

HB0375/343195/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 375
(First Reading File Bill)

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Burns, Feldman, Harrison, Kirk, Krysiak, and McHale”; in line 5, after “sources” insert “, subject to a certain limitation”; in line 7, after “payment” insert “, subject to a certain limitation; providing for the effective dates of this Act; providing for the termination of a certain provision of this Act”; and after line 18, insert:

“BY adding to

Article – Public Utility Companies

Section 7-705(f)

Annotated Code of Maryland

(1998 Volume and 2007 Supplement)”.

On page 3, in line 3, strike the brackets; in the same line, strike “**4.02%**”; in line 5, strike the brackets; in the same line, strike “**6.05%**”; in line 7, strike “**6.08%**” and substitute “**5.0%**”; in line 9, strike “**8.12%**” and substitute “**6.5%**”; and after line 31, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utility Companies”.

On page 5, after line 5, insert:

“**(F) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AND NOTWITHSTANDING THE REQUIREMENTS OF § 7-703(B) OF THIS SUBTITLE, IF THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COST INCURRED OR TO**

(Over)

BE INCURRED BY AN ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF TIER 1 RENEWABLE ENERGY CREDITS OTHER THAN SOLAR CREDITS IN ANY 1 YEAR IS GREATER THAN OR EQUAL TO, OR IS ANTICIPATED TO BE GREATER THAN OR EQUAL TO, THE GREATER OF THE APPLICABLE TIER 1 PERCENTAGE OR 10% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL ELECTRICITY SALES REVENUES IN MARYLAND, THE ELECTRICITY SUPPLIER MAY REQUEST THAT THE COMMISSION:

(I) DELAY BY 1 YEAR EACH OF THE SCHEDULED PERCENTAGES FOR TIER 1 CREDITS UNDER § 7-703(B) OF THIS SUBTITLE THAT WOULD APPLY TO THE ELECTRICITY SUPPLIER; AND

(II) ALLOW THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR TIER 1 FOR THAT YEAR TO CONTINUE TO APPLY TO THE ELECTRICITY SUPPLIER FOR THE FOLLOWING YEAR.

(2) IN MAKING ITS DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COMPLIANCE COSTS OF OTHER ELECTRICITY SUPPLIERS.

(3) IF AN ELECTRICITY SUPPLIER MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON PROJECTED COSTS, THE ELECTRICITY SUPPLIER SHALL PROVIDE VERIFIABLE EVIDENCE OF THE PROJECTIONS TO THE COMMISSION AT THE TIME OF THE REQUEST.

(4) IF THE COMMISSION ALLOWS A DELAY UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR TIER 1 APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY CONTINUES FOR EACH SUBSEQUENT CONSECUTIVE YEAR THAT THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF TIER 1 CREDITS OTHER THAN SOLAR CREDITS IS GREATER THAN OR EQUAL TO, OR IS ANTICIPATED TO BE GREATER THAN OR EQUAL TO, THE GREATER OF THE APPLICABLE TIER 1 PERCENTAGE OR 10% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND; AND

(II) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR TIER 1 APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY IS INCREASED TO THE NEXT SCHEDULED PERCENTAGE INCREASE UNDER § 7-703(B) OF THIS SUBTITLE FOR EACH YEAR IN WHICH THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF TIER 1 CREDITS OTHER THAN SOLAR CREDITS IS LESS THAN, OR IS ANTICIPATED TO BE LESS THAN, THE GREATER OF THE APPLICABLE TIER 1 PERCENTAGE OR 10% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That § 7-705(f) of the Public Utility Companies Article, as enacted by this Act, shall remain effective for a period of 8 years and, at the end of December 31, 2018, with no further action required by the General Assembly, § 7-705(f) of the Public Utility Companies Article, as enacted by this Act, shall terminate and be of no further force and effect.”;

(Over)

in line 6, strike “2.” and substitute “5.”; in the same line, after “That” insert “, except as provided in Section 3 of this Act,”; and in line 7, strike “October 1, 2008” and substitute “January 1, 2009”.