

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2025

CHAPTER _____

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 a distributed generation certificate of public convenience and necessity to authorize
7 the construction and operation of a certain distributed solar energy generating
8 system; requiring the Power Plant Research Program, by a certain date, to develop
9 and submit to the Commission proposed siting and design requirements and
10 licensing conditions; establishing certain requirements for the construction of a
11 certain solar energy generating station or front-of-the-meter energy storage device;
12 prohibiting a local jurisdiction from adopting certain laws or regulations or denying
13 certain site development plans under certain circumstances; requiring a local
14 government to expedite the review and approval of certain site development plans
15 under certain circumstances; ~~authorizing a local government to establish a certain~~
16 ~~community solar energy generating system automatic enrollment program under~~
17 ~~certain circumstances;~~ establishing certain requirements for the sale, lease, and
18 installation of certain residential rooftop solar energy generating systems; requiring
19 the Maryland Department of Labor to develop a special solar contractor license;
20 requiring the Commission to conduct a certain study to establish a process by which
21 the Commission may establish certain ~~partnerships~~ procurement models; and
22 generally relating to generating stations.

23 ~~BY repealing and reenacting, without amendments,~~
24 ~~Article – Public Utilities~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Section 7-207(d)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2024 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3-306(a)(1)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
~~Section 7-207(e) and 7-306.2(a), (e), and (d)(7)~~ Section 7-207(b)(1)(i) and (ii), (e), and
(h), 7-207.1(c)(1), and 7-306.2(a), (c), and (d)(7)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

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

BY adding to
Article – Public Utilities
Section ~~7-207.4~~, 7-218, 7-219, ~~7-306.2(e)~~, and 7-320
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY adding to
Article – State Government
Section 9-2017
Annotated Code of Maryland
(2021 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 – Natural Resources

3-306.

(a) (1) Notwithstanding anything to the contrary in this article or the Public
Utilities Article, on application to the Public Service Commission for a certificate of public
convenience and necessity associated with power plant construction IN ACCORDANCE
WITH § 7-207 OF THE PUBLIC UTILITIES ARTICLE, the Commission shall notify

immediately the Department [of Natural Resources] and the Department of the Environment of the application.

Article – Public Utilities

7–207.

(b) (1) (i) [Unless] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) [If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section] A PERSON IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER THIS SECTION IF THE PERSON OBTAINS:

1. COMMISSION APPROVAL FOR CONSTRUCTION UNDER § 7–207.1 OF THIS SUBTITLE; OR

2. A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7–207.4 OF THIS SUBTITLE.

(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.

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

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

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

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

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

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

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

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

(1) the recommendation of the governing body of each 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;

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

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

4 (ii) economics;

5 (iii) esthetics;

6 (iv) historic sites;

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

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

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

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

15 (4) for a generating station:

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

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

21 (iii) the impact of the generating station on the quantity of annual
22 and long-term statewide greenhouse gas emissions, measured in the manner specified in §
23 2-1202 of the Environment Article and based on the best available scientific information
24 recognized by the Intergovernmental Panel on Climate Change; and

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

28 **(5) FOR A SOLAR ENERGY GENERATING STATION SPECIFIED UNDER §**
29 **7-218 OF THIS SUBTITLE, WHETHER THE OWNER OF A PROPOSED SOLAR ENERGY**
30 **GENERATING STATION COMPLIES WITH THE SITE REQUIREMENTS ~~OF~~ UNDER §**
31 **7-218(F) OF THIS SUBTITLE.**

(h) (1) A county or municipal corporation has the authority to approve or deny any local permit required under a certificate of public convenience and necessity issued under this section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE.

(2) A county or municipal corporation shall approve or deny any local permits required under a certificate of public convenience and necessity issued under this section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE:

(i) within a reasonable time; and

(ii) to the extent local laws are not preempted by State law, in accordance with local laws.

(3) A county or municipal corporation may not condition the approval of a local permit required under a certificate of public convenience and necessity issued under this section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE on receipt of any of the following approvals for any aspect of a generating station, an overhead transmission line, or a qualified lead line proposed to be constructed under the certificate:

(i) a conditional use approval;

(ii) a special exception approval; or

(iii) a floating zone approval.

7-207.1.

(c) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity UNDER § 7-207(B)(1)(II)1 OF THIS SUBTITLE to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (b) of this section.

7-207.4.

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

(2) “DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY” OR “DGCPCN” MEANS A CERTIFICATE ISSUED BY THE COMMISSION UNDER THIS SECTION THAT AUTHORIZES THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM.

1 (3) “DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM” MEANS A
2 COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS DEFINED IN § 7-306.2 OF
3 THIS TITLE, THAT:

4 (I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC
5 CONVENIENCE AND NECESSITY UNDER § 7-207 OF THIS SUBTITLE IF THE SYSTEM
6 DOES NOT OBTAIN A DGCPCN UNDER THIS SECTION;

7 (II) HAS A CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS
8 BUT NOT MORE THAN 5 MEGAWATTS OF ALTERNATING CURRENT AS MEASURED BY
9 THE ALTERNATING CURRENT RATING OF THE SYSTEM’S INVERTER; AND

10 (III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.

11 (4) “FOREST” HAS THE MEANING STATED IN § 5-1601 OF THE
12 NATURAL RESOURCES ARTICLE.

13 (5) “POWER PLANT RESEARCH PROGRAM” MEANS THE PROGRAM
14 WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3
15 OF THE NATURAL RESOURCES ARTICLE.

16 (6) “STANDARD LICENSING CONDITIONS” MEANS THE
17 PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER
18 THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR
19 ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS
20 SECTION.

21 (7) “STANDARD SITING AND DESIGN REQUIREMENTS” MEANS THE
22 PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION
23 UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR
24 ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS
25 SECTION.

26 (B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH
27 PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT,
28 SHALL DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING
29 AND DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS
30 FOR THE ISSUANCE OF A DGCPCN.

