLOSING DATES AND ISSUE DATES THROUGH
DECEMBER 2024[†]**

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2023			
December 1	November 13	November 20	November 22
December 15	November 27	December 4	December 6
December 29	December 11	December 18	December 20
2024			
January 12	December 22**	December 29**	January 3
January 26	January 8	January 12**	January 17
February 9	January 22	January 29	January 31
February 23	February 5	February 12	February 14
March 8	February 16**	February 26	February 28
March 22	March 4	March 11	March 13
April 5	March 18	March 25	March 27
April 19	April 1	April 8	April 10
May 3	April 15	April 22	April 24
May 17	April 29	May 6	May 8
May 31	May 13	May 20	May 22

June 14	May 24**	June 3	June 5
June 28	June 10	June 17	June 18**
July 12	June 24	July 1	July 3
July 26	July 8	July 15	July 17
August 9	July 22	July 29	July 31
August 23	August 5	August 12	August 14
September 6	August 19	August 26	August 28
September 20	August 30**	September 9	September 11
October 4	September 16	September 23	September 25
October 18	September 30	October 7	October 9
November 1	October 11**	October 21	October 23
November 15	October 28	November 4	November 6
December 2***	November 8**	November 18	November 20
December 13	November 25	December 2	December 4
December 27	December 9	December 16	December 18

† Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency's desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

* Also note that proposal deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. The due date for documents containing 8 to 18 pages is 48 hours before the date listed; the due date for documents exceeding 18 pages is 1 week before the date listed.

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.

** Note closing date changes.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)

Title	Chapter	Section	Paragraph	Subparagraph
Subtitle	Regulation	Subsection		

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata and corrections pertaining to proposed regulations are listed, followed by "(err)" or "(corr)," respectively. Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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22.07.01.02 • 50:20 Md. R. 936 (10-6-23)
22.07.02.01 • 50:20 Md. R. 936 (10-6-23)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.01.01,.01-1,.20,.37 • 50:3 Md. R. 106 (2-10-23) (ibr)

Subtitles 08—12 (Part 2)

26.08.02.03-2 • 50:23 Md. R. 1023 (11-17-23)
26.11.43.01—.05 • 50:18 Md. R. 836 (9-8-23) (ibr)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.03.06.04-1 • 50:23 Md. R. 1028 (11-17-23)

31 MARYLAND INSURANCE ADMINISTRATION

31.05.08.28 • 50:20 Md. R. 937 (10-6-23)

33 STATE BOARD OF ELECTIONS

- 33.01.05.06 • 50:17 Md. R. 779 (8-25-23)
- 33.11.03.06 • 50:23 Md. R. 1029 (11-17-23)
- 33.11.04.03 • 50:23 Md. R. 1029 (11-17-23)
- 33.13.21.01—.05 • 50:15 Md. R. 705 (7-28-23)
- 33.16.02.01 • 50:17 Md. R. 779 (8-25-23)
- 33.16.06.04 • 50:23 Md. R. 1029 (11-17-23)
- 33.18.01.02 • 50:15 Md. R. 705 (7-28-23)
- 33.21.03.02 • 50:17 Md. R. 779 (8-25-23)

35 DEPARTMENT OF VETERANS AFFAIRS

35.06.01.02 • 50:22 Md. R. 991 (11-3-23)

The Judiciary
SUPREME COURT OF MARYLAND
DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated October 19, 2023, **TIFFANY T. ALSTON** (CPF# 0406150322), as of October 19, 2023, Tiffany T. Alston’s name has been replaced on the register of attorneys permitted to practice law in the Supreme Court of Maryland. Notice of this action is given in accordance with Maryland Rule 19-761(b).

* * * * *

This is to certify that by an Order of this Court dated October 23, 2023, **DONALD DORIN DAVIS** (CPF# 1912170085), as of October 23, 2023, Donald Dorin Davis has been indefinitely suspended, effective immediately and his name has been stricken from the register of attorneys in this Court. Notice of this action is given in accordance with Maryland Rule 19-761(b).

* * * * *

This is to certify that by an Order of this Court dated September 1, 2023, **MARLENE A. JOHNSON** (CPF# 9912150070), as of October 31, 2023, Marlene A. Johnson has been indefinitely suspended by consent, effective October 31, 2023, and her name has been stricken from the register of attorneys in this Court. Notice of this action is given in accordance with Maryland Rule 19-761(b).

[23-23-05]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly’s Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 11
DEPARTMENT OF TRANSPORTATION
Subtitle 02 Transportation Service Human Resources System

Notice of Opportunity for Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130 — 10-139, Annotated Code of Maryland, the Maryland Department of Transportation (MDOT) is currently reviewing and evaluating the following chapters:

- 11.02.01 Applicability and Definitions
- 11.02.02 Hiring, Appointment, Promotion, and Resignation
- 11.02.03 Leave Benefits
- 11.02.04 Equal Employment Opportunity
- 11.02.05 Reinstatement
- 11.02.06 Medical Examinations and Evaluations
- 11.02.07 Layoff
- 11.02.08 Disciplinary Action
- 11.02.09 Grievances
- 11.02.10 Employee Performance Appraisal
- 11.02.11 Testing for Drugs and Alcohol
- 11.02.12 Pilot Programs, Research Projects, and Demonstration Projects
- 11.02.13 Family Medical Leave

The purpose of this review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions. Pursuant to this work plan, MDOT will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations:

- Continue to be necessary for public interest;
- Continue to be supported by statutory authority and judicial opinions;
- Are obsolete or otherwise appropriate for amendment or repeal;
- Continue to be effective in accomplishing the intended purposes of the regulations.

MDOT would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on the regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes. Comments must be received by December 18, 2023.

Comments should be directed to Daniel Bright, MDOT Human Resources, Maryland Department of Transportation, 7201 Corporate Center Drive, MS-100, Hanover, MD 21076 or by email to dbright@mdot.maryland.gov or call 410-865-1197.

[23-23-04]

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 09 MARYLAND BOARD OF ELECTRICIANS

Notice of Final Action

[23-171-F]

On October 24, 2023, the Maryland Board of Electricians adopted amendments to:

- (1) Regulation **.03** under **COMAR 09.09.01 Fees and Deadlines**; and
- (2) Regulation **.01** under **COMAR 09.09.02 Continuing Education**.

This action, which was proposed for adoption in 50:17 Md. R. 771—172 (August 25, 2023), has been adopted as proposed.

Effective Date: November 27, 2023.

CHET BROWN

Chair

Maryland Board of Electricians

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.04 Home Health Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-141.2, Annotated Code of Maryland

Notice of Final Action

[22-349-F]

On October 20, 2023, the Secretary of Health adopted amendments to Regulations **.01**, **.03**, **.04**, and **.07** under **COMAR 10.09.04 Home Health Services**. This action, which was proposed for adoption in 50:7 Md. R. 307—309 (April 7, 2023), has been adopted as proposed.

Effective Date: November 27, 2023.

LAURA HERRERA SCOTT

Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.54 Home and Community-Based Options Waiver

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, 15-132, and 15-141.2, Annotated Code of Maryland

Notice of Final Action

[22-345-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulations **.01, .04, .14, .16, .17, and .22** under **COMAR 10.09.54 Home and Community-Based Options Waiver**. This action, which was proposed for adoption in 50:3 Md. R. 94—96 (February 10, 2023), has been adopted as proposed.
Effective Date: November 27, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.56 Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-130, Annotated Code of Maryland

Notice of Final Action

[22-338-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulation **.22** under **COMAR 10.09.56 Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder**. This action, which was proposed for adoption in 50:4 Md. R. 140 (February 24, 2023), has been adopted as proposed.
Effective Date: November 27, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management

Authority: Health-General Article, §§15-102.1(b)(1) and 15-103(b)(4)(i), Annotated Code of Maryland

Notice of Final Action

[23-114-F]

On October 20, 2023, the Secretary of Health adopted amendments to Regulations **.04, .14, and .17** under **COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management**. This action, which was proposed for adoption in 50:16 Md. R. 737—738 (August 11, 2023), has been adopted as proposed.
Effective Date: November 27, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM

10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[23-120-F]

On October 20, 2023, the Secretary of Health adopted amendments to Regulation **.02** under **COMAR 10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services**. This action, which was proposed for adoption in 50:14 Md. R. 618—620 (July 14, 2023), has been adopted as proposed.
Effective Date: November 27, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Title 33 STATE BOARD OF ELECTIONS

Notice of Final Action

[23-153-F]

On September 28, 2023, the State Board of Elections adopted:

- (1) Amendments to Regulation **.01** under **COMAR 33.01.01 Definitions**;
- (2) New Regulations **.01** and **.02** under a new chapter, **COMAR 33.07.11 Election Judges**;
- (3) The repeal of existing Regulation **.01** and new Regulation **.01** under **COMAR 33.15.02 New or Changed Precincts**; and
- (4) The repeal of existing Regulations **.01** and **.02** and new Regulations **.01** and **.02** under **COMAR 33.15.03 Polling Places**.

This action, which was proposed for adoption in 50:15 Md. R. 703—706 (July 28, 2023), has been adopted as proposed.

Effective Date: November 27, 2023.

MORGAN RHODEN
Deputy Director of Election Reform and Management

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Formulation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 01

EXECUTIVE DEPARTMENT

Subtitle 02 SECRETARY OF STATE

01.02.08 Notary Public General Regulations

Authority: State Government Article, §§18-103, 18-107, and 18-222, Annotated Code of Maryland

Notice of Proposed Action

[23-256-P]

The Secretary of State proposes to amend Regulations .02, .03, .09, and .10 under COMAR 01.02.08 Notary Public: General Regulations.

Statement of Purpose

The purpose of this action is to increase the fee notaries public may charge for the performance of notarial acts and remote notarial acts as recently authorized by the enactment of Ch. 715, Acts of 2022, and to increase the application processing fee that a notary public pays to complete their new or renewal application with the Secretary of State. The proposed action increases the fee from \$6 to \$8 for the performance of a notarial act and from \$25 to \$30 for the performance of a remote notarial act. The proposed action also allows the Secretary of State to charge an application fee of \$25 for a notary application. A notary is commissioned for a 4-year term. The increased application fee would be paid once every 4 years. This action also updates and clarifies the contact information that a notary must maintain on record with the Secretary of State and where electronic communications regarding a notary's commission are sent by the Secretary of State

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action increases the amount of revenue received by the Notary Special Fund for the Charities and Legal Services Division. While the application fee, paid once every 4 years, will increase for an applicant, a notary will be able to charge more money to perform notarial duties, allowing the notary to make more money from performing notarial acts.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	Approximately \$224,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1)	(-)	Unquantifiable
(2)	(+)	Unquantifiable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Currently, the notary application fee is \$9 per application. The change in notary regulations will allow the agency to collect \$25 per application. Last year the agency received approximately 14,000 notary applications; using that number, the agency projects it will increase revenue by approximately \$224,000 (\$16 more per

application x 14,000 applications).

D(1) and (2). The economic impact is not quantifiable. While an applicant will need to pay more money per application once every 4 years, they will be able to charge more money per notarial act they perform once they become a notary public. This will allow the notary public to cover the increased cost of their application.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows:

Many small businesses provide notary public services. These regulatory changes allow notaries public to increase the fee for their services; however, the increased application fee will cause a notary to pay \$16 additional for their 4-year term as a notary. The increased notary fee should allow the notary to offset this increased application cost over their 4-year term.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Schlein, Division Administrator, Charities and Legal Services Division, Office of the Secretary of State, 16 Francis Street, Annapolis, MD 21401, or call 410-260-3863, or email to michael.shlein@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

.02 Charges and Fees

A. A notary public may demand and receive a fee of no more than the following for the performance of an original notarial act:

- (1) [56] \$8 for the performance of a notarial act; or
- (2) [25] \$30 for the performance of a remote notarial act.

B. When a notary public is requested to notarize more than one copy of the same record, where the copy or copies have been signed at the same time by the same person or persons, the notary may demand and receive [56] \$8 for notarizing each signature on the original or first copy of the record, and may demand and receive [3] \$4 for each signature on each additional copy of the same record.

C.—E. (text unchanged)

.03 Processing Fee.

Each application for an original or renewal appointment as a notary public shall be accompanied by a processing fee of [9] \$25 payable to the Secretary of State.

.09 Change in Name, Address, or Email Information.

Notaries public are required to notify the Office of the Secretary of State within 30 days if, at any time during their commission, a notary public changes their:

A.—D. (text unchanged)

E. [Electronic] *Personal electronic* mail (email) address;

F. Business phone number; [or]

G. *Business address, if one was provided at the time of application;*

H. *Business electronic mail (email) address, if one was provided at the time of application; or*

[G.] I. (text unchanged)

.10 Electronic Mail Communications.

Effective January 1, 2021, and except for correspondence relating to enforcement actions, the Office of the Secretary of State will send all communications to notaries public using electronic mail only. Each notary public is responsible for ensuring the Office of the Secretary of State has a current and active *personal* email address.

SUSAN C. LEE
Secretary of State

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.56 Maryland Swimming Pool and Spa Standards

Authority: Public Safety Article, §§12-1203 and 12-1207(a)(2), Annotated Code of Maryland

Notice of Proposed Action

[23-249-P-I]

The Secretary of Labor proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 09.12.56 Maryland Swimming Pool and Spa Standards**.

Statement of Purpose

The purpose of this action is to incorporate by reference the first edition of the most recent version of the International Swimming Pool and Spa Code as the Maryland Swimming Pool and Spa Standards. This action also clarifies when the new Standards apply, amends the adopted code to replace references with the appropriate Maryland Accessibility and Fire Prevention Codes, and increases public pool barrier height requirements to match the existing the Maryland Department of Health requirements.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle F Vanreusel, Deputy Commissioner, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031, or call 410-767-2225, or email to dli.regulations+pool@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing on the amendments will be held on December 7, 2023, at 10 a.m., at 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031. Additional details will be posted at <https://www.labor.maryland.gov/labor/build/>.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2021 International Pool and Spa Code (ISPSC), International Code Council, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Purpose.

The purpose of this chapter is to adopt the International Swimming Pool and Spa Code (ISPSC).

.02 Scope.

A. Except as provided in §B of this regulation, the Standards shall apply to all swimming pools and spas for which an application for a building permit is received by a local jurisdiction on or after December 31, 2023.

