

SB0001/833524/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 1  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “State;” insert “prohibiting an electricity supplier or other owner of a certain generating station from entering into a certain contract with a commercial or industrial customer;”.

On page 2, in line 11, before “requiring” insert “requiring the Commission to hold certain proceedings to set the price of electricity marketed as green power under certain circumstances;”; in line 22, strike “(ee),”; in the same line, after “(b),” insert “7-701(a) and (m).”; in line 28, after “7-318,” insert “7-506.1.”; and in line 34, after “Section” insert “1-101(ee).”.

AMENDMENT NO. 2

On page 5, in line 28, after “occupants” insert “IF:”

**1. THE PROVISION OF ELECTRICITY AND ELECTRICITY SUPPLY SERVICES IS INCIDENTAL TO THE OCCUPANCY OF THE BUILDING; AND**

**2. ELECTRICITY GENERATION IS NOT THE PRIMARY BUSINESS OR OPERATION OF THE OWNER OR OPERATOR OF THE GENERATING FACILITY PROVIDING THE ELECTRICITY AND ELECTRICITY SUPPLY SERVICES;**

in line 29, strike “who” and substitute “THAT”; and in line 30, after “tenants” insert “IF:”

1. THE PROVISION OF ELECTRICITY AND ELECTRICITY SUPPLY SERVICES IS INCIDENTAL TO THE TENANCY OF THE BUILDING; AND

2. ELECTRICITY GENERATION IS NOT THE PRIMARY BUSINESS OR OPERATION OF THE PERSON THAT GENERATES ON-SITE GENERATED ELECTRICITY”.

On page 10 in line 3, and on page 38 in line 17, in each instance, strike “THAT SUPPLIES” and substitute “WHEN SUPPLYING”.

On page 10, in line 28, strike “AN” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN”; and in the same line, strike “AND” and substitute “OR”.

On page 11, after line 4, insert:

“(D) THE COMMISSION MAY, BY REGULATION, ADOPT CRITERIA FOR REVIEWING MARKETING AND OTHER COMMUNICATION MATERIALS OF AN ELECTRIC COMPANY OR A GAS COMPANY TO DETERMINE WHETHER THE COST OF THE MATERIALS MAY BE RECOVERED THROUGH THE COMPANY’S RATES.”.

On page 13, after line 28, insert:

“7-506.1.

(A) THIS SECTION DOES NOT APPLY TO THE USE OF ELECTRICITY FROM AN ON-SITE GENERATING STATION THAT HAS BEEN APPROVED UNDER § 7-207.1 OF THIS TITLE.

**(B) EXCEPT AS PROVIDED BY FEDERAL LAW, AN ELECTRICITY SUPPLIER OR OTHER OWNER OF A GENERATING STATION MAY NOT ENTER INTO A CONTRACT FOR THE PROVISION OF THE DIRECT SUPPLY OF ELECTRICITY TO A COMMERCIAL OR INDUSTRIAL CUSTOMER IN A WAY THAT BYPASSES:**

**(1) INTERCONNECTION WITH THE ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS; OR**

**(2) THE DISTRIBUTION SERVICES OF AN ELECTRIC COMPANY.”.**

On page 26, in line 7, after “**(10)**” insert “**(I) THIS PARAGRAPH DOES NOT APPLY TO A MEMBER-REGULATED COOPERATIVE AS DEFINED IN § 5-601 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

**(II)**”.

AMENDMENT NO. 3

On page 37, before line 1, insert:

“7-701.

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

(m) “Renewable energy credit” or “credit” means a credit equal to the generation attributes of 1 megawatt-hour of electricity that is derived from a Tier 1 renewable source or a Tier 2 renewable source that is located:

(1) in the PJM region;

(2) outside the area described in item (1) of this subsection but in a control area that is adjacent to the PJM region, if the electricity is delivered into the PJM region; or

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(3) on the outer continental shelf of the Atlantic Ocean in an area that:

(i) the United States Department of the Interior designates for leasing after coordination and consultation with the State in accordance with § 388(a) of the Energy Policy Act of 2005; and

(ii) is between 10 and 80 miles off the coast of the State.”.

On page 38, in line 11, strike “, “ELECTRICITY SUPPLIER” DOES NOT INCLUDE:” and substitute “, “GREEN POWER” MEANS ENERGY SOURCES OR RENEWABLE ENERGY CREDITS THAT ARE MARKETED AS CLEAN, GREEN, ECO-FRIENDLY, ENVIRONMENTALLY FRIENDLY OR RESPONSIBLE, CARBON-FREE, RENEWABLE, 100% RENEWABLE, 100% WIND, 100% HYDRO, 100% SOLAR, 100% EMISSION-FREE, OR SIMILAR CLAIMS.