31 (2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN
32 REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS, THE
33 POWER PLANT RESEARCH PROGRAM SHALL:

1 (I) CONSIDER ACHIEVEMENT OF THE STATE'S CLIMATE AND
2 RENEWABLE ENERGY COMMITMENTS;

3 (II) CONSIDER REASONABLE SETBACKS AND LANDSCAPE
4 SCREENING REQUIREMENTS;

5 (III) CONSIDER ENVIRONMENTAL PRESERVATION, INCLUDING
6 PROHIBITIONS ON FOREST CLEARANCE EXCEPT WHERE NECESSARY TO:

7 1. REDUCE SOLAR PANEL SHADING NEAR THE
8 PERIMETER OF THE PROJECT SITE;

9 2. FACILITATE INTERCONNECTION INFRASTRUCTURE;
10 AND

11 3. ENSURE ADEQUATE SITE ACCESS;

12 (IV) CONSIDER STORMWATER MANAGEMENT, EROSION AND
13 SEDIMENT CONTROL, AND SITE STABILIZATION, ACCOUNTING FOR:

14 1. THE EFFECTS ON RUNOFF FROM SOLAR PANELS AND
15 ASSOCIATED EQUIPMENT;

16 2. THE EFFECTS OF SOIL CHARACTERISTICS AND
17 COMPACTION ON RUNOFF; AND

18 3. THE EFFECTS OF THE GROUND COVER UNDER AND
19 BETWEEN THE SOLAR PANELS ON RUNOFF;

20 (V) CONSIDER MINIMIZATION AND MITIGATION OF THE
21 EFFECTS OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM ON HISTORIC
22 SITES;

23 (VI) CONSIDER PUBLIC SAFETY;

24 (VII) CONSIDER INDUSTRY BEST PRACTICES;

25 (VIII) CONSIDER ENSURING THE STABILITY AND RELIABILITY OF
26 THE ELECTRIC SYSTEM BY REQUIRING THE APPLICANT TO SUBMIT A SIGNED
27 INTERCONNECTION AGREEMENT WITH THE ELECTRIC COMPANY BEFORE THE
28 START OF CONSTRUCTION;

1 (IX) CONSIDER LICENSING CONDITIONS PREVIOUSLY ADOPTED
2 BY THE COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING
3 REQUIREMENTS RELATED TO DECOMMISSIONING;

4 (X) ENSURE THE STANDARD SITING AND DESIGN
5 REQUIREMENTS ARE CONSISTENT WITH § 7-218 OF THIS SUBTITLE; AND

6 (XI) CONSIDER ANY OTHER REQUIREMENTS DETERMINED
7 NECESSARY BY THE POWER PLANT RESEARCH PROGRAM.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR
9 BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT REGULATIONS TO:

10 (I) IMPLEMENT STANDARD SITING AND DESIGN
11 REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN;

12 (II) SPECIFY THE FORM OF THE APPLICATION FOR A
13 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGCPCN AND
14 ANY APPLICATION FEE;

15 (III) SPECIFY THE COMMISSION'S PROCEDURE FOR PROCESSING
16 AN APPLICATION FOR A DGCPCN; AND

17 (IV) ESTABLISH THE TIME PERIOD WITHIN WHICH THE POWER
18 PLANT RESEARCH PROGRAM MUST MAKE THE DETERMINATION UNDER
19 SUBSECTION (F) OF THIS SECTION.

20 (2) THE COMMISSION SHALL:

21 (I) CONSIDER THE PROPOSED STANDARD SITING AND DESIGN
22 REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS
23 DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN ADOPTING THE
24 REGULATIONS UNDER THIS SUBSECTION; AND

25 (II) ENSURE REGULATIONS ADOPTED TO IMPLEMENT
26 STANDARD SITING AND DESIGN REQUIREMENTS ARE CONSISTENT WITH § 7-218 OF
27 THIS SUBTITLE.

28 (3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER
29 PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS
30 REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN
31 REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN.

1 (II) THE PROCESS FOR SOLICITING PUBLIC COMMENTS UNDER
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE SAME AS THE PROCESS FOR
3 SOLICITING PUBLIC COMMENT REGARDING THE ADOPTION OF A REGULATION.

4 (4) (I) THE COMMISSION AND THE DEPARTMENT OF NATURAL
5 RESOURCES MAY JOINTLY SET AN APPLICATION FEE FOR A DGCPN APPLICATION
6 AT AN AMOUNT THAT THE COMMISSION AND THE DEPARTMENT OF NATURAL
7 RESOURCES DETERMINE MAY OFFSET THE ADMINISTRATIVE COSTS OF THE
8 DGCPN APPROVAL PROCESS THAT ARE INCURRED BY THE COMMISSION AND THE
9 DEPARTMENT OF NATURAL RESOURCES.

10 (II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF
11 THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGCPN
12 APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.

13 (D) (1) A PERSON MAY NOT BEGIN CONSTRUCTION OF A DISTRIBUTED
14 SOLAR ENERGY GENERATING SYSTEM UNLESS:

15 (i) A DGCPN IS FIRST OBTAINED FROM THE COMMISSION IN
16 ACCORDANCE WITH THIS SECTION; OR

17 (ii) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
18 IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH § 7-207 OF THIS
19 SUBTITLE.

20 (2) AT LEAST 30 DAYS BEFORE SUBMITTING AN APPLICATION FOR A
21 DGCPN TO THE COMMISSION, THE APPLICANT SHALL SUBMIT A COPY OF THE
22 APPLICATION TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE
23 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

24 (3) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGCPN TO
25 THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO THE
26 POWER PLANT RESEARCH PROGRAM.

27 (E) (1) AFTER RECEIVING AN APPLICATION FOR A DGCPN BUT
28 BEFORE A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE
29 COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD
30 A PUBLIC HEARING ON AN APPLICATION FOR A DGCPN IN EACH COUNTY IN
31 WHICH ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY
32 GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

33 (2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY
34 RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE
35 OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.

