

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost effective energy conservation and efficiency programs.

~~(C) (1) THE COMMISSION MAY NOT APPROVE ANY PROGRAM OR SERVICE FOR THE USE AND CONSERVATION OF ENERGY THAT REQUIRES OR ALLOWS A GAS COMPANY OR AN ELECTRIC COMPANY TO PROVIDE, DIRECTLY OR INDIRECTLY, A PRODUCT OR A SERVICE TO A GAS CUSTOMER OR AN ELECTRIC CUSTOMER FOR WHICH THE CUSTOMER WOULD BE ASSESSED A SURCHARGE ON THE CUSTOMER'S GAS BILL OR ELECTRIC BILL WITHOUT THE PRIOR WRITTEN CONSENT OF THE CUSTOMER.~~

~~(2) IF A CUSTOMER CONSENTS TO A SURCHARGE FOR A PRODUCT OR A SERVICE FOR THE USE AND CONSERVATION OF ENERGY, THE GAS COMPANY OR THE ELECTRIC COMPANY SHALL, ON THE CUSTOMER'S BILL:~~

~~(I) SEPARATELY STATE THE SURCHARGE; AND~~

~~(II) CLEARLY DESCRIBE THE PURPOSE OF THE SURCHARGE~~  
AT LEAST ONCE EACH YEAR, EACH ELECTRIC COMPANY AND GAS COMPANY SHALL NOTIFY AFFECTED CUSTOMERS OF THE ENERGY EFFICIENCY AND CONSERVATION CHARGES IMPOSED AND BENEFITS CONFERRED BY:

(1) PUBLICATION ON THE COMPANY'S WEBSITE; AND

(2) INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.

[(c)] (D) (1) On or before February 1, ~~2001~~ 2009, AND EVERY 2 YEARS THEREAFTER, the Commission, in consultation with the Maryland Energy Administration, shall report, ~~subject to~~ IN ACCORDANCE WITH § 2-1246 of the State Government Article, to the General Assembly on:

(i) the status of programs and services to encourage and promote the efficient use and conservation of energy; and

(ii) a recommendation for the appropriate funding level to adequately fund these programs and services.