

HOUSE BILL 1035

C5, M5

5lr2358
CF SB 937

By: **The Speaker and Delegate Wilson**

Introduced and read first time: February 5, 2025

Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Public Utilities – Electricity Generation Planning – Procurement, Permitting, and Co-Location (Next Generation Energy Act)

FOR the purpose of requiring the Maryland Energy Administration, in coordination with the Public Service Commission and the Department of Natural Resources, to pursue certain agreements with neighboring states and federal agencies related to the development of new nuclear energy generating stations; prohibiting an electricity supplier or other owner of a certain generating station from entering into a certain contract with a commercial or industrial customer under certain circumstances; establishing a procurement process for the Commission to evaluate and approve proposals and applications for dispatchable energy generation projects and nuclear energy generation projects; requiring the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, to provide certain assistance to potential applicants and minority investors and, in consultation with the Office of the Attorney General and a certain applicant, establish a certain plan; requiring the Commission to approve orders to facilitate the financing of nuclear energy generation projects under certain circumstances; requiring each electric company to procure a certain volume of nuclear energy from a certain escrow account; requiring a certain nuclear energy generation project to sell certain energy, capacity, and ancillary services into certain markets and distribute the proceeds in a certain manner; establishing an expedited certificate of public convenience and necessity review process for certain generating stations and energy storage devices; and generally relating to energy generation and procurement in Maryland.

BY repealing

Article – Public Utilities

Section 7–701(h–1) and (i)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY renumbering

Article – Public Utilities
 Section 7–701(i–1)
 to be Section 7–701(i)
 Annotated Code of Maryland
 (2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities
 Section 1–101(a)
 Annotated Code of Maryland
 (2020 Replacement Volume and 2024 Supplement)

BY adding to

Article – Public Utilities
 Section 1–101(w–1) and (w–2), 7–207(b)(1)(iv) and (v), 7–207.4, 7–211, and 7–506.1;
 and 7–1201 through 7–1218 to be under the new subtitle “Subtitle 12. Energy
 Procurement”
 Annotated Code of Maryland
 (2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities
 Section 7–207(b)(1)(i)
 Annotated Code of Maryland
 (2020 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–701(h–1) and (i) of Article – Public Utilities of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7–701(i–1) of Article – Public Utilities of the Annotated Code of Maryland be renumbered to be Section(s) 7–701(i).

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utilities

1–101.

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

(w–1) “PJM INTERCONNECTION” OR “PJM INTERCONNECTION, LLC” MEANS PJM INTERCONNECTION, LLC OR ANY SUCCESSOR ORGANIZATION THAT

SERVICES THE PJM REGION.

(W-2) “PJM REGION” MEANS THE CONTROL AREA ADMINISTERED BY PJM INTERCONNECTION, AS THE AREA MAY CHANGE FROM TIME TO TIME.

7-211.

(A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS THE POLICY OF THE STATE TO ENCOURAGE THE DEVELOPMENT OF CLEAN, CARBON-FREE NUCLEAR POWER, INCLUDING DEVELOPMENT THROUGH INNOVATIVE DESIGNS.

(B) THE MARYLAND ENERGY ADMINISTRATION, IN COORDINATION WITH THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES, SHALL PURSUE:

(1) COST-SHARING AGREEMENTS WITH NEIGHBORING STATES IN THE PJM REGION TO MITIGATE THE RISKS OF DEVELOPING NEW NUCLEAR ENERGY GENERATING STATIONS; AND

(2) AGREEMENTS WITH FEDERAL AGENCIES REGARDING THE SITING OF SMALL MODULAR REACTORS:

(I) ON FEDERAL LAND; OR

(II) ON OR NEAR FEDERAL FACILITIES, INCLUDING MILITARY AND NATIONAL SECURITY INSTALLATIONS.

