

HOUSE BILL 30

C5, M3

11r0759

(PRE-FILED)

By: **Delegate Korman**

Requested: September 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Public Utilities Office of Climate Counsel Establishment~~
3 ~~(Climate Counsel Act)~~
4 Office of People's Counsel - Alterations
5 (Office of People's Counsel Environmental Reform Act)

6 FOR the purpose of altering the maximum amount that may be charged to a public service
7 company under certain provisions of law for a State fiscal year; requiring the Office
8 of People's Counsel to hire a certain minimum number of assistant people's counsel
9 who will focus on environmental issues; authorizing the Office of People's Counsel to
10 retain or hire experts in the field of climate change; requiring the Office of People's
11 Counsel to consider certain interests in determining whether a certain matter affects
12 the interests of residential and noncommercial users; ~~establishing the position of~~
13 ~~Climate Counsel in the Office of Climate Counsel; specifying the appointment~~
14 ~~process, term, qualifications, duties, and salary of the Climate Counsel; requiring~~
15 ~~the Climate Counsel to take a certain oath; authorizing the Attorney General to~~
16 ~~remove the Climate Counsel under certain circumstances; establishing the Office of~~
17 ~~Climate Counsel in the Public Service Commission; providing for the hiring and~~
18 ~~salaries of the Office of Climate Counsel personnel; requiring the Climate Counsel~~
19 ~~to submit certain salary plan changes to the Secretary of Budget and Management~~
20 ~~a certain number of days before the effective date of the change; requiring the~~
21 ~~Secretary of Budget and Management to review certain changes and provide the~~
22 ~~Climate Counsel with certain advice within a certain number of days before the~~
23 ~~effective date of the proposed changes; requiring the Climate Counsel to report to the~~
24 ~~Secretary of Budget and Management and the General Assembly on certain matters~~

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.



~~on or before a certain date each year; authorizing the Office of Climate Counsel to hire certain experts; specifying the duties of the Office of Climate Counsel; requiring the Climate Counsel to administer and operate the Office of Climate Counsel; specifying the powers and rights of the Office of Climate Counsel; providing for the costs and expenses of the Office of Climate Counsel; subjecting the Climate Counsel and the officers and employees of the Office of Climate Counsel to certain provisions of ethics law; authorizing the Climate Counsel to sign a certain complaint initiating a certain investigation; authorizing the Climate Counsel to seek judicial review of a certain decision or order under certain circumstances; including the Office of Climate Counsel as one of the entities with which the Public Service Commission must solicit comments from for certain applications; including the Office of Climate Counsel as one of the entities with which an investor owned electric company must submit certain information or data; including the Office of Climate Counsel as one of the entities to which certain data is made available; including the Office of Climate Counsel as one of the entities with which the Public Service Commission must consult on certain projects; including the Office of Climate Counsel as one of the entities that may file a complaint requesting that the Public Service Commission take certain actions; specifying the Climate Counsel's authority in certain licensing, complaint, and dispute resolution proceedings; including personnel of the Office of Climate Counsel in the list of personnel who must be removed or discharged from office under certain circumstances; altering the composition of the Commission on Climate Change to include the Climate People's Counsel, or the Climate People's Counsel's designee; altering the composition of the Strategic Energy Investment Advisory Board to include the Climate Counsel, or the Climate Counsel's designee, as an ex officio member; altering the composition of the Maryland Zero Emission Electric Vehicle Infrastructure Council to include the Climate People's Counsel or the Climate People's Counsel's designee; making conforming and technical changes; and generally relating to the Office of Climate People's Counsel.~~

29 ~~BY renumbering~~

30 ~~Article – Public Utilities~~

31 ~~Section 2-301 and the subtitle “Subtitle 3. Ethics”; and 7-507(q) and 7-605(d),~~
 32 ~~respectively~~

33 ~~to be Section 2-401 and the subtitle “Subtitle 4. Ethics”; and~~
 34 ~~7-507(r) and 7-605(e), respectively~~

35 ~~Annotated Code of Maryland~~

36 ~~(2020 Replacement Volume and 2020 Supplement)~~

37 BY repealing and reenacting, without amendments,

38 Article – Environment

39 Section 2-1301(a)

40 Annotated Code of Maryland

41 (2013 Replacement Volume and 2020 Supplement)

42 BY repealing and reenacting, with amendments,

43 Article – Environment

44 Section 2-1302(a)

1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Public Utilities
5 Section ~~2-110~~ 2-110(c)(12), ~~2-110.1~~, ~~2-302 through 2-310~~, ~~3-102~~, ~~3-202~~,
6 ~~7-216(h)(4) and (7) and(k)(1)~~, ~~7-507(k)(1)~~, and ~~13-204~~ 2-203(a) and (f), and
7 2-204(a)
8 Annotated Code of Maryland
9 (2020 Replacement Volume and 2020 Supplement)

10 ~~BY adding to~~
11 ~~Article – Public Utilities~~
12 ~~Section 2-301 through 2-305 to be under the new subtitle “Subtitle 3. Climate~~
13 ~~Counsel”; and 7-507(q) and 7-605(d)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2020 Replacement Volume and 2020 Supplement)~~

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article – Public Utilities~~
18 ~~Section 7-216(b), 7-507(p), and 7-605(e)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2020 Replacement Volume and 2020 Supplement)~~

21 ~~BY repealing and reenacting, without amendments,~~
22 ~~Article – State Government~~
23 ~~Section 9-20B-07(a)~~
24 ~~Annotated Code of Maryland~~
25 ~~(2014 Replacement Volume and 2020 Supplement)~~

26 ~~BY repealing and reenacting, with amendments,~~
27 ~~Article – State Government~~
28 ~~Section 9-20B-07(e)~~
29 ~~Annotated Code of Maryland~~
30 ~~(2014 Replacement Volume and 2020 Supplement)~~

31 BY repealing and reenacting, with amendments,
32 Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters
33 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts
34 of the General Assembly of 2015, and Chapter 213 of the Acts of the General
35 Assembly of 2019
36 Section 1

37 BY repealing and reenacting, with amendments,
38 Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters
39 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts

1 of the General Assembly of 2015, and Chapter 213 of the Acts of the General
 2 Assembly of 2019
 3 Section 1

4 Preamble

5 WHEREAS, According to the Maryland Commission on Climate Change, sea level
 6 rise associated with climate change will impact Maryland more than most other states,
 7 with Maryland ranked as the fourth most vulnerable state in the country; and

8 WHEREAS, Rising sea levels and increased storm intensity could have devastating
 9 and far-reaching impacts on not only the Atlantic coast and the Chesapeake Bay
 10 ecosystems, but on the environmental, recreational, and economic benefits provided by
 11 these ecosystems and enjoyed by Maryland and its visitors; and

12 WHEREAS, According to the Department of the Environment, electricity
 13 consumption accounts for 31% of the State's greenhouse gas emissions; and

14 WHEREAS, The Public Service Commission plays an integral role in regulating
 15 electricity consumption and the State's efforts to combat the threat of climate change; and

16 WHEREAS, Under the Greenhouse Gas Emissions Reduction Act, Maryland's
 17 greenhouse gas emissions will be reduced by 40% from 2006 levels by 2030; and

18 WHEREAS, Under the Greenhouse Gas Emissions Reduction Act, widespread
 19 adoption of electric vehicles and investments in energy efficiency and clean and renewable
 20 energy solutions has and will continue to increase; now, therefore,

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 22 ~~That Section(s) 2-301 and the subtitle "Subtitle 3. Ethics"; and 7-507(q) and 7-605(d),~~
 23 ~~respectively, of Article Public Utilities of the Annotated Code of Maryland be renumbered~~
 24 ~~to be Section(s) 2-401 and the subtitle "Subtitle 4. Ethics"; and 7-507(r) and 7-605(e),~~
 25 ~~respectively.~~

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

28 **Article – Environment**

29 2-1301.