B. The Standards adopted under this chapter do not apply to a swimming pool or spa built and in operation before December 31, 2023, unless there is an alteration or repair that results in a substantial and material structural change to the swimming pool or spa that occurs on or after December 31, 2023.

C. If there is an alteration or repair to a swimming pool or spa built and in operation before December 31, 2023, that results in a substantial or material structural change, the alteration or repair shall conform to the Standards.

.03 Incorporation by Reference.

The 2021 International Swimming Pool and Spa Code (ISPSC), International Code Council, is incorporated by reference.

.04 Definitions.

“Substantial and material structural change” means an alteration or repair that:

A. Increases the volume of the swimming pool or spa by 15 percent or more; or

B. Decreases the flow capacity of the swimming pool or spa by 15 percent or more.

.05 Amendments.

A. Chapter 3. Rename Section 305.2 to “Applicability” and replace the text with the following:

(1) A public swimming pool or spa shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7, except that the top of the barrier where measured on the side of the barrier that faces away from the swimming pool or spa shall be not less than:

(a) 72 inches (1828mm) above grade for a Class A, B, or D swimming pool or spa;

(b) 60 inches (1524mm) above grade for a Class C or E swimming pool or spa; and

(c) 36 inches (914.4mm) above grade for a wading pool.

(2) Non-public outdoor swimming pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

B. In Section 307.1.4, where “International Building Code” appears, substitute “Maryland Accessibility Code” and, where “ICC A117.1” appears, substitute “Maryland Accessibility Code”.

C. In Section 324.7.1, where “International Fire Code” appears, substitute “Maryland State Fire Prevention Code.”

PORTIA WU
Secretary of Labor

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Proposed Action

[23-241-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulations **.02**, **.03**, and **.07—11** under **COMAR 14.22.01 General Regulations**. This action was considered at an open meeting on September 12, 2023, notice of which was provided in 50:17 Md. R. 782 (August 25, 2023).

Statement of Purpose

The purpose of this action is threefold. The first purpose is to modify Regulation .02 under COMAR 14.22.01 General Regulations to add the definition of a feigned weapon and to clarify that sentences to probation before judgement (PBJ) pursuant to either CP, §6-220(b) or CP, §6-220(c) are included in the definition of adjudications. Regarding the latter, Ch. 711 (S.B. 211), Acts of 2023, amends CP, §6-220 to create an additional type of PBJ that allows offenders to plead not guilty while still maintaining the benefits of a traditional PBJ. The new PBJ will be codified in CP, §6-220(c), effective October 1, 2023. The traditional PBJ will continue to be codified in CP, §6-220(b). The second purpose of this action is to modify Regulations .02, .03, .07, .08, .09, .10, and .11 under COMAR 14.22.01 General Regulations to replace references to “adjudication of guilt” with “adjudication”, “convicted offense” with “offense”, and “conviction” with “adjudication” or “offense” in instances where the intended meaning of “conviction” includes PBJs pursuant to either CP, §6-220(b) or CP, §6-220(c). Finally, the third purpose of this

action is to modify Regulation 1.09 under COMAR 14.22.01 General Regulations to specify that a feigned weapon shall be scored 1 point under part C (weapon presence) of the offense score.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd., Suite 309, College Park, MD 20740, or call 301-403-4165, or email to dsoule@umd.edu. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Adjudication" includes a:

(a)—(c) (text unchanged)

(d) Sentence to probation before judgment (PBJ) pursuant to Criminal Procedure Article, §6-220(b) or 6-220(c), Annotated Code of Maryland; or

(e) (text unchanged)

(2)—(7) (text unchanged)

(8) "Feigned weapon" means that an individual intentionally created the false impression that there is an actual weapon present, including a finger used to simulate a gun, a written note stating that there is a dangerous weapon present, or a verbal statement that there is a dangerous weapon present.

[(8)] (9)—[(23)] (24) (text unchanged)

[(24)] (25) "Victim injury" means physical or psychological injury to the crime victim, the cause of which is directly linked to the conduct of the defendant in the commission of the [convicted] offense.

[(25)] (26)—[(26)] (27) (text unchanged)

.03 Sentencing Guidelines Worksheet.

A. (text unchanged)

B. The sentencing guidelines and offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. If it is determined that the guidelines are different than what they would have been if calculated using the sentencing guidelines and offense seriousness categories in effect on the date the instant offense [of conviction] was committed, the State's Attorney or defense counsel may bring this to the attention of the judge as a consideration for departure from the guidelines.

C. Single Criminal Event.

(1) The sentencing guidelines worksheet shall be used for up to three [convicted] offenses from a single criminal event.

(2) If there are more than three [convicted] offenses from a single criminal event, additional worksheets shall be used as needed.

D. Multiple Criminal Events.

(1) When two or more [convictions] *adjudications* result from separate criminal transactions over a period of time, each criminal transaction is considered a separate event.

(2)—(3) (text unchanged)

E. Sentencing Event.

(1)—(2) (text unchanged)

(3) The offender score includes any adult adjudication [of guilt] prior to the current sentence date and any finding of a delinquent act (i.e., findings of facts sustained at an adjudicatory hearing) within 5 years prior to the date of the most recent instant offense (unless the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, in which case the finding of a delinquent act shall not be scored as a part of the juvenile record) and, with the possible exception of part A of the offender score (relationship to the criminal justice system), shall be the same for each offense in the sentencing event.

(4) (text unchanged)

F. Sentencing Guidelines Completion.

(1) Before the judge imposes the sentence, an individual shall complete the worksheet down to the section labeled "Actual Sentence" and include each [convicted] offense for which the offender is to be sentenced.

(2)—(4) (text unchanged)

G. (text unchanged)

.07 Case Information.

A. The top section of the sentencing guidelines worksheet contains:

(1)—(4) (text unchanged)

(5) Number of [convicted] offenses and criminal events at the sentencing being reported;

(6)—(11) (text unchanged)

B. (text unchanged)

C. [Convicted] Offenses

(1) The individual completing the worksheet shall record the total number of offenses for which a judge [must] *may* impose a sentence in the space provided on the worksheet.

(2) (text unchanged)

D.—E. (text unchanged)

F. [Convicted] Offense Title. The individual completing the worksheet shall write the [convicted] offense titles and their corresponding Annotated Code of Maryland references or a reference to the common law in the space provided.

G. (text unchanged)

H. Disposition Type.

(1) The disposition type refers to the nature and circumstances of the [conviction] *adjudication* and sentencing.

(2)—(3) (text unchanged)

I.—K. (text unchanged)

L. Annotated Code of Maryland, Article and Section.

(1) The individual completing the worksheet shall identify the Annotated Code of Maryland reference for each [convicted] offense. The reference shall include the name or number of the article, the section number, and any subsection letters or numbers. If the substantive offense and the penalty for the offense are in separate sections or subsections, they shall both be referenced.

(2) (text unchanged)

M. CJIS Code. The individual completing the worksheet shall record in the designated space the CJIS code that corresponds to the [convicted] offense. The CJIS codes can be found in COMAR 14.22.02.02. If there are multiple CJIS codes for a listed offense and it is not known which code corresponds to the specific offense conduct, the space can be left blank.

N. Statutory Maximum and Mandatory Minimum Penalties.

(1) The maximum penalty prescribed for each [convicted] offense shall be recorded in the designated space on the worksheet.

(2) (text unchanged)

O.—P. (text unchanged)

.08 Guidelines Scoring.

A.—B. (text unchanged)

C. Seriousness Category of the [Convicted] Offense.

(1)—(6) (text unchanged)

.09 Offense Score.

A. Computation of Offense Score. The individual completing the worksheet shall derive the offense score for each [convicted] offense by totaling the points given for certain factors of that offense. A column of offense scores is provided on the worksheet for each of the three possible offenses within a single criminal event. A judge may include factors known to the judge even if they are not within the scope of the [convicted] offense, such as weapon presence in a robbery [conviction] *offense* or victim injury in *an offense involving a handgun violation [conviction]*.

B. Elements of the Offense Score.

(1) (text unchanged)

(2) Seriousness Category of the [Convicted] Offense.

(a) The individual completing the worksheet shall assign points based on the seriousness category of the [convicted] offense. COMAR 14.22.02 contains a list of Maryland criminal offenses and their assigned seriousness categories.

(b) (text unchanged)

(3) (text unchanged)

(4) Weapon Presence.

(a)—(c) (text unchanged)

(d) The individual completing the worksheet shall complete the weapon presence component of the offense score for each offense to be sentenced. The individual completing the worksheet shall apply the following rules:

(i) Explosive material (as defined in Criminal Law Article, §4-501, Annotated Code of Maryland) is considered the same as a firearm;

(ii) *An unloaded firearm is considered the same as a loaded firearm;*

[(ii)] (iii)—[(iii)] (iv) (text unchanged)

[(iv)] Except if used as a bludgeon, a toy gun is not a weapon and shall receive a weapon presence score of zero;

(v)—(vi) (text unchanged)

(vii) If a weapon was feigned but no weapon was actually present, the score shall be [0 (no weapon present)] *1 (weapon other than firearm)*; [and]

(viii) *A feigned weapon shall be scored 1 point when an individual intentionally creates the false impression that there is an actual weapon present, including a finger used to simulate a gun, a written note stating that there is a dangerous weapon present, or a verbal statement that there is a dangerous weapon present; and*

[(viii)] (ix) (text unchanged)

(5) (text unchanged)

C. Total Offense Score. To obtain an offense score, the individual completing the worksheet shall add the points assigned to each element of the offense score for each person offense [of] *for* which the defendant [was convicted] *is to be sentenced*. The maximum score is 15 and the minimum score is 1.

.10 Computation of the Offender Score.

A. (text unchanged)

B. Four Components of the Offender Score.

(1) Relationship to the Criminal Justice System When Instant Offense Occurred.

(a) If the offender was in the criminal justice system as the result of an adjudication [of guilt] as an adult when the instant offense occurred, the individual completing the worksheet shall assign a score of 1.

(b)—(d) (text unchanged)

(2) (text unchanged)

(3) Prior Adult Criminal Record.

(a) (text unchanged)

(b) Criteria.

(i) (text unchanged)

(ii) The individual completing the worksheet shall count the number of prior adjudications of guilt according to the seriousness categories. If prior multiple [convictions] *adjudications* relate to a single criminal event, the individual completing the worksheet shall score only the offense with the highest seriousness category. The prior adult criminal record shall score no more than one [conviction] *adjudication* stemming from a single criminal event.

(iii) Taking the number of adjudications in the most serious category of offenses, the individual completing the worksheet shall refer to the table below and locate the block containing the number of [convictions] *adjudications* for that seriousness category.

(iv) (text unchanged)

(v) Criteria Matrix

Seriousness Category	NUMBER OF [CONVICTIONS] ADJUDICATIONS					
	1	2	3	4	5-9	10 or More
I—V	(text unchanged)					
VI	Major if combined with any 9 offenses ---- Moderate if combined with not less than 4, nor more than 8 offenses ---- Minor	Major if combined with any 8 offenses ---- Moderate if combined with not less than 3, nor more than 7 offenses ---- Minor	Major if combined with any 7 offenses ---- Moderate if combined with not less than 2, nor more than 7 offenses ---- Minor	Major if combined with any 6 offenses ---- Moderate	Major if total number of [convictions] adjudications is equal to or greater than 10 ---- Moderate	Major
VII	(text unchanged)					

(c) Different Criminal Events Sentenced Together. If multiple offenses from different criminal events are being sentenced together at this sentencing event, the offender's criminal record includes any adjudication [of guilt] before the current sentencing and is the same for each offense being sentenced at this time.

(d) [Convictions] Adjudications Out of Jurisdiction. If an offender has [been convicted in another jurisdiction] an out of jurisdiction adjudication, excluding military adjudications (see §B(3)(e) of this regulation for instructions for scoring military adjudications), the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. If the out of jurisdiction [conviction] adjudication is based on act that is not a criminal violation in Maryland (e.g., cannabis possession), then the out of jurisdiction [conviction] adjudication shall be excluded from the prior adult criminal record. If there is a question as to the analogous guidelines offense for an out-of-State [conviction] adjudication, that question shall be brought to the attention of the judge at sentencing.

(e) (text unchanged)
 (f) Theft-Type Offenses. Theft [convictions] adjudications, such as larceny, larceny by trick, or larceny after trust, that took place before the enactment of the comprehensive theft statute in 1978 are considered misdemeanor theft if they were misdemeanors and felony theft if they were felonies.

(g) Criminal Record Decay Factor. If an offender has lived in the community for at least 10 years prior to the instant offense without criminal justice system involvement resulting from an adjudication [of guilt] or a plea of nolo contendere, the criminal record shall be reduced by one level: from Major to Moderate, from Moderate to Minor, or from Minor to None. An offender was in the criminal justice system if the offender was on parole, on probation, incarcerated, on work release, on mandatory supervision, was an escapee, or had a comparable status. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation for an offense not punishable by imprisonment.

(h) (text unchanged)
 (4) Prior Adult Parole/Probation Violations.

(a) (text unchanged)
 (b) The individual completing the worksheet shall assign a score of 1 if the offender was ever [adjudicated in violation of] found by a court to have violated parole, probation, or equivalent supervisory status, or [was convicted of] if the offender has ever received an adjudication for an offense while on parole, probation, or equivalent supervisory status, unless the adjudication [or conviction] arose from the offense or offenses of this sentencing event. The individual completing the worksheet may not assign a point simply because the offender was on parole, probation, or equivalent supervisory status at the time of the instant offense.

C. (text unchanged)

.11 Determining the Guidelines Sentence.

A. Guidelines Range. After the offense and offender scores have been calculated for each offense [for which there is a conviction or other adjudication of guilt], the individual completing the worksheet shall use the appropriate matrix — person, drug, or property — to determine the guidelines range. In multiple offense cases, the individual completing the worksheet shall determine the overall guidelines range after calculating guidelines for the individual offenses.

B. Actual Sentence. At the time of sentencing, the judge shall enter the actual sentence on the worksheet. Complete sentencing information for each [convicted] offense includes credit for time served, suspended time, length of probation, fine, restitution, and community service. If at any time a sentence is altered, a judge shall issue a revised worksheet and direct that the worksheet be distributed in the same manner as an original worksheet.

