

SENATE BILL 716

C5, M5

5lr1388

By: **Senators Brooks, McKay, Rosapepe, and West**

Introduced and read first time: January 27, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Nuclear Energy – Renewable Energy Portfolio Standard and**
3 **Procurement**
4 **(Decarbonization Infrastructure Solutions Act of 2025)**

5 FOR the purpose of altering the renewable energy portfolio standard; including nuclear
6 energy generated by certain nuclear energy reactors as a Tier 1 renewable source;
7 establishing a certified nuclear renewable energy credit for use in meeting certain
8 renewable energy portfolio standard requirements; establishing a procurement
9 process for the Public Service Commission to evaluate and approve an application
10 for nuclear energy generation projects; requiring the Governor's Office of Small,
11 Minority, and Women Business Affairs, in consultation with the Office of the
12 Attorney General, to provide certain assistance to potential applicants and minority
13 investors and, in consultation with the Office of the Attorney General and a certain
14 applicant, establish a certain plan; requiring the Commission to approve orders to
15 facilitate the financing of nuclear energy generation projects under certain
16 circumstances; requiring each electric company to procure a certain volume of
17 nuclear energy from a certain escrow account; requiring a certain nuclear energy
18 generation project to sell certain energy, capacity, and ancillary services into certain
19 markets and distribute the proceeds in a certain manner; and generally relating to
20 the renewable energy portfolio standard and nuclear energy.

21 BY repealing and reenacting, without amendments,
22 Article – Public Utilities
23 Section 7–701(a)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2024 Supplement)

26 BY adding to
27 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7–701(e–2) and (s)(14), 7–703(b)(26) through (35) and (g), and 7–709.2; and
7–1201 through 7–1211 to be under the new subtitle “Subtitle 12. Nuclear
Energy Procurement”

Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(s)(12) and (13), 7–703(b)(21) through (25), and 7–704(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

7–701.

(a) In this subtitle the following words have the meanings indicated.

**(E–2) “NUCLEAR ENERGY REACTOR” OR “REACTOR” MEANS A DEVICE THAT
IS:**

**(1) DESIGNED OR USED TO PRODUCE ELECTRICAL OR HEAT ENERGY
BY SUSTAINING NUCLEAR FISSION IN A SELF–SUPPORTING CHAIN REACTION;**

**(2) LICENSED FOR COMMERCIAL USE BY THE NUCLEAR REGULATORY
COMMISSION; AND**

**(3) LOCATED AT A NUCLEAR ENERGY GENERATING FACILITY
CONNECTED WITH THE ELECTRIC DISTRIBUTION SYSTEM SERVING THE STATE.**

(s) “Tier 1 renewable source” means one or more of the following types of energy
sources:

(12) thermal energy from a thermal biomass system; [and]

(13) raw or treated wastewater used as a heat source or sink for a heating
or cooling system; AND

**(14) NUCLEAR ENERGY FROM A NUCLEAR ENERGY REACTOR,
INCLUDING SMALL MODULAR REACTORS.**

7–703.

(b) Except as provided in subsections (e) and (f) of this section, the renewable energy portfolio standard shall be as follows:

(21) in 2026:

(i) **[38%] 42%** from Tier 1 renewable sources, including:

1. at least 8% derived from solar energy;

2. an amount set by the Commission under § 7–704.2(a) of this subtitle derived from offshore wind energy, including at least 400 megawatts of Round 2 offshore wind projects; **[and]**

3. at least 0.5% derived from post–2022 geothermal systems;

and

4. **AT LEAST 4% DERIVED FROM NUCLEAR ENERGY; AND**

(ii) 2.5% from Tier 2 renewable sources; and

(22) in 2027:

(i) **[41.5%] 49.5%** from Tier 1 renewable sources, including:

1. at least 9.5% derived from solar energy;

2. an amount set by the Commission under § 7–704.2(a) of this subtitle derived from offshore wind energy, including at least 400 megawatts of Round 2 offshore wind projects; **[and]**

3. at least 0.75% derived from post–2022 geothermal systems; and

4. **AT LEAST 8% DERIVED FROM NUCLEAR ENERGY; AND**

(ii) 2.5% from Tier 2 renewable sources; and

(23) in 2028:

(i) **[43%] 55%** from Tier 1 renewable sources, including:

1. at least 11% derived from solar energy;

2. an amount set by the Commission under § 7–704.2(a) of this subtitle derived from offshore wind energy, including at least 800 megawatts of Round 2 offshore wind projects; **[and]**

3. at least 1% derived from post–2022 geothermal systems;

and

4. **AT LEAST 12% DERIVED FROM NUCLEAR ENERGY;**

AND

(ii) 2.5% from Tier 2 renewable sources; and

(24) in 2029:

(i) **[49.5%] 65.5%** from Tier 1 renewable sources, including:

1. at least 12.5% derived from solar energy;

2. an amount set by the Commission under § 7–704.2(a) of this subtitle derived from offshore wind energy, including at least 800 megawatts of Round 2 offshore wind projects; **[and]**

3. at least 1% derived from post–2022 geothermal systems;

and

4. **AT LEAST 16% DERIVED FROM NUCLEAR ENERGY;**

AND

(ii) 2.5% from Tier 2 renewable sources; **[and]**

(25) in 2030 **[and later]**:

(i) **[50%] 70%** from Tier 1 renewable sources, including:

1. at least 14.5% derived from solar energy;

2. an amount set by the Commission under § 7–704.2(a) of this subtitle derived from offshore wind energy, including at least 1,200 megawatts of Round 2 offshore wind projects; **[and]**