30 (a) There is a Commission on Climate Change in the Department to advise the
 31 Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt
 32 to the consequences of climate change.

33 2-1302.

- 1 (a) The Commission's membership shall consist of the following members:
- 2 (1) One member of the House of Delegates, appointed by the Speaker of the
3 House;
- 4 (2) One member of the Senate, appointed by the President of the Senate;
- 5 (3) The State Treasurer, or the State Treasurer's designee;
- 6 (4) The Secretary of the Environment, or the Secretary's designee;
- 7 (5) The Secretary of Agriculture, or the Secretary's designee;
- 8 (6) The Secretary of Natural Resources, or the Secretary's designee;
- 9 (7) The Secretary of Planning, or the Secretary's designee;
- 10 (8) The State Superintendent of Schools, or the State Superintendent's
11 designee;
- 12 (9) The Secretary of Transportation, or the Secretary's designee;
- 13 (10) The Secretary of General Services, or the Secretary's designee;
- 14 (11) The Director of the Maryland Energy Administration, or the Director's
15 designee;
- 16 (12) **THE ~~CLIMATE~~ PEOPLE'S COUNSEL, OR THE ~~CLIMATE~~ PEOPLE'S**
17 **COUNSEL'S DESIGNEE;**
- 18 (13) The President of the University of Maryland Center for Environmental
19 Science, or the President's designee;
- 20 [(13)] (14) The Chair of the Critical Area Commission for the Chesapeake
21 and Atlantic Coastal Bays, or the Chair's designee;
- 22 [(14)] (15) One member appointed by the Farm Bureau representing the
23 agriculture community;
- 24 [(15)] (16) One member appointed by the Maryland Association of Counties
25 and one member appointed by the Maryland Municipal League to represent local
26 governments;
- 27 [(16)] (17) One member appointed by the President of the Senate and one
28 member appointed by the Speaker of the House of Delegates to represent the business
29 community;

1 (1) utility regulation, including cost of capital experts, rate design experts,
2 accountants, economists, engineers, transportation specialists, and lawyers; AND

3 (2) CLIMATE CHANGE, INCLUDING METEOROLOGISTS,
4 OCEANOGRAPHERS, ECOLOGISTS, FORESTERS, GEOLOGISTS, SEISMOLOGISTS,
5 BOTANISTS, AND EXPERTS IN ANY OTHER FIELD OF SCIENCE THAT THE PEOPLE'S
6 COUNSEL DETERMINES IS NECESSARY.

7 2-204.

8 (a) (1) (I) The Office of People's Counsel shall evaluate each matter
9 pending before the Commission to determine if the interests of residential and
10 noncommercial users are affected.

11 (II) IN DETERMINING WHETHER THE INTERESTS OF
12 RESIDENTIAL AND NONCOMMERCIAL USERS ARE AFFECTED, THE OFFICE OF
13 PEOPLE'S COUNSEL SHALL CONSIDER THE PUBLIC SAFETY, ECONOMIC WELFARE,
14 AND ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS, INCLUDING
15 THE STATE'S PROGRESS TOWARD MEETING ITS GREENHOUSE GAS EMISSIONS
16 REDUCTIONS GOALS.

17 (2) If the Office of People's Counsel considers the interest of residential and
18 noncommercial users to be affected, the Office of People's Counsel shall appear before the
19 Commission and courts on behalf of residential and noncommercial users in each matter or
20 proceeding over which the Commission has original jurisdiction, including a proceeding on
21 the rates, service, or practices of a public service company or on a violation of this division.

22 (3) As the Office of People's Counsel considers necessary, the Office of
23 People's Counsel shall conduct investigations and request the Commission to initiate
24 proceedings to protect the interests of residential and noncommercial users.

25 ~~(a) In this section, "public service company" includes an electricity supplier and a~~
26 ~~gas supplier as those terms are defined in § 1-101 of this article.~~

27 ~~(b) (1) The costs and expenses of the Commission [and], the Office of People's~~
28 ~~Counsel, AND THE OFFICE OF CLIMATE COUNSEL shall be borne by the public service~~
29 ~~companies that are subject to the Commission's jurisdiction.~~

30 ~~(2) The costs and expenses shall be assessed as provided in this section.~~

31 ~~(3) The Commission shall pay the money that it collects for the assessment~~
32 ~~under this section into the Public Utility Regulation Fund in the State Treasury established~~
33 ~~under § 2-110.1 of this subtitle to reimburse the State for the expenses of the Commission~~
34 ~~[and], the Office of People's Counsel, AND THE OFFICE OF CLIMATE COUNSEL.~~

1 ~~(e) (1) (i) Before each State fiscal year, the Chairman of the Commission~~
 2 ~~shall estimate the Commission's total costs and expenses, including:~~

3 ~~1. the compensation and expenses of the Commission, its~~
 4 ~~officers, agents, and personnel;~~

5 ~~2. the cost of retirement contributions, Social Security,~~
 6 ~~health insurance, and other benefits required to be paid by the State for the personnel of~~
 7 ~~the Commission;~~

8 ~~3. all other maintenance and operation expenses of the~~
 9 ~~Commission; and~~

10 ~~4. all other direct and indirect costs of the Commission.~~

11 ~~(ii) The estimate shall exclude the expenses associated with services~~
 12 ~~performed by the Commission for which the Commission is reimbursed under this division.~~

13 ~~(iii) The estimate shall include, as provided by the Office of People's~~
 14 ~~Counsel:~~

15 ~~1. the compensation and expenses of the Office of People's~~
 16 ~~Counsel, its officers, agents, and personnel;~~

17 ~~2. the cost of retirement contributions, Social Security,~~
 18 ~~health insurance, and other benefits required to be paid by the State for the personnel of~~
 19 ~~the Office of People's Counsel;~~

20 ~~3. all other maintenance and operation expenses of the Office~~
 21 ~~of People's Counsel; and~~

22 ~~4. all other direct and indirect costs of the Office of People's~~
 23 ~~Counsel.~~

24 ~~(IV) THE ESTIMATE SHALL INCLUDE, AS PROVIDED BY THE~~
 25 ~~OFFICE OF CLIMATE COUNSEL:~~

26 ~~1. THE COMPENSATION AND EXPENSES OF THE OFFICE~~
 27 ~~OF CLIMATE COUNSEL, ITS OFFICERS, AGENTS, AND PERSONNEL;~~

28 ~~2. THE COST OF RETIREMENT CONTRIBUTIONS, SOCIAL~~
 29 ~~SECURITY, HEALTH INSURANCE, AND OTHER BENEFITS REQUIRED TO BE PAID BY~~
 30 ~~THE STATE FOR THE PERSONNEL OF THE OFFICE OF CLIMATE COUNSEL;~~

31 ~~3. ALL OTHER MAINTENANCE AND OPERATION~~
 32 ~~EXPENSES OF THE OFFICE OF CLIMATE COUNSEL; AND~~

1 ~~4. ALL OTHER DIRECT AND INDIRECT COSTS OF THE~~
2 ~~OFFICE OF CLIMATE COUNSEL.~~

3 ~~(2) Based on the estimate, the Chairman shall determine the amount to be~~
4 ~~paid by each public service company.~~

5 ~~(3) The Commission shall send a bill to each public service company on or~~
6 ~~before May 1 of each year.~~

