State-By-State Scorecard on Electricity Competition

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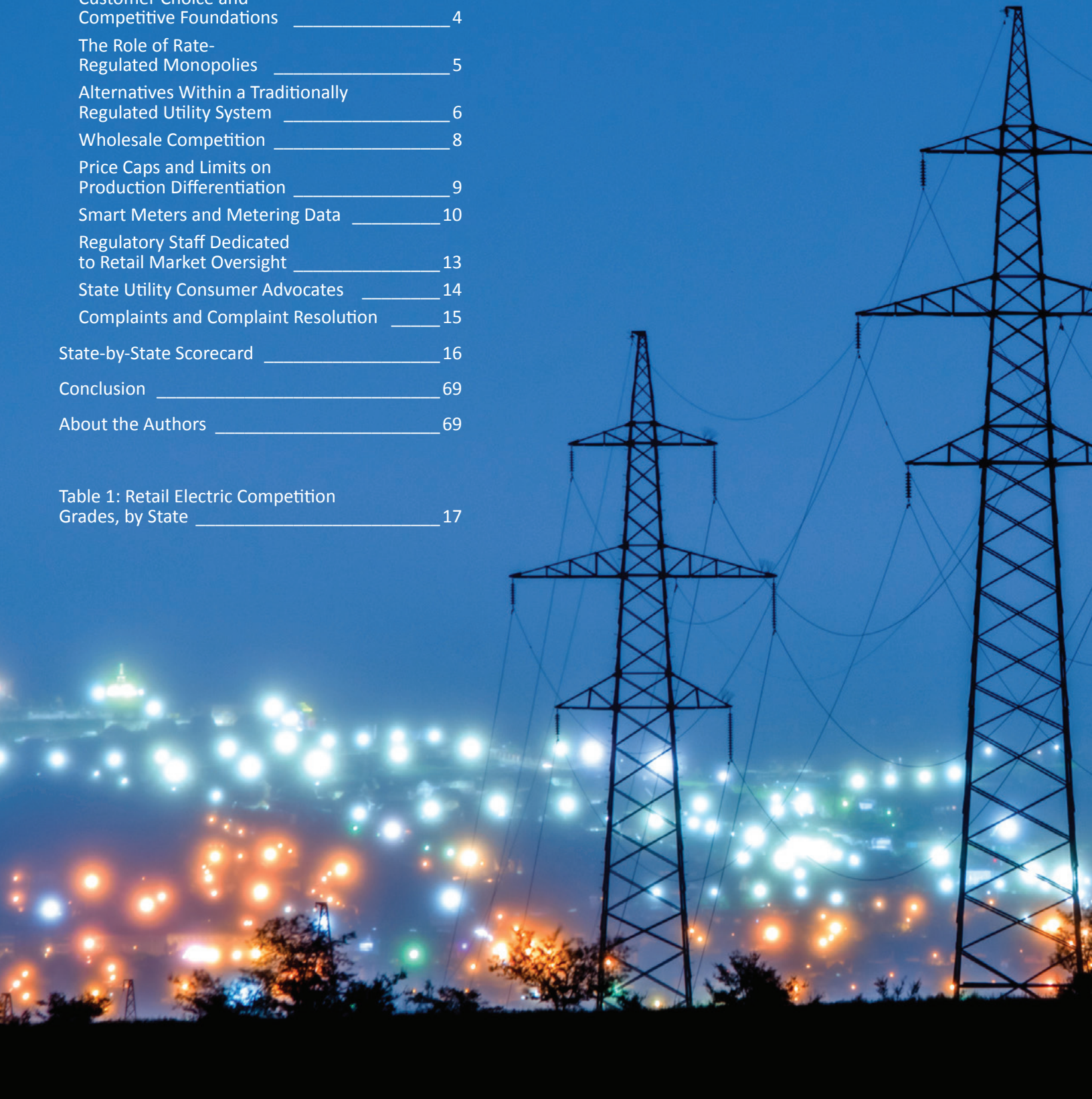
By Chris Villarreal, Kent Chandler, and Michael Giberson

Scorecard Contents



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Executive Summary

Electricity competition involves more than just allowing customers to choose their retail supplier.

It also requires making sure customers are aware of their ability to choose, encouraging them to choose their supplier, and keeping that choice visible to reinforce their decision. Currently, just over a dozen states give all of their customers the ability to choose their electricity provider. Other states have created hybrid models that offer some degree of choice. Each state has adopted its own set of rules to facilitate this process.

Although the ability to choose a supplier remains the primary benchmark for assessing electricity competition across the United States, additional strategies that support competition and choice can also factor into the overall picture of a state's retail market, regardless of whether or not it offers full retail open access. These include:

- Allowing municipalities to aggregate residential customer demand
- Allowing smart-device companies to aggregate demand-side flexibility and production into wholesale markets or utility procurements
- Enabling the access and sharing of customers' energy-usage data to optimize purchasing decisions around use patterns and available offerings
- Implementing utility procurement practices that enhance competitive selection, even if the costs are incorporated into the rates of the captive customer base
- Participating in an RTO
- Accessing a more liquid, competitive market upstream, constituted as an RTO

This scorecard describes the ways states can facilitate and enhance retail choice in electricity, assesses the degree to which each state is currently fostering competition and optionality, and suggests specific strategies each state can implement to further improve its retail electricity competition.

To assess each state's level of retail choice, we first identified factors known to benefit consumer choice and then researched and verified which strategies each jurisdiction had implemented. States with existing retail choice programs were assigned a higher baseline grade; those without retail choice programs were assigned a lower baseline grade. We then applied our state-based research results and adjusted states' scores to ensure that they reflected both the quality of any retail competition program as well as additional efforts and strategies known to be helpful in promoting retail electric choice.

Assessing states' effectiveness in fostering electric competition in this way is important because competition exerts pressure on prices, promotes new markets, and creates savings for customers. Although full retail choice remains the ultimate goal, this scorecard illustrates that state regulators have additional tools they can deploy to bring competition to different parts of the utility business and enhance customer benefits.

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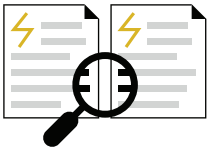
Introduction

Active competition promotes efficiency and innovation, and this is as true in the electric power industry as it is elsewhere in society.

Retail choice of electricity suppliers fosters competition and maximizes benefits for consumers. Yet even in states that have not fully reformed their electricity regulations to allow for consumer choice, competition can still be nurtured and developed in different ways. In many states, for example, electricity customers can secure alternative generation sources or directly procure electricity from large power plants. In addition, some states that have traditionally regulated monopolies have mandated competitive procurement processes for electricity, adding a degree of competition to the system. Moreover, states that do not give customers a genuine choice in supplier can participate in regional transmission organizations (RTOs) to provide utilities and customers with more opportunities to identify and access low-cost resources.[1]

The purpose of this report is to assess and compare the competitiveness of each state's retail electricity offerings and highlight policy solutions that states have implemented to enhance competition. Because this report primarily focuses on the state regulation of investor-owned utilities (IOUs), rural cooperative and municipal utilities are largely beyond its scope. For this reason, we have omitted Nebraska—which is served entirely by public power utilities—from this scorecard. We have, however, included the District of Columbia, which is served by an IOU. Additionally, although solar power can be a version of electricity competition, this report does not evaluate the effectiveness of state solar policies.



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Scorecard note: the following State-by-State Scorecard section summarizes the overall score given to each state (Nebraska omitted) and the District of Columbia.

1. Michael Giberson and Devin Hartman, "Electric Paradigms: Competitive Structures Benefit Consumers," *R Street Policy Study* No. 293 (September 2023). https://www.rstreet.org/research/electric-paradigms-competitive-structures-benefit-consumers.

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Methodology and Assessed Factors

To develop this scorecard, we identified a set of factors to guide our research. These included states' approaches to customer choice and competitive foundations; treatment of rate-regulated monopolies; alternatives within a traditionally regulated utility system; wholesale competition; price caps and limits on product differentiation; smart meters and metering data; customer education and access; regulatory staffing; consumer advocacy; and complaint filing and resolution.

To gather information on these factors for each state, we consulted public utility commission websites, consumer advocacy pages, and energy office websites. We reviewed utility tariffs; state regulatory commission reports and orders; consumer advocate reports and materials; research from trade organizations; and relevant reports and materials from other groups. We then assigned a grade to each state based on the information available (or lacking). Below, we summarize the important aspects of each assessed factor that informed the final scores, as well as how those practices influenced each state's grade.

Section Contents

Customer Choice and Competitive Foundations

The traditional regulation of monopoly utilities operating in the supply, transmission, and distribution of electricity leaves customers with only the putative choices dictated by the utility's regulator.

In this structure, customers have no direct input or decision on the cost, term, composition, or generation source of the electricity they receive.

Although distribution is considered a "natural monopoly," supply can be more easily separated.[2] Some states have leveraged this circumstance to provide customers with more choice in how they meet their electricity needs. Specifically, they have required the divestiture of utilities' generation assets to allow consumers to shop for their electric supply. With this approach, transmission and distribution are unbundled from supply and remain rate regulated. The clean divestiture of generation ensures that captive retail customers are not left covering shortfalls in generators' market revenues, and, instead, are provided the benefit of reduced wholesale prices that result from active competition.[3] It also enables the retail utility to focus their attention and capital on infrastructure and retail service. All customers then pay the same distribution and transmission rates, as well as the same non-bypassable charges (like programs to support low-income customers or energy-efficiency programs), but suppliers can compete to attract customers by offering a variety of supply contracts with different term lengths, pricing structures (i.e., fixed versus variable), and bundling options (i.e., with other products).

In the United States, the metering required to bill these retail choice customers is still conducted by the rate-regulated utility. Most states that allow customers to shop electricity supply rates require or permit the rate-regulated utility to bill customers and socialize the cost of uncollected retail bills across energy suppliers or customers.[4] Texas handles this differently, however. In that state, competitive suppliers bill customers and own the risk of bad debt.[5] The latter is preferable, as suppliers then have an incentive to work with customers to reduce the risk of uncollectibles.

Grade Factors

All customers benefit from well-implemented retail choice that meaningfully empowers them to make their own energy decisions. This report assigns A through F grades (with plus/minus distinctions) based on a state's competitiveness and customer empowerment in the supply of electricity. In assigning grades, we determined that states that have taken the important competition-driving step of fully implementing retail electric shopping for all types of customers would start with a letter grade of B, which would then be raised or lowered based on other competitive factors discussed below. States that have not implemented retail electric choice could receive credit for other competition-supporting or meaningful-choice initiatives, but were never assigned a grade higher than a C+. Additionally, states with competition requirements for utility procurements received credit for implementing competitive opportunities for non-utility providers.

2. Ibid.
3. Noah Dormady et al., "Do markets make good commissioners?: A quasi-experimental analysis of retail electric restructuring in Ohio," *Journal of Public Policy* 39:3 (September 2019), pp. 483-515. https://www.cambridge.org/core/journals/journal-of-public-policy/article/do-markets-make-good-commissioners-a-quasiexperimental-analysis-of-retail-electric-restructuring-in-ohio/016B8D87745A5EFCB2F25B9401D17C3A.
4. Travis Kavulla, "Supplier-consolidated billing: A tool for innovation and accountability," Utility Dive, March 7, 2022. https://www.utilitydive.com/news/supplier-consolidated-billing-a-tool-for-innovation-and-accountability-in/619867.
5. Josiah Neeley and Michael Haugh, "Supplier Consolidated Billing," R Street Institute, February 2021. https://www.rstreet.org/wp-content/uploads/2021/02/explainer21.pdf.

The Role of Rate-Regulated Monopolies

States should work to separate the supply function from the utilities' business function entirely.

As such, the remaining rate-regulated utility should be involved only in the delivery of energy, and, as discussed earlier, neither it nor its affiliates should own supply or operate as suppliers—or offer energy-related products or services within their regulated footprint.[6] As a monopoly, utilities are in a unique position to upend supply provisions, either through anticompetitive actions or investments.[7] For example, not only is transmission necessary for the operation of generation, but the two can also be economic substitutes, where the utility is also the owner of transmission.[8] Thus, a utility can leverage its transmission and distribution assets to meaningfully impact the economic consequence of another entity's generation investment and would have a financial incentive to do so if it benefited an affiliate involved in the supply business.[9]

Additionally, allowing monopoly utilities to use their rate-regulated nature and their incumbent status to participate in otherwise competitive ventures negatively impacts competitive markets and places unnecessary costs and risk on captive utility customers.[10] As such, utilities should be fully removed from competitive endeavors. They should not have affiliates engaged in competitive markets, nor should they be permitted to participate themselves. Instead, regulators should seek to "quarantine the monopoly" to ensure that the monopoly stays within its lane.[11]

If a state should fail to block the regulated utility from engaging in other competitive parts of the industry, regulators should ensure that firewalls and ring-fencing are established to protect captive customers from subsidizing business activities unrelated to the provision of retail electric service in that jurisdiction.[12] This would include ensuring that strict affiliate rules are in place to limit the co-mingling of costs, risks, and information between the regulated utility and the competitive affiliates; that services provided by the regulated or holding-company firm are charged to the competitive affiliate at market value or cost (whichever is higher); and that shareholders stand to lose as much as they stand to gain from competitive ventures. In the context of restructuring and competitive supply, regulators should ensure that incumbent utilities are not default supply providers.[13] Under their existing business model, monopolies play no long-term beneficial role in competitive markets, and default supply should instead be provided competitively and independently of the monopoly utility.

Grade Factors

If a state permits its incumbent electric utility to participate in otherwise competitive ventures, like owning electric vehicle (EV) charging stations, or if it allows affiliates that benefit from the utility's incumbent status to participate in competitive ventures, this typically lowered the state's assigned grade. However, if a state has taken material action to quarantine the monopoly in ways that do not degrade other competition, this typically raised its grade.

6. Josiah Neeley, "Flawed Regulatory System Encourages Bad Behavior By Electric Utilities," R Street Institute, Oct. 14, 2020. https://www.rstreet.org/research/flawed-regulatory-system-encourages-bad-behavior-by-electric-utilities.
7. Michael Giberson and Lynne Kiesling, "The Need for Electricity Retail Market Reforms," *Regulation* (Fall 2017). https://www.cato.org/regulation/fall-2017/need-electricity-retail-market-reforms#quarantine-the-monopoly.
8. Paul L. Joskow and Jean Tirole, "Merchant Transmission Investment," National Bureau of Economic Research, February 2003. https://www.nber.org/system/files/working_papers/w9534/w9534.pdf.
9. William W. Hogan, "Transmission Benefits and Cost Allocation," Mossavar-Rahmani Center for Business and Government, May 31, 2011. https://hepg.hks.harvard.edu/publications/transmission-benefits-and-cost-allocation.
10. Catherine Hausman, "Power Flows: Transmission Lines, Allocative Efficiency, and Corporate Profits," National Bureau of Economic Research, January 2024. https://www.nber.org/system/files/working_papers/w32091/w32091.pdf.
11. Giberson and Kiesling. https://www.cato.org/regulation/fall-2017/need-electricity-retail-market-reforms#quarantine-the-monopoly.
12. Steven L. Schwarcz, "Ring-Fencing," *Southern California Law Review* 87:69 (2013), pp. 69-110. https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5531&context=faculty_scholarship.
13. Neeley. https://www.rstreet.org/research/flawed-regulatory-system-encourages-bad-behavior-by-electric-utilities.

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Alternatives Within a Traditionally Regulated Utility System

States that are unwilling to fully restructure their retail supply markets still have a number of other ways to empower consumers.

When policymakers are concerned about residential impacts of retail choice or the effort and costs to market to small-volume customers, states can still provide direct market access to large, financially sophisticated commercial and industrial (C&I) customers. Short of direct market access, regulators could also provide these same C&I customers with an opportunity to buy generation through the utility, where the utility is an intermediary between the consumer and a merchant generator or competitive supplier. This type of "sleeve" purchased power agreement is most common with customers seeking cost-effective, renewable generation.[14] Utilities have inherent financial interests in maximizing the size of their investments.[15] As such, regulators have an opportunity to require utilities that remain vertically integrated to seek incremental or replacement generation through competitive processes.[16] This best practice for vertically integrated utilities ensures that consumers are paying a fair market price for generation deemed necessary by regulators.

Regulators have an opportunity to require utilities that remain vertically integrated to at least seek incremental or replacement generation through competitive processes. This best practice for vertically integrated utilities ensures that consumers are paying the best price for generation deemed necessary by regulators.

Another option to promote competition and customer empowerment is community choice aggregation (CCA), in which local governments provide electricity to residents of that area and competitively procure supply on their behalf.[17] CCA is similar to retail competition, except that the government procurer acts as an intermediary for consumers, seeking out competitive rates and preferred sources of generation. In some jurisdictions, customers take part in CCA on an opt-out basis. With the exception of Texas, the states that have the largest proportion of residential customers being serviced by third-party suppliers have achieved that status because of CCA. However, states should be mindful of the risk that retail competition could devolve into a limited choice between a rate-regulated monopoly utility and an opportunistic government procurement entity. A broader range of competitive options are essential to keep both models accountable and responsive to customer needs.

Additionally, consumers in organized wholesale markets have an opportunity to participate in resource aggregation, where consumers sign up with third parties as demand-located supply resources. Examples of these resources include demand response, home-sited batteries, and solar generation. Aggregators then combine these resources to participate in wholesale markets. This provides consumers with a direct path to monetizing their actions and empowers them to make their own energy decisions. Federal Energy Regulatory Commission (FERC) Order No. 2222 requires RTOs to

14. U.S. Department of Energy, "Chapter 4: Green Power Product Options," in *Guide to Purchasing Green Power* (September 2018). https://www.epa.gov/sites/default/files/2018-08/documents/guide-purchasing-green-power-4.pdf.
15. L. Lynne Kiesling, "Regulation and Utility Performance," AEI, July 18, 2024. https://www.aei.org/articles/regulation-and-utility-performance.
16. Fredrich Kahrl, "All-Source Competitive Solicitations: State and Electric Utility Practices," Lawrence Berkeley National Laboratory, March 23, 2021. https://escholarship.org/content/qt6vs7k6w1/qt6vs7k6w1.pdf.
17. "Community Choice Aggregation," United States Environmental Protection Agency, Nov. 1, 2024. https://www.epa.gov/green-power-markets/community-choice-aggregation.

