

# SENATE BILL 931

C5, M5

(5lr1535)

## ENROLLED BILL

— *Education, Energy, and the Environment/Economic Matters* —

Introduced by **Senator Feldman**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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 system;*  
8 *requiring the Power Plant Research Program, by a certain date, to develop and submit*  
9 *to the Commission proposed siting and design requirements and licensing conditions;*  
10 establishing certain requirements for the construction of a certain solar energy  
11 generating station or front-of-the-meter energy storage device; prohibiting a local  
12 jurisdiction from adopting certain laws or regulations or denying certain site  
13 development plans under certain circumstances; requiring a local government to  
14 expedite the review and approval of certain site development plans under certain  
15 circumstances; ~~authorizing a local government to establish a certain community~~

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



~~solar energy generating system automatic enrollment program under certain circumstances; establishing certain requirements for the sale, lease, and installation of certain residential rooftop solar energy generating systems; requiring the Department of Natural Resources to update a certain tool and analyze State-owned land suitable for solar energy development; requiring the Maryland Department of Labor to develop a special solar contractor license; requiring the Commission to conduct a certain study to establish a process by which the Commission may establish certain partnerships procurement models; and generally relating to generating stations.~~

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

~~Article – Public Utilities~~

~~Section 7-207(d)~~

~~Annotated Code of Maryland~~

~~(2020 Replacement Volume and 2024 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3-306(a)(1)

Annotated Code of Maryland

(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

~~Section 7-207(e) and 7-306.2(a), (e), and (d)(7)~~ Section 7-207(b)(1)(i) and (ii), (e), and (h), 7-207.1(c)(1), and 7-306.2(a), (c), and (d)(7)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7-207(d)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY adding to

Article – Public Utilities

Section ~~7-207.4~~, 7-218, 7-219, ~~7-306.2(e)~~, and 7-320

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY adding to

Article – State Government

Section 9-2017

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

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

**Article – Natural Resources**

3–306.

(a) (1) Notwithstanding anything to the contrary in this article or the Public Utilities Article, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction **IN ACCORDANCE WITH § 7–207 OF THE PUBLIC UTILITIES ARTICLE**, the Commission shall notify immediately the Department [of Natural Resources] and the Department of the Environment of the application.

**Article – Public Utilities**

7–207.

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

1. a generating station; or

2. a qualified generator lead line.

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

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

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

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

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

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

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

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

14 2. on two types of social media; and

15 3. on the Commission's website.

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

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

25 (ii) The informational sign required under subparagraph (i) of this  
26 paragraph shall:

27 1. state the time, room number, and subject of the public  
28 hearing; and

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

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

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

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

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

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

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

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

11 (ii) economics;

12 (iii) esthetics;

13 (iv) historic sites;

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

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

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

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

22 (4) for a generating station:

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

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

28 (iii) the impact of the generating station on the quantity of annual  
29 and long-term statewide greenhouse gas emissions, measured in the manner specified in §  
30 2-1202 of the Environment Article and based on the best available scientific information  
31 recognized by the Intergovernmental Panel on Climate Change; and

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

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

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

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

*(i) within a reasonable time; and*

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

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

*(i) a conditional use approval;*

*(ii) a special exception approval; or*

*(iii) a floating zone approval.*

7-207.1.

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

1 7-207.4.

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

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

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

11 (I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC  
12 CONVENIENCE AND NECESSITY UNDER § 7-207 OF THIS SUBTITLE IF THE SYSTEM  
13 DOES NOT OBTAIN A DGCPCN UNDER THIS SECTION;

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

17 (III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.

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

20 (5) “POWER PLANT RESEARCH PROGRAM” MEANS THE PROGRAM  
21 WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3  
22 OF THE NATURAL RESOURCES ARTICLE.

23 (6) “STANDARD LICENSING CONDITIONS” MEANS THE  
24 PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER  
25 THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR  
26 ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS  
27 SECTION.

28 (7) “STANDARD SITING AND DESIGN REQUIREMENTS” MEANS THE  
29 PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION  
30 UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR  
31 ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS  
32 SECTION.

1           **(B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH**  
2 **PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT, SHALL**  
3 **DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING AND**  
4 **DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS FOR**  
5 **THE ISSUANCE OF A DGCPCN.**

6           **(2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN**  
7 **REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS, THE**  
8 **POWER PLANT RESEARCH PROGRAM SHALL:**

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

11                   **(II) CONSIDER REASONABLE SETBACKS AND LANDSCAPE**  
12 **SCREENING REQUIREMENTS;**

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

15                           **1. REDUCE SOLAR PANEL SHADING NEAR THE**  
16 **PERIMETER OF THE PROJECT SITE;**

17                           **2. FACILITATE INTERCONNECTION INFRASTRUCTURE;**  
18 **AND**

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

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

22                           **1. THE EFFECTS ON RUNOFF FROM SOLAR PANELS AND**  
23 **ASSOCIATED EQUIPMENT;**

24                           **2. THE EFFECTS OF SOIL CHARACTERISTICS AND**  
25 **COMPACTION ON RUNOFF; AND**

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

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

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



1                    (VII) CONSIDER INDUSTRY BEST PRACTICES;