7 ~~(4) (i) The bill shall equal the product of:~~

8 ~~1. the estimated total costs and expenses of the Commission~~
9 ~~[and], the Office of People's Counsel, AND THE OFFICE OF CLIMATE COUNSEL during~~
10 ~~the next fiscal year; multiplied by~~

11 ~~2. the ratio of the gross operating revenues for the public~~
12 ~~service company derived from intrastate utility and electricity supplier operations in the~~
13 ~~preceding calendar year, or other 12-month period as the Chairman determines, to the~~
14 ~~total of the gross operating revenues derived from intrastate utility and electricity supplier~~
15 ~~operations for all public service companies that are billed under this section over that~~
16 ~~period.~~

17 ~~(ii) To the extent that the Commission requires an electric company~~
18 ~~to report the gross operating revenue derived from intrastate utility and electricity supplier~~
19 ~~operation in order to calculate the bill under subparagraph (i) of this paragraph, a small~~
20 ~~rural electric cooperative described in § 7-502(a) of this article may satisfy the requirement~~
21 ~~by submitting to the Commission an estimate made in accordance with a formula approved~~
22 ~~by the Commission from information that the small rural electric cooperative submits to~~
23 ~~the rural utilities service.~~

24 ~~(5) The minimum bill for a public service company shall be \$10.~~

25 ~~(6) The public service company:~~

26 ~~(i) shall pay the bill on or before the next July 15; or~~

27 ~~(ii) may elect to make partial payments on the 15th days of July,~~
28 ~~October, January, and April.~~

29 ~~(7) A partial payment shall equal 25% of the bill and may not be less than~~
30 ~~\$10.~~

31 ~~(8) During any State fiscal year, the Chairman may change:~~

32 ~~(i) the estimate of costs and expenses of the Commission [and];~~

1 ~~(H) the estimate of costs and expenses of the Office of People's~~
 2 ~~Counsel, as changed by the People's Counsel; AND~~

3 ~~(HH) THE ESTIMATE OF COSTS AND EXPENSES OF THE OFFICE OF~~
 4 ~~CLIMATE COUNSEL, AS CHANGED BY THE CLIMATE COUNSEL.~~

5 ~~(9) (i) If the estimate is changed, the Commission shall send a revised~~
 6 ~~bill to each public service company that has elected to make partial payments.~~

7 ~~(ii) The change shall be apportioned equally against the remaining~~
 8 ~~payments for the fiscal year.~~

9 ~~(10) (i) On or before September 15 of each year, the Chairman shall~~
 10 ~~compute FOR THE PRECEDING FISCAL YEAR:~~

11 ~~1. the actual costs and expenses of the Commission[, and];~~

12 ~~2. the actual costs and expenses of the Office of People's~~
 13 ~~Counsel, as provided by the People's Counsel [for the preceding fiscal year]; AND~~

14 ~~3. THE ACTUAL COSTS AND EXPENSES OF THE OFFICE~~
 15 ~~OF CLIMATE COUNSEL, AS PROVIDED BY THE CLIMATE COUNSEL.~~

16 ~~(ii) If the amounts collected are less than the actual costs and~~
 17 ~~expenses of the Commission [and], the Office of the People's Counsel, AND THE OFFICE~~
 18 ~~OF CLIMATE COUNSEL, after deducting the amounts recovered under §§ 2-111(a) and~~
 19 ~~2-123 of this subtitle, on or before October 15, the Chairman shall send to any public service~~
 20 ~~company that is affected a statement that shows the amount due.~~

21 ~~(iii) If the amounts collected exceed the actual costs and expenses of~~
 22 ~~the Commission [and], the Office of the People's Counsel, AND THE OFFICE OF CLIMATE~~
 23 ~~COUNSEL for the preceding fiscal year, the Commission shall deduct any excess retained~~
 24 ~~funds from the appropriation for the next fiscal year before the Commission determines the~~
 25 ~~amount to be paid by each public service company for the next fiscal year under paragraph~~
 26 ~~(2) of this subsection.~~

27 ~~(11) A public service company shall pay an amount due within 30 days after~~
 28 ~~the statement is received.~~

29 ~~(12) The total amount that may be charged to a public service company~~
 30 ~~under this section for a State fiscal year may not exceed:~~

31 ~~(i) 0.25% of the public service company's gross operating revenues~~
 32 ~~derived from intrastate utility and electricity supplier operations in the preceding calendar~~
 33 ~~year, or other 12-month period that the Chairman determines, for the costs and expenses~~

1 ~~of the Commission other than that of the Office of People's Counsel AND THE OFFICE OF~~
 2 ~~CLIMATE COUNSEL;~~ plus

3 (ii) ~~1. 0.05% of those revenues for the costs and expenses of the~~
 4 ~~Office of People's Counsel; AND~~

5 ~~2. 0.025% OF THOSE REVENUES FOR THE COSTS AND~~
 6 ~~EXPENSES OF THE OFFICE OF CLIMATE COUNSEL.~~

7 (d) ~~(1) Within 30 days after the Commission issues a bill under subsection (e)~~
 8 ~~of this section, the party billed may request a hearing as to the amount of the bill.~~

9 ~~(2) Any amount of a bill that is not paid within 30 days after the date of~~
 10 ~~determination on a hearing or, if a hearing is not requested, on the date when payment is~~
 11 ~~due, shall bear annual interest at a rate, not less than 6%, that the Commission sets by~~
 12 ~~regulation.~~

13 ~~2-110.1.~~

14 (a) ~~There is a Public Utility Regulation Fund.~~

15 (b) ~~The Fund consists of:~~

16 (1) ~~all revenue received through the imposition and collection of~~
 17 ~~assessments under § 2-110 of this subtitle;~~

18 (2) ~~fees received by the Commission under § 2-123 of this subtitle for~~
 19 ~~filings and for other services rendered by the Commission;~~

20 (3) ~~income from investments that the State Treasurer makes for the Fund;~~
 21 ~~and~~

22 (4) ~~any other fee, examination assessment, or revenue received by the~~
 23 ~~Commission under this division.~~

24 (e) ~~Notwithstanding subsection (b) of this section, the Commission shall pay all~~
 25 ~~finances and penalties collected by the Commission under this article into the General Fund~~
 26 ~~of the State.~~

27 (d) ~~The purpose of the Fund is to pay all the costs and expenses incurred by the~~
 28 ~~Commission [and], the Office of People's Counsel, AND THE OFFICE OF CLIMATE~~
 29 ~~COUNSEL that are related to the operation of the Commission [and], the Office of People's~~
 30 ~~Counsel, AND THE OFFICE OF CLIMATE COUNSEL, including:~~

31 (1) ~~expenditures authorized under this division; and~~

1 ~~(2) any other expense authorized in the State budget.~~

2 ~~(e) (1) All the costs and expenses of the Commission [and], the Office of~~
 3 ~~People's Counsel, AND THE OFFICE OF CLIMATE COUNSEL shall be included in the State~~
 4 ~~budget.~~

5 ~~(2) Expenditures from the Fund to cover costs and expenses of the~~
 6 ~~Commission [and], THE Office of People's Counsel, AND THE OFFICE OF CLIMATE~~
 7 ~~COUNSEL may only be made:~~

8 ~~(i) with an appropriation from the Fund approved by the General~~
 9 ~~Assembly in the State budget; or~~

10 ~~(ii) by budget amendment in accordance with § 7-209 of the State~~
 11 ~~Finance and Procurement Article.~~

12 ~~(f) (1) The State Treasurer is the custodian of the Fund.~~

13 ~~(2) The State Treasurer shall deposit payments received from the~~
 14 ~~Commission into the Fund.~~

