

HOUSE BILL 1036

C5, M5

5lr1948
CF SB 931

By: **Delegates Wilson and Crosby**

Introduced and read first time: February 5, 2025

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2025

CHAPTER _____

1 AN ACT concerning

2 **Public Utilities – Generating Stations – Generation and Siting**
3 **(Renewable Energy Certainty Act)**

4 FOR the purpose of altering the factors the Public Service Commission must consider before
5 taking final action on a certificate of public convenience and necessity; establishing
6 a distributed generation certificate of public convenience and necessity to authorize
7 the construction and operation of a certain distributed solar energy generating
8 system; requiring the Power Plant Research Program, by a certain date, to develop
9 and submit to the Commission proposed siting and design requirements and
10 licensing conditions; establishing certain requirements for the construction of a
11 certain solar energy generating station or front-of-the-meter energy storage device;
12 prohibiting a local jurisdiction from adopting certain laws or regulations or denying
13 certain site development plans under certain circumstances; requiring a local
14 government to expedite the review and approval of certain site development plans
15 under certain circumstances; ~~authorizing a local government to establish a certain~~
16 ~~community solar energy generating system automatic enrollment program under~~
17 ~~certain circumstances;~~ establishing certain requirements for the sale, lease, and
18 installation of certain residential rooftop solar energy generating systems; requiring
19 the Maryland Department of Labor to develop a special solar contractor license;
20 requiring the Commission to conduct a certain study to establish a process by which
21 the Commission may establish certain ~~partnerships~~ procurement models; and
22 generally relating to generating stations.

23 ~~BY repealing and reenacting, without amendments,~~

24 ~~Article – Public Utilities~~

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.



1 ~~Section 7-207(d)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2020 Replacement Volume and 2024 Supplement)~~

4 BY repealing and reenacting, with amendments,
 5 Article – Natural Resources
 6 Section 3-306(a)(1)
 7 Annotated Code of Maryland
 8 (2023 Replacement Volume and 2024 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – Public Utilities
 11 ~~Section 7-207(e) and 7-306.2(a), (e), and (d)(7)~~ Section 7-207(b)(1)(i) and (ii), (e), and
 12 (h), 7-207.1(c)(1), and 7-306.2(a), (c), and (d)(7)
 13 Annotated Code of Maryland
 14 (2020 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, without amendments,
 16 Article – Public Utilities
 17 Section 7-207(d)
 18 Annotated Code of Maryland
 19 (2020 Replacement Volume and 2024 Supplement)

20 BY adding to
 21 Article – Public Utilities
 22 Section ~~7-207.4~~, 7-218, 7-219, ~~7-306.2(e)~~, and 7-320
 23 Annotated Code of Maryland
 24 (2020 Replacement Volume and 2024 Supplement)

25 BY adding to
 26 Article – State Government
 27 Section 9-2017
 28 Annotated Code of Maryland
 29 (2021 Replacement Volume and 2024 Supplement)

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

32 **Article – Natural Resources**

33 3-306.

34 (a) (1) Notwithstanding anything to the contrary in this article or the Public
 35 Utilities Article, on application to the Public Service Commission for a certificate of public
 36 convenience and necessity associated with power plant construction IN ACCORDANCE
 37 WITH § 7-207 OF THE PUBLIC UTILITIES ARTICLE, the Commission shall notify

1 immediately the Department [of Natural Resources] and the Department of the
2 Environment of the application.

3 **Article – Public Utilities**

4 7–207.

5 (b) (1) (i) [Unless] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
6 THIS PARAGRAPH, UNLESS a certificate of public convenience and necessity for the
7 construction is first obtained from the Commission, a person may not begin construction in
8 the State of:

9 1. a generating station; or

10 2. a qualified generator lead line.

11 (ii) [If a person obtains Commission approval for construction under
12 § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to
13 obtain a certificate of public convenience and necessity under this section] A PERSON IS
14 NOT REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND
15 NECESSITY UNDER THIS SECTION IF THE PERSON OBTAINS:

16 1. COMMISSION APPROVAL FOR CONSTRUCTION UNDER
17 § 7–207.1 OF THIS SUBTITLE; OR

18 2. A DISTRIBUTED GENERATION CERTIFICATE OF
19 PUBLIC CONVENIENCE AND NECESSITY UNDER § 7–207.4 OF THIS SUBTITLE.

20 (d) (1) (i) The Commission shall provide an opportunity for public
21 comment and hold a public hearing on the application for a certificate of public convenience
22 and necessity in each county and municipal corporation in which any portion of the
23 construction of a generating station, an overhead transmission line designed to carry a
24 voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

25 (ii) The Commission may hold the public hearing virtually rather
26 than in person if the Commission provides a comparable opportunity for public comment
27 and participation in the hearing.

28 (2) The Commission shall hold the public hearing jointly with the
29 governing body of the county or municipal corporation in which any portion of the
30 construction of the generating station, overhead transmission line, or qualified generator
31 lead line is proposed to be located, unless the governing body declines to participate in the
32 hearing.

1 (3) (i) Once in each of the 4 successive weeks immediately before the
2 hearing date, the Commission shall provide weekly notice of the public hearing and an
3 opportunity for public comment:

4 1. by advertisement in a newspaper of general circulation in
5 the county or municipal corporation affected by the application;

6 2. on two types of social media; and

7 3. on the Commission's website.

8 (ii) Before a public hearing, the Commission shall coordinate with
9 the governing body of the county or municipal corporation in which any portion of the
10 construction of the generating station, overhead transmission line, or qualified generator
11 lead line is proposed to be located to identify additional options for providing, in an efficient
12 and cost-effective manner, notice of the public hearing through other types of media that
13 are familiar to the residents of the county or municipal corporation.

14 (4) (i) On the day of a public hearing, an informational sign shall be
15 posted prominently at or near each public entrance of the building in which the public
16 hearing will be held.

17 (ii) The informational sign required under subparagraph (i) of this
18 paragraph shall:

19 1. state the time, room number, and subject of the public
20 hearing; and

21 2. be at least 17 by 22 inches in size.

22 (iii) If the public hearing is conducted virtually rather than in person,
23 the Commission shall provide information on the hearing prominently on the Commission's
24 website.

25 (5) (i) The Commission shall ensure presentation and
26 recommendations from each interested State unit, and shall allow representatives of each
27 State unit to sit during hearing of all parties.

28 (ii) The Commission shall allow each State unit 15 days after the
29 conclusion of the hearing to modify the State unit's initial recommendations.

30 (e) The Commission shall take final action on an application for a certificate of
31 public convenience and necessity only after due consideration of:

32 (1) the recommendation of the governing body of each county or municipal
33 corporation in which any portion of the construction of the generating station, overhead
34 transmission line, or qualified generator lead line is proposed to be located;

1 (2) the effect of the generating station, overhead transmission line, or
2 qualified generator lead line on:

3 (i) the stability and reliability of the electric system;

4 (ii) economics;

5 (iii) esthetics;

6 (iv) historic sites;

7 (v) aviation safety as determined by the Maryland Aviation
8 Administration and the administrator of the Federal Aviation Administration;

9 (vi) when applicable, air quality and water pollution; and

10 (vii) the availability of means for the required timely disposal of
11 wastes produced by any generating station;

12 (3) the effect of climate change on the generating station, overhead
13 transmission line, or qualified generator lead line based on the best available scientific
14 information recognized by the Intergovernmental Panel on Climate Change; [and]

15 (4) for a generating station:

16 (i) the consistency of the application with the comprehensive plan
17 and zoning of each county or municipal corporation where any portion of the generating
18 station is proposed to be located;

19 (ii) the efforts to resolve any issues presented by a county or
20 municipal corporation where any portion of the generating station is proposed to be located;

21 (iii) the impact of the generating station on the quantity of annual
22 and long-term statewide greenhouse gas emissions, measured in the manner specified in §
23 2-1202 of the Environment Article and based on the best available scientific information
24 recognized by the Intergovernmental Panel on Climate Change; and

25 (iv) the consistency of the application with the State's climate
26 commitments for reducing statewide greenhouse gas emissions, including those specified
27 in Title 2, Subtitle 12 of the Environment Article; AND

28 **(5) FOR A SOLAR ENERGY GENERATING STATION SPECIFIED UNDER §**
29 **7-218 OF THIS SUBTITLE, WHETHER THE OWNER OF A PROPOSED SOLAR ENERGY**
30 **GENERATING STATION COMPLIES WITH THE SITE REQUIREMENTS ~~OF~~ UNDER §**
31 **7-218(F) OF THIS SUBTITLE.**

1 (h) (1) A county or municipal corporation has the authority to approve or deny
2 any local permit required under a certificate of public convenience and necessity issued
3 under this section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC
4 CONVENIENCE AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE.

5 (2) A county or municipal corporation shall approve or deny any local
6 permits required under a certificate of public convenience and necessity issued under this
7 section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE
8 AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE:

9 (i) within a reasonable time; and

10 (ii) to the extent local laws are not preempted by State law, in
11 accordance with local laws.

12 (3) A county or municipal corporation may not condition the approval of a
13 local permit required under a certificate of public convenience and necessity issued under
14 this section OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE
15 AND NECESSITY ISSUED UNDER § 7-207.4 OF THIS SUBTITLE on receipt of any of the
16 following approvals for any aspect of a generating station, an overhead transmission line,
17 or a qualified lead line proposed to be constructed under the certificate:

18 (i) a conditional use approval;

19 (ii) a special exception approval; or

20 (iii) a floating zone approval.

21 7-207.1.

22 (c) (1) The Commission shall require a person that is exempted from the
23 requirement to obtain a certificate of public convenience and necessity UNDER §
24 7-207(B)(1)(II)1 OF THIS SUBTITLE to obtain approval from the Commission under this
25 section before the person may construct a generating station described in subsection (b) of
26 this section.