Alternatives Within a Traditionally Regulated Utility System (continued)

permit third-party aggregation of customers of certain utilities, but its successful implementation depends on the pace of progress at RTOs.[18] Meanwhile, FERC Order No. 719 permits states to opt out of allowing retail customers to participate in wholesale demand response programs through aggregations at RTOs.[19] Importantly, these FERC orders apply only to utilities within RTOs; they do not apply to utilities that operate outside of an RTO.

Finally, regulated utilities sometimes offer rates that are alternatives to the typical, two-part rate in which residential customers are billed a monthly flat fee and then a fixed per-kWh flat rate that does not change, regardless of the time of day, season, or upstream costs. For example, time-of-use (TOU) rates are typically an alternative to this flat per-kWh rate. Enrollment in TOU rates, however, has remained low. Moreover, a handful of states have realized that costs should better align with regulated prices and have created the TOU rate as an opt-out rate.

Of note, some traditionally regulated states have established various programs or rates for certain end-use devices.[20] Colorado enacted a law requiring a retail virtual power plant (VPP) tariff that establishes payments for performance of distributed energy resources (DERs), stacking the value of the various avoided costs.[21] In other words, there is a growing landscape of rates and programs that charge for or make payments to customers with demand or device flexibility based on the timing of their consumption and performance. While the economic rationale for these rates and programs is not a focus of this paper, they do create a marketplace where third-party businesses selling retail-like subscriptions and products to utility customers act similarly to suppliers in a genuine retail-choice environment.

Grade Factors

For non-restructured states, the successful implementation of these competition-light options raised a state's grade. States in RTOs that allow demand response aggregation garnered increases in their scores, whereas states that have either adopted an opt-out or otherwise prohibited aggregators received reflected decreases in their scores.

18. "FERC Order No. 2222: Fact Sheet," Federal Energy Regulatory Commission, Sept. 17, 2020. https://www.ferc.gov/media/ferc-order-no-2222-fact-sheet.
19. "Demand Response," Federal Energy Regulatory Commission, Feb. 14, 2023. https://www.ferc.gov/power-sales-and-markets/demand-response.
20. "Virtual Power Plants," U.S. Department of Energy, last accessed Nov. 26, 2024. https://www.energy.gov/lpo/virtual-power-plants.
21. Brian Martucci, "Colorado law requires Xcel VPP program by February with performance-based tariff," UtilityDive, May 29, 2024. https://www.utilitydive.com/news/xcel-energy-colorado-law-vpp-virtual-power-plant- der-distributon-system-grid-interconnection/717429.

Wholesale Competition

Regardless of efforts taken at the retail level, one way to increase competition and provide regulators with actionable market information on otherwise monopoly utilities is to require those utilities to join RTOs or independent system operators (ISOs).[22]

These organized wholesale markets include willing buyers and sellers beyond incumbent utilities. Moreover, although competition is optimized when states restructure and require that utilities join RTOs/ISOs, a hybrid model with vertically integrated utilities in organized markets is more beneficial to consumers than a standalone monopoly.[23] RTO membership itself drives reliability and economic benefits to its members, but regulators have to be diligent in ensuring that utility savings are passed along to consumers. RTO membership and the resulting market signals from competitive generation also provide regulators with a rubric by which to gauge the reasonableness of utility actions. For instance, vertically integrated utilities should not be proposing to build or procure generation at twice the price of similar resources in the same RTO.[24] Without the market insight or experience needed to compare utility actions, regulators are at a disadvantage in ensuring least-cost planning.

Grade Factors

To incorporate this factor into our scoring rubric, we determined that if states have utilities that have joined RTOs, their scores would increase. States with some, but not all, of their utilities in RTOs received incremental improvements in their scores. These increases are in addition to the previous factor regarding the degree to which states in RTOs permit retail customers to participate in wholesale markets via entities other than their utility.

22. Giberson and Hartman. https://www.rstreet.org/research/electric-paradigms-competitive-structures-benefit-consumers.
23. Ibid.
24. Ibid.

Price Caps and Limits on Production Differentiation

While competition can drive innovation and efficiency, regulatory restrictions on product offerings and pricing diminish these benefits.

Price caps, such as Maryland's recent restrictions on competitive supplier rates, may protect consumers from short-term price spikes but risk driving innovative suppliers from the market.[25] Similarly, regulations that limit product differentiation, including restrictions on multiyear contracts or time-varying rate structures, can prevent suppliers from developing offerings that would better serve diverse customer needs and preferences. These constraints often stem from well-intentioned consumer protection efforts but can deprive customers of valuable options that could help them manage their electricity costs more effectively. The challenge for policymakers lies in striking a balance between protecting consumers from potential market abuses and preserving the flexibility needed for meaningful competition to flourish.

Grade Factors

When states have implemented competition in a hands-off manner—with the exception of holding bad actors accountable—their grades increased. If, however, states limit offerings or inhibit product differentiation and additionality, their grades decreased, as these actions degrade the benefits of competition.

25. Travis Kavulla, "For decades, Maryland gave consumers an electricity choice; changing that was a mistake," Maryland Matters, Oct. 5, 2024. https://marylandmatters.org/2024/10/05/for-decades-maryland-gave-consumers-an-electricity-choice-changing-that-was-a-mistake.

Smart Meters and Metering Data

Smart meters, or advanced metering infrastructure (AMI), can provide utilities, customers, suppliers, and authorized third parties with access to residential and other small-volume customer electricity usage data in ways that were previously unimaginable.

By providing interval data, which was formerly only available and cost-effective for large customers, and near-instantaneous usage feedback to customers, this metering infrastructure can provide small-volume customers with an opportunity to materially change the way they use electricity.

Unfortunately, although most of the country has smart meters, the use of those meters has been suboptimal.[26] The failure is not on customers; utilities have done little to pursue programs that implement these investments to the maximum benefit of customers, nor have they proposed offerings that advance competition. Similarly, regulators seem to be reluctant to force utilities to use this infrastructure to its maximum benefit for end-use consumers. Best practices would provide customers with a helpful, informative, easy-to-access portal to view usage data in as close to real time as possible. This is important because failure to require utilities to maximize investments to consumers' benefit runs afoul of least-cost regulatory principles and undermines consumers' ability to dictate their own opportunities.

Even in states that have restructured, successful implementation is key to providing customers with competitive access to supply. To ensure that their offerings are accurate and meet customer preferences and demands, suppliers need information that was previously available only to the utility. Utilities should settle market transactions based on actual customer data, rather than representative data based on past demand from that and similar consumers. Moreover, data should be conveyed in a timely manner, meet minimum quality requirements, and be provided to competitive suppliers and third parties in a concise, easy-to-use format.

To use the information to their benefit, customers should be able to simply and easily share their data with third parties like demand response aggregators or technology companies. One best practice is to ensure that data access implementation leverages open standards, notably Electronic Data Interchange or Green Button Connect My Data. It is also important that the implementation be certified to ensure utility compliance with the standard. In states with retail supply competition, regulators should require that settlements of customers with smart meters be based on actual metering data, rather than on load profiling. Similarly, for states allowing DER aggregators, access to granular data (e.g., hourly or 15-minute usage information) is vital to supporting the development of those markets. Granting suppliers and aggregators access to such data in a timely manner expands the type of offerings competitive suppliers can propose. Even in the absence of any competition in retail markets, providing metering data to retail customers in a timely and meaningful way empowers them to take control of their electricity usage.

Grade Factors

In restructured states, well-implemented electronic data interchanges raised the state's grade. Smart meter deployment; customer access to near-real-time, high-quality metering data; and portability to third parties all generally raised a state's grade. We gave additional credit to states with utilities that implement Green Button Connect–certified programs.

26. Travis Kavulla, "Why Is the Smart Grid So Dumb?," Energy Systems Integration Group, January 2023. https://www.esig.energy/wp-content/uploads/2023/01/Why-Is-the-Smart-Grid-So-Dumb-Missing-Incentives-in-Regulatory-Policy-for-an-Active-Demand-Side-in-the-Electricity-Sector.pdf.

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Customer Education and Access

Even in states with retail access, electricity consumers are still customers of monopoly distributors.

Although these consumers know they are customers of the incumbent utility, the ability to shop for supply is not always obvious, especially given that most states are not restructured. As such, states with retail supply choice should provide a minimum level of public education regarding the opportunity to choose supply and maintain a common marketplace with the information customers need to make informed decisions.

States with retail supply choice should provide a minimum level of public education regarding the opportunity to choose supply, as well as maintain a common marketplace with the data customers need to make informed decisions.

Customer education should include recurring outreach through social media or press (including press releases) and information on the Public Utilities Commission (PUC) or government website. In addition, because nearly 1 in 5 Americans use a language other than English at home, education on commodity shopping should be available in alternative languages.[27] Given that most customers receive a monthly bill from their incumbent utility and PUCs regulate the format of bills in nearly every state, bills should also be leveraged as a cost-effective educational opportunity. They should include standard language that informs customers of their opportunity to shop and shows whether they are currently receiving electricity from an alternative supplier and who that supplier is.

Regardless of whether these reminders are included on bills, PUCs should allow suppliers to have a direct relationship with their customers. As opposed to their incumbent utility, consumers choose to engage with their alternative supplier, and—differently than rate-regulated utilities—acceptance of supplier offerings is a bargained-for exchange. To facilitate this relationship, suppliers should be able to bill their customers directly.[28] To reduce overhead and consumer confusion, this should be in the form of a single bill from the supplier that includes all utility and commodity charges, instead of separate supplier and utility bills.[29] This approach, called supplier-consolidated billing (which differs from utility-consolidated billing in which the utility sends a bill for both its costs and the supplier's costs), reinforces the consumer's choice of supplier, as well as the term and price of the agreement.[30] Consumers hardly need to be reminded about the charges of utilities, which are applied by law, not choice, and which are effectively perpetual. If utility-consolidated billing is used, however, the supplier's name and charges should be prominently shown.

An important measure of a state's success in implementing retail choice is the effectiveness of the marketplace they host, which takes the form of a government-run website. These websites should be optimized for mobile and desktop viewing and should provide information on each of the registered suppliers, including customer reviews. The website should also include a comprehensive list of all offerings, with the ability to sort and

27. Sandy Dietrich and Erik Hernandez, "Nearly 68 Million People Spoke a Language Other Than English at Home in 2019," United States Census Bureau, Dec. 6, 2022. https://www.census.gov/library/stories/2022/12/languages-we-speak-in-united-states.html.
28. Neeley and Haugh. https://www.rstreet.org/wp-content/uploads/2021/02/explainer21.pdf.
29. Ibid.
30. Ibid.

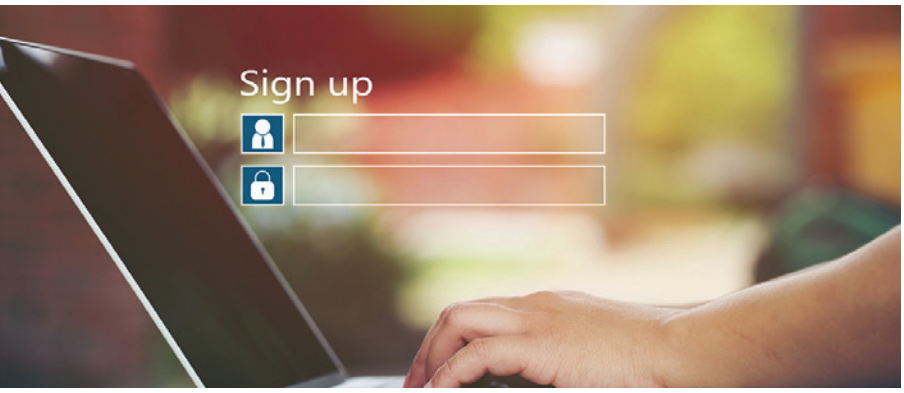
Customer Education and Access (continued)

filter for contract terms and conditions as well as value-added attributes like renewable energy. In states with more than one retail electric utility, customers should ideally be able to enter their zip code so they only see supplier options available to them and to ensure they receive an accurate price to compare for the default offer they will take service under if they do not choose a supplier. An accurate, visible, and easy-to-understand "price to compare" is imperative for informed decision making. Each website should also have a utility-specific sample bill that informs customers of the different supplier and utility service charges. In addition, shopping customers should have an opportunity to either input a representative kWh amount or have their actual usage prepopulate based on past metering data to compare the total bill under default and competitive offerings. This best practice builds on an apples-to-apples review of rates because customers are often most aware of final bill amounts, not rates.

Finally, a successful program allows customers to enroll quickly and easily—within days, not weeks or months. It also ensures that moving within a utility's territory, or even within the state, does not require cancelling a supplier agreement and re-enrolling at the new address; when moving, customers should be able to keep their supplier and contracts, just as utilities allow customers in many states to merely change the address on their account. Furthermore, allowing customers to shop or sign up with a supplier with their government-issued identification, as opposed to requiring a utility account number, reduces unnecessary barriers to choosing a supplier. States should also ensure that they impose only a light-touch over competitive offerings. "Consumer-oriented" limitations on offers, such as contract lengths and arbitrary price caps, undermine the competitive nature of the markets, often to the detriment of consumers. Placing such restrictions on offerings serves only to drive consumers to the default offering and push alternative suppliers out of the market. For example, default offers have little in the way of long-term price certainty, especially compared to the two- to five-year contracts that are often available in the market.

Grade Factors

If states have effectively implemented customer education programs; made it easy to shop and be informed about options; permit supplier-consolidated billing; and have a high-quality shopping experience, we raised their grade. Poor education and shopping experiences; utility-consolidated billing; and challenging or confusing shopping environments lowered a state's grade.



Regulatory Staff Dedicated to Retail Market Oversight

Retail electric markets are complex and require specialized oversight. State regulators should have staff focused solely on retail market performance.

These staff members should have the expertise and resources to effectively monitor supplier behavior, utility–supplier interactions, consumer switching, consumer complaints, and other components of market performance. An important function of the regulator is to consider how the utility would act if it were subject to competition. For retail-choice states, that means ensuring that competitors have a fair-market opportunity without fearing unfair utility practices. In vertically integrated states, that means opening up utility practices to competition where feasible and reviewing utility rates and proposals with an eye toward whether these factors would hinder competition if there were a market.

Grade Factors

States with regulatory staff focused on retail market oversight scored higher in this factor than states without such staff. Because this is largely a function of states with competitive markets (traditional states do not have markets to oversee), this factored into the higher starting grade of states that have implemented retail competition.

State Utility Consumer Advocates

State utility consumer advocates have a role in giving residential consumers a voice in regulatory processes.

Utilities and large industrial customers generally have strong representation in these processes. The state utility consumer advocate should be actively engaged in utility rates, resource planning, and rulemaking processes, as well as in monitoring consumer complaints and complaint-resolution processes.

Non-governmental consumer advocates are also valuable and active in some states. Our report focuses on the state regulatory environment, so we did not consider these groups in our evaluation, but laws governing access to utility data and regulatory proceedings can aid non-governmental organizations and further protect diverse consumer interests.

Grade Factors

The presence of an active and well-resourced state utility consumer advocate raised a state's grade. While state consumer advocates may not be supportive of retail choice in some jurisdictions, having an office ensures that an additional voice participates in commission proceedings. This can affect the implementation of policies to support customer choice—not just for supply, but also for other products and services.

Complaints and Complaint Resolution

State utility commissions and state utility consumer advocates should provide consumers with easy access to informal and formal complaint processes.

Information on consumer-complaint processes should be easily accessible from regulators' websites, either directly from the homepage or on a consumer-information page. Instructions for informal complaint processes can speed the resolution of issues and reduce the use of public resources. Consumers should also be able to easily file complaints through the commission website.

Commissions can promote transparency and good supplier and utility behavior by publicly reporting complaints by company and resolution status. Public reports can also aid in identifying and addressing systemic issues in retail markets and with regulated utilities.

Grade Factors

States that publicly report the outcomes of complaints filed against suppliers and utilities had increases in their grades. Presenting this information in the aggregate, rather than identifying complaints, respondents, and the subject of complaints still resulted in a grade increase, but not as much as if the actual complaints or complaint details had been reported.

State-by-State Scorecard

Table 1 on the following page summarizes the score given to each state and the District of Columbia, and the pages that follow provide a state-by-state scorecard that expands on our findings for each state and outlines recommendations for how each state can improve their retail electric competition.

Table 1: Retail Electric Competition Grades, by State

Alabama F	Alaska D	Arizona C-	Arkansas D+	California C+
Colorado C	Connecticut C+	Delaware B	District of Columbia B+	Florida D
Georgia D	Hawaii C-	Idaho D-	Illinois B+	Indiana D
Iowa D	Kansas D+	Kentucky D+	Louisiana D+	Maine B
Maryland C	Massachusetts B-	Michigan C	Minnesota D-	Mississippi D-
Missouri D	Montana C-	Nevada D+	New Hampshire B-	New Jersey B-
New Mexico D	New York C+	North Carolina C-	North Dakota D	Ohio B+
Oklahoma D	Oregon C-	Pennsylvania B+	Rhode Island B	South Carolina D+
South Dakota D	Tennessee D	Texas A-	Utah D-	Vermont C-
Virginia C+	Washington D	West Virginia D	Wisconsin D-	Wyoming D-

ALABAMA

F

Alabama is located outside of an RTO, and—with the exception of an offering of sleeved renewable power purchase agreements (PPAs) to large industrial customers—there are no consumer offerings for electricity other than the incumbent utility.[31] Furthermore, the affiliates of the state's utilities engage in competitive ventures and provide services in other states without adequate ring-fencing or retail consumer protection, leaving retail customers at risk of failure or bankruptcy in those other endeavors.[32] Smart meters are in service for customers of IOUs, and access to the resulting data is adequate but not robust.[33] Customer engagement with the Alabama Commission is limited—education and information are provided in English only, and the complaint process is difficult and opaque.[34] Although the state has a designated utility consumer advocate, their engagement and ability to dictate outcomes at the Commission is limited.[35]

Alabama is located outside of an RTO, and there are no consumer offerings for electricity other than the incumbent utility.

