

(2) In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider, among other factors:

- (i) the impact on jobs;
- (ii) the impact on the environment;
- (iii) the impact on rates; and
- (iv) the cost-effectiveness.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, if on or after September 1, 2007, a gas company or an electric company has collected any surcharge for a product or a service for the use and conservation of energy without the prior written consent of the customer surcharged, the gas company or the electric company shall refund the amount of the surcharge to the customer or credit the amount of the surcharge to the customer's account.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2008.

CHAPTER 131

(House Bill 374)

AN ACT concerning

EmPOWER Maryland Energy Efficiency Act of 2008

FOR the purpose of establishing the State goal of achieving certain percentage reductions in per capita electricity consumption and peak demand by the end of a certain year; requiring the Public Service Commission to make certain calculations each year and to report those calculations to the General Assembly each year as part of its annual report; requiring certain municipal electric utilities and ~~small~~ certain rural electric cooperatives to include certain