27 7-207.4.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (2) “DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC
31 CONVENIENCE AND NECESSITY” OR “DGCPCN” MEANS A CERTIFICATE ISSUED BY
32 THE COMMISSION UNDER THIS SECTION THAT AUTHORIZES THE CONSTRUCTION
33 AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM.

1 **(3) “DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM” MEANS A**
2 **COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS DEFINED IN § 7-306.2 OF**
3 **THIS TITLE, THAT:**

4 **(I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC**
5 **CONVENIENCE AND NECESSITY UNDER § 7-207 OF THIS SUBTITLE IF THE SYSTEM**
6 **DOES NOT OBTAIN A DGPCN UNDER THIS SECTION;**

7 **(II) HAS A CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS**
8 **BUT NOT MORE THAN 5 MEGAWATTS OF ALTERNATING CURRENT AS MEASURED BY**
9 **THE ALTERNATING CURRENT RATING OF THE SYSTEM’S INVERTER; AND**

10 **(III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.**

11 **(4) “FOREST” HAS THE MEANING STATED IN § 5-1601 OF THE**
12 **NATURAL RESOURCES ARTICLE.**

13 **(5) “POWER PLANT RESEARCH PROGRAM” MEANS THE PROGRAM**
14 **WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3**
15 **OF THE NATURAL RESOURCES ARTICLE.**

16 **(6) “STANDARD LICENSING CONDITIONS” MEANS THE**
17 **PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER**
18 **THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR**
19 **ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGPCN UNDER THIS**
20 **SECTION.**

21 **(7) “STANDARD SITING AND DESIGN REQUIREMENTS” MEANS THE**
22 **PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION**
23 **UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR**
24 **ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGPCN UNDER THIS**
25 **SECTION.**

26 **(B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH**
27 **PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT,**
28 **SHALL DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING**
29 **AND DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS**
30 **FOR THE ISSUANCE OF A DGPCN.**

31 **(2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN**
32 **REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS, THE**
33 **POWER PLANT RESEARCH PROGRAM SHALL:**

1 **(I) CONSIDER ACHIEVEMENT OF THE STATE'S CLIMATE AND**
2 **RENEWABLE ENERGY COMMITMENTS;**

3 **(II) CONSIDER REASONABLE SETBACKS AND LANDSCAPE**
4 **SCREENING REQUIREMENTS;**

5 **(III) CONSIDER ENVIRONMENTAL PRESERVATION, INCLUDING**
6 **PROHIBITIONS ON FOREST CLEARANCE EXCEPT WHERE NECESSARY TO:**

7 **1. REDUCE SOLAR PANEL SHADING NEAR THE**
8 **PERIMETER OF THE PROJECT SITE;**

9 **2. FACILITATE INTERCONNECTION INFRASTRUCTURE;**
10 **AND**

11 **3. ENSURE ADEQUATE SITE ACCESS;**

12 **(IV) CONSIDER STORMWATER MANAGEMENT, EROSION AND**
13 **SEDIMENT CONTROL, AND SITE STABILIZATION, ACCOUNTING FOR:**

14 **1. THE EFFECTS ON RUNOFF FROM SOLAR PANELS AND**
15 **ASSOCIATED EQUIPMENT;**

16 **2. THE EFFECTS OF SOIL CHARACTERISTICS AND**
17 **COMPACTION ON RUNOFF; AND**

18 **3. THE EFFECTS OF THE GROUND COVER UNDER AND**
19 **BETWEEN THE SOLAR PANELS ON RUNOFF;**

20 **(V) CONSIDER MINIMIZATION AND MITIGATION OF THE**
21 **EFFECTS OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM ON HISTORIC**
22 **SITES;**

23 **(VI) CONSIDER PUBLIC SAFETY;**

24 **(VII) CONSIDER INDUSTRY BEST PRACTICES;**

25 **(VIII) CONSIDER ENSURING THE STABILITY AND RELIABILITY OF**
26 **THE ELECTRIC SYSTEM BY REQUIRING THE APPLICANT TO SUBMIT A SIGNED**
27 **INTERCONNECTION AGREEMENT WITH THE ELECTRIC COMPANY BEFORE THE**
28 **START OF CONSTRUCTION;**

1 (IX) CONSIDER LICENSING CONDITIONS PREVIOUSLY ADOPTED
2 BY THE COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING
3 REQUIREMENTS RELATED TO DECOMMISSIONING;

4 (X) ENSURE THE STANDARD SITING AND DESIGN
5 REQUIREMENTS ARE CONSISTENT WITH § 7-218 OF THIS SUBTITLE; AND

6 (XI) CONSIDER ANY OTHER REQUIREMENTS DETERMINED
7 NECESSARY BY THE POWER PLANT RESEARCH PROGRAM.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR
9 BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT REGULATIONS TO:

10 (I) IMPLEMENT STANDARD SITING AND DESIGN
11 REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGPCN;

12 (II) SPECIFY THE FORM OF THE APPLICATION FOR A
13 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGPCN AND
14 ANY APPLICATION FEE;

15 (III) SPECIFY THE COMMISSION'S PROCEDURE FOR PROCESSING
16 AN APPLICATION FOR A DGPCN; AND

17 (IV) ESTABLISH THE TIME PERIOD WITHIN WHICH THE POWER
18 PLANT RESEARCH PROGRAM MUST MAKE THE DETERMINATION UNDER
19 SUBSECTION (F) OF THIS SECTION.

20 (2) THE COMMISSION SHALL:

21 (I) CONSIDER THE PROPOSED STANDARD SITING AND DESIGN
22 REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS
23 DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN ADOPTING THE
24 REGULATIONS UNDER THIS SUBSECTION; AND

25 (II) ENSURE REGULATIONS ADOPTED TO IMPLEMENT
26 STANDARD SITING AND DESIGN REQUIREMENTS ARE CONSISTENT WITH § 7-218 OF
27 THIS SUBTITLE.

28 (3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER
29 PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS
30 REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN
31 REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGPCN.

1 **(II) THE PROCESS FOR SOLICITING PUBLIC COMMENTS UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE SAME AS THE PROCESS FOR**
3 **SOLICITING PUBLIC COMMENT REGARDING THE ADOPTION OF A REGULATION.**

4 **(4) (I) THE COMMISSION AND THE DEPARTMENT OF NATURAL**
5 **RESOURCES MAY JOINTLY SET AN APPLICATION FEE FOR A DGPCN APPLICATION**
6 **AT AN AMOUNT THAT THE COMMISSION AND THE DEPARTMENT OF NATURAL**
7 **RESOURCES DETERMINE MAY OFFSET THE ADMINISTRATIVE COSTS OF THE**
8 **DGPCN APPROVAL PROCESS THAT ARE INCURRED BY THE COMMISSION AND THE**
9 **DEPARTMENT OF NATURAL RESOURCES.**

10 **(II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF**
11 **THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGPCN**
12 **APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.**

13 **(D) (1) A PERSON MAY NOT BEGIN CONSTRUCTION OF A DISTRIBUTED**
14 **SOLAR ENERGY GENERATING SYSTEM UNLESS:**

15 **(I) A DGPCN IS FIRST OBTAINED FROM THE COMMISSION IN**
16 **ACCORDANCE WITH THIS SECTION; OR**

17 **(II) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
18 **IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH § 7-207 OF THIS**
19 **SUBTITLE.**

20 **(2) AT LEAST 30 DAYS BEFORE SUBMITTING AN APPLICATION FOR A**
21 **DGPCN TO THE COMMISSION, THE APPLICANT SHALL SUBMIT A COPY OF THE**
22 **APPLICATION TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE**
23 **DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.**

24 **(3) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGPCN TO**
25 **THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO THE**
26 **POWER PLANT RESEARCH PROGRAM.**

27 **(E) (1) AFTER RECEIVING AN APPLICATION FOR A DGPCN BUT**
28 **BEFORE A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE**
29 **COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD**
30 **A PUBLIC HEARING ON AN APPLICATION FOR A DGPCN IN EACH COUNTY IN**
31 **WHICH ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY**
32 **GENERATING SYSTEM IS PROPOSED TO BE LOCATED.**

33 **(2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY**
34 **RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE**
35 **OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.**

1 **(F) (1) AFTER AN APPLICATION FOR A DGPCN IS FILED WITH THE**
2 **COMMISSION AND WITHIN THE TIME PERIOD SET BY THE COMMISSION UNDER**
3 **SUBSECTION (C)(1)(IV) OF THIS SECTION, THE POWER PLANT RESEARCH PROGRAM**
4 **SHALL:**

5 **(I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY**
6 **GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN**
7 **REQUIREMENTS FOR THE DGPCN; AND**

8 **(II) NOTIFY THE COMMISSION IN WRITING AS TO THE**
9 **DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING HOW AN**
10 **APPLICATION THAT IS DETERMINED NOT TO SATISFY THE STANDARD SITING AND**
11 **DESIGN REQUIREMENTS CAN CURE THE DEFICIENCY.**

12 **(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC**
14 **COMMENTS RECEIVED BY THE COMMISSION.**

15 **(G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH**
16 **PROGRAM MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS**
17 **SECTION, THE COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE**
18 **APPLICATION FOR A DGPCN.**

19 **(2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS**
20 **SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED**
21 **DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD**
22 **SITING AND DESIGN REQUIREMENTS.**

23 **(II) THE COMMISSION SHALL ISSUE A DGPCN TO AN**
24 **APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY**
25 **GENERATING SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE**
26 **COMMISSION DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY**
27 **GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN**
28 **REQUIREMENTS.**

29 **(III) THE COMMISSION MAY NOT ISSUE A DGPCN TO AN**
30 **APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM**
31 **DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.**

32 **(3) IN MAKING A DETERMINATION UNDER THIS SUBSECTION, THE**
33 **COMMISSION SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION**
34 **UNDER SUBSECTION (E) OF THIS SECTION.**