RECOMMENDATIONS FOR IMPROVEMENT:

Alabama could raise its grade in a number of ways, but, initially, the Commission should consider requiring better access to smart meter data and improving customers' ability to port their data to third-party providers. The Commission should also work to improve their website and provide greater transparency to the public on utility, complaint, and rulemaking proceedings.

31. Federal Energy Regulatory Commission, "RTOs and ISOs," Department of Energy, last accessed Jan. 3, 2025. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos; "U.S. Utility Green Tariff Report," Clean Energy Buyer's Association, January 2023, p. 12. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
32. "Fitch Affirms Southern Company's and Subsidiaries Ratings," Fitch Ratings, Oct. 4, 2022. https://www.fitchratings.com/research/corporate-finance/fitch-affirms-southern-company-subsidiaries-ratings-04-10-2022; Southern Power, last accessed Jan. 13, 2025. https://www.southernpowercompany.com.
33. "My Power Usage," Alabama Power, last accessed Jan. 6, 2025. https://www.alabamapower.com/residential/save-money-and-energy/energy-saving-programs/my-power-usage.html; Green Button Explorer, last accessed Jan. 6, 2025. https://explorer.missiondata.io.
34. Alabama Public Service Commission, last accessed Jan. 6, 2025. https://psc.alabama.gov.
35. Ibid.; "Members," National Association of State Utility Consumer Advocates, last accessed Jan. 6, 2025. https://www.nasuca.org/members.

ALASKA

D

Alaska's electric utility industry faces unique challenges because of the state's vast geography and harsh climate.[36] The state has a diverse mix of utility types, including investor-owned, municipal, and rural cooperatives, although most customers are served by rural co-ops.[37] Importantly, consumers served by IOUs lack retail choice options. The Regulatory Commission of Alaska provides an easy-to-locate consumer complaint service on its website but does not provide transparency on filed complaints or complaint resolutions.[38] The state provides utility consumer advocacy through the Attorney General's office, which is active in rate proceedings.[39]

RECOMMENDATIONS FOR IMPROVEMENT:

Alaska policymakers and regulators can boost their grade by continuing to support the recently established Railbelt Reliability Council to improve interconnectivity among utilities in the state.[40] An energy imbalance market would be a practical next step, potentially setting the stage for the development of retail electric choice.

Alaska has a diverse mix of utility types, including investor-owned, municipal, and rural cooperatives, although most customers are served by rural co-ops.

36. "Alaska: Analysis," U.S. Energy Information Administration, April 18, 2024. https://www.eia.gov/beta/states/states/ak/analysis.
37. Alaska Energy Data Gateway, last accessed Jan. 6, 2025. https://akenergygateway.alaska.edu.
38. "Consumer Complaints," Regulatory Commission of Alaska, April 15, 2024. https://rca.alaska.gov/RCAWeb/ForConsumers/InformalComplaints.aspx.
39. State of Alaska Department of Law, "Regulatory Affairs & Public Advocacy," The Great State of Alaska, last accessed Dec. 14, 2024. https://law.alaska.gov/department/civil/RAPA.html.
40. Railbelt Reliability Council, last accessed Jan. 6, 2025. https://www.akrrc.org.

ARIZONA

C-

Arizona IOUs serve most of the retail consumers in the state, but a substantial number of consumers are served by the Salt River Project, a self-regulating, federally chartered entity. Arizona utilities do not participate in an RTO, but most utilities in the state participate in one of two regional energy imbalance markets.[41] Although Arizona initiated retail choice reforms in 1998, they stalled under legal challenges, and the state legislature later repealed significant portions of the pro-competition law.[42] A small pilot project allows supplier choice for large customers in the state, but only one participant has enrolled in the program.[43] The state has an independent Residential Utility Consumer Office (RUCO) that participates in ratemaking proceedings at the Arizona Corporation Commission (ACC).[44] The ACC provides an easy-to-find complaint feature on their website but does not provide information on filed complaints or complaint status.

Arizona utilities do not participate in an RTO, but most utilities in the state participate in one of two regional energy imbalance markets.

RECOMMENDATIONS FOR IMPROVEMENT:

Arizona should take the demise of the old pro-competition law as an opportunity to develop a modern retail customer choice system, learning from the 25 years of experience that other states have had with retail choice. Smaller steps could include expanding customer pilots, continuing the development of TOU rates, and implementing other approaches that give customers greater control over their usage and bills. In addition, although RUCO has been active in ratemaking processes, it should build expertise in wholesale electric markets and regional industry developments to better bring the consumer perspective to these efforts.

41. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
42. Elaine Goodman, "In Passing Bill to Kill Competition, Arizona Lawmakers Rekindle Idea," *RTO Insider*, April 22, 2022. https://www.rtoinsider.com/29982-bill-kill-competition-ariz-lawmakers-rekindle-idea.
43. "Rate Rider Schedule AG-X, Alternative Generation Service," Arizona Public Service, last accessed Jan. 6, 2025. https://www.aps.com/-/media/APS/APSCOM-PDFs/Utility/Regulatory-and-Legal/Regulatory-Plan-Details-Tariffs/Business/Service-Schedules/AG-X_Program_Guidelines.pdf?sc_lang=es-MX.
44. Arizona Residential Utility Consumer Office, last accessed Dec. 15, 2024. https://ruco.az.gov.

ARKANSAS

D+

Although the majority of the state's consumers are in an RTO (either the Southwest Power Pool [SPP] or Midcontinent Independent System Operator [MISO]), retail customers have little ability to engage in any choice when it comes to supply.[45] Although some industrial customers can engage in sleeve PPAs for renewable products, options are limited.[46] In addition, while the state is rethinking its opt-out of FERC Order No. 719, no decision has been made to date.[47] The state does have a consumer advocate office that is moderately active at the Commission, including in rulemakings.[48] The majority of the state's consumers have smart meters, but the ability to use that data is limited.[49] Although the Commission in Arkansas does not actively engage in customer education through social media or traditional media channels, it does have helpful multilingual offerings to inform customers about their rights and the formal complaint process.[50]

Although the majority of the state's consumers are in an RTO, retail customers have little ability to engage in any choice when it comes to supply.

RECOMMENDATIONS FOR IMPROVEMENT:

Arkansas can improve its grade by quickly finalizing the removal of its Order No. 719 opt-out and improving customers' ability to share data with third-party providers. This will lay the groundwork for the state to make material advances when FERC Order No. 2222 is implemented. Arkansas should also ensure that its PSC maintains an important role in reviewing utility investments and not allow regulated utilities to bypass the PSC.

45. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
46. "U.S. Utility Green Tariff Report," p. 17. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
47. "In the Matter of the Impact of Federal Energy Regulatory Commission ("FERC") Orders 719 and 719-A in FERC Docket No. RM07-19-001 on the Regulatory Authority of the Arkansas Public Service Commission, Docket No. 09-090-U, Order No. 14," Arkansas Public Service Commission, June 3, 2022. http://www.apscservices.info/pdf/09/09-090-U_76_1.pdf.
48. Arkansas Public Service Commission, last accessed Jan. 6, 2025. https://apsc.arkansas.gov; "Members," National Association of State Utility Consumer Advocates, last accessed Jan. 6, 2025. https://www.nasuca.org/members; "Consumer Utility Rate Advocacy," Tim Griffin Attorney General of Arkansas, last accessed Jan. 6, 2025. https://arkansasag.gov/divisions/state-agencies/consumer-utility-rate-advocacy.
49. "Smart Meters," Southwestern Electric Power Company, last accessed Jan. 6, 2025. https://www.swepco.com/community/projects/smart-meters; "How to read your advanced meter," Entergy, last accessed Jan. 6, 2025. https://www.entergy.com/meter.
50. "Public Service Commission News," Arkansas Public Service Commission, last accessed Jan. 6, 2025. https://apsc.arkansas.gov/news-feed; "Espanol," Arkansas Public Service Commission, last accessed Jan. 6, 2025. https://apsc.arkansas.gov/espanol.

CALIFORNIA

C+

Although California once had a robust retail marketplace, it collapsed in 2001.[51] Since then, C&I customers have been allowed to participate in an annual lottery for a limited amount of capacity that is available for customer choice.[52] In 2018, the state legislature encouraged the California Public Utilities Commission (CPUC) to expand retail competition, given the growing waitlist of C&I customers seeking it, but the CPUC declined to do so.[53] In addition to retail choice, California has a growing CCA marketplace. As a result, a substantial portion of the load of the three large IOUs in California is served by CCAs or a competitive supplier—not the incumbent utility.[54] Of note, all suppliers are required to meet California laws regarding emission reductions and resource adequacy.[55] In addition, California allowed demand response aggregators to operate in its state before the issuance of FERC Order No. 719.[56] Customers of the three large IOUs are part of the California Independent System Operator.[57] There is an active state consumer advocate that participates in most proceedings. California was one of the earlier adopters of smart meters and has had data access rules in place since 2010 for granular meter data; however, access has been challenging because of differences in utilities' implementation of Green Button.[58] California has robust rules that limit affiliate activity in the state.[59] The three large utilities are limited in the ownership of generation (nuclear and large hydro), so resource needs must be procured through requests for proposals, including demand response and other distributed energy resources.[60]

In 2018, the state legislature encouraged the CPUC to expand retail competition, given the growing waitlist of C&I customers seeking it, but the CPUC declined to do so.

RECOMMENDATIONS FOR IMPROVEMENT:

California's grade could be improved by re-opening direct access to all customers without the use of a lottery or reducing the complexity of choosing an alternative supplier. California has an emerging marketplace for new price-responsive devices and demand flexibility as customers shift to new rate designs, including TOU rates (although a recent move to a high fixed charge will reduce the effect of the price signal). It has a high amount of distributed energy resources that could provide additional services to utilities and the RTO to avoid new infrastructure and support challenges associated with operating the system because of the number of climate and weather-related events affecting reliability.

51. See, e.g., "Causes and Lessons of the California Electricity Crisis," Congressional Budget Office, September 2001. https://www.cbo.gov/sites/default/files/107th-congress-2001-2002/reports/californiaenergy.pdf.
52. "Direct Access," California Public Utilities Commission, last accessed Jan. 13, 2025. https://www.cpuc.ca.gov/consumer-support/consumer-programs-and-services/electrical-energy-and-energy-efficiency/community-choice-aggregation-and-direct-access-/direct-access.
53. "Order Instituting Rulemaking to Implement Senate Bill 237 Related to Direct Access, Rulemaking 19-03-009," California Public Utilities Commission, Docket No. R.19-03-009 (June 29, 2021). https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M390/K215/390215673.PDF.
54. "Community Choice Aggregation and Energy Service Provider Formation Status Report," California Public Utilities Commission, last accessed Jan. 13, 2025. https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/community-choice-aggregation-and-direct-access/2024-status-report-on-community-choice-aggregation-formation.pdf.
55. "How to Register as an Electric Service Provider (ESP)," California Public Utilities Commission, last accessed Jan. 13, 2025. https://www.cpuc.ca.gov/regulatory-services/licensing/how-to-register-as-an-esp.
56. "DRP Registration Information," California Public Utilities Commission, last accessed Jan. 13, 2025. https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-costs/demand-response-dr/drp-registration-information.
57. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
58. "Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System, D.11-07-056," California Public Utilities Commission, Docket No. R.08-12-009, July 29, 2011. https://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/140369.PDF.
59. "Affiliate Rules and Holding Company Issues," California Public Utilities Commission, last accessed Jan. 13, 2025. https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-costs/affiliate-rules-and-holding-company-issues.
60. "Direct Access." https://www.cpuc.ca.gov/consumer-support/consumer-programs-and-services/electrical-energy-and-energy-efficiency/community-choice-aggregation-and-direct-access-/direct-access.

COLORADO

C

Colorado is not currently in an RTO, but state law requires that it join an RTO by 2030, and the state's PUC recently issued rules regarding the process to do so.[61] Its largest utility is part of an energy imbalance market operated by SPP.[62] While customer choice is limited to sleeve transactions, the utilities are required to use competitive procurements to meet new resource needs, including the use of all resource-competitive solicitations.[63] Furthermore, the Public Service Company of Colorado (PSCo)—the largest utility in the state—is also required to implement competitive solicitations for VPPs and non-wire alternatives (NWAs).[64] The utility is required by a recent law to file a VPP tariff that allows customers and their aggregators to receive payments based on their performance from the utility; although an aggregator would not be in charge of energy supply, this approach has characteristics that could replicate a retail landscape with numerous competitors vying for a customer's demand flexibility business.[65] Smart meters have been installed by the utilities with varying degrees of data access, depending on the utility.[66] PSCo is implementing Green Button Connect, but Black Hills Energy has limited data-access capabilities.[67] There is an active state consumer advocate, and the state's energy office often participates in regulatory proceedings.

Colorado is not currently in an RTO, but state law requires that it join an RTO by 2030, and the state's PUC recently issued rules regarding the process to do so.

RECOMMENDATIONS FOR IMPROVEMENT:

In the absence of allowing retail choice, continuing to support the growth of DER by increasing the use of VPPs and NWAs could improve the state's grade, as could finalizing entry into an RTO. Colorado should continue to work on enabling broader access to and use of AMI and grid data to support the deployment of DER to bolster grid needs.

61. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
62. Robert Walton, "More than 2 dozen utilities, power groups back Southwest Power Pool's Markets+ initiative," Utility Dive, April 5, 2023. https://www.utilitydive.com/news/SPP-southwest-power-pool-markets-west-utilities-xcel-psco-bpa/646846.
63. 4 CCR 723-3611(a).
64. C.R.S. § 40-2-132.5(8).
65. Ibid.
66. "Smart Meters at a glance," Institute for Electric Innovation, August 2024. https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
67. "Advanced Grid and Smart Meters," Xcel Energy, last accessed Jan. 13, 2025. https://co.my.xcelenergy.com/s/our-commitment/clean-energy-technology/agis-smart-meters.

CONNECTICUT

C+

All consumers served by IOUs in Connecticut have access to retail electric choice, but the majority remain on standard service, and customer participation in the competitive market has been falling.[68] The state offers a retail shopping website that is mobile friendly, provides price-to-compare information, and allows the user to sort and filter offerings, but it does not provide supplier ratings or complaint scores.[69] Rules for consolidated utility bills require that supplier names appear somewhat prominently. Connecticut prohibits variable pricing offers. Of note, the Connecticut regulator's attempt to protect low-income consumers by blocking access to the retail market backfired when Standard Offer Service rates soared. The restriction was superseded by the legislature, which passed a law restoring shopping to these customers.[70] Smart meters are being rolled out, but suppliers continue to be billed on standardized load profiles, limiting competitive supply opportunities.[71] One provider, Eversource Energy, recently announced that it would withhold its investment in smart meters in response to negative state ratemaking decisions. The Public Utilities Regulatory Authority website provides the ability to file a customer complaint and discloses complaint data, state's Office of Consumer Counsel is active in utility rate cases.

All consumers served by IOUs in Connecticut have access to retail electric choice, but the majority remain on standard service, and customer participation in the competitive market has been falling.

RECOMMENDATIONS FOR IMPROVEMENT:

Past policy decisions have limited competition in the Connecticut retail power market. The state should switch to supplier-consolidated billing and ensure that suppliers are billed on customer smart meter data and allowed access to customer interval data. Connecticut should also include customer reviews on the state shopping website, which could help customers weed out poor performers. Suppliers should be free to offer variable pricing and other non-standard offers as long as the terms are clearly described in consumer offers. Regulated utilities have withheld capital spending as a "tit-for-tat" around regulatory decisions that displease them. The Public Utilities Regulatory Authority, the consumer advocate, and the legislature should contemplate alternatives from the competitive-supply community to serve some of these functions, such as metering and billing, as a replacement for inadequate regulated-utility services.

68. Public Utilities Regulatory Authority, "Electric," Department of Energy and Environmental Protection, last accessed Dec. 15, 2025. https://portal.ct.gov/pura/electric/electric; "Residential retail electric choice participation rate has leveled off since 2019," U.S. Energy Information Administration, March 15, 2023. https://www.eia.gov/todayinenergy/detail.php?id=55820.
69. Energize Connecticut, last accessed Dec. 15, 2025. https://energizect.com.
70. Caitlin Burchill, "'Hardship' electric customers can now switch to cheaper third-party suppliers," NBC CT, March 21, 2024. https://www.nbcconnecticut.com/investigations/nbc-ct-responds/hardship-electric-customers-cheaper-suppliers/3247504.
71. Luther Turmelle, "Eversource's electric meter upgrades on hold as company, CT regulators debate funding," CT Insider, Feb. 2, 2024. https://www.ctinsider.com/business/article/ct-eversource-pura-advanced-electric-meter-ui-18642102.php.

DELAWARE

B

Although Delaware provides customers with access to a competitive market for electricity supply, few customers participate.[72] The Delaware Public Service Commission (PSC) website provides information on active suppliers but does not offer a shopping website or make it easy for customers to locate and compare information on competitive offers (e.g., no price-to-compare information is readily available), nor does it provide information in languages other than English. The PSC requires utility-consolidated billing.[73] Most Delaware electric customers have smart meters. For complaints on utility service, the PSC website refers users to the Delaware Division of the Public Advocate (DPA).[74] The DPA is independent of the utility regulator and primarily works to represent the interests of residential and small business customers in both state and federal regulatory venues. The DPA website makes it easy to submit complaints.

RECOMMENDATIONS FOR IMPROVEMENT:

Delaware should switch to supplier-consolidated billing, ensure that consumers have ready access to smart meter data, and enable data-sharing capabilities. Competitive suppliers should be billed based on customer interval data rather than load profiles. A state shopping website would dramatically improve consumer access to information about available supply alternatives. The PSC website should provide information in alternative languages.

The Delaware PSC website provides information on active suppliers but does not offer a shopping website or make it easy for customers to locate and compare information on competitive offers, nor does it provide information in languages other than English.

