

HOUSE BILL 720

C5

9lr2281

By: **Delegates McDonough and Shewell**
Introduced and read first time: February 10, 2009
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Nuclear Generating Facility – Sale of Electricity at Lowest Best Price and**
3 **Disclosure of Rates**

4 FOR the purpose of requiring a nuclear generating facility located in the State to offer
5 to sell electricity to a certain electric company at the lowest best price that it
6 sells electricity to certain other customers; authorizing the Public Service
7 Commission to waive the obligation of a nuclear generating facility located in
8 the State to offer to sell electricity to a certain electric company at the lowest
9 best price if the Commission makes a certain determination; requiring a nuclear
10 generating facility located in the State to disclose to certain persons the rates of
11 all electricity it sells to customers outside the State; providing that existing
12 obligations or contract rights may not be impaired by this Act; making the
13 provisions of this Act severable; and generally relating to the sale of electricity
14 to electric companies affiliated with a nuclear generating facility.

15 BY adding to
16 Article – Public Utility Companies
17 Section 7–510.1
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2008 Supplement)

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

22 **Article – Public Utility Companies**

23 **7–510.1.**

24 (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
25 **NUCLEAR GENERATING FACILITY LOCATED IN THE STATE MUST OFFER TO SELL**
26 **ELECTRICITY TO AN ELECTRIC COMPANY FOR DISTRIBUTION IN THE STATE AT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE LOWEST BEST PRICE THAT THE NUCLEAR GENERATING FACILITY SELLS
2 ELECTRICITY TO ANY CUSTOMERS LOCATED OUTSIDE THE STATE.

3 (B) ON APPLICATION BY A NUCLEAR GENERATING FACILITY, THE
4 COMMISSION MAY WAIVE THE OBLIGATION UNDER SUBSECTION (A) OF THIS
5 SECTION IF THE COMMISSION DETERMINES THAT DENYING A WAIVER WILL
6 RESULT IN THE INABILITY OF THE NUCLEAR GENERATING FACILITY TO MEET
7 PREEXISTING CONTRACTUAL OBLIGATIONS.

8 (C) A NUCLEAR GENERATING FACILITY THAT OPERATES IN THE STATE
9 SHALL DISCLOSE THE RATES OF ALL ELECTRICITY THAT IT SELLS TO
10 CUSTOMERS LOCATED OUTSIDE THE STATE TO:

11 (1) THE COMMISSION;

12 (2) THE PEOPLE'S COUNSEL; AND

13 (3) ANY ELECTRIC COMPANY THAT OPERATES IN THE STATE AND
14 IS AFFILIATED WITH THE FACILITY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing
16 obligation or contract right may not be impaired in any way by this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
18 Act or the application thereof to any person or circumstance is held invalid for any
19 reason in a court of competent jurisdiction, the invalidity does not affect other
20 provisions or any other application of this Act which can be given effect without the
21 invalid provision or application, and for this purpose the provisions of this Act are
22 declared severable.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.