15 ~~(g) (1) The Fund is a continuing, special, nonlapsing fund that is not subject~~
 16 ~~to § 7-302 of the State Finance and Procurement Article, and may not be considered a part~~
 17 ~~of the General Fund of the State.~~

18 ~~(2) Unless otherwise provided by law, no part of the Fund may revert or be~~
 19 ~~credited to:~~

20 ~~(i) the General Fund of the State; or~~

21 ~~(ii) any other special fund of the State.~~

22 ~~**SUBTITLE 3. CLIMATE COUNSEL.**~~

23 ~~**2-301.**~~

24 ~~(A) THERE IS A CLIMATE COUNSEL IN THE OFFICE OF CLIMATE COUNSEL.~~

25 ~~(B) WITH THE ADVICE AND CONSENT OF THE SENATE, THE ATTORNEY~~
 26 ~~GENERAL SHALL APPOINT THE CLIMATE COUNSEL.~~

27 ~~(C) (1) THE TERM OF THE CLIMATE COUNSEL IS 5 YEARS AND BEGINS ON~~
 28 ~~JULY 1.~~

29 ~~(2) AT THE END OF A TERM, THE CLIMATE COUNSEL CONTINUES TO~~
 30 ~~SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

1 ~~(3) A CLIMATE COUNSEL WHO IS APPOINTED AFTER A TERM HAS~~
2 ~~BEGUN SERVES FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED~~
3 ~~AND QUALIFIES.~~

4 ~~(D) THE CLIMATE COUNSEL MUST BE OR HAVE BEEN ADMITTED TO~~
5 ~~PRACTICE LAW IN THE STATE.~~

6 ~~(E) BEFORE TAKING OFFICE, THE CLIMATE COUNSEL SHALL TAKE THE~~
7 ~~OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.~~

8 ~~(F) THE CLIMATE COUNSEL SHALL DEVOTE FULL TIME TO THE DUTIES OF~~
9 ~~OFFICE.~~

10 ~~(G) THE CLIMATE COUNSEL IS ENTITLED TO A SALARY OF AT LEAST~~
11 ~~\$120,000 A YEAR AS PROVIDED IN THE STATE BUDGET.~~

12 ~~(H) THE ATTORNEY GENERAL MAY REMOVE THE CLIMATE COUNSEL FOR~~
13 ~~GOOD CAUSE SHOWN AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD.~~

14 ~~2-302.~~

15 ~~(A) THERE IS AN OFFICE OF CLIMATE COUNSEL IN THE PUBLIC SERVICE~~
16 ~~COMMISSION.~~

17 ~~(B) THE STATE BUDGET SHALL PROVIDE SUFFICIENT MONEY FOR THE~~
18 ~~OFFICE OF CLIMATE COUNSEL TO HIRE NECESSARY STAFF IN ADDITION TO THE~~
19 ~~STAFF ASSISTANCE THAT IS PROVIDED UNDER § 2-304(C)(2) OF THIS SUBTITLE.~~

20 ~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION~~
21 ~~OR OTHERWISE BY LAW, ALL PERSONNEL OF THE OFFICE OF CLIMATE COUNSEL~~
22 ~~ARE SUBJECT TO THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS~~
23 ~~ARTICLE.~~

24 ~~(2) THE FOLLOWING ARE IN THE EXECUTIVE SERVICE OR~~
25 ~~MANAGEMENT SERVICE OR ARE SPECIAL APPOINTMENTS IN THE STATE PERSONNEL~~
26 ~~MANAGEMENT SYSTEM:~~

27 ~~(I) THE CLIMATE COUNSEL;~~

28 ~~(II) THE DEPUTY CLIMATE COUNSEL; AND~~

29 ~~(III) ATTORNEYS WHO ARE IN THE MANAGEMENT SERVICE OR~~
30 ~~ARE SPECIAL APPOINTMENTS.~~

1 ~~(D) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE~~
2 ~~DETERMINED BY THE CLIMATE COUNSEL AND, IF POSSIBLE, IN ACCORDANCE WITH~~
3 ~~THE STATE PAY PLAN:~~

4 ~~(1) THE DEPUTY CLIMATE COUNSEL;~~

5 ~~(2) ATTORNEYS WHO ARE:~~

6 ~~(I) IN THE MANAGEMENT SERVICE; OR~~

7 ~~(II) SPECIAL APPOINTMENTS; AND~~

8 ~~(3) ALL POSITIONS IN MANAGEMENT, PROFESSIONAL, AND~~
9 ~~TECHNICAL CLASSIFICATIONS UNIQUE TO THE OFFICE OF CLIMATE COUNSEL.~~

10 ~~(E) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF THE~~
11 ~~CHANGE, THE CLIMATE COUNSEL SHALL SUBMIT TO THE SECRETARY OF BUDGET~~
12 ~~AND MANAGEMENT EACH CHANGE TO SALARY PLANS THAT INVOLVES INCREASES~~
13 ~~OR DECREASES IN SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE~~
14 ~~RECLASSIFICATIONS AND PROMOTIONS OR GENERAL SALARY INCREASES~~
15 ~~APPROVED BY THE GENERAL ASSEMBLY.~~

16 ~~(2) REPORTABLE CHANGES INCLUDE CREATION OR ABOLITION OF~~
17 ~~CLASSES, REGRADING THE CLASSES FROM ONE ESTABLISHED RANGE TO ANOTHER,~~
18 ~~CHANGES IN SALARY GUIDELINES TO ADMINISTER THE PAY SCHEDULES, OR~~
19 ~~CREATION OF NEW PAY SCHEDULES OR RANGES.~~

20 ~~(3) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:~~

21 ~~(I) REVIEW THE PROPOSED CHANGES; AND~~

22 ~~(II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE~~
23 ~~PROPOSED CHANGES, ADVISE THE CLIMATE COUNSEL WHETHER THE CHANGES~~
24 ~~WOULD HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.~~

25 ~~(4) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER~~
26 ~~IS NOT CONSIDERED A STATEMENT OF ADVERSE EFFECT.~~

27 ~~(F) ON OR BEFORE JANUARY 31 EACH YEAR, THE CLIMATE COUNSEL~~
28 ~~SHALL REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, SUBJECT~~
29 ~~TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY~~
30 ~~SETTING FORTH ALL PERSONNEL POSITIONS, CLASSIFICATIONS, AND SALARIES IN~~

~~1 THE OFFICE OF CLIMATE COUNSEL, AS OF THE END OF THE PRECEDING CALENDAR
2 YEAR.~~

~~3 (C) THE OFFICE OF CLIMATE COUNSEL MAY RETAIN OR HIRE EXPERTS IN
4 THE FIELDS OF:~~

~~5 (1) UTILITY REGULATION, INCLUDING COST OF CAPITAL EXPERTS,
6 RATE DESIGN EXPERTS, ACCOUNTANTS, ECONOMISTS, ENGINEERS,
7 TRANSPORTATION SPECIALISTS, AND LAWYERS; AND~~

~~8 (2) CLIMATE CHANGE, INCLUDING METEOROLOGISTS,
9 OCEANOGRAPHERS, ECOLOGISTS, FORESTERS, GEOLOGISTS, SEISMOLOGISTS,
10 BOTANISTS, AND EXPERTS IN ANY OTHER FIELD OF SCIENCE THAT THE CLIMATE
11 COUNSEL DETERMINES IS NECESSARY.~~

~~12 2-303.~~

~~13 (A) (1) THE OFFICE OF CLIMATE COUNSEL SHALL EVALUATE EACH
14 MATTER PENDING BEFORE THE COMMISSION TO DETERMINE WHETHER THE
15 ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS ARE AFFECTED.~~