2                    (VIII) CONSIDER ENSURING THE STABILITY AND RELIABILITY OF  
3 THE ELECTRIC SYSTEM BY REQUIRING THE APPLICANT TO SUBMIT A SIGNED  
4 INTERCONNECTION AGREEMENT WITH THE ELECTRIC COMPANY BEFORE THE START  
5 OF CONSTRUCTION;

6                    (IX) CONSIDER LICENSING CONDITIONS PREVIOUSLY ADOPTED  
7 BY THE COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING  
8 REQUIREMENTS RELATED TO DECOMMISSIONING;

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

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

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

15                    (I) IMPLEMENT STANDARD SITING AND DESIGN  
16 REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGPCN;

17                    (II) SPECIFY THE FORM OF THE APPLICATION FOR A  
18 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGPCN AND  
19 ANY APPLICATION FEE;

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

22                    (IV) ESTABLISH THE TIME PERIOD WITHIN WHICH THE POWER  
23 PLANT RESEARCH PROGRAM MUST MAKE THE DETERMINATION UNDER SUBSECTION  
24 (F) OF THIS SECTION.

25                    (2) THE COMMISSION SHALL:

26                    (I) CONSIDER THE PROPOSED STANDARD SITING AND DESIGN  
27 REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS  
28 DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN ADOPTING THE  
29 REGULATIONS UNDER THIS SUBSECTION; AND

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

1           **(3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER**  
2 **PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS**  
3 **REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN**  
4 **REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGPCPN.**

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

8           **(4) (I) THE COMMISSION AND THE DEPARTMENT OF NATURAL**  
9 **RESOURCES MAY JOINTLY SET AN APPLICATION FEE FOR A DGPCPN APPLICATION**  
10 **AT AN AMOUNT THAT THE COMMISSION AND THE DEPARTMENT OF NATURAL**  
11 **RESOURCES DETERMINE MAY OFFSET THE ADMINISTRATIVE COSTS OF THE**  
12 **DGPCPN APPROVAL PROCESS THAT ARE INCURRED BY THE COMMISSION AND THE**  
13 **DEPARTMENT OF NATURAL RESOURCES.**

14           **(II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF**  
15 **THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGPCPN**  
16 **APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.**

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

19           **(I) A DGPCPN IS FIRST OBTAINED FROM THE COMMISSION IN**  
20 **ACCORDANCE WITH THIS SECTION; OR**

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

24           **(2) AT LEAST 30 DAYS BEFORE SUBMITTING AN APPLICATION FOR A**  
25 **DGPCPN TO THE COMMISSION, THE APPLICANT SHALL SUBMIT A COPY OF THE**  
26 **APPLICATION TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE**  
27 **DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.**

28           **(3) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGPCPN TO**  
29 **THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO THE**  
30 **POWER PLANT RESEARCH PROGRAM.**

31           **(E) (1) AFTER RECEIVING AN APPLICATION FOR A DGPCPN BUT BEFORE**  
32 **A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE**  
33 **COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD A**  
34 **PUBLIC HEARING ON AN APPLICATION FOR A DGPCPN IN EACH COUNTY IN WHICH**

1 ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY  
2 GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

3 (2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY  
4 RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE  
5 OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.

6 (F) (1) AFTER AN APPLICATION FOR A DGPCPN IS FILED WITH THE  
7 COMMISSION AND WITHIN THE TIME PERIOD SET BY THE COMMISSION UNDER  
8 SUBSECTION (C)(1)(IV) OF THIS SECTION, THE POWER PLANT RESEARCH PROGRAM  
9 SHALL:

10 (I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY  
11 GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN  
12 REQUIREMENTS FOR THE DGPCPN; AND

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

17 (2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS  
18 SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC  
19 COMMENTS RECEIVED BY THE COMMISSION.

20 (G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH PROGRAM  
21 MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS SECTION, THE  
22 COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE APPLICATION FOR A  
23 DGPCPN.

24 (2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS  
25 SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED  
26 DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD  
27 SITING AND DESIGN REQUIREMENTS.

28 (II) THE COMMISSION SHALL ISSUE A DGPCPN TO AN  
29 APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING  
30 SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE COMMISSION  
31 DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING  
32 SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS.

33 (III) THE COMMISSION MAY NOT ISSUE A DGPCPN TO AN  
34 APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM  
35 DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.

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

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

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

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

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

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

13                   **(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE**  
 14 **STANDARD LICENSING CONDITIONS.**

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

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

21 7-218.

