

HOUSE BILL 1036

C5, M5

5lr1948
CF SB 931

By: **Delegates Wilson and Crosby**

Introduced and read first time: February 5, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Generating Stations – Generation and Siting**
3 **(Renewable Energy Certainty Act)**

4 FOR the purpose of altering the factors the Public Service Commission must consider before
5 taking final action on a certificate of public convenience and necessity; establishing
6 certain requirements for the construction of a certain solar energy generating station
7 or energy storage device; prohibiting a local jurisdiction from adopting certain laws
8 or regulations or denying certain site development plans under certain
9 circumstances; requiring a local government to expedite the review and approval of
10 certain site development plans under certain circumstances; authorizing a local
11 government to establish a certain community solar energy generating system
12 automatic enrollment program under certain circumstances; establishing certain
13 requirements for the sale, lease, and installation of certain residential rooftop solar
14 energy generating systems; requiring the Commission to conduct a certain study to
15 establish a process by which the Commission may establish certain partnerships;
16 and generally relating to generating stations.

17 BY repealing and reenacting, without amendments,
18 Article – Public Utilities
19 Section 7–207(d)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Utilities
24 Section 7–207(e) and 7–306.2(a), (c), and (d)(7)
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2024 Supplement)

27 BY adding to
28 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7–218, 7–219, 7–306.2(o), and 7–320
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

7–207.

(d) (1) (i) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, an overhead transmission line designed to carry a voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

(ii) The Commission may hold the public hearing virtually rather than in person if the Commission provides a comparable opportunity for public comment and participation in the hearing.

(2) The Commission shall hold the public hearing jointly with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located, unless the governing body declines to participate in the hearing.

(3) (i) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity for public comment:

1. by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application;

2. on two types of social media; and

3. on the Commission's website.

(ii) Before a public hearing, the Commission shall coordinate with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located to identify additional options for providing, in an efficient and cost-effective manner, notice of the public hearing through other types of media that are familiar to the residents of the county or municipal corporation.

1 (4) (i) On the day of a public hearing, an informational sign shall be
2 posted prominently at or near each public entrance of the building in which the public
3 hearing will be held.

4 (ii) The informational sign required under subparagraph (i) of this
5 paragraph shall:

6 1. state the time, room number, and subject of the public
7 hearing; and

8 2. be at least 17 by 22 inches in size.

9 (iii) If the public hearing is conducted virtually rather than in person,
10 the Commission shall provide information on the hearing prominently on the Commission's
11 website.

12 (5) (i) The Commission shall ensure presentation and
13 recommendations from each interested State unit, and shall allow representatives of each
14 State unit to sit during hearing of all parties.

15 (ii) The Commission shall allow each State unit 15 days after the
16 conclusion of the hearing to modify the State unit's initial recommendations.

17 (e) The Commission shall take final action on an application for a certificate of
18 public convenience and necessity only after due consideration of:

19 (1) the recommendation of the governing body of each county or municipal
20 corporation in which any portion of the construction of the generating station, overhead
21 transmission line, or qualified generator lead line is proposed to be located;

22 (2) the effect of the generating station, overhead transmission line, or
23 qualified generator lead line on:

24 (i) the stability and reliability of the electric system;

25 (ii) economics;

26 (iii) esthetics;

27 (iv) historic sites;

28 (v) aviation safety as determined by the Maryland Aviation
29 Administration and the administrator of the Federal Aviation Administration;

30 (vi) when applicable, air quality and water pollution; and

(vii) the availability of means for the required timely disposal of wastes produced by any generating station;

(3) the effect of climate change on the generating station, overhead transmission line, or qualified generator lead line based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; [and]

(4) for a generating station:

(i) the consistency of the application with the comprehensive plan and zoning of each county or municipal corporation where any portion of the generating station is proposed to be located;

(ii) the efforts to resolve any issues presented by a county or municipal corporation where any portion of the generating station is proposed to be located;

(iii) the impact of the generating station on the quantity of annual and long-term statewide greenhouse gas emissions, measured in the manner specified in § 2-1202 of the Environment Article and based on the best available scientific information recognized by the Intergovernmental Panel on Climate Change; and

(iv) the consistency of the application with the State's climate commitments for reducing statewide greenhouse gas emissions, including those specified in Title 2, Subtitle 12 of the Environment Article; AND

(5) FOR A SOLAR ENERGY GENERATING STATION SPECIFIED UNDER § 7-218 OF THIS SUBTITLE, WHETHER THE OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION COMPLIES WITH THE REQUIREMENTS OF § 7-218(F) OF THIS SUBTITLE.

7-218.

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

(2) "BROWNFIELDS SITE" HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(3) "LOCAL JURISDICTION" INCLUDES COUNTIES, MUNICIPAL CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.