1 **(H) (1) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION**
 2 **SHALL REQUIRE THE PERSON CONSTRUCTING THE DISTRIBUTED SOLAR ENERGY**
 3 **GENERATING SYSTEM TO OBTAIN THE FOLLOWING PERMITS AND APPROVALS FROM**
 4 **THE COUNTY, MUNICIPAL CORPORATION, OR SOIL CONSERVATION DISTRICT IN**
 5 **WHICH THE SYSTEM IS TO BE CONSTRUCTED:**

6 **(I) SITE PLAN APPROVAL;**

7 **(II) STORMWATER MANAGEMENT PLAN APPROVAL;**

8 **(III) EROSION AND SEDIMENT CONTROL PLAN APPROVAL;**

9 **(IV) ALL APPLICABLE BUILDING AND ELECTRICAL PERMITS;**

10 **AND**

11 **(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE**
 12 **STANDARD LICENSING CONDITIONS.**

13 **(2) THE PROVISIONS OF § 7-207(H) OF THIS SUBTITLE SHALL APPLY**
 14 **TO ANY PERMITS AND APPROVALS REQUIRED UNDER PARAGRAPH (1) OF THIS**
 15 **SUBSECTION.**

16 **(I) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION HAS**
 17 **THE SAME FORCE AND EFFECT AS A CERTIFICATE OF PUBLIC CONVENIENCE AND**
 18 **NECESSITY ISSUED UNDER § 7-207 OF THIS SUBTITLE.**

19 **7-218.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 21 **INDICATED.**

22 **(2) “AGRIVOLTAICS” HAS THE MEANING STATED IN § 7-306.2 OF THIS**
 23 **TITLE.**

24 ~~**(2)**~~ **(3) “BROWNFIELDS SITE” HAS THE MEANING STATED IN §**
 25 **7-207 OF THIS SUBTITLE.**

26 ~~**(3)**~~ **(4) “LOCAL JURISDICTION” INCLUDES COUNTIES, MUNICIPAL**
 27 **CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.**

28 **(5) “PRIORITY PRESERVATION AREA” MEANS AN AREA CERTIFIED AS**
 29 **A PRIORITY PRESERVATION AREA UNDER § 2-518 OF THE AGRICULTURE ARTICLE.**

1 **(6) (I) “PROJECT AREA” MEANS AN AREA WITHIN WHICH**
2 **CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING, LANDSCAPING,**
3 **AND RELATED ACTIVITIES FOR A PROJECT MAY OCCUR.**

4 **(II) “PROJECT AREA” INCLUDES ONE OR MORE CONTIGUOUS**
5 **PARCELS OR PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE AGREEMENT.**

6 **(B) THIS SECTION APPLIES ONLY TO A SOLAR ENERGY GENERATING**
7 **STATION THAT:**

8 **(1) HAS THE CAPACITY TO PRODUCE MORE THAN ~~2~~ MEGAWATTS 1**
9 **MEGAWATT OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING**
10 **OF THE ~~SYSTEM’S~~ STATION’S INVERTER;**

11 **(2) (I) IS DESIGNED TO PRODUCE ELECTRICITY FOR SALE ON THE**
12 **WHOLESALE MARKET; ~~OR~~**

13 **(II) IS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM**
14 **UNDER § 7-306.2 OF THIS TITLE; OR**

15 **(III) IS PART OF AGGREGATE NET METERING UNDER § 7-306.3**
16 **OF THIS TITLE; AND**

17 **(3) IS NOT LOCATED ON A ROOFTOP, CARPORT, OR BROWNFIELDS**
18 **SITE OR BEHIND THE METER OF A RETAIL ELECTRIC CUSTOMER.**

19 **(C) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SOLAR ENERGY**
20 **GENERATING STATION UNLESS:**

21 **(1) ~~THE CONSTRUCTION HAS BEEN APPROVED BY THE~~ COMMISSION**
22 **~~IN ACCORDANCE WITH~~ OR, FOR A SOLAR ENERGY GENERATING STATION THAT HAS**
23 **THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS**
24 **MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION’S INVERTER,**
25 **THE LOCAL JURISDICTION VERIFIES THAT THE PROPOSED CONSTRUCTION MEETS**
26 **ALL OF THE SITE REQUIREMENTS UNDER SUBSECTION (F) OF THIS SECTION; ~~AND~~**

27 **(2) ~~(I)~~ FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE**
28 **CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED**
29 **BY THE ALTERNATING CURRENT RATING OF THE STATION’S INVERTER:**

30 **(I) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
31 **HAS BEEN ISSUED IN ACCORDANCE WITH § 7-207 OF THIS SUBTITLE; ~~OR~~**

1 (II) A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC
2 CONVENIENCE AND NECESSITY HAS BEEN ISSUED IN ACCORDANCE WITH § 7-207.4
3 OF THIS SUBTITLE; OR

4 (III) THE CONSTRUCTION HAS BEEN APPROVED BY THE
5 COMMISSION IN ACCORDANCE WITH § 7-207.1 OF THIS SUBTITLE; AND

6 (3) THE CONSTRUCTION HAS RECEIVED APPROVAL FOR ALL LOCAL
7 PERMITS REQUIRED UNDER § 7-207(H) OF THIS SUBTITLE.

8 (D) ~~ON RECEIPT OF AN APPLICATION FOR APPROVAL UNDER THIS SECTION,~~
9 ~~THE COMMISSION SHALL PROVIDE IMMEDIATE NOTICE OR REQUIRE THE~~
10 ~~APPLICANT TO PROVIDE IMMEDIATE NOTICE OF THE APPLICATION TO:~~

11 (1) ~~THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL~~
12 ~~CORPORATION IN WHICH ANY PORTION OF THE SOLAR ENERGY GENERATING~~
13 ~~STATION IS PROPOSED TO BE CONSTRUCTED;~~

14 (2) ~~THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL~~
15 ~~CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE SOLAR ENERGY~~
16 ~~GENERATING STATION;~~

17 (3) ~~EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY~~
18 ~~PART OF A COUNTY IN WHICH ANY PORTION OF THE SOLAR ENERGY GENERATING~~
19 ~~STATION IS PROPOSED TO BE CONSTRUCTED;~~

20 (4) ~~EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY~~
21 ~~PART OF A COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE SOLAR~~
22 ~~ENERGY GENERATING STATION; AND~~

23 (5) ~~THE RESIDENTS AND PROPERTY OWNERS WITHIN 1 MILE OF THE~~
24 ~~PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION~~

25 (1) A PERSON THAT SUBMITS AN APPLICATION FOR APPROVAL OF
26 THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION IN ACCORDANCE
27 WITH § 7-207, § 7-207.1, OR § 7-207.4 OF THIS SUBTITLE SHALL INCLUDE WITH THE
28 APPLICATION WRITTEN DOCUMENTATION OR OTHER EVIDENCE SHOWING THAT THE
29 PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F)
30 AND (G) OF THIS SECTION.

31 (2) FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE
32 CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS
33 MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER,
34 A PERSON THAT SUBMITS A SITE DEVELOPMENT PLAN TO A LOCAL JURISDICTION

1 SHALL INCLUDE WITH THE PLAN WRITTEN DOCUMENTATION OR OTHER EVIDENCE
 2 SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER
 3 SUBSECTIONS (F) AND (G) OF THIS SECTION.

4 ~~(F)~~ (E) (1) ~~WHEN REVIEWING AN APPLICATION FOR APPROVAL UNDER~~
 5 VERIFYING WHETHER THE DOCUMENTATION PROVIDED UNDER SUBSECTION (D) OF
 6 THIS SECTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF
 7 THIS SECTION, THE COMMISSION OR LOCAL JURISDICTION SHALL:

8 ~~(1) COMPLY WITH AND REQUIRE THE OWNER OF THE PROPOSED~~
 9 ~~SOLAR ENERGY GENERATING STATION TO COMPLY WITH § 7-207(D) OF THIS~~
 10 ~~SUBTITLE; AND~~

11 ~~(2)~~, IF THE PROPOSED LOCATION OF THE SOLAR ENERGY
 12 GENERATING STATION IS IN AN AREA CONSIDERED TO BE OVERBURDENED AND
 13 UNDERSERVED, AS DEFINED IN § 1-701 OF THE ENVIRONMENT ARTICLE, REQUIRE
 14 THE PERSON CONSTRUCTING THE SOLAR ENERGY GENERATING STATION TO HOLD
 15 AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITY WHERE THE SOLAR ENERGY
 16 GENERATING STATION IS TO BE LOCATED TO COLLECT COMMUNITY FEEDBACK AND
 17 PROVIDE OPPORTUNITIES TO ADDRESS COMMUNITY FEEDBACK.

18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
 19 MEETINGS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD:

20 1. IN THE COUNTY IN WHICH THE PROPOSED SOLAR
 21 ENERGY GENERATING STATION IS TO BE LOCATED; AND

22 2. WITHIN 10 MILES OF THE PROPOSED LOCATION OF
 23 THE SOLAR ENERGY GENERATING STATION.

24 (II) IF THE OWNER OF A PROPOSED SOLAR ENERGY
 25 GENERATING STATION CANNOT FIND A MEETING LOCATION THAT MEETS THE
 26 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE OWNER MAY
 27 SELECT AN ALTERNATIVE LOCATION THAT IS AS CLOSE AS PRACTICABLE TO THE
 28 LOCATION OF THE PROPOSED SOLAR ENERGY GENERATING STATION.

29 (F) (1) ~~AN~~ THIS SUBSECTION DOES NOT APPLY TO AGRIVOLTAICS.