3. at least 1% derived from post–2022 geothermal systems;

and

4. **AT LEAST 20% DERIVED FROM NUCLEAR ENERGY;**

AND

(ii) 2.5% from Tier 2 renewable sources;

(26) IN 2031:

1 (I) 73% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

2 1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

3 2. AN AMOUNT SET BY THE COMMISSION UNDER §
4 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
5 AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

6 3. AT LEAST 1% DERIVED FROM POST-2022
7 GEOTHERMAL SYSTEMS; AND

8 4. AT LEAST 23% DERIVED FROM NUCLEAR ENERGY;
9 AND

10 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

11 (27) IN 2032:

12 (I) 76% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

13 1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

14 2. AN AMOUNT SET BY THE COMMISSION UNDER §
15 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
16 AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

17 3. AT LEAST 1% DERIVED FROM POST-2022
18 GEOTHERMAL SYSTEMS; AND

19 4. AT LEAST 26% DERIVED FROM NUCLEAR ENERGY;
20 AND

21 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

22 (28) IN 2033:

23 (I) 79% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

24 1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

2. AN AMOUNT SET BY THE COMMISSION UNDER §
7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

3. AT LEAST 1% DERIVED FROM POST-2022
GEOTHERMAL SYSTEMS; AND

4. AT LEAST 29% DERIVED FROM NUCLEAR ENERGY;
AND

(II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

(29) IN 2034:

(I) 82% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

2. AN AMOUNT SET BY THE COMMISSION UNDER §
7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

3. AT LEAST 1% DERIVED FROM POST-2022
GEOTHERMAL SYSTEMS; AND

4. AT LEAST 32% DERIVED FROM NUCLEAR ENERGY;
AND

(II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

(30) IN 2035:

(I) 85% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

2. AN AMOUNT SET BY THE COMMISSION UNDER §
7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

3. AT LEAST 1% DERIVED FROM POST-2022
GEOTHERMAL SYSTEMS; AND

1 4. AT LEAST 35% DERIVED FROM NUCLEAR ENERGY;

2 AND

3 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

4 (31) IN 2036:

5 (I) 88% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

6 1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

7 2. AN AMOUNT SET BY THE COMMISSION UNDER §
8 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
9 AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

10 3. AT LEAST 1% DERIVED FROM POST-2022
11 GEOTHERMAL SYSTEMS; AND

12 4. AT LEAST 38% DERIVED FROM NUCLEAR ENERGY;

13 AND

14 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

15 (32) IN 2037:

16 (I) 91% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

17 1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

18 2. AN AMOUNT SET BY THE COMMISSION UNDER §
19 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING
20 AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

21 3. AT LEAST 1% DERIVED FROM POST-2022
22 GEOTHERMAL SYSTEMS; AND

23 4. AT LEAST 41% DERIVED FROM NUCLEAR ENERGY;

24 AND

25 (II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

26 (33) IN 2038:

(I) 94% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

2. AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

3. AT LEAST 1% DERIVED FROM POST-2022 GEOTHERMAL SYSTEMS; AND

4. AT LEAST 44% DERIVED FROM NUCLEAR ENERGY;
AND

(II) 2.5% FROM TIER 2 RENEWABLE SOURCES;

(34) IN 2039:

(I) 97% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

1. AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

2. AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

3. AT LEAST 1% DERIVED FROM POST-2022 GEOTHERMAL SYSTEMS; AND

4. AT LEAST 47% DERIVED FROM NUCLEAR ENERGY;
AND

(II) 2.5% FROM TIER 2 RENEWABLE SOURCES; AND

(35) SUBJECT TO SUBSECTION (G) OF THIS SECTION, IN 2040 AND LATER, 100% FROM TIER 1 RENEWABLE SOURCES, INCLUDING:

(I) AT LEAST 14.5% DERIVED FROM SOLAR ENERGY;

(II) AN AMOUNT SET BY THE COMMISSION UNDER § 7-704.2(A) OF THIS SUBTITLE DERIVED FROM OFFSHORE WIND ENERGY, INCLUDING AT LEAST 1,200 MEGAWATTS OF ROUND 2 OFFSHORE WIND PROJECTS;

(III) AT LEAST 1% DERIVED FROM POST-2022 GEOTHERMAL SYSTEMS; AND

(IV) AT LEAST 50% DERIVED FROM NUCLEAR ENERGY.

(G) TO ENSURE THE DEVELOPMENT AND INCREASING USE OF CLEAN ENERGY TECHNOLOGIES OTHER THAN NUCLEAR ENERGY, STARTING IN 2040, THE COMMISSION MAY INCREMENTALLY REDUCE THE PERCENTAGE REQUIREMENT OF THE RENEWABLE PORTFOLIO STANDARD FOR ENERGY DERIVED FROM NUCLEAR ENERGY.

7-704.

(a) (1) (I) Energy from a Tier 1 renewable source:

[(i)] 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system or facility was placed in service; and

[(ii)] 2. may be applied to the percentage requirements of the standard for either Tier 1 renewable sources or Tier 2 renewable sources.

(II) ENERGY FROM A NUCLEAR ENERGY REACTOR PLACED IN SERVICE AT A NUCLEAR ENERGY GENERATING FACILITY ON OR BEFORE OCTOBER 1, 2025, IS NOT ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(2) (i) Energy from a Tier 1 renewable source under § 7-701(s)(1), (5), (9), (10), [or (11)] **(11), OR (14)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution [grid] **SYSTEM** serving Maryland.