(B) THIS SECTION APPLIES ONLY TO A SOLAR ENERGY GENERATING STATION THAT:

1 **(1) HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF**
2 **ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE**
3 **SYSTEM'S INVERTER;**

4 **(2) (I) IS DESIGNED TO PRODUCE ELECTRICITY FOR SALE ON THE**
5 **WHOLESALE MARKET; OR**

6 **(II) IS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM**
7 **UNDER § 7-306.2 OF THIS TITLE; AND**

8 **(3) IS NOT LOCATED ON A ROOFTOP, CARPORT, OR BROWNFIELDS**
9 **SITE OR BEHIND THE METER OF A RETAIL ELECTRIC CUSTOMER.**

10 **(C) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SOLAR ENERGY**
11 **GENERATING STATION UNLESS:**

12 **(1) THE CONSTRUCTION HAS BEEN APPROVED BY THE COMMISSION**
13 **IN ACCORDANCE WITH THIS SECTION; AND**

14 **(2) (I) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
15 **HAS BEEN ISSUED IN ACCORDANCE WITH § 7-207 OF THIS SUBTITLE; OR**

16 **(II) THE CONSTRUCTION HAS BEEN APPROVED BY THE**
17 **COMMISSION IN ACCORDANCE WITH § 7-207.1 OF THIS SUBTITLE.**

18 **(D) ON RECEIPT OF AN APPLICATION FOR APPROVAL UNDER THIS SECTION,**
19 **THE COMMISSION SHALL PROVIDE IMMEDIATE NOTICE OR REQUIRE THE**
20 **APPLICANT TO PROVIDE IMMEDIATE NOTICE OF THE APPLICATION TO:**

21 **(1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL**
22 **CORPORATION IN WHICH ANY PORTION OF THE SOLAR ENERGY GENERATING**
23 **STATION IS PROPOSED TO BE CONSTRUCTED;**

24 **(2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL**
25 **CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE SOLAR ENERGY**
26 **GENERATING STATION;**

27 **(3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY**
28 **PART OF A COUNTY IN WHICH ANY PORTION OF THE SOLAR ENERGY GENERATING**
29 **STATION IS PROPOSED TO BE CONSTRUCTED;**

(4) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION; AND

(5) THE RESIDENTS AND PROPERTY OWNERS WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION.

(E) WHEN REVIEWING AN APPLICATION FOR APPROVAL UNDER THIS SECTION, THE COMMISSION SHALL:

(1) COMPLY WITH AND REQUIRE THE OWNER OF THE PROPOSED SOLAR ENERGY GENERATING STATION TO COMPLY WITH § 7-207(D) OF THIS SUBTITLE; AND

(2) IF THE PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION IS IN AN AREA CONSIDERED TO BE OVERBURDENED AND UNDERSERVED, AS DEFINED IN § 1-701 OF THE ENVIRONMENT ARTICLE, REQUIRE THE PERSON CONSTRUCTING THE SOLAR ENERGY GENERATING STATION TO HOLD AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITY WHERE THE SOLAR ENERGY GENERATING STATION IS TO BE LOCATED.

(F) (1) AN OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION:

(I) SHALL PROVIDE A BOUNDARY OF 150 FEET BETWEEN THE SOLAR ENERGY GENERATING STATION AND ANY OCCUPIED BUILDINGS OR DWELLINGS NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION;

(II) SHALL PROVIDE A BOUNDARY OF 50 FEET BETWEEN THE SOLAR ENERGY GENERATING STATION AND ANY PARCELS OF LAND NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION;

(III) 1. SHALL PROVIDE NONBARBED WIRE FENCING:

A. AROUND THE SOLAR ENERGY GENERATING STATION;

AND

B. THAT IS NOT MORE THAN 20 FEET IN HEIGHT; AND

2. MAY USE BARBED WIRE FENCING AROUND THE SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT INFRASTRUCTURE; AND

1 (IV) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR
2 VEGETATIVE SCREENING IF REQUIRED BY THE LOCAL JURISDICTION.

3 (2) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A BERM
4 FOR A SOLAR ENERGY GENERATING STATION APPROVED UNDER THIS SECTION.

5 (3) THE BUFFER REQUIRED IN PARAGRAPH (1)(IV) OF THIS
6 SUBSECTION SHALL:

7 (I) BE NOT MORE THAN 25 FEET IN DEPTH;

8 (II) PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE
9 SOLAR ENERGY GENERATING SYSTEM;

10 (III) INCLUDE MULTILAYERED, STAGGERED ROWS OF
11 OVERSTORY AND UNDERSTORY TREES; AND

12 (IV) BE PLANTED WITH NOT MORE THAN 10 TREES PER 100
13 LINEAR FEET, WITH A MAXIMUM HEIGHT AT PLANTING OF 6 FEET.