72. Delaware Public Service Commission, "Customer Electric Choice," Delaware.gov, last accessed Dec. 15, 2024. https://depsc.delaware.gov/customer-electric-choice; "Residential retail electric choice participation rate has leveled off since 2019." https://www.eia.gov/todayinenergy/detail.php?id=55820.
73. Delaware Public Service Commission, last accessed Dec. 15, 2024. https://depsc.delaware.gov.
74. Delaware Division of the Public Advocate, last accessed Jan. 6, 2025. https://publicadvocate.delaware.gov.

DISTRICT OF COLUMBIA

B+

The District has a very active retail choice marketplace with a District-sponsored shopping platform for customers to compare prices between suppliers and the utility.[75] Although electric utility affiliates are not permitted to participate, affiliates of other service providers (i.e., gas utility) are able to participate in the competitive market. Smart metering is fully rolled out, but access to granular data is relatively limited because of poor Green Button implementation.[76] The District has an active consumer advocate and energy office that participates before the Commission, and the jurisdiction's shopping platform allows customers to enter their own usage information to determine the best option for their specific circumstances.[77] It is relatively easy to submit complaints, and the Commission maintains a webpage that reports on complaints and the outcomes of those complaints, including those against suppliers. Utility-consolidated billing is required, but customer bills clearly identify the supplier and remind customers of their option to shop for a competitive supplier.[78] The District is in an organized wholesale market (PJM).[79]

RECOMMENDATIONS FOR IMPROVEMENT:

The District should consider developing more education to increase customers' awareness and use of the competitive marketplace. It should also reduce barriers to switching, such as the length of time it takes to change to an alternative supplier.

The District has a very active retail choice marketplace with a District-sponsored shopping platform for customers to compare prices between suppliers and the utility.

75. DC Power Connect, last accessed Jan. 13, 2025. https://dcpowerconnect.com.
76. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf.
77. "Search Electric Offers," DC Power Connect, last accessed Jan. 13, 2025. http://search.dcpowerconnect.com/search-offers.
78. "Understand your electricity bill," DC Power Connect, last accessed Jan. 13, 2025. https://dcpowerconnect.com/understand-your-utility-bill.
79. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

FLORIDA

D

Florida utilities do not participate in an RTO, and retail consumers do not have a choice of electric supplier in the state.[80] Regulated IOUs supply approximately 80 percent of retail customers in the state, and municipalities and rural cooperatives supply the remainder of the state.[81] The Florida PSC provides easy-to-access information for filing consumer complaints and also reports complaint status.[82] Smart meters are installed in Florida, and utilities allow limited consumer access to usage data. The Florida Office of the Public Counsel represents residential customers in PSC regulatory processes.[83] Both the PSC and the Office of the Public Counsel websites provide information in English and Spanish.

Regulated IOUs supply approximately 80 percent of retail customers in the state, and municipalities and rural cooperatives supply the remainder of the state.

RECOMMENDATIONS FOR IMPROVEMENT:

Florida residents have a choice of natural gas supplier, and the state should pursue bringing competition to its retail electricity market. Florida should ensure that consumers have ready access to smart meter data and the ability to share their data. In addition, the state should expand support for distributed energy resources, including customer-owned solar systems. Enabling third-party aggregators could help consumers better manage their energy use.

80. Ibid.
81. "Florida Analysis," U.S. Energy Information Administration, last accessed Jan. 6, 2025. https://www.eia.gov/beta/states/states/fl/analysis.
82. Florida Public Service Commission, last accessed Jan. 6, 2025. https://www.psc.state.fl.us.
83. State of Florida Office of Public Counsel, last accessed Jan. 6, 2025. https://www.floridaopc.gov.

GEORGIA

D

Georgia offers limited opportunities for competitive choice. Large customers with loads greater than 900 kW have the option to choose an alternative electricity supplier if they are a new customer and if either their site is already served by an alternative supplier or if the customer makes significant changes to the location that affect usage.[84] This limited competition is typically between Georgia Power and a local cooperative. Although Georgia Power is required to utilize competitive solicitations to meet future resource needs, it has recently sought waivers from such requirements, citing "urgency" of resource needs.[85] Importantly, there is no state consumer advocate to represent the interests of residential customers. Georgia is not in an RTO.[86] Smart meters have been rolled out across the service territory, but data access is limited, and Georgia Power has not implemented Green Button.[87] The Commission provides an opportunity for residential customers to calculate their bill to compare it against Georgia Power's calculations to ensure accuracy.[88]

Georgia offers limited opportunities for competitive choice.

RECOMMENDATIONS FOR IMPROVEMENT:

Georgia has a competitive natural gas marketplace and should extend the same opportunities for electric choice that are available to natural gas customers. The state should also look to join an RTO, which would allow customers to access lower-cost resources. In addition, giving customers better access to their usage data would allow additional service providers, such as energy efficiency providers, to help customers better manage usage and save money. Creating a state-funded consumer advocate and ensuring that the utility is not able to inappropriately socialize costs across customer classes would be helpful to maintain fairness for Georgia's residents.

84. "Electric," State of Georgia Public Service Commission, Jan. 13, 2025. https://psc.ga.gov/utilities/electric.
85. GA R&R 515-3-4-.04(3) in "Re: Georgia Power Company's 2023 Integrated Resource Plan Update, Order Adopting Stipulated Agreement, Docket No. 55378," Georgia Public Service Commission, April 26, 2024. https://services.psc.ga.gov/api/v1/External/Public/Get/Document/DownloadFile/218484/99571.
86. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
87. "Smart Meter Q & A," State of Georgia Public Service Commission, last accessed Jan. 13, 2025. https://psc.ga.gov/about-the-psc/consumer-corner/electric/general-information/smart-meter-qa.
88. "Georgia Power Bill Calculator," State of Georgia Public Service Commission, last accessed Jan. 13, 2025. https://psc.ga.gov/utilities/electric/georgia-power-bill-calculator.

HAWAII

C-

Given its geographic setting, Hawaii is not located within a wholesale market, and the islands do not have a competitive retail marketplace. However, the state does have a robust distributed energy resource policy framework that, along with the state's beneficial location, drives incredibly high levels of customer-owned and sited generation penetration.[89] This high level of distributed resources, coupled with utility programs that use those resources as system resources and compensate customer-owners accordingly, provide customers with significant levels of empowerment over their energy. Hawaii has a well-resourced and active consumer advocate office, which participates at the PUC and engages the public with education and information.[90] The PUC has a convenient complaint process, but there is not much transparency or readily available information on pending complaints.[91] Most consumers have smart meters with fair access to data and a meaningful, but not perfect, opportunity to share their data directly with third parties of their choice through a Green Button download system.[92]

Hawaii has a robust distributed energy resource policy framework that, along with the state's beneficial location, drives incredibly high levels of customer-owned and sited generation penetration.

RECOMMENDATIONS FOR IMPROVEMENT:

Hawaii could materially improve their grade by requiring that utilities implement Green Button Connect and report on pending and concluded utility complaints. Their score could also be improved if the PUC increased public engagement activities, such as education.

89. "DER Programs," State of Hawaii Public Utilities Commission, last accessed Jan. 6, 2025. https://puc.hawaii.gov/energy/der/programs; "The State(s) of Distributed Solar – 2023 Update," Institute for Local Self-Reliance, May 15, 2024. https://ilsr.org/articles/the-states-of-distributed-solar-2023.
90. "Home," Department of Commerce and Consumer Affairs, last accessed Jan. 6, 2025. https://cca.hawaii.gov/dca.
91. "Filing a Complaint Against a Regulated Utility Company," Department of Commerce and Consumer Affairs, last accessed Jan. 6, 2025. https://cca.hawaii.gov/dca/filing-a-complaint.
92. "Advanced Meters," Hawaiian Electric, last accessed Jan. 6, 2023. https://www.hawaiianelectric.com/clean-energy-hawaii/grid-modernization-technologies/advanced-meters.

IDAHO

D-

There are limited options for customers to exercise retail choice in Idaho. Large customers may have the option for a sleeve transaction, but they are otherwise unable to shop. Idaho is not in an RTO, which also limits the state's opportunities for competition.[93] Smart meters are installed, but functionality is not exhaustive; utilities are not utilizing Green Button to enable customer data access or facilitate the sharing of usage information.[94] Idaho does not have a state consumer advocate. Although it does have an easy process to submit a complaint, it has limited reporting on the status and overall statistics of complaints.

RECOMMENDATIONS FOR IMPROVEMENT:

There are several steps Idaho could take to enhance their competitiveness. The state should consider joining an RTO to better integrate with the wider Western market, which would allow better access to lower-cost resources and enable DER aggregators to save customers money. Customers should also have better access to their usage information so that new entrants, such as energy efficiency providers, can help them reduce usage and save money.

Idaho does not have a state consumer advocate. Although it does have an easy process to submit a complaint, it has limited reporting on the status and overall statistics of complaints.

93. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
94. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.

ILLINOIS

B+

Customers of the IOUs can choose an electricity supplier regardless of customer class.[95] The Illinois Commerce Commission provides a shopping platform that allows customers to compare price options, sorted by utility and customer class.[96] Electric utilities are not allowed to own generation, and an independent state agency procures electricity on behalf of the utilities to serve customers that remain with the utility.[97] Utilities are in RTOs; one is in PJM and the others are in MISO.[98] Their choice of RTO impacts their market potential and opportunities. Information is available about customer complaints, including a complaint scorecard that compares suppliers to each other.[99] Utilities have installed smart meters but are not making use of their full functionality; they have also limited customer data access because of their poor implementation of Green Button.[100] Illinois is one of three states that allow demand response aggregators to participate in the MISO market.[101] There is a growing CCA marketplace that provides additional choice for customers.[102] Illinois has an active consumer advocate that participates in proceedings before the Commission.

The Illinois Commerce Commission provides a shopping platform that allows customers to compare price options, sorted by utility and customer class.

RECOMMENDATIONS FOR IMPROVEMENT:

Illinois has had challenges with implementing a usable Green Button Connect platform, and the Illinois Commerce Commission (ICC) has an open proceeding to reconsider its data-access rules; updating such rules and enabling a more open data platform would help emerging markets for DER providers. Furthermore, the ICC should ensure that the utilities are appropriately allocating overhead costs to the correct customers. This would enhance the value of shopping both for competitive energy supply and DER like rooftop solar. If the ICC follows through on this matter, its competitiveness would improve.

95. "Frequently Asked Questions," Plug In Illinois, last accessed Jan. 13, 2025. https://plugin.illinois.gov/electric-choice-basics/frequently-asked-questions.html#faq-whocanchooseadifferentares-faq_copy.
96. "Compare Offers," Plug In Illinois, last accessed Jan. 13, 2025. https://plugin.illinois.gov/your-available-choices/offers-begin.html.
97. "Electricity Procurement," Illinois Power Agency, last accessed Jan. 13, 2025. https://ipa.illinois.gov/electricity-procurement.html.
98. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
99. "Customer Complaint Statistics," Plug In Illinois, last accessed Jan. 13, 2025. https://plugin.illinois.gov/consumer-protections/customer-complaint-statistics.html.
100. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
101. Sydney P. Forrester et al., "Regulation of Third-Party Aggregation in the MISO and SPP Footprints," Lawrence Berkeley National Laboratory, September 2023. https://eta-publications.lbl.gov/sites/default/files/aggregation_in_spp_and_miso_-_lbnl_report_09.27.23.pdf.
102. "Municipal Aggregation," Plug In Illinois, last accessed Jan. 13, 2025. https://plugin.illinois.gov/municipal-aggregation.html.

INDIANA

D

Nearly every utility customer in Indiana is located within an RTO, either MISO or PJM, and regulators have that membership as a framework for evaluating utility reasonableness.[103] Regardless, with the exception of large industrials' ability to participate in sleeved PPAs for renewable energy in parts of the state, customer choice is fairly limited.[104] Although a significant number of Indianans have smart meters, the implementation of advanced rates and customer interface varies across utilities.[105] No utilities are Green Button certified.[106] Indiana has an involved and well-resourced consumer advocate that engages in cases of significance, including rulemakings.[107] Although consumers can easily file complaints, aggregate information on the disposition of those complaints is limited.[108] Furthermore, Indiana customers of a number of utilities are not adequately protected by the business dealings of utility affiliates in competitive ventures or in other states.[109]

RECOMMENDATIONS FOR IMPROVEMENT:

Indiana's score would improve materially by providing customers with a greater opportunity to engage third parties for options currently available only through the utility. The Commission should ensure that utilities are not engaged in activity outside that which is necessary to provide service and give customers greater choice.

Indiana customers of a number of utilities are not adequately protected by the business dealings of utility affiliates in competitive ventures or in other states.

103. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
104. "U.S. Utility Green Tariff Report," pp. 40-41. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
105. "Smart Meters," Indiana Michigan Power, last accessed Jan. 7, 2025. https://www.indianamichiganpower.com/community/improving-our-community/projects/smart-meters; "Advanced meters," AES Indiana, last accessed Jan. 7, 2025. https://www.aesindiana.com/advanced-meters; "New Smart Services," Duke Energy, last accessed Jan. 7, 2025. https://www.duke-energy.com/our-company/about-us/smart-grid/smart-meter/smart-services; "Advanced Metering - AMI," NIPSCO, last accessed Jan. 7, 2025. https://www.nipsco.com/services/work-in-your-neighborhood/advanced-metering-ami.
106. Green Button Explorer. https://explorer.missiondata.io.
107. "OUCC Home," Indiana Office of Utility Consumer Counselor," last accessed Jan. 7, 2025. https://www.in.gov/oucc.
108. "Are you a utility customer?," Indiana Utility Regulatory Commission, last accessed Jan. 7, 2025. https://www.in.gov/iurc/customer-assistance/#Resolving_an_Issue_with_a_Utility_or_Filing_a_Complaint.
109. "Fitch Affirms AEP and Select Subsidiaries; Downgrades Ohio Power," FitchRatings, Nov. 15, 2024. https://www.fitchratings.com/research/corporate-finance/fitch-affirms-aep-select-subsidiaries-downgrades-ohio-power-15-11-2024; "Joint Comments of Public Citizen, Sierra Club and Citizens Action Coalition to Federal Energy Regulatory Commission," Docket No. EC21-5, June 21, 2021. https://www.citizen.org/wp-content/uploads/June2021Duke-GICDef_Redacted.pdf.

IOWA

D

Iowa consumers have no choice of electricity provider, with a limited amount of competitive procurement available. The utility is allowed to build and own generation to serve its own resources. Aggregators are not allowed. Iowa participates in two RTOs.[110] Smart meters are installed across the state, but there is limited utilization and sparse implementation of Green Button to facilitate data sharing.[111] Iowa does not have an integrated resource planning process, so planning is carried out by the utility. There is an active state consumer advocate that participates in most proceedings. In addition, there are multiple ways to file a complaint, but statistics on complaint adjudication are limited.

RECOMMENDATIONS FOR IMPROVEMENT:

To help increase its grade, Iowa could implement an integrated resource planning process to bring transparency to utility resource planning. It should also allow DER aggregators to sign up customers and participate in RTO markets, as well as consider utilizing all resource procurements to increase competitiveness for electricity supply.

Iowa consumers have no choice of electricity provider, with a limited amount of competitive procurement available.

110. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
111. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.

KANSAS

D+

With the exception of not having opted out of FERC Order No. 719 on demand response, options for customers are sparse.[112] Although the state is located within an RTO, there are few options for even large customers to seek out sleeve PPAs.[113] The Kansas Corporation Commission has good engagement with the public, providing education and seeking feedback on rulemakings and utility proposals.[114] Educational materials, workshops, and hearings are easy to find and watch.[115] The Commission website offers alternative language options for customers, but their complaint process is unnecessarily complicated; complaints must be mailed in or filed in person, rather than submitted through the website or other electronic means.[116] However, the Commission does report on the number, location, and types of complaints in the annual report that is provided to the legislature and posted to its website.[117] Smart meters are generally available across the state, but feedback to customers is limited, and interoperability is constrained, such as only offering Green Button download.[118]

Although the state is located within an RTO, there are few options for even large customers to seek out sleeve PPAs.

RECOMMENDATIONS FOR IMPROVEMENT:

Kansas could improve its grade by giving some customers, such as incremental, large C&I customers, access to market options to serve their needs. For small-volume customers, Kansas should look to improve its complaint process and make data sharing easier for customers.

112. Tim Carpenter, "Kansas coalition eager to end utility company monopoly on self-contained solar projects," *Kansas Reflector*, Feb. 20, 2023. https://kansasreflector.com/2023/02/20/kansas-coalition-eager-to-end-utility-company-monopoly-on-self-contained-solar-projects.
113. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos; "U.S. Utility Green Tariff Report," p. 13. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
114. Kansas Corporation Commission, x.com, last accessed Jan. 7, 2025. https://x.com/KansasCorpComm; "2024 News Releases," Kansas Corporation Commission, last accessed Jan. 7, 2025. https://www.kcc.ks.gov/commission-activity/news-releases/2024.
115. Kansas Corporation Commission, YouTube, last accessed Jan. 7, 2025. https://www.youtube.com/channel/UC-uTcucl0oyHJr-_iOheuuw.
116. "File a Complaint," Kansas Corporation Commission, last accessed Jan. 7, 2025. https://www.kcc.ks.gov/file-a-complaint.
117. "2024 Reports to the Kansas Legislature," Kansas Corporation Commission, last accessed Jan. 7, 2025. https://www.kcc.ks.gov/commission-activity/reports-to-the-legislature/2024.
118. "Energy Analyzer," Evergy, last accessed Jan. 7, 2025. https://www.evergy.com/ways-to-save/resources-link/energy-tips/energy-analyzer.

KENTUCKY

D+

Although the majority of Kentucky is located in either MISO or PJM areas, most customers are served by non-RTO-member utilities.[119] However, engagement in wholesale markets provides regulators with valuable information regarding ways to hold utilities accountable in transmission and generation matters. Across the commonwealth, industrial customers have access to renewable offerings, some of which are essentially competitive via sleeve PPAs.[120] Although Kentucky did not opt out of FERC Order No. 719, demand response aggregators may only engage customers who have registered and have approved contracts with utilities.[121] Upon full smart meter rollout, the majority of electric customers in the state will have easy access to usage data in near real time, and data sharing will be Green Button Connect certified.[122] Kentucky has a moderately active consumer advocate office that engages in the majority of rulemakings.[123] The PSC website does not share or report on specific customer complaints, but it does report the overall number and disposition of complaints.[124] For a number of reasons, including legacy affiliate relationships, the firewalls established between Kentucky-regulated utilities and affiliates are inadequate to fully protect consumers from the actions of others within corporate hierarchies.[125]

Engagement in wholesale markets provides regulators with valuable information regarding ways to hold utilities accountable in transmission and generation matters.