22           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
 23 **INDICATED.**

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

26                   ~~(2)~~ **(3) “BROWNFIELDS SITE” HAS THE MEANING STATED IN §**  
 27 **7-207 OF THIS SUBTITLE.**

28                   ~~(3)~~ **(4) “LOCAL JURISDICTION” INCLUDES COUNTIES, MUNICIPAL**  
 29 **CORPORATIONS, AND OTHER FORMS OF LOCAL GOVERNMENT.**

1           ~~(4)~~ (5)       “PRIORITY PRESERVATION AREA” MEANS AN AREA  
 2 CERTIFIED AS A PRIORITY PRESERVATION AREA UNDER § 2-518 OF THE  
 3 AGRICULTURE ARTICLE.

4           ~~(5)~~ (6)       (I) “PROJECT AREA” MEANS AN AREA WITHIN WHICH  
 5 CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING, LANDSCAPING,  
 6 AND RELATED ACTIVITIES FOR A PROJECT MAY OCCUR.

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

9           (B) THIS SECTION APPLIES ONLY TO A SOLAR ENERGY GENERATING  
 10 STATION THAT:

11                       (1) HAS THE CAPACITY TO PRODUCE MORE THAN ~~2 MEGAWATTS~~ 1  
 12 MEGAWATT OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING  
 13 OF THE ~~SYSTEM'S~~ STATION'S INVERTER;

14                       (2) (I) IS DESIGNED TO PRODUCE ELECTRICITY FOR SALE ON THE  
 15 WHOLESALE MARKET; ~~OR~~

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

18                       (III) IS PART OF AGGREGATE NET METERING UNDER § 7-306.3  
 19 OF THIS TITLE; AND

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

22           (C) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SOLAR ENERGY  
 23 GENERATING STATION UNLESS:

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

30                       (2) ~~(1)~~ FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE  
 31 CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED  
 32 BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER:

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

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

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

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

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

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

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

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

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

25           ~~**(5)** THE RESIDENTS AND PROPERTY OWNERS WITHIN 1 MILE OF THE~~  
 26 ~~PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION~~

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

1           **(2) FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE**  
2 **CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS**  
3 **MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER,**  
4 **A PERSON THAT SUBMITS A SITE DEVELOPMENT PLAN TO A LOCAL JURISDICTION**  
5 **SHALL INCLUDE WITH THE PLAN WRITTEN DOCUMENTATION OR OTHER EVIDENCE**  
6 **SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER**  
7 **SUBSECTIONS (F) AND (G) OF THIS SECTION.**

8           **(E) (1) WHEN ~~REVIEWING AN APPLICATION FOR APPROVAL UNDER~~**  
9 **VERIFYING WHETHER THE DOCUMENTATION PROVIDED UNDER SUBSECTION (D) OF**  
10 **THIS SECTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF**  
11 **THIS SECTION, THE COMMISSION OR LOCAL JURISDICTION SHALL:**

12           **~~(1) COMPLY WITH AND REQUIRE THE OWNER OF THE PROPOSED~~**  
13 **~~SOLAR ENERGY GENERATING STATION TO COMPLY WITH § 7-207(D) OF THIS~~**  
14 **~~SUBTITLE; AND~~**

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

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

24                   **1. IN THE COUNTY IN WHICH THE PROPOSED SOLAR**  
25 **ENERGY GENERATING STATION IS TO BE LOCATED; AND**

26                   **2. WITHIN 10 MILES OF THE PROPOSED LOCATION OF**  
27 **THE SOLAR ENERGY GENERATING STATION.**

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

33           **(F) (1) THIS SUBSECTION DOES NOT APPLY TO AGRIVOLTAICS.**

34           **(2) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH ~~(9)~~ (10) OF THIS**  
35 **SUBSECTION, AN OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION:**

1 (I) SHALL PROVIDE A BOUNDARY OF 150 FEET BETWEEN THE  
2 SOLAR ENERGY GENERATING STATION AND ~~ANY OCCUPIED BUILDINGS OR~~  
3 ~~DWELLINGS NOT AFFILIATED WITH THE SOLAR ENERGY GENERATING STATION~~ THE  
4 NEAREST WALL OF A RESIDENTIAL DWELLING;

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

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

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

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

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

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

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

21 (IV) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR  
22 VEGETATIVE SCREENING ~~IF REQUIRED BY THE LOCAL JURISDICTION.~~ IN  
23 ACCORDANCE WITH PARAGRAPH ~~(3)~~ (4) OF THIS SUBSECTION;

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

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



1                   **2. A. FOR A SOLAR ENERGY GENERATING STATION**  
 2 **THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY**  
 3 **AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL**  
 4 **INCLUDE IN THE APPLICATION SUBMITTED UNDER SUBSECTION (C)(2) OF THIS**  
 5 **SECTION A VIEWSHED ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN**  
 6 **ITEM 1 OF THIS ITEM; AND**