C. Person Offenses.
 (1) To find the recommended guidelines sentence for a person offense, the individual completing the worksheet shall use the sentencing matrix for offenses against persons. The guideline ranges are in a grid format with the offense score on the vertical axis and the offender score on the horizontal axis. The guidelines range for any given [convicted] offense is in the cell where the two scores intersect.

(2) (text unchanged)
 D.—E. (text unchanged)

DAVID A. SOULE
 Executive Director

Subtitle 38 MARYLAND STATE LIBRARY

14.38.01 Programs for Library Media Services

Authority: Education Article, §23-106 Annotated Code of Maryland

Notice of Proposed Action
 [23-178-P]

The Maryland State Library Agency proposes to amend Regulation .03 under COMAR14.38.01 Programs for Library Media Services. This action was considered on September 13, 2023, at an open meeting of the State Library Board.

Statement of Purpose

The purpose of this action is to amend the regulation with the updated Public Law number and the name of the State Plan for the administration of the Library Services and Technology Act.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Irene M. Padilla, State Librarian, Maryland State Library Agency, 25 South Charles Street, Suite 1310, Baltimore, MD 21201, or call 667-219-4800, or email to elizabeth.fletcher@maryland.gov. Comments will be accepted through December 18, 2023.

Open Meeting

Final action on the proposal will be considered by State Library Board during a public meeting to be held on December 18, 2023, at 10 a.m., at meet.google.com/iik-agcu-prp, (US) +1 321-866-6597, PIN: 350 910 825#.

.03 Library Programs Involving Federal Funds.

The regulations for the acceptance and administration of federal funds for the further development of public library and cooperative library services as provided in Public Law [91-600] 104-208, as amended, shall be those set forth in the [Basic] State Plan for the administration [on] of the Library Services and [Construction] Technology Act.

IRENE M. PADILLA
State Librarian

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 63 COMMUNITY CHOICE AGGREGATION

Notice of Proposed Action

[23-214-P]

The Public Service Commission proposes to adopt new chapters of regulations under a new subtitle, **COMAR 20.63 Community Choice Aggregation**, as follows:

- (1) Regulations .01 and .02 under **COMAR 20.63.01 General**;
- (2) Regulations .01—.05 under **COMAR 20.63.03 CCA Pre-Enrollment Information**;
- (3) Regulations .01 and .02 under **COMAR 20.63.04 Transfers of Service**;
- (4) Regulations .01—.03 under **COMAR 20.63.05 CCA Utility Coordination and Billing**;
- (5) Regulations .01—.14 under **COMAR 20.63.07 Customer Protection**;
- (6) Regulations .01—.03 under **COMAR 20.63.11 CCA Aggregation Plan Requirements and Application Process**;
- (7) Regulations .01—.06 under **COMAR 20.63.12 CCA Pilot Program Termination**;
- (8) Regulation .01 under **COMAR 20.63.13 Historical and Forecast Electricity Price Trends**;
- (9) Regulations .01—.04 under **COMAR 20.63.14 CCA Non-Commodity Fees and Charges Tariff Structure**;
- (10) Regulations .01—.05 under **COMAR 20.63.15 Data Exchange**;
- (11) Regulations .01—.04 under **COMAR 20.63.16 Data Privacy**;
- (12) Regulations .01—.03 under **COMAR 20.63.17 Transition to CCA from SOS**;
- (13) Regulations .01—.03 under **COMAR 20.63.18 Recovery of Uncollectible SOS Expense from CCA Customers**;
- (14) Regulations .01—.05 under **COMAR 20.63.19 SOS Risk Mitigation and Pilot Annual Reporting**; and
- (15) Regulations .01—.03 under **COMAR 20.63.20 CCA Coordination Tariff**.

This action was considered by the Public Service Commission at a scheduled rule-making (RM 80) meeting held on August 8, 2023, notice of which was given under State Government Article, §10-111, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the Montgomery County Community Choice Aggregation Pilot Program (Pilot) and develop procedures for:

- (1) Electric companies to transfer customers from Standard Offer Service to the Pilot;
- (2) Coordinating billing with Montgomery County;
- (3) Recovering uncollected costs;
- (4) Exchanging customer information with Montgomery County;
- (5) Montgomery County to establish a Community Choice Aggregator;
- (6) Enrolling customer accounts in the Pilot;
- (7) Applying to the Public Service Commission for approval of the Pilot Aggregation Plan;
- (8) The Commission to determine customer protections;
- (9) Monitoring the Pilot;
- (10) Mitigating risks to SOS from customer migration; and
- (11) Determining conditions for approval of Montgomery County's Pilot Applications.

Estimate of Economic Impact

I. Summary of Economic Impact. Costs to implement the regulations involve two categories: (1) impact to State and local government agencies to develop the Community Choice Aggregation Pilot Program (CCA) and ongoing monitoring of the Pilot until the 2031 scheduled program end date; and (2) loss of sales margins to regulated utilities and licensed retail suppliers from transfer of customers to the CCA. Benefits would reflect savings to energy costs for CCA customers if prices are an improvement over Standard Offer Service (SOS) or retail electricity contracts.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	

A. On issuing agency:

Public Service Commission	(E+)	\$220,000
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B. On other State agencies:

Office of People's Counsel	(E+)	\$200,000
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C. On local governments:

Prince George's County and Montgomery County	(E+)	\$300,000
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	Benefit (+)	Magnitude
	Cost (-)	

D. On regulated industries or trade groups:

Regulated utilities	(-)	\$4,000,000
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E. On other industries or trade groups:

Apartment and Office Building Association of Metropolitan Washington and retail energy suppliers.	(-)	\$100,000
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F. Direct and indirect effects on public:

Electric customers	(-)	Unquantifiable
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III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Loss of Maryland Public Service Commission assessment on retail suppliers in Montgomery County, staff costs to participate in CCA Aggregation Plan approval case and ongoing annual reporting, monitoring, and working group participation.

B. Office of Peoples' Counsel costs to participate in Aggregation Plan approval case and ongoing working group participation.

C. Prince George's County and Montgomery County regulatory costs and operating costs for the Pilot.

D. Revenue/return impact to BGE, Pepco, and PE based on current SOS administrative costs. Reflects loss of SOS margin for an annual period.

E. Expenses for participation in Maryland Public Service Commission approval process for CCA Aggregation Plan for AOBA and retail electricity supply companies.

F +/- \$60,000,000 assumes +/- \$0.02 per kWh rates. Historic differences in SOS versus retail rates for residential customers is on the order of 2 cents per kWh.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows:

Approximately 40,000 small commercial businesses in Montgomery County would be eligible to participate in the Pilot. The impact to these customers is unquantifiable until the CCA Pilot electricity rates are known but has the potential to be significant because electricity is expected to reflect a significant component of business expense.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or email to psc.rmcomments@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

20.63.01 General

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Aggregation Plan" means a plan prepared by a county seeking Commission approval to become a CCA pursuant to Public Utilities Article, §7-510.3, Annotated Code of Maryland.

(2) "Aggregation Supplier" means an electricity supplier licensed by the Commission that has contracted with a county to provide electric supply service to the CCA residential and small commercial electric accounts within the county.

(3) "CCA Basic Service" means the electric supply service a CCA customer receives if the customer does not select a CCA Optional Service.

(4) "CCA Optional Service" means one or more supply services a customer enrolled with a CCA may elect to receive.

(5) "Commission" means the Public Service Commission of Maryland.

(6) "Community Choice Aggregator (CCA)" has the meaning stated in Public Utilities Article, §1-101(f), Annotated Code of Maryland.

(7) "County" means a county authorized per Public Utilities Article, §7-510.3(c), Annotated Code of Maryland, to form a CCA.

(8) "Customer" means a regulated utility retail electric customer account holder.

(9) "Cybersecurity breach" means any unauthorized act that has been confirmed to result in access to acquisition, control, destruction, disclosure, or modification of a CCA's information technology systems.

(10) "Drop" means the removal of a customer from a supplier's service.

(11) "Electric company" has the meaning stated in Public Utilities Article, §1-101, Annotated Code of Maryland.

(12) "Electric storage facility" has the meaning stated in Public Utilities Article, §1-101(k), Annotated Code of Maryland.

(13) "Electricity supplier" has the meaning stated in COMAR 20.51.01.02B(10).

- (14) "Electronic transaction" means a standardized data protocol or electronic transmission medium that has been accepted by the Commission for use in Maryland.
- (15) "Enrollment" means the assignment by an electric company of an electric retail customer account to electricity supply service.
- (16) "Good cybersecurity practice" means cybersecurity plans that are designed, implemented, maintained, and operated in accordance with an accepted industry cybersecurity standard and in compliance with all applicable State requirements in Commercial Law Article, §§14-3503—14-3508, Annotated Code of Maryland.
- (17) "Information technology system" means hardware and software related to electronic processing, and storage, retrieval, transmittal, and manipulation of data.
- (18) "Opt-out" means the act of a customer choosing not to participate in the CCA's Basic Service electricity supply service for one or more of its accounts.
- (19) "Program termination" means the cessation of all CCA electric supply service to all CCA customers.
- (20) "Residential electric customer" means a customer served under one or more of an electric company's residential electric tariffs.
- (21) "Small commercial electric customer" means a commercial customer that has a peak electric load of not more than 25 kilowatts and includes master-metered multiple occupancy residences that have a peak electric load of not more than 25 kilowatts.
- (22) "Standard Offer Service (SOS)" has the meaning stated in Public Utilities Article, §7-501, Annotated Code of Maryland.
- (23) "Transition period" means the period during which a CCA initially enrolls customers after providing customers the opportunity to opt out of the CCA, per COMAR 20.63.04.01.
- (24) "Utility consolidated billing" means the process by which an electric company renders to customers' bills that include both unregulated retail supply charges on behalf of a retail supplier and the electric company's regulated charges.
- (25) "Written notice" means a notice made in writing and includes a notice transmitted by mail, facsimile, electronic mail, or other electronic means.
- (26) "Written request" means a request made in writing and includes a request transmitted by mail, facsimile, electronic mail, or other electronic means.

.02 Landlord-Tenant Service Agreements.

Electric companies shall maintain existing arrangements for landlord-tenant service agreements which may not be affected by a CCA Pilot Program.

20.63.03 CCA Pre-Enrollment Information

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 CCA Customer Consent — Pre-Enrollment.

A. A CCA is deemed to have obtained a customer's consent required by COMAR 20.53.03.01A(2) to request the customer's pre-enrollment information from the electric company after the Commission has approved the CCA's Aggregation Plan.

B. A CCA is not required to notify a customer of its intention to obtain customer information from an electric company if the customer's consent is deemed to have been obtained according to §A of this regulation.

.02 Pre-Enrollment Information Format.

A. An electric company shall provide to the CCA customer account pre-enrollment information on a per-account basis using electronic transactions per COMAR 20.53.03.02 after the Commission has approved the CCA's Aggregation Plan.

B. A CCA may not make the request described in §A of this regulation unless the CCA is in possession of a customer's account number or equivalent retail choice identification number.

.03 CCA Formation Notice Information.

A. An electric company shall provide to a county in the process of forming a CCA, upon written request, information regarding each residential and small commercial customer in the county from the applicable electric company.

B. An electric company shall respond to the request in §A of this regulation within 10 business days.

C. The electric company shall provide the following information:

- (1) Aggregate usage information for each applicable service class, which the CCA may request quarterly; and
- (2) A list of each residential and small commercial electric customer accounts in the county, including the following information for each account:
 - (a) Account name;
 - (b) Service address;
 - (c) Billing address; and
 - (d) Utility rate class or code.

D. The electric company shall include, in the information provided, each residential electric customer account and each small commercial electric customer account at the time of the request.

E. An electric company shall exclude from the list, provided in §§C and D of this regulation, customer account numbers or retail choice identification numbers.

F. A county may not request the information in §C(2) of this regulation prior to the effective date of the regulation.

G. An electric company shall provide a separate list, as described in §C of this regulation, for residential and small commercial customers.

.04 Information Required for the CCA Opt-Out Notice.

A. An electric company shall provide to a CCA, upon written request, customer account information regarding each customer in the requesting county after the Commission has approved the CCA's Aggregation Plan.

B. An electric company shall respond to the request in §A of this regulation within 30 calendar days.

C. The electric company shall provide the following information for each account:

- (1) Account name;
- (2) Service address;
- (3) Utility rate class or code;
- (4) Billing address;
- (5) Retail choice status; and
- (6) Electric company recorded SOS request or CCA opt-out status.

D. The utility shall include, in the information provided, each residential electric customer account and each small commercial electric customer account at the time of the request.

E. An electric company shall provide a separate list, as described in §C of this regulation, for residential and small commercial customers.

.05 Recording Customer Information Decisions.

A. A CCA shall retain records of customer affirmative requests for CCA service, including:

- (1) CCA service requested; and
- (2) The time and date of the request.

B. A CCA and a county in the process of forming a CCA shall retain records of the time and date of customer requests to opt-out of CCA service.

C. An electric company shall retain records of the time and date of customer requests to opt-out of CCA service or request SOS service.

D. The CCA and electric companies shall retain records in §§A—C of this regulation for at least 3 years after the termination date of the CCA.

E. The electric company shall provide to the CCA, no more frequently than once per business day, the information in §C of this regulation upon written request from the CCA.

20.63.04 Transfers of Service

Authority: Public Utilities Article, §§1–101(b), (f), and (k), 7–306(f)(5) and (h), 7–306.2(d)(3), 7–507(a), 7–510(f) and 7–510.3, Annotated Code of Maryland

.01 Transition from Standard Offer Service.

A. Customer Information Update for the Opt-Out Notice. A county may request, from an electric company, the data provided under COMAR 20.63.03.04C.

B. CCA Opt-Out Notice. No less than 45 days prior to the start of CCA service, a county shall mail a notice, including the following information, to all residential and small commercial customers:

(1) Name, Commission Supplier License number, and identification of which Aggregation Suppliers are providing CCA Basic Service and, if applicable, CCA Optional Services;

(2) Terms and conditions of service for CCA Basic Service and, if applicable, CCA Optional Services;

(3) Rates, charges, and fees for CCA Basic Service and, if applicable, CCA Optional Services;

(4) A comparison of the CCA Basic Service and CCA Optional Services rates with applicable SOS rates;

(5) Information on how a customer may select:

(a) SOS service by contacting the electric company;

(b) CCA service by responding to the notice affirmatively selecting the CCA or through a direct application process; or

(c) Competitive retail supply by visiting the Commission's shopping website (www.mdelectricchoice.com) and contacting a competitive supplier to enroll;

(6) Information on the total renewable component of electricity provided under:

(a) CCA Basic Service; or

(b) CCA Optional Supply Services, if applicable;

(7) A comparison of the renewable content of the CCA Basic Service with that required by current State law;

(8) An explanation of the following enrollment procedures:

(a) The means a customer may use to refuse to participate in the CCA service;

(b) That the customer will receive CCA Basic Service if they take no action unless the customer is served by a retail supplier; and

(c) That the CCA will not switch a customer on a retail choice contract to the CCA without the customer's affirmative selection of the applicable CCA service;

(9) Information on how to access a copy of the CCA's customer information privacy policy;

(10) Information about customer protection; and

(11) A reference to the CCA's website for the information in this section.