RECOMMENDATIONS FOR IMPROVEMENT:

Kentucky's grade would increase materially by requiring all utilities to join an RTO and by expanding Green Button Connect to all utilities, as opposed to just two. Furthermore, an easy way for the Commonwealth to differentiate itself is to allow large customers to identify their own renewable projects for use through sleeve tariffs, as opposed to it being procured by the utility.

119. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos; "Kentucky Energy Profile, 8th Edition," Kentucky Office of Energy Policy, 2023. https://eec.ky.gov/Energy/KY%20Energy%20Profile/Kentucky%20Energy%20Profile%202023.pdf.
120. "U.S. Utility Green Tariff Report," pp. 13-14. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
121. "Electronic Application of East Kentucky Power Cooperative, Inc. for a Declaratory Order Confirming the Effect of Kentucky Law and Commission Precedent on Retail Electric Customers' Participation in Wholesale Electric Markets, Case No. 2017-00129," Kentucky Public Service Commission, June 6, 2017. http://psc.ky.gov/pscscf/2017%20Cases/2017-00129/20170606_PSC_ORDER.pdf.
122. "Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit, Case No. 2020-00349," Kentucky Public Service Commission, June 30, 2021, pp. 17-18. https://psc.ky.gov/pscscf/2020%20Cases/2020-00349//20210630_PSC_ORDER.pdf; "Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit, Case No. 2020-00350," Kentucky Public Service Commission, June 30, 2021, p. 20. https://psc.ky.gov/pscscf/2020%20Cases/2020-00350//20210630_PSC_ORDER.pdf.
123. "Office of Rate Intervention," Attorney General Russell Coleman, last accessed Jan. 7, 2025. https://www.ag.ky.gov/about/Office-Divisions/ORI/Pages/default.aspx.
124. "Consumer Information," Kentucky Public Service Commission, last accessed Jan. 7, 2025. https://psc.ky.gov/Home/Consumer.
125. "Fitch Affirms AEP and Select Subsidiaries; Downgrades Ohio Power." https://www.fitchratings.com/research/corporate-finance/fitch-affirms-aep-select-subsidiaries-downgrades-ohio-power-15-11-2024; "Response to Attorney General's Initial Data Requests for Information," Kentucky Utilities Company, Feb. 13, 2015, p. 7. https://psc.ky.gov/pscecf/2016-00370/derek.rahn%40lge-ku.com/01252017012210/11-2016_AG_DR1_KU_%28VOL_09_-_Q265-Q374%29.pdf.

LOUISIANA

D+

Most consumers in Louisiana are served by regulated IOU monopolies and lack the ability to choose their own electric supplier.[126] Recently, electric cooperatives received the ability procure supply from competitive, independent power producers.[127] A limited number of consumers are able to obtain "green energy" supplies through a regulated subscription process managed by Entergy Louisiana.[128] IOUs and others participate in the MISO RTO, which provides consumers with information and insight into wholesale market operations.[129] Large utilities in Louisiana have deployed smart meters for all or most of their customers. Customers can access usage data, but companies do not support Green Button functionality. The Louisiana PSC provides easy-to-find information on filing complaints but does not offer aggregate information on complaint status.[130] Information on the PSC website is provided in English only. Louisiana lacks a state utility consumer advocate.

RECOMMENDATIONS FOR IMPROVEMENT:

The PSC has been exploring several possible reforms that would bring more competition to the state's electric industry, including support for aggregators, retail choice for large industrial and commercial customers, and possibly retail choice for all Louisiana power users. Louisianans should give these efforts full and careful consideration with an eye toward giving customers more control over their energy consumption.

Most consumers in Louisiana are served by regulated IOU monopolies and lack the ability to choose their own electric supplier.

126. "Louisiana Analysis," U.S. Energy Information Administration, Aug. 15, 2024. https://www.eia.gov/beta/states/states/la/analysis.
127. "1803: Louisiana Co-ops Create G&T to 'Take Control of Our Own Future,'" NRECA, last accessed Apr. 9, 2025. https://www.electric.coop/1803-louisiana-co-ops-create-gt-to-take-control-of-our-own-future.
128. "U.S. Utility Green Tariff Report," p. 22. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
129. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
130. "Submitting a Complaint with the Louisiana Public Service Commission," Louisiana Public Service Commission, last accessed Jan. 6, 2025. https://www.lpsc.louisiana.gov/Complaints.

MAINE

B

Maine allows retail choice for consumers but provides limited information to the public about its marketplace and its ability to shop. Specifically, the Maine Commission provides information about the standard offer price and the list of authorized suppliers in the state but does not host a shopping platform.[131] Instead, if a customer is interested in comparing options, the utilities host an Electric Supplier Marketplace where a customer has to log in to see options. By enrolling in the Electric Supplier Marketplace, the customer agrees to share their smart meter information with and receive offers from competitive suppliers. While this gives consumers the opportunity to tailor their requests, it may also act as a barrier for consumers who are merely curious about different costs and options that would be available via a public shopping platform. Instead, some public information about different plans is hosted by the Maine Office of Public Advocate. This site has a calculator that allows customers to enter information about their usage to see how their bills would change with a competitive rate.[132] Maine is in an RTO (ISO-New England) and allows aggregators.[133] There is an active state consumer advocate that participates in many proceedings.

The Maine Commission provides information about the standard offer price and the list of authorized suppliers in the state but does not host a shopping platform.

RECOMMENDATIONS FOR IMPROVEMENT:

Maine should develop a public-facing platform hosted by the PUC to provide transparent and easy-to-access information about competitive programs. In addition, the PUC should provide a standardized and readily available bill-comparison tool so customers can compare different offers from competitive suppliers. The PUC is actively engaged in a proceeding to determine whether regulated utility and Standard Offer Service rates should be time-of-use on an opt-out basis, and this would be a positive development, if adopted.

131. "Retail Electricity Suppliers in Maine," Maine Public Utilities Commission, last accessed Jan. 13, 2025. https://www.maine.gov/mpuc/regulated-utilities/electricity/maine-retail-electricity-suppliers.
132. "Electricity Supply Options," Maine Office of the Public Advocate, last accessed Jan. 13, 2025. https://www.maine.gov/meopa/electricity/electricity-supply.
133. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

MARYLAND

C

Maryland customers can choose their own electric supplier, but participation has been falling. Recent legislation has all but ended competition in the residential sector.[134] The state electric-shopping website is easily accessible and provides price-to-compare and other relevant information to consumers, but no longer lists any competitive offers.[135] Video-based consumer education is provided in English and Spanish. Both the Maryland PSC website and the shopping website offer translation links to provide information in many languages. Many Maryland consumers have smart meters, but customer ability to access and share their usage data is limited. The PSC website provides an easy-to-access complaint process and summary data on complaints filed. The Maryland Office of the People's Counsel represents residential and non-commercial customers in state and federal regulatory proceedings. Maryland utilities participate in the PJM RTO.[136]

Recent legislation has all but ended competition in the residential sector.

RECOMMENDATIONS FOR IMPROVEMENT:

Maryland's new law has had a significant negative effect on the competitive marketplace. The residential market now has substantial restrictions on shopping, including a backward-looking price cap, prohibitions of certain market products, barriers to auto-renewals for supply, and limits on the types of green power products. It is expected that these restrictions cumulatively will all but terminate residential customer choice in Maryland—a state that had been at the forefront of smart-meter and supplier-consolidated-billing reforms. Removal of these barriers would boost Maryland's grade.

134. "Maryland Analysis," U.S. Energy Information Administration, last accessed Jan. 8, 2025. https://www.eia.gov/beta/states/states/md/analysis; "Residential retail electric choice participation rate has leveled off since 2019," U.S. Energy Information Administration, last accessed Jan. 13, 2025. https://www.eia.gov/todayinenergy/detail.php?id=55820; Kavulla, "For decades, Maryland gave consumers an electricity choice; changing that was a mistake." https://marylandmatters.org/2024/10/05/for-decades-maryland-gave-consumers-an-electricity-choice-changing-that-was-a-mistake.
135. Maryland Public Service Commission, last accessed Jan. 8, 2025. https://www.psc.state.md.us; MD Electric Choice, last accessed Jan. 8, 2025. https://www.mdelectricchoice.com.
136. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

MASSACHUSETTS

B-

Massachusetts is in an RTO and allows consumers to choose their competitive suppliers, but poor implementation and education are likely undermining the success of the offerings.[137] Although the Commonwealth has an effective, mobile-friendly shopping website with zip code search, price-to-compare, and sorting and filtering features, Massachusetts has taken little effort to inform the public about their options in choosing a supplier.[138] In fact, much of the information provided by the Commonwealth undermines direct consumer shopping, including information provided by the designated consumer advocate.[139] The result is that only a subset of registered suppliers have current offerings available.[140] This public opposition to direct shopping has also likely driven increased government participation in aggregation programs, which is still a preferred option over no supply choice at all.[141] Most consumers in Massachusetts do not have access to smart meters, reducing the information available to better inform customer and third-party actions and opportunities.[142] However, should smart meter numbers increase, the majority of customers would likely have meters that are Green Button Connect certified.[143] Furthermore, recent legislation mandates that utilities implement accelerated supplier switching for small-volume customers. Overall, Massachusetts has the foundation for pro-consumer supplier choice, but implementation undermines its success.

Although the Commonwealth has an effective, mobile-friendly shopping website with zip code search, price-to-compare, and sorting and filtering features, Massachusetts has taken little effort to inform the public about their options in choosing a supplier.

RECOMMENDATIONS FOR IMPROVEMENT:

Massachusetts's grade could be improved in one of two opposing ways. Given the deficiencies in its retail shopping implementation, the Commonwealth could either focus on improving and expanding CCA to the detriment of its struggling retail offerings, or it could implement retail choice in a meaningful way, as opposed to purposefully undermining it. Removing bad actors from the supply space would instill greater confidence in the market so that policy makers could start advocating for greater shopping instead of banning it entirely. Either way, smart meter deployment with an eye toward empowering and informing customers—not merely enriching utilities—would go a long way toward improving Massachusetts' ability to give customers greater choice in their energy future, especially with aggregators and third-party suppliers.

137. Ibid.
138. Energy Switch Massachusetts, last accessed Jan. 8, 2025. https://www.energyswitchma.gov.
139. Office of the Attorney General, "AG Healey Calls for Shut Down of Individual Residential Competitive Supply Industry to Protect Electric Customers," Commonwealth of Massachusetts, March 29, 2018. https://www.mass.gov/news/ag-healey-calls-for-shut-down-of-individual-residential-competitive-supply-industry-to-protect-electric-customers; Iulia Gheorghiu, "Massachusetts lawmakers consider ending retail electric choice for residential customers," Utility Dive, June 8, 2022. https://www.utilitydive.com/news/massachusetts-rollback-retail-customer-electricity-choice-bill/624968.
140. "Licensed Residential Competitive Suppliers," Energy Switch Massachusetts, last accessed Jan. 8, 2025. https://www.energyswitchma.gov/#/supplierlist.
141. Department of Public Utilities, "DPU Enhances Municipal Aggregation Process," Commonwealth of Massachusetts, July 9, 2024. https://www.mass.gov/news/dpu-enhances-municipal-aggregation-process.
142. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf.
143. "Green Button Connect," National Grid, last accessed Jan. 8, 2025. https://www.nationalgridus.com/Upstate-NY-Home/More-Efficiency-Solutions/green-button-connect.

MICHIGAN

C

Michigan launched a complete competitive retail electric choice program in 2002 but later capped (by law) the amount of load to be served by competitive suppliers at 10 percent within the territory of vertically integrated electric utilities.[144] Customers who are currently waitlisted to access consumer choice would nearly double the amount of load served by competitive suppliers.[145] Those who are served by competitive suppliers in Michigan either receive a utility-consolidated bill or are dual billed. Utility customers can often access green-energy products through a sleeved PPA. Michigan utilities participate in an RTO, and most customers have a smart meter that allows them to access data on their own usage.[146] The Michigan PSC website offers information on the complaint process and the ability to file an informal complaint online, but information on the website is available only in English.[147] The state attorney general's office serves as consumer advocate in PSC, RTO, and FERC proceedings. Michigan initially opted out of FERC Order No. 719 requirements, but in 2019 and 2021, the state acted to allow DER aggregators to serve customers with usage of 1 MW or less, giving customers greater control over their energy use.[148]

Customers who are currently waitlisted to access consumer choice would nearly double the amount of load served by competitive suppliers.

RECOMMENDATIONS FOR IMPROVEMENT:

The state could readily boost competition by loosening or eliminating the 10 percent cap on load served by competitive suppliers and imposing full separation between competitive sectors and rate-regulated transmission and distribution utilities. It should also allow all customers, not just the largest customers, to participate in DER aggregations. Michigan should allow RTOs to work for it, refraining from protectionist, in-state capacity requirements and advocating for greater recognition of regional resource-adequacy and transmission solutions to encourage competition.

144. "A Policy Guide to Energy Choice in Michigan," Mackinac Center for Public Policy, 2021. https://www.mackinac.org/26154.
145. "Michigan's electric choice program holds steady in 2023," Michigan Public Service Commission, Feb. 2, 2024. https://www.michigan.gov/mpsc/commission/news-releases/2024/02/02/michigans-electric-choice-program-holds-steady-in-2023; James David Dickson, "Michiganders want energy choice; Michigan can't deliver it," Michigan Capitol Confidential, April 21, 2023. https://www.michigancapitolconfidential.com/analysis/customers-want-energy-choice-michigan-cant-deliver-it.
146. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
147. Michigan Public Service Commission, last accessed Jan. 8, 2025. https://www.michigan.gov/mpsc.
148. "Demand Response Aggregation," Michigan Public Service Commission, last accessed Jan. 8, 2025. https://www.michigan.gov/mpsc/commission/workgroups/demand-response-aggregation.

MINNESOTA

D-

Customers have little opportunity to choose an alternative supplier. There is a robust community solar garden market, but recent legislative and regulatory changes have degraded the value of this offering for customers.[149] The major utilities are in an RTO.[150] The Minnesota Commission has prohibited demand response aggregators from participating in the state.[151] The state continues to deploy smart meters, but it lacks robust rules for enabling the sharing of customer usage data with authorized third parties.[152] The utilities have used competitive procurements for meeting resource needs, so there is some third-party-owned generation, but utilities often win their own procurement.[153] There are limited competitive procurements for small, distributed generation to meet its 100 percent carbon standard.[154] There are multiple active state consumer advocates and a simple process to submit complaints, which are then provided to the utility for a response. Any further steps are submitted to Commission consumer staff, and reporting is undertaken by the utilities.

There is a robust community solar garden market, but recent legislative and regulatory changes have degraded the value of this offering for customers.

RECOMMENDATIONS FOR IMPROVEMENT:

Minnesota recently failed to act in a proceeding that considers allowing DER aggregators to operate in its state, which keeps in place a prohibition that has been in effect since 2011. Minnesota should consider more market opportunities, including removing prohibition on aggregators, increasing the utilization of competitive solicitations for resources, and lowering barriers to entry for DER providers, notably solar companies. Enabling broad-based data-access policies that leverage standard protocols (e.g., Green Button Connect) would support customer decision-making efforts to reduce bills. Minnesota should also take steps to ensure that its solar marketplace remains a viable option for customers and is not limited to utility offerings only.

149. See, e.g., "PUC Decision Costs Minnesotans Millions, Threatens State's Clean Energy Future," MnSEIA, Feb. 16 2024. https://www.mnseia.org/mnseia-press-release-community-solar-puc-decision.
150. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
151. Chris Villareal, "Comments Before the Minnesota Public Utilities Commission In the Matter of a Commission Investigation into the Potential Role of Third-Party Aggregation of Retail Customers," R Street Institute, March 13, 2023. https://www.rstreet.org/outreach/comments-before-the-minnesota-public-utilities-commission-in-the-matter-of-a-commission-investigation-into-the-potential-role-of-third-party-aggregation-of-retail-customers.
152. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
153. Minnesota Statutes 216B.2422, Subd. 5; "2024 Minnesota Request for Proposals," Xcel Energy, last accessed Jan. 13, 2025. https://co.my.xcelenergy.com/s/renewable/developers/2024-rfp.
154. Minnesota Statutes 216B.1691, Subd. 2h.

MISSISSIPPI

D-

Customers effectively have no ability to change their preferences directly. Even compared to other states without retail restructuring, Mississippi stands out as having few choices for customers, including industrial customers.[155] However, most customers of IOUs in the state are located in an RTO (MISO), which should provide regulators with information to gauge the reasonableness of utility generation and transmission proposals.[156] Both IOUs in the state have AMI, but neither have robust programs or thoughtful rate designs to take advantage of the investment.[157] Although customers do not have real-time access to data and programs are not Green Button Connect certified, most customers' usage is updated several times a day.[158] The state does not have a defined utility consumer advocate but does report the number, type, and disposition of customer complaints.[159] Firewalls between the utilities and their affiliates in other states and competitive ventures are inadequate.[160]

Compared to other states without retail restructuring, Mississippi stands out as having few choices for customers, including industrial customers.

RECOMMENDATIONS FOR IMPROVEMENT:

Requiring all utilities to join an RTO would be a step in the right direction for the state. With expanded RTO membership, the Commission should also consider allowing some customers direct access to competitive power, at least to industrial consumers and for any customer seeking renewable offerings. With expanded market membership, Mississippi should permit DR aggregators to operate in the state, setting up full implementation with Order No. 2222. Implementing these changes alongside Green Button Connect, Mississippi could significantly improve their overall score.

