

# SENATE BILL 1146

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CF HB 1414

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By: **Senator Middleton**

Introduced and read first time: February 24, 2017

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Renewable Energy Portfolio Standard – Study**

3 FOR the purpose of requiring the Maryland Clean Energy Center and the University of  
4 Maryland Energy Research Center jointly to conduct a study on the renewable  
5 energy portfolio standard and certain related matters; providing for the scope of the  
6 study; providing certain specific subjects that the study must address; requiring  
7 certain State and local units to cooperate with the centers in the conduct of the study;  
8 requiring the centers to report to the Governor and certain committees on or before  
9 certain dates; providing for the termination of this Act; and generally relating to the  
10 renewable energy portfolio standard and the State's energy policies.

11 BY repealing and reenacting, without amendments,  
12 Article – Public Utilities  
13 Section 7–701(a), (b), (i), (n), (o), and (p)  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2016 Supplement)

16 BY adding to  
17 Article – Public Utilities  
18 Section 7–714  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2016 Supplement)

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

23 **Article – Public Utilities**

24 7–701.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Administration” means the Maryland Energy Administration.

2 (i) “PJM region” means the control area administered by the PJM  
3 Interconnection, as the area may change from time to time.

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

7 (1) in the PJM region;

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

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

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

15 (ii) is between 10 and 30 miles off the coast of the State.

16 (o) “Renewable energy portfolio standard” or “standard” means the percentage of  
17 electricity sales at retail in the State that is to be derived from Tier 1 renewable sources  
18 and Tier 2 renewable sources in accordance with § 7-703(b) of this subtitle.

19 (p) “Renewable on-site generator” means a person who generates electricity on  
20 site from a Tier 1 renewable source or a Tier 2 renewable source for the person’s own use.

21 **7-714.**

22 **(A) THE MARYLAND CLEAN ENERGY CENTER AND THE UNIVERSITY OF**  
23 **MARYLAND ENERGY RESEARCH CENTER SHALL JOINTLY CONDUCT A STUDY OF**  
24 **THE RENEWABLE ENERGY PORTFOLIO STANDARD AND RELATED MATTERS IN**  
25 **ACCORDANCE WITH THIS SECTION.**

26 **(B) THE STUDY SHALL BE A COMPREHENSIVE REVIEW OF THE HISTORY,**  
27 **IMPLEMENTATION, AND EFFECTIVENESS OF THE RENEWABLE ENERGY PORTFOLIO**  
28 **STANDARD IN RELATION TO THE ENERGY POLICIES OF THE STATE, INCLUDING:**

29 **(1) THE AVAILABILITY OF CLEAN ENERGY AT REASONABLE AND**  
30 **AFFORDABLE RATES;**

1           **(2) THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF THE**  
2 **DEPLOYMENT OF RENEWABLE ENERGY SOURCES IN THE STATE AND IN**  
3 **SURROUNDING AREAS OF THE PJM REGION;**

4           **(3) THE EFFECTIVENESS OF THE STANDARD IN ENCOURAGING**  
5 **DEVELOPMENT AND DEPLOYMENT OF RENEWABLE ENERGY SOURCES;**

6           **(4) THE IMPACT OF ALTERATIONS THAT HAVE BEEN MADE IN THE**  
7 **COMPONENTS OF EACH TIER OF THE STANDARD, THE IMPLEMENTATION OF**  
8 **DIFFERENT SPECIFIC GOALS FOR PARTICULAR SOURCES, AND THE EFFECT OF**  
9 **DIFFERENT PERCENTAGES AND ALTERNATIVE COMPLIANCE PAYMENT SCALES FOR**  
10 **ENERGY IN THE TIERS;**

11           **(5) AN ASSESSMENT OF ALTERNATIVE MODELS OF REGULATION AND**  
12 **MARKET-BASED TOOLS THAT MAY BE AVAILABLE OR ADVISABLE TO PROMOTE THE**  
13 **GOALS OF THE STANDARD AND THE ENERGY POLICIES OF THE STATE; AND**

14           **(6) THE POTENTIAL TO ALTER OR OTHERWISE EVOLVE THE**  
15 **STANDARD IN ORDER TO INCREASE AND MAINTAIN ITS EFFECTIVENESS IN**  
16 **PROMOTING THE STATE'S ENERGY POLICIES.**

17           **(C) PARTICULAR SUBJECTS TO BE ADDRESSED IN THE STUDY INCLUDE:**

18           **(1) THE ROLE THAT THE STANDARD MAY HAVE IN REDUCING THE**  
19 **CARBON CONTENT OF IMPORTED ELECTRICITY AND WHETHER EXISTING OR NEW**  
20 **ADDITIONAL COMPLEMENTARY POLICIES OR PROGRAMS COULD HELP ADDRESS THE**  
21 **CARBON EMISSIONS ASSOCIATED WITH ELECTRICITY IMPORTED INTO THE STATE;**

22           **(2) THE NET ENVIRONMENTAL AND FISCAL IMPACTS THAT MAY BE**  
23 **ASSOCIATED WITH LONG-TERM CONTRACTS TIED TO CLEAN ENERGY PROJECTS;**

24           **(3) WHETHER THE STANDARD IS ABLE TO MEET CURRENT AND**  
25 **POTENTIAL FUTURE TARGETS WITHOUT THE INCLUSION OF CERTAIN**  
26 **TECHNOLOGIES;**

27           **(4) WHAT INDUSTRIES ARE PROJECTED TO GROW, AND TO WHAT**  
28 **EXTENT, AS A RESULT OF INCENTIVES ASSOCIATED WITH THE STANDARD;**