(C) ON OR BEFORE DECEMBER 1, 2026, THE MARYLAND ENERGY ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE STATUS OF THE EFFORTS MADE UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING AN ASSESSMENT OF ANY OPPORTUNITIES TO PARTICIPATE WITH OTHER STATES, FEDERAL AGENCIES, AND PUBLIC OR PRIVATE PARTNERS IN A MULTISTATE PROCUREMENT OF NEW NUCLEAR ENERGY TECHNOLOGY; AND

(2) AN EVALUATION AND STATUS OF THE NUCLEAR ENERGY PROCUREMENT PROCESS ESTABLISHED UNDER SUBTITLE 12, PART II OF THIS TITLE.

7-506.1.

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

(2) "CONSTRUCTION" HAS THE MEANING STATED IN § 7-207 OF THIS TITLE.

(3) "LARGE LOAD CUSTOMER" MEANS A COMMERCIAL OR INDUSTRIAL CUSTOMER WITH AN EXPECTED LOAD DEMAND OF AT LEAST 100 MEGAWATTS.

(B) THIS SECTION DOES NOT APPLY TO THE USE OF ELECTRICITY FROM AN ON-SITE GENERATING STATION THAT HAS BEEN APPROVED UNDER § 7-207.1 OF THIS TITLE.

(C) EXCEPT AS PROVIDED BY FEDERAL LAW AND SUBSECTION (D) OF THIS SECTION, AN ELECTRICITY SUPPLIER OR OTHER OWNER OF A GENERATING STATION MAY NOT ENTER INTO A CONTRACT FOR THE PROVISION OF THE DIRECT SUPPLY OF ELECTRICITY TO A COMMERCIAL OR INDUSTRIAL CUSTOMER IN A WAY THAT BYPASSES:

(1) INTERCONNECTION WITH THE ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS; OR

(2) THE DISTRIBUTION SERVICES OF AN ELECTRIC COMPANY.

(D) AN ELECTRICITY SUPPLIER OR OTHER OWNER OF A GENERATING STATION MAY ENTER INTO A CONTRACT FOR THE PROVISION OF THE DIRECT SUPPLY OF ELECTRICITY TO A LARGE LOAD CUSTOMER IN A WAY THAT BYPASSES INTERCONNECTION WITH THE ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS OR THE DISTRIBUTION SERVICES OF AN ELECTRIC COMPANY IF THE GENERATING STATION:

(1) (I) INCREASES ITS GENERATION OUTPUT FROM EXISTING LEVELS TO A LEVEL THAT MEETS 100% OF THE LARGE LOAD CUSTOMER'S EXPECTED LOAD DEMAND; OR

(II) CREATES NEW GENERATION OUTPUT AT A LEVEL THAT MEETS 100% OF THE LARGE LOAD CUSTOMER'S EXPECTED LOAD DEMAND; AND

(2) OBTAINS, IF NECESSARY:

(I) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF THE GENERATING STATION IN ACCORDANCE WITH §

7-207 OF THIS TITLE AND ANY OTHER ASSOCIATED STANDARD; AND

(II) ANY OTHER STANDARD SITING APPROVALS AND PERMITS RELATED TO THE CONSTRUCTION OF A GENERATING STATION.

SUBTITLE 12. ENERGY PROCUREMENT.

PART I. EMERGENCY ENERGY PROCUREMENT.

7-1201.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISPATCHABLE ENERGY GENERATION” MEANS A GENERATING STATION OR ENERGY STORAGE DEVICE WITH:

(1) AN EFFECTIVE LOAD CARRYING CAPABILITY OF AT LEAST 65%, AS DETERMINED BY PJM INTERCONNECTION’S MOST RECENT ELCC CLASS RATINGS; AND

(2) A LOWER GREENHOUSE GAS EMISSIONS PROFILE THAN COAL OR OIL ENERGY GENERATING STATIONS.

(C) “EFFECTIVE LOAD CARRYING CAPABILITY” OR “ELCC” MEANS THE EXPECTED CAPACITY CONTRIBUTION OF AN ENERGY RESOURCE DURING PJM INTERCONNECTION’S OPERATING HOURS WHEN THERE IS HIGH ELECTRICITY DEMAND AND LOW RESOURCE OUTPUT.