155. "U.S. Utility Green Tariff Report." https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf; Forrester et al., p. 1. https://eta-publications.lbl.gov/sites/default/files/aggregation_in_spp_and_miso_-_lbnl_report_09.27.23.pdf.
156. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
157. "Advanced Meter," Mississippi Power, last accessed Jan. 8, 2025. https://www.mississippipower.com/residential/manage-your-account/billing-questions/understanding-your-meter/advanced-meter.html; "Advanced meters - frequently asked questions," Entergy, last accessed Jan. 8, 2025. https://www.entergy-mississippi.com/am-faq.
158. Ibid.
159. "Members," National Association of State Utility Consumer Advocates, last accessed Jan. 6, 2025. https://www.nasuca.org/members; "Annual Report Ending June 30, 2023," Mississippi Public Service Commission, 2023. https://www.psc.ms.gov/sites/default/files/Annual%20Report%202023/PSCAnnualReport2023.pdf.
160. Fitch Ratings, "Fitch Affirms Southern Company's and Subsidiaries Ratings," Oct. 4, 2022. https://www.fitchratings.com/research/corporate-finance/fitch-affirms-southern-company-subsidiaries-ratings-04-10-2022; Southern Power. https://www.southernpowercompany.com.

MISSOURI

D

Customers have limited opportunities to shop for alternative suppliers but are allowed to enter into sleeved PPAs with developers. Missouri utilities participate in two RTOs.[161] The Missouri Commission allows large customers with usage above 100 kW to sign up with a demand response aggregator.[162] Smart meters have been rolled out, but their functionality is limited. Green Button is available in part of the state, but its implementation has not been certified.[163] There is an active state consumer advocate. Complaints are easy to submit, but no clear reporting mechanism or statistics are easily available to determine the types and status of complaints. The Commission had adopted a default TOU rate but modified the structure of the rate for one utility after receiving complaints from its legislature.[164] Various TOU options remain available to customers.

RECOMMENDATIONS FOR IMPROVEMENT:

Missouri should remove restrictions on aggregation to allow all customers to participate in aggregation products. It should also move to develop broad data-access policies that leverage standards (e.g., Green Button Connect). More work is needed to support the use of DER for VPP or NWA opportunities.

Customers have limited opportunities to shop for alternative suppliers but are allowed to enter into sleeved PPAs with developers.

161. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
162. "In the Matter of the Establishment of a Working Case Regarding FERC Order 2222 Regarding Participation of Distributed Energy Resource Aggregators in Markets Operated by Regional Transmission Organizations and Independent Systems Operators, Order Partially Modifying the Commission's 2010 Order Regarding ARCs, File No. EW-2021-0267," Missouri Public Service Commission, Oct. 12, 2023. https://efis.psc.mo.gov/Document/Display/758553.
163. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
164. "In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro's Request for Authority to Implement a General Rate Increase for Electric Service, et al., Amended Report and Order, File Nos. ER-2022-0129," Missouri Public Service Commission, Dec. 8, 2022. https://psc.mo.gov/Archive.aspx?CaseNo=ER-2022-0129; Rudi Keller, "Missouri utility regulators plan for peak pricing prompts pushback from top Republican," *Missouri Independent*, July 17, 2023. https://missouriindependent.com/2023/07/17/missouri-utility-regulators-plan-for-peak-pricing-prompts-pushback-from-top-republican; Scott Rupp, "Letter to Senator O'Laughlin and Senator Rizzo," Missouri Public Service Commission, Aug. 15, 2023. https://efis.psc.mo.gov/Document/Display/56187.

MONTANA

C-

Montana took initial steps to restructure its market for electricity but pulled back on those efforts after the first California electricity crisis.[165] This resulted in a market where, for the state's largest utility, legacy C&I customers served by a competitive supplier when the state re-regulated retained that right to be provided service by a competitive supplier.[166] Additionally, any new customer in that utility's service territory has a right to shop. There are also certain power plants owned by merchant operators. Montana is largely not in an RTO. A large part of the state is served by electricity from the Bonneville Power Administration and other federal sources. The eastern part of the state features an IOU in an RTO, and the Commission has not opted out of Order No. 719 implementation.[167] AMI is only now being installed for the majority of customers.[168] There is an active state consumer advocate that participates in proceedings before the Commission.

Montana took initial steps to restructure its market for electricity but pulled back on those efforts after the first California electricity crisis.

RECOMMENDATIONS FOR IMPROVEMENT:

Montana should consider allowing more customers to shop for electricity. The state's largest regulated utility has moved to serve certain datacenter loads, but given the state's law, this should be supplied by competitive providers to minimize risk to other customers and to allow a competitive market to flourish. Furthermore, it may consider providing more customer education for its customers to better understand opportunities to shop, including for aggregators that can operate in RTO markets. With the roll-out of AMI, the state should consider broad customer data-access rules, including the use of standard protocols to support the sharing of customer usage information (e.g., Green Button Connect).

165. Jeff Martin and Todd Everts, "A Report to the Governor and the 58th Legislature," The Electrical Utility Industry Restructuring Transition Advisory Committee, December 2002. https://archive.legmt.gov/content/publications/committees/interim/2001_2002/trans_adv_com/2357jfea.pdf; "Causes and Lessons of the California Electricity Crisis." https://www.cbo.gov/sites/default/files/107th-congress-2001-2002/reports/californiaenergy.pdf.
166. "Montana Code Annotated 69-8-201," Montana Legislature Archive, 2007. https://archive.legmt.gov/bills/2007/mca/69/8/69-8-201.htm.
167. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
168. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.

NEBRASKA

N/A

Nebraska is the only state without IOUs, and, thus, the Nebraska Commission does not regulate electric service.[169] A significant portion of the state has public utilities that are part of an RTO, and at least one major public utility does provide large customers with the option of sleeved PPAs to exercise some degree of choice.[170] Given the regulatory landscape, Nebraska does not have an active utility consumer advocate, smart meter deployment is dependent on local implementation, and customer access to usage data is disparate across those entities.

Nebraska is the only state without IOUs, and, thus, the Nebraska Commission does not regulate electric service.

RECOMMENDATIONS FOR IMPROVEMENT:

N/A

169. "Research Note: The PSC's History and Jurisdiction," Platte Institute, July 30, 2024. https://platteinstitute.org/research-note-the-pscs-history-and-jurisdiction.
170. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos; "U.S. Utility Green Tariff Report," p. 13. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.

NEVADA

D+

Nevada customers have almost no choice in the provision of electricity. Large customers have the ability to enter into PPAs and sleeve transactions.[171] NV Energy does utilize RFPs in some instances to procure electric resources.[172] Smart meters are fully deployed across the state, but customers have limited ability to share usage with authorized third parties, and the utility has not implemented Green Button Connect My Data.[173] There is an active state consumer advocate that participates in most proceedings, and electric utilities utilize competitive procurement for new resource needs. Nevada is not in an RTO, but state law requires the state to consider joining one by 2030.[174]

Nevada is not in an RTO, but state law requires the state to consider joining one by 2030.

RECOMMENDATIONS FOR IMPROVEMENT:

Nevada should continue to support the move to join an RTO by 2030. There should be better access to customer usage data, including through the utilization of standard protocols to support the sharing of customer data (e.g., Green Button Connect). While some large customers enjoy the opportunity to directly procure electricity, barriers to shopping should be minimized to afford more customers the same opportunity.

171. NRS 704B, last accessed Jan. 13, 2025. https://www.leg.state.nv.us/nrs/nrs-704b.html.
172. "General Information," NV Energy, last accessed Jan. 13, 2025. https://www.nvenergy.com/about-nvenergy/doing-business-with-us/energy-supply-rfps/2024-all-source-request-for-proposals.
173. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
174. NRS 704.79886, last accessed Jan. 13, 2025. https://www.leg.state.nv.us/nrs/nrs-704.html.

NEW HAMPSHIRE

B-

Customers have the opportunity to choose their supplier.[175] There is also a growing CCA movement across the state that is providing additional competition.[176] There is a state-sponsored shopping platform that allows customers to review options for supply.[177] Customers are able to sort by customer class and utility. Regulatory interests are split between the Commission and the state department of energy; the state department of energy hosts the shopping platform. The state has an active consumer advocate and is in an RTO.[178] It also has utility-consolidated billing but has not implemented a program whereby the utilities purchase the receivables of the entities for which they are billing, leaving the utilities—who may recoup any uncollectible expenses through ratemaking—and competitive suppliers on an uneven footing with utilities in charge of their competitors' positions. Other than this, the state has a relatively solid record on customer-choice items, but utilities have not fully rolled out smart meters, and data access is limited to monthly information.[179] Additionally, the data that is available is limited. The state is developing a statewide data platform that uses Green Button Connect My Data, but progress in building the platform has slowed.[180] There is not a convenient complaint process, nor does the Commission provide statistics about status or types of complaints.

The state has a relatively solid record on customer-choice items, but utilities have not fully rolled out smart meters, and data access is limited to monthly information.

RECOMMENDATIONS FOR IMPROVEMENT:

New Hampshire should continue working to increase the access to and accessibility of customer usage data, which is a significant barrier for aggregators and CCAs. The state should also consider a timeframe for installing AMI, as that would provide the necessary granular information to allow customers to better understand their usage, as well as support aggregator participation in the RTO. Moreover, the state should implement supplier-consolidated billing to address the issue of supplier uncollectible charges; if it does not do so, it should instead implement a purchase of receivables program. Customer education could be enhanced by the Commission and the state energy office. Furthermore, New Hampshire should avoid removing existing policies that benefit the state, such as maintaining membership in ISO-NE, maintaining an independent consumer advocate, maintaining a competitive, price-based market, and enhancing the ability of competitive suppliers, including CCAs, to operate in the state.

175. "Choosing an Energy Supplier," New Hampshire Department of Energy, last accessed Jan. 13, 2025. https://www.energy.nh.gov/consumers/choosing-energy-supplier.
176. "Choose Your Community Power," Community Power Coalition, last accessed Jan. 13, 2025. https://www.communitypowernh.gov; "New Hampshire," Lean Energy, last accessed Jan. 13, 2025. https://www.leanenergyus.org/new-hampshire; David Brooks, "Community power program now covers about half of New Hampshire," *Valley News*, Jan. 6, 2025. https://www.vnews.com/community-power-electricity-towns-cities-counties-new-hampshire-2024-58786731.
177. "Competitive Energy Power Suppliers," New Hampshire Department of Energy, last accessed Jan. 13, 2025. https://www.energy.nh.gov/engyapps/ceps/shop.aspx.
178. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
179. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
180. "Development of a Statewide, Multi-Use Online Energy Data Platform, Order Approving Settlement and Establishing a Process for Developing a Statewide Data Platform, Order No. 26,589," New Hampshire Public Utilities Commission, Docket No. DE-197 (March 2, 2022). https://www.puc.nh.gov/VirtualFileRoom/ShowDocument.aspx?DocumentId=ceead45c-d5cd-4d27-9ed8-ddfe3d772631; New Hampshire Statutes, Title XXXIV, Chapter RSA 378:51, The General Court of New Hampshire, last accessed Jan. 23, 2025. https://www.gencourt.state.nh.us/rsa/html/XXXIV/378/378-51.htm.

NEW JERSEY

B-

In addition to restructuring and retail choice, New Jersey has supported competition in a number of ways, including keeping utilities from cornering the EV-charging market and rate-basing non-regulated components in most instances.[181] The Board of Public Utilities (BPU) has taken efforts to reduce utilities' ability to expand beyond being a utility service provider, such as by allowing utilities to own EV charging stations only as a last resort and upon PUC approval.[182] Nonetheless, state rules create an unfair mismatch between default service pricing and supplier offerings where default offerings are incongruent with market prices.[183] Additionally, utilities operating in New Jersey are not sufficiently ring-fenced from competitive affiliates or related utilities operating in other states.[184] Customer complaint data is easy to find, detailed (organized by utility/marketer, type of service, result, etc.), and timely (released quarterly).[185] New Jersey does little to educate the public on the opportunity to choose their own electric supplier or the benefits of doing so. The BPU shopping website is outdated and contains no centralized information.[186] To see supplier offers or each utility's price to compare, a shopper must visit each company's website.[187] The poor centralized website and lack of public education on choice likely leads to fewer customers shopping. Smart meters are available only to some customers (with Green Button Connect capabilities), but further rollouts are ongoing.[188] Giving customers and suppliers timely usage information would facilitate greater offerings and customer benefits. Aggregations are available and used frequently.[189]

State rules create an unfair mismatch between default service pricing and supplier offerings where default offerings are incongruent with market prices.

RECOMMENDATIONS FOR IMPROVEMENT:

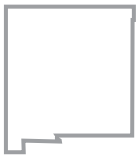
New Jersey could increase its grade by implementing greater ring-fencing and corporate unbundling of utilities from competitive affiliates. Updating the BPU's shopping website and removing the price control of default service would materially improve the state's standing. For the Basic Generation Service that New Jersey provides, it should consider putting the capacity price risk on suppliers, rather than consumers, to create an even playing field between default service providers and competitive suppliers; this would result in a legitimate "regulated" price.

181. Kelly Andrejasic, "NJ Board Outlines Roles for Utilities, Private Sector in EV Infrastructure," S&P Global, Sep. 25, 2020. https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/nj-board-outlines-roles-for-utilities-private-sector-in-ev-infrastructure-60477936.
182. Ibid.
183. "BGS Auction," State of New Jersey Board of Public Utilities, last accessed Jan. 8, 2025. https://www.nj.gov/bpu/about/divisions/energy/bgs.html.
184. "Fitch Affirms Exelon Corp. and Subsidiaries' Ratings; Revises PECO's Outlook to Negative," FitchRatings, May 17, 2024. https://www.fitchratings.com/research/corporate-finance/fitch-affirms-exelon-corp-subsidiaries-ratings-revises-peco-outlook-to-negative-17-05-2024; "Letter from the Institute for Energy Economics and Financial Analysis to the Council of the District of Columbia Regarding the PEPCO/Exelon Merger," Institute for Energy Economics and Financial Analysis, Nov. 16, 2015. https://ieefa.org/sites/default/files/resources/Ring-Fence-Provisions-of-the-Exelon_Pepco-Merger-for-City-Council-11-16-152.pdf.
185. "Quarterly Complaint Data Reports," State of New Jersey Board of Public Utilities, last accessed Jan. 8, 2025. https://www.nj.gov/bpu/assistance/complaintdata.
186. New Jersey Power Switch, last accessed Jan. 8, 2025. https://nj.gov/njpowerswitch.
187. Ibid.
188. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf; "Notice: Straw Proposal on Advanced Metering Infrastructure (AMI) Data Transparency, Privacy & and Billing, Docket No. EO20110716," New Jersey Board of Public Utilities, last accessed Jan. 8, 2025. https://www.nj.gov/bpu/pdf/publicnotice/EO20110716-%20AMI%20Data%20Access%20Staff%20Straw%20Proposal.pdf; "Notice: Straw Proposal on Advanced Metering Infrastructure (AMI) Data Transparency, Privacy & and Billing, Docket No. EO20110716," New Jersey Board of Public Utilities, July 29, 2022. https://www.nj.gov/bpu/pdf/publicnotice/EO20110716-%20AMI%20Data%20Access%20Staff%20Straw%20Proposal.pdf.
189. "New Jersey," Lean Energy, last accessed Jan. 8, 2025. https://www.leanenergyus.org/new-jersey.

NEW MEXICO

D

Retail customers in New Mexico do not have competitive supply options.[190] One regulated utility in the state is a member of the SPP RTO, and other IOUs participate in wholesale energy imbalance markets, which provides some limited transparency on wholesale operations.[191] Information on the New Mexico Public Regulation Commission website is available in multiple languages, and the website offers easy-to-locate information on filing complaints.[192] No reports on existing complaints or complaint resolution status are available. The attorney general's office is tasked with representing residential and small business interests before the PRC.[193]



Retail customers in New Mexico do not have competitive supply options.

RECOMMENDATIONS FOR IMPROVEMENT:

State regulators have been active in Western regionalization discussions that may lead to the development of an RTO for the West. Such efforts should be continued, and the state should allow large C&I customers to contract for non-utility energy supplies.

190. "An Introduction to Retail Electricity Choice in the United States," 21st Century Power Partnership, 2017. https://www.nrel.gov/docs/fy18osti/68993.pdf.
191. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
192. New Mexico Public Regulation Commission, last accessed Jan. 8, 2025. https://www.prc.nm.gov.
193. "Affirmative Litigation," New Mexico Department of Justice, last accessed Jan. 8, 2025. https://nmdoj.gov/about-the-office/affirmative-litigation.

NEW YORK

C+

Customers in New York who are served by regulated IOUs have access to competitive suppliers (i.e., ESCOs), but participation in the competitive market has fallen over the past decade, in part because of restrictive policies the state adopted in its "Market Reset" order.[194] The new rules imposed price caps and placed limits on variable-price products and other competitive supply offers. The state offers a shopping website but requires that visitors click through an ominous "Consumer Advisory" disclaimer to see those offers.[195] Once accessed, the shopping website offers price-to-compare, historical price information, and other customer-oriented information. Suppliers may bill customers directly or rely on utility-consolidated billing. Smart meters are available for many consumers, and Green Button functionality is being explored. Utilities in the state participate in NYISO, a FERC-regulated RTO.[196] The state consumer office's Utility Intervention Unit represents the interests of New York consumers before federal, state, and local administrative and regulatory agencies.[197]

Customers in New York who are served by regulated IOUs have access to competitive suppliers (i.e., ESCOs), but participation in the competitive market has fallen over the past decade, in part because of restrictive policies the state adopted in its "Market Reset" order.

RECOMMENDATIONS FOR IMPROVEMENT:

New York consumers would benefit from an undoing of most of the new rules implemented as part of the Market Reset Order. Data shows that the state's backward-looking price cap restricts customer shopping. The state should mandate ESCO-consolidated billing and, if done correctly, it might terminate the purchase-of-receivables program. Utilities should complete the roll out of smart meters, and interval meter data should be used in billing ESCOs for customer energy use. The various programs that New York has to facilitate VPPs and demand-side resources should be aligned with ESCOs so they can be bundled together in their retail offers and improve the value of the retail marketplace overall.