1 (F) (1) AFTER AN APPLICATION FOR A DGCPN IS FILED WITH THE
2 COMMISSION AND WITHIN THE TIME PERIOD SET BY THE COMMISSION UNDER
3 SUBSECTION (C)(1)(IV) OF THIS SECTION, THE POWER PLANT RESEARCH PROGRAM
4 SHALL:

5 (I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY
6 GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN
7 REQUIREMENTS FOR THE DGCPN; AND

8 (II) NOTIFY THE COMMISSION IN WRITING AS TO THE
9 DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING HOW AN
10 APPLICATION THAT IS DETERMINED NOT TO SATISFY THE STANDARD SITING AND
11 DESIGN REQUIREMENTS CAN CURE THE DEFICIENCY.

12 (2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
13 SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC
14 COMMENTS RECEIVED BY THE COMMISSION.

15 (G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH
16 PROGRAM MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS
17 SECTION, THE COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE
18 APPLICATION FOR A DGCPN.

19 (2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS
20 SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED
21 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD
22 SITING AND DESIGN REQUIREMENTS.

23 (II) THE COMMISSION SHALL ISSUE A DGCPN TO AN
24 APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY
25 GENERATING SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE
26 COMMISSION DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY
27 GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN
28 REQUIREMENTS.

29 (III) THE COMMISSION MAY NOT ISSUE A DGCPN TO AN
30 APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM
31 DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.

32 (3) IN MAKING A DETERMINATION UNDER THIS SUBSECTION, THE
33 COMMISSION SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION
34 UNDER SUBSECTION (E) OF THIS SECTION.

(H) (1) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION SHALL REQUIRE THE PERSON CONSTRUCTING THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO OBTAIN THE FOLLOWING PERMITS AND APPROVALS FROM THE COUNTY, MUNICIPAL CORPORATION, OR SOIL CONSERVATION DISTRICT IN WHICH THE SYSTEM IS TO BE CONSTRUCTED:

(I) SITE PLAN APPROVAL;

(II) STORMWATER MANAGEMENT PLAN APPROVAL;

(III) EROSION AND SEDIMENT CONTROL PLAN APPROVAL;

(IV) ALL APPLICABLE BUILDING AND ELECTRICAL PERMITS;

AND

(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE STANDARD LICENSING CONDITIONS.

(2) THE PROVISIONS OF § 7-207(H) OF THIS SUBTITLE SHALL APPLY TO ANY PERMITS AND APPROVALS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(I) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION HAS THE SAME FORCE AND EFFECT AS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207 OF THIS SUBTITLE.

7-218.

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

(2) “AGRIVOLTAICS” HAS THE MEANING STATED IN § 7-306.2 OF THIS TITLE.

~~(2)~~ (3) “BROWNFIELDS SITE” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

~~(3)~~ (4) “LOCAL JURISDICTION” INCLUDES COUNTIES, MUNICIPAL CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.

(5) “PRIORITY PRESERVATION AREA” MEANS AN AREA CERTIFIED AS A PRIORITY PRESERVATION AREA UNDER § 2-518 OF THE AGRICULTURE ARTICLE.

(6) (I) “PROJECT AREA” MEANS AN AREA WITHIN WHICH CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING, LANDSCAPING, AND RELATED ACTIVITIES FOR A PROJECT MAY OCCUR.

(II) “PROJECT AREA” INCLUDES ONE OR MORE CONTIGUOUS PARCELS OR PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE AGREEMENT.

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

(1) HAS THE CAPACITY TO PRODUCE MORE THAN ~~2 MEGAWATTS~~ 1 MEGAWATT OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE ~~SYSTEM’S~~ STATION’S INVERTER;

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

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

(III) IS PART OF AGGREGATE NET METERING UNDER § 7-306.3 OF THIS TITLE; AND

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

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

(1) ~~THE CONSTRUCTION HAS BEEN APPROVED BY THE COMMISSION IN ACCORDANCE WITH~~ OR, FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION’S INVERTER, THE LOCAL JURISDICTION VERIFIES THAT THE PROPOSED CONSTRUCTION MEETS ALL OF THE SITE REQUIREMENTS UNDER SUBSECTION (F) OF THIS SECTION; AND

(2) ~~(I)~~ FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION’S INVERTER:

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

(II) A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY HAS BEEN ISSUED IN ACCORDANCE WITH § 7-207.4 OF THIS SUBTITLE; OR

(III) THE CONSTRUCTION HAS BEEN APPROVED BY THE COMMISSION IN ACCORDANCE WITH § 7-207.1 OF THIS SUBTITLE; AND

(3) THE CONSTRUCTION HAS RECEIVED APPROVAL FOR ALL LOCAL PERMITS REQUIRED UNDER § 7-207(H) OF THIS SUBTITLE.

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

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

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

~~(3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE SOLAR ENERGY GENERATING 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~~

(1) A PERSON THAT SUBMITS AN APPLICATION FOR APPROVAL OF THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION IN ACCORDANCE WITH § 7-207, § 7-207.1, OR § 7-207.4 OF THIS SUBTITLE SHALL INCLUDE WITH THE APPLICATION WRITTEN DOCUMENTATION OR OTHER EVIDENCE SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF THIS SECTION.

(2) FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER, A PERSON THAT SUBMITS A SITE DEVELOPMENT PLAN TO A LOCAL JURISDICTION

1 SHALL INCLUDE WITH THE PLAN WRITTEN DOCUMENTATION OR OTHER EVIDENCE
2 SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER
3 SUBSECTIONS (F) AND (G) OF THIS SECTION.