**(B) THIS SECTION DOES NOT APPLY TO:”;**

in line 19, strike “**(B)**” and substitute “**(C)**”; in the same line, strike “**(1)**”; in lines 22, 27, 28, and 31, strike “**(I)**”, “**1.**”, “**2.**”, and “**(II)**”, respectively, and substitute “**(1)**”, “**(I)**”, “**(II)**”, and “**(2)**”, respectively; in line 24, after “ELECTRICITY” insert “BEING”; in line 30, strike “AND”; and in line 32, after “POWER” insert “IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION; AND

**(3) THE ELECTRICITY SUPPLIER SUBMITS AN APPLICATION TO THE COMMISSION THAT:**

**(1) DESCRIBES THE ELECTRICITY BEING MARKETED AS GREEN POWER, INCLUDING THE GREEN POWER SOURCE AND PERCENTAGE OF THE ELECTRICITY THAT IS GREEN POWER;**

(II) DESCRIBES HOW THE GREEN POWER COMPLIES WITH STATE LAW AND REGULATIONS; AND

(III) INCLUDES ANY OTHER INFORMATION THE COMMISSION CONSIDERS NECESSARY”.

On page 39, strike in their entirety lines 1 through 11, inclusive, and substitute:

“(D) (1) THE PRICE APPROVED BY THE COMMISSION UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE DETERMINED THROUGH:

(I) A PROCEEDING HELD IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; OR

(II) A PROCEEDING HELD IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(2) (I) EACH YEAR THE COMMISSION SHALL HOLD A PROCEEDING TO SET A PRICE PER MEGAWATT-HOUR FOR ELECTRICITY MARKETED AS GREEN POWER UNDER THIS SECTION THAT MAY NOT BE EXCEEDED BY AN ELECTRICITY SUPPLIER EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

(II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE PRICE SET BY THE COMMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY:

1. EXCEED THE MAXIMUM PRICE PER MEGAWATT-HOUR THAT IS AUTHORIZED UNDER § 7-510(D)(2)(I) OF THIS TITLE; AND

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2. DIFFER BASED ON THE AMOUNT AND SOURCE OF THE ELECTRICITY GENERATION.

(III) DURING A PROCEEDING HELD UNDER SUBPARAGRAPH (I) OF THIS SUBSECTION, THE COMMISSION:

1. SHALL CONSIDER:

A. THE PRICE OF THE ENERGY PURCHASED, INCLUDING THE TOTAL COST OF THE RENEWABLE ENERGY CREDITS;

B. THE AMOUNT OF ELECTRICITY THAT IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD;

C. THE STATE IN WHICH THE ELECTRICITY WAS GENERATED; AND

D. APPLICABLE MARKET DATA; AND

2. MAY CONSIDER WHETHER THE PURCHASE OF RENEWABLE ENERGY CREDITS WAS BUNDLED WITH A POWER PURCHASE AGREEMENT FROM THE ENERGY SOURCES ASSOCIATED WITH THE CREDIT.

(3) (I) ON REQUEST BY AN ELECTRICITY SUPPLIER, THE COMMISSION SHALL HOLD A PROCEEDING TO SET A PRICE PER MEGAWATT-HOUR FOR ELECTRICITY MARKETED AS GREEN POWER FOR THAT ELECTRICITY SUPPLIER.

(II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AT A PROCEEDING HELD UNDER THIS PARAGRAPH THE COMMISSION MAY SET A PRICE

PER MEGAWATT-HOUR THAT IS HIGHER THAN THE PRICE DETERMINED IN THE PROCEEDING HELD UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR AN ELECTRICITY SUPPLIER IF:

1. THE ELECTRICITY SUPPLIER DEMONSTRATES TO THE COMMISSION'S SATISFACTION, BASED ON AN INDEPENDENT THIRD-PARTY AUDIT, THAT THE ACTUAL COST TO THE ELECTRICITY SUPPLIER FOR THE GENERATION OR SUPPLY OF ELECTRICITY EXCEEDS THAT OF THE PRICE DETERMINED THROUGH THE PROCEEDING HELD IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION;

2. THE INCREASED PRICE REFLECTS ONLY THE COST OF THE ELECTRICITY MARKETED AS GREEN POWER AND IS NOT ASSOCIATED WITH ANY OF THE ELECTRICITY SUPPLIER'S OTHER COSTS; AND

3. THE ELECTRICITY SUPPLIER DEMONSTRATES TO THE COMMISSION'S SATISFACTION THAT THE ELECTRICITY SUPPLIER HAS A SIGNIFICANT LONG-TERM INVESTMENT IN RENEWABLE ENERGY THAT MEETS THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER § 7-703 OF THIS SUBTITLE.