C. Notice of Opportunity to Opt-Out of CCA Service. The CCA shall provide, in the notice required in §B of this regulation, instructions on all methods by which a customer can refuse or opt out of CCA Basic Service by:

(1) Responding to the CCA with the customer's choice to refuse to participate;

(2) Request of the customer to the electric company to choose to retain or select SOS; or

(3) Contracting for retail supply from another retail electricity supplier.

D. Processing of Opt-Out Notices and Enrollments.

(1) A county in the process of forming a CCA shall be prepared to accept and record a customer's request to opt-out of CCA service no less than 1 day prior to sending the notice required by Public Utilities Article, §7-510.3 (d)(1)(ii), Annotated Code of Maryland.

(2) Opt-Out Period. A county shall allow a customer at least 36 days from the date of mailing to respond to the opt-out notice described in §B of this regulation before determining the customer's choice of the CCA.

(3) Provision of Account Numbers. An electric company shall provide, upon request of a CCA, an update of the list provided under COMAR 20.63.03.04C with the following modifications:

(a) An electric company shall provide account numbers solely for customers who are not, as of the date and time the report is generated, enrolled with a retail supplier or have not contacted the electric company to select SOS.

(b) An electric company shall notify the CCA of a customer's request to retain or select SOS.

(c) Any additional information needed by the CCA to enroll a customer to CCA supply service shall be provided by an electric company for customer accounts for which account numbers are provided according to §D(3)(a) of this regulation.

(4) A CCA may not enroll a customer who contacts the CCA or the customer's electric company to refuse participation in the CCA unless the customer subsequently affirmatively selects the CCA.

(5) A CCA may transmit enrollment information to an electric company according to the terms of the electric company's tariff, subject to the following limitations:

(a) Enrollments may not be effective prior to the date approved by the Commission in the CCA's transition schedule.

(b) Unless otherwise agreed to by the electric company, a CCA may not transmit to a single electric company more than 10,000 account enrollments per day.

E. Basic Service Offerings.

(1) A CCA shall offer a single CCA Basic Service for residential customers in each applicable electric company service territory.

(2) A CCA shall offer a single CCA Basic Service for small commercial electric customers in each applicable electric company service territory.

F. Transaction Error Handling. The provisions of COMAR 20.53.04.03 shall apply to an Aggregation Supplier.

.02 Procedure for Enrolling New Accounts by Default.

A. Upon completion of enrollment of customers under Regulation .01 of this chapter, a CCA may request every business day a list of all customers not included in the list provided in COMAR 20.63.03.04C as well as customers dropped from retail supply service to SOS service since the last list was provided.

B. For each new customer, this list shall include:

(1) Account name;

- (2) Service address;
- (3) Billing address;
- (4) Retail choice status;
- (5) CCA opt-out status;
- (6) Utility rate class or code;
- (7) Account numbers for customers who have not selected a retail supplier or have not contacted the utility to select SOS or have declined to participate in the CCA; and
- (8) Any additional information needed to enroll a customer to retail supply service for customer accounts for which account numbers are provided according to §B(7) of this regulation.

C. An electric company shall provide this information in accordance with the data transfer procedures, as described in COMAR 20.63.15.

D. New Customer Account Enrollments.

(1) A CCA may transmit enrollment information for a customer account listed in §A of this regulation to an electric company according to the terms of the electric company's tariff.

(2) A CCA may not submit an enrollment for a customer account for which the customer has contacted the CCA to opt-out unless that customer later affirmatively selects the CCA for the account in question.

20.63.05 CCA Utility Coordination and Billing

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 CCA-Utility Coordination and Billing.

A. A CCA, an Aggregation Supplier, or an energy service provider working as the agent of a CCA shall follow the supplier requirements of COMAR 20.53.05.01, 20.53.05.02, 20.53.05.03, and 20.53.05.05.

B. An electric company providing services related to electric energy scheduling, load assignment, and utility consolidated billing to a CCA, an Aggregation Supplier, or an energy service provider working as the agent of a CCA shall follow the requirements of COMAR 20.53.05 for services provided to a supplier.

.02 CCA Bill Messaging.

A. CCA Bill Item Identification.

(1) A bill sent to electric customers that participate in the aggregation activities of a CCA shall identify the CCA as the electricity supplier.

(2) An electric company shall use the name provided by Montgomery County or its designee as the identification of the CCA on a customer bill.

(3) An Aggregation Supplier or energy service provider contracted to provide services for the CCA shall transmit billing information using a distinct identification for service provided in the aggregation program from service that is provided to its other retail customers.

(4) A bill including CCA-provided services may identify any commodity services provided with a line item description that displays the rates, fees, or charges separately.

.03 CCA Price to Compare.

A. An electric company shall display its SOS rate information on each eligible customer's bill as the price to compare with retail supply offers, unless otherwise directed by the Commission.

B. A CCA shall display the SOS price to compare and the CCA Basic Service rate on the CCA website.

20.63.07 Customer Protection

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to electricity supply services that a CCA or its designated agents provide to residential and small commercial electric customers.

.02 Disclosure of Customer Information.

A CCA shall follow the disclosure of customer information regulations, as described in COMAR 20.63.16.04.

.03 Creditworthiness.

A. A CCA may not refuse CCA Basic Service to an eligible customer based on creditworthiness.

B. A CCA shall apply uniform income, deposit, and creditworthiness standards for CCA Optional Services, if applicable.

.04 CCA Service Territory.

A county which has formed a CCA shall offer supply service throughout its jurisdiction to all eligible customers that receive distribution service from the local utility.

.05 Enrollment Disputes.

A. A customer alleging a violation of this regulation shall initially submit any inquiry or dispute directly to a Community Choice Aggregator for resolution.

B. A customer alleging a violation of this regulation may, at any time, file a dispute with the Commission's Consumer Affairs Division.

C. The CCA may not enroll a customer's account who has an active retail supply contract, has affirmatively selected Standard Offer Service, or who has previously opted-out of the CCA, without the customer affirmatively selecting the CCA.

D. A CCA may not assign a customer to optional service unless the customer has affirmatively selected that optional service.

E. Upon a determination by the Consumer Affairs Division that an enrollment by the CCA was unauthorized, the Consumer Affairs Division may order the CCA to issue a refund to the customer in an amount, determined by the Consumer Affairs Division, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred, including any related early termination penalties.

F. If the charges have been billed by and the receivable purchased by the utility from the CCA, the refund of charges determined by the Consumer Affairs Division shall be remitted to the utility by the CCA. The refund determined by the Consumer Affairs Division shall be applied to the customer's utility account current balance, and the excess returned to the customer upon request. If the customer is no longer served by the CCA, the refund shall be returned to the customer.

G. Upon purchase of any receivable under this section, the utility shall be entitled to collect from the customer, and the customer shall be responsible to pay the utility, the total amount billed less any refund determined by the Consumer Affairs Division.

.06 Termination.

A. Except as provided under §B of this regulation, a utility may not terminate service for failure of a customer to pay CCA charges.

B. If a utility purchases the receivables of a CCA under COMAR 20.53.05.03, the purchased CCA receivables become utility charges for the purpose of termination of service under COMAR 20.31.

.07 Advertising and Solicitations.

A. A CCA may conduct advertising for CCA services.

B. A CCA may not engage in a marketing or trade practice that is unfair, false, misleading, or deceptive.

C. A CCA shall conduct any marketing, subject to the rules in COMAR 20.53.07.07, with the exception of COMAR 20.53.07.07 B(1), and subject to the rules of COMAR 20.53.10.

D. Disclosures.

(1) All CCA marketing or solicitation information shall identify the Montgomery County CCA in a clear and conspicuous manner.

(2) If a price or rate is quoted, the following statements are required:

(a) The price or rate quoted is only for the specified commodity provided by the CCA;

(b) The price or rate quoted does not include any tax, electric company distribution charge, or other electric company fee or charges; and

(c) The CCA's price or rate is not regulated by the Commission.

E. Telephone Solicitation. A CCA may not conduct outbound telephone solicitations.

.08 CCA Terms of Service.

A CCA shall follow the approved terms of service directed by the Commission when approving the CCA's Aggregation Plan.

.09 Notice of Enrollment.

A. A CCA shall provide notice of enrollment of a customer to a utility in a format consistent with the Commission-accepted electric utility supplier coordination agreement.

B. A CCA shall provide written notice to customers within 5 business days upon change in CCA service option.

C. Utility Notice of Enrollment to Customer. An electric company shall provide written notice to a customer upon enrollment by a CCA.

D. Notice of enrollment under this regulation shall include the following:

(1) Customer name;

(2) Customer service address;

(3) Billing name;

(4) Billing address;

(5) Utility name;

(6) Utility account number;

(7) CCA name;

(8) Commodity provided; and

(9) Effective date of the enrollment.

.10 Notice of Change in Rates.

The CCA shall notify customers by posting to the CCA website any change in rates at least 30 days prior to the change in rates going into effect. The CCA website shall include instructions for contacting the CCA regarding changes in rates.

.11 CCA Customer Deposits.

The CCA may not require a customer deposit to participate in CCA Basic Service or any optional service billed through the utility consolidated billing.

.12 CCA Late Payment Charges.

The CCA may not charge customers late payment charges for CCA Basic Service or any optional service billed through utility consolidated billing.

.13 CCA Dispute Resolution.

The CCA and its customers are subject to the dispute procedures and regulations in COMAR 20.32.01.

.14 Website Information.

The CCA website shall provide the following information to customers:

A. Current rates;

B. Effective period for current rates;

C. Terms of service;

D. Renewable content;

E. Summary of the type of costs included in rates;

F. Contact information for CCA;

G. When to contact CCA;

H. Contact information for electric companies;

I. When to contact electric companies;

J. CCA opt-out information, including an explanation of the means to opt-out or refuse CCA service;

K. CCA enrollment information;

L. CCA customer information privacy policy;

M. A copy of the full text of the CCA Aggregation Plan; and

N. Information about customer protection.

20.63.11 CCA Aggregation Plan Requirements and Application Process

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to Montgomery County when seeking to form a Community Choice Aggregator (CCA) in Maryland.

.02 Aggregation Plan Requirements

A. A county seeking to form a CCA shall submit an Aggregation Plan for Commission approval.

B. A county shall include the following in its Aggregation Plan:

(1) A description of the following:

(a) The CCA's service territory, including:

(i) Electric company service territories; and

(ii) Differences between electric company service territories, if applicable;

(b) The customers to be served; and

(c) The resolution process for errors in CCA enrollments or customer SOS selection;

(2) The proposed CCA transition schedule, including:

(a) Date by which the CCA will complete procurement of supply to meet initial CCA load;

(b) Date by which the electric companies in the county will send updated eligible customer lists to the CCA, per COMAR 20.63.03.03B;

(c) Date by which the CCA will have mailed the CCA opt-out notice to all residential and small commercial electric customers in the county;

(d) The schedule for residential and small commercial electric customers to respond to the opt-out notice prior to a customer being deemed to have given permission to participate in the CCA;

(e) Estimated schedule for submitting initial CCA enrollments to each electric company; and

(f) Date on which CCA begins providing initial electric supply service to customers;

(3) Details of the circumstances and processes for participating in the aggregation activities of a CCA, including:

(a) Circumstances and processes by which customers are automatically enrolled in CCA Basic Service;

(b) Explanation of how the CCA intends to inform customers that SOS and retail supply will continue to be available;

(c) Processes to permit a customer to decline to participate in the CCA;

(d) Processes to permit a customer to select SOS or a retail supply contract;

(e) The circumstances and processes by which a CCA will determine that a customer has opted out of CCA Basic Service;

(f) Processes by which a customer can affirmatively select CCA Basic Service;

(g) Processes by which a customer can affirmatively select CCA Optional Services; and

(h) Explanation of how the county intends to inform customers about the availability of Seamless Moves;

(4) The circumstances and processes by which the CCA will provide notices to customers, including:

(a) The draft notice or notices;

(b) The purpose of the notice; and

(c) Actions taken by CCA in response to the customer's response to the notice;

(5) A description of the organizational structure of the CCA, including:

(a) Governance policies, including:

(i) The roles of government personnel;

(ii) The roles of elected officials; and

(iii) The roles of other personnel;

(b) Reporting relationships within the CCA organizational structure;

(c) County government entity accountable for all CCA policies and procedures; and

(d) The authority and responsibility of entities within the CCA organizational structure;

(6) A description of the operations of the CCA, including:

(a) Each function that will be performed by the CCA;

(b) The entities responsible and accountable for these functions, including how these entities, whether internal or external, were selected; and

(c) The internal oversight of the CCA;

(7) A description of the funding and budget of the CCA, including:

(a) The anticipated sources of CCA revenues;

(b) The anticipated CCA operating expenses;

(c) The anticipated CCA capital costs; and

(d) A projected initial operating budget for the CCA's first year of operation;

(8) A description of the purchasing plan designed to save ratepayers money, including:

(a) The proposed plan for procuring supply, including anticipated use of Requests for Proposals and competitive bidding;

(b) Supplier evaluation criteria, including:

(i) Price;

(ii) Performance capabilities;

(iii) Creditworthiness; and

(iv) Operational capabilities;

(c) Measures that provide financial assurance associated with the supplier's commitments;

(d) Anticipated time frame of initial procurement and subsequent procurement frequency;

(e) Differentiation of procurement by electric company service territory, if applicable;

(f) Long-term power purchasing agreements and asset investment, including:

(i) Means by which counterparties would be evaluated;

(ii) Method of financing; and

(iii) Key terms and conditions;

(g) Purchasing plan monitoring and oversight;

(h) Measures to mitigate price volatility for customers;