~~16 (2) IF THE OFFICE OF CLIMATE COUNSEL CONSIDERS THE
17 ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS TO BE AFFECTED,
18 THE OFFICE OF CLIMATE COUNSEL SHALL APPEAR BEFORE THE COMMISSION AND
19 COURTS ON BEHALF OF THE STATE AND ITS RESIDENTS IN EACH MATTER OR
20 PROCEEDING OVER WHICH THE COMMISSION HAS ORIGINAL JURISDICTION,
21 INCLUDING A PROCEEDING ON THE RATES, SERVICE, OR PRACTICES OF A PUBLIC
22 SERVICE COMPANY OR ON A VIOLATION OF THIS DIVISION.~~

~~23 (3) AS THE OFFICE OF CLIMATE COUNSEL CONSIDERS NECESSARY,
24 THE OFFICE OF CLIMATE COUNSEL SHALL CONDUCT INVESTIGATIONS AND
25 REQUEST THE COMMISSION TO INITIATE PROCEEDINGS TO PROTECT THE
26 ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS.~~

~~27 (B) THE CLIMATE COUNSEL SHALL ADMINISTER AND OPERATE THE
28 OFFICE OF CLIMATE COUNSEL.~~

~~29 2-304.~~

~~30 (A) IN APPEARANCES BEFORE THE COMMISSION AND COURTS ON BEHALF
31 OF THE STATE AND ITS RESIDENTS, THE OFFICE OF CLIMATE COUNSEL HAS THE
32 RIGHTS OF COUNSEL FOR A PARTY TO THE PROCEEDING, INCLUDING THOSE RIGHTS
33 SPECIFIED IN § 3-107 OF THIS ARTICLE.~~

~~(B) THE OFFICE OF CLIMATE COUNSEL MAY APPEAR BEFORE ANY FEDERAL OR STATE UNIT TO PROTECT THE ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS.~~

~~(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE AND CONSISTENT WITH THE PUBLIC INFORMATION ACT, THE OFFICE OF CLIMATE COUNSEL SHALL HAVE FULL ACCESS TO THE COMMISSION'S RECORDS AND SHALL HAVE THE BENEFIT OF ALL OTHER FACILITIES OR INFORMATION OF THE COMMISSION.~~

~~(2) THE OFFICE OF CLIMATE COUNSEL IS ENTITLED TO THE ASSISTANCE OF THE COMMISSION'S STAFF, IF THE STAFF DETERMINES THAT THE ASSISTANCE IS CONSISTENT WITH THE STAFF'S RESPONSIBILITIES AND IF THE STAFF AND THE OFFICE OF CLIMATE COUNSEL AGREE THAT THE ASSISTANCE, IN A PARTICULAR MATTER, IS CONSISTENT WITH THEIR RESPECTIVE INTERESTS.~~

~~(D) THE OFFICE OF CLIMATE COUNSEL MAY RECOMMEND LEGISLATION TO THE GENERAL ASSEMBLY ON ANY MATTER RELATED TO THE COMMISSION'S JURISDICTION THAT MAY AFFECT THE ENVIRONMENTAL INTERESTS OF THE STATE AND ITS RESIDENTS.~~

~~2-305.~~

~~IF THE BUDGET FOR THE OFFICE OF CLIMATE COUNSEL IS INSUFFICIENT TO ALLOW IT TO PERFORM ITS DUTIES, THE OFFICE OF CLIMATE COUNSEL MAY APPLY TO THE BOARD OF PUBLIC WORKS FOR ADDITIONAL MONEY FROM THE GENERAL EMERGENCY FUND.~~

~~[2-302.] 2-402.~~

~~This subtitle applies to commissioners, the General Counsel, the People's Counsel, THE officers and employees of the Office of People's Counsel, THE CLIMATE COUNSEL, THE OFFICERS AND EMPLOYEES OF THE OFFICE OF CLIMATE COUNSEL, and the officers and employees of the Commission.~~

~~[2-303.] 2-403.~~

~~(a) This section applies to each individual subject to [§ 2-302] § 2-402 of this subtitle and to:~~

~~(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People's Counsel, THE CLIMATE COUNSEL, the General Counsel, and each public utility law judge; and~~

1 ~~(2) each spouse or dependent child of each other officer or employee of the~~
 2 ~~Commission [or], THE Office of People's Counsel, OR THE OFFICE OF CLIMATE~~
 3 ~~COUNSEL.~~

4 ~~(b) An individual subject to this section may not:~~

5 ~~(1) hold an official relation to or connection with a public service company;~~
 6 ~~or~~

7 ~~(2) have a pecuniary interest in a public service company as the holder of~~
 8 ~~stock or other securities or otherwise.~~

9 ~~[2-304.] 2-404.~~

10 ~~An individual subject to [§ 2-302] § 2-402 of this subtitle may not hold an office or~~
 11 ~~position or engage in a business or avocation that is incompatible with the duties of office~~
 12 ~~or service with the Commission [or], THE Office of People's Counsel, OR THE OFFICE OF~~
 13 ~~CLIMATE COUNSEL.~~

14 ~~[2-305.] 2-405.~~

15 ~~An individual subject to [§ 2-302] § 2-402 of this subtitle may not solicit, suggest,~~
 16 ~~request, or recommend directly or indirectly to a public service company that a person be~~
 17 ~~appointed to an office or place of employment.~~

18 ~~[2-306.] 2-406.~~

19 ~~(a) Until at least 2 years have passed after leaving service as a commissioner [or],~~
 20 ~~the People's Counsel, OR THE CLIMATE COUNSEL, an individual may not:~~

21 ~~(1) represent a public service company before the Commission;~~

22 ~~(2) appear before the Commission on behalf of a party to a Commission~~
 23 ~~proceeding; or~~

24 ~~(3) appear before the Commission on a matter within the jurisdiction of the~~
 25 ~~Commission.~~

26 ~~(b) Until at least 1 year has passed after leaving service with the Commission as~~
 27 ~~the General Counsel or a public utility law judge, an individual may not:~~

28 ~~(1) represent a public service company before the Commission;~~

29 ~~(2) appear before the Commission on behalf of a party to a Commission~~
 30 ~~proceeding; or~~

~~(3) appear before the Commission on a matter within the jurisdiction of the Commission.~~

~~(e) Until at least 1 year has passed after leaving service with the Commission as a commissioner, an individual may not receive financial benefit that is not otherwise generally available to the public as a customer of a public service company from:~~

~~(1) a public service company that is subject to the jurisdiction of the Commission; or~~

~~(2) a person that directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with a public service company that is subject to the jurisdiction of the Commission.~~

~~[2-307.] 2-407.~~

~~(a) This section applies to each individual subject to [§ 2-302] § 2-402 of this subtitle and to:~~

~~(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People's Counsel, THE CLIMATE COUNSEL, the General Counsel, and each public utility law judge; and~~

~~(2) each spouse or dependent child of each other officer or employee of the Commission [or], THE Office of People's Counsel, OR THE OFFICE OF CLIMATE COUNSEL.~~

~~(b) (1) An individual subject to this section may not accept from a public service company or its officers, agents, or employees, a gift, gratuity, or special consideration.~~

~~(2) This subsection does not preclude an individual from accepting a gift from a relative.~~

~~[2-308.] 2-408.~~

~~(a) This section applies to each individual subject to [§ 2-302] § 2-402 of this subtitle and to:~~

~~(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People's Counsel, THE CLIMATE COUNSEL, the General Counsel, and each public utility law judge; and~~