30 (2) EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION,
 31 AN OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION:

32 (I) SHALL PROVIDE A BOUNDARY OF 150 FEET BETWEEN THE
 33 SOLAR ENERGY GENERATING STATION AND ~~ANY OCCUPIED BUILDINGS OR~~

1 ~~DWELLINGS NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION~~ THE
2 NEAREST WALL OF A RESIDENTIAL DWELLING;

3 (II) SHALL PROVIDE A BOUNDARY OF ~~50~~ 100 FEET BETWEEN
4 THE SOLAR ENERGY GENERATING STATION AND ~~ANY PARCELS OF LAND NOT~~
5 ~~AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION~~ ALL PROPERTY LINES,
6 NOT INCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A PROJECT AREA;

7 (III) 1. SHALL PROVIDE NONBARBED WIRE FENCING:

8 A. ~~AROUND THE SOLAR ENERGY GENERATING STATION~~
9 ONLY ON THE INTERIOR OF A LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO
10 A SOLAR ENERGY GENERATING STATION; AND

11 B. THAT IS NOT MORE THAN 20 FEET IN HEIGHT;

12 C. THAT IS ONLY BLACK OR GREEN VINYL WIRE MESH IF
13 THE OWNER PROPOSES TO USE CHAIN LINK FENCING; AND

14 D. THAT IS NOT LESS THAN 50 FEET AWAY FROM THE
15 EDGE OF ANY PUBLIC ROAD RIGHT-OF-WAY; AND

16 2. MAY USE BARBED WIRE FENCING AROUND THE
17 SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT
18 INFRASTRUCTURE; ~~AND~~

19 (IV) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR
20 VEGETATIVE SCREENING ~~IF REQUIRED BY THE LOCAL JURISDICTION.~~ IN
21 ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION;

22 (V) EXCEPT FOR EQUIPMENT REQUIRED FOR
23 INTERCONNECTION WITH ELECTRIC SYSTEM INFRASTRUCTURE, MAY NOT LOCATE
24 ANY SOLAR ARRAY, ANCILLARY EQUIPMENT, OR ACCESSORY BUILDINGS OR
25 FACILITIES WITHIN A PUBLIC ROAD RIGHT-OF-WAY;

26 (VI) 1. SHALL MITIGATE THE VISUAL IMPACT OF THE SOLAR
27 ENERGY GENERATING STATION ON A PRESERVATION AREA, RURAL LEGACY AREA,
28 PRIORITY PRESERVATION AREA, PUBLIC PARK, SCENIC RIVER OR BYWAY,
29 DESIGNATED HERITAGE AREA, OR HISTORIC STRUCTURE OR SITE LISTED ON OR
30 ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR RELEVANT
31 COUNTY REGISTER OF HISTORIC PLACES; AND

32 2. A. FOR A SOLAR ENERGY GENERATING STATION
33 THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY

1 AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL
 2 INCLUDE IN THE APPLICATION SUBMITTED UNDER SUBSECTION (C)(2) OF THIS
 3 SECTION A VIEWSHED ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN
 4 ITEM 1 OF THIS ITEM; AND

5 B. FOR A SOLAR ENERGY GENERATING STATION THAT
 6 HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY
 7 AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL
 8 INCLUDE IN AN APPLICATION FOR A SITE DEVELOPMENT PLAN A VIEWSHED
 9 ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN ITEM 1 OF THIS ITEM;
 10 AND

11 (VII) SHALL PROVIDE NOTICE OF EACH PROPOSED SOLAR
 12 ENERGY GENERATING STATION TO THE EMERGENCY RESPONSE SERVICES OF EACH
 13 COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION IS TO BE
 14 CONSTRUCTED, INCLUDING A MAP OF THE PROPOSED GENERATING STATION AND
 15 THE PROPOSED LOCATION OF ANY SOLAR COLLECTOR OR ISOLATOR SWITCH.

16 ~~(2)~~ (3) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A
 17 BERM FOR A SOLAR ENERGY GENERATING STATION APPROVED UNDER THIS
 18 SECTION.

19 ~~(3)~~ (4) THE BUFFER OR VEGETATIVE SCREENING REQUIRED IN
 20 PARAGRAPH ~~(1)(IV)~~ (2)(IV) OF THIS SUBSECTION SHALL:

21 (I) ~~BE NOT MORE THAN 25 FEET IN DEPTH;~~

22 ~~(II) PROVIDE FOR FOUR SEASON VISUAL SCREENING OF THE~~
 23 ~~SOLAR ENERGY GENERATING SYSTEM;~~

24 ~~(III) INCLUDE MULTILAYERED, STAGGERED ROWS OF~~
 25 ~~OVERSTORY AND UNDERSTORY TREES; AND~~

26 ~~(IV) BE PLANTED WITH NOT MORE THAN 10 TREES PER 100~~
 27 ~~LINEAR FEET, WITH A MAXIMUM HEIGHT AT PLANTING OF 6 FEET BE NOT MORE~~
 28 ~~THAN 35 FEET WIDE;~~

29 (II) BE PROVIDED ALONG:

30 1. ALL PROPERTY LINES;

31 2. LOCATIONS OF THE EXTERIOR BOUNDARY FOR THE
 32 SOLAR ENERGY GENERATING STATION WHERE EXISTING WOODED VEGETATION OF
 33 50 FEET OR MORE IN WIDTH DOES NOT EXIST; OR

1 **3. AN ALTERNATIVE LOCATION WITHIN THE BOUNDARY**
2 **FOR THE SOLAR ENERGY GENERATING STATION IF THE OWNER DEMONSTRATES**
3 **THAT THE ALTERNATIVE LOCATION WOULD MAXIMIZE THE VISUAL SCREENING;**

4 **(III) PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE**
5 **SOLAR ENERGY GENERATING STATION;**

6 **(IV) BE PLACED BETWEEN ANY FENCING AND THE PUBLIC VIEW;**

7 **(V) INCLUDE MULTILAYERED, STAGGERED ROWS OF**
8 **OVERSTORY AND UNDERSTORY TREES AND SHRUBS THAT:**

9 **1. ARE A MIXTURE OF EVERGREEN AND DECIDUOUS**
10 **VEGETATION;**

11 **2. ARE PREDOMINANTLY NATIVE TO THE REGION;**

12 **3. ARE MORE THAN 4 FEET IN HEIGHT AT PLANTING;**

13 **4. ARE DESIGNED TO PROVIDE SCREENING OR**
14 **BUFFERING WITHIN 5 YEARS OF PLANTING;**

15 **5. MAY NOT BE TRIMMED TO STUNT UPWARD OR**
16 **OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL**
17 **SCREEN;**

18 **6. CONFORM TO THE PLANT SIZE SPECIFICATIONS**
19 **ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1);**
20 **AND**

21 **7. ARE SPECIFIED IN A LANDSCAPING PLAN PREPARED**
22 **BY A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT;**

23 **(VI) BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS**
24 **AS PRACTICABLE AND BEFORE THE ACTIVATION OF THE PROPOSED SOLAR ENERGY**
25 **GENERATING STATION;**

26 **(VII) PRESERVE TO THE MAXIMUM EXTENT PRACTICABLE AND**
27 **SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY, ANY FOREST OR**
28 **HEDGEROW THAT EXISTS AT A LOCATION WHERE VISUAL SCREENING OR**
29 **LANDSCAPE BUFFERING IS REQUIRED; AND**

1 (VIII) SHALL BE MAINTAINED WITH A 90% SURVIVAL THRESHOLD
2 FOR THE LIFE OF THE SOLAR ENERGY GENERATING STATION THROUGH A
3 MAINTENANCE AGREEMENT THAT INCLUDES A WATERING PLAN.

4 ~~(4)~~ (5) WITH RESPECT TO THE SITE ON WHICH A SOLAR ENERGY
5 GENERATING STATION IS PROPOSED FOR CONSTRUCTION, THE OWNER OF THE
6 SOLAR ENERGY GENERATING STATION:

7 (I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT
8 POSSIBLE;

9 (II) MAY NOT REMOVE TOPSOIL FROM THE PARCEL, BUT MAY
10 MOVE OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING;

11 (III) TO MAINTAIN SOIL INTEGRITY, SHALL PLANT NATIVE OR
12 NONINVASIVE NATURALIZED VEGETATION AND OTHER APPROPRIATE VEGETATIVE
13 PROTECTIONS THAT HAVE A 90% SURVIVAL THRESHOLD FOR THE ~~FIRST 3 YEARS OF~~
14 ~~THE~~ LIFE OF THE SOLAR ENERGY GENERATING STATION;

15 (IV) SHALL LIMIT MOWING AND OTHER UNNECESSARY
16 LANDSCAPING;

17 (V) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE
18 SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED
19 CONTROL PROGRAM; AND

20 (VI) SHALL POST FOR THE FIRST ~~3~~ 5 YEARS OF THE LIFE OF THE
21 SOLAR ENERGY GENERATING STATION A LANDSCAPING BOND EQUAL TO ~~50%~~ 100%
22 OF THE TOTAL LANDSCAPING COST WITH THE COUNTY IN WHICH THE SOLAR ENERGY
23 GENERATING STATION IS LOCATED.

24 ~~(5)~~ (6) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
25 PARAGRAPH, A LOCAL JURISDICTION SHALL HOLD ANY LANDSCAPING BOND
26 REQUIRED UNDER PARAGRAPH (5)(VI) OF THIS SUBSECTION FOR 5 YEARS.

27 (II) A LOCAL JURISDICTION SHALL RELEASE 50% OF THE
28 LANDSCAPING BOND IF, ON INSPECTION, THE VEGETATIVE PROTECTIONS MEET A
29 90% SURVIVAL THRESHOLD.

30 (III) FOLLOWING THE RELEASE OF A LANDSCAPING BOND
31 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REMAINING LANDSCAPING
32 BOND SHALL BE HELD FOR AN ADDITIONAL 2 YEARS AND, ON FURTHER INSPECTION
33 AND CONFIRMATION THAT THE VEGETATIVE PROTECTIONS CONTINUE TO MEET A
34 90% SURVIVAL THRESHOLD, SHALL BE RELEASED.

