

**ORDER NO. 77666**

IN THE MATTER OF THE COMMISSION'S INQUIRY INTO THE PROVISION AND REGULATION OF ELECTRIC SERVICE  (Emissions and Fuel Mix Disclosure)  _____	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND  _____  CASE NO. 8738  _____
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On December 11, 2001, the Public Service Commission ("Commission") issued Order No. 77412 adopting the PJM Interconnection LLC ("PJM") emissions and fuel mix tracking system for use by electric companies and electricity suppliers providing retail electricity to customers in Maryland. In its Order, the Commission determined, based upon its review of the PJM Generation Attributes Tracking System ("GATS") - Conceptual Design, that the use of the PJM contract tracking system would satisfy the obligation of electric companies and electricity suppliers to ensure the provision of adequate and accurate fuel mix and emissions information to Maryland consumers and to the Commission. The Order was, however, suspended for 60 days in order to permit all parties in the proceeding to comment.

PJM, Baltimore Gas and Electric Company ("BGE"), Potomac Electric Power Company ("Pepco"), Delmarva Power and Light Company d/b/a Conectiv ("Conectiv"), the Mid-Atlantic Power Supply Association ("MAPSA"), Green Mountain Energy Company ("Green Mountain") and the Commission's Staff ("Staff") filed comments in response to the Commission's adoption of the PJM GATS. None of the commentators nor

any other party to the proceeding has objected to the Commission's adoption of the PJM emissions tracking system for use in Maryland.

In its comments, PJM stated that its Phase I GATS is now operational. (PJM's February 7, 2002 Comments at 9). GATS Phase I will allow Maryland retail electric companies and electricity suppliers to report verifiable emissions and fuel mix data, pertaining to their transactions within the PJM region, to the Commission. However, according to PJM, public fuel mix data from the US Department of Energy, Energy Information Administration ("EIA") and information from the Environmental Protection Agency is not available until three months after the applicable generation month. Thus, PJM will first be able to provide labels to companies and suppliers no earlier than April 15, 2002. The Commission's established annual fuel mix and emissions disclosure due date is April 1, 2002.

In response to PJM's comments, Staff has requested that the Commission revise the current reporting deadline requiring companies and suppliers to distribute updated labels to their customers during the June 2002 billing cycle rather than by April 1. Staff suggests that the companies' and suppliers' annual reports to the Commission be deferred until June 1, 2002, and further recommends that the second distribution of labels be made during the December billing cycle rather than October 1. BGE, Pepco and Conectiv each indicated that they plan to use PJM GATS data. However, since the data will not be available to the companies and suppliers until April 2002, the companies expect that their reporting will necessarily be delayed.

MAPSA requested that electricity suppliers be permitted to continue to utilize the verification/certification mechanisms that may currently be in place until PJM GATS becomes operational. Thereafter, MAPSA requested that electricity suppliers should be permitted to grandfather or phase out any existing contractual tracking, auditing, verification/certification systems then in place. Green Mountain urged the Commission to endorse regional uniformity and participation by all stakeholders in the GATS Users Group. Although Green Mountain supported self-certification and verification until GATS is fully operational, it did not suggest that such procedures be grandfathered or phased out over time.

Finally, Staff observed that some electric companies and electricity suppliers have failed to comply with the Commission Emissions Disclosure Rules by failing to disclose environmental information in the uniform label format approved by the Commission to all prospective customers by, *inter alia*, posting such information on the company/supplier website. Section 10-2 of the Emissions Disclosure Rules provides that any party determined by the Commission, after notice and hearing, to have violated any provision of [the] standards relating to environmental disclosure shall be subject to: suspension or revocation; financial penalties, and/or prohibition on accepting new customers.

Upon consideration of Order No. 77412 and the comments of the parties thereon, the Commission finds that PJM Generator or Generation Attributes Tracking System - Phase I is currently operational and, consistent with Order No. 77412, has been adopted for use as the emissions and fuel mix tracking system by electric companies and electricity

suppliers providing retail electricity to customers in Maryland. The Commission adopts Staff's recommendations as set forth in its March 19, 2002 comments.

IT IS, THEREFORE, this 29<sup>th</sup> day of March, in the year Two Thousand and Two, by the Public Service Commission of Maryland,

ORDERED: (1) That the date for emissions and fuel mix label updating be changed from April 1 to no later than the June billing cycle;

(2) That the second date for the distribution of emissions and fuel mix labels be moved from October 1<sup>st</sup> to the December billing cycle;

(3) That all electric companies and electricity suppliers shall file their annual emissions and fuel mix disclosure reports with the Commission no later than June 1, 2002;

(4) That Maryland electric companies and electricity suppliers shall, in a timely manner inform PJM who, within their organization, should receive emissions and fuel mix labels and whether such information should be provided via hard copy through U.S. mail or electronically;

(5) That all Maryland electric companies and electricity suppliers are reminded of the Commission's Emissions Disclosure Rules and their obligation to comply to these rules, including the obligation to post environmental information on the company's website in locations that can be readily accessed by the public; and

(6) That any party wishing to file comments regarding Mid-Atlantic Power Supply Association's request to grandfather or phase out self-certification and verification mechanisms and procedures pertaining to emissions and fuel mix data shall do so before April 15, 2002.

By Direction of the Commission,

Donald P. Eveleth  
Assistant Executive Secretary

DPE:nrm