~~(2) each spouse or dependent child of each other officer or employee of the Commission [or], THE Office of People's Counsel, OR THE OFFICE OF CLIMATE COUNSEL.~~

1 (b) (1) ~~A public service company or its officer, agent, or employee may not offer~~
2 ~~a gift, gratuity, or special consideration to an individual subject to this section.~~

3 (2) ~~This section does not preclude an individual from offering a gift to a~~
4 ~~relative.~~

5 ~~[2-309.] 2-409.~~

6 ~~Except as directed by the Commission or a court or as authorized by law, an~~
7 ~~individual subject to [§ 2-302] § 2-402 of this subtitle may not divulge information learned~~
8 ~~while inspecting the plant or examining the records of a public service company.~~

9 ~~[2-310.] 2-410.~~

10 ~~An individual subject to [§ 2-302] § 2-402 of this subtitle may not violate this~~
11 ~~division.~~

12 ~~2-102.~~

13 (a) (1) ~~Any person may file a complaint with the Commission.~~

14 (2) ~~The complaint shall be in writing and set forth circumstances that~~
15 ~~allege a violation of this division by a public service company.~~

16 (b) ~~If a complaint filed under subsection (a) of this section states on its face a~~
17 ~~violation of this article or if the Commission determines that the complaint deserves an~~
18 ~~explanation, the Commission shall:~~

19 (1) ~~serve a copy of the complaint on the public service company; and~~

20 (2) ~~issue an order that requires the public service company to satisfy or~~
21 ~~answer the complaint in writing within a specified time.~~

22 (c) ~~A person that is the subject of a complaint filed by any person or the~~
23 ~~Commission is entitled to a hearing in a contested case that results from the complaint.~~

24 (d) (1) ~~Subject to paragraph (2) of this subsection, the Commission must~~
25 ~~conduct an investigation of the matters in a complaint filed under this section if the~~
26 ~~complaint concerns the following:~~

27 (i) ~~the quality or reliability of gas supply or electric power supply;~~
28 ~~or~~

29 (ii) ~~the price of gas or electricity.~~

~~(2) In order to be entitled to an investigation under paragraph (1) of this subsection, the complaint shall be signed by:~~

~~(i) the People's Counsel;~~

~~(ii) THE CLIMATE COUNSEL;~~

~~(iii) the chief executive or local legislative body of a municipal corporation or county in which a gas or electric company is authorized to operate; or~~

~~[(iii)] (iv) not less than 100 customers of the gas company or electric company, with the names and addresses of the customers set out in the complaint.~~

~~(e) (1) The Commission shall begin proceedings on its own motion against a person by filing a complaint.~~

~~(2) The complaint filed under paragraph (1) of this subsection for the first time in a proceeding shall be served on the person that is the subject of the complaint before any hearing on the matter.~~

~~(f) Unless a complaint is voluntarily satisfied, the Commission shall take final action on each complaint by issuing an order that:~~

~~(1) dismisses the complaint;~~

~~(2) directs full or partial satisfaction of the complaint; or~~

~~(3) directs any action that the Commission considers to be warranted.~~

~~3-202.~~

~~(a) Except for the staff of the Commission, a party or person in interest, including the People's Counsel AND THE CLIMATE COUNSEL, that is dissatisfied by a final decision or order of the Commission may seek judicial review of the decision or order as provided in this subtitle.~~

~~(b) The Secretary of Natural Resources may seek judicial review under this subtitle of a final decision or order of the Commission made under §§ 7-201 through 7-204, § 7-207, or § 7-208 of this article that relates to the environmental aspects of power plant siting.~~

~~(c) The Secretary of the Environment may seek judicial review of a final decision or order of the Commission made under §§ 7-205 and 7-206 of this article.~~

~~(d) If the Motor Vehicle Administration suspends or revokes the registration of a motor vehicle carrier in accordance with an order of the Commission, only the order of the Commission is subject to review under this section.~~

1 ~~7-216.~~

2 ~~(b) (1) The Commission shall establish an Energy Storage Pilot Program.~~

3 ~~(2) The cumulative size of the pilot projects under the program shall be~~
4 ~~between 5 and 10 megawatts, with a minimum of 15 megawatt-hours.~~

5 ~~(b) (4) (i) The Commission shall solicit comments from the Maryland~~
6 ~~Energy Administration, the Office of People's Counsel, THE OFFICE OF CLIMATE~~
7 ~~COUNSEL, and other stakeholders and hold a hearing on each application submitted under~~
8 ~~subsection (d) of this section.~~

9 ~~(ii) The Commission shall approve, approve with modifications, or~~
10 ~~reject an application submitted under subsection (d) of this section after:~~

11 ~~1. receiving comments from the Maryland Energy~~
12 ~~Administration, the Office of People's Counsel, THE OFFICE OF CLIMATE COUNSEL, and~~
13 ~~other stakeholders and holding a hearing;~~

14 ~~2. considering the projected costs and benefits of the projects~~
15 ~~proposed for inclusion in the pilot program; and~~

16 ~~3. determining whether the project is in the public and~~
17 ~~ratepayer interest.~~

18 ~~(7) (i) On or before July 1 of 2023, 2024, and 2025, an investor-owned~~
19 ~~electric company shall submit to the Commission, the Maryland Energy Administration,~~
20 ~~[and] the Office of People's Counsel, AND THE OFFICE OF CLIMATE COUNSEL~~
21 ~~information or data concerning:~~

22 ~~1. estimated project costs;~~

23 ~~2. final project costs;~~

24 ~~3. the number of days necessary to achieve project~~
25 ~~interconnection;~~

26 ~~4. the total cost of project interconnection;~~

27 ~~5. the number of days necessary to achieve project~~
28 ~~permitting;~~

29 ~~6. the total cost of project permitting;~~

30 ~~7. the contractual or committed commercial operation date;~~

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- 1 ~~8. the actual commercial operation date;~~
- 2 ~~9. the name and address of the project developer;~~
- 3 ~~10. the location and address of the project;~~
- 4 ~~11. the size of the energy storage project in watts;~~
- 5 ~~12. the duration of the energy storage project in watt hours;~~
- 6 ~~13. the type of energy storage technology;~~
- 7 ~~14. the identities of any project owners or lessors;~~
- 8 ~~15. any project financing methods;~~
- 9 ~~16. the identity of any entity that provides financing for the~~
10 ~~project;~~
- 11 ~~17. the length of any project contract;~~
- 12 ~~18. any inverters used for the project, including the type and~~
13 ~~manufacturer;~~
- 14 ~~19. any manufacturer warranty, including its duration;~~
- 15 ~~20. any developer warranty, including its duration;~~
- 16 ~~21. any technology with which the project is paired;~~
- 17 ~~22. how meters and inverters associated with the project are~~
18 ~~configured;~~
- 19 ~~23. any system integrator associated with the project;~~
- 20 ~~24. project safety, including battery type and chemistry;~~
- 21 ~~25. any energy management system associated with the~~
22 ~~project;~~
- 23 ~~26. any energy storage power conversion system associated~~
24 ~~with the project;~~
- 25 ~~27. the business model selected for the project under~~
26 ~~subsection (c) of this section;~~
- 27 ~~28. the cost recovery mechanism for the project;~~

1 ~~29. the rate of return applied to the project;~~

2 ~~30. for a virtual power plant project under subsection (c)(4) of~~
3 ~~this section, the number and type of customers participating;~~

4 ~~31. for a virtual power plant project under subsection (c)(4) of~~
5 ~~this section, the identity of the aggregator;~~

6 ~~32. operational challenges related to multiple stakeholder or~~
7 ~~third party use of the storage asset;~~