14 (4) WITH RESPECT TO THE SITE ON WHICH A SOLAR ENERGY
15 GENERATING STATION IS PROPOSED FOR CONSTRUCTION, THE OWNER OF THE
16 SOLAR ENERGY GENERATING STATION:

17 (I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT
18 POSSIBLE;

19 (II) MAY NOT REMOVE TOPSOIL FROM THE PARCEL, BUT MAY
20 MOVE OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING;

21 (III) TO MAINTAIN SOIL INTEGRITY, SHALL PLANT NATIVE
22 VEGETATION AND OTHER APPROPRIATE VEGETATIVE PROTECTIONS THAT HAVE A
23 90% SURVIVAL THRESHOLD FOR THE FIRST 3 YEARS OF THE LIFE OF THE SOLAR
24 ENERGY GENERATING STATION;

25 (IV) SHALL LIMIT MOWING AND OTHER UNNECESSARY
26 LANDSCAPING;

27 (V) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE
28 SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED
29 CONTROL PROGRAM; AND

(VI) SHALL POST FOR THE FIRST 3 YEARS OF THE LIFE OF THE SOLAR ENERGY GENERATING STATION A LANDSCAPING BOND EQUAL TO 50% OF THE TOTAL LANDSCAPING COST WITH THE COUNTY IN WHICH THE SOLAR ENERGY GENERATING STATION IS LOCATED.

(5) EXCEPT AS REQUIRED BY LAW, OR FOR SAFETY OR EMERGENCY, THE SOLAR ENERGY GENERATING STATION MAY NOT EMIT VISIBLE LIGHT DURING DUSK TO DAWN OPERATIONS.

(G) AN OWNER OF A SOLAR ENERGY GENERATING STATION:

(1) SHALL ENTER INTO A DECOMMISSIONING AGREEMENT WITH THE COMMISSION ON A FORM THAT THE COMMISSION PROVIDES;

(2) SHALL POST A SURETY BOND WITH THE COMMISSION FOR NOT MORE THAN 100% OF THE COST OF DECOMMISSIONING THE SOLAR ENERGY GENERATING STATION AND ITS RELATED INFRASTRUCTURE, LESS ANY SALVAGE VALUE; AND

(3) SHALL EXECUTE A SECURITIZATION BOND TRUE-UP EVERY 5 YEARS.

(H) (1) A LOCAL JURISDICTION MAY NOT:

(I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF SOLAR ENERGY GENERATING STATIONS; OR

(II) DENY SITE DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING STATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.

(2) A LOCAL JURISDICTION SHALL EXPEDITE THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING STATIONS IF THOSE PLANS MEET THE REQUIREMENTS OF THIS SECTION.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A SOLAR ENERGY GENERATING STATION IS EXEMPT FROM PERSONAL AND REAL PROPERTY TAXES.

(2) A SOLAR ENERGY GENERATING STATION MAY BE REQUIRED BY A LOCAL JURISDICTION TO MAKE A PAYMENT IN LIEU OF TAXES UP TO \$5,000 PER

1 MEGAWATT OF ENERGY GENERATED FROM THE SOLAR ENERGY GENERATING
2 STATION.

3 (J) NOTHING IN THIS SECTION MAY BE CONSTRUED TO ADD ANY
4 ADDITIONAL LIMITATIONS TO THE AUTHORITY OF THE COMMISSION IN THE
5 APPROVAL PROCESS FOR AN APPLICATION FOR A CERTIFICATE OF PUBLIC
6 CONVENIENCE AND NECESSITY.

7 7-219.

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

10 (2) "ENERGY STORAGE DEVICE" HAS THE MEANING STATED IN §
11 7-216 OF THIS SUBTITLE.

12 (3) "LOCAL JURISDICTION" INCLUDES COUNTIES, MUNICIPAL
13 CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.

14 (B) A PERSON MAY NOT BEGIN CONSTRUCTION OF AN ENERGY STORAGE
15 DEVICE UNLESS THE CONSTRUCTION HAS BEEN APPROVED BY THE COMMISSION IN
16 ACCORDANCE WITH THIS SECTION.

17 (C) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF THE
18 CONSTRUCTION OF ENERGY STORAGE DEVICES UNDER THIS SECTION, THE
19 COMMISSION SHALL PROVIDE IMMEDIATE NOTICE OR REQUIRE THE APPLICANT TO
20 PROVIDE IMMEDIATE NOTICE OF THE APPLICATION TO:

21 (1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL
22 CORPORATION IN WHICH ANY PORTION OF THE ENERGY STORAGE DEVICE IS
23 PROPOSED TO BE CONSTRUCTED;

24 (2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL
25 CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY
26 STORAGE DEVICE;

27 (3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY
28 PART OF A COUNTY IN WHICH ANY PORTION OF THE ENERGY STORAGE DEVICE IS
29 PROPOSED TO BE CONSTRUCTED;