4 ~~(F)~~ (E) (1) ~~WHEN REVIEWING AN APPLICATION FOR APPROVAL UNDER~~
5 VERIFYING WHETHER THE DOCUMENTATION PROVIDED UNDER SUBSECTION (D) OF
6 THIS SECTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF
7 THIS SECTION, THE COMMISSION OR LOCAL JURISDICTION SHALL:

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

11 ~~(2).~~ (2), IF THE PROPOSED LOCATION OF THE SOLAR ENERGY
12 GENERATING STATION IS IN AN AREA CONSIDERED TO BE OVERBURDENED AND
13 UNDERSERVED, AS DEFINED IN § 1-701 OF THE ENVIRONMENT ARTICLE, REQUIRE
14 THE PERSON CONSTRUCTING THE SOLAR ENERGY GENERATING STATION TO HOLD
15 AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITY WHERE THE SOLAR ENERGY
16 GENERATING STATION IS TO BE LOCATED TO COLLECT COMMUNITY FEEDBACK AND
17 PROVIDE OPPORTUNITIES TO ADDRESS COMMUNITY FEEDBACK.

18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
19 MEETINGS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD:

20 1. IN THE COUNTY IN WHICH THE PROPOSED SOLAR
21 ENERGY GENERATING STATION IS TO BE LOCATED; AND

22 2. WITHIN 10 MILES OF THE PROPOSED LOCATION OF
23 THE SOLAR ENERGY GENERATING STATION.

24 (II) IF THE OWNER OF A PROPOSED SOLAR ENERGY
25 GENERATING STATION CANNOT FIND A MEETING LOCATION THAT MEETS THE
26 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE OWNER MAY
27 SELECT AN ALTERNATIVE LOCATION THAT IS AS CLOSE AS PRACTICABLE TO THE
28 LOCATION OF THE PROPOSED SOLAR ENERGY GENERATING STATION.

29 (F) (1) ~~AN~~ THIS SUBSECTION DOES NOT APPLY TO AGRIVOLTAICS.

30 (2) EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION,
31 AN OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION:

32 (I) SHALL PROVIDE A BOUNDARY OF 150 FEET BETWEEN THE
33 SOLAR ENERGY GENERATING STATION AND ~~ANY OCCUPIED BUILDINGS OR~~

~~DWELLINGS NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION~~ THE NEAREST WALL OF A RESIDENTIAL DWELLING;

(II) SHALL PROVIDE A BOUNDARY OF ~~50~~ 100 FEET BETWEEN THE SOLAR ENERGY GENERATING STATION AND ~~ANY PARCELS OF LAND NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION~~ ALL PROPERTY LINES, NOT INCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A PROJECT AREA;

(III) 1. SHALL PROVIDE NONBARBED WIRE FENCING:

A. ~~AROUND THE SOLAR ENERGY GENERATING STATION~~ ONLY ON THE INTERIOR OF A LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO A SOLAR ENERGY GENERATING STATION; AND

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

C. THAT IS ONLY BLACK OR GREEN VINYL WIRE MESH IF THE OWNER PROPOSES TO USE CHAIN LINK FENCING; AND

D. THAT IS NOT LESS THAN 50 FEET AWAY FROM THE EDGE OF ANY PUBLIC ROAD RIGHT-OF-WAY; AND

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

(IV) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR VEGETATIVE SCREENING ~~IF REQUIRED BY THE LOCAL JURISDICTION.~~ IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION;

(V) EXCEPT FOR EQUIPMENT REQUIRED FOR INTERCONNECTION WITH ELECTRIC SYSTEM INFRASTRUCTURE, MAY NOT LOCATE ANY SOLAR ARRAY, ANCILLARY EQUIPMENT, OR ACCESSORY BUILDINGS OR FACILITIES WITHIN A PUBLIC ROAD RIGHT-OF-WAY;

(VI) 1. SHALL MITIGATE THE VISUAL IMPACT OF THE SOLAR ENERGY GENERATING STATION ON A PRESERVATION AREA, RURAL LEGACY AREA, PRIORITY PRESERVATION AREA, PUBLIC PARK, SCENIC RIVER OR BYWAY, DESIGNATED HERITAGE AREA, OR HISTORIC STRUCTURE OR SITE LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR RELEVANT COUNTY REGISTER OF HISTORIC PLACES; AND

2. A. FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY

1 AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL
2 INCLUDE IN THE APPLICATION SUBMITTED UNDER SUBSECTION (C)(2) OF THIS
3 SECTION A VIEWSHED ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN
4 ITEM 1 OF THIS ITEM; AND

5 B. FOR A SOLAR ENERGY GENERATING STATION THAT
6 HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY
7 AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL
8 INCLUDE IN AN APPLICATION FOR A SITE DEVELOPMENT PLAN A VIEWSHED
9 ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN ITEM 1 OF THIS ITEM;
10 AND

11 (VII) SHALL PROVIDE NOTICE OF EACH PROPOSED SOLAR
12 ENERGY GENERATING STATION TO THE EMERGENCY RESPONSE SERVICES OF EACH
13 COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION IS TO BE
14 CONSTRUCTED, INCLUDING A MAP OF THE PROPOSED GENERATING STATION AND
15 THE PROPOSED LOCATION OF ANY SOLAR COLLECTOR OR ISOLATOR SWITCH.

16 ~~(2)~~ (3) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A
17 BERM FOR A SOLAR ENERGY GENERATING STATION APPROVED UNDER THIS
18 SECTION.