29           **(5) WHETHER THE PUBLIC HEALTH AND ENVIRONMENTAL BENEFITS**  
30 **OF THE GROWING CLEAN ENERGY INDUSTRIES SUPPORTED BY THE STANDARD ARE**  
31 **BEING EQUITABLY DISTRIBUTED ACROSS OVERBURDENED AND UNDERSERVED**  
32 **ENVIRONMENTAL JUSTICE COMMUNITIES;**

1           **(6) WHETHER THE STATE IS LIKELY TO MEET ITS EXISTING GOALS**  
2 **UNDER THE STANDARD AND, IF THE STATE WERE TO INCREASE THOSE GOALS,**  
3 **WHETHER ELECTRICITY SUPPLIERS SHOULD EXPECT TO FIND AN ADEQUATE**  
4 **SUPPLY TO MEET THE ADDITIONAL DEMAND FOR CREDITS;**

5           **(7) ADDITIONAL OPPORTUNITIES THAT MAY BE AVAILABLE TO**  
6 **PROMOTE LOCAL JOB CREATION WITHIN THE INDUSTRIES THAT ARE PROJECTED TO**  
7 **GROW AS A RESULT OF THE STANDARD;**

8           **(8) SYSTEM FLEXIBILITY THAT THE STATE WOULD NEED UNDER**  
9 **FUTURE GOALS UNDER THE STANDARD, INCLUDING THE QUANTITIES OF SYSTEM**  
10 **PEAKING AND RAMPING THAT MAY BE REQUIRED;**

11           **(9) WHETHER AND HOW ENERGY STORAGE TECHNOLOGY AND OTHER**  
12 **FLEXIBILITY RESOURCES SHOULD BE ADDRESSED IN SUPPORT OF STATE ENERGY**  
13 **POLICY, INCLUDING:**

14           **(I) WHETHER THE RESOURCES SHOULD BE INCLUDED IN THE**  
15 **STANDARD OR SHOULD BE ADDRESSED BY A SEPARATE STANDARD OR**  
16 **PROCUREMENT MECHANISM;**

17           **(II) WHETHER RESOURCES SUCH AS ENERGY STORAGE DEVICES**  
18 **THAT INCREASE HOSTING CAPACITY OF INCREASED RENEWABLE ON-SITE**  
19 **GENERATION ON THE DISTRIBUTION SYSTEM SHOULD BE INCLUDED AS PART OF THE**  
20 **STANDARD;**

21           **(III) WHAT OWNERSHIP MODELS MAY BE APPROPRIATE FOR**  
22 **ENERGY STORAGE RECOGNIZED UNDER THE STANDARD OR AN ALTERNATIVE**  
23 **MECHANISM; AND**

24           **(IV) A COMPARISON OF THE NET RATEPAYER BENEFITS OF**  
25 **ENERGY STORAGE DEPLOYMENT IN THE STATE UNDER FUTURE GOALS SCENARIOS,**  
26 **AND HOW MUCH OF THOSE BENEFITS CAN BE MONETIZED BY EITHER STORAGE**  
27 **RESOURCE OWNERS OR ELECTRIC DISTRIBUTION UTILITIES; AND**

28           **(10) ANY OTHER MATTERS THE CENTERS CONSIDER RELEVANT TO THE**  
29 **ANALYSIS OF THE ISSUES OUTLINED IN THIS SECTION.**

30           **(D) THE COMMISSION, THE ADMINISTRATION, THE DEPARTMENT OF THE**  
31 **ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND OTHER STATE**  
32 **AND LOCAL UNITS SHALL COOPERATE WITH THE CENTERS IN THE CONDUCT OF THE**  
33 **STUDY UNDER THIS SECTION, INCLUDING SHARING OF INFORMATION, DATA, AND**

1 RESOURCES, SUBJECT TO APPROPRIATE LEGAL PROTECTION OF COMMERCIALY  
2 SENSITIVE AND OTHER INFORMATION.

3 (E) (1) ON OR BEFORE DECEMBER 1, 2018, THE CENTERS SHALL SUBMIT  
4 AN INTERIM REPORT ON ANY PRELIMINARY FINDINGS OF THE STUDY UNDER THIS  
5 SECTION, INCLUDING ANY OBSERVATIONS AND REQUESTS FOR ALTERATION OR  
6 CLARIFICATION OF THE SCOPE, SUBJECTS, PROCEDURES, AND  
7 INTERGOVERNMENTAL COOPERATION THAT MAY BE REQUIRED TO COMPLETE THE  
8 STUDY AND SUBMIT A FINAL REPORT UNDER THIS SUBSECTION.

9 (2) ON OR BEFORE DECEMBER 1, 2019, THE CENTERS SHALL SUBMIT  
10 A FINAL REPORT ON THE FINDINGS OF THE STUDY, INCLUDING PROPOSALS FOR ANY  
11 ALTERATION OF THE RENEWABLE PORTFOLIO STANDARD, ALTERNATIVE  
12 MECHANISMS FOR FURTHERING THE STATE'S ENERGY POLICIES, AND RELATED  
13 MATTERS, AND ANY PROPOSED LEGISLATIVE OR REGULATORY CHANGES  
14 RECOMMENDED TO IMPLEMENT THE FINDINGS OF THE STUDY.

15 (3) THE INTERIM AND FINAL REPORTS SHALL BE SUBMITTED TO THE  
16 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
17 SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
19 1, 2017. It shall remain effective for a period of 3 years and 1 month and, at the end of June  
20 30, 2020, with no further action required by the General Assembly, this Act shall be  
21 abrogated and of no further force and effect.