(iii) DURING A PROCEEDING HELD UNDER THIS PARAGRAPH, THE COMMISSION SHALL CONSIDER:

1. WHETHER THE PURCHASE OF RENEWABLE ENERGY CREDITS WAS BUNDLED WITH A POWER PURCHASE AGREEMENT FROM THE ENERGY SOURCES ASSOCIATED WITH THE CREDIT;

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2. THE PRICE OF THE ENERGY PURCHASED, INCLUDING THE TOTAL COST OF THE RENEWABLE ENERGY CREDITS OR POWER PURCHASE AGREEMENTS;

3. THE AMOUNT OF ELECTRICITY THAT IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD;

4. THE STATE IN WHICH THE ELECTRICITY WAS GENERATED; AND

5. APPLICABLE MARKET DATA.

(4) (i) A PRICE APPROVED BY THE COMMISSION UNDER THIS SUBSECTION MAY NOT EXCEED 150% OF THE MAXIMUM PRICE PER MEGAWATT-HOUR THAT IS AUTHORIZED UNDER § 7-510(D)(2)(I) OF THIS TITLE UNLESS THE COMMISSION DETERMINES THAT THE ACTUAL COST OF THE GREEN POWER EXCEEDS THAT AMOUNT.

(ii) WITHIN 120 DAYS AFTER APPROVING A PRICE FOR GREEN POWER THAT EXCEEDS 150% OF THE MAXIMUM PRICE PER MEGAWATT-HOUR THAT IS AUTHORIZED UNDER § 7-510(D)(2)(I) OF THIS TITLE, AND ANNUALLY FOR AS LONG AS THE PRICE EXCEEDS THAT AMOUNT, THE COMMISSION SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT:

1. DEMONSTRATES THAT THE APPROVED PRICE REPRESENTS ONLY THE ACTUAL PRICE OF THE GREEN POWER; AND



2. INCLUDES THE COMMISSION'S ORDER AUTHORIZING THE PRICE OF THE GREEN POWER.

(III) IF THE COMMISSION HAS APPROVED FOR 3 CONSECUTIVE YEARS A PRICE FOR GREEN POWER THAT EXCEEDS 150% OF THE MAXIMUM PRICE PER MEGAWATT-HOUR THAT IS AUTHORIZED UNDER § 7-510(D)(2)(I) OF THIS TITLE, THE COMMISSION SHALL INCLUDE IN THE ANNUAL REPORT REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH:

1. INFORMATION ON MARKET CONDITIONS THAT NECESSITATE THE APPROVED PRICE OF THE GREEN POWER THAT EXCEEDS 150% OF THE MAXIMUM PRICE PER MEGAWATT-HOUR THAT IS AUTHORIZED UNDER § 7-510(D)(2)(I) OF THIS TITLE; AND

2. A RECOMMENDATION OF WHETHER TO INCREASE THE LIMITATION ON THE MAXIMUM PRICE OF GREEN POWER ABOVE WHICH THE COMMISSION IS REQUIRED TO MAKE A DETERMINATION UNDER THIS PARAGRAPH.

(5) THE COMMISSION:

(I) SHALL ANNUALLY REVIEW A PRICE APPROVED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(II) MAY, ON ITS OWN INITIATIVE, OR ON PETITION BY THE OFFICE OF PEOPLE'S COUNSEL, REQUIRE AN ELECTRICITY SUPPLIER OFFERING GREEN POWER UNDER A PRICE ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO DEMONSTRATE THAT THE PRICE CONTINUES TO MEET THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.”;

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in line 12, strike “**(C)**” and substitute “**(E)**”; and strike beginning with “**AS**” in line 15 down through “**REGION**” in line 27.

On page 40, in line 4, after “**CREDIT**” insert “**AN ELECTRICITY SUPPLIER PURCHASES UNDER PARAGRAPH (1) OF THIS SUBSECTION**”; and in lines 7 and 29, strike “**(D)**”, “**(E)**”, and “**(D)**”, respectively, and substitute “**(F)**”, “**(G)**”, and “**(F)**”, respectively.

On page 41, after line 11, insert:

**“(H) THE COMMISSION, IN ITS DISCRETION, MAY DETERMINE WHETHER AN ELECTRICITY SUPPLIER IS MARKETING ELECTRICITY IN ACCORDANCE WITH THIS SECTION.”**

On page 42, in line 27, after “(2)” insert “**(i)**”; and in line 30, after “Act;” insert “**and**

**(ii) the Department of Budget and Management shall include the two PINs created under item (i) of this item in the Commission’s budget for fiscal year 2025.”**