19 ~~(3)~~ (4) THE BUFFER OR VEGETATIVE SCREENING REQUIRED IN
20 PARAGRAPH ~~(1)(IV)~~ (2)(IV) OF THIS SUBSECTION SHALL:

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

22 ~~(II) PROVIDE FOR FOUR SEASON VISUAL SCREENING OF THE~~
23 ~~SOLAR ENERGY GENERATING SYSTEM;~~

24 ~~(III) INCLUDE MULTILAYERED, STAGGERED ROWS OF~~
25 ~~OVERSTORY AND UNDERSTORY TREES; AND~~

26 ~~(IV) BE PLANTED WITH NOT MORE THAN 10 TREES PER 100~~
27 ~~LINEAR FEET, WITH A MAXIMUM HEIGHT AT PLANTING OF 6 FEET BE NOT MORE~~
28 ~~THAN 35 FEET WIDE;~~

29 (II) BE PROVIDED ALONG:

30 1. ALL PROPERTY LINES;

31 2. LOCATIONS OF THE EXTERIOR BOUNDARY FOR THE
32 SOLAR ENERGY GENERATING STATION WHERE EXISTING WOODED VEGETATION OF
33 50 FEET OR MORE IN WIDTH DOES NOT EXIST; OR

1 3. AN ALTERNATIVE LOCATION WITHIN THE BOUNDARY
2 FOR THE SOLAR ENERGY GENERATING STATION IF THE OWNER DEMONSTRATES
3 THAT THE ALTERNATIVE LOCATION WOULD MAXIMIZE THE VISUAL SCREENING;

4 (III) PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE
5 SOLAR ENERGY GENERATING STATION;

6 (IV) BE PLACED BETWEEN ANY FENCING AND THE PUBLIC VIEW;

7 (V) INCLUDE MULTILAYERED, STAGGERED ROWS OF
8 OVERSTORY AND UNDERSTORY TREES AND SHRUBS THAT:

9 1. ARE A MIXTURE OF EVERGREEN AND DECIDUOUS
10 VEGETATION;

11 2. ARE PREDOMINANTLY NATIVE TO THE REGION;

12 3. ARE MORE THAN 4 FEET IN HEIGHT AT PLANTING;

13 4. ARE DESIGNED TO PROVIDE SCREENING OR
14 BUFFERING WITHIN 5 YEARS OF PLANTING;

15 5. MAY NOT BE TRIMMED TO STUNT UPWARD OR
16 OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL
17 SCREEN;

18 6. CONFORM TO THE PLANT SIZE SPECIFICATIONS
19 ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1);
20 AND

21 7. ARE SPECIFIED IN A LANDSCAPING PLAN PREPARED
22 BY A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT;

23 (VI) BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS
24 AS PRACTICABLE AND BEFORE THE ACTIVATION OF THE PROPOSED SOLAR ENERGY
25 GENERATING STATION;

26 (VII) PRESERVE TO THE MAXIMUM EXTENT PRACTICABLE AND
27 SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY, ANY FOREST OR
28 HEDGEROW THAT EXISTS AT A LOCATION WHERE VISUAL SCREENING OR
29 LANDSCAPE BUFFERING IS REQUIRED; AND

1 **(VIII) SHALL BE MAINTAINED WITH A 90% SURVIVAL THRESHOLD**
2 **FOR THE LIFE OF THE SOLAR ENERGY GENERATING STATION THROUGH A**
3 **MAINTENANCE AGREEMENT THAT INCLUDES A WATERING PLAN.**

4 ~~(4)~~ **(5)** **WITH RESPECT TO THE SITE ON WHICH A SOLAR ENERGY**
5 **GENERATING STATION IS PROPOSED FOR CONSTRUCTION, THE OWNER OF THE**
6 **SOLAR ENERGY GENERATING STATION:**

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

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

11 **(III) TO MAINTAIN SOIL INTEGRITY, SHALL PLANT NATIVE OR**
12 **NONINVASIVE NATURALIZED VEGETATION AND OTHER APPROPRIATE VEGETATIVE**
13 **PROTECTIONS THAT HAVE A 90% SURVIVAL THRESHOLD FOR THE ~~FIRST 3 YEARS OF~~**
14 **THE LIFE OF THE SOLAR ENERGY GENERATING STATION;**

15 **(IV) SHALL LIMIT MOWING AND OTHER UNNECESSARY**
16 **LANDSCAPING;**

17 **(V) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE**
18 **SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED**
19 **CONTROL PROGRAM; AND**

20 **(VI) SHALL POST FOR THE FIRST ~~3~~ 5 YEARS OF THE LIFE OF THE**
21 **SOLAR ENERGY GENERATING STATION A LANDSCAPING BOND EQUAL TO ~~50%~~ 100%**
22 **OF THE TOTAL LANDSCAPING COST WITH THE COUNTY IN WHICH THE SOLAR ENERGY**
23 **GENERATING STATION IS LOCATED.**

24 ~~(5)~~ **(6)** **(I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
25 **PARAGRAPH, A LOCAL JURISDICTION SHALL HOLD ANY LANDSCAPING BOND**
26 **REQUIRED UNDER PARAGRAPH (5)(VI) OF THIS SUBSECTION FOR 5 YEARS.**

27 **(II) A LOCAL JURISDICTION SHALL RELEASE 50% OF THE**
28 **LANDSCAPING BOND IF, ON INSPECTION, THE VEGETATIVE PROTECTIONS MEET A**
29 **90% SURVIVAL THRESHOLD.**

30 **(III) FOLLOWING THE RELEASE OF A LANDSCAPING BOND**
31 **UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REMAINING LANDSCAPING**
32 **BOND SHALL BE HELD FOR AN ADDITIONAL 2 YEARS AND, ON FURTHER INSPECTION**
33 **AND CONFIRMATION THAT THE VEGETATIVE PROTECTIONS CONTINUE TO MEET A**
34 **90% SURVIVAL THRESHOLD, SHALL BE RELEASED.**

(7) 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.

(8) (I) THIS PARAGRAPH DOES NOT APPLY TO:

1. EQUIPMENT NECESSARY FOR INTERCONNECTION WITH THE ELECTRIC SYSTEM; OR

2. SOLAR ENERGY GENERATING STATIONS LOCATED ON LAND THAT IS ALSO USED FOR AGRICULTURAL PURPOSES.

(II) A PROPOSED SOLAR ENERGY GENERATING STATION AND ANY ACCESSORY STRUCTURES ASSOCIATED WITH THE STATION MUST HAVE AN AVERAGE HEIGHT OF NOT MORE THAN 15 FEET.