(D) “ENERGY STORAGE DEVICE” HAS THE MEANING STATED IN § 7-216 OF THIS TITLE.

(E) “GENERATING STATION” HAS THE MEANING STATED IN § 7-207 OF THIS TITLE.

7-1202.

(A) (1) ON OR BEFORE OCTOBER 1, 2025, THE COMMISSION SHALL ISSUE ONE OR MORE COMPETITIVE SOLICITATIONS FOR PROPOSALS FOR CONSTRUCTING OR EXPANDING DISPATCHABLE ENERGY GENERATION IN THE STATE.

(2) THE COMMISSION SHALL SET THE CLOSING DATE FOR THE SOLICITATION PERIOD TO BE NOT SOONER THAN 120 DAYS AFTER THE REQUEST FOR PROPOSALS IS ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE COMMISSION MAY PROVIDE FOR AN ADDITIONAL SOLICITATION PERIOD IF THE CAPACITY SPECIFIED UNDER § 7-1203(B)(1) OF THIS SUBTITLE HAS NOT BEEN MET DURING THE INITIAL SOLICITATION PERIOD.

(C) THE COSTS RELATED TO THE CONSTRUCTION OR OPERATION OF A DISPATCHABLE ENERGY GENERATION PROJECT APPROVED IN ACCORDANCE WITH THIS PART MAY NOT BE RECOVERED THROUGH UTILITY RATES.

7-1203.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UNLESS EXTENDED BY MUTUAL CONSENT OF THE PARTIES, THE COMMISSION SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY A PROPOSAL SUBMITTED IN RESPONSE TO A SOLICITATION ISSUED UNDER § 7-1202 OF THIS SUBTITLE WITHIN 90 DAYS AFTER THE CLOSE OF THE SOLICITATION PERIOD.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMBINED TOTAL CAPACITY OF DISPATCHABLE ENERGY GENERATION PROJECTS APPROVED UNDER THIS SECTION SHALL BE GREATER THAN THE COMBINED SUMMER PEAK CAPACITY PROFILE OF COAL AND OIL ENERGY GENERATING STATIONS IN THE STATE AS OUTLINED UNDER TABLE 9 OF THE COMMISSION'S TEN-YEAR PLAN (2024-2033) OF ELECTRIC COMPANIES IN MARYLAND.

(2) THE COMBINED TOTAL CAPACITY OF NATURAL GAS DISPATCHABLE ENERGY GENERATION PROJECTS APPROVED UNDER THIS SECTION MAY NOT EXCEED THE COMBINED SUMMER PEAK CAPACITY PROFILE OF COAL AND OIL ENERGY GENERATING STATIONS IN THE STATE AS OUTLINED UNDER TABLE 9 OF THE COMMISSION'S TEN-YEAR PLAN (2024-2033) OF ELECTRIC COMPANIES IN MARYLAND.

(C) ON AND BEFORE JUNE 30, 2030, A DISPATCHABLE ENERGY GENERATION PROJECT APPROVED UNDER THIS SECTION SHALL BE SUBJECT TO THE EXPEDITED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PROCESS UNDER § 7-207.4 OF THIS TITLE.

7-1204.

THE COMMISSION SHALL INCLUDE SPECIFICATIONS IN A SOLICITATION ISSUED UNDER § 7-1202 OF THIS SUBTITLE THAT REQUIRE EACH PROPOSAL FOR A DISPATCHABLE ENERGY GENERATION PROJECT TO:

(1) FOR A NATURAL GAS ENERGY GENERATING STATION, ENSURE THAT THE PROJECT CAN BE CONVERTED TO USE ONLY HYDROGEN OR A ZERO-EMISSIONS BIOFUEL AS THE ENERGY SOURCE WHEN THE CONVERSION IS FEASIBLE, AS DETERMINED BY THE COMMISSION;

(2) INCLUDE A COST-BENEFIT ANALYSIS THAT SHALL INCLUDE, AT A MINIMUM:

(I) A DETAILED INPUT-OUTPUT ANALYSIS OF THE IMPACT OF THE PROJECT ON INCOME, EMPLOYMENT, WAGES, AND TAXES IN THE STATE;

(II) DETAILED INFORMATION CONCERNING ASSUMED EMPLOYMENT IMPACTS IN THE STATE, INCLUDING THE EXPECTED DURATION OF EMPLOYMENT OPPORTUNITIES, THE SALARY OF EACH POSITION, AND OTHER SUPPORTING EVIDENCE OF EMPLOYMENT IMPACTS;

(III) AN ANALYSIS OF ANY IMPACT ON RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL RATEPAYERS OVER THE LIFE OF THE PROJECT;

(IV) AN ANALYSIS OF ANY LONG-TERM EFFECT ON ENERGY AND CAPACITY MARKETS AS A RESULT OF THE PROJECT;

(V) AN ANALYSIS OF ANY IMPACT THE PROJECT WOULD HAVE ON BUSINESSES IN THE STATE;

(VI) AN ANALYSIS OF THE ANTICIPATED ENVIRONMENTAL BENEFITS, HEALTH BENEFITS, AND ENVIRONMENTAL IMPACTS OF THE PROJECT TO THE CITIZENS OF THE STATE; AND

(VII) AN ANALYSIS OF OTHER BENEFITS RESULTING FROM THE PROJECT, INCLUDING INCREASED IN-STATE CONSTRUCTION, OPERATION AND MAINTENANCE NEEDS, AND EQUIPMENT PURCHASES;

(3) INCLUDE A DETAILED DESCRIPTION OF THE TIMELINE FOR CONSTRUCTION OF THE PROJECT, INCLUDING:

(I) IDENTIFYING THE ENTITY THAT HAS OWNERSHIP OR SITE CONTROL OF THE PROJECT SITE;

(II) QUEUE POSITION FOR PJM INTERCONNECTION APPROVAL;
AND

(III) THE ABILITY TO PROCURE MATERIALS, INCLUDING
TURBINES AND OTHER PIPELINE MATERIALS;

(4) INCLUDE A DESCRIPTION OF THE LOCATION OF THE PROJECT
SITE, INCLUDING:

(I) THE PROXIMITY OF THE SITE TO EXISTING TRANSMISSION
LINES AND RIGHTS-OF-WAY; AND

(II) WHETHER THE PROJECT WOULD BE RETROFITTING A
CURRENT OR PREVIOUS GENERATING STATION SITE; AND

(5) IF APPLICABLE, INCLUDE A DESCRIPTION OF:

(I) THE TYPE AND AMOUNT OF CO-LOCATED ENERGY
GENERATION FROM TIER 1 RENEWABLE SOURCES, AS DEFINED IN § 7-701 OF THIS
TITLE, THAT WOULD BE USED WITH THE PROJECT;

(II) THE AMOUNT OF CO-LOCATED ENERGY STORAGE THAT
WOULD BE USED WITH THE PROJECT;

(III) THE USE OF CARBON CAPTURE OR SEQUESTRATION
TECHNOLOGY TO MITIGATE GREENHOUSE GAS EMISSIONS FROM THE PROJECT; AND

(IV) THE AMOUNT OF HYDROGEN OR ZERO-EMISSIONS
BIOFUELS THAT THE PROJECT WILL MIX WITH NATURAL GAS FOR ENERGY
GENERATION.

7-1205.

(A) THE COMMISSION SHALL USE THE FOLLOWING CRITERIA TO EVALUATE
AND COMPARE PROPOSALS FOR DISPATCHABLE ENERGY GENERATION PROJECTS
SUBMITTED DURING A SOLICITATION PERIOD UNDER § 7-1202 OF THIS SUBTITLE:

(1) THE LOWEST COST IMPACT ON RATEPAYERS;

(2) THE EXTENT TO WHICH THE COST-BENEFIT ANALYSIS SUBMITTED
UNDER § 7-1204 OF THIS SUBTITLE DEMONSTRATES POSITIVE NET ECONOMIC,
ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE;