30 (4) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY
31 PART OF A COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY
32 STORAGE DEVICE; AND

1 **(5) THE RESIDENTS AND OWNERS OF PROPERTY THAT IS WITHIN 1**
2 **MILE OF THE PROPOSED LOCATION OF THE ENERGY STORAGE DEVICE.**

3 **(D) WHEN REVIEWING AN APPLICATION FOR APPROVAL UNDER THIS**
4 **SECTION, THE COMMISSION SHALL:**

5 **(1) IF THE PROJECT WILL STORE MORE THAN 100 KILOWATTS,**
6 **COMPLY WITH AND REQUIRE THE APPLICANT TO COMPLY WITH § 7-207(D) OF THIS**
7 **SUBTITLE;**

8 **(2) IF THE PROPOSED LOCATION OF THE ENERGY STORAGE DEVICE IS**
9 **IN AN AREA CONSIDERED TO BE OVERBURDENED AND UNDERSERVED, AS DEFINED**
10 **IN § 1-701 OF THE ENVIRONMENT ARTICLE, REQUIRE THE APPLICANT TO HOLD AT**
11 **LEAST TWO PUBLIC MEETINGS IN THE COMMUNITY WHERE THE ENERGY STORAGE**
12 **DEVICE IS TO BE LOCATED; AND**

13 **(3) EXEMPT AN ENERGY STORAGE DEVICE THAT IS LOCATED WITHIN**
14 **THE BOUNDARIES OF AN EXISTING ELECTRICITY GENERATING STATION FROM THE**
15 **MEETING REQUIREMENTS OF THIS SUBSECTION.**

16 **(E) (1) AN OWNER OF A PROPOSED ENERGY STORAGE DEVICE:**

17 **(I) 1. SHALL PROVIDE NONBARBED WIRE FENCING:**

18 **A. AROUND THE ENERGY STORAGE DEVICE; AND**

19 **B. THAT IS NOT MORE THAN 20 FEET IN HEIGHT; AND**

20 **2. MAY USE BARBED WIRE FENCING AROUND THE**
21 **SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT**
22 **INFRASTRUCTURE; AND**

23 **(II) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR**
24 **VEGETATIVE SCREENING IF REQUIRED BY THE LOCAL JURISDICTION.**

25 **(2) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A BERM**
26 **FOR AN ENERGY STORAGE DEVICE APPROVED UNDER THIS SECTION.**

27 **(3) THE BUFFER REQUIRED IN PARAGRAPH (1)(II) OF THIS**
28 **SUBSECTION SHALL:**

29 **(I) BE NOT MORE THAN 25 FEET IN DEPTH; AND**

1 (II) PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE
2 ENERGY STORAGE DEVICE.

3 (4) WITH RESPECT TO THE SITE ON WHICH AN ENERGY STORAGE
4 DEVICE IS PROPOSED FOR CONSTRUCTION, THE OWNER OF THE ENERGY STORAGE
5 DEVICE:

6 (I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT
7 POSSIBLE;

8 (II) MAY NOT REMOVE TOPSOIL FROM THE PARCEL, BUT MAY
9 MOVE OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING; AND

10 (III) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE
11 SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED
12 CONTROL PROGRAM.

13 (F) (1) A LOCAL JURISDICTION MAY NOT:

14 (I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS
15 THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF ENERGY STORAGE DEVICES;
16 OR

17 (II) DENY SITE DEVELOPMENT PLANS FOR ENERGY STORAGE
18 DEVICES THAT MEET THE REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION.

19 (2) A LOCAL JURISDICTION SHALL:

20 (I) EXPEDITE THE REVIEW AND APPROVAL OF SITE
21 DEVELOPMENT PLANS FOR ENERGY STORAGE DEVICES IF THOSE PLANS MEET THE
22 REQUIREMENTS OF THIS SECTION; AND

23 (II) ADOPT STANDARD PROCESSES FOR THE REVIEW AND
24 APPROVAL OF SITE DEVELOPMENT PLANS FOR THE CONSTRUCTION OF ENERGY
25 STORAGE DEVICES.

26 7-306.2.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "Agrivoltaics" means the simultaneous use of areas of land for both
29 solar power generation and:

- (i) raising grains, fruits, herbs, melons, mushrooms, nuts, seeds, tobacco, or vegetables;
- (ii) raising poultry, including chickens and turkeys, for meat or egg production;
- (iii) dairy production, such as the raising of milking cows;
- (iv) raising livestock, including cattle, sheep, goats, or pigs;
- (v) horse boarding, breeding, or training;
- (vi) turf farming;
- (vii) raising ornamental shrubs, plants, or flowers, including aquatic plants;
- (viii) aquaculture;
- (ix) silviculture; or
- (x) any other activity recognized by the Department of Agriculture as an agricultural activity.