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

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

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

21                   ~~(3)~~ **(4) THE BUFFER OR VEGETATIVE SCREENING REQUIRED IN**  
 22 **PARAGRAPH ~~(1)(IV)~~ (2)(IV) OF THIS SUBSECTION SHALL:**

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

24                   ~~(H) PROVIDE FOR FOUR SEASON VISUAL SCREENING OF THE~~  
 25 ~~SOLAR ENERGY GENERATING SYSTEM;~~

26                   ~~(HH) INCLUDE MULTILAYERED, STAGGERED ROWS OF~~  
 27 ~~OVERSTORY AND UNDERSTORY TREES; AND~~

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

31                   **(II) BE PROVIDED ALONG:**

32                   **1. ALL PROPERTY LINES;**

1                                   **2. LOCATIONS OF THE EXTERIOR BOUNDARY FOR THE**  
2 **SOLAR ENERGY GENERATING STATION WHERE EXISTING WOODED VEGETATION OF**  
3 **50 FEET OR MORE IN WIDTH DOES NOT EXIST; OR**

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

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

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

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

12                                   **1. ARE A MIXTURE OF EVERGREEN AND DECIDUOUS**  
13 **VEGETATION;**

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

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

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

18                                   **5. MAY NOT BE TRIMMED TO STUNT UPWARD OR**  
19 **OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL**  
20 **SCREEN;**

21                                   **6. CONFORM TO THE PLANT SIZE SPECIFICATIONS**  
22 **ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1);**  
23 **AND**

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

26                                   **(VI) BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS**  
27 **AS PRACTICABLE AND BEFORE THE ACTIVATION OF THE PROPOSED SOLAR ENERGY**  
28 **GENERATING STATION;**

29                                   **(VII) PRESERVE TO THE MAXIMUM EXTENT PRACTICABLE AND**  
30 **SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY, ANY FOREST OR**

1 HEDGEROW THAT EXISTS AT A LOCATION WHERE VISUAL SCREENING OR  
 2 LANDSCAPE BUFFERING IS REQUIRED; AND

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

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

9 (I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT  
 10 POSSIBLE;

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

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

17 (IV) SHALL LIMIT MOWING AND OTHER UNNECESSARY  
 18 LANDSCAPING;

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

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

26 ~~(5)~~ (6) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
 27 PARAGRAPH, A LOCAL JURISDICTION SHALL HOLD ANY LANDSCAPING BOND  
 28 REQUIRED UNDER PARAGRAPH ~~(4)(V)~~ (5)(VI) OF THIS SUBSECTION FOR 5 YEARS.

29 (II) A LOCAL JURISDICTION SHALL RELEASE 50% OF THE  
 30 LANDSCAPING BOND IF, ON INSPECTION, THE VEGETATIVE PROTECTIONS MEET A  
 31 90% SURVIVAL THRESHOLD.

32 (III) FOLLOWING THE RELEASE OF A LANDSCAPING BOND  
 33 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REMAINING LANDSCAPING

1 BOND SHALL BE HELD FOR AN ADDITIONAL 2 YEARS AND, ON FURTHER INSPECTION  
 2 AND CONFIRMATION THAT THE VEGETATIVE PROTECTIONS CONTINUE TO MEET A  
 3 90% SURVIVAL THRESHOLD, SHALL BE RELEASED.

4 ~~(6) AN OWNER OF A SOLAR ENERGY GENERATING STATION SHALL~~  
 5 ~~COMPLY WITH ALL STATE LAWS RELATING TO:~~

6 ~~(I) STORMWATER MANAGEMENT;~~

7 ~~(II) EROSION AND SEDIMENT CONTROL;~~

8 ~~(III) SITE STABILIZATION;~~

9 ~~(IV) IMPACTS ON SOIL DENSITY AND COMPACTION; AND~~

10 ~~(V) IMPACTS ON GROUND COVER UNDER THE PANELS.~~

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

14 (8) (I) THIS PARAGRAPH DOES NOT APPLY TO:

15 1. EQUIPMENT NECESSARY FOR INTERCONNECTION  
 16 WITH THE ELECTRIC SYSTEM; OR

17 2. SOLAR ENERGY GENERATING STATIONS LOCATED ON  
 18 LAND THAT ARE IS ALSO USED FOR AGRICULTURAL PURPOSES.

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

22 (9) SETBACKS FOR SOLAR ENERGY GENERATING STATIONS:

23 (I) SHALL BE MEASURED FROM THE PROPERTY BOUNDARY TO  
 24 THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR  
 25 FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND  
 26 TRANSMIT ELECTRICITY; AND

27 (II) MAY NOT APPLY TO ANY INTERCONNECTION TIE LINE OR  
 28 FACILITY THAT CONNECTS A SOLAR ENERGY GENERATING STATION TO THE  
 29 ELECTRIC SYSTEM.