8 ~~33. the types of revenue expected from the project, including~~
9 ~~any wholesale market revenues;~~

10 ~~34. the types of revenue provided by the project, including any~~
11 ~~wholesale market revenues;~~

12 ~~35. the distribution need the project addressed;~~

13 ~~36. the amount of time the project is expected to defer the need~~
14 ~~for an alternative investment;~~

15 ~~37. any value of optionality associated with the amount of~~
16 ~~time the project is expected to defer the need for an alternative investment;~~

17 ~~38. the expected load projection before the project was~~
18 ~~installed;~~

19 ~~39. enhanced grid reliability as a result of the project;~~

20 ~~40. for a utility and third party project under subsection (c)(2)~~
21 ~~of this section, the dollar value of the lease payments from the third party to the utility;~~

22 ~~41. for a utility and third party project under subsection (c)(2)~~
23 ~~of this section, the duration of the lease agreement between the third party and the utility;~~

24 ~~42. any other identified benefits, including resiliency and~~
25 ~~social benefits;~~

26 ~~43. expected and actual storage system cycling;~~

27 ~~44. the project's success in switching between applications~~
28 ~~without challenges or problems;~~

29 ~~45. occasions when the project was unable to serve an~~
30 ~~application;~~

1 ~~46. any project delays and the causes for the delays;~~

2 ~~47. any emissions reductions expected as a result of the~~
 3 ~~project; and~~

4 ~~48. any other information required by the Commission.~~

5 ~~(ii) Subject to subparagraph (iv) of this paragraph, an~~
 6 ~~investor-owned electric company shall make all data provided under subparagraph (i) of~~
 7 ~~this paragraph that is not proprietary or confidential available to the public.~~

8 ~~(iii) To the extent possible, any annualized data provided under~~
 9 ~~subparagraph (i) of this paragraph shall be seasonally adjusted.~~

10 ~~(iv) After receiving comments from all parties, the Commission shall~~
 11 ~~determine:~~

12 ~~1. which data related to the projects shall be made available~~
 13 ~~only to the technical staff of the Commission [and], the Office of People's Counsel, AND~~
 14 ~~THE OFFICE OF CLIMATE COUNSEL; and~~

15 ~~2. which data related to the projects shall be made available~~
 16 ~~to the public.~~

17 ~~(k) (1) Except as provided in subsection (i) of this section, on or before July 1,~~
 18 ~~2026, in consultation with the Maryland Energy Administration [and], the Office of~~
 19 ~~People's Counsel, AND THE OFFICE OF CLIMATE COUNSEL, the Commission shall~~
 20 ~~evaluate the projects approved under this section based on:~~

21 ~~(i) the overall cost of the project;~~

22 ~~(ii) whether the project was optimized through multiple~~
 23 ~~applications;~~

24 ~~(iii) whether the project managed to capture different value streams;~~

25 ~~(iv) whether the project reduced system costs;~~

26 ~~(v) whether the project deferred or replaced entirely a traditional~~
 27 ~~investment on the distribution system, and any value of such a deferral or replacement;~~

28 ~~(vi) an analysis of any funds generated from the wholesale market;~~

29 ~~(vii) other benefits provided as a result of the project;~~

30 ~~(viii) issues that the project encountered in implementation; and~~

1 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
 2 ~~House of Delegates;~~

3 ~~(3) the following members appointed by the Governor:~~

4 ~~(i) two representatives of Maryland residential customers;~~

5 ~~(ii) a representative of Maryland commercial customers;~~

6 ~~(iii) a representative of large electricity users in the State;~~

7 ~~(iv) a representative of an electric company;~~

8 ~~(v) a representative of an electric cooperative;~~

9 ~~(vi) a representative of electricity suppliers;~~

10 ~~(vii) a representative of a Maryland environmental group; and~~

11 ~~(viii) a representative of a renewable electricity industry; and~~

12 ~~(4) the following nonvoting ex officio members:~~

13 ~~(i) the Chairman of the Public Service Commission, or the~~
 14 ~~Chairman's designee;~~

15 ~~(ii) the People's Counsel, or the [designee of the] People's [Counsel]~~
 16 ~~COUNSEL'S DESIGNEE;~~

17 ~~(iii) THE CLIMATE COUNSEL, OR THE CLIMATE COUNSEL'S~~
 18 ~~DESIGNEE; and~~

19 ~~[(iii)] (IV) the Secretary of the Environment, or the Secretary's~~
 20 ~~designee.~~

21 **Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of**
 22 **2013, Chapter 378 of the Acts of 2015, and Chapter 213 of the Acts of 2019**

23 **SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,**
 24 **That:**

25 (a) In this section, "zero emission electric vehicle" includes:

26 (1) A plug-in electric drive vehicle as defined in § 11-145.1 of the
 27 Transportation Article; and

1 (2) A fuel cell electric vehicle as defined in § 11–125.1 of the Transportation
2 Article.

3 (b) There is a Maryland Zero Emission Electric Vehicle Infrastructure Council.

4 (c) The Council consists of the following members:

5 (1) One member of the Senate of Maryland, appointed by the President of
6 the Senate;

7 (2) Two members of the House of Delegates, appointed by the Speaker of
8 the House;

9 (3) The Secretary of Transportation, or the Secretary's designee;

10 (4) The Secretary of Planning, or the Secretary's designee;

11 (5) The Secretary of the Environment, or the Secretary's designee;

12 (6) The Secretary of Commerce, or the Secretary's designee;

13 (7) The Executive Director of the Technical Staff of the Maryland Public
14 Service Commission, or the Executive Director's designee;

15 (8) The Director of the Maryland Energy Administration, or the Director's
16 designee;

17 **(9) ~~THE CLIMATE PEOPLE'S COUNSEL, OR THE CLIMATE PEOPLE'S~~**
18 **COUNSEL'S DESIGNEE; and**

19 **[(9)] (10)** The following members appointed by the Governor:

20 (i) One representative of an institution of higher education in the
21 State with expertise in energy, transportation, or the environment;

22 (ii) Two representatives of the Maryland Association of Counties,
23 including:

24 1. A representative who resides in a rural region of the State;
25 and

26 2. A representative who resides in an urban or suburban
27 region of the State;

28 (iii) Two representatives of the Maryland Municipal League,
29 including:

- 1
2 and
- 3
4 region of the State;
- 5 (iv) One representative of the Baltimore Electric Vehicle Initiative;
- 6 (v) Two representatives of electric companies in the State;
- 7 (vi) One representative of a plug-in electric drive vehicle
8 manufacturer;
- 9 (vii) One representative of a manufacturer of plug-in electric drive
10 vehicle charging stations;
- 11 (viii) One representative of manufacturers of fuel cell electric vehicles;
- 12 (ix) One representative of manufacturers of fuel cell electric vehicle
13 infrastructure equipment;
- 14 (x) One representative of fleet vehicle operators;
- 15 (xi) One representative of electrical workers;
- 16 (xii) One representative of the environmental community;
- 17 (xiii) One public member with expertise in energy or transportation
18 policy;
- 19 (xiv) One representative of the Maryland Automobile Dealers
20 Association; and
- 21 (xv) One representative of the retail electric supplier community.
- 22 (d) The Governor shall designate the chair or cochairs of the Council.
- 23 (e) The Department of Transportation shall provide staff support to the Council
24 with the assistance of the Maryland Energy Administration and Maryland Public Service
25 Commission.
- 26 (f) A member of the Council:
- 27 (1) May not receive compensation as a member of the Council; but

1 (2) Is entitled to reimbursement of expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (g) The Council shall:

4 (1) Develop an action plan to facilitate the successful integration of zero
5 emission electric vehicles into the State's transportation network;