(3) “AUTOMATIC ENROLLMENT PROJECT” MEANS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM:

(I) IN WHICH ALL OR A PORTION OF THE SUBSCRIBERS ARE AUTOMATICALLY ENROLLED; AND

(II) 1. THAT IS OWNED AND OPERATED BY A LOCAL GOVERNMENT; OR

2. FOR WHICH A LOCAL GOVERNMENT OR ITS DESIGNEE SERVES AS THE SUBSCRIPTION COORDINATOR.

(4) “Baseline annual usage” means:

- (i) a subscriber’s accumulated electricity use in kilowatt–hours for the 12 months before the subscriber’s most recent subscription; or
- (ii) for a subscriber that does not have a record of 12 months of electricity use at the time of the subscriber’s most recent subscription, an estimate of the subscriber’s accumulated 12 months of electricity use in kilowatt–hours, determined in a manner the Commission approves.

1 **[(4)] (5)** “Community solar energy generating system” means a solar
2 energy system that:

3 (i) is connected to the electric distribution **[grid] SYSTEM** serving
4 the State;

5 (ii) is located in the same electric service territory as its subscribers;

6 (iii) is attached to the electric meter of a subscriber or is a separate
7 facility with its own electric meter;

8 (iv) credits its generated electricity, or the value of its generated
9 electricity, to the bills of the subscribers to that system through virtual net energy
10 metering;

11 (v) has at least two subscribers but no limit to the maximum number
12 of subscribers;

13 (vi) does not have subscriptions larger than 200 kilowatts
14 constituting more than 60% of its kilowatt-hour output;

15 (vii) has a generating capacity that does not exceed 5 megawatts as
16 measured by the alternating current rating of the system’s inverter;

17 (viii) may be owned by any person; and

18 (ix) with respect to community solar energy generating systems
19 constructed under the Program, serves at least 40% of its kilowatt-hour output to LMI
20 subscribers unless the solar energy system is wholly owned by the subscribers to the solar
21 energy system.

22 **[(5)] (6)** “Consolidated billing” means a payment mechanism that
23 requires an electric company to, at the request of a subscriber organization or subscription
24 coordinator:

25 (i) include the monthly subscription charge of a subscriber
26 organization or subscription coordinator on the monthly bills rendered by the electric
27 company for electric service and supply to subscribers; and

28 (ii) remit payment for those charges to the subscriber organization
29 or subscription coordinator.

30 **[(6)] (7)** “Critical area” has the meaning stated in § 8–1802 of the Natural
31 Resources Article.

32 **[(7)] (8)** “LMI subscriber” means a subscriber that:

- (i) is low-income;
- (ii) is moderate-income; or
- (iii) resides in a census tract that is [an]:
 - 1. AN overburdened community; and
 - 2. AN underserved community.

(9) “LOCAL GOVERNMENT” MEANS:

(I) A COUNTY; OR

(II) A MUNICIPAL CORPORATION.

[(8)] (10) “Low-income” means:

- (i) having an annual household income that is at or below 200% of the federal poverty level; or
- (ii) being certified as eligible for any federal, State, or local assistance program that limits participation to households whose income is at or below 200% of the federal poverty level.

[(9)] (11) “Moderate-income” means having an annual household income that is at or below 80% of the median income for Maryland.

[(10)] (12) “Overburdened community” has the meaning stated in § 1-701 of the Environment Article.

[(11)] (13) “Pilot program” means the program established under this section before July 1, 2023, and effective until the start of the Program established under subsection (d)(20) of this section.

[(12)] (14) “Program” means the Community Solar Energy Generating Systems Program.

[(13)] (15) “Queue” means:

- (i) the pilot program queue an electric company is required to maintain under COMAR 20.62.03.04; and
- (ii) a queue an electric company may be required to maintain under the Program.

1 **[(14)] (16)** “Subscriber” means a retail customer of an electric company that:

2 (i) holds a subscription to a community solar energy generating
3 system; and

4 (ii) has identified one or more individual meters or accounts to which
5 the subscription shall be attributed.

6 **[(15)] (17)** “Subscriber organization” means:

7 (i) a person that owns or operates a community solar energy
8 generating system; or

9 (ii) the collective group of subscribers of a community solar energy
10 generating system.

11 **[(16)] (18)** “Subscription” means the portion of the electricity generated by
12 a community solar energy generating system that is credited to a subscriber.

13 **[(17)] (19)** “Subscription coordinator” means a person that:

14 (i) markets community solar energy generating systems or
15 otherwise provides services related to community solar energy generating systems under
16 its own brand name;

17 (ii) performs any administrative action to allocate subscriptions,
18 connect subscribers with community solar energy generating systems, or enroll customers
19 in the Program; or

20 (iii) manages interactions between a subscriber organization and an
21 electric company or electricity supplier relating to subscribers.

22 **[(18)] (20)** “Underserved community” has the meaning stated in § 1–701 of
23 the Environment Article.