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

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

6                   **2. THAT PROVIDES LESS STRINGENT RESTRICTIONS**  
7 **THAN THOSE SPECIFIED UNDER THIS SUBSECTION.**

8                   **(II) IF A PROPOSED SOLAR ENERGY GENERATING STATION**  
9 **PROVIDES TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN**  
10 **DOCUMENTATION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,**  
11 **THE PROPOSED SOLAR ENERGY GENERATING STATION SHALL BE CONSIDERED AS**  
12 **MEETING THE REQUIREMENTS OF THIS SUBSECTION.**

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

14                   **(1) SHALL ENTER INTO A DECOMMISSIONING AGREEMENT WITH THE**  
15 **COMMISSION ON A FORM THAT THE COMMISSION PROVIDES;**

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

20                   **(3) SHALL EXECUTE A SECURITIZATION BOND TRUE-UP EVERY 5**  
21 **YEARS.**

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

24                   **(I) ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS**  
25 **THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF SOLAR ENERGY**  
26 **GENERATING STATIONS; OR**

27                   **(II) DENY SITE DEVELOPMENT PLANS FOR SOLAR ENERGY**  
28 **GENERATING STATIONS THAT MEET THE REQUIREMENTS OF SUBSECTION (F) OF**  
29 **THIS SECTION.**

30                   **(2) A LOCAL JURISDICTION SHALL:**

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

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

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

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

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

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

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

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

26                   2. BE LOCATED IN THE PROJECT AREA WITHIN THE  
27 PRIORITY PRESERVATION AREA; AND

28                   3. MEET ALL REQUIREMENTS UNDER THIS SECTION.

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

1                    (III) A COUNTY SHALL REPORT TO THE COMMISSION WHEN THE  
2 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN  
3 ACHIEVED FOR A PRIORITY PRESERVATION AREA.

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

7            ~~(2) A SOLAR ENERGY GENERATING STATION MAY BE REQUIRED BY A~~  
8 ~~LOCAL JURISDICTION TO MAKE A PAYMENT IN LIEU OF TAXES UP TO \$5,000 PER~~  
9 ~~MEGAWATT OF ENERGY GENERATED FROM THE SOLAR ENERGY GENERATING~~  
10 ~~STATION. THIS SUBSECTION DOES NOT APPLY TO AGRIVOLTAICS, AS DEFINED IN §~~  
11 ~~7-306.2 OF THIS TITLE, THAT ARE LOCATED ON LAND ASSESSED FOR~~  
12 ~~AGRICULTURAL USE, OTHER THAN USE AS AN APIARY OR A POLLINATOR HABITAT,~~  
13 ~~UNDER § 8-209 OF THE TAX-PROPERTY ARTICLE.~~

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

18 7-219.

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

21            (2) "ENERGY STORAGE DEVICE" HAS THE MEANING STATED IN §  
22 7-216 OF THIS SUBTITLE.

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

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

29            (C) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF THE  
30 CONSTRUCTION OF ~~ENERGY STORAGE DEVICES~~ A FRONT-OF-THE-METER ENERGY  
31 STORAGE DEVICE UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE  
32 IMMEDIATE NOTICE OR REQUIRE THE APPLICANT TO PROVIDE IMMEDIATE NOTICE  
33 OF THE APPLICATION TO:

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

4 (2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL  
5 CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE ENERGY  
6 STORAGE DEVICE;

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

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

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

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

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

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

26 ~~(3)~~ (2) EXEMPT ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE  
27 DEVICE THAT IS LOCATED WITHIN THE BOUNDARIES OF AN EXISTING ELECTRICITY  
28 GENERATING STATION FROM THE MEETING REQUIREMENTS OF THIS SUBSECTION.

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

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

33 A. AROUND THE ENERGY STORAGE DEVICE; AND



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

2                   **2.     MAY USE BARBED WIRE FENCING AROUND THE**  
3 **SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT**  
4 **INFRASTRUCTURE; AND**

5                   **(II) SHALL PROVIDE FOR A LANDSCAPING BUFFER OR**  
6 **VEGETATIVE SCREENING IF REQUIRED BY THE LOCAL JURISDICTION.**

7                   **(2)    A LOCAL JURISDICTION MAY NOT REQUIRE THE USE OF A BERM**  
8 **FOR ~~AN~~ A FRONT-OF-THE-METER ENERGY STORAGE DEVICE APPROVED UNDER**  
9 **THIS SECTION.**

10                  **(3)    THE BUFFER REQUIRED IN PARAGRAPH (1)(II) OF THIS**  
11 **SUBSECTION SHALL:**

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

13                  **(II)   PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE**  
14 **FRONT-OF-THE-METER ENERGY STORAGE DEVICE.**

15                  **(4)    WITH RESPECT TO THE SITE ON WHICH ~~AN~~ A**  
16 **FRONT-OF-THE-METER ENERGY STORAGE DEVICE IS PROPOSED FOR**  
17 **CONSTRUCTION, THE OWNER OF THE ENERGY STORAGE DEVICE:**