(9) SETBACKS FOR SOLAR ENERGY GENERATING STATIONS:

(I) SHALL BE MEASURED FROM THE PROPERTY BOUNDARY TO THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT ELECTRICITY; AND

(II) MAY NOT APPLY TO ANY INTERCONNECTION TIE LINE OR FACILITY THAT CONNECTS A SOLAR ENERGY GENERATING STATION TO THE ELECTRIC SYSTEM.

(10) (I) THE OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION MAY PROVIDE TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN DOCUMENTATION OF A SITING AGREEMENT:

1. ENTERED INTO WITH THE COUNTY IN WHICH THE PROPOSED SOLAR ENERGY GENERATING STATION IS TO BE LOCATED; AND

2. THAT PROVIDES LESS STRINGENT RESTRICTIONS THAN THOSE SPECIFIED UNDER THIS SUBSECTION.

(II) IF A PROPOSED SOLAR ENERGY GENERATING STATION PROVIDES TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN DOCUMENTATION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PROPOSED SOLAR ENERGY GENERATING STATION SHALL BE CONSIDERED AS MEETING THE REQUIREMENTS OF THIS SUBSECTION.

(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%~~ 125% OF THE ESTIMATED FUTURE 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~~ EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, 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:

(I) EXPEDITE THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING STATIONS IF THOSE PLANS MEET THE REQUIREMENTS OF THIS SECTION; AND

(II) FOR SOLAR ENERGY GENERATING STATIONS WITH A GENERATING CAPACITY OF NOT MORE THAN 5 MEGAWATTS, AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S INVERTER, PROCESS THE SITE DEVELOPMENT PLAN APPLICATION AS A PERMITTED USE SUBJECT TO THE REVIEW STANDARDS IN § 4-205 OF THE LAND USE ARTICLE.

(3) A GROUND MOUNTED SOLAR ENERGY GENERATING STATION WITH A GENERATING CAPACITY OF MORE THAN 5 MEGAWATTS, AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S INVERTER, MAY NOT BE LOCATED ON ANY LOT, PARCEL, OR TRACT OF LAND THAT, AS OF JANUARY 1, 2025, IS LOCATED WITHIN:

(I) A TIER 1 OR TIER 2 MAPPED LOCALLY DESIGNATED GROWTH AREA ADOPTED UNDER § 1-506 OF THE LAND USE ARTICLE;

(II) A MEDIUM DENSITY RESIDENTIAL AREA OR HIGH DENSITY RESIDENTIAL AREA, AS DEFINED IN § 5-1601 OF THE NATURAL RESOURCES ARTICLE; OR

(III) A MIXED-USE AREA WITH A RESIDENTIAL COMPONENT.

(4) (I) THE TOTAL COMBINED NUMBER OF SOLAR ENERGY GENERATING STATIONS THAT MAY BE APPROVED FOR CONSTRUCTION IN A PRIORITY PRESERVATION AREA THAT WAS ESTABLISHED BEFORE JANUARY 1, 2025, SHALL:

1. BE LIMITED IN AREA TO 5% OF THE TOTAL ACREAGE OF THE PRIORITY PRESERVATION AREA;

2. BE LOCATED IN THE PROJECT AREA WITHIN THE PRIORITY PRESERVATION AREA; AND

3. MEET ALL REQUIREMENTS UNDER THIS SECTION.

(II) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO THE REMAINING 95% OF A PRIORITY PRESERVATION AREA ONCE THE 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN ACHIEVED FOR THE PRIORITY PRESERVATION AREA.

(III) A COUNTY SHALL REPORT TO THE COMMISSION WHEN THE 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN ACHIEVED FOR A PRIORITY PRESERVATION AREA.

~~(1) (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 MEGAWATT OF ENERGY GENERATED FROM THE SOLAR ENERGY GENERATING STATION.~~

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

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

3 (2) “ENERGY STORAGE DEVICE” HAS THE MEANING STATED IN §
4 7-216 OF THIS SUBTITLE.

5 (3) “LOCAL JURISDICTION” INCLUDES COUNTIES, MUNICIPAL
6 CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.

7 (B) A PERSON MAY NOT BEGIN CONSTRUCTION OF ~~AN~~ A
8 FRONT-OF-THE-METER ENERGY STORAGE DEVICE UNLESS THE CONSTRUCTION
9 HAS BEEN APPROVED BY THE COMMISSION IN ACCORDANCE WITH REGULATIONS
10 ADOPTED UNDER THIS SECTION.

11 (C) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF THE
12 CONSTRUCTION OF ~~ENERGY STORAGE DEVICES~~ A FRONT-OF-THE-METER ENERGY
13 STORAGE DEVICE UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE
14 IMMEDIATE NOTICE OR REQUIRE THE APPLICANT TO PROVIDE IMMEDIATE NOTICE
15 OF THE APPLICATION TO:

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

19 (2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL
20 CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY
21 STORAGE DEVICE;

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

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

28 (5) ~~THE RESIDENTS AND OWNERS OF PROPERTY THAT IS~~ AFFECTED
29 COMMUNITIES THAT ARE WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE
30 ENERGY STORAGE DEVICE.

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

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

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

~~(3)~~ (2) EXEMPT ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE DEVICE THAT IS LOCATED WITHIN THE BOUNDARIES OF AN EXISTING ELECTRICITY GENERATING STATION FROM THE MEETING REQUIREMENTS OF THIS SUBSECTION.

(E) (1) AN OWNER OF A PROPOSED FRONT-OF-THE-METER ENERGY STORAGE DEVICE THAT WILL NOT BE CONSTRUCTED AT A COMMERCIAL OR INDUSTRIAL LOCATION:

(I) 1. SHALL PROVIDE NONBARBED WIRE FENCING:

A. AROUND THE ENERGY STORAGE DEVICE; 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

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

(2) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A BERM FOR ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE DEVICE APPROVED UNDER THIS SECTION.