24 **[(19)] (21)** “Unsubscribed energy” means any community solar energy
25 generating system output in kilowatt–hours that is not allocated to any subscriber.

26 **[(20)] (22)** “Virtual net energy metering” means measurement of the
27 difference between the kilowatt–hours or value of electricity that is supplied by an electric
28 company and the kilowatt–hours or value of electricity attributable to a subscription to a
29 community solar energy generating system and fed back to the electric grid over the
30 subscriber’s billing period, as calculated under the tariffs established under subsections
31 (e)(2), (f)(2), and (g)(2) of this section.

(c) A community solar energy generating system, subscriber, subscriber organization, or subscription coordinator is not:

(1) an electric company;

(2) an electricity supplier; or

(3) a generating station if:

(I) the generating capacity of the community solar energy generating system does not exceed 2 megawatts; OR

(II) THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS LOCATED ON THE ROOFTOP OF A BUILDING.

(d) (7) (I) Any unsubscribed energy generated by a community solar energy generating system that is not owned by an electric company shall **CREATE BANKED BILL CREDITS TRACKED BY THE ELECTRIC COMPANY THAT, WITHIN 1 YEAR AFTER THE DATE THAT THE BANKED BILL CREDIT WAS CREATED, MAY BE ALLOCATED TO ONE OR MORE SUBSCRIBERS BY THE SUBSCRIBER ORGANIZATION OR SUBSCRIPTION COORDINATOR ASSOCIATED WITH THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM.**

(II) THE GENERATION ASSOCIATED WITH A BANKED BILL CREDIT NOT ALLOCATED TO A SUBSCRIBER WITHIN 1 YEAR AFTER THE DATE THAT THE BANKED BILL CREDIT WAS CREATED SHALL be purchased under the electric company's process for purchasing the output from qualifying facilities at the amount it would have cost the electric company to procure the energy.

(O) (1) A LOCAL GOVERNMENT MAY ESTABLISH A COMMUNITY SOLAR AUTOMATIC ENROLLMENT PROGRAM BY SUBMITTING TO THE COMMISSION A LOCAL LAW, A CONTRACT, OR AN ADMINISTRATIVE APPROVAL THAT:

(I) STATES WHETHER:

1. THE LOCAL GOVERNMENT WILL OWN AND OPERATE ONE OR MORE AUTOMATIC ENROLLMENT PROJECTS; OR

2. THE LOCAL GOVERNMENT OR ITS DESIGNEE WILL SERVE AS THE SUBSCRIPTION COORDINATOR FOR ONE OR MORE AUTOMATIC ENROLLMENT PROJECTS OWNED BY A THIRD PARTY; AND

(II) DESCRIBES THE MECHANISM BY WHICH THE LOCAL GOVERNMENT INTENDS TO ENROLL CUSTOMERS.

1 **(2) AN AUTOMATIC ENROLLMENT PROJECT SHALL UTILIZE**
2 **CONSOLIDATED BILLING AND PROVIDE A GUARANTEED BILL CREDIT DISCOUNT TO**
3 **AUTOMATIC ENROLLMENT SUBSCRIBERS.**

4 **(3) A LOCAL GOVERNMENT MAY CONTRACT WITH A DESIGNEE TO**
5 **IDENTIFY AND MANAGE THE SUBSCRIPTIONS TO AN AUTOMATIC ENROLLMENT**
6 **PROJECT.**

7 **(4) A LOCAL GOVERNMENT OR ITS DESIGNEE SHALL BE RESPONSIBLE**
8 **FOR IDENTIFYING THE CUSTOMERS THAT WILL BE AUTOMATICALLY ENROLLED FOR**
9 **A SUBSCRIPTION TO THE AUTOMATIC ENROLLMENT PROJECT, SUBJECT TO THE**
10 **FOLLOWING CONDITIONS:**

11 **(I) AUTOMATIC ENROLLMENT SUBSCRIBERS MUST BE**
12 **RESIDENTIAL CUSTOMERS, INCLUDING CUSTOMERS RESIDING IN MULTIFAMILY**
13 **DWELLING UNITS;**

14 **(II) AT LEAST 51% OF AUTOMATIC ENROLLMENT SUBSCRIBERS**
15 **MUST BE LMI SUBSCRIBERS;**

16 **(III) ALL CUSTOMERS SELECTED TO BE AUTOMATICALLY**
17 **ENROLLED AS SUBSCRIBERS TO THE AUTOMATIC ENROLLMENT PROJECT MUST BE**
18 **WITHIN THE SERVICE TERRITORY OF THE ELECTRIC COMPANY WHERE THE**
19 **AUTOMATIC ENROLLMENT PROJECT IS LOCATED;**

20 **(IV) SUBSCRIBERS MAY DECLINE OR OPT OUT FROM A**
21 **SUBSCRIPTION TO THE AUTOMATIC ENROLLMENT PROJECT AT ANY TIME;**