(ii) Energy from a Tier 1 renewable source under § 7-701(s)(13) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source:

1. is connected with the electric distribution [grid] **SYSTEM** serving Maryland; or

2. processes wastewater from Maryland residents.

(iii) If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.

(3) Energy from a Tier 1 renewable source under § 7-701(s)(8) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a dam that existed as of January 1, 2004, even if a system or facility that is capable of generating electricity did not exist on that date.

(4) Energy from a Tier 2 renewable source under § 7-701(t) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

7-709.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CERTIFIED NREC" MEANS A NUCLEAR RENEWABLE ENERGY CREDIT GENERATED BY A CERTIFIED REACTOR.

(3) "CERTIFIED REACTOR" MEANS A NUCLEAR ENERGY REACTOR CERTIFIED BY THE COMMISSION UNDER THE PROGRAM TO GENERATE CERTIFIED NRECS WITH THE COMPLIANCE VALUE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(4) "PROGRAM" MEANS THE NUCLEAR ENERGY REACTOR INCENTIVE PROGRAM.

(B) THE COMMISSION SHALL ESTABLISH A NUCLEAR ENERGY REACTOR INCENTIVE PROGRAM.

(C) (1) UNDER THE PROGRAM, A CERTIFIED REACTOR SHALL GENERATE CERTIFIED NRECS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBTITLE RELATING TO RENEWABLE ENERGY CREDITS SHALL APPLY TO CERTIFIED NRECS.

(3) (I) A CERTIFIED NREC SHALL HAVE A COMPLIANCE VALUE ESTABLISHED BY THE COMMISSION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ELECTRICITY SUPPLIERS TO PUT TOWARD MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR ENERGY DERIVED FROM NUCLEAR ENERGY UNDER § 7-703 OF THIS SUBTITLE.

1 **(II) 1. ON OR BEFORE JUNE 1 EACH YEAR, THE COMMISSION**
2 **SHALL ESTABLISH A COMPLIANCE VALUE FOR CERTIFIED NRECS FOR THE NEXT**
3 **FISCAL YEAR THAT ENSURES COMPETITIVENESS OF ALL TECHNOLOGIES USED TO**
4 **MEET THE RENEWABLE ENERGY PORTFOLIO STANDARD.**

5 **2. THE COMMISSION MAY NOT ESTABLISH A**
6 **COMPLIANCE VALUE THAT RESULTS IN CERTIFIED NREC VALUES THAT ARE LESS**
7 **THAN \$50 PER MEGAWATT-HOUR OR GREATER THAN \$75 PER MEGAWATT-HOUR.**

8 **3. FOR FISCAL YEAR 2027 THE COMMISSION SHALL**
9 **ESTABLISH A COMPLIANCE VALUE THAT RESULTS IN A CERTIFIED NREC VALUE OF**
10 **\$65 PER MEGAWATT-HOUR.**

11 **(D) TO BE ELIGIBLE FOR CERTIFICATION UNDER THE PROGRAM, A**
12 **NUCLEAR ENERGY REACTOR SHALL:**

13 **(1) BE LOCATED IN THE STATE;**

14 **(2) BE ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE**
15 **ENERGY PORTFOLIO STANDARD;**

16 **(3) HAVE THE GENERATING CAPACITY REQUIRED BY THE**
17 **COMMISSION; AND**

18 **(4) BE PLACED IN SERVICE AFTER OCTOBER 1, 2025.**

19 **(E) THE COMMISSION, AT THE TIME OF CERTIFYING A NUCLEAR ENERGY**
20 **REACTOR AS A TIER 1 RENEWABLE SOURCE, SHALL CERTIFY THE REACTOR AS**
21 **ELIGIBLE TO GENERATE CERTIFIED NRECS IN ACCORDANCE WITH SUBSECTION (C)**
22 **OF THIS SECTION IF THE APPLICANT SUBMITS WITH ITS APPLICATION FOR**
23 **CERTIFICATION AS A TIER 1 RENEWABLE SOURCE:**

24 **(1) A FORM REQUESTING TO BE CERTIFIED TO RECEIVE CERTIFIED**
25 **NRECS WITH THE VALUE SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND**

26 **(2) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.**

27 **(F) AN ELECTRICITY SUPPLIER MAY APPLY THE CERTIFIED NRECS**
28 **GENERATED IN ACCORDANCE WITH THIS SECTION TOWARD THE RENEWABLE**
29 **ENERGY PORTFOLIO STANDARD.**

30 **SUBTITLE 12. NUCLEAR ENERGY PROCUREMENT.**

1 **7-1201.**

2 (A) AFTER THE EFFECTIVE DATE OF COMMISSION REGULATIONS
3 IMPLEMENTING THIS SUBTITLE, A PERSON MAY SUBMIT AN APPLICATION TO THE
4 COMMISSION FOR APPROVAL OF A PROPOSED NUCLEAR ENERGY GENERATION
5 PROJECT.

6 (B) (1) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF A PROPOSED
7 NUCLEAR ENERGY GENERATION PROJECT, THE COMMISSION SHALL:

8 (I) OPEN AN APPLICATION PERIOD DURING WHICH OTHER
9 INTERESTED PERSONS MAY SUBMIT APPLICATIONS FOR APPROVAL OF A PROPOSED
10 NUCLEAR ENERGY GENERATION PROJECT; AND

11 (II) PROVIDE NOTICE THAT THE COMMISSION IS ACCEPTING
12 APPLICATIONS FOR APPROVAL OF PROPOSED NUCLEAR ENERGY GENERATION
13 PROJECTS.