1 **(7) EXCEPT AS REQUIRED BY LAW, OR FOR SAFETY OR EMERGENCY,**
2 **THE SOLAR ENERGY GENERATING STATION MAY NOT EMIT VISIBLE LIGHT DURING**
3 **DUSK TO DAWN OPERATIONS.**

4 **(8) (I) THIS PARAGRAPH DOES NOT APPLY TO:**

5 **1. EQUIPMENT NECESSARY FOR INTERCONNECTION**
6 **WITH THE ELECTRIC SYSTEM; OR**

7 **2. SOLAR ENERGY GENERATING STATIONS LOCATED ON**
8 **LAND THAT IS ALSO USED FOR AGRICULTURAL PURPOSES.**

9 **(II) A PROPOSED SOLAR ENERGY GENERATING STATION AND**
10 **ANY ACCESSORY STRUCTURES ASSOCIATED WITH THE STATION MUST HAVE AN**
11 **AVERAGE HEIGHT OF NOT MORE THAN 15 FEET.**

12 **(9) SETBACKS FOR SOLAR ENERGY GENERATING STATIONS:**

13 **(I) SHALL BE MEASURED FROM THE PROPERTY BOUNDARY TO**
14 **THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR**
15 **FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND**
16 **TRANSMIT ELECTRICITY; AND**

17 **(II) MAY NOT APPLY TO ANY INTERCONNECTION TIE LINE OR**
18 **FACILITY THAT CONNECTS A SOLAR ENERGY GENERATING STATION TO THE**
19 **ELECTRIC SYSTEM.**

20 **(10) (I) THE OWNER OF A PROPOSED SOLAR ENERGY GENERATING**
21 **STATION MAY PROVIDE TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN**
22 **DOCUMENTATION OF A SITING AGREEMENT:**

23 **1. ENTERED INTO WITH THE COUNTY IN WHICH THE**
24 **PROPOSED SOLAR ENERGY GENERATING STATION IS TO BE LOCATED; AND**

25 **2. THAT PROVIDES LESS STRINGENT RESTRICTIONS**
26 **THAN THOSE SPECIFIED UNDER THIS SUBSECTION.**

27 **(II) IF A PROPOSED SOLAR ENERGY GENERATING STATION**
28 **PROVIDES TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN**
29 **DOCUMENTATION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,**
30 **THE PROPOSED SOLAR ENERGY GENERATING STATION SHALL BE CONSIDERED AS**
31 **MEETING THE REQUIREMENTS OF THIS SUBSECTION.**

1 (G) AN OWNER OF A SOLAR ENERGY GENERATING STATION:

2 (1) SHALL ENTER INTO A DECOMMISSIONING AGREEMENT WITH THE
3 COMMISSION ON A FORM THAT THE COMMISSION PROVIDES;

4 (2) SHALL POST A SURETY BOND WITH THE COMMISSION FOR NOT
5 MORE THAN ~~100%~~ 125% OF THE ESTIMATED FUTURE COST OF DECOMMISSIONING
6 THE SOLAR ENERGY GENERATING STATION AND ITS RELATED INFRASTRUCTURE,
7 LESS ANY SALVAGE VALUE; AND

8 (3) SHALL EXECUTE A SECURITIZATION BOND TRUE-UP EVERY 5
9 YEARS.

10 (H) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
11 SUBSECTION, A LOCAL JURISDICTION MAY NOT:

12 (I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS
13 THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF SOLAR ENERGY
14 GENERATING STATIONS; OR

15 (II) DENY SITE DEVELOPMENT PLANS FOR SOLAR ENERGY
16 GENERATING STATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION (F) OF
17 THIS SECTION.

18 (2) A LOCAL JURISDICTION SHALL:

19 (I) EXPEDITE THE REVIEW AND APPROVAL OF SITE
20 DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING STATIONS IF THOSE PLANS
21 MEET THE REQUIREMENTS OF THIS SECTION; AND

22 (II) FOR SOLAR ENERGY GENERATING STATIONS WITH A
23 GENERATING CAPACITY OF NOT MORE THAN 5 MEGAWATTS, AS MEASURED BY THE
24 ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S
25 INVERTER, PROCESS THE SITE DEVELOPMENT PLAN APPLICATION AS A PERMITTED
26 USE SUBJECT TO THE REVIEW STANDARDS IN § 4-205 OF THE LAND USE ARTICLE.

27 (3) A GROUND MOUNTED SOLAR ENERGY GENERATING STATION WITH
28 A GENERATING CAPACITY OF MORE THAN 5 MEGAWATTS, AS MEASURED BY THE
29 ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S
30 INVERTER, MAY NOT BE LOCATED ON ANY LOT, PARCEL, OR TRACT OF LAND THAT,
31 AS OF JANUARY 1, 2025, IS LOCATED WITHIN:

32 (I) A TIER 1 OR TIER 2 MAPPED LOCALLY DESIGNATED
33 GROWTH AREA ADOPTED UNDER § 1-506 OF THE LAND USE ARTICLE;

1 (II) A MEDIUM DENSITY RESIDENTIAL AREA OR HIGH DENSITY
 2 RESIDENTIAL AREA, AS DEFINED IN § 5-1601 OF THE NATURAL RESOURCES
 3 ARTICLE; OR

4 (III) A MIXED-USE AREA WITH A RESIDENTIAL COMPONENT.

5 (4) (I) THE TOTAL COMBINED NUMBER OF SOLAR ENERGY
 6 GENERATING STATIONS THAT MAY BE APPROVED FOR CONSTRUCTION IN A
 7 PRIORITY PRESERVATION AREA THAT WAS ESTABLISHED BEFORE JANUARY 1, 2025,
 8 SHALL:

9 1. BE LIMITED IN AREA TO 5% OF THE TOTAL ACREAGE
 10 OF THE PRIORITY PRESERVATION AREA;

11 2. BE LOCATED IN THE PROJECT AREA WITHIN THE
 12 PRIORITY PRESERVATION AREA; AND

13 3. MEET ALL REQUIREMENTS UNDER THIS SECTION.

14 (II) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS
 15 SUBSECTION DO NOT APPLY TO THE REMAINING 95% OF A PRIORITY PRESERVATION
 16 AREA ONCE THE 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
 17 HAS BEEN ACHIEVED FOR THE PRIORITY PRESERVATION AREA.

18 (III) A COUNTY SHALL REPORT TO THE COMMISSION WHEN THE
 19 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN
 20 ACHIEVED FOR A PRIORITY PRESERVATION AREA.

21 (I) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
 22 ~~SOLAR ENERGY GENERATING STATION IS EXEMPT FROM PERSONAL AND REAL~~
 23 ~~PROPERTY TAXES.~~

24 ~~(2) A SOLAR ENERGY GENERATING STATION MAY BE REQUIRED BY A~~
 25 ~~LOCAL JURISDICTION TO MAKE A PAYMENT IN LIEU OF TAXES UP TO \$5,000 PER~~
 26 ~~MEGAWATT OF ENERGY GENERATED FROM THE SOLAR ENERGY GENERATING~~
 27 ~~STATION.~~

28 ~~(J)~~ NOTHING IN THIS SECTION MAY BE CONSTRUED TO ADD ANY
 29 ADDITIONAL LIMITATIONS TO THE AUTHORITY OF THE COMMISSION IN THE
 30 APPROVAL PROCESS FOR AN APPLICATION FOR A CERTIFICATE OF PUBLIC
 31 CONVENIENCE AND NECESSITY.

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "ENERGY STORAGE DEVICE" HAS THE MEANING STATED IN §
4 7-216 OF THIS SUBTITLE.

5 (3) "LOCAL JURISDICTION" INCLUDES COUNTIES, MUNICIPAL
6 CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.

7 (B) A PERSON MAY NOT BEGIN CONSTRUCTION OF ~~AN~~ A
8 FRONT-OF-THE-METER ENERGY STORAGE DEVICE UNLESS THE CONSTRUCTION
9 HAS BEEN APPROVED BY THE COMMISSION IN ACCORDANCE WITH REGULATIONS
10 ADOPTED UNDER THIS SECTION.

11 (C) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF THE
12 CONSTRUCTION OF ~~ENERGY STORAGE DEVICES~~ A FRONT-OF-THE-METER ENERGY
13 STORAGE DEVICE UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE
14 IMMEDIATE NOTICE OR REQUIRE THE APPLICANT TO PROVIDE IMMEDIATE NOTICE
15 OF THE APPLICATION TO:

16 (1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL
17 CORPORATION IN WHICH ANY PORTION OF THE ENERGY STORAGE DEVICE IS
18 PROPOSED TO BE CONSTRUCTED;

19 (2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL
20 CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY
21 STORAGE DEVICE;

22 (3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY
23 PART OF A COUNTY IN WHICH ANY PORTION OF THE ENERGY STORAGE DEVICE IS
24 PROPOSED TO BE CONSTRUCTED;

25 (4) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY
26 PART OF A COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY
27 STORAGE DEVICE; AND

28 (5) ~~THE RESIDENTS AND OWNERS OF PROPERTY THAT IS~~ AFFECTED
29 COMMUNITIES THAT ARE WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE
30 ENERGY STORAGE DEVICE.

31 (D) WHEN REVIEWING AN APPLICATION FOR APPROVAL UNDER THIS
32 SECTION, THE COMMISSION SHALL:

1 ~~(1) IF THE PROJECT WILL STORE MORE THAN 100 KILOWATTS,~~
2 ~~COMPLY WITH AND REQUIRE THE APPLICANT TO COMPLY WITH § 7-207(D) OF THIS~~
3 ~~SUBTITLE;~~

4 ~~(2)~~ IF THE PROPOSED LOCATION OF THE FRONT-OF-THE-METER
5 ENERGY STORAGE DEVICE IS IN AN AREA CONSIDERED TO BE OVERBURDENED AND
6 UNDERSERVED, AS DEFINED IN § 1-701 OF THE ENVIRONMENT ARTICLE, REQUIRE
7 THE APPLICANT TO HOLD AT LEAST TWO PUBLIC MEETINGS IN THE COMMUNITY
8 WHERE THE ENERGY STORAGE DEVICE IS TO BE LOCATED; AND

9 ~~(3)~~ ~~(2)~~ EXEMPT ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE
10 DEVICE THAT IS LOCATED WITHIN THE BOUNDARIES OF AN EXISTING ELECTRICITY
11 GENERATING STATION FROM THE MEETING REQUIREMENTS OF THIS SUBSECTION.