194. "Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process," New York Public Service Commission, Dec. 12, 2019. https://documents.dps.ny.gov/public/MatterManagement/MatterFilingItem.aspx?FilingSeq=237088&MatterSeq=47597; "Residential retail electric choice participation rate has leveled off since 2019." https://www.eia.gov/todayinenergy/detail.php?id=55820.
195. New York State Power to Choose, last accessed Jan. 8, 2025. https://documents.dps.ny.gov/PTC/home.
196. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
197. "Utility Intervention Unit," New York Department of State, last accessed Jan. 8, 2025. https://dos.ny.gov/utility-intervention-unit-1.

NORTH CAROLINA

C-

The vast majority of North Carolinian customers are not located in an RTO, but the North Carolina Utilities Commission does have the benefit of having some experience and data from a single utility's membership in PJM.[198] The state has not opted out of Order No. 719, and its two largest utilities offer a number of renewable-choice programs for industrial customers, including sleeve PPAs.[199] A majority of customers in the state have smart meters, and most of those that do have fair access to usage data.[200] North Carolina has one of the country's strongest and best-funded consumer advocates that participates in every docket of substance, particularly rulemakings.[201] This ensures that customers have a voice in the rules by which the state's utilities must abide. Utility firewalls between regulated and non-regulated activities are inadequate and subject customers to greater risk than necessary.[202]

North Carolina has one of the country's strongest and best-funded consumer advocates that participates in every docket of substance, particularly rulemakings.

RECOMMENDATIONS FOR IMPROVEMENT:

Expanding RTO membership to all utilities in the state and removing the opt-out of Order No. 719 would benefit North Carolina's score. Aggregators, customers, and the state's score would also benefit from better metering data and the ability to easily share usage information with third-parties.

198. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
199. "U.S. Utility Green Tariff Report," pp. 33-34. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
200. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf; "Advanced Metering Infrastructure Program," Duke Energy, last accessed Jan. 8, 2025. https://www.duke-energy.com/our-company/future/advanced-metering.
201. "Public Staff Divisions," North Carolina Utilities Commission, last accessed Jan. 8, 2025. https://publicstaff.nc.gov.
202. "Fitch Affirms and Withdraws Ratings on Duke Energy Corporation," FitchRatings, Feb. 19, 2020. https://www.fitchratings.com/research/corporate-finance/fitch-affirms-withdraws-ratings-on-duke-energy-corporation-19-02-2020.

NORTH DAKOTA

D

Approximately 55 percent of North Dakota consumers are served by state-regulated utilities, and the remainder are served by rural cooperatives. Consumers in the state have no supply options beyond their local utility.[203] Smart meters are being rolled out in some North Dakota utilities, but they are not yet widespread. The state's utilities participate in MISO and SPP.[204] The North Dakota Public Service Commission website provides access to comprehensive information on its activities.[205] Information on filing a complaint is available through the website, but neither informal nor formal complaints can be submitted through the website; state law requires that formal complaints be submitted in writing. The website does not provide information on the number of complaints or their resolution, and the state lacks a utility consumer advocate.

RECOMMENDATIONS FOR IMPROVEMENT:

North Dakota regulators should prioritize a complete roll out of smart meters, ensure that consumers have easy access to meter data, and allow consumers to share their data with third-party service providers. The state should also explore customer choice options for both large C&I and residential consumers.

Approximately 55 percent of North Dakota consumers are served by state-regulated utilities, and the remainder are served by rural cooperatives.

203. "An Introduction to Retail Electricity Choice in the United States." https://www.nrel.gov/docs/fy18osti/68993.pdf.
204. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
205. Public Service Commission, North Dakota, last accessed Jan. 8, 2025. https://psc.nd.gov.

OHIO

B+

Ohio has a robust, competitive retail electric market, with one of the highest shopping rates in the country and one of the largest numbers of registered suppliers.[206] The state's shopping website provides helpful apples-to-apples comparisons for shoppers, but it lacks features like a bill calculator.[207] Ohio does a good job of providing price-to-compare information but does allow the local utility to be the default service provider.[208] The state does not impose restrictions on supplier offerings, which likely contributes to the large number of registered suppliers in the market. Although the state predominantly uses utility-consolidated billing, some utilities have a pilot program for supplier-consolidated billing.[209] However, suppliers are not prominently displayed on utility-consolidated bills. Metering data and supplier access to that data is good for large consumers, but it is costly and unhelpful for residential customers. Ohio has active and well-resourced consumer-advocate and PUC staff dedicated to retail market oversight.[210] Despite these foundations and the state's effective implementation of retail shopping, legacy issues hinder the state's marketplace. For instance, utility self-dealing with competitive affiliates undermines the marketplace and hurts supplier confidence.[211]

The state's shopping website provides helpful apples-to-apples comparisons for shoppers, but it lacks features like a bill calculator.

RECOMMENDATIONS FOR IMPROVEMENT:

Addressing these ring-fencing shortcomings, along with expanding supplier-consolidated billing or altering utility default provider rules would increase Ohio's grade. Ohio should also remove limitations on access to DER—including energy efficiency—and ensure that utility costs are appropriately collected between customer classes.

206. "Residential Retail Electric Choice Participation Rate Has Leveled Off Since 2019." https://www.eia.gov/todayinenergy/detail.php?id=55820; "Regulated Company List," Public Utilities Commission of Ohio, last accessed Jan. 8, 2025. https://puco.ohio.gov/documents-and-rules/list.
207. "Apples-to-Apples Electric," Energy Choice Ohio, last accessed Jan. 8, 2025. https://energychoice.ohio.gov/ApplesToApplesCategory.aspx?Category=Electric.
208. "How are electric generation rates set?," Public Utilities Commission of Ohio, last accessed Jan. 8, 2025. https://puco.ohio.gov/utilities/electricity/resources/how-are-electric-generation-rates-set.
209. "Supplier Services FAQ - Ohio," FirstEnergy, last accessed Jan. 8, 2025. https://www.firstenergycorp.com/content/dam/supplierservices/files/faq/FAQOH.pdf; "Supplier Consolidated Billing FAQ," AEP Ohio, last accessed Jan. 8, 2025. https://www.aepohio.com/account/bills/programs/SCB.
210. "Market Monitoring," Public Utilities Commission of Ohio, last accessed Jan. 8, 2025. https://puco.ohio.gov/utilities/electricity/resources/market-monitoring; Office of the Ohio Consumers' Counsel, last accessed Jan. 8, 2025. https://www.occ.ohio.gov.
211. "Fitch Affirms AEP and Select Subsidiaries; Downgrades Ohio Power." https://www.fitchratings.com/research/corporate-finance/fitch-affirms-aep-select-subsidiaries-downgrades-ohio-power-15-11-2024; "Electric Choice Options When You Move," AEP Energy, last accessed Jan. 8, 2025. https://www.aepenergy.com/blog/electric-choice-options-when-you-move; Kathiann M. Kowalski, "Ohio House Bill 6 Updates: More bill charges on the way while cases continue," *Ohio Capital Journal*, Sept. 6, 2024. https://ohiocapitaljournal.com/2024/09/06/ohio-house-bill-6-updates-more-bill-charges-on-the-way-while-cases-continue.

OKLAHOMA

D

Retail customers in Oklahoma do not have access to competitive retail electric suppliers. Most customers are served by utilities participating in the SPP RTO, which provides some insight into wholesale market conditions.[212] The Oklahoma Corporation Commission website presents information on the complaint process, though it could be easier to locate.[213] No information appears to be available on the number of complaints filed or resolved. Website information is made available in multiple languages. The state attorney general's office is responsible for representing consumer interests in rate cases.[214]

RECOMMENDATIONS FOR IMPROVEMENT:

The Oklahoma state legislature has seen bills introduced to provide retail electric choice options to customers in the state, and such efforts deserve careful attention. Oklahoma should ensure that consumers can easily access smart meter data and have the ability to easily share data with third-party service providers.

Most Oklahoma customers are served by utilities participating in the SPP RTO, which provides some insight into wholesale market conditions.

212. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
213. Oklahoma Corporation Commission, last accessed Jan. 8, 2025. https://oklahoma.gov/occ.html.
214. "Utility Regulation Unit," Oklahoma Attorney General, last accessed Jan. 8, 2025. https://oklahoma.gov/oag/about/divisions/utility-regulation.html.

OREGON

C-

Large, nonresidential customers with demand over 30 kW have the opportunity to choose a competitive supplier.[215] To participate, customers must notify the utility during a specific window and choose either a short-term or five-year contract.[216] Oregon also has for-profit aggregators of large customers as an option. Residential customers do not have a choice of supplier. There is no state-sponsored shopping platform, but information about available aggregators is available on the Commission page with more specific information available on the utilities' websites. There is no state consumer advocate, but there are other consumer advocates that participate in regulatory proceedings. There is an easy-to-access consumer complaint process, but no readily available information about the types of complaints filed. Smart meters have been installed, but data access and availability are still limited.[217] The utilities have not implemented Green Button Connect. Oregon is not in an RTO.[218]

There is no state-sponsored shopping platform, but information about available aggregators is available on the Commission page with more specific information available on the utilities' websites.

RECOMMENDATIONS FOR IMPROVEMENT:

Oregon should create a more robust shopping portal for customers who are eligible to shop for electricity. The state should then allow all customers the opportunity to shop. Oregon should also start a pathway to join an RTO. Customers should have better access to their usage data as well as the ability to share their usage information with other service providers using a standardized approach (e.g., Green Button Connect).

215. "Direct Access," Oregon Public Utility Commission, last accessed Jan. 13, 2025. https://www.oregon.gov/puc/utilities/Pages/Direct-Access.aspx.
216. "Direct Access Operations," PGE, last accessed Jan. 23, 2025. https://portlandgeneral.com/about/info/pricing-plans/market-based-pricing/direct-access-operations.
217. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
218. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

PENNSYLVANIA

B+

Pennsylvania has a serious underpinning for supply competition, with a significant number of market participants and offerings, and has doubled down on implementing programs aimed at increasing participation and consumer benefits.[219] The state's PUC actively educates the public on opportunities to shop and on other issues in multiple languages.[220] Customer bills outline how to shop for a supplier, but customers are still generally limited to having their utility bill for their own services, as well as for competitive supply.[221] Pennsylvania has a good supply-shopping website hosted by the state that is mobile friendly, has zip code access, has an easy-to-find price to compare, and allows customers to sort and filter offerings.[222] Pennsylvania has adopted pro-consumer policies to make shopping and switching suppliers easier and more efficient. The Commonwealth has also instituted a simple customer-complaint process and provides transparency on the outcome of complaints.[223] Although the state has deployed smart meters to consumers, data access by customers and portability to third parties is inadequate.[224] Pennsylvania has a strong, active, and well-resourced consumer advocate.[225] The implementation of market fundamentals does differ between utilities, such as with data sharing.

Pennsylvania has a serious underpinning for supply competition, with a significant number of market participants and offerings, and has doubled down on implementing programs aimed at increasing participation and consumer benefits.

RECOMMENDATIONS FOR IMPROVEMENT:

Ensuring the consistency of important programs and rules across the state and among utilities, along with enhancing data sharing with customers, would improve the Commonwealth's score.

219. "Electric Distribution Companies & Suppliers," PA Power Switch, last accessed Jan. 8, 2025. https://www.papowerswitch.com/how-to-switch/electric-distribution-companies-suppliers. "Educational Videos," Pennsylvania Public Utility Commission, last accessed Jan. 8, 2025. https://www.puc.pa.gov/about-the-puc/consumer-education/educational-videos.
220. Ibid.; "Prepare Now for Winter Energy Costs," Pennsylvania Public Utility Commission, last accessed Jan. 8, 2025. https://www.puc.pa.gov/media/2151/22_winter_energy_tips-spanish.pdf.
221. "Understanding Your Bill," PA Power Switch, last accessed Jan. 8, 2025. https://www.papowerswitch.com/understanding-energy/understanding-your-bill; "A Study Pursuant to SR 116: Supplier Consolidated Billing," PA Legislative Budget and Finance Committee, March 20, 2024. https://www.palbfc.gov/Resources/Documents/Presentations/766.pdf.
222. PA Power Switch, last accessed Jan. 8, 2025. https://www.papowerswitch.com.
223. "Complaints," Pennsylvania Public Utility Commission, last accessed Jan. 8, 2025. https://www.puc.pa.gov/complaints.
224. "Investigation Into Conservation Service Provider and Other Third-Party Access to Electric Distribution Company Customer Data, Docket No. M-2021-3029018," Pennsylvania Public Utility Commission, Sept. 4, 2024. https://www.puc.pa.gov/pcdocs/1847268.pdf.
225. Pennsylvania Office of Consumer Advocate, last accessed Jan. 8, 2025. https://www.oca.pa.gov.

RHODE ISLAND

B

Rhode Island has one of the best electric choice shopping websites in the country, but it also has one of the lowest numbers of suppliers.[226] The latter is likely a reflection of the recent trend in restrictive legislation billed as "consumer-friendly provisions" that actually limits choices.[227] Although the shopping website is helpful and intuitive, some information is outdated. Regardless, the website has a price comparison tool, informs customers on how to read their bill, and allows customers to calculate a sample bill based on default and competitive offerings.[228] The lack of smart meter infrastructure in the state severely limits the information available to customers and suppliers, which in turn reduces customers' ability to make decisions based on usage feedback as well as suppliers' ability to meet customer needs with innovative offerings.[229] In addition to retail choice, the state also has additional competitive offerings, such as governmental aggregation.[230] Different from other states, where there are many EDCs that all try to institute different rules with different infrastructure, Rhode Island has only one utility.[231] Governmental aggregation may reduce the demand for choice offerings, but the state has a good start for a worthwhile retail electric shopping experience for consumers.

RECOMMENDATIONS FOR IMPROVEMENT:

If the state walked back harmful rules that limit meeting customer needs in innovative ways, they could materially increase their grade.

Different from other states, where there are many EDCs that all try to institute different rules and have different infrastructure, Rhode Island has only one utility.

226. Empower RI, last accessed Jan. 8, 2025. https://www.ri.gov/app/dpuc/empowerri; "Suppliers for Residential Customers," Empower RI, last accessed Jan. 8, 2025. https://www.ri.gov/app/dpuc/empowerri/rate_card.
227. "Competitive Energy Suppliers - Q&A and Updates," State of Rhode Island Public Utilities Commission and Division of Public Utilities and Carriers, last accessed Jan. 8, 2025. https://ripuc.ri.gov/utility-information/electric/competitive-energy-suppliers-qa-and-updates.
228. "Suppliers for Residential Customers." https://www.ri.gov/app/dpuc/empowerri/rate_card.
229. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf.
230. "Community Choice Aggregation," United States Environmental Protection Agency, last accessed Jan. 8, 2025. https://www.epa.gov/green-power-markets/community-choice-aggregation.
231. "Suppliers for Residential Customers." https://www.ri.gov/app/dpuc/empowerri/rate_card.

SOUTH CAROLINA

D+

Retail customers do not have access to retail electric choice in South Carolina.[232] However, larger customers can access renewable energy supplies through a sleeved PPA. Utilities in the state are not currently participating in an RTO, but the state legislature has been considering requiring RTO participation, among other alternatives.[233] Retail choice legislation has also been considered by the state.[234] Retail competition could work without an RTO. Although an RTO provides a stronger foundation for retail choice, well-designed programs have been workable without one, as seen in some Western states. Most customers in South Carolina have a smart meter installed, and utilities are able to offer time-of-rate tariffs. The South Carolina Division of Consumer Affairs provides representation for general consumer interests in proceedings of the South Carolina PSC and FERC.[235] The state PSC website offers information in multiple languages as well as easy-to-find information for filing complaints, though it does not offer a report surveying complaints filed.[236]

RECOMMENDATIONS FOR IMPROVEMENT:

South Carolina should press forward with its consideration of RTO membership and take complementary steps to ensure competition in wholesale electric power markets. The state should also continue exploring retail choice options for consumers in the state.

Utilities in South Carolina are not currently participating in an RTO, but the state legislature has been considering requiring RTO participation, among other alternatives.

232. "An Introduction to Retail Electricity Choice in the United States." https://www.nrel.gov/docs/fy18osti/68993.pdf.
233. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos; Josiah Neeley and Chris Villarreal, "A Move Toward Electricity Competition in South Carolina," R Street Institute, Jan. 31, 2024. https://www.rstreet.org/commentary/a-move-toward-electricity-competition-in-south-carolina.
234. Neeley and Villarreal. https://www.rstreet.org/commentary/a-move-toward-electricity-competition-in-south-carolina.
235. "Advocacy," South Carolina Department of Consumer Affairs, last accessed Jan. 8, 2025. https://consumer.sc.gov/news/advocacy.
236. Public Service Commission South Carolina, last accessed Jan. 6, 2025. https://psc.sc.gov.

SOUTH DAKOTA

D

South Dakota does not allow retail customers to choose a non-utility power supplier. Regulated utilities in the state do participate in RTOs, and most customers have smart meters.[237] The state PSC website provides information on complaint procedures and allows online submission.[238] Information on the PSC website is provided in English only, potentially limiting outreach in some communities.[239] The state does not provide representation for residential customers in ratemaking processes that are independent of the regulatory body.

RECOMMENDATIONS FOR IMPROVEMENT:

To improve their score, South Dakota should consider providing for ratepayer advocacy independent of the PSC. Utilities should allow customers to easily access and share their energy data with third parties. South Dakota should also consider implementing retail electric choice, perhaps starting with large C&I customers before expanding to residential consumers.

South Dakota does not provide representation for residential customers in ratemaking processes that are independent of the regulatory body.

237. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
238. "Consumer Complaints Orders," South Dakota Public Utilities Commission, last accessed Jan. 8, 2025. https://puc.sd.gov/orders/complaint/default.aspx.
239. South Dakota Public Utilities Commission, last accessed Jan. 8, 2025. https://puc.sd.gov.

TENNESSEE

D

Tennessee has the smallest IOU presence of any state that regulates electric service, with one small utility.[240] Regardless, that utility is located within an RTO and has deployed smart meters.[241] Customer access and use of smart meter data is good but could be improved.[242] Even with RTO access, there is effectively no outlet for customers of any type or size to choose their energy attributes or suppliers. Additionally, in Tennessee, the utility has inadequate firewalls to protect customers against the actions of affiliates engaged in other states or in competitive ventures.[243] Even without options for customers to express their choice in energy, the PUC does a good job of making it convenient for customers to file complaints against the utility and routinely reports on complaint dispositions in the aggregate.[244]

Even with RTO access, there is effectively no outlet for customers of any type or size to choose their energy attributes or suppliers.