14 (2) THE COMMISSION SHALL SET THE CLOSING DATE FOR THE
15 APPLICATION PERIOD TO BE NOT SOONER THAN 90 DAYS AFTER THE NOTICE
16 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

17 (C) THE COMMISSION SHALL PROVIDE AT LEAST TWO ADDITIONAL
18 APPLICATION PERIODS BEFORE JANUARY 1, 2031.

19 (D) THE COMMISSION MAY PROVIDE ADDITIONAL APPLICATION PERIODS
20 THAT MEET THE REQUIREMENTS OF THIS SECTION.

21 **7-1202.**

22 UNLESS EXTENDED BY MUTUAL CONSENT OF THE PARTIES, THE COMMISSION
23 SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION SUBMITTED
24 UNDER § 7-1201 OF THIS SUBTITLE WITHIN 1 YEAR AFTER THE CLOSE OF THE
25 APPLICATION PERIOD.

26 **7-1203.**

27 AN APPLICATION SUBMITTED FOR A NUCLEAR ENERGY GENERATION
28 PROJECT UNDER § 7-1201 OF THIS SUBTITLE SHALL INCLUDE:

29 (1) A DETAILED DESCRIPTION AND FINANCIAL ANALYSIS OF THE
30 PROJECT;

1 **(2) THE PROPOSED METHOD OF FINANCING THE PROJECT;**

2 **(3) A COST-BENEFIT ANALYSIS OF THE ECONOMIC, ENVIRONMENTAL,**
3 **AND HEALTH BENEFITS THAT THE PROJECT IS ANTICIPATED TO PROVIDE TO THE**
4 **STATE;**

5 **(4) A PROPOSED LONG-TERM PRICING SCHEDULE FOR THE PROJECT**
6 **THAT SHALL SPECIFY A PRICE FOR THE GENERATION ATTRIBUTES;**

7 **(5) A DECOMMISSIONING AND WASTE STORAGE PLAN FOR THE**
8 **PROJECT, INCLUDING PROVISIONS FOR DECOMMISSIONING OR WASTE STORAGE AS**
9 **REQUIRED BY THE U.S. NUCLEAR REGULATORY COMMISSION;**

10 **(6) A COMMITMENT TO ABIDE BY THE REQUIREMENTS SET FORTH IN**
11 **§ 7-1206 OF THIS SUBTITLE;**

12 **(7) A DESCRIPTION OF THE APPLICANT'S PLAN FOR ENGAGING SMALL**
13 **BUSINESSES, AS DEFINED IN § 14-501 OF THE STATE FINANCE AND PROCUREMENT**
14 **ARTICLE;**

15 **(8) IF APPLICABLE, THE STATEMENT SPECIFIED IN § 7-1204(c)(2) OF**
16 **THIS SUBTITLE; AND**

17 **(9) ANY OTHER INFORMATION THE COMMISSION REQUIRES.**

18 **7-1204.**

19 **(A) THE COMMISSION SHALL USE THE FOLLOWING CRITERIA TO EVALUATE**
20 **AND COMPARE APPLICATIONS FOR NUCLEAR ENERGY GENERATION PROJECTS**
21 **SUBMITTED DURING AN APPLICATION PERIOD UNDER § 7-1201 OF THIS SUBTITLE:**

22 **(1) THE LOWEST COST IMPACT ON RATEPAYERS OF THE PRICE SET**
23 **UNDER A PROPOSED PRICING SCHEDULE;**

24 **(2) POTENTIAL REDUCTIONS IN TRANSMISSION CONGESTION PRICES**
25 **WITHIN THE STATE;**

26 **(3) POTENTIAL CHANGES IN CAPACITY PRICES WITHIN THE STATE;**

27 **(4) POTENTIAL REDUCTIONS IN LOCATIONAL MARGINAL PRICING;**

1 **(5) POTENTIAL LONG-TERM CHANGES IN CAPACITY PRICES WITHIN**
2 **THE STATE FROM THE PROJECT AS IT COMPARES TO CONVENTIONAL ENERGY**
3 **SOURCES;**

4 **(6) THE EXTENT TO WHICH THE COST-BENEFIT ANALYSIS SUBMITTED**
5 **UNDER § 7-1203 OF THIS SUBTITLE DEMONSTRATES POSITIVE NET ECONOMIC,**
6 **ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE;**

7 **(7) THE EXTENT TO WHICH AN APPLICANT'S PLAN FOR ENGAGING**
8 **SMALL BUSINESSES MEETS THE GOALS SPECIFIED IN TITLE 14, SUBTITLE 5 OF THE**
9 **STATE FINANCE AND PROCUREMENT ARTICLE;**

10 **(8) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR THE**
11 **USE OF SKILLED LABOR, PARTICULARLY WITH REGARD TO THE CONSTRUCTION AND**
12 **MANUFACTURING COMPONENTS OF THE PROJECT, THROUGH OUTREACH, HIRING,**
13 **OR REFERRAL SYSTEMS THAT ARE AFFILIATED WITH REGISTERED APPRENTICESHIP**
14 **PROGRAMS UNDER TITLE 11, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT**
15 **ARTICLE;**

16 **(9) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR THE**
17 **USE OF AN AGREEMENT DESIGNED TO ENSURE THE USE OF SKILLED LABOR AND TO**
18 **PROMOTE THE PROMPT, EFFICIENT, AND SAFE COMPLETION OF THE PROJECT,**
19 **PARTICULARLY WITH REGARD TO THE CONSTRUCTION, MANUFACTURING, AND**
20 **MAINTENANCE OF THE PROJECT;**