18                  **(I)    SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT**  
19 **POSSIBLE;**

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

22                  **(III)  MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE**  
23 **SPECIES IN COMPLIANCE WITH THE DEPARTMENT OF AGRICULTURE'S WEED**  
24 **CONTROL PROGRAM.**

25                  **(F)   (1)   A LOCAL JURISDICTION MAY NOT:**

26                  **(I)    ADOPT ZONING LAWS OR OTHER LAWS OR REGULATIONS**  
27 **THAT PROHIBIT THE CONSTRUCTION OR OPERATION OF FRONT-OF-THE-METER**  
28 **ENERGY STORAGE DEVICES; OR**

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

4 (2) A LOCAL JURISDICTION SHALL:

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

8 (II) ADOPT STANDARD PROCESSES FOR THE REVIEW AND  
 9 APPROVAL OF SITE DEVELOPMENT PLANS FOR THE CONSTRUCTION OF  
 10 FRONT-OF-THE-METER ENERGY STORAGE DEVICES.

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

13 (H) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
 14 SECTION.

15 7-306.2.

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

17 (2) (I) "Agrivoltaics" means the simultaneous use of areas of land:

18 1. THAT ARE MAINTAINED IN AGRICULTURAL USE IN  
 19 ACCORDANCE WITH COMAR 18.02.03 AND OR THE MARYLAND ASSESSMENT  
 20 PROCEDURES MANUAL; AND

21 2. for both solar power generation and:

22 ~~(i)~~ A. raising grains, fruits, herbs, melons, mushrooms, nuts,  
 23 seeds, tobacco, or vegetables;

24 ~~(ii)~~ B. raising poultry, including chickens and turkeys, for meat  
 25 or egg production;

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

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

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

29 ~~(vi)~~ F. turf farming;

- 1                    ~~(vii)~~ **G.**    raising ornamental shrubs, plants, or flowers, including
- 2 aquatic plants;
- 3                    ~~(viii)~~ **H.**    aquaculture;
- 4                    ~~(ix)~~ **I.**     silviculture; or
- 5                    ~~(x)~~ **J.**     any other activity ~~UNDER COMAR 18.02.03 OR THE~~
- 6 ~~MARYLAND ASSESSMENT PROCEDURES MANUAL THAT IS~~ recognized by the
- 7 ~~Department of Agriculture~~ as an agricultural activity UNDER COMAR 18.02.03 OR THE
- 8 MARYLAND ASSESSMENT PROCEDURES MANUAL.

9                    **(II) “AGRIVOLTAICS” DOES NOT INCLUDE THE SIMULTANEOUS**

10 **USE OF AREAS OF LAND FOR BOTH SOLAR POWER GENERATION AND:**

- 11                    **1.    APIARIES; OR**
- 12                    **2.    POLLINATOR HABITAT.**

13                    ~~(3) “AUTOMATIC ENROLLMENT PROJECT” MEANS A COMMUNITY~~

14 ~~SOLAR ENERGY GENERATING SYSTEM;~~

15                    ~~(I) IN WHICH ALL OR A PORTION OF THE SUBSCRIBERS ARE~~

16 ~~AUTOMATICALLY ENROLLED; AND~~

17                    ~~(II) 1.    THAT IS OWNED AND OPERATED BY A LOCAL~~

18 ~~GOVERNMENT; OR~~

19                    ~~2.    FOR WHICH A LOCAL GOVERNMENT OR ITS DESIGNEE~~

20 ~~SERVES AS THE SUBSCRIPTION COORDINATOR.~~

21                    ~~(4)~~ **(3)**        “Baseline annual usage” means:

22                    (i)    a subscriber’s accumulated electricity use in kilowatt–hours for

23 the 12 months before the subscriber’s most recent subscription; or

24                    (ii)   for a subscriber that does not have a record of 12 months of

25 electricity use at the time of the subscriber’s most recent subscription, an estimate of the

26 subscriber’s accumulated 12 months of electricity use in kilowatt–hours, determined in a

27 manner the Commission approves.

28                    ~~[(4)]~~ ~~(5)~~ **(4)** “Community solar energy generating system” means a solar

29 energy system that:

