

SB0334/543522/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 334  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Long-Term Power Purchase Agreements for Renewable Energy Workgroup and Minority-Owned and Women-Owned Businesses Study**”; strike beginning with “requiring” in line 3 down through “energy” in line 16 and substitute “establishing the Long-Term Power Purchase Agreements for Renewable Energy Workgroup to review certain long-term contracts and power purchase agreements for renewable energy, study the feasibility of implementing long-term power purchase agreements for renewable energy contracts in the State, and make certain recommendations; requiring a certain certification agency and the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Commission, the Office of the Attorney General, and the General Assembly, to initiate a certain study of the renewable energy industry and market in the State and make certain recommendations relating to minority-owned and women-owned business participation in the renewable energy industry and market in the State; requiring the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with a certain certification agency and the Office of the Attorney General, to develop certain race-neutral and gender-neutral approaches relating to minority-owned and women-owned businesses seeking to participate in the renewable energy industry and market in the State; and generally relating to the Long-Term Power Purchase Agreements for Renewable Energy Workgroup and a minority-owned and women-owned businesses study”; strike in their entirety lines 17 through 26, inclusive; and in line 28, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On page 1, after line 28, insert:

“(a) There is a Long-Term Power Purchase Agreements for Renewable Energy Workgroup.

(b) The Workgroup consists of the following members:

(1) the People’s Counsel, or the People’s Counsel’s designee;

(2) the Director of the Maryland Energy Administration, or the Director’s designee;

(3) the following members, selected by the Chairman of the Public Service Commission:

(i) one representative of each investor-owned electric company with customers in the State;

(ii) one representative of the utility scale solar industry;

(iii) one representative of the wind industry;

(iv) one representative of a renewable energy trade association;

(v) one representative of retail energy suppliers;

(vi) one representative of nonutility energy generators supplying power to the PJM region;

(vii) one individual with expertise in corporate renewable energy procurement; and

(viii) one individual with expertise in implementing power purchase agreements or long-term contracts for renewable energy; and

(4)     any other individuals identified by the Public Service Commission.

(c)     The Chairman of the Public Service Commission shall designate the chair of the Workgroup.

(d)     The Public Service Commission shall provide staff for the Workgroup.

(e)     A member of the Workgroup:

(1)     may not receive compensation as a member of the Workgroup; but

(2)     is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f)     The Workgroup shall:

(1)     undertake a review of:

(i)     existing long-term contracts and power purchase agreements for renewable energy in other states;

(ii)    the Public Service Commission of the District of Columbia's pilot program on long-term power purchase agreements for renewable energy; and

(iii)   the Massachusetts Department of Public Utilities' regulatory program on long-term power purchase agreements for renewable energy;

(2)     study the feasibility of implementing long-term power purchase agreements for renewable energy contracts in the State; and

(3)     make recommendations on:

(Over)

(i) whether a long-term power purchase agreement program for renewable energy could be implemented in Maryland through legislation or regulatory action;

(ii) the potential risks and benefits to the electricity market in Maryland of establishing a long-term power purchase agreement program;

(iii) the cost of requiring the Public Service Commission to administrate a long-term power purchase agreement program;

(iv) appropriate protections for investor-owned electric companies with customers in the State that may participate in the program;

(v) the potential benefits to Maryland ratepayers; and

(vi) any protections necessary to ensure fair oversight of long-term power purchase agreements for renewable energy entered into by investor-owned electric companies.

(g) On or before December 1, 2022, the Workgroup shall report its findings and recommendations to the General Assembly in accordance with § 2-1257 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The certification agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article and the Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Public Service Commission, the Office of the Attorney General, and the General Assembly, shall initiate a study on the renewable energy industry to evaluate whether the enactment of remedial measures to assist minority-owned and women-owned

businesses in the renewable energy industry and market would comply with the requirements of City of Richmond v. J. A. Croson Co., 488 U.S. 469, and any subsequent federal or constitutional requirements.

(2) (i) The Public Service Commission shall require electric companies and other entities participating in the renewable energy industry to provide to the Commission any information determined to be necessary to assess the need for remedial measures to assist minority-owned and women-owned businesses in the renewable energy industry and market in the State.

(ii) The information required under subparagraph (i) of this paragraph may include a list of the entity's expenditures, broken down by State fiscal year for the period beginning July 1, 2017, and ending June 30, 2022, including, for each expenditure:

1. a description of the work performed;
2. the dollar value of the expenditure;
3. whether the work was performed by the electric company, another entity participating in the renewable energy industry, or a contractor or subcontractor; and
4. if the work was performed by a contractor or subcontractor, the name of the contractor or subcontractor.

(iii) On or before August 1, 2022, each electric company and other entity participating in the renewable energy industry shall provide the information required under subparagraph (i) of this paragraph to the Public Service Commission.

**SB0334/543522/01**                      **Finance Committee**  
**Amendments to SB 334**  
**Page 6 of 7**

(iv) On or before August 15, 2022, the Public Service Commission shall provide the information collected under subparagraph (i) of this paragraph to the certification agency.

(v) 1. All information provided by an electric company or entity under subparagraph (i) of this paragraph shall:

A. constitute confidential commercial and financial information; and

B. be treated as confidential by the Public Service Commission and the State.

2. Information provided by an electric company or entity under subparagraph (i) of this paragraph may only be:

A. used for the purposes authorized under this subsection; and

B. disclosed to the public in an anonymized or aggregated format.

(3) The certification agency and the Governor's Office of Small, Minority, and Women Business Affairs shall report their findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on or before December 1, 2022, so that the General Assembly may review the findings during the 2023 legislative session.

(b) (1) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the certification agency and the Office of the Attorney General, shall develop race-neutral and gender-neutral approaches for addressing the

needs of minority-owned and women-owned businesses seeking to participate in the renewable energy industry and market.

(2) On or before December 1, 2022, the Governor’s Office of Small, Minority, and Women Business Affairs shall report the approaches developed under paragraph (1) of this subsection to the Legislative Policy Committee, in accordance with § 2–1257 of the State Government Article, so that the General Assembly may review, consider, and include race-neutral and gender-neutral alternatives in legislation concerning the renewable energy industry or market.

(c) The certification agency, the Public Service Commission, and the Governor’s Office of Small, Minority, and Women Business Affairs shall provide staff for the studies required under subsections (a) and (b) of this section.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 1 on page 2 through line 17 on page 5.

On page 5, in line 19, strike “October” and substitute “June”; and in the same line, after the period insert “It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.