21 **(10) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR**
22 **COMPENSATION TO ITS EMPLOYEES AND SUBCONTRACTORS CONSISTENT WITH**
23 **WAGES OUTLINED UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND**
24 **PROCUREMENT ARTICLE;**

25 **(11) SITING AND PROJECT FEASIBILITY;**

26 **(12) THE EXTENT TO WHICH THE PROJECT WOULD REQUIRE**
27 **TRANSMISSION OR DISTRIBUTION INFRASTRUCTURE IMPROVEMENTS IN THE**
28 **STATE; AND**

29 **(13) ANY OTHER CRITERIA THAT THE COMMISSION DETERMINES ARE**
30 **APPROPRIATE.**

31 **(B) IN EVALUATING AND COMPARING AN APPLICATION FOR A NUCLEAR**
32 **ENERGY GENERATION PROJECT UNDER SUBSECTION (A) OF THIS SECTION, THE**
33 **COMMISSION MAY CONTRACT FOR THE SERVICES OF INDEPENDENT CONSULTANTS**
34 **AND EXPERTS.**

1 **(C) (1) IN THIS PARAGRAPH, “MINORITY” MEANS AN INDIVIDUAL WHO IS**
2 **A MEMBER OF ANY OF THE GROUPS LISTED IN § 14-301(K)(1)(I) OF THE STATE**
3 **FINANCE AND PROCUREMENT ARTICLE.**

4 **(2) IF AN APPLICANT IS SEEKING INVESTORS IN A PROPOSED**
5 **NUCLEAR ENERGY GENERATION PROJECT, THE APPLICANT SHALL TAKE THE**
6 **FOLLOWING STEPS BEFORE THE COMMISSION MAY APPROVE THE PROPOSED**
7 **PROJECT:**

8 **(I) MAKE SERIOUS, GOOD-FAITH EFFORTS TO SOLICIT AND**
9 **INTERVIEW A REASONABLE NUMBER OF MINORITY INVESTORS;**

10 **(II) AS PART OF THE APPLICATION, SUBMIT A STATEMENT TO**
11 **THE COMMISSION THAT LISTS THE NAMES AND ADDRESSES OF ALL MINORITY**
12 **INVESTORS INTERVIEWED AND WHETHER OR NOT ANY OF THOSE INVESTORS HAVE**
13 **PURCHASED AN EQUITY SHARE IN THE ENTITY SUBMITTING THE APPLICATION;**

14 **(III) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE**
15 **COMMISSION THAT REQUIRES THE APPLICANT TO AGAIN MAKE SERIOUS,**
16 **GOOD-FAITH EFFORTS TO SOLICIT AND INTERVIEW A REASONABLE NUMBER OF**
17 **MINORITY INVESTORS IN ANY FUTURE ATTEMPTS TO RAISE VENTURE CAPITAL OR**
18 **ATTRACT NEW INVESTORS TO THE PROJECT;**

19 **(IV) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE**
20 **COMMISSION THAT REQUIRES THE APPLICANT TO USE BEST EFFORTS AND**
21 **EFFECTIVE OUTREACH TO OBTAIN, AS A GOAL, CONTRACTORS AND**
22 **SUBCONTRACTORS FOR THE PROJECT THAT ARE MINORITY BUSINESS**
23 **ENTERPRISES, TO THE EXTENT PRACTICABLE, AS SUPPORTED BY A DISPARITY**
24 **STUDY; AND**

25 **(V) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE**
26 **COMMISSION AND SKILLED LABOR ORGANIZATIONS THAT REQUIRES THE**
27 **APPLICANT TO FOLLOW THE PORTIONS OF THE APPLICANT’S PLAN THAT RELATE TO**
28 **THE CRITERIA SET FORTH IN SUBSECTION (A)(8) AND (9) OF THIS SECTION.**

29 **(3) THE GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN**
30 **BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY**
31 **GENERAL, SHALL PROVIDE ASSISTANCE TO ALL POTENTIAL APPLICANTS AND**
32 **POTENTIAL MINORITY INVESTORS TO SATISFY THE REQUIREMENTS UNDER**
33 **PARAGRAPH (2)(I) AND (III) OF THIS SUBSECTION.**

34 **7-1205.**

1 **(A) THE COMMISSION MAY NOT APPROVE AN APPLICATION FOR A NUCLEAR**
2 **ENERGY GENERATION PROJECT SUBMITTED UNDER § 7-1201 OF THIS SUBTITLE**
3 **UNLESS:**

4 **(1) THE PROJECT IS CONNECTED TO THE ELECTRIC DISTRIBUTION**
5 **SYSTEM SERVING THE STATE;**

6 **(2) OVER THE DURATION OF THE PROPOSED LONG-TERM PRICING**
7 **SCHEDULE, THE PROJECTED NET RATE IMPACT FOR AN AVERAGE RESIDENTIAL**
8 **CUSTOMER, BASED ON ANNUAL CONSUMPTION OF 12,000 KILOWATT-HOURS AND**
9 **COMBINED WITH THE PROJECTED NET RATE IMPACT OF OTHER NUCLEAR ENERGY**
10 **GENERATION PROJECTS, DOES NOT EXCEED AN AMOUNT DETERMINED BY THE**
11 **COMMISSION;**