12 (E) (1) AN OWNER OF A PROPOSED FRONT-OF-THE-METER ENERGY
13 STORAGE DEVICE THAT WILL NOT BE CONSTRUCTED AT A COMMERCIAL OR
14 INDUSTRIAL LOCATION:

15 (I) 1. SHALL PROVIDE NONBARBED WIRE FENCING:

16 A. AROUND THE ENERGY STORAGE DEVICE; AND

17 B. THAT IS NOT MORE THAN 20 FEET IN HEIGHT; AND

18 2. MAY USE BARBED WIRE FENCING AROUND THE
19 SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT
20 INFRASTRUCTURE; AND

21 (II) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR
22 VEGETATIVE SCREENING IF REQUIRED BY THE LOCAL JURISDICTION.

23 (2) A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A BERM
24 FOR ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE DEVICE APPROVED UNDER
25 THIS SECTION.

26 (3) THE BUFFER REQUIRED IN PARAGRAPH (1)(II) OF THIS
27 SUBSECTION SHALL:

28 (I) BE NOT MORE THAN 25 FEET IN DEPTH; AND

29 (II) PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE
30 FRONT-OF-THE-METER ENERGY STORAGE DEVICE.

1 (4) WITH RESPECT TO THE SITE ON WHICH ~~AN~~ A
2 FRONT-OF-THE-METER ENERGY STORAGE DEVICE IS PROPOSED FOR
3 CONSTRUCTION, THE OWNER OF THE ENERGY STORAGE DEVICE:

4 (I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT
5 POSSIBLE;

6 (II) MAY NOT REMOVE TOPSOIL FROM THE PARCEL, BUT MAY
7 MOVE OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING; AND

8 (III) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE
9 SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED
10 CONTROL PROGRAM.

11 (F) (1) A LOCAL JURISDICTION MAY NOT:

12 (I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS
13 THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF FRONT-OF-THE-METER
14 ENERGY STORAGE DEVICES; OR

15 (II) DENY SITE DEVELOPMENT PLANS FOR
16 FRONT-OF-THE-METER ENERGY STORAGE DEVICES THAT MEET THE
17 REQUIREMENTS OF SUBSECTION (E) OF THIS SECTION.

18 (2) A LOCAL JURISDICTION SHALL:

19 (I) EXPEDITE THE REVIEW AND APPROVAL OF SITE
20 DEVELOPMENT PLANS FOR FRONT-OF-THE-METER ENERGY STORAGE DEVICES IF
21 THOSE PLANS MEET THE REQUIREMENTS OF THIS SECTION; AND

22 (II) ADOPT STANDARD PROCESSES FOR THE REVIEW AND
23 APPROVAL OF SITE DEVELOPMENT PLANS FOR THE CONSTRUCTION OF
24 FRONT-OF-THE-METER ENERGY STORAGE DEVICES.

25 (G) THE COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENTS UNDER
26 SUBSECTIONS (C), (D), AND (E) OF THIS SECTION FOR GOOD CAUSE.

27 (H) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS
28 SECTION.

29 7-306.2.

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) (I) "Agrivoltaics" means the simultaneous use of areas of land;

1 **1. THAT ARE MAINTAINED IN AGRICULTURAL USE IN**
 2 **ACCORDANCE WITH COMAR 18.02.03 OR THE MARYLAND ASSESSMENT**
 3 **PROCEDURES MANUAL; AND**

4 **2.** for both solar power generation and:

5 ~~(i)~~ **A.** raising grains, fruits, herbs, melons, mushrooms, nuts,
 6 seeds, tobacco, or vegetables;

7 ~~(ii)~~ **B.** raising poultry, including chickens and turkeys, for meat
 8 or egg production;

9 ~~(iii)~~ **C.** dairy production, such as the raising of milking cows;

10 ~~(iv)~~ **D.** raising livestock, including cattle, sheep, goats, or pigs;

11 ~~(v)~~ **E.** horse boarding, breeding, or training;

12 ~~(vi)~~ **F.** turf farming;

13 ~~(vii)~~ **G.** raising ornamental shrubs, plants, or flowers, including
 14 aquatic plants;

15 ~~(viii)~~ **H.** aquaculture;

16 ~~(ix)~~ **I.** silviculture; or

17 ~~(x)~~ **J.** any other activity recognized ~~by the Department of~~
 18 ~~Agriculture~~ as an agricultural activity **UNDER COMAR 18.02.03 OR THE MARYLAND**
 19 **ASSESSMENT PROCEDURES MANUAL.**

20 **(II) “AGRIVOLTAICS” DOES NOT INCLUDE THE SIMULTANEOUS**
 21 **USE OF AREAS OF LAND FOR BOTH SOLAR POWER GENERATION AND:**

22 **1. APIARIES; OR**

23 **2. POLLINATOR HABITAT.**

24 ~~(3) “AUTOMATIC ENROLLMENT PROJECT” MEANS A COMMUNITY~~
 25 ~~**SOLAR ENERGY GENERATING SYSTEM;**~~

26 ~~(1) IN WHICH ALL OR A PORTION OF THE SUBSCRIBERS ARE~~
 27 ~~**AUTOMATICALLY ENROLLED; AND**~~

1 ~~(H) 1. THAT IS OWNED AND OPERATED BY A LOCAL~~
 2 ~~GOVERNMENT; OR~~

3 ~~2. FOR WHICH A LOCAL GOVERNMENT OR ITS DESIGNEE~~
 4 ~~SERVES AS THE SUBSCRIPTION COORDINATOR.~~

5 ~~(4)~~ (3) “Baseline annual usage” means:

6 (i) a subscriber’s accumulated electricity use in kilowatt–hours for
 7 the 12 months before the subscriber’s most recent subscription; or

8 (ii) for a subscriber that does not have a record of 12 months of
 9 electricity use at the time of the subscriber’s most recent subscription, an estimate of the
 10 subscriber’s accumulated 12 months of electricity use in kilowatt–hours, determined in a
 11 manner the Commission approves.

12 ~~{(4)}~~ (5) “Community solar energy generating system” means a solar
 13 energy system that:

14 (i) is connected to the electric distribution [grid] SYSTEM serving
 15 the State;

16 (ii) is located in the same electric service territory as its subscribers;

17 (iii) is attached to the electric meter of a subscriber or is a separate
 18 facility with its own electric meter;

19 (iv) credits its generated electricity, or the value of its generated
 20 electricity, to the bills of the subscribers to that system through virtual net energy
 21 metering;

22 (v) has at least two subscribers but no limit to the maximum number
 23 of subscribers;

24 (vi) does not have subscriptions larger than 200 kilowatts
 25 constituting more than 60% of its kilowatt–hour output;

26 (vii) has a generating capacity that does not exceed 5 megawatts as
 27 measured by the alternating current rating of the system’s inverter;

28 (viii) may be owned by any person; and

29 (ix) with respect to community solar energy generating systems
 30 constructed under the Program, serves at least 40% of its kilowatt–hour output to LMI
 31 subscribers unless the solar energy system is wholly owned by the subscribers to the solar
 32 energy system.

1 ~~[(5)] (6)~~ “Consolidated billing” means a payment mechanism that
 2 requires an electric company to, at the request of a subscriber organization or subscription
 3 coordinator:

4 (i) include the monthly subscription charge of a subscriber
 5 organization or subscription coordinator on the monthly bills rendered by the electric
 6 company for electric service and supply to subscribers; and

7 (ii) remit payment for those charges to the subscriber organization
 8 or subscription coordinator.

9 ~~[(6)] (7)~~ “Critical area” has the meaning stated in § 8–1802 of the Natural
 10 Resources Article.

11 ~~[(7)] (8)~~ “LMI subscriber” means a subscriber that:

12 (i) is low-income;

13 (ii) is moderate-income; or

14 (iii) resides in a census tract that is [an]:

15 1. AN overburdened community; and

16 2. AN underserved community.

17 ~~(9) “LOCAL GOVERNMENT” MEANS:~~

18 ~~(I) A COUNTY; OR~~

19 ~~(II) A MUNICIPAL CORPORATION.~~

20 ~~[(8)] (10)~~ “Low-income” means:

21 (i) having an annual household income that is at or below 200% of
 22 the federal poverty level; or

23 (ii) being certified as eligible for any federal, State, or local
 24 assistance program that limits participation to households whose income is at or below
 25 200% of the federal poverty level.

26 ~~[(9)] (11)~~ “Moderate-income” means having an annual household income
 27 that is at or below 80% of the median income for Maryland.

1 ~~[(10)] (12)~~ “Overburdened community” has the meaning stated in § 1-701
2 of the Environment Article.

3 ~~[(11)] (13)~~ “Pilot program” means the program established under this
4 section before July 1, 2023, and effective until the start of the Program established under
5 subsection (d)(20) of this section.

6 ~~[(12)] (14)~~ “Program” means the Community Solar Energy Generating
7 Systems Program.

8 ~~[(13)] (15)~~ “Queue” means:

9 (i) the pilot program queue an electric company is required to
10 maintain under COMAR 20.62.03.04; and

11 (ii) a queue an electric company may be required to maintain under
12 the Program.

13 ~~[(14)] (16)~~ “Subscriber” means a retail customer of an electric company that:

14 (i) holds a subscription to a community solar energy generating
15 system; and

16 (ii) has identified one or more individual meters or accounts to which
17 the subscription shall be attributed.

18 ~~[(15)] (17)~~ “Subscriber organization” means:

19 (i) a person that owns or operates a community solar energy
20 generating system; or

21 (ii) the collective group of subscribers of a community solar energy
22 generating system.

23 ~~[(16)] (18)~~ “Subscription” means the portion of the electricity generated by
24 a community solar energy generating system that is credited to a subscriber.