(i) The role of renewable contact in procurement evaluation;

(j) The role of price in procurement evaluation;

(k) Description of the potential impact on price that energy sourced from renewable resources may have;

(l) Description of procedures designed to ensure power is procured to serve entire projected load;

(m) Explanation of how the purchasing plan is designed to save CCA participants money; and

(n) Commission review of proposed changes to the approved procurement plan;

- (9) A description of the processes the CCA shall use for entering into and terminating agreements with other entities, including the process for entering and terminating contracts with retail suppliers, electric generation, and electric storage facilities;
- (10) A proposal for reporting to the Commission regarding the CCA's procurement, including:
- (a) A proposed schedule for the reporting; and
 - (b) What information the reporting will provide;
- (11) A description of the rate setting process and costs to participants, including:
- (a) Initial and anticipated service offering;
 - (i) Description of differentiation of rates and service options by electric company, if applicable;
 - (ii) Description of seasonal, time-of-use, or tiered rates, if applicable;
 - (iii) Description of demand response and energy efficiency components, if applicable; and
 - (iv) Description of cost true-up mechanisms;
 - (b) Description of the frequency of rate updates, including:
 - (i) Potential causes for changes in rates;
 - (ii) How customers will be notified of rate changes;
 - (iii) How the Commission will be notified of rate changes; and
 - (iv) Duration of time between a notice of a rate change and the time the rate change becomes effective;
 - (c) Recovery of non-commodity costs;
 - (d) Customer education for initial and future service offerings;
 - (e) Commission notification and review of proposed changes to service offerings;
 - (f) Customer deposit requirements;
 - (g) Late payment charge requirements; and
 - (h) The methodology for establishing the rate for CCA Basic Service, including:
 - (i) Prevailing market prices;
 - (ii) Ongoing purchases; and
 - (iii) Operating costs;
- (12) An analysis of historical and forecast trends in electricity prices, as described in COMAR 20.63.13;
- (13) A statement of the rights and responsibilities of electric customers participating in the CCA and eligible CCA electric customers not currently participating in the CCA, including:
- (a) Proposed terms and conditions of CCA customer participation, including:
 - (i) Explanation of customer participation in the CCA;
 - (ii) The right to opt-out of participation;
 - (iii) The right to request SOS;
 - (iv) The right to enter into and retain retail supply contracts;
 - (v) The right to request CCA participation;
 - (vi) CCA optional service;
 - (vii) All processes for customer participation and opt-out;
 - (viii) Billing of CCA customers, including use of utility consolidated billing and billing for optional services, if applicable;
 - (ix) Payment rules and regulations, including late fees, if applicable;
 - (x) Dispute resolution processes;
 - (xi) Application of existing electric company regulations and terms and conditions of service;
 - (xii) Notice of changes in rates or prices;
 - (xiii) How customers will be notified of rates or price changes;
 - (xiv) Duration of time between notice of a rate change and the time a rate change become effective;
 - (xv) Contact information including a CCA website containing the terms and conditions of CCA participation;
 - (xvi) When customers should contact their electric company; and
 - (xvii) When customers should contact the CCA;
 - (b) Commission review of proposed changes of the terms and conditions of CCA participation, including an explanation of how county residents and small businesses will be made aware of approved changes to the terms and conditions of CCA participation;
 - (c) A draft Customer Rights and Responsibilities Pamphlet to be provided to county residents and small commercial electric customers;
 - (d) A draft Frequently Asked Questions and Key Definitions to be provided to county residents and small commercial electric customers, including:
 - (i) Common terms and definitions;
 - (ii) Statement that the electric company's terms and conditions are unchanged by the customer's enrollment in the CCA; and
 - (iii) The means by which the Frequently Asked Questions and Key Definitions may be made available to county residents and small commercial electric customers;
 - (e) A description of the CCA's data security mechanisms and data privacy policies to be provided to county residents and small commercial electric customers;
 - (f) A statement of Universal Electricity Access, Reliability, and Equitable Treatment of all residential and small commercial electric customers; and
 - (g) An explanation of how the rights and responsibilities of participating electric customers contained in this section will be provided to county residents and small commercial electric customers;
- (14) The contingency plan for terminating the Aggregation Program, including:
- (a) The conditions and timing of planned termination of the CCA, if any;
 - (b) A description of the notices the CCA will provide to the Commission, electric companies in the county and CCA customers in the event of full or partial termination, including:
 - (i) Timing of notices to customers, electric companies, and the Commission; and
 - (ii) Information to be contained in the notices;
 - (c) The processes for transferring customers from the CCA to SOS service; and
 - (d) The processes for winding down the CCA;
- (15) A proposed CCA cybersecurity plan, as described in COMAR 20.63.16.03;
- (16) Commission notification and review of changes to an approved Aggregation Plan;
- (17) A statement of the purpose of the CCA, including the goals sought to be achieved;

(18) The proposed process for comprehensive and effective CCA outreach and education, including:

- (a) Messaging;
- (b) Means of communication; and
- (c) Budget; and

(19) The process by which the CCA will accept and record customer decisions to opt out of CCA participation.

C. A county may not act upon any portion of the Aggregation Plan until the Aggregation Plan has been approved by the Commission.

.03 Aggregation Plan Approval Process.

A. Filing Schedule and Requirements.

(1) A county, when initiating a process to form a CCA, shall file with the Commission the following:

- (a) A notice of intent to form a CCA;
- (b) A copy of the County's Aggregation Plan;
- (c) A draft local law forming the CCA;
- (d) Proposed terms of service;
- (e) Proposed categories of charges;
- (f) Proposed categories of fees; and
- (g) Proposed costs unrelated to actual cost of the electricity supply.

(2) A county may not initiate a process to form a CCA unless the county has:

- (a) Met the preliminary requirements in §B of this regulation;
- (b) Committed to CCA formation on or after December 31, 2023; and
- (c) Received from the Commission approval of a petition to initiate a process to form a CCA.

B. Preliminary Requirements. A county may not initiate a process to form a CCA unless it has, at least 60 days prior, performed the following:

(1) Developed an Aggregation Plan consistent with Regulation .02 of this chapter;

(2) Filed with the Commission a petition for approval of the county's intention to initiate a process to form a CCA and

(3) Included in its petition proof of the following:

- (a) Provision of a written notice of the Aggregation Plan to each residential and small commercial electric customer in the county using a list provided by each electric company serving the county's residents and businesses;
- (b) Publication of a fair summary of the Aggregation Plan in at least one newspaper of general circulation in the county; and
- (c) Publication, on the county's website, of the full text of the Aggregation Plan;

C. Aggregation Plan Discovery Requests.

(1) A county, after filing the petition with the Commission described in §B(2) of this regulation, shall make reasonable efforts to respond within 10 business days to information requests, including data requests, sent to the county regarding the County's Aggregation Plan unless the Commission imposes a different deadline.

(2) A county shall respond to requests made by the Commission's technical staff, Maryland Peoples' Counsel, electric companies serving Montgomery County customers, Apartment and Office Building Association of Metropolitan Washington, and other parties to which the Commission has granted discovery rights.

(3) Objections to discovery and discovery responses shall be made within 3 business days unless otherwise directed by the Commission.

D. Approval of an Aggregation Plan. A county may not begin providing CCA service to its residential and small commercial customers until after the following has occurred:

- (1) The Commission has approved the County's Aggregation Plan.
- (2) The county has enacted a local law that provides that the county shall act as a CCA.

E. Approval of Aggregation Plan Changes.

(1) A CCA may not implement material changes to the approved Aggregation Plan without Commission approval.

(2) A CCA shall notify the Commission of any non-material change to the approved Aggregation Plan every 6 months.

(3) All changes to CCA Basic and Optional Services may not be considered material changes.

20.63.12 CCA Pilot Program Termination

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to the planned or unplanned termination of Community Choice Aggregation (CCA) electric supply service.

.02 Termination Plan.

A CCA shall comply with the termination contingency plan approved for the CCA by the Commission.

.03 Notice of Planned Program Termination.

A. For the years 2028, 2029, and 2030, a CCA shall file with the Commission its current termination plan by April 15 of each year.

B. The CCA shall include in the filing the planned termination date, or range of dates, for each electric company service territory.

C. A CCA shall, no less than 16 months prior to the planned termination date of the pilot, notify the Commission and all affected electric distribution companies with CCA customers in the county of any planned program termination of CCA electric supply service that would result in CCA customers switching to SOS supply.

D. The CCA shall include in the notice required by §B of this regulation:

- (1) The CCA electric supply services in each electric company service territory to be terminated;
- (2) The planned date or range of dates of termination for each electric company service territory;
- (3) The number of customers served, by rate class, for each electric company service territory that the CCA plans to be switched to SOS;
- (4) An explanation of how affected customers enrolled in the CCA will be notified of the planned electric supply service termination no less than 90 days prior to the termination date; and
- (5) An explanation of why the electric supply service is being terminated.

.04 Notice of Unplanned Program Termination.

A. The CCA shall notify the Commission, all residential and small commercial electric customers in the county, and all electric companies with CCA customers in the county of any unplanned termination of CCA electric supply service that would result in CCA customers receiving SOS supply as soon as practicable.

B. A CCA shall include in the notice to the Commission and electric distribution companies of unplanned CCA Pilot Program termination:

- (1) The CCA electric supply services in each electric company service territory to be terminated;

- (2) The planned date, or range of dates, of termination for each electric company service territory;
- (3) The number of customers, by rate class, served for each electric company service territory that the CCA plans to be switched to SOS;
- (4) An explanation of how affected customers enrolled in the CCA will be notified of the unplanned electric supply service termination; and
- (5) An explanation of why the electric supply service is being terminated.

C. A CCA shall include in the notice to affected residential and small commercial electric customers of unplanned CCA Pilot Program termination:

- (1) The planned date, or range of dates, of termination for each electric company service territory; and
- (2) An explanation that affected customers will be returned to SOS unless they enter into a retail supply contract.

.05 CCA Termination.

A. A CCA shall coordinate with each electric company, the transfer of customers back to SOS upon termination of the CCA in order to mitigate the impact to SOS procurement.

B. A CCA that transfers all customers to SOS shall be considered to be dissolved.

C. A CCA may not re-form unless it has followed the procedures established by this subtitle for establishing a new CCA.

D. A CCA may not recover from electric company customers or electric companies any stranded costs for electricity supply contracts entered into by the CCA or generation owned by the CCA.

E. A county shall make reasonable efforts to mitigate any electric company SOS procurement costs associated with transferring CCA customers back to SOS upon termination of a CCA.

.06 Sale by the CCA of Contracted Energy Supplies.

A. Within 30 days of the termination date of the CCA, the county shall inform the Commission of any CCA power purchase agreements designated for the CCA load for electricity supply which will exceed necessary supply for CCA customers by filing with the Commission a notice of Excess Contracted Electricity Supply, as follows:

(1) The notice shall include a description of each power purchase agreement for electricity supply which will exceed necessary supply for CCA customers, including:

- (a) Power purchase agreement duration;
- (b) Remaining amount due to the contracted supplier;
- (c) Any plan to resell the power purchase agreement or renegotiate the contract; and
- (d) A statement of how the county intends to recover any power purchase agreement costs that are not recovered from CCA participants.

(2) Within 180 days of the notice, the county shall file with the Commission a notice explaining the status of any contract identified in §A(1) of this regulation.

B. Mitigation of SOS Unplanned Load. A CCA returning customers to SOS shall make available to the affected electric company any excess contracted electricity supply with right of first refusal.

20.63.13 Historical and Forecast Electricity Price Trends

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Trend Analysis.

A county shall include in its Aggregation Plan an analysis of historical and forecast trends in electricity prices, including:

A. A graph or table of historical Residential and Type I SOS prices for the most recent 36 months of data available for each electric utility within the county; and

B. A graph or table of a 36-month or longer forecast of residential and small commercial customer energy rates meeting baseline State renewable energy goals for each electric utility within the county.

20.63.14 CCA Non-Commodity Fees and Charges Tariff Structure

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to the rates, fees, and charges that a CCA may charge electric distribution customers within the county.

.02 Permitted Fees, Taxes, and Charges.

A CCA or its designated agents may not assess any fee, tax, or other charge bundled into the aggregation charges or rates billed to CCA customers that is not related to the cost of:

A. Providing electricity supply and electricity supply service, including service from a generating station owned by the CCA;

B. Promoting the use of renewable energy;

C. Promoting electric company energy efficiency programs for electric companies within the county such that:

(1) Any promotion shall be conducted in consultation with the electric company and the Department of Housing and Community Development; and

(2) The county may not promote electric company energy efficiency programs not approved by the Commission; or

D. Providing and promoting programs supplemental to programs permitted in §C(2) of this regulation.

.03 Description of Non-Commodity Charges and Rates.

A CCA shall separately state any components of bundled charges or rates permitted by Regulation .02 of this chapter as a separate line item in its published terms and conditions of service.

.04 Separate Billing of Non-Bundled Charges.

A CCA may not send a separate bill to a customer for the same costs the electric company purchases from the CCA, per COMAR 20.63.05.

20.63.15 Data Exchange

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to enrollment transactions and data exchanged between an electric distribution company and a CCA or its designated agents.

.02 Standards.

For all data exchanges aside from exchanges using Maryland standard data exchange, per COMAR 20.53.01.03, electric companies and a CCA shall mutually agree upon a standardized approach subject to Commission approval.

.03 Cybersecurity.

CCA and electric companies shall maintain the exchange of data in a manner consistent with good cybersecurity practice.

.04 Electric Company Instructions.

A. An electric company shall provide a CCA with written instructions on how to access, via the approved Commission methods, the customer lists and other information provided under this chapter.

B. An electric company may provide data exchange procedures for CCAs via tariff.

.05 Operating Procedures.

A CCA shall comply with directions provided by an electric company regarding transmission and security of customer data.

20.63.16 Data Privacy

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to electricity supply services that a CCA or its designated agents provide to residential and small commercial electric customers.

.02 Good Cybersecurity Practice.

All CCAs shall follow good cybersecurity practice.

.03 Cybersecurity Plans.

As part of its Aggregation Plan, as described in COMAR 20.63.11.02, the CCA shall submit to the Commission a proposed cybersecurity plan, including:

A. Cybersecurity-related governance, risk management, procurement practices, personnel hiring, training policies, situational awareness, response, recovery, and transparent reporting of cybersecurity incidents to State and federal entities;

B. How the CCA will inform the Commission of a cybersecurity breach; and

C. An explanation of the application of the county's cybersecurity plan, policies, procedures, and support to the CCA, if applicable.