12 **(3) OVER THE DURATION OF THE PROPOSED LONG-TERM PRICING**
13 **SCHEDULE, THE PROJECTED NET RATE IMPACT FOR ALL NONRESIDENTIAL**
14 **CUSTOMERS, CONSIDERED AS A BLENDED AVERAGE AND COMBINED WITH THE**
15 **PROJECTED NET RATE IMPACT OF OTHER NUCLEAR ENERGY GENERATION**
16 **PROJECTS, DOES NOT EXCEED A PERCENTAGE DETERMINED BY THE COMMISSION**
17 **OF NONRESIDENTIAL CUSTOMERS' TOTAL ANNUAL ELECTRIC BILLS; AND**

18 **(4) THE PRICE SPECIFIED IN THE PROPOSED LONG-TERM PRICING**
19 **SCHEDULE DOES NOT EXCEED AN AMOUNT DETERMINED BY THE COMMISSION.**

20 **(B) WHEN CALCULATING THE PROJECTED NET AVERAGE RATE IMPACTS**
21 **FOR NUCLEAR ENERGY GENERATION PROJECTS UNDER THIS SECTION, THE**
22 **COMMISSION SHALL APPLY THE SAME NET LONG-TERM COST PER**
23 **MEGAWATT-HOUR TO RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS.**

24 **7-1206.**

25 **(A) AN APPLICATION FOR A NUCLEAR ENERGY GENERATION PROJECT**
26 **SUBMITTED UNDER § 7-1207 OF THIS SUBTITLE IS SUBJECT TO A COMMUNITY**
27 **BENEFIT AGREEMENT.**

28 **(B) A COMMUNITY BENEFIT AGREEMENT SHALL:**

29 **(1) BE APPLICABLE TO THE DEVELOPMENT OF A NUCLEAR ENERGY**
30 **GENERATION PROJECT;**

1 **(2) PROMOTE INCREASED OPPORTUNITIES FOR LOCAL BUSINESSES**
2 **AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE**
3 **CLEAN ENERGY INDUSTRY;**

4 **(3) ENSURE THE TIMELY, SAFE, AND EFFICIENT COMPLETION OF THE**
5 **PROJECT BY:**

6 **(I) FACILITATING A STEADY SUPPLY OF HIGHLY SKILLED**
7 **CRAFT WORKERS WHO SHALL BE PAID NOT LESS THAN THE PREVAILING WAGE RATE**
8 **DETERMINED BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 17,**
9 **SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**

10 **(II) GUARANTEEING THAT THE CONSTRUCTION WORK**
11 **PERFORMED IN CONNECTION WITH THE PROJECT WILL BE SUBJECT TO AN**
12 **AGREEMENT THAT:**

13 1. **IS WITH ONE OR MORE LABOR ORGANIZATIONS; AND**

14 2. **ESTABLISHES, IN ACCORDANCE WITH THIS SECTION,**
15 **THE TERMS AND CONDITIONS OF EMPLOYMENT AT THE CONSTRUCTION SITE OF THE**
16 **PROJECT OR A PORTION OF THE PROJECT;**

17 **(4) PROMOTE SAFE COMPLETION OF THE PROJECT BY ENSURING**
18 **THAT AT LEAST 80% OF THE CRAFT WORKERS ON THE PROJECT HAVE COMPLETED**
19 **AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 10-HOUR OR 30-HOUR**
20 **COURSE;**

21 **(5) PROMOTE CAREER TRAINING OPPORTUNITIES IN THE**
22 **MANUFACTURING, MAINTENANCE, AND CONSTRUCTION INDUSTRIES FOR LOCAL**
23 **RESIDENTS, VETERANS, WOMEN, AND MINORITIES;**

24 **(6) PROVIDE FOR BEST EFFORTS AND EFFECTIVE OUTREACH TO**
25 **OBTAIN, AS A GOAL, THE USE OF A WORKFORCE INCLUDING MINORITIES, TO THE**
26 **EXTENT PRACTICABLE;**

27 **(7) REFLECT A 21ST-CENTURY LABOR-MANAGEMENT APPROACH BY**
28 **DEVELOPERS AND SUPPLIERS BASED ON COOPERATION, HARMONY, AND**
29 **PARTNERSHIP THAT PROACTIVELY SEEKS TO ENSURE THAT WORKERS CAN FREELY**
30 **CHOOSE TO BOTH ORGANIZE AND COLLECTIVELY BARGAIN;**

31 **(8) PROVIDE PLANS TO USE DOMESTIC IRON, STEEL, AND**
32 **MANUFACTURED GOODS TO THE GREATEST EXTENT PRACTICABLE BY DISCLOSING**
33 **CONTRACTED SUPPLIERS;**

1 **(9) USE LOCALLY AND DOMESTICALLY MANUFACTURED**
2 **CONSTRUCTION MATERIALS AND COMPONENTS;**

3 **(10) MAXIMIZE THE USE OF SKILLED LOCAL LABOR, PARTICULARLY**
4 **WITH REGARD TO THE CONSTRUCTION AND MANUFACTURING COMPONENTS OF THE**
5 **PROJECT, USING METHODS INCLUDING OUTREACH, HIRING, OR REFERRAL**
6 **METHODS THAT ARE AFFILIATED WITH REGISTERED APPRENTICESHIP PROGRAMS**
7 **UNDER TITLE 11, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE;**

8 **(11) GUARANTEE AGAINST STRIKES, LOCKOUTS, AND SIMILAR**
9 **DISRUPTIONS;**

10 **(12) ENSURE THAT ALL WORK ON THE PROJECT FULLY CONFORMS TO**
11 **ALL RELEVANT STATE AND FEDERAL LAWS, RULES, AND REGULATIONS;**