25 ~~[(17)] (19)~~ “Subscription coordinator” means a person that:

26 (i) markets community solar energy generating systems or
27 otherwise provides services related to community solar energy generating systems under
28 its own brand name;

29 (ii) performs any administrative action to allocate subscriptions,
30 connect subscribers with community solar energy generating systems, or enroll customers
31 in the Program; or

1 (iii) manages interactions between a subscriber organization and an
2 electric company or electricity supplier relating to subscribers.

3 ~~[(18)]~~ ~~(20)~~ “Underserved community” has the meaning stated in § 1–701 of
4 the Environment Article.

5 ~~[(19)]~~ ~~(21)~~ “Unsubscribed energy” means any community solar energy
6 generating system output in kilowatt–hours that is not allocated to any subscriber.

7 ~~[(20)]~~ ~~(22)~~ “Virtual net energy metering” means measurement of the
8 difference between the kilowatt–hours or value of electricity that is supplied by an electric
9 company and the kilowatt–hours or value of electricity attributable to a subscription to a
10 community solar energy generating system and fed back to the electric grid over the
11 subscriber’s billing period, as calculated under the tariffs established under subsections
12 (e)(2), (f)(2), and (g)(2) of this section.

13 (c) A community solar energy generating system, subscriber, subscriber
14 organization, or subscription coordinator is not:

15 (1) an electric company;

16 (2) an electricity supplier; or

17 (3) a generating station if:

18 (I) the generating capacity of the community solar energy
19 generating system does not exceed 2 megawatts; OR

20 (II) **THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS**
21 **LOCATED ON THE ROOFTOP OF A BUILDING.**

22 (d) (7) (I) Any unsubscribed energy generated by a community solar energy
23 generating system that is not owned by an electric company shall **CREATE BANKED BILL**
24 **CREDITS TRACKED BY THE ELECTRIC COMPANY THAT, WITHIN 1 YEAR AFTER THE**
25 **DATE THAT THE BANKED BILL CREDIT WAS CREATED, MAY BE ALLOCATED TO ONE**
26 **OR MORE SUBSCRIBERS BY THE SUBSCRIBER ORGANIZATION OR SUBSCRIPTION**
27 **COORDINATOR ASSOCIATED WITH THE COMMUNITY SOLAR ENERGY GENERATING**
28 **SYSTEM.**

29 (II) **THE GENERATION ASSOCIATED WITH A BANKED BILL**
30 **CREDIT NOT ALLOCATED TO A SUBSCRIBER WITHIN 1 YEAR AFTER THE DATE THAT**
31 **THE BANKED BILL CREDIT WAS CREATED SHALL** be purchased under the electric
32 company’s process for purchasing the output from qualifying facilities at the amount it
33 would have cost the electric company to procure the energy.

1 ~~(O) (1) A LOCAL GOVERNMENT MAY ESTABLISH A COMMUNITY SOLAR~~
2 ~~AUTOMATIC ENROLLMENT PROGRAM BY SUBMITTING TO THE COMMISSION A LOCAL~~
3 ~~LAW, A CONTRACT, OR AN ADMINISTRATIVE APPROVAL THAT:~~

4 ~~(I) STATES WHETHER:~~

5 ~~1. THE LOCAL GOVERNMENT WILL OWN AND OPERATE~~
6 ~~ONE OR MORE AUTOMATIC ENROLLMENT PROJECTS; OR~~

7 ~~2. THE LOCAL GOVERNMENT OR ITS DESIGNEE WILL~~
8 ~~SERVE AS THE SUBSCRIPTION COORDINATOR FOR ONE OR MORE AUTOMATIC~~
9 ~~ENROLLMENT PROJECTS OWNED BY A THIRD PARTY; AND~~

10 ~~(II) DESCRIBES THE MECHANISM BY WHICH THE LOCAL~~
11 ~~GOVERNMENT INTENDS TO ENROLL CUSTOMERS.~~

12 ~~(2) AN AUTOMATIC ENROLLMENT PROJECT SHALL UTILIZE~~
13 ~~CONSOLIDATED BILLING AND PROVIDE A GUARANTEED BILL CREDIT DISCOUNT TO~~
14 ~~AUTOMATIC ENROLLMENT SUBSCRIBERS.~~

15 ~~(3) A LOCAL GOVERNMENT MAY CONTRACT WITH A DESIGNEE TO~~
16 ~~IDENTIFY AND MANAGE THE SUBSCRIPTIONS TO AN AUTOMATIC ENROLLMENT~~
17 ~~PROJECT.~~

18 ~~(4) A LOCAL GOVERNMENT OR ITS DESIGNEE SHALL BE RESPONSIBLE~~
19 ~~FOR IDENTIFYING THE CUSTOMERS THAT WILL BE AUTOMATICALLY ENROLLED FOR~~
20 ~~A SUBSCRIPTION TO THE AUTOMATIC ENROLLMENT PROJECT, SUBJECT TO THE~~
21 ~~FOLLOWING CONDITIONS:~~

22 ~~(I) AUTOMATIC ENROLLMENT SUBSCRIBERS MUST BE~~
23 ~~RESIDENTIAL CUSTOMERS, INCLUDING CUSTOMERS RESIDING IN MULTIFAMILY~~
24 ~~DWELLING UNITS;~~

25 ~~(II) AT LEAST 51% OF AUTOMATIC ENROLLMENT SUBSCRIBERS~~
26 ~~MUST BE LMI SUBSCRIBERS;~~

27 ~~(III) ALL CUSTOMERS SELECTED TO BE AUTOMATICALLY~~
28 ~~ENROLLED AS SUBSCRIBERS TO THE AUTOMATIC ENROLLMENT PROJECT MUST BE~~
29 ~~WITHIN THE SERVICE TERRITORY OF THE ELECTRIC COMPANY WHERE THE~~
30 ~~AUTOMATIC ENROLLMENT PROJECT IS LOCATED;~~

31 ~~(IV) SUBSCRIBERS MAY DECLINE OR OPT OUT FROM A~~
32 ~~SUBSCRIPTION TO THE AUTOMATIC ENROLLMENT PROJECT AT ANY TIME;~~

1 ~~(V) AUTOMATIC ENROLLMENT SUBSCRIBERS MAY SUBMIT A~~
2 ~~REQUEST TO OPT OUT OF A SUBSCRIPTION BY PHONE, IN WRITING, OR ONLINE~~
3 ~~THROUGH A WEBSITE MAINTAINED BY THE LOCAL GOVERNMENT OR ITS DESIGNEE;~~
4 ~~AND~~

5 ~~(VI) A LOCAL GOVERNMENT MAY NOT CHARGE A FEE OR~~
6 ~~PENALTY FOR ENROLLMENT IN OR EXITING FROM AN AUTOMATIC ENROLLMENT~~
7 ~~PROJECT.~~

8 ~~(5) A LOCAL GOVERNMENT OR ITS DESIGNEE MAY VERIFY THE~~
9 ~~INCOME OF A PROSPECTIVE SUBSCRIBER FOR ELIGIBILITY AS AN LMI SUBSCRIBER~~
10 ~~USING ONE OF THE FOLLOWING METHODS:~~

11 ~~(I) THE LOCATION OF THE PROSPECTIVE SUBSCRIBER IN AN~~
12 ~~OVERBURDENED COMMUNITY OR UNDERSERVED COMMUNITY;~~

13 ~~(II) A FORM OF VERIFICATION AUTHORIZED UNDER~~
14 ~~SUBSECTION (F)(1)(IV) OF THIS SECTION; OR~~

15 ~~(III) ANY OTHER METHOD SELECTED BY THE LOCAL~~
16 ~~GOVERNMENT.~~

17 ~~(6) AT LEAST 90 DAYS BEFORE SUBSCRIBERS BEGIN RECEIVING~~
18 ~~THEIR FIRST BILL CREDITS, A LOCAL GOVERNMENT OR ITS DESIGNEE SHALL~~
19 ~~PROVIDE WRITTEN NOTICE OF THE AUTOMATIC ENROLLMENT TO ALL SELECTED~~
20 ~~SUBSCRIBERS VIA DELIVERY BY THE U.S. POSTAL SERVICE.~~

21 ~~(7) THE NOTICE REQUIRED IN PARAGRAPH (6) OF THIS SUBSECTION~~
22 ~~SHALL INCLUDE:~~

23 ~~(I) A STATEMENT THAT THE LOCAL GOVERNMENT HAS~~
24 ~~ESTABLISHED AN AUTOMATIC ENROLLMENT PROJECT;~~

25 ~~(II) A STATEMENT THAT THE PROSPECTIVE SUBSCRIBER HAS~~
26 ~~THE RIGHT TO OPT OUT OF THE AUTOMATIC ENROLLMENT PROJECT AT ANY TIME,~~
27 ~~BUT IF NO OPT OUT REQUEST IS RECEIVED, THE PROSPECTIVE SUBSCRIBER WILL~~
28 ~~BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT;~~

29 ~~(III) AN EXPLANATION OF THE CONSOLIDATED BILLING~~
30 ~~PROCEDURES OF THE AUTOMATIC ENROLLMENT PROJECT;~~

31 ~~(IV) DETAILED INSTRUCTIONS ON HOW TO SUBMIT AN OPT OUT~~
32 ~~REQUEST; AND~~

1 ~~(v) A CONTACT NAME, PHONE NUMBER, AND E-MAIL ADDRESS~~
2 ~~FOR SUBSCRIBER INQUIRIES AND COMPLAINTS.~~

3 ~~(8) AN ELECTRIC COMPANY SHALL FACILITATE THE ESTABLISHMENT~~
4 ~~OF AN AUTOMATIC ENROLLMENT PROJECT FOR WHICH A LOCAL GOVERNMENT HAS~~
5 ~~SUBMITTED THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS~~
6 ~~SUBSECTION BY:~~