.04 Disclosure of Customer Information.

A. A CCA or its Aggregation Supplier may not disclose customer information provided to the CCA or its Aggregation Suppliers by the electric company or collected from the customer as part of the CCA, including a customer's billing, payment, enrollment, and credit information, to an entity other than the electric company without the customer's written or electronic consent, except that a CCA may disclose a customer's billing, payment, enrollment, and credit information but only if necessary to facilitate billing, bill collection, enrollment, or credit reporting.

B. A CCA shall provide, upon request of the customer, a copy of the CCA's customer information privacy policy via the CCA website or by mail.

C. The Aggregation Supplier shall protect all customer information when it ceases to be the CCA's Aggregation Supplier or the CCA is terminated, and the Aggregation Supplier may not use for marketing purposes any information obtained as the Aggregation Supplier once it ceases to be the Aggregation Supplier.

20.63.17 Transition to CCA from SOS

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This regulation addresses the initial transition of customers in Montgomery County from SOS to CCA default service.

.02 Transition Schedule.

A. A CCA shall follow the CCA Transition Schedule approved by the Commission.

B. A CCA may not transmit enrollment transactions for CCA Basic Service to an electric company prior to the start date of the CCA Transition Schedule approved by the Commission.

C. A CCA shall complete the initial transmission of enrollment transactions of customer accounts to the electric company in the amount of time allowed by the CCA Transition Schedule approved by the Commission.

D. For customers that were not enrolled by the CCA during the initial Commission-approved transition period, the CCA may enroll these customers according to the transfers of service permitted by COMAR 20.63.04.02.

E. 10 days prior to the start of the CCA transition period, a CCA shall advise each electric company of the number of residential and small commercial accounts which the CCA expects to transfer from SOS according to the approved transition schedule.

F. An electric company shall establish a means to communicate regarding the daily transfer of accounts from SOS to CCA service to assure a smooth transition from SOS to CCA service during the transition schedule.

.03 Transition Reporting.

A. A CCA shall prepare, for each impacted electric company, a report filed with the Public Service Commission as soon as possible, but no later than 30 calendar days after the end of the approved CCA Transition Schedule.

B. Each impacted electric company shall assist the CCA to the extent requested by the CCA.

C. The report described in §A shall include:

(1) A tabulation of the number and type of customer accounts that have been enrolled in CCA service;

(2) A description of differences in the transition from SOS to CCA service from the approved Aggregation Plan transition period;

(3) A summary of enrollment errors, if any, and the status of correction and mitigation of errors;

(4) A description of any outstanding issues from the transition requiring immediate Commission attention; and

(5) Recommended actions, if any.

20.63.18 Recovery of Uncollectible SOS Expense from CCA Customers

.01 Scope.

This chapter addresses possible Commission allocation of SOS uncollectible costs to CCA customers, per Public Utilities Article, §7-510.3(p), Annotated Code of Maryland.

.02 Identification of Delinquent Accounts Receivable Attributable to CCA Customers at the CCA Start of Service.

No later than 90 days prior to the date established by the Commission to begin enrollment of customers in a CCA, an electric company shall calculate and file with the Commission the following relating to a transfer of the electric company's customers from SOS to the CCA:

A. An estimate of the amount of SOS uncollectible expense which would be attributable to all residential and small commercial SOS customers in the county at the start of CCA service.

B. An estimate of the change in the SOS administrative charge or other charges used to recover SOS uncollectible expense based on a range of expected numbers of accounts that would transfer to the CCA from SOS service.

C. A proposed allocation or assignment to the CCA of the estimated SOS uncollectible expense identified in §A of this regulation, which would, if the change in SOS administrative charges materially adversely impacts the cost of providing SOS, mitigate the change in SOS administrative charges identified in §B of this regulation.

.03 Recovery of CCA Uncollectible Expense.

A. An electric utility shall propose to the Commission a tariff provision that establishes a means to recover the estimated SOS uncollectible expense proposed in Regulation .01 of this chapter.

B. An electric utility shall propose the recovery of CCA uncollectible expense as part of a discount rate tariff that is used for purchased receivables for a CCA using utility consolidated billing to be recovered over a 12-month period following enrollment of customers in the CCA or as otherwise accepted by the Commission.

C. An electric utility may propose an alternate tariff method of recovery of CCA uncollectible expense for a CCA using other billing methods.

20.63.19 SOS Risk Mitigation and Pilot Annual Reporting

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This regulation addresses the responsibilities of a county serving as a CCA to monitor and mitigate the risks to SOS from the potential for customers to migrate from CCA service to SOS.

.02 CCA Monthly Reporting.

A CCA shall, on a monthly basis, monitor and file with the Commission, and file copies in all Commission dockets pertaining to the SOS Procurement Improvement Process and Community Choice Aggregation, the following data on a calendar monthly basis beginning with the data for the second month after the start of the transition of accounts to CCA service, and the filing shall include:

A. The number of accounts enrolled in CCA service, broken down by electric company rate class and electric company service territory;

B. The number of accounts which leave CCA service each month broken down by electric company rate class and electric company service territory;

C. Rates, charges, and fees for each service option provided by the CCA for each electric company service area;

D. The renewable energy content for each service option provided by the CCA for each electric company service area;

E. Monthly total enrollment for each service option provided by the CCA for each electric company service area;

F. Summary of customer complaints received by the CCA;

G. Explanation of anticipated changes in service offerings;

H. Summary of CCA procurement by electric company service area; and

I. Explanation of anticipated changes in CCA procurement.

.03 Risk Mitigation Monitoring.

As soon as practicable, but in no circumstance more than 30 days after the CCA becomes aware of the information requiring notification under this regulation, if the CCA determines that sufficient migration may occur that would trigger detrimental SOS procurement changes prior to or during the next SOS procurement cycle or subsequent SOS procurement cycles, the CCA shall:

A. Notify the Commission, the Procurement Improvement Process Workgroup, the electric companies serving accounts in Montgomery County, and other interested parties;

B. Consult with the Commission staff, the electric companies serving accounts in Montgomery County, the Office of People's Counsel, and Prince George's County; and

C. Recommend to the Commission a course of action to mitigate detrimental impact to SOS service or SOS customers.

.04 Risk Mitigation.

A. The CCA shall employ measures to mitigate price volatility for CCA customers, as referenced in the CCA's Aggregation Plan.

B. The CCA shall employ measures to mitigate the risk of Aggregation Suppliers' or other suppliers' failure to provide contracted services, as referenced in the CCA's Aggregation Plan.

.05 Pilot Annual Reporting.

A. The purpose of this regulation is to provide necessary data for annual reporting of the Community Choice Energy Workgroup.

B. The CCA shall provide the following information to the Commission on or before August 1 of each year that the CCA provides supply service in the county, and the filing shall include:

(1) Rates, charges, and fees for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;

(2) The renewable energy content for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;

(3) Monthly total enrollment for each service option provided by the CCA for 12 months prior to June 1 of that year for each electric company service area;

(4) Summary of customer complaints received by the CCA for 12 months prior to June 1 of that year;

(5) Explanation of anticipated changes in service offerings over the next 12 months;

(6) Summary of CCA procurement by electric company service area over the past 12 months; and

(7) Explanation of anticipated changes in CCA procurement over the next 12 months.

20.63.20 CCA Coordination Tariff

Authority: Public Utilities Article, §§1-101(b), (f), and (k), 7-306(f)(5) and (h), 7-306.2(d)(3), 7-507(a), 7-510(f) and 7-510.3, Annotated Code of Maryland

.01 Scope.

This chapter applies to the use by electric companies of a tariff to govern the requirements for a county serving as a CCA, Aggregation Suppliers, or agents thereof.

.02 Tariffs.

A. Introduction of a CCA Coordination Tariff.

(1) An electric company serving customers within Montgomery County shall, within 60 days after the Commission adopts the regulations for final publication, file with the Commission proposed tariff language to address the electric company's interactions with a CCA for the duration of the Pilot.

(2) An electric company may incorporate the tariff provisions required by this chapter in the company's existing Electricity Supplier Coordination Tariff.

(3) Each electric company serving accounts in Montgomery County shall coordinate with the other electric companies serving accounts in Montgomery County to propose consistent tariff provisions.

B. An electric company shall include at least the following terms and conditions in its tariff for CCA interactions:

(1) Billing and payment collection;

(2) Dispute resolution;

(3) Financial settlement;

(4) Losses;

(5) Metering services;

(6) PJM interconnection requirements;

(7) Scheduling; and

(8) Utility charges.

.03 Pilot Cost Recovery.

A. Updates to CCA Uncollected Cost Recovery Methods.

(1) An electric company shall continuously track a CCA's uncollectible expense, as described in COMAR 20.63.18 for the duration of the Pilot.

(2) An electric company shall file revised tariffs for CCA uncollectible expense recovery at least annually.

B. Pilot Administrative Expense Recovery. In addition to those required by §A of this regulation, an electric company shall propose to the Commission a tariff provision that establishes a means to recover the following estimated expenses attributable to the CCA:

(1) Cash working capital component.

(2) Program development cost component.

(3) Purchase of receivable risk component.

C. Purchase of Receivables Discount Rates.

(1) An electric company shall propose the recovery of administrative expense required by §B of this regulation as part of a discount rate tariff that is used for purchased receivables for a CCA using utility consolidated billing.

(2) An electric company shall continuously track a CCA's administrative expense, as described in §B of this regulation for the duration of the Pilot.

(3) An electric company shall file revised tariffs for CCA administrative expense recovery at least annually.

D. An electric company may propose tariff language to establish a method that is different than §C of this regulation for recovery of CCA administrative expense for a CCA.

E. All Commission-approved CCA-related costs incurred by an electric company shall be recovered from the CCA through tariff provisions, per §§B—D of this regulation.

F. An electric company may propose costs related to the Pilot in addition to those listed in §§A and B of this regulation for recovery via the methods described in §C or D of this regulation.

ANDREW S. JOHNSTON
Executive Secretary

Title 21

STATE PROCUREMENT REGULATIONS

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.11 Prevailing Wage—Contracts for Public Works

Authority: State Finance and Procurement Article, §§17-204(a) and 17-221, Annotated Code of Maryland

Notice of Proposed Action

[23-247-P]

The Commissioner of Labor and Industry proposes to repeal existing Regulation .07 and recodify existing Regulations .08 and .09 to be Regulations .07 and .08 under COMAR 21.11.11 Prevailing Wage—Contracts for Public Works.

Statement of Purpose

The purpose of this action is to repeal the regulation regarding the provisions of Ch. 49 (S.B. 1), Acts of 2022, authorizing the Commissioner to issue a stop work order to a contractor or subcontractor on a public works project that may have violated the State's Prevailing Wage Law.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle F Vanreusel, Deputy Commissioner Labor and Industry, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031, or call 410-767-2225, or email to dli.regulations+PW@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

DEVKI K. VIRK
Commissioner of Labor and Industry

Title 26
DEPARTMENT OF ENVIRONMENT
Subtitle 08 WATER POLLUTION

26.08.02 Water Quality

Authority: Environment Article, §§9-303.1, 9-313—9-316, 9-319, 9-320—
9-325, 9-327, and 9-328, Annotated Code of Maryland

Notice of Proposed Action

[23-221-P]

The Secretary of the Environment proposes to amend Regulation .03-2 under **COMAR 26.08.02 Water Quality**.

Statement of Purpose

The purpose of this action is to make corrections to COMAR 26.08.02.03-2. The Department updated freshwater aquatic life water quality criteria for ammonia in the recent Triennial Review. Upon conducting a review of COMAR following the recent Triennial Review and regulation revision, it was found that three reference tables for chronic ammonia criteria values and one equation for calculating chronic ammonia criteria were incorrect. This amendment proposes to replace these three reference tables and this single equation with the correct versions as provided in EPA’s Aquatic Life Ambient Water Quality Criteria for Ammonia — Freshwater 2013.

Additionally, the Department proposes to add a footnote to Table 6 under §G of this same regulation (COMAR 26.08.02.03-2) to more directly indicate the effect of pH on PCP toxicity. The Department also proposes a text correction in §F of this same regulation.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed revisions to the ammonia criteria will have slight economic impacts to the State agencies, local governments, the regulated industry, and the general public. Impacts to the issuing agency and to local approval authorities are minimal as no additional staffing is needed to implement the proposed changes. The economic impact on the regulated community will be moderate in most cases because the compliance trigger will require a mussel study in streams which are extremely unlikely to provide mussel habitat. The cost of conducting a mussel survey is a function of the size of the stream and the length of stream being surveyed and will range from \$500 to \$6,000. The proposed revisions to Designated Use Class and Antidegradation Policy will have minimal economic impacts to the regulated community. The general public will benefit from the continued protection of high-quality waters and those waters that support cold water obligate species such as brown trout. The economic impact is outweighed as the general public will benefit from cleaner streams, healthier aquatic life communities, and better environmental protections.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:		
Municipal wastewater utilities	(E+)	Moderate
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C(1). The economic impact on the regulated community will be moderate in most cases because the compliance trigger will require a mussel study in streams which are extremely unlikely to provide mussel habitat. The cost of conducting a mussel survey is a function of the size of the stream and the length of stream being surveyed and will range from \$500 to \$6,000.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Melinda Cutler, Natural Resources Planner, Watershed Protection, Restoration, and Planning Program, Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Baltimore, MD 21230-1720, by telephone at 410-537-3958 or by email at melinda.cutler@maryland.gov. Comments must be received by 5 p.m. on December 22, 2023. The Department of the Environment will hold a virtual public hearing on the proposed action on December 13, 2023, at 3 p.m. Interested persons are invited to attend and express their views. See the Department's website for virtual hearing information, <https://mde.maryland.gov/programs/Regulations/water/Pages/reqcomments.aspx>. For more information, contact Ms. Cutler by telephone or email.

.03-2 Numerical Criteria for Toxic Substances in Surface Waters.