12 **(13) CREATE MUTUALLY BINDING PROCEDURES FOR RESOLVING**
13 **LABOR DISPUTES ARISING DURING THE TERM OF THE PROJECT;**

14 **(14) SET FORTH OTHER MECHANISMS FOR LABOR-MANAGEMENT**
15 **COOPERATION ON MATTERS OF MUTUAL INTEREST AND CONCERN, INCLUDING**
16 **PRODUCTIVITY, QUALITY OF WORK, SAFETY, AND HEALTH; AND**

17 **(15) BIND ALL CONTRACTORS AND SUBCONTRACTORS TO THE TERMS**
18 **OF THE AGREEMENT THROUGH THE INCLUSION OF APPROPRIATE PROVISIONS IN**
19 **ALL RELEVANT SOLICITATION AND CONTRACT DOCUMENTS.**

20 **7-1207.**

21 **(A) AN ORDER THE COMMISSION ISSUES APPROVING AN APPLICATION FOR**
22 **A NUCLEAR ENERGY GENERATION PROJECT SUBMITTED UNDER § 7-1201 OF THIS**
23 **SUBTITLE SHALL:**

24 **(1) SPECIFY THE LONG-TERM PRICING SCHEDULE;**

25 **(2) SPECIFY THE DURATION OF THE LONG-TERM PRICING SCHEDULE,**
26 **NOT TO EXCEED 30 YEARS;**

27 **(3) PROVIDE THAT:**

28 **(I) A PAYMENT MAY NOT BE MADE UNDER A LONG-TERM**
29 **PRICING SCHEDULE UNTIL ELECTRICITY SUPPLY IS GENERATED BY THE PROJECT;**
30 **AND**

1 (II) RATEPAYERS AND THE STATE SHALL BE HELD HARMLESS
2 FOR ANY COST OVERRUNS ASSOCIATED WITH THE PROJECT; AND

3 (4) REQUIRE THAT ANY DEBT INSTRUMENT ISSUED IN CONNECTION
4 WITH THE PROJECT INCLUDE LANGUAGE SPECIFYING THAT THE DEBT INSTRUMENT
5 DOES NOT ESTABLISH A DEBT, OBLIGATION, OR LIABILITY OF THE STATE.

6 (B) AN ORDER APPROVING A NUCLEAR ENERGY GENERATION PROJECT
7 VESTS THE OWNER OF THE PROJECT WITH THE RIGHT TO RECEIVE PAYMENTS
8 ACCORDING TO THE TERMS IN THE ORDER.

9 (C) ON OR BEFORE MARCH 1 EACH YEAR, THE COMMISSION SHALL REPORT
10 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE
11 GOVERNMENT ARTICLE, TO THE SENATE COMMITTEE ON EDUCATION, ENERGY,
12 AND THE ENVIRONMENT AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON:

13 (1) APPLICANT COMPLIANCE WITH THE MINORITY BUSINESS
14 ENTERPRISE PARTICIPATION GOALS UNDER § 7-1204(C) OF THIS SUBTITLE; AND

15 (2) WITH RESPECT TO THE COMMUNITY BENEFIT AGREEMENT UNDER
16 § 7-1206 OF THIS SUBTITLE:

17 (I) THE AVAILABILITY AND USE OF OPPORTUNITIES FOR LOCAL
18 BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED
19 BUSINESSES;

20 (II) THE SUCCESS OF EFFORTS TO PROMOTE CAREER TRAINING
21 OPPORTUNITIES IN THE MANUFACTURING, MAINTENANCE, AND CONSTRUCTION
22 INDUSTRIES FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND MINORITIES; AND

23 (III) COMPLIANCE WITH THE MINORITY WORKFORCE GOAL
24 UNDER § 7-1206(B) OF THIS SUBTITLE.

25 7-1208.

26 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF THE
27 COMMISSION APPROVES PROPOSALS THAT DEMONSTRATE, BASED ON THE
28 CRITERIA SPECIFIED IN § 7-1203 OF THIS SUBTITLE, POSITIVE NET ECONOMIC,
29 ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE, THE COMMISSION SHALL
30 APPROVE ORDERS TO FACILITATE THE FINANCING OF NUCLEAR ENERGY
31 GENERATION PROJECTS.

1 **(2) WHEN CALCULATING THE NET BENEFITS TO THE STATE UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY CONTRACT FOR THE**
3 **SERVICES OF INDEPENDENT CONSULTANTS AND EXPERTS.**

4 **(B) THE COMMISSION MAY NOT APPROVE AN ORDER TO FACILITATE THE**
5 **FINANCING OF A NUCLEAR ENERGY GENERATION PROJECT UNLESS THE PROJECT IS**
6 **SUBJECT TO A COMMUNITY BENEFIT AGREEMENT UNDER § 7-1206 OF THIS**
7 **SUBTITLE.**

8 **7-1209.**

9 **(A) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY**
10 **FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM**
11 **UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT**
12 **ARTICLE ARE INCORPORATED IN THIS SECTION.**

13 **(B) TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED**
14 **STATES CONSTITUTION, AN APPLICANT APPROVED FOR A NUCLEAR ENERGY**
15 **GENERATION PROJECT UNDER § 7-1208 OF THIS SUBTITLE SHALL COMPLY WITH**
16 **THE STATE'S MINORITY BUSINESS ENTERPRISE PROGRAM.**