7 ~~(i) PROVIDING ACCESS TO:~~

8 ~~1. THE HISTORIC BILLING USAGE OF CUSTOMERS THAT~~
9 ~~MAY BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT;~~

10 ~~2. POINT OF SERVICE DELIVERY FOR CUSTOMERS~~
11 ~~THAT MAY BE AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT~~
12 ~~PROJECT;~~

13 ~~3. PARTICIPATION IN ENERGY ASSISTANCE PROGRAMS;~~

14 ~~4. SUBSCRIPTIONS TO COMMUNITY SOLAR ENERGY~~
15 ~~GENERATING SYSTEMS;~~

16 ~~5. ACCOUNT NUMBERS FOR CUSTOMERS THAT MAY BE~~
17 ~~AUTOMATICALLY ENROLLED IN THE AUTOMATIC ENROLLMENT PROJECT, IF~~
18 ~~APPLICABLE; AND~~

19 ~~6. ANY OTHER REASONABLE INFORMATION REQUIRED~~
20 ~~BY THE LOCAL GOVERNMENT OF ITS DESIGNEE TO ENROLL CUSTOMERS IN AN~~
21 ~~AUTOMATIC ENROLLMENT PROJECT; AND~~

22 ~~(ii) ENROLLING THE CUSTOMERS IDENTIFIED BY THE LOCAL~~
23 ~~GOVERNMENT OR ITS DESIGNEE AS SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT~~
24 ~~PROJECT AT THE SUBSCRIPTION SIZE IDENTIFIED BY THE LOCAL GOVERNMENT OR~~
25 ~~ITS DESIGNEE.~~

26 ~~(9) THE ENROLLMENT AND MANAGEMENT OF AUTOMATIC~~
27 ~~ENROLLMENT SUBSCRIBERS TO AN AUTOMATIC ENROLLMENT PROJECT IS NOT~~
28 ~~SUBJECT TO COMAR 20.62.05.~~

29 7-320.

30 (A) THIS SECTION APPLIES ONLY TO RESIDENTIAL ROOFTOP SOLAR
31 ENERGY GENERATING SYSTEMS.

1 (B) A SELLER OR LESSOR OF RESIDENTIAL ROOFTOP SOLAR ENERGY
2 GENERATING SYSTEMS SHALL:

3 (1) PROVIDE TO THE BUYER OR LESSEE A 5-YEAR FULL WARRANTY
4 ON THE INSTALLATION AND COMPONENT PARTS OF THE SYSTEM;

5 (2) INCLUDE ANY MANUFACTURER'S WARRANTIES FOR ANY OF THE
6 PRODUCTS OR COMPONENTS OF THE SYSTEM;

7 (3) INFORM THE BUYER OR LESSEE OF THE MINIMUM LEVEL OF
8 WEATHER-ADJUSTED ENERGY PRODUCTION THE BUYER OR LESSEE MAY EXPECT
9 FROM THE SYSTEM; AND

10 (4) CERTIFY, IN WRITING, THAT INSTALLATION OF THE SYSTEM IS
11 COMPLIANT WITH ALL FEDERAL, STATE, AND LOCAL LAWS REGARDING
12 WORKMANSHIP AND THAT THE SOLAR PANELS, INVERTERS, RACKING SYSTEMS, AND
13 ALL OTHER COMPONENTS MEET THE MINIMUM STANDARDS FOR PRODUCT DESIGN.

14 (C) ~~THE COMMISSION AND THE MARYLAND ENERGY ADMINISTRATION~~
15 MARYLAND DEPARTMENT OF LABOR SHALL:

16 (1) ~~DEVELOP TECHNICAL SAFETY STANDARDS~~ A SPECIAL SOLAR
17 CONTRACTOR LICENSE FOR THE INSTALLATION AND MAINTENANCE OF
18 RESIDENTIAL ROOFTOP SOLAR ENERGY GENERATING SYSTEMS; AND

19 (2) ESTABLISH MINIMUM QUALIFICATIONS FOR INDIVIDUALS
20 INSTALLING AND MAINTAINING RESIDENTIAL ROOFTOP SOLAR ENERGY
21 GENERATING SYSTEMS.

22 (D) A SELLER OR LESSOR WHO VIOLATES THE REQUIREMENTS OF THIS
23 SECTION SHALL PAY A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

24 Article – State Government

25 9-2017.

26 (A) ON OR BEFORE DECEMBER 1, 2025, TO ASSIST THE STATE IN MEETING
27 ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC
28 UTILITIES ARTICLE, THE DEPARTMENT OF NATURAL RESOURCES, IN
29 CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION, THE
30 DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING, SHALL
31 UPDATE THE PUBLICLY AVAILABLE SMARTDG+ TOOL TO INCLUDE STATE-OWNED
32 LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT.

1 **(B) ON OR BEFORE DECEMBER 1, 2026, THE DEPARTMENT OF NATURAL**
2 **RESOURCES, IN CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION,**
3 **THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING,**
4 **SHALL ANALYZE LAND OWNED BY THE STATE TO IDENTIFY LAND SUITABLE FOR**
5 **SOLAR ENERGY DEVELOPMENT TO ASSIST THE STATE IN MEETING ITS SOLAR**
6 **ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES**
7 **ARTICLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) The Public Service Commission shall conduct a study to establish a process by
10 which the Commission may establish power purchase agreements, partnerships between
11 electric companies and electricity suppliers, or other procurement models for electricity
12 generation projects.

13 (b) The process established under subsection (a) of this section shall:

14 (1) include a method for determining whether ~~a partnership for a~~
15 ~~generating station~~ any of the procurement models specified in subsection (a) of this section
16 will contribute to resource adequacy by increasing by 100 megawatts or more the electricity
17 supply in the State that is accredited by PJM Interconnection, LLC;

18 (2) require that a generating station constructed ~~by a partnership~~ under
19 any of the procurement models specified in subsection (a) of this section be connected to the
20 electric distribution system in the State;

21 (3) require that ~~the~~ an electricity supplier in a partnership with an electric
22 company construct the generating station;

23 (4) require that ~~the~~ an electricity supplier and electric company ~~in a~~
24 ~~partnership~~ using a procurement model specified in subsection (a) of this section jointly
25 seek and receive a positive credit rating assessment from a credit rating agency;

26 (5) require that the Public Service Commission expedite all proceedings for
27 the review and approval of a certificate of public convenience and necessity for a generating
28 station proposed ~~by a partnership~~ under any of the procurement models specified in
29 subsection (a) of this section and prioritize these proceedings, if necessary, over other
30 matters;

31 (6) require that the Public Service Commission take final action on a
32 certificate of public convenience and necessity for a generating station proposed ~~by a~~
33 ~~partnership~~ under any of the procurement models specified in subsection (a) of this section
34 not later than 180 days after the Public Service Commission determines that the ~~generating~~
35 ~~station qualifies as a partnership to~~ procurement model will provide resource adequacy;

1 (7) require a State agency or other person to submit any filing to intervene
2 in an application for a certificate of public convenience and necessity for a generating
3 station proposed ~~by a partnership~~ under any of the procurement models specified in
4 subsection (a) of this section no later than 90 days after the Public Service Commission
5 determines that the ~~proposed generating station qualifies as a partnership to~~ procurement
6 model will provide resource adequacy;

7 (8) require the Public Service Commission, the Department of the
8 Environment, the Department of Natural Resources, and any other impacted State agency
9 to expedite any regulatory requirements or decisions;

10 (9) require an electric company to expedite any processes needed to connect
11 a generating station proposed ~~by a partnership~~ under any of the procurement models
12 specified in subsection (a) of this section to the electric transmission system; and

13 (10) identify the potential rate impact and prioritize ~~potential partnerships~~
14 procurement models specified in subsection (a) of this section that have little or no impact
15 on customer rates.

16 (c) On or before December 1, 2026, the Public Service Commission shall report to
17 the Governor and, in accordance with § 2-1257 of the State Government Article, the
18 General Assembly on the results of the study.

19 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing obligation
20 or contract right may not be impaired in any way by this Act.

21 SECTION 4. AND BE IT FURTHER ENACTED, That:

22 (a) The Public Service Commission shall conduct a study on the feasibility of and
23 technical barriers to establishing within the Commission a community solar automatic
24 enrollment program for local jurisdictions.

25 (b) In conducting the study under subsection (a) of this section, the Commission
26 shall consider:

27 (1) how low- to moderate-income subscribers would be subscribed under
28 the program;

29 (2) whether subscribers automatically enrolled in the program should
30 receive a bill credit;

31 (3) how to ensure that local jurisdictions comply with all parameters of the
32 program; and

33 (4) any necessary notification requirements and consumer protections that
34 the program should have.

1 (c) On or before July 1, 2026, the Public Service Commission shall report to the
2 Governor and, in accordance with § 2-1257 of the State Government Article, the General
3 Assembly on the results of the study.

4 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not
5 be applied or interpreted to have any effect on or application to the construction or
6 modification of a solar energy generating system that was submitted for a certificate of
7 public convenience and necessity from the Public Service Commission or a required permit
8 from a local government before July 1, 2025.

9 SECTION 6. AND BE IT FURTHER ENACTED, That the meeting and notification
10 requirements that a proposed solar energy generating system must satisfy under Section 1
11 of this Act shall be deemed to be satisfied for a proposed solar energy generating system
12 whose owner, operator, or other person responsible for the system has, on or before June
13 30, 2025, and in accordance with an existing entitlement process, sent notifications to or
14 held meetings in the overburdened community or underserved community in which the
15 system is proposed to be located.

16 SECTION 7. AND BE IT FURTHER ENACTED, That provisions relating to §
17 7-207.4 of the Public Utilities Article in Section 1 of this Act may not be applied or
18 interpreted to have any effect on or application to the construction or modification of any
19 solar energy generating system for which a certificate of public convenience and necessity
20 or other required approval was obtained before the effective date of the regulations adopted
21 by the Public Service Commission under § 7-207.4(c) of the Public Utilities Article, as
22 enacted by Section 1 of this Act.

23 SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 ~~October~~ July 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.