6 (2) Assist in developing and coordinating statewide standards for
7 streamlined permitting and installation of residential and commercial electric vehicle
8 charging and hydrogen refueling stations and supply equipment;

9 (3) Develop a recommendation for a statewide electric vehicle charging and
10 hydrogen refueling infrastructure plan, including placement opportunities for public
11 charging and hydrogen refueling stations;

12 (4) Increase consumer awareness and demand for zero emission electric
13 vehicles through public outreach;

14 (5) Make recommendations regarding monetary and nonmonetary
15 incentives to support zero emission electric vehicle ownership and maximize private sector
16 investment in zero emission electric vehicles;

17 (6) Develop targeted policies to support fleet purchases of zero emission
18 electric vehicles;

19 (7) Develop charging solutions for existing and future multidwelling units;

20 (8) Develop model procurement practices for light-duty vehicles that
21 include an evaluation of the vehicle lifecycle costs inclusive of estimated fuel cost over the
22 anticipated life of the vehicle;

23 (9) Encourage local and regional efforts to promote the use of electric
24 vehicles and attract federal funding for State and local zero emission electric vehicle
25 programs;

26 (10) Recommend policies that support zero emission electric vehicle
27 charging and hydrogen refueling from clean energy sources;

28 (11) Recommend a method of displaying pricing information at public
29 charging and hydrogen refueling stations;

30 (12) Establish performance measures for meeting zero emission electric
31 vehicle-related employment, infrastructure, and regulatory goals; and

32 (13) Pursue other goals and objectives that promote the utilization of zero
33 emission electric vehicles in the State.

1 (h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015,
2 December 1, 2016, December 1, 2017, December 1, 2018, and December 1, 2019, the Council
3 shall submit interim reports of its work and recommendations to the Governor and, in
4 accordance with [§ 2–1246] § 2–1257 of the State Government Article, the General
5 Assembly.

6 (2) On or before June 30, 2020, the Council shall submit a final report of
7 its work and recommendations to the Governor and, in accordance with [§ 2–1246] §
8 2–1257 of the State Government Article, the General Assembly.

9 **Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of**
10 **2013, Chapter 378 of the Acts of 2015, and Chapter 213 of the Acts of 2019**

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That:

13 (a) In this section, “zero emission electric vehicle” includes:

14 (1) A plug-in electric drive vehicle as defined in § 11–145.1 of the
15 Transportation Article; and

16 (2) A fuel cell electric vehicle as defined in § 11–125.1 of the Transportation
17 Article.

18 (b) There is a Maryland Zero Emission Electric Vehicle Infrastructure Council.

19 (c) The Council consists of the following members:

20 (1) One member of the Senate of Maryland, appointed by the President of
21 the Senate;

22 (2) Two members of the House of Delegates, appointed by the Speaker of
23 the House;

24 (3) The Secretary of Transportation, or the Secretary’s designee;

25 (4) The Secretary of Planning, or the Secretary’s designee;

26 (5) The Secretary of the Environment, or the Secretary’s designee;

27 (6) The Secretary of Commerce, or the Secretary’s designee;

28 (7) The Executive Director of the Technical Staff of the Maryland Public
29 Service Commission, or the Executive Director’s designee;

1 (8) The Director of the Maryland Energy Administration, or the Director's
2 designee;

3 (9) ~~THE CLIMATE PEOPLE'S COUNSEL, OR THE CLIMATE PEOPLE'S~~
4 ~~COUNSEL'S DESIGNEE~~; and

5 [(9)] (10) The following members appointed by the Governor:

6 (i) One representative of an institution of higher education in the
7 State with expertise in energy, transportation, or the environment;

8 (ii) Two representatives of the Maryland Association of Counties,
9 including:

10 1. A representative who resides in a rural region of the State;
11 and

12 2. A representative who resides in an urban or suburban
13 region of the State;

14 (iii) Two representatives of the Maryland Municipal League,
15 including:

16 1. A representative who resides in a rural region of the State;
17 and

18 2. A representative who resides in an urban or suburban
19 region of the State;

20 (iv) One representative of the Baltimore Electric Vehicle Initiative;

21 (v) Two representatives of electric companies in the State;

22 (vi) One representative of a plug-in electric drive vehicle
23 manufacturer;

24 (vii) One representative of a manufacturer of plug-in electric drive
25 vehicle charging stations;

26 (viii) One representative of manufacturers of fuel cell electric vehicles;

27 (ix) One representative of manufacturers of fuel cell electric vehicle
28 infrastructure equipment;

29 (x) One representative of fleet vehicle operators;

30 (xi) One representative of electrical workers;

- 1 (xii) One representative of the environmental community;
- 2 (xiii) One public member with expertise in energy or transportation
3 policy;
- 4 (xiv) One representative of the Maryland Automobile Dealers
5 Association; and
- 6 (xv) One representative of the retail electric supplier community.
- 7 (d) The Governor shall designate the chair or cochairs of the Council.
- 8 (e) The Department of Transportation shall provide staff support to the Council
9 with the assistance of the Maryland Energy Administration and Maryland Public Service
10 Commission.
- 11 (f) A member of the Council:
- 12 (1) May not receive compensation as a member of the Council; but
- 13 (2) Is entitled to reimbursement of expenses under the Standard State
14 Travel Regulations, as provided in the State budget.
- 15 (g) The Council shall:
- 16 (1) Develop an action plan to facilitate the successful integration of zero
17 emission electric vehicles into the State's transportation network;
- 18 (2) Assist in developing and coordinating statewide standards for
19 streamlined permitting and installation of residential and commercial electric vehicle
20 charging and hydrogen refueling stations and supply equipment;
- 21 (3) Develop a recommendation for a statewide electric vehicle charging and
22 hydrogen refueling infrastructure plan, including placement opportunities for public
23 charging and hydrogen refueling stations;
- 24 (4) Increase consumer awareness and demand for zero emission electric
25 vehicles through public outreach;
- 26 (5) Make recommendations regarding monetary and nonmonetary
27 incentives to support zero emission electric vehicle ownership and maximize private sector
28 investment in zero emission electric vehicles;
- 29 (6) Develop targeted policies to support fleet purchases of zero emission
30 electric vehicles;

1 (7) Develop charging solutions for existing and future multidwelling units;

2 (8) Develop model procurement practices for light-duty vehicles that
3 include an evaluation of the vehicle lifecycle costs inclusive of estimated fuel cost over the
4 anticipated life of the vehicle;

5 (9) Encourage local and regional efforts to promote the use of electric
6 vehicles and attract federal funding for State and local zero emission electric vehicle
7 programs;

8 (10) Recommend policies that support zero emission electric vehicle
9 charging and hydrogen refueling from clean energy sources;

10 (11) Recommend a method of displaying pricing information at public
11 charging and hydrogen refueling stations;

12 (12) Establish performance measures for meeting zero emission electric
13 vehicle-related employment, infrastructure, and regulatory goals; and

14 (13) Pursue other goals and objectives that promote the utilization of zero
15 emission electric vehicles in the State.

16 (h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015,
17 December 1, 2016, December 1, 2017, December 1, 2018, and December 1, 2019, the Council
18 shall submit interim reports of its work and recommendations to the Governor and, in
19 accordance with [~~§ 2-1246~~] **§ 2-1257** of the State Government Article, the General
20 Assembly.

21 (2) On or before June 30, 2020, the Council shall submit a final report of
22 its work and recommendations to the Governor and, in accordance with [~~§ 2-1246~~] **§**
23 **2-1257** of the State Government Article, the General Assembly.

24 SECTION ~~2~~ 2 AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2021.