- 1                   (i)     is connected to the electric distribution [grid] SYSTEM serving  
2 the State;
- 3                   (ii)    is located in the same electric service territory as its subscribers;
- 4                   (iii)  is attached to the electric meter of a subscriber or is a separate  
5 facility with its own electric meter;
- 6                   (iv)   credits its generated electricity, or the value of its generated  
7 electricity, to the bills of the subscribers to that system through virtual net energy  
8 metering;
- 9                   (v)     has at least two subscribers but no limit to the maximum number  
10 of subscribers;
- 11                  (vi)    does not have subscriptions larger than 200 kilowatts  
12 constituting more than 60% of its kilowatt-hour output;
- 13                  (vii)  has a generating capacity that does not exceed 5 megawatts as  
14 measured by the alternating current rating of the system's inverter;
- 15                  (viii) may be owned by any person; and
- 16                  (ix)    with respect to community solar energy generating systems  
17 constructed under the Program, serves at least 40% of its kilowatt-hour output to LMI  
18 subscribers unless the solar energy system is wholly owned by the subscribers to the solar  
19 energy system.
- 20                  ~~[(5)]~~ ~~(6)~~    “Consolidated billing” means a payment mechanism that  
21 requires an electric company to, at the request of a subscriber organization or subscription  
22 coordinator:
- 23                   (i)     include the monthly subscription charge of a subscriber  
24 organization or subscription coordinator on the monthly bills rendered by the electric  
25 company for electric service and supply to subscribers; and
- 26                   (ii)    remit payment for those charges to the subscriber organization  
27 or subscription coordinator.
- 28                  ~~[(6)]~~ ~~(7)~~    “Critical area” has the meaning stated in § 8-1802 of the Natural  
29 Resources Article.
- 30                  ~~[(7)]~~ ~~(8)~~    “LMI subscriber” means a subscriber that:
- 31                   (i)     is low-income;

- 1 (ii) is moderate-income; or
- 2 (iii) resides in a census tract that is [an]:
- 3 1. AN overburdened community; and
- 4 2. AN underserved community.

5 ~~(9) "LOCAL GOVERNMENT" MEANS:~~

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

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

8 ~~[(8)] ~~(10)~~ (9)~~ "Low-income" means:

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

11 (ii) being certified as eligible for any federal, State, or local  
12 assistance program that limits participation to households whose income is at or below  
13 200% of the federal poverty level.

14 ~~[(9)] ~~(11)~~ (10)~~ "Moderate-income" means having an annual household  
15 income that is at or below 80% of the median income for Maryland.

16 ~~[(10)] ~~(12)~~ (11)~~ "Overburdened community" has the meaning stated in §  
17 1-701 of the Environment Article.

18 ~~[(11)] ~~(13)~~ (12)~~ "Pilot program" means the program established under this  
19 section before July 1, 2023, and effective until the start of the Program established under  
20 subsection (d)(20) of this section.

21 ~~[(12)] ~~(14)~~ (13)~~ "Program" means the Community Solar Energy  
22 Generating Systems Program.

23 ~~[(13)] ~~(15)~~ (14)~~ "Queue" means:

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

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

28 ~~[(14)] ~~(16)~~ (15)~~ "Subscriber" means a retail customer of an electric  
29 company that:

1 (i) holds a subscription to a community solar energy generating  
2 system; and

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

5 ~~[(15)]~~ ~~(17)~~ ~~(16)~~ ~~(I)~~ “Subscriber organization” means:

6 ~~(i)~~ ~~1.~~ ~~(I)~~ a person that owns or operates a community solar energy  
7 generating system; or

8 ~~(ii)~~ ~~2.~~ ~~(II)~~ the collective group of subscribers of a community solar  
9 energy generating system.

10 ~~[(16)]~~ ~~(18)~~ ~~(II)~~ ~~“SUBSCRIBER ORGANIZATION” MAY INCLUDE A~~  
11 ~~COUNTY OR MUNICIPAL CORPORATION.~~

12 ~~(17)~~ ~~(16)~~ “Subscription” means the portion of the electricity generated by  
13 a community solar energy generating system that is credited to a subscriber.

14 ~~[(17)]~~ ~~(19)~~ ~~(18)~~ “Subscription coordinator” means a person that:

15 (i) markets community solar energy generating systems or  
16 otherwise provides services related to community solar energy generating systems under  
17 its own brand name;

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

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

23 ~~[(18)]~~ ~~(20)~~ ~~(19)~~ “Underserved community” has the meaning stated in §  
24 1–701 of the Environment Article.

25 ~~[(19)]~~ ~~(21)~~ ~~(20)~~ “Unsubscribed energy” means any community solar  
26 energy generating system output in kilowatt–hours that is not allocated to any subscriber.

27 ~~[(20)]~~ ~~(22)~~ ~~(21)~~ “Virtual net energy metering” means measurement of the  
28 difference between the kilowatt–hours or value of electricity that is supplied by an electric  
29 company and the kilowatt–hours or value of electricity attributable to a subscription to a  
30 community solar energy generating system and fed back to the electric grid over the  
31 subscriber’s billing period, as calculated under the tariffs established under subsections  
32 (e)(2), (f)(2), and (g)(2) of this section.

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

3 (1) an electric company;

4 (2) an electricity supplier; or

5 (3) a generating station if:

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

8 (II) THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS  
 9 LOCATED ON THE ROOFTOP OF A BUILDING.

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

17 (II) THE GENERATION ASSOCIATED WITH A BANKED BILL  
 18 CREDIT NOT ALLOCATED TO A SUBSCRIBER WITHIN 1 YEAR AFTER THE DATE THAT  
 19 THE BANKED BILL CREDIT WAS CREATED SHALL be purchased under the electric  
 20 company's process for purchasing the output from qualifying facilities at the amount it  
 21 would have cost the electric company to procure the energy.

