

**MEMORANDUM**

TO: County Council

FROM: Kathleen Boucher, Senior Legislative Attorney *KLB*  
Amanda Mihill, Legislative Analyst *AM*

SUBJECT: **Introduction:** Bill 35-07, Consumer Protection – Energy and Environmental Advocacy

Bill 35-07, Consumer Protection – Energy and Environmental Advocacy, sponsored by Councilmembers Berliner, Ervin, Andrews, Elrich and Floreen, is scheduled to be introduced on November 20, 2007. A public hearing is tentatively scheduled for January 17, 2008 at 7:30 p.m.

The bill requires the Office of Consumer Protection to represent the County's interest in obtaining the lowest possible rates consistent with environmental stewardship for gas, electricity, and other energy sources by participating in matters pending before appropriate federal and state agencies.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 35-07  
Concerning: Consumer Protection –  
Energy and Environmental Advocacy  
Revised: 11/16/07 Draft No. 7  
Introduced: November 20, 2007  
Expires: May 20, 2009  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Berliner, Ervin, Andrews, Elrich, and Floreen

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**AN ACT** to:

- (1) require the Office of Consumer Protection to represent the County's interest in obtaining the lowest possible rates consistent with environmental stewardship for gas, electricity, and other energy sources by participating in matters pending before appropriate federal and state agencies, and
- (2) generally amend County law governing energy and the environment.

By amending

Montgomery County Code  
Chapter 11, Consumer Protection  
Section 11-2

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

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1       **Sec. 1. Section 11-2 is amended as follows:**

2       **11-2. Office of Consumer Protection.**

3       (a) Established. The Office of Consumer Protection is a department of  
4       County government.

5       (b) Authority. The Office may:

6       [(a)] (1) [receive] Receive and investigate complaints and initiate its  
7       own investigation of deceptive, unfair, or unconscionable trade  
8       practices against consumers, hold hearings, compel the  
9       attendance of witnesses, administer oaths, take the testimony of  
10      any person under oath and require the production of any  
11      evidence relating to any matter under investigation or in  
12      question by the Office;

13      [(b)] (2) [issue] Issue summonses and subpoenas to compel the  
14      attendance of witnesses and the production of documents,  
15      papers, books, records, and other evidence in any matter to  
16      which this Chapter applies;

17      [(c)] (3) [issue] Issue cease and desist orders and bring enforcement  
18      actions regarding any trade practice that violates this Chapter;

19      [(d)] (4) [report] Report to any appropriate government agency with  
20      jurisdiction over real estate transactions or consumer protection  
21      matters any information concerning violation of any consumer  
22      protection law;

23      [(e)] (5) [communicate] Communicate the interests of consumers and  
24      merchants before administrative and regulatory agencies and  
25      legislative bodies to ensure that both are adequately  
26      represented;

- 27        [(f)] (6)    [assist] Assist, advise, and cooperate with the Better Business  
28                    Bureau and local, state, and federal agencies and officials to  
29                    protect and promote the interests of County consumers;
- 30        [(g)] (7)    [assist] Assist, develop, and conduct programs of consumer  
31                    education and information through public hearings, meetings,  
32                    publications, or other materials prepared for distribution to  
33                    County consumers;
- 34        [(h)] (8)    [encourage] Encourage local business and industry to maintain  
35                    high standards of honesty, fair business practices, and public  
36                    responsibility in the production, promotion, and sale of  
37                    consumer goods or services;
- 38        [(i)] (9)    [protect] Protect and promote the welfare of County consumers  
39                    and merchants;
- 40        [(j)] (10)   [report] Report annually on the number, nature, and disposition  
41                    of complaints filed with the Office. The annual report must  
42                    include any recommendations made by the Advisory  
43                    Committee on Consumer Protection;
- 44        [(k)] (11)   [adopt] Adopt regulations under method (2) to implement this  
45                    Chapter;
- 46        [(l)] (12)   [operate] Operate a voluntary arbitration program; [and]
- 47        [(m)](13)   [enforce] Enforce laws pertaining to motor vehicle repair,  
48                    electrical appliances, secondhand personal property, and any  
49                    other law that the Office is assigned to enforce[.]; and
- 50        [(n)] (14)   [To undertake] Undertake activities and establish procedures to  
51                    identify, and assist consumers with respect to, any  
52                    discriminatory, predatory, or abusive lending practices.

53 (c) Energy and environmental advocacy.

54 (1) The Office must represent the County's interest in obtaining the  
55 lowest possible rates consistent with environmental stewardship  
56 for gas, electricity, and other energy sources by participating in  
57 matters pending before appropriate federal and state agencies,  
58 including intervening and filing comments in those matters.

59 (2) The Office may employ consultants and technical advisors as  
60 necessary to implement this subsection in accordance with  
61 funds appropriated in the County budget.

62 (3) By September 1 of each year, the Office must report to the  
63 County Executive and County Council on the actions that the  
64 Office has taken in the preceding fiscal year to implement this  
65 subsection.

66 *Approved:*

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69 \_\_\_\_\_  
Marilyn J. Praisner, President, County Council Date

70 *Approved:*

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\_\_\_\_\_ Date  
Isaih Leggett, County Executive

72 *This is a correct copy of Council action.*

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\_\_\_\_\_ Date  
Linda M. Lauer, Clerk of the Council

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## LEGISLATIVE REQUEST REPORT

Bill 35-07

*Consumer Protection – Energy and Environmental Advocacy*

**DESCRIPTION:** Requires the Office of Consumer Protection to represent the County's interest in obtaining the lowest possible rates consistent with environmental stewardship for gas, electricity, and other energy sources by participating in matters pending before appropriate federal and state agencies.

**PROBLEM:** Montgomery County has not historically participated in regulatory proceedings before state or federal agencies, which can make critical decisions affecting the County's ratepayers and the environment.

**GOALS AND OBJECTIVES:** To designate an entity in County government charged with representing the County's interest before state and federal agencies.

**COORDINATION:** Office of Consumer Protection.

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Kathleen Boucher, Senior Legislative Attorney (240) 777-7940  
Amanda Mihill, Legislative Analyst (240) 777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** N/A

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