A.—C. (text unchanged)

D. The toxicity of certain substances in Tables 1 and [4] 6 of §G of this regulation is increased or decreased by hardness or pH. For these toxic substances:

(1)—(4) (text unchanged)

E. (text unchanged)

F. Acute and chronic numeric toxic substance criteria for fresh, estuarine, and salt water aquatic life protection and for human health protection are shown in Tables 1—[4] 6 of §G. For the instream application of the acute and chronic criteria for the protection of aquatic life in Tables 1—[4] 6 of §G of this regulation:

(1)—(3) (text unchanged)

G. Tables of Ambient Water Quality Criteria.

(1)—(5) (text unchanged)

(6) Table 6. Toxic Substances for Ambient Water Quality Criteria — Pesticides and Chlorinated Compounds.

Substance	CAS#	Aquatic Life (µg/L)				Human Health for Consumption of:		
		Fresh Water		Salt Water		Drinking Water + Organism (µg/L)	Organism Only (µg/L)	Drinking Water MCL (mg/L)
		Acute	Chronic	Acute	Chronic			
2, 3, 7, 8-TCDD (Dioxin) — Pentachlorobenzene	(text unchanged)							
Pentachlorophenol (PCP) ¹	87865	19	15	13	7.9	2.7 ^a	30 ^a	0.001

¹The freshwater aquatic life criteria for PCP are expressed as a function of pH. Refer to §D of this regulation.

^a Criterion is based on a carcinogenic risk level of 10⁻⁵.

* Drinking water MCLs apply to Public Water Supply designated waters only.

H. (text unchanged)

I. Chronic Numeric Toxic Substance Criteria for Ammonia, Expressed as a 30-day Average, for the Protection of Fresh Water Aquatic Life.

(1)—(4) (text unchanged)

(5) Table 1. Chronic Ammonia Criteria for Waters Where Freshwater Fish Early Life Stages May Be Present (milligrams of nitrogen per liter).¹

(existing table proposed for repeal)

pH	Temperature (°C)																							
	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	4.92	4.61	4.33	4.06	3.80	3.57	3.34	3.13	2.94	2.75	2.58	2.42	2.27	2.13	2.00	1.87	1.75	1.64	1.54	1.45	1.36	1.27	1.19	1.12
6.6	4.85	4.54	4.26	3.99	3.75	3.51	3.29	3.09	2.89	2.71	2.54	2.38	2.24	2.10	1.97	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17	1.10
6.7	4.76	4.46	4.18	3.92	3.68	3.45	3.23	3.03	2.84	2.66	2.50	2.34	2.19	2.06	1.93	1.81	1.70	1.59	1.49	1.40	1.31	1.23	1.15	1.08
6.8	4.65	4.36	4.08	3.83	3.59	3.37	3.16	2.96	2.77	2.60	2.44	2.29	2.14	2.01	1.88	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.05
6.9	4.52	4.23	3.97	3.72	3.49	3.27	3.07	2.88	2.70	2.53	2.37	2.22	2.08	1.95	1.83	1.72	1.61	1.51	1.42	1.33	1.24	1.17	1.09	1.03
7	4.36	4.09	3.84	3.60	3.37	3.16	2.96	2.78	2.60	2.44	2.29	2.15	2.01	1.89	1.77	1.66	1.56	1.46	1.37	1.28	1.20	1.13	1.06	0.99
7.1	4.18	3.92	3.68	3.45	3.23	3.03	2.84	2.66	2.50	2.34	2.20	2.06	1.93	1.81	1.70	1.59	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.95
7.2	3.98	3.73	3.50	3.28	3.07	2.88	2.70	2.53	2.38	2.23	2.09	1.96	1.84	1.72	1.61	1.51	1.42	1.33	1.25	1.17	1.10	1.03	0.96	0.90
7.3	3.75	3.51	3.29	3.09	2.90	2.72	2.55	2.39	2.24	2.10	1.97	1.84	1.73	1.62	1.52	1.43	1.34	1.25	1.17	1.10	1.03	0.97	0.91	0.85
7.4	3.49	3.28	3.07	2.88	2.70	2.53	2.37	2.23	2.09	1.96	1.83	1.72	1.61	1.51	1.42	1.33	1.25	1.17	1.10	1.03	0.96	0.90	0.85	0.79
7.5	3.22	3.02	2.83	2.66	2.49	2.33	2.19	2.05	1.92	1.80	1.69	1.59	1.49	1.39	1.31	1.22	1.15	1.08	1.01	0.95	0.89	0.83	0.78	0.73
7.6	2.94	2.75	2.58	2.42	2.27	2.13	1.99	1.87	1.75	1.64	1.54	1.44	1.35	1.27	1.19	1.12	1.05	0.98	0.92	0.86	0.81	0.76	0.71	0.67
7.7	2.64	2.48	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39	1.30	1.22	1.14	1.07	1.00	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60
7.8	2.35	2.20	2.07	1.94	1.82	1.70	1.60	1.50	1.40	1.32	1.23	1.16	1.08	1.02	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53
7.9	2.07	1.94	1.82	1.70	1.60	1.50	1.40	1.32	1.23	1.16	1.08	1.02	0.95	0.89	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.53	0.50	0.47
8	1.80	1.68	1.58	1.48	1.39	1.30	1.22	1.14	1.07	1.01	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60	0.56	0.53	0.49	0.46	0.43	0.41
8.1	1.55	1.45	1.36	1.28	1.20	1.12	1.05	0.99	0.92	0.87	0.81	0.76	0.71	0.67	0.63	0.59	0.55	0.52	0.49	0.45	0.43	0.40	0.37	0.35
8.2	1.32	1.24	1.16	1.09	1.02	0.96	0.90	0.84	0.79	0.74	0.69	0.65	0.61	0.57	0.54	0.50	0.47	0.44	0.41	0.39	0.36	0.34	0.32	0.30
8.3	1.13	1.05	0.99	0.93	0.87	0.82	0.76	0.72	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.40	0.38	0.35	0.33	0.31	0.29	0.27	0.26
8.4	0.95	0.89	0.84	0.78	0.74	0.69	0.65	0.61	0.57	0.53	0.50	0.47	0.44	0.41	0.39	0.36	0.34	0.32	0.30	0.28	0.26	0.25	0.23	0.22

8.5	0.80	0.75	0.71	0.66	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.40	0.37	0.35	0.33	0.31	0.29	0.27	0.25	0.24	0.22	0.21	0.19	0.18
8.6	0.68	0.64	0.60	0.56	0.52	0.49	0.46	0.43	0.41	0.38	0.36	0.33	0.31	0.29	0.28	0.26	0.24	0.23	0.21	0.20	0.19	0.18	0.16	0.15
8.7	0.57	0.54	0.50	0.47	0.44	0.42	0.39	0.37	0.34	0.32	0.30	0.28	0.27	0.25	0.23	0.22	0.20	0.19	0.18	0.17	0.16	0.15	0.14	0.13
8.8	0.49	0.46	0.43	0.40	0.38	0.35	0.33	0.31	0.29	0.27	0.26	0.24	0.23	0.21	0.20	0.19	0.17	0.16	0.15	0.14	0.13	0.13	0.12	0.11
8.9	0.42	0.39	0.37	0.34	0.32	0.30	0.28	0.27	0.25	0.23	0.22	0.21	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.11	0.10	0.09
9	0.36	0.34	0.32	0.30	0.28	0.26	0.24	0.23	0.21	0.20	0.19	0.18	0.17	0.16	0.15	0.14	0.13	0.12	0.11	0.11	0.10	0.09	0.09	0.08

¹ The freshwater chronic water quality criteria for total ammonia where fish early life stages may be present were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages present) =

$$CCC = 0.8876 \cdot \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \cdot \left(2.126 \cdot 10^{0.028 \cdot (20 - \text{MAX}(7.7))} \right)$$

[Where MIN indicates the lesser of the two values separated by a comma.] Where MAX indicates the greater of the two values separated by a comma.

(6) Table 2. Chronic Ammonia Criteria for Waters Where Freshwater Fish Early Life Stages Are Present and Freshwater mussels are absent (milligrams of nitrogen per liter).¹

(existing table proposed for repeal)

pH	Temperature (°C)																							
	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.34	7.04	6.60	6.19	5.80	5.44	5.10	4.78	4.48	4.20
6.6	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	7.23	6.93	6.50	6.09	5.71	5.36	5.02	4.71	4.41	4.14
6.7	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	6.80	6.38	5.98	5.61	5.26	4.93	4.62	4.33	4.06
6.8	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.93	6.65	6.23	5.84	5.48	5.14	4.81	4.51	4.23	3.97
6.9	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.74	6.46	6.06	5.68	5.32	4.99	4.68	4.39	4.11	3.86
7	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.51	6.24	5.85	5.48	5.14	4.82	4.52	4.24	3.97	3.73
7.1	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	5.98	5.61	5.26	4.93	4.62	4.33	4.06	3.81	3.57
7.2	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.94	5.69	5.33	5.00	4.69	4.40	4.12	3.86	3.62	3.40
7.3	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.59	5.36	5.03	4.71	4.42	4.14	3.88	3.64	3.41	3.20
7.4	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.21	5.00	4.69	4.39	4.12	3.86	3.62	3.39	3.18	2.98
7.5	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.81	4.61	4.32	4.05	3.80	3.56	3.34	3.13	2.93	2.75
7.6	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.38	4.20	3.94	3.69	3.46	3.24	3.04	2.85	2.67	2.51
7.7	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.94	3.78	3.54	3.32	3.11	2.92	2.74	2.57	2.41	2.26
7.8	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.36	3.15	2.95	2.77	2.60	2.43	2.28	2.14	2.01
7.9	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08	2.95	2.77	2.60	2.43	2.28	2.14	2.01	1.88	1.76
8	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.68	2.57	2.41	2.26	2.12	1.99	1.86	1.75	1.64	1.53
8.1	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.21	2.08	1.95	1.82	1.71	1.60	1.50	1.41	1.32
8.2	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.97	1.89	1.77	1.66	1.56	1.46	1.37	1.29	1.21	1.13
8.3	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.68	1.61	1.51	1.41	1.33	1.24	1.17	1.09	1.02	0.96
8.4	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.42	1.36	1.28	1.20	1.12	1.05	0.99	0.92	0.87	0.81
8.5	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.15	1.08	1.01	0.95	0.89	0.83	0.78	0.73	0.69
8.6	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	0.97	0.91	0.85	0.80	0.75	0.70	0.66	0.62	0.58
8.7	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.82	0.77	0.72	0.68	0.63	0.60	0.56	0.52	0.49
8.8	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.70	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42
8.9	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.62	0.60	0.56	0.52	0.49	0.46	0.43	0.40	0.38	0.36
9	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.54	0.51	0.48	0.45	0.42	0.40	0.37	0.35	0.33	0.31

¹The freshwater chronic water quality criteria for total ammonia where fish early life stages are present but freshwater mussels are absent were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages present and freshwater mussels absent) = CCC =

$$CCC = 0.9495 \cdot \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \cdot \left(2.126 \cdot 10^{0.028 \cdot (20 - \text{MIN}(7.7))} \right)$$

Where MIN indicates the lesser of the two values separated by a comma.

(7) Table 3. Chronic Ammonia Criteria for Waters Where Freshwater Fish Early Life Stages Are Absent and Freshwater Mussels Are Absent (milligrams of nitrogen per liter).¹

(existing table proposed for repeal)

pH	Temperature (°C)																													
	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
6.5	18.5	17.4	16.3	15.3	14.3	13.4	12.6	11.8	11.1	10.4	9.72	9.11	8.54	8.01	7.51	7.04	6.60	6.19	5.80	5.44	5.10	4.78	4.48	4.20						
6.6	18.2	17.1	16.0	15.0	14.1	13.2	12.4	11.6	10.9	10.2	9.57	8.97	8.41	7.89	7.39	6.93	6.50	6.09	5.71	5.36	5.02	4.71	4.41	4.14						
6.7	17.9	16.8	15.7	14.7	13.8	13.0	12.2	11.4	10.7	10.0	9.39	8.80	8.25	7.74	7.25	6.80	6.38	5.98	5.61	5.26	4.93	4.62	4.33	4.06						
6.8	17.5	16.4	15.4	14.4	13.5	12.7	11.9	11.1	10.4	9.78	9.17	8.60	8.06	7.56	7.09	6.65	6.23	5.84	5.48	5.14	4.81	4.51	4.23	3.97						
6.9	17.0	15.9	14.9	14.0	13.1	12.3	11.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06	5.68	5.32	4.99	4.68	4.39	4.11	3.86						
7	16.4	15.4	14.4	13.5	12.7	11.9	11.1	10.5	9.80	9.19	8.61	8.07	7.57	7.10	6.65	6.24	5.85	5.48	5.14	4.82	4.52	4.24	3.97	3.73						
7.1	15.7	14.8	13.8	13.0	12.2	11.4	10.7	10.0	9.40	8.81	8.26	7.74	7.26	6.81	6.38	5.98	5.61	5.26	4.93	4.62	4.33	4.06	3.81	3.57						
7.2	15.0	14.0	13.2	12.3	11.6	10.8	10.2	9.53	8.94	8.38	7.85	7.36	6.90	6.47	6.07	5.69	5.33	5.00	4.69	4.40	4.12	3.86	3.62	3.40						
7.3	14.1	13.2	12.4	11.6	10.9	10.2	9.58	8.98	8.42	7.89	7.40	6.94	6.50	6.10	5.72	5.36	5.03	4.71	4.42	4.14	3.88	3.64	3.41	3.20						
7.4	13.1	12.3	11.6	10.8	10.2	9.52	8.93	8.37	7.85	7.36	6.90	6.47	6.06	5.69	5.33	5.00	4.69	4.39	4.12	3.86	3.62	3.39	3.18	2.98						
7.5	12.1	11.4	10.7	9.99	9.36	8.78	8.23	7.72	7.24	6.78	6.36	5.96	5.59	5.24	4.91	4.61	4.32	4.05	3.80	3.56	3.34	3.13	2.93	2.75						
7.6	11.0	10.4	9.70	9.10	8.53	8.00	7.50	7.03	6.59	6.18	5.79	5.43	5.09	4.78	4.48	4.20	3.94	3.69	3.46	3.24	3.04	2.85	2.67	2.51						
7.7	9.94	9.32	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56	5.21	4.89	4.58	4.30	4.03	3.78	3.54	3.32	3.11	2.92	2.74	2.57	2.41	2.26						
7.8	8.84	8.29	7.77	7.28	6.83	6.40	6.00	5.63	5.28	4.95	4.64	4.35	4.08	3.82	3.58	3.36	3.15	2.95	2.77	2.60	2.43	2.28	2.14	2.01						
7.9	7.77	7.28	6.83	6.40	6.00	5.63	5.28	4.95	4.64	4.35	4.08	3.82	3.58	3.36	3.15	2.95	2.77	2.60	2.43	2.28	2.14	2.01	1.88	1.76						
8	6.76	6.34	5.94	5.57	5.22	4.90	4.59	4.30	4.03	3.78	3.55	3.33	3.12	2.92	2.74	2.57	2.41	2.26	2.12	1.99	1.86	1.75	1.64	1.53						
8.1	5.82	5.46	5.12	4.80	4.50	4.22	3.96	3.71	3.48	3.26	3.06	2.87	2.69	2.52	2.36	2.21	2.08	1.95	1.82	1.71	1.60	1.50	1.41	1.32						
8.2	4.98	4.67	4.38	4.10	3.85	3.61	3.38	3.17	2.97	2.79	2.61	2.45	2.30	2.15	2.02	1.89	1.77	1.66	1.56	1.46	1.37	1.29	1.21	1.13						
8.3	4.23	3.97	3.72	3.49	3.27	3.07	2.87	2.69	2.53	2.37	2.22	2.08	1.95	1.83	1.72	1.61	1.51	1.41	1.33	1.24	1.17	1.09	1.02	0.96						
8.4	3.58	3.36	3.15	2.95	2.77	2.59	2.43	2.28	2.14	2.00	1.88	1.76	1.65	1.55	1.45	1.36	1.28	1.20	1.12	1.05	0.99	0.92	0.87	0.81						
8.5	3.02	2.84	2.66	2.49	2.34	2.19	2.05	1.93	1.81	1.69	1.59	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.95	0.89	0.83	0.78	0.73	0.69						
8.6	2.55	2.39	2.24	2.10	1.97	1.85	1.73	1.63	1.52	1.43	1.34	1.26	1.18	1.10	1.04	0.97	0.91	0.85	0.80	0.75	0.70	0.66	0.62	0.58						
8.7	2.16	2.03	1.90	1.78	1.67	1.57	1.47	1.38	1.29	1.21	1.13	1.06	1.00	0.93	0.88	0.82	0.77	0.72	0.68	0.63	0.60	0.56	0.52	0.49						
8.8	1.84	1.72	1.61	1.51	1.42	1.33	1.25	1.17	1.10	1.03	0.96	0.90	0.85	0.79	0.74	0.70	0.65	0.61	0.58	0.54	0.51	0.47	0.44	0.42						
8.9	1.57	1.47	1.38	1.29	1.21	1.14	1.07	1.00	0.94	0.88	0.82	0.77	0.72	0.68	0.64	0.60	0.56	0.52	0.49	0.46	0.43	0.40	0.38	0.36						
9	1.35	1.27	1.19	1.11	1.04	0.98	0.92	0.86	0.81	0.76	0.71	0.66	0.62	0.58	0.55	0.51	0.48	0.45	0.42	0.40	0.37	0.35	0.33	0.31						