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

25 ~~(i) STATES WHETHER:~~

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

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

31 ~~(ii) DESCRIBES THE MECHANISM BY WHICH THE LOCAL~~  
 32 ~~GOVERNMENT INTENDS TO ENROLL CUSTOMERS.~~

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

4           ~~(3) A LOCAL GOVERNMENT MAY CONTRACT WITH A DESIGNEE TO~~  
5 ~~IDENTIFY AND MANAGE THE SUBSCRIPTIONS TO AN AUTOMATIC ENROLLMENT~~  
6 ~~PROJECT.~~

7           ~~(4) A LOCAL GOVERNMENT OR ITS DESIGNEE SHALL BE RESPONSIBLE~~  
8 ~~FOR IDENTIFYING THE CUSTOMERS THAT WILL BE AUTOMATICALLY ENROLLED FOR~~  
9 ~~A SUBSCRIPTION TO THE AUTOMATIC ENROLLMENT PROJECT, SUBJECT TO THE~~  
10 ~~FOLLOWING CONDITIONS:~~

11           ~~(I) AUTOMATIC ENROLLMENT SUBSCRIBERS MUST BE~~  
12 ~~RESIDENTIAL CUSTOMERS, INCLUDING CUSTOMERS RESIDING IN MULTIFAMILY~~  
13 ~~DWELLING UNITS;~~

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

16           ~~(III) ALL CUSTOMERS SELECTED TO BE AUTOMATICALLY~~  
17 ~~ENROLLED AS SUBSCRIBERS TO THE AUTOMATIC ENROLLMENT PROJECT MUST BE~~  
18 ~~WITHIN THE SERVICE TERRITORY OF THE ELECTRIC COMPANY WHERE THE~~  
19 ~~AUTOMATIC ENROLLMENT PROJECT IS LOCATED;~~

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

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

26           ~~(VI) A LOCAL GOVERNMENT MAY NOT CHARGE A FEE OR~~  
27 ~~PENALTY FOR ENROLLMENT IN OR EXITING FROM AN AUTOMATIC ENROLLMENT~~  
28 ~~PROJECT.~~

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

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



1 ~~(H) A FORM OF VERIFICATION AUTHORIZED UNDER~~  
2 ~~SUBSECTION (F)(1)(IV) OF THIS SECTION; OR~~

3 ~~(H) ANY OTHER METHOD SELECTED BY THE LOCAL~~  
4 ~~GOVERNMENT.~~

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

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

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

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

17 ~~(III) AN EXPLANATION OF THE CONSOLIDATED BILLING~~  
18 ~~PROCEDURES OF THE AUTOMATIC ENROLLMENT PROJECT;~~

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

21 ~~(V) A CONTACT NAME, PHONE NUMBER, AND E-MAIL ADDRESS~~  
22 ~~FOR SUBSCRIBER INQUIRIES AND COMPLAINTS.~~

23 ~~(8) AN ELECTRIC COMPANY SHALL FACILITATE THE ESTABLISHMENT~~  
24 ~~OF AN AUTOMATIC ENROLLMENT PROJECT FOR WHICH A LOCAL GOVERNMENT HAS~~  
25 ~~SUBMITTED THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS~~  
26 ~~SUBSECTION BY:~~

27 ~~(I) PROVIDING ACCESS TO:~~

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

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

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

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

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

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

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

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

7-320.

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

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

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

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

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



1 electric companies and electricity suppliers, or other procurement models for electricity  
2 generation projects.

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

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

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

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

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

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

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

26 (7) require a State agency or other person to submit any filing to intervene  
27 in an application for 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 no later than 90 days after the Public Service Commission  
30 determines that the ~~proposed generating station qualifies as a partnership to~~ procurement  
31 model will provide resource adequacy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 6. AND BE IT FURTHER ENACTED, That the meeting and notification  
32 requirements that a proposed solar energy generating system must satisfy under Section 1  
33 of this Act shall be deemed to be satisfied for a proposed solar energy generating system  
34 whose owner, operator, or other person responsible for the system has, on or before June 30,

1 2025, and in accordance with an existing entitlement process, sent notifications to or held  
2 meetings in the overburdened community or underserved community in which the system is  
3 proposed to be located.

4 SECTION 7. AND BE IT FURTHER ENACTED, That provisions relating to §  
5 7-207.4 of the Public Utilities Article in Section 1 of this Act may not be applied or  
6 interpreted to have any effect on or application to the construction or modification of any  
7 solar energy generating system for which a certificate of public convenience and necessity or  
8 other required approval was obtained before the effective date of the regulations adopted by  
9 the Public Service Commission under § 7-207.4(c) of the Public Utilities Article, as enacted  
10 by Section 1 of this Act.

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.