

## Chapter 574

(House Bill 821)

AN ACT concerning

### Net Energy Metering – Fuel Cell

FOR the purpose of including, among the list of eligible customer–generators that are eligible for net energy metering, a customer that uses a certain fuel cell electric generating facility that meets certain conditions; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,  
Article – Public Utility Companies  
Section 7–306(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Utility Companies  
Section 7–306(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

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

### Article – Public Utility Companies

7–306.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Biomass” means “qualified biomass” as defined in § 7–701 of this title.
- (3) “Eligible customer–generator” means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, **FUEL CELL**, or wind electric generating facility that:
- (i) is located on the customer’s premises or contiguous property;

(ii) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and

(iii) is intended primarily to offset all or part of the customer's own electricity requirements.

(4) **“FUEL CELL” MEANS AN ELECTRIC GENERATING FACILITY THAT:**

**(I) INCLUDES INTEGRATED POWER PLANT SYSTEMS CONTAINING A STACK, TUBULAR ARRAY, OR OTHER FUNCTIONALLY SIMILAR CONFIGURATION USED TO ELECTROCHEMICALLY CONVERT FUEL TO ELECTRIC ENERGY; AND**

**(II) MAY INCLUDE:**

**1. AN INVERTER AND FUEL PROCESSING SYSTEM;**  
AND

**2. OTHER PLANT EQUIPMENT TO SUPPORT THE PLANT'S OPERATION OR ITS ENERGY CONVERSION, INCLUDING HEAT RECOVERY EQUIPMENT.**

**(5)** “Micro combined heat and power” means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

**[(5)] (6)** “Net energy metering” means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer-generator and fed back to the electric company over the eligible customer-generator's billing period.

(b) The General Assembly finds and declares that a program to provide net energy metering for eligible customer-generators is a means to encourage private investment in renewable energy resources, stimulate in-State economic growth, enhance continued diversification of the State's energy resource mix, and reduce costs of interconnection and administration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 20, 2010.**