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

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

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

(4) WITH RESPECT TO THE SITE ON WHICH ~~AN~~ A
FRONT-OF-THE-METER ENERGY STORAGE DEVICE IS PROPOSED FOR
CONSTRUCTION, THE OWNER OF THE ENERGY STORAGE DEVICE:

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

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

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

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

(I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS
THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF FRONT-OF-THE-METER
ENERGY STORAGE DEVICES; OR

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

(2) A LOCAL JURISDICTION SHALL:

(I) EXPEDITE THE REVIEW AND APPROVAL OF SITE
DEVELOPMENT PLANS FOR FRONT-OF-THE-METER ENERGY STORAGE DEVICES IF
THOSE PLANS MEET THE REQUIREMENTS OF THIS SECTION; AND

(II) ADOPT STANDARD PROCESSES FOR THE REVIEW AND
APPROVAL OF SITE DEVELOPMENT PLANS FOR THE CONSTRUCTION OF
FRONT-OF-THE-METER ENERGY STORAGE DEVICES.

(G) THE COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENTS UNDER
SUBSECTIONS (C), (D), AND (E) OF THIS SECTION FOR GOOD CAUSE.

(H) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
SECTION.

7-306.2.

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

(2) (I) "Agrivoltaics" means the simultaneous use of areas of land;

1 **1. THAT ARE MAINTAINED IN AGRICULTURAL USE IN**
2 **ACCORDANCE WITH COMAR 18.02.03 OR THE MARYLAND ASSESSMENT**
3 **PROCEDURES MANUAL; AND**

4 **2.** for both solar power generation and:

5 ~~(i)~~ **A.** raising grains, fruits, herbs, melons, mushrooms, nuts,
6 seeds, tobacco, or vegetables;

7 ~~(ii)~~ **B.** raising poultry, including chickens and turkeys, for meat
8 or egg production;

9 ~~(iii)~~ **C.** dairy production, such as the raising of milking cows;

10 ~~(iv)~~ **D.** raising livestock, including cattle, sheep, goats, or pigs;

11 ~~(v)~~ **E.** horse boarding, breeding, or training;

12 ~~(vi)~~ **F.** turf farming;

13 ~~(vii)~~ **G.** raising ornamental shrubs, plants, or flowers, including
14 aquatic plants;

15 ~~(viii)~~ **H.** aquaculture;

16 ~~(ix)~~ **I.** silviculture; or

17 ~~(x)~~ **J.** any other activity recognized ~~by the Department of~~
18 ~~Agriculture~~ as an agricultural activity **UNDER COMAR 18.02.03 OR THE MARYLAND**
19 **ASSESSMENT PROCEDURES MANUAL.**

20 **(II) “AGRIVOLTAICS” DOES NOT INCLUDE THE SIMULTANEOUS**
21 **USE OF AREAS OF LAND FOR BOTH SOLAR POWER GENERATION AND:**

22 **1. APIARIES; OR**

23 **2. POLLINATOR HABITAT.**

24 ~~(3) “AUTOMATIC ENROLLMENT PROJECT” MEANS A COMMUNITY~~
25 ~~SOLAR ENERGY GENERATING SYSTEM;~~

26 ~~(4) IN WHICH ALL OR A PORTION OF THE SUBSCRIBERS ARE~~
27 ~~AUTOMATICALLY ENROLLED; AND~~

~~(H) 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)~~ (3) “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.

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

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

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

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

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

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

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

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

(viii) may be owned by any person; and

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

1 ~~[(5)] (6)~~ “Consolidated billing” means a payment mechanism that
2 requires an electric company to, at the request of a subscriber organization or subscription
3 coordinator:

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

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

9 ~~[(6)] (7)~~ “Critical area” has the meaning stated in § 8–1802 of the Natural
10 Resources Article.

11 ~~[(7)] (8)~~ “LMI subscriber” means a subscriber that:

12 (i) is low-income;

13 (ii) is moderate-income; or

14 (iii) resides in a census tract that is [an]:

15 1. AN overburdened community; and

16 2. AN underserved community.

17 ~~(9) “LOCAL GOVERNMENT” MEANS:~~

18 ~~(I) A COUNTY; OR~~

19 ~~(II) A MUNICIPAL CORPORATION.~~

20 ~~[(8)] (10)~~ “Low-income” means:

21 (i) having an annual household income that is at or below 200% of
22 the federal poverty level; or

23 (ii) being certified as eligible for any federal, State, or local
24 assistance program that limits participation to households whose income is at or below
25 200% of the federal poverty level.

26 ~~[(9)] (11)~~ “Moderate-income” means having an annual household income
27 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I) AUTOMATIC ENROLLMENT SUBSCRIBERS MUST BE
RESIDENTIAL CUSTOMERS, INCLUDING CUSTOMERS RESIDING IN MULTIFAMILY
DWELLING UNITS;~~

~~(II) AT LEAST 51% OF AUTOMATIC ENROLLMENT SUBSCRIBERS
MUST BE LMI SUBSCRIBERS;~~

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

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

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

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

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

~~(I) THE LOCATION OF THE PROSPECTIVE SUBSCRIBER IN AN OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY;~~

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

~~(III) ANY OTHER METHOD SELECTED BY THE LOCAL GOVERNMENT.~~

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

~~(7) THE NOTICE REQUIRED IN PARAGRAPH (6) OF THIS SUBSECTION SHALL INCLUDE:~~

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

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

~~(III) AN EXPLANATION OF THE CONSOLIDATED BILLING PROCEDURES OF THE AUTOMATIC ENROLLMENT PROJECT;~~

~~(IV) DETAILED INSTRUCTIONS ON HOW TO SUBMIT AN OPT OUT REQUEST; AND~~

~~(v) A CONTACT NAME, PHONE NUMBER, AND E-MAIL ADDRESS
FOR SUBSCRIBER INQUIRIES AND COMPLAINTS.~~

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

~~(i) PROVIDING ACCESS TO:~~

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

~~2. POINT OF SERVICE DELIVERY FOR CUSTOMERS
THAT MAY BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT
PROJECT;~~

~~3. PARTICIPATION IN ENERGY ASSISTANCE PROGRAMS;~~

~~4. SUBSCRIPTIONS TO COMMUNITY SOLAR ENERGY
GENERATING SYSTEMS;~~

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

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

~~(ii) ENROLLING THE CUSTOMERS IDENTIFIED BY THE LOCAL
GOVERNMENT OR ITS DESIGNEE AS SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT
PROJECT AT THE SUBSCRIPTION SIZE IDENTIFIED BY THE LOCAL GOVERNMENT OR
ITS DESIGNEE.~~