22 **(V) AUTOMATIC ENROLLMENT SUBSCRIBERS MAY SUBMIT A**
23 **REQUEST TO OPT OUT OF A SUBSCRIPTION BY PHONE, IN WRITING, OR ONLINE**
24 **THROUGH A WEBSITE MAINTAINED BY THE LOCAL GOVERNMENT OR ITS DESIGNEE;**
25 **AND**

26 **(VI) A LOCAL GOVERNMENT MAY NOT CHARGE A FEE OR**
27 **PENALTY FOR ENROLLMENT IN OR EXITING FROM AN AUTOMATIC ENROLLMENT**
28 **PROJECT.**

29 **(5) A LOCAL GOVERNMENT OR ITS DESIGNEE MAY VERIFY THE**
30 **INCOME OF A PROSPECTIVE SUBSCRIBER FOR ELIGIBILITY AS AN LMI SUBSCRIBER**
31 **USING ONE OF THE FOLLOWING METHODS:**

1 **(I) THE LOCATION OF THE PROSPECTIVE SUBSCRIBER IN AN**
2 **OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY;**

3 **(II) A FORM OF VERIFICATION AUTHORIZED UNDER**
4 **SUBSECTION (F)(1)(IV) OF THIS SECTION; OR**

5 **(III) ANY OTHER METHOD SELECTED BY THE LOCAL**
6 **GOVERNMENT.**

7 **(6) AT LEAST 90 DAYS BEFORE SUBSCRIBERS BEGIN RECEIVING**
8 **THEIR FIRST BILL CREDITS, A LOCAL GOVERNMENT OR ITS DESIGNEE SHALL**
9 **PROVIDE WRITTEN NOTICE OF THE AUTOMATIC ENROLLMENT TO ALL SELECTED**
10 **SUBSCRIBERS VIA DELIVERY BY THE U.S. POSTAL SERVICE.**

11 **(7) THE NOTICE REQUIRED IN PARAGRAPH (6) OF THIS SUBSECTION**
12 **SHALL INCLUDE:**

13 **(I) A STATEMENT THAT THE LOCAL GOVERNMENT HAS**
14 **ESTABLISHED AN AUTOMATIC ENROLLMENT PROJECT;**

15 **(II) A STATEMENT THAT THE PROSPECTIVE SUBSCRIBER HAS**
16 **THE RIGHT TO OPT OUT OF THE AUTOMATIC ENROLLMENT PROJECT AT ANY TIME,**
17 **BUT IF NO OPT-OUT REQUEST IS RECEIVED, THE PROSPECTIVE SUBSCRIBER WILL**
18 **BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT;**

19 **(III) AN EXPLANATION OF THE CONSOLIDATED BILLING**
20 **PROCEDURES OF THE AUTOMATIC ENROLLMENT PROJECT;**

21 **(IV) DETAILED INSTRUCTIONS ON HOW TO SUBMIT AN OPT-OUT**
22 **REQUEST; AND**

23 **(V) A CONTACT NAME, PHONE NUMBER, AND E-MAIL ADDRESS**
24 **FOR SUBSCRIBER INQUIRIES AND COMPLAINTS.**

25 **(8) AN ELECTRIC COMPANY SHALL FACILITATE THE ESTABLISHMENT**
26 **OF AN AUTOMATIC ENROLLMENT PROJECT FOR WHICH A LOCAL GOVERNMENT HAS**
27 **SUBMITTED THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS**
28 **SUBSECTION BY:**

29 **(I) PROVIDING ACCESS TO:**

30 **1. THE HISTORIC BILLING USAGE OF CUSTOMERS THAT**
31 **MAY BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT;**

1 **2. POINT-OF-SERVICE DELIVERY FOR CUSTOMERS**
2 **THAT MAY BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT**
3 **PROJECT;**

4 **3. PARTICIPATION IN ENERGY ASSISTANCE PROGRAMS;**

5 **4. SUBSCRIPTIONS TO COMMUNITY SOLAR ENERGY**
6 **GENERATING SYSTEMS;**

7 **5. ACCOUNT NUMBERS FOR CUSTOMERS THAT MAY BE**
8 **AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT, IF**
9 **APPLICABLE; AND**

10 **6. ANY OTHER REASONABLE INFORMATION REQUIRED**
11 **BY THE LOCAL GOVERNMENT OF ITS DESIGNEE TO ENROLL CUSTOMERS IN AN**
12 **AUTOMATIC ENROLLMENT PROJECT; AND**

13 **(II) ENROLLING THE CUSTOMERS IDENTIFIED BY THE LOCAL**
14 **GOVERNMENT OR ITS DESIGNEE AS SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT**
15 **PROJECT AT THE SUBSCRIPTION SIZE IDENTIFIED BY THE LOCAL GOVERNMENT OR**
16 **ITS DESIGNEE.**