¹ The freshwater chronic water quality criteria for total ammonia where fish early life stages are present but freshwater mussels are absent were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages absent and freshwater mussels absent)=CCC=

$$\left(0.9405 * \left(\frac{0.0278}{1 + 10^{1.653 - pH}} + \frac{1.1994}{1 + 10^{2.77 - pH}} \right) * (7.547 * 10^{0.028 * (20 - MAX(17, T))}) \right)$$

Where MAX indicates the greater of the two values separated by a comma.

J.—K. (text unchanged)

SERENA McILWAIN
Secretary of the Environment

Title 30

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subtitle 03 EMS OPERATIONAL PROGRAMS

30.03.06 Base Stations

Authority: Education Article, §§13-509, 13-510, and 13-516, Annotated Code of Maryland

Notice of Proposed Action

[23-246-P]

The Maryland State Emergency Medical Services Board proposes to adopt new Regulation .04-1 under COMAR 30.06.03 Base Stations. This action was considered by the State EMS Board at its open meeting held on October 10, 2023, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the requirements for EMS operational programs to coordinate telemedicine appointments between independent physicians and certain low-acuity patients outside of the traditional base station or system medical director.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Timothy Chizmar, M.D., State EMS Medical Director, MIEMSS, 653 West Pratt Street, Baltimore, MD 21201, or call (410) 706-0880, or email to tchizmar@miemss.org. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

.04-1 Limited-Scope Medical Direction.

A. Scope.

(1) *This regulation applies to an EMS operational program that seeks to facilitate telemedicine appointments between certain low-acuity patients and independent physicians that are not affiliated with a base station or system medical director; nor under the direct supervision of the EMS operational program or its medical director.*

(2) *This regulation does not limit the use or scope of medical direction offered through a base station in accordance with the Maryland Medical Protocols for Emergency Medical Services.*

B. Definition. In this regulation, "limited-scope medical direction" means the specific instruction of a licensed physician during a telemedicine encounter regarding the need for transport and the transport destination for a patient 18 years or older and determined to be Priority 3 or Priority 4 under the Maryland Medical Protocols for Emergency Medical Services.

C. An EMS operational program may submit to MIEMSS a plan for the use of limited-scope medical direction through an entity that is not an approved EMS base station or system medical director. The plan shall:

(1) Describe the entity through which the limited-scope medical direction will be provided;

(2) Include the minimum standards that the EMS operational program will require of the entity that will supply and direct physicians in providing limited-scope medical direction authorized by this regulation;

(3) Contain a quality assurance/quality improvement plan that provides MIEMSS with access to any records produced and maintained by the EMS operational program and to any records and recordings of an encounter with the entity's physicians who provide limited-scope medical direction;

(4) Include the manner by which the EMS operational program or other entity will inform a patient of any financial obligations of the patient associated with a telemedicine appointment provided under this regulation;

(5) Provide for a semi-annual report to MIEMSS that includes at a minimum:

(a) The number of patients evaluated or treated through telemedicine resulting in limited-scope medical direction;

(b) A record of the patients' presenting chief complaints and any interventions provided; and

(c) A record of referrals for follow-up medical care;

(6) Provide a system for recording communications between an entity's physician providing limited-scope medical direction and EMS personnel as well as a system for storing any such recordings for a minimum of 90 days; and

(7) Be consistent with the Emergency Medical System Plan approved by the EMS Board.

D. To provide limited-scope medical direction through an EMS operational program's plan, an individual shall at a minimum:

(1) Be licensed to practice medicine in the State of Maryland;

(2) Hold active board certification in:

(a) Emergency medicine;

(b) Emergency medical services;

(c) Family medicine; or

(d) Internal medicine;

(3) Be knowledgeable of EMS and the local treatment options for low-acuity patients;

(4) Certify to the EMSOP that the individual has not been subject to disciplinary action by any professional licensing body within the 5 years prior to providing limited-scope medical direction; and

(5) Meet the requirements of Regulation .03C of this chapter.

E. MIEMSS may approve, modify, or deny a proposed plan of an EMS operational program to provide limited-scope medical direction.

F. Subject to a MIEMSS-approved plan for use of limited-scope medical direction, an EMS operational program may allow an entity whose physicians meet the requirements of Regulation .03C of this chapter and §D of this regulation to provide limited-scope medical direction to EMS personnel affiliated with the EMS operational program.

G. No later than June 30 of each year, each EMS operational program seeking to use or continue to use limited-scope medical direction shall submit to MIEMSS a list that identifies each physician by full name and Maryland license number who will provide limited-scope medical direction to the EMS personnel affiliated with the EMS operational program.

H. An individual or entity may not provide or offer to provide limited-scope medical direction unless that individual or entity is doing so pursuant to an EMS operational program's MIEMSS-approved plan.

I. EMS Clinicians.

(1) An EMS clinician may not receive or attempt to receive limited-scope medical direction unless the EMS clinician is doing so pursuant to an EMS operational program's MIEMSS-approved plan.

(2) This regulation does not affect an EMS clinician from receiving or attempting to receive medical direction that includes transport instructions from any base station in accordance with the Maryland Medical Protocols for Emergency Medical Services.

J. MIEMSS may revoke the previously approved plan of an EMS operational program for the use of limited-scope medical direction if MIEMSS determines that the EMS operational program has violated the terms of its previously approved plan or any requirements of this regulation.

THEODORE R. DELBRIDGE, M.D., M.P.H.
Executive Director

Title 33

STATE BOARD OF ELECTIONS

Notice of Proposed Action

[23-217-P]

The State Board of Elections proposes to amend:

- (1) Regulation .06 under COMAR 33.11.03 Issuance and Return;
- (2) Regulation .03 under COMAR 33.11.04 Canvass of Ballots — Procedures; and
- (3) Regulation .04 under COMAR 33.16.06 Canvass of Ballots — Rejecting Ballots.

This action was considered by the State Board of Elections at its August 29, 2023, meeting

Statement of Purpose

The purpose of this action is to propose amendments that: (1) allow voters to choose how they want to communicate about a missing signature and add a text-based solution for providing the missing signature; (2) require, with exceptions, the pre-election processing of mail-in ballots; and (3) require the local board to count the first ballot from the individual and reject any other ballot.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Morgan Rhoden, Deputy Director of Election Reform and Management, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410.269.2840, or email to dl_regcomments_SBE@maryland.gov. Comments will be accepted through December 18, 2023. A public hearing has not been scheduled.

Subtitle 11 ABSENTEE BALLOTS

33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 2-305, 9-303, 9-305, 9-306, 9-310, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.06 Return of Ballot.

A. — B. (text unchanged)

C. Ballots Returned Without a Signed Oath.

(1) (text unchanged)

(2) Method of Notification.

(a) — (b) (text unchanged)

[(3)] (c) (text unchanged)

[(4)] (3) *Method of Communication with Local Board.*

(a) A voter may [provide a signature] *choose to communicate with the local board to correct the failure to sign the oath by text, email, portal, mailed form, and in-person visit to the local board.*

(b) A voter may sign the oath by email, SBE-approved text application, mail, in-person visit to the local board, or other means offered by the State Board.

D. — G. (text unchanged)

33.11.04 Canvass of Ballots — Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.03 Start of Canvass.

A. When Required.

(1) Except as provided in §A(2) of this regulation, the board shall start [to canvass] *processing* the absentee ballots [at 10 a.m. on the Thursday after the election] *on the day that is 8 business days before the first day of early voting.*

(2) [The board shall start the second absentee ballot canvass at 10 a.m. on the second Friday after an election.] *Upon the request of a board, the State Administrator may grant a waiver of requirements in §A(1) of this regulation if the State Administrator determines the early processing is not:*

(a) *Necessary due to the low number of absentee ballots received by the board; or*

(b) *Practicable due to limited resources or other constraints on the board.*

(3) *The board shall convene at:*

(a) *10 a.m. on the Thursday after the election to canvass absentee ballots; and*

(b) *10 a.m. on the second Friday after an election.*

[(3)] (4) If [the start of an absentee canvass] *any required processing or canvassing day* falls on a legal holiday, the board shall convene [the absentee canvass] *to process or canvass absentee ballots* on the next regular business day.

B. (text unchanged)

Subtitle 16 PROVISIONAL VOTING

33.16.06 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, [and] 11-303(c)[, (d)(2)(iii),] and (e), and 11-303.2, Annotated Code of Maryland

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

A. [The] *If a local board receives multiple provisional ballots from the same voter, the local board shall [reject multiple provisional ballots] canvass them as follows:*

(1) (text unchanged)

(2) If more than one provisional ballot is received from the same individual in different provisional ballot applications, [all ballots shall be rejected] *the local board shall:*

(a) *Count the first provisional ballot cast by the voter that is legally sufficient and acceptable in full;*

(b) *If no provisional ballots are acceptable in full, count the first provisional ballot cast by the voter that is legally sufficient and accept in part; or*

(c) *Reject all ballots if none of the voter's provisional ballots are legally sufficient.*

B. If an absentee ballot and provisional ballot are received from the same individual:

(1) Except as provided in §B(2) of this regulation, the local board shall *count the first ballot the voter cast if the ballot is legally sufficient and reject [the provisional] any other ballot.*

(2) (text unchanged)

C. (text unchanged)

MORGAN RHODEN

Deputy Director of Election Reform and Management

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing

Date and Time: December 5, 2023, 1 — 4 p.m.

Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain long-term care insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from Genworth Life Insurance Company. The purpose of the hearing is for insurance company officials to explain the reasons for the rate increases and for MIA to consider whether the proposed rate increase complies with Maryland's laws and regulations relating to long-term care insurance. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

The hearing will be held in a hybrid format, both in-person, and concurrently via Zoom.

The in-person portion of the hearing will be held at the following time and location:

Tuesday, December 5, 2023

1 — 4 p.m.

Maryland Insurance Administration, 24th Floor, Hearing Room, 200 St. Paul Place, Baltimore, MD 21202

The Zoom dial-in information is below:

Dial-in Information:

Zoom Gov link:

<https://www.zoomgov.com/j/1601066307>

Dial-in: (646) 828-7666

Webinar ID: 160 106 6307

Information about the Maryland Relay Service can be found at doit.maryland.gov/mdrelay.

If you wish to provide oral testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard from those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by November 28, 2023, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by November 28, 2023, by email to Nancy.Muehlberger@maryland.gov.

For more information on the hearing, please see the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-December-5-2023.aspx>

Contact: Nancy Muehlberger, 410-468-2050

MARYLAND DEPARTMENT OF LABOR/CAREER AND TECHNICAL EDUCATION (CTE) COMMITTEE

Subject: Public Meeting

Date and Time: November 29, 2023, 12 — 2 p.m.

Place: Virtual Meeting

Add'l. Info: The livestream is available at <https://www.youtube.com/@marylandctecommittee>.

Contact: Darla Henson 410-767-2408

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting — RESCHEDULED

Date and Time: November 28, 2023, 9 — 11 a.m.

Place: Virtual Only — Commission Meeting

Add'l. Info: RESCHEDULED from November 16, 2023, to November 28, 2023, and now virtual only. The link will be available on the website, <https://www.mdgaming.com/commission-meeting-11-28-2023/>, on the day of the meeting. This meeting is a combination November/December meeting with no additional meeting in December.

Contact: Kathy Lingo 410-230-8790

[23-23-03]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: December 14, 2023, 9:30 — 11:30 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in a closed session.

Contact: Amy S. Lackington 410-864-5300

[23-23-02]