~~(9) THE ENROLLMENT AND MANAGEMENT OF AUTOMATIC
ENROLLMENT SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT PROJECT IS NOT
SUBJECT TO COMAR 20.62.05.~~

~~7-320.~~

~~(A) THIS SECTION APPLIES ONLY TO RESIDENTIAL ROOFTOP SOLAR
ENERGY GENERATING SYSTEMS.~~

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

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

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

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

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

(C) ~~THE COMMISSION AND THE MARYLAND ENERGY ADMINISTRATION~~
MARYLAND DEPARTMENT OF LABOR SHALL:

(1) ~~DEVELOP TECHNICAL SAFETY STANDARDS~~ A SPECIAL SOLAR CONTRACTOR LICENSE FOR THE INSTALLATION AND MAINTENANCE OF RESIDENTIAL ROOFTOP SOLAR ENERGY GENERATING SYSTEMS; AND

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

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

Article – State Government

9-2017.

(A) ON OR BEFORE DECEMBER 1, 2025, TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE, THE DEPARTMENT OF NATURAL RESOURCES, IN CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING, SHALL UPDATE THE PUBLICLY AVAILABLE SMARTDG+ TOOL TO INCLUDE STATE-OWNED LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT.

(B) ON OR BEFORE DECEMBER 1, 2026, THE DEPARTMENT OF NATURAL RESOURCES, IN CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING, SHALL ANALYZE LAND OWNED BY THE STATE TO IDENTIFY LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall conduct a study to establish a process by which the Commission may establish power purchase agreements, partnerships between electric companies and electricity suppliers, or other procurement models for electricity generation projects.

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

(1) include a method for determining whether ~~a partnership for a generating station~~ any of the procurement models specified in subsection (a) of this section will contribute to resource adequacy by increasing by 100 megawatts or more the electricity supply in the State that is accredited by PJM Interconnection, LLC;

(2) require that a generating station constructed ~~by a partnership~~ under any of the procurement models specified in subsection (a) of this section be connected to the electric distribution system in the State;

(3) require that ~~the~~ an electricity supplier in a partnership with an electric company construct the generating station;

(4) require that ~~the~~ an electricity supplier and electric company ~~in a partnership~~ using a procurement model specified in subsection (a) of this section jointly seek and receive a positive credit rating assessment from a credit rating agency;

(5) require that the Public Service Commission expedite all proceedings for the review and approval of a certificate of public convenience and necessity for a generating station proposed ~~by a partnership~~ under any of the procurement models specified in subsection (a) of this section and prioritize these proceedings, if necessary, over other matters;

(6) require that the Public Service Commission take final action on a certificate of public convenience and necessity for a generating station proposed ~~by a partnership~~ under any of the procurement models specified in subsection (a) of this section not later than 180 days after the Public Service Commission determines that the ~~generating station qualifies as a partnership to~~ procurement model will provide resource adequacy;

(7) require a State agency or other person to submit any filing to intervene in an application for a certificate of public convenience and necessity for a generating station proposed ~~by a partnership~~ under any of the procurement models specified in subsection (a) of this section no later than 90 days after the Public Service Commission determines that the ~~proposed generating station qualifies as a partnership to~~ procurement model will provide resource adequacy;

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

(9) require an electric company to expedite any processes needed to connect a generating station proposed ~~by a partnership~~ under any of the procurement models specified in subsection (a) of this section to the electric transmission system; and

(10) identify the potential rate impact and prioritize ~~potential partnerships~~ procurement models specified in subsection (a) of this section that have little or no impact on customer rates.

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

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

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall conduct a study on the feasibility of and technical barriers to establishing within the Commission a community solar automatic enrollment program for local jurisdictions.

(b) In conducting the study under subsection (a) of this section, the Commission shall consider:

(1) how low- to moderate-income subscribers would be subscribed under the program;

(2) whether subscribers automatically enrolled in the program should receive a bill credit;

(3) how to ensure that local jurisdictions comply with all parameters of the program; and

(4) any necessary notification requirements and consumer protections that the program should have.

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

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not be applied or interpreted to have any effect on or application to the construction or modification of a solar energy generating system that was submitted for a certificate of public convenience and necessity from the Public Service Commission or a required permit from a local government before July 1, 2025.

SECTION 6. AND BE IT FURTHER ENACTED, That the meeting and notification requirements that a proposed solar energy generating system must satisfy under Section 1 of this Act shall be deemed to be satisfied for a proposed solar energy generating system whose owner, operator, or other person responsible for the system has, on or before June 30, 2025, and in accordance with an existing entitlement process, sent notifications to or held meetings in the overburdened community or underserved community in which the system is proposed to be located.

SECTION 7. AND BE IT FURTHER ENACTED, That provisions relating to § 7-207.4 of the Public Utilities Article in Section 1 of this Act may not be applied or interpreted to have any effect on or application to the construction or modification of any solar energy generating system for which a certificate of public convenience and necessity or other required approval was obtained before the effective date of the regulations adopted by the Public Service Commission under § 7-207.4(c) of the Public Utilities Article, as enacted by Section 1 of this Act.

SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.