17 **(9) THE ENROLLMENT AND MANAGEMENT OF AUTOMATIC**
18 **ENROLLMENT SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT PROJECT IS NOT**
19 **SUBJECT TO COMAR 20.62.05.**

20 **7-320.**

21 **(A) THIS SECTION APPLIES ONLY TO RESIDENTIAL ROOFTOP SOLAR**
22 **ENERGY GENERATING SYSTEMS.**

23 **(B) A SELLER OR LESSOR OF RESIDENTIAL ROOFTOP SOLAR ENERGY**
24 **GENERATING SYSTEMS SHALL:**

25 **(1) PROVIDE TO THE BUYER OR LESSEE A 5-YEAR FULL WARRANTY**
26 **ON THE INSTALLATION AND COMPONENT PARTS OF THE SYSTEM;**

27 **(2) INCLUDE ANY MANUFACTURER'S WARRANTIES FOR ANY OF THE**
28 **PRODUCTS OR COMPONENTS OF THE SYSTEM;**

1 **(3) INFORM THE BUYER OR LESSEE OF THE MINIMUM LEVEL OF**
2 **WEATHER-ADJUSTED ENERGY PRODUCTION THE BUYER OR LESSEE MAY EXPECT**
3 **FROM THE SYSTEM; AND**

4 **(4) CERTIFY, IN WRITING, THAT INSTALLATION OF THE SYSTEM IS**
5 **COMPLIANT WITH ALL FEDERAL, STATE, AND LOCAL LAWS REGARDING**
6 **WORKMANSHIP AND THAT THE SOLAR PANELS, INVERTERS, RACKING SYSTEMS, AND**
7 **ALL OTHER COMPONENTS MEET THE MINIMUM STANDARDS FOR PRODUCT DESIGN.**

8 **(C) THE COMMISSION AND THE MARYLAND ENERGY ADMINISTRATION**
9 **SHALL:**

10 **(1) DEVELOP TECHNICAL SAFETY STANDARDS FOR THE**
11 **INSTALLATION AND MAINTENANCE OF RESIDENTIAL ROOFTOP SOLAR ENERGY**
12 **GENERATING SYSTEMS; AND**

13 **(2) ESTABLISH MINIMUM QUALIFICATIONS FOR INDIVIDUALS**
14 **INSTALLING AND MAINTAINING RESIDENTIAL ROOFTOP SOLAR ENERGY**
15 **GENERATING SYSTEMS.**

16 **(D) A SELLER OR LESSOR WHO VIOLATES THE REQUIREMENTS OF THIS**
17 **SECTION SHALL PAY A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

19 (a) The Public Service Commission shall conduct a study to establish a process by
20 which the Commission may establish partnerships between electric companies and
21 electricity suppliers for electricity generation projects.

22 (b) The process established under subsection (a) of this section shall:

23 (1) include a method for determining whether a partnership for a
24 generating station will contribute to resource adequacy by increasing by 100 megawatts or
25 more the electricity supply in the State that is accredited by PJM Interconnection, LLC;

26 (2) require that a generating station constructed by a partnership be
27 connected to the electric distribution system in the State;

28 (3) require that the electricity supplier in a partnership construct the
29 generating station;

30 (4) require that the electricity supplier and electric company in a
31 partnership jointly seek and receive a positive credit rating assessment from a credit rating
32 agency;

1 (5) require that the Public Service Commission expedite all proceedings for
2 the review and approval of a certificate of public convenience and necessity for a generating
3 station proposed by a partnership and prioritize these proceedings, if necessary, over other
4 matters;

5 (6) require that the Public Service Commission take final action on a
6 certificate of public convenience and necessity for a generating station proposed by a
7 partnership not later than 180 days after the Public Service Commission determines that
8 the generating station qualifies as a partnership to provide resource adequacy;

9 (7) require a State agency or other person to submit any filing to intervene
10 in an application for a certificate of public convenience and necessity for a generating
11 station proposed by a partnership no later than 90 days after the Public Service
12 Commission determines that the proposed generating station qualifies as a partnership to
13 provide resource adequacy;

14 (8) require the Public Service Commission, the Department of the
15 Environment, the Department of Natural Resources, and any other impacted State agency
16 to expedite any regulatory requirements or decisions;

17 (9) require an electric company to expedite any processes needed to connect
18 a generating station proposed by a partnership to the electric transmission system; and

19 (10) identify the potential rate impact and prioritize potential partnerships
20 that have little or no impact on customer rates.

21 (c) On or before December 1, 2026, the Public Service Commission shall report to
22 the Governor and, in accordance with § 2–1257 of the State Government Article, the
23 General Assembly on the results of the study.

24 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing obligation
25 or contract right may not be impaired in any way by this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2025.