

~~(c) On or before December 31, 2006, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on its findings and recommendations.~~

(d) (1) The Commission may not implement any of the actions under subsection (b)(1) through (4) of this section that are otherwise authorized by this Act unless the Commission finds that the action is in the public interest.

(2) ~~On or before December 31, 2006, and based~~ **BASED** on its consideration of energy efficiency and conservation measures under subsection (b)(3) of this section, the Commission shall establish, by regulation or order:

(i) the process for procurement of energy and conservation ~~measures~~ **PROGRAMS** and services; and

(ii) criteria to evaluate bids that are submitted for energy and conservation ~~measures~~ **PROGRAMS** and services.

(3) As a part of its review of electric restructuring in the State as it pertains to the availability of competitive generation to residential and small commercial customers and the structure, procurement, and terms and conditions of standard offer service for residential and small commercial customers, the Commission shall:

1. adopt a uniform definition of a "small commercial customer" for purposes of standard offer service that applies in all service territories in the State; and

2. consider whether it benefits small commercial customers for an electric company not to be required to provide the standard offer service under § 7-510(c) for small commercial customers.

~~(e) (D) The requirement to study opt-out local governmental aggregation FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS IN THE SERVICE TERRITORIES OF INVESTOR OWNED ELECTRIC COMPANIES under subsection (b)(5) of this section may not be construed to interfere with any pilot program to implement local aggregation in existence on the effective date of this Act. THE COMMISSION MAY NOT APPROVE AN OPT-OUT AGGREGATION PROGRAM UNLESS THE GENERAL ASSEMBLY THROUGH LEGISLATION AUTHORIZES THE COMMISSION TO ALLOW OPT-OUT AGGREGATION. IN ITS STUDY OF OPT-OUT AGGREGATION, THE COMMISSION SHALL IDENTIFY THE IMPLICATIONS OF THE VARIOUS ASPECTS OF AN OPT-OUT AGGREGATION PROGRAM, INCLUDING:~~