

SENATE BILL 886

C5

9lr2608

By: **Senator Hershey**

Introduced and read first time: February 13, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Solar Photovoltaic Systems**

3 FOR the purpose of altering the application of a provision requiring the payment of a
4 certain deposit with the Public Service Commission in connection with a certain
5 application to construct a certain solar photovoltaic system; altering the period of
6 time within which the Commission shall refund the deposit under certain
7 circumstances; altering the period of time after which a certain deposit is deemed to
8 be abandoned; altering the period of time within which a person may request a
9 certain extension for a certain project; and generally relating to solar photovoltaic
10 systems.

11 BY repealing and reenacting, with amendments,
12 Article – Public Utilities
13 Section 7–207.2
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – State Government
18 Section 9–20B–05(a) through (e)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2018 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 7–207.2.

25 (a) This section applies to a person who constructs a generating station

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 that[:

2 (1)] has the capacity to produce at least 2 megawatts of electricity from a
3 solar photovoltaic system[; and

4 (2) is exempted under § 7–207.1 of this subtitle from the requirement to
5 obtain a certificate of public convenience and necessity].

6 (b) (1) A person shall file an application for approval to construct a generating
7 station under § 7–207.1 of this subtitle at least 6 months before construction commences.

8 (2) The Commission shall require a person who files an application for
9 approval to construct a generating station to pay a deposit of 1% of total installed costs.

10 (c) (1) The Commission shall place any deposits collected under subsection (b)
11 of this section into an escrow account.

12 (2) If a person demonstrates to the Commission that the person [is fully
13 authorized to commence] **HAS COMMENCED** construction within [18 months] **1 YEAR** after
14 [filing an application for] **OBTAINING** approval, the Commission shall refund the deposit,
15 less reasonable administrative costs.

16 (3) (i) Subject to subparagraph (ii) of this paragraph, if a person [does]
17 **HAS** not [commence] **COMMENCED** construction within [18 months] **1 YEAR** after [filing
18 an application for] **OBTAINING** approval, the money held in the escrow account shall be:

19 1. deemed to be abandoned; and

20 2. transferred to the Maryland Strategic Energy Investment
21 Fund under § 9–20B–05 of the State Government Article, less reasonable administrative
22 costs.

23 (ii) 1. A person may request an extension for a project that
24 [does] **HAS** not [commence] **COMMENCED** construction within [18 months] **1 YEAR** after
25 [the filing of an application for] **OBTAINING** approval.

26 2. The Commission may grant the request based on factors
27 the Commission considers compelling, including the occurrence of events outside the
28 person's control.

29 Article – State Government

30 9–20B–05.

31 (a) There is a Maryland Strategic Energy Investment Fund.

1 (b) The purpose of the Fund is to implement the Strategic Energy Investment
2 Program.

3 (c) The Administration shall administer the Fund.

4 (d) (1) The Fund is a special, nonlapsing fund that is not subject to §
5 7-302 of the State Finance and Procurement Article.

6 (2) The Treasurer shall hold the Fund separately and the Comptroller shall
7 account for the Fund.

8 (e) The Fund consists of:

9 (1) all of the proceeds from the sale of allowances under § 2-1002(g) of the
10 Environment Article;

11 (2) money appropriated in the State budget to the Program;

12 (3) repayments and prepayments of principal and interest on loans made
13 from the Fund;

14 (4) interest and investment earnings on the Fund;

15 (5) compliance fees paid under § 7-705 of the Public Utilities Article; and

16 (6) money received from any public or private source for the benefit of the
17 Fund; and

18 (7) money transferred from the Public Service Commission under §
19 7-207.2(c)(3) of the Public Utilities Article.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.