RECOMMENDATIONS FOR IMPROVEMENT:

To improve the competitiveness of their electricity supply market, Tennessee could consider establishing additional firewalls. They should also consider allowing direct access to markets for incremental C&I demand and for renewable offerings to increase the state's grade.

240. "2020 Annual Report," Kingsport Power Company, last accessed Jan. 8, 2025, p. 10. https://www.tn.gov/content/dam/tn/publicutility/documents/utilitydivdocs/companyannualrpts/Kingsport2020.pdf.
241. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos;
242. "Smart Meters," Appalachian Power, last accessed Jan. 13, 2025. https://www.appalachianpower.com/community/projects/smart-meters.
243. "Fitch Affirms AEP and Select Subsidiaries; Downgrades Ohio Power." https://www.fitchratings.com/research/corporate-finance/fitch-affirms-aep-select-subsidiaries-downgrades-ohio-power-15-11-2024.
244. "TPUC Online Utility Complaint Form," Tennessee Public Utility Commission, last accessed Jan. 8, 2025. https://www.tn.gov/tpuc/utility-complaint-resources/csd-online-utility-complaint-form.html; "2022-2023 Annual Report," Tennessee Public Utility Commission, last accessed Jan. 8, 2025. https://digitaltennessee.tnsos.gov/tpuc_annual_reports/13.

TEXAS

A-

The retail electric market in Texas is widely regarded as the most competitive among states that give customers a choice of suppliers.[245] However, access to competitive suppliers is limited to customers of IOUs within the ERCOT wholesale market and municipal and cooperatives that have chosen to opt into the competitive market, which constitutes approximately two-thirds of all residential customers in Texas. All areas of Texas are served by an RTO or equivalent power market except for the El Paso region in the westernmost part of the state.[246] The state's "Power to Choose" shopping website offers many filtering and search options and includes a company rating score based on the number of consumer complaints submitted to the PUC.[247] Nearly all Texas customers have smart meters installed, and suppliers in the competitive retail market are billed based on metered data.[248] Suppliers must bill their customers directly and are responsible for paying transmission and distribution utilities. Supplier-consolidated billing coupled with billing based on smart metering data enables the development of innovative customer offers. The PUC website provides easy-to-locate information on complaint processes, but consumers may find the formal complaint-filing process to be challenging. Website information is provided in English and Spanish. The Texas Office of Public Utility Counsel represents residential customers' interests at the PUC and in ERCOT proceedings.[249]

The retail electric market in Texas is widely regarded as the most competitive among states that give customers a choice of suppliers.

RECOMMENDATIONS FOR IMPROVEMENT:

Texas should work to expand its successful competitive retail market to the rest of the state. Municipal and cooperatives served by ERCOT could opt in under existing rules, but all utilities outside of ERCOT would require regulatory developments as well as collaboration with RTOs that serve the panhandle, southeastern, and (potentially) the El Paso portions of Texas that are not in ERCOT. The PUC could expand support for languages beyond English and Spanish to reach additional minority populations.

245. Giberson and Hartman, p. 27. https://www.rstreet.org/wp-content/uploads/2023/09/FINAL_r-street-policy-study-no-293.pdf.
246. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
247. Power to Choose, last accessed Jan. 8, 2025. https://www.powertochoose.org.
248. Adam Cooper et al., "Electric Company Smart Meter Deployments: Foundation for a Smart Grid (2021 Update)," Institute for Electric Innovation, April 2021. https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_Smart_Meter_Report_April_2021.ashx.
249. Texas Office of Public Utility Counsel, last accessed Jan. 8, 2025. https://opuc.texas.gov.

UTAH

D-

The state has few options for customers to choose their energy supply or supplier; this is even the case for industrial customers seeking cost-effective renewables.[250] Recent legislation, Senate Bill 132 (2025), does provide a limited option for large-volume customers (greater than 100 MWs) to procure generation from suppliers other than incumbent utilities. The state is located outside of an RTO, with no organized wholesale market signals against which regulators might gauge utility reasonableness.[251] However, the sole IOU in the state is fairly well-protected against the impact of affiliates operating in other states or in competitive ventures with legal ring-fencing provisions, but not necessarily against the same utility operating across states.[252] Additionally, not all Utahns have access to smart meters or the helpful data they provide.[253] Utah's bright spots are well-resourced and engaged utility consumer and public advocates.[254]

RECOMMENDATIONS FOR IMPROVEMENT:

Pushing for RTO/market expansion and providing large customers with more direct access would be a step in the right direction for the state. Smart meter investments that give customers the chance to work directly with alternative providers would also improve the state's grade.

The state has few options for customers to choose their energy supply or supplier; this is even the case for industrial customers seeking cost-effective renewables.

250. "U.S. Utility Green Tariff Report," p. 13. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
251. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
252. Charles E. Peterson and J. Robert Malko, "Ring Fencing in Utah," *Public Utilities Fortnightly* 146:2 (February 2008). https://www.fortnightly.com/fortnightly/2008/02/ring-fencing-utah; "Fitch Rates PacifiCorp's FMBs 'A+'; Outlook Stable," FitchRatings, July 11, 2018. https://www.fitchratings.com/research/corporate-finance/fitch-rates-pacificorp-fmbs-a-outlook-stable-11-07-2018.
253. "Rocky Mountain Power kicks off meter upgrade installations for 260,000 customers in Utah and Idaho," Rocky Mountain Power, Oct. 19, 2021. https://www.rockymountainpower.net/about/newsroom/news-releases/rmp-meter-upgrade-utah-idaho.html; "Smart Meters at a glance." IEI-Smart-Meters-Infographic_2022.pdf.
254. "About the Office of Consumer Services," Utah Department of Commerce, last accessed Jan. 8, 2024. https://ocs.utah.gov/about; "About the Division of Public Utilities," Utah Department of Commerce, last accessed Jan. 8, 2024. https://dpu.utah.gov/about.

VERMONT

C-

Vermont is the only state in the ISO-NE footprint without retail choice.[255] However, the state's utilities do not own sufficient generation to meet its needs, so it uses competitive procurements and signs PPAs to do so, especially for small renewables.[256] There is also a competitive marketplace for energy efficiency and demand response.[257] The state has a consumer advocate that actively participates in regulatory proceedings. Smart meters have been installed, but full utilization is minimal and data access is limited.[258] Vermont does not have an easy-to-access consumer complaint process with the Commission, nor does it report on the status of complaints.

Vermont's utilities do not own sufficient generation to meet its needs, so it uses competitive procurements and signs PPAs to do so, especially for small renewables.

RECOMMENDATIONS FOR IMPROVEMENT:

Vermont is the only state in New England without direct customer choice and CCAs. While a decision to maintain a monopoly has sometimes been made to allow a state to determine its own resource decisions, Vermont is actually dependent on the competitive wholesale market for the vast majority of its supply. Vermont should open up consumer choice, directly or through CCAs. Meanwhile, it should do more to give customers better access to their usage data and to enable approved third parties to easily access that data. Access should be enabled by standardized protocols (e.g., Green Button Connect). Vermont should also consider allowing customers to choose their provider or directly procure electricity from competitive suppliers. Expanding VPP and NWA opportunities would also support more competition.

255. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.
256. "Electric," State of Vermont Department of Public Service, last accessed Jan. 13, 2025. https://publicservice.vermont.gov/regulated-utilities/electric; "Standard Offer," State of Vermont Public Utility Commission, last accessed Jan. 13, 2025. https://puc.vermont.gov/electric/standard-offer.
257. Efficiency Vermont, last accessed Jan. 13. 2025. https://www.efficiencyvermont.com.
258. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.

VIRGINIA

C+

Virginia law provides large C&I customers in certain areas of the Commonwealth to choose their energy provider.[259] However, the threshold for doing so is material; loads, either individually or in aggregate, must exceed 5 MW.[260] As a result, the amount of load that actively shops for electric supply is less than 10 percent of Virginia's energy.[261] The state legislature has attempted to provide greater market access, but implementation is lacking.[262] Virginia does not have a shopping website, but the state does list registered suppliers and aggregators on its website.[263] The website listing, however, does not provide a price to compare or any material information on the suppliers or their offerings, and—to shop—customers must contact suppliers directly.[264] Given the paucity of available shoppers in Virginia, it is not surprising that the State Corporation Commission does not have much in the way of education or information on shopping or much involvement in retail market oversight. Nor is it surprising that the state has made little effort to separate utilities' supply assets from their transmission and distribution services. Apart from shopping, Virginia has a robust number of aggregation options.[265] The state has smart meters somewhat deployed, but customer interfaces and the ability to share data with third parties is lacking.[266] The majority of Virginia is in PJM.[267]

Given Virginia's limited commitment to electric shopping, the state has made little effort to separate utilities' supply assets from their transmission and distribution services.

RECOMMENDATIONS FOR IMPROVEMENT:

Leaning into direct market access for large, aggregated demand or incremental loads would improve the state's standing. Expansion of choice to small-volume customers would significantly increase Virginia's score and is a logical next step. Regulated utilities should be restricted in their ability to offer products financed out of their consolidated "rate base" for large customers who have competitive supply options.

259. "Energy Regulation," State Corporation Commission, last accessed Jan. 8, 2025. https://www.scc.virginia.gov/regulated-industries/utility-regulation/energy-regulation; "Competitive Energy Suppliers," Dominion Energy, last accessed Jan. 8, 2025. https://www.dominionenergy.com/virginia/rates-and-tariffs/competitive-energy-suppliers.
260. Ibid.
261. "Annual Electric Power Industry Report, Form EIA-861 detailed data files," U.S. Energy Information Administration, last accessed Jan. 8, 2025. https://www.eia.gov/electricity/data/eia861.
262. Devin Hartman and Michael Giberson, "Expanding Energy Choice in Virginia," R Street Institute, Jan. 19, 2024. https://www.rstreet.org/commentary/expanding-energy-choice-in-virginia.
263. "Competitive Service Providers and Aggregators," Virginia State Corporation Commission, last accessed Jan. 8, 2025. https://www.scc.virginia.gov/regulated-industries/utility-regulation/energy-regulation/competitive-service-providers-and-aggregators.
264. Ibid.
265. Ibid.
266. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI-Smart-Meters-Infographic_2022.pdf; "Smart Meter FAQs," Dominion Energy, last accessed Jan. 8, 2025. https://www.dominionenergy.com/projects-and-facilities/electric-projects/smart-meter-upgrades/smart-meter-faqs; Green Button Explorer. https://explorer.missiondata.io.
267. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

WASHINGTON

D

Most customers do not have the ability to choose their own electricity supplier. Some large customers have been able to directly procure resources and sign PPAs, but they have had to pay an exit fee to the utility.[268] Large consumers are also able to enter into sleeve PPAs to access additional resources. Smart meters are installed, but utilities have not implemented Green Button Connect to facilitate data sharing.[269] There is an active state consumer advocate that participates in regulatory proceedings. The state also has an easy-to-access complaint process, and the Commission provides a report on the results of the complaints. Washington is not in an RTO.[270]

Most customers do not have the ability to choose their own electricity supplier.

RECOMMENDATIONS FOR IMPROVEMENT:

Washington should allow customers to share their usage information in an easy and standardized manner (e.g., Green Button Connect) to support more product offerings, including energy efficiency and demand response. Washington should also consider joining an RTO to enable broader access to electricity across a wider area. The state could also lower barriers for customers to directly procure resources from alternative suppliers, including enabling retail choice or minimizing exit costs for customers.

268. "Washington Utilities and Transportation Commission v. Puget Sound Energy: Order Approving Settlement Agreement, Order 06, Docket UE-161123," Washington Utilities and Transportation Commission, July 13, 2017. https://apiproxy.utc.wa.gov/cases/GetDocument?docID=610&year=2016&docketNumber=161123.
269. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
270. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

WEST VIRGINIA

D

Customers in West Virginia are not permitted to shop for electricity. The website of the PSC provides easy access to complaint processes but does not provide reports on complaint status or resolutions. Information on the website is provided in English only.[271] Green tariff options are available through the utilities.[272] Wisconsin does not have a policy encouraging the use of smart meters, though they are available for some customers. The utility consumer advocate is organized within the state utility Commission but with a separate staff and budget.[273] The director of the consumer advocate's office is appointed by the Commission, which may limit independence. West Virginia utilities are members of PJM.[274]

Customers in West Virginia are not permitted to shop for electricity.

RECOMMENDATIONS FOR IMPROVEMENT:

West Virginia should take advantage of the state's ready access to energy resources by enabling retail customer choice. The state's utilities are already members of the PJM market, so steps to support this goal would include ensuring that consumers have smart meters with Green Button-quality or similar data-sharing capabilities. Policymakers should also reorganize the consumer advocate's office to provide greater independence from utility regulators.

271. Public Service Commission of West Virginia, last accessed Jan. 8, 2025. https://www.psc.state.wv.us.
272. "U.S. Utility Green Tariff Report," pp. 27-28. https://cebuyers.org/wp-content/uploads/2023/04/Final-CEBA_Green-Tariff-Report.pdf.
273. Consumer Advocate Division of the Public Service Commission of West Virginia, last accessed Jan. 8, 2025. http://www.cad.state.wv.us.
274. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

WISCONSIN

D-

Customers do not have the option to shop for electricity supply, but large customers are able to sign sleeve PPAs. Wisconsin also does not have an integrated resource planning process, so future planning of resource needs is limited. Smart meters have been installed, but their use and functionality are limited because Green Button Connect is not used.[275] Wisconsin does not have a state consumer advocate, but there are groups that actively participate in regulatory meetings to represent customers. The state offers an easy-to-access consumer complaint process, but limited information is available about the types of complaints and their outcomes. Demand response aggregators are now allowed pursuant to a recent state court order.[276] In response to that order, the Commission opened a docket to consider questions regarding ARCs in Wisconsin.[277] Additionally, Wisconsin is in an RTO.[278]

Wisconsin does not have an integrated resource planning process, so future planning of resource needs is limited.

RECOMMENDATIONS FOR IMPROVEMENT:

Wisconsin should adopt a robust and transparent integrated resource planning process to ensure that utilities are considering a variety of resource options. The state should also allow customers to access their usage information and easily share it with third-party providers of their choice via a standardized protocol (e.g., Green Button Connect). The state should also reduce barriers to customers who are directly procuring electricity from suppliers, such as through PPAs.

275. "Smart Meters at a glance." https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_SmartMeterAtAGlance_2024-Update_.pdf.
276. *Midwest Renewable Energy Association v. Public Service Commission of Wisconsin*, WI App 34, Case No. 2022AP968, May 31, 2024. https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=808038.
277. "Investigation on the Commission's Own Motion to Review Aggregation of Retail Customers to Form Demand Response Load Reduction Resources, Docket No. 5-EI-163," Wisconsin Public Service Commission, Sept. 5, 2024. https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=516257.
278. Federal Energy Regulatory Commission. https://www.ferc.gov/power-sales-and-markets/rtos-and-isos.

WYOMING

D-

Wyoming customers cannot choose their own electricity supplier, and utilities do not participate in an RTO. The state's PSC website offers ready access to information on filing complaints, including how to do so online.[279] However, information on past complaints and complaint resolution is not readily available. The website provides information in English only. A limited number of Wyoming customers have smart meters installed.[280] The Office of Consumer Advocate represents retail customer views in state proceedings.[281] Although the Office is housed within the PSC, the administrator is appointed by the governor, and the office operates independently.

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RECOMMENDATIONS FOR IMPROVEMENT:

Wyoming could foster greater wholesale competition by engaging in current processes focused on developing an RTO in the region. Such engagement could secure cost and reliability benefits even while Wyoming protects its policy prerogatives. The state should continue the roll out of smart meters and ensure that such meters support customer data-sharing with potential third-party service providers. As a near-term, customer-oriented change, the PSC website could improve the presentation of feature information, consumer complaints, and complaint resolutions.

279. Wyoming Public Service Commission, last accessed Jan. 8, 2025. https://psc.wyo.gov.
280. Cooper et al. https://www.edisonfoundation.net/-/media/Files/IEI/publications/IEI_Smart_Meter_Report_April_2021.ashx.
281. Wyoming Office of Consumer Advocate, last accessed Jan. 8, 2025. https://oca.wyo.gov.

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Conclusion

Looking across our assessments, several key findings emerge.

Successful states have established retail customer choice, implemented robust data access policies that leverage standardized protocols like Green Button Connect, and developed effective consumer education and protection frameworks. However, many states continue to lag in critical areas by failing to provide meaningful choice in electricity supply, maintaining barriers to data access and sharing, and offering limited consumer information or weak complaint resolution processes. Even in states with some competitive elements, implementation challenges often diminish benefits to consumers.

In a scorecard assessing electricity competition, it is not surprising that the states that allow retail choice received the highest grades. Specifically, restructured states with retail choice and RTO participation consistently scored the highest, mostly in the B range. Texas achieved the scorecard's highest grade: A-. States in the hybrid category, which maintain regulated monopolies while participating in RTOs, showed marginally better performance than traditional states, with a few achieving grades in the C range and most landing in the D range. States that maintain the traditional regulated monopoly model without RTO participation performed the poorest, with no grades above C- and several F grades. This pattern suggests that although RTO participation offers some benefits, the greatest gains in consumer choice and market efficiency come when full restructuring is combined with effective implementation.

Every state has opportunities to enhance competition and improve consumer benefits, regardless of their current market structure. States using traditional models can take meaningful steps toward competition by joining RTOs and enabling access to competitive procurement. Hybrid states can build on their RTO participation by expanding customer choice and implementing robust, competitive procurement processes. Even high-performing, restructured states have room for improvement in areas like supplier-consolidated billing and data access. However, the evidence is clear that meaningful reform cannot wait. Consumers in states that maintain traditional monopoly structures are missing out on significant benefits that competition can deliver. We encourage states to take concrete steps toward implementing competitive frameworks that can better serve their consumers.

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