17 **(C) (1) WITHIN 6 MONTHS AFTER THE ISSUANCE OF AN ORDER THAT**
18 **APPROVES A NUCLEAR ENERGY GENERATION PROJECT AND INCLUDES A**
19 **LONG-TERM PRICING COMPONENT, THE GOVERNOR'S OFFICE OF SMALL,**
20 **MINORITY, AND WOMEN BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE**
21 **OF THE ATTORNEY GENERAL AND THE APPROVED APPLICANT, SHALL ESTABLISH A**
22 **CLEAR PLAN FOR SETTING REASONABLE AND APPROPRIATE MINORITY BUSINESS**
23 **ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR EACH PHASE OF THE**
24 **NUCLEAR ENERGY GENERATION PROJECT.**

25 **(2) TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SET**
26 **IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON**
27 **THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND**
28 **PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.**

29 **(3) EVERY 6 MONTHS FOLLOWING THE ISSUANCE OF AN ORDER THAT**
30 **APPROVES A NUCLEAR ENERGY GENERATION PROJECT AND INCLUDES A**
31 **LONG-TERM PRICING COMPONENT, THE APPROVED APPLICANT SHALL SUBMIT A**
32 **REPORT ON THE PROGRESS MADE TO ESTABLISH AND IMPLEMENT MINORITY**
33 **BUSINESS ENTERPRISE GOALS AND PROCEDURES TO THE COMMISSION.**

34 **7-1210.**

(A) THE COMMISSION SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH THE NUCLEAR ENERGY LONG-TERM PRICING PURCHASE OBLIGATION SUFFICIENTLY IN ADVANCE TO ALLOW AN ELECTRIC COMPANY TO REFLECT NUCLEAR ENERGY LONG-TERM PRICING COSTS AS A NONBYPASSABLE SURCHARGE PAID BY ALL DISTRIBUTION CUSTOMERS OF THE ELECTRIC COMPANY;

(2) ESTABLISH A NONBYPASSABLE SURCHARGE THAT ALLOWS AN ELECTRIC COMPANY TO RECOVER ALL COSTS ASSOCIATED WITH THE PURCHASE OF NUCLEAR ENERGY FROM ALL DISTRIBUTION CUSTOMERS OF THE ELECTRIC COMPANY;

(3) ESTABLISH AN ESCROW ACCOUNT THAT IS UNDER COMMISSION SUPERVISION; AND

(4) DEFINE RULES THAT FACILITATE AND ENSURE THE SECURE AND TRANSPARENT TRANSFER OF REVENUES AND LONG-TERM PRICING PAYMENTS AMONG PARTIES.

(B) (1) EACH ELECTRIC COMPANY SHALL PROCURE FROM THE ESCROW ACCOUNT ESTABLISHED BY REGULATION UNDER THIS SECTION A VOLUME OF NUCLEAR ENERGY EQUAL TO THE ELECTRIC COMPANY'S RESPECTIVE PERCENTAGE OF RETAIL ELECTRIC SALES EACH YEAR.

(2) (I) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, IF THERE IS INSUFFICIENT NUCLEAR ENERGY AVAILABLE TO SATISFY THE ELECTRIC COMPANIES' NUCLEAR ENERGY OBLIGATION, THE OVERPAYMENT SHALL BE DISTRIBUTED TO ELECTRIC COMPANIES TO BE REFUNDED OR CREDITED TO EACH DISTRIBUTION CUSTOMER BASED ON THE CUSTOMER'S CONSUMPTION OF ELECTRICITY SUPPLY THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(II) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, THE CALCULATION OF AN ELECTRIC COMPANY'S NUCLEAR ENERGY PURCHASE OBLIGATION SHALL BE BASED ON FINAL ELECTRICITY SALES DATA AS REPORTED BY PJM INTERCONNECTION, LLC, AND MEASURED AT THE CUSTOMER METER.

(3) FOR EACH LONG-TERM PRICING SCHEDULE FOR WHICH A NUCLEAR ENERGY GENERATION PROJECT RECEIVES PAYMENT, THE PROJECT SHALL:

1 **(I) SELL ALL ENERGY, CAPACITY, AND ANCILLARY SERVICES**
2 **ASSOCIATED WITH THE CREATION OF THE LONG-TERM PRICING INTO THE MARKETS**
3 **OPERATED BY PJM INTERCONNECTION, LLC; AND**

4 **(II) DISTRIBUTE THE PROCEEDS RECEIVED FROM THE SALES**
5 **UNDER ITEM (I) OF THIS PARAGRAPH TO ELECTRIC COMPANIES TO BE REFUNDED**
6 **OR CREDITED TO EACH DISTRIBUTION CUSTOMER BASED ON THE CUSTOMER'S**
7 **CONSUMPTION OF ELECTRICITY SUPPLY THAT IS SUBJECT TO THE CLEAN ENERGY**
8 **PORTFOLIO STANDARD.**

9 **(C) A DEBT, AN OBLIGATION, OR A LIABILITY OF A NUCLEAR ENERGY**
10 **GENERATION PROJECT OR OF AN OWNER OR OPERATOR OF A NUCLEAR ENERGY**
11 **GENERATION PROJECT MAY NOT BE CONSIDERED A DEBT, AN OBLIGATION, OR A**
12 **LIABILITY OF THE STATE.**

13 **7-1211.**

14 **ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL ADOPT**
15 **REGULATIONS TO CARRY OUT THIS SUBTITLE.**

16 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
17 **1, 2025.**