(3) THE TIMELINE FOR CONSTRUCTION OF THE PROJECT, INCLUDING:

(I) IDENTIFYING THE ENTITY THAT HAS OWNERSHIP OR SITE CONTROL OF THE PROJECT SITE;

(II) POSITION IN THE PJM INTERCONNECTION QUEUE; AND

(III) ABILITY TO PROCURE MATERIALS, INCLUDING TURBINES AND OTHER PIPELINE MATERIALS;

(4) THE LOCATION OF THE PROJECT SITE, INCLUDING THE PROXIMITY OF THE SITE TO EXISTING TRANSMISSION LINES AND RIGHTS-OF-WAY;

(5) WHETHER THE PROJECT WOULD BE RETROFITTING A CURRENT OR PAST GENERATING STATION SITE; AND

(6) IF APPLICABLE:

(I) THE TYPE AND AMOUNT OF CO-LOCATED ENERGY GENERATION FROM TIER 1 RENEWABLE SOURCES, AS DEFINED IN § 7-701 OF THIS TITLE, THAT WOULD BE USED WITH THE PROJECT;

(II) THE AMOUNT OF CO-LOCATED ENERGY STORAGE THAT WOULD BE USED WITH THE PROJECT;

(III) THE USE OF CARBON CAPTURE OR SEQUESTRATION TECHNOLOGY TO MITIGATE GREENHOUSE GAS EMISSIONS FROM THE PROJECT; AND

(IV) THE AMOUNT OF HYDROGEN OR ZERO-EMISSIONS BIOFUELS THAT THE PROJECT WILL MIX WITH NATURAL GAS FOR ENERGY GENERATION.

(B) IN EVALUATING AND COMPARING A PROPOSAL FOR A DISPATCHABLE ENERGY GENERATION PROJECT UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY CONTRACT FOR THE SERVICES OF INDEPENDENT CONSULTANTS AND EXPERTS.

7-1206. RESERVED.

7-1207. RESERVED.

PART II. NUCLEAR ENERGY PROCUREMENT.

7-1208.

(A) AFTER THE EFFECTIVE DATE OF COMMISSION REGULATIONS IMPLEMENTING THIS PART, A PERSON MAY SUBMIT AN APPLICATION TO THE COMMISSION FOR APPROVAL OF A PROPOSED NUCLEAR ENERGY GENERATION PROJECT, INCLUDING AN APPLICATION TO UPGRADE THE GENERATION CAPABILITIES OF AN EXISTING NUCLEAR ENERGY GENERATING STATION.

(B) (1) ON RECEIPT OF AN APPLICATION FOR APPROVAL OF A PROPOSED NUCLEAR ENERGY GENERATION PROJECT, THE COMMISSION SHALL:

(I) OPEN AN APPLICATION PERIOD DURING WHICH OTHER INTERESTED PERSONS MAY SUBMIT APPLICATIONS FOR APPROVAL OF A PROPOSED NUCLEAR ENERGY GENERATION PROJECT; AND

(II) PROVIDE NOTICE THAT THE COMMISSION IS ACCEPTING APPLICATIONS FOR APPROVAL OF PROPOSED NUCLEAR ENERGY GENERATION PROJECTS.

(2) THE COMMISSION SHALL SET THE CLOSING DATE FOR THE APPLICATION PERIOD TO BE NOT SOONER THAN 90 DAYS AFTER THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) THE COMMISSION SHALL PROVIDE AT LEAST TWO ADDITIONAL APPLICATION PERIODS BEFORE JANUARY 1, 2031.

(D) THE COMMISSION MAY PROVIDE ADDITIONAL APPLICATION PERIODS THAT MEET THE REQUIREMENTS OF THIS SECTION.

7-1209.

UNLESS EXTENDED BY MUTUAL CONSENT OF THE PARTIES, THE COMMISSION SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION SUBMITTED UNDER § 7-1208 OF THIS SUBTITLE WITHIN 1 YEAR AFTER THE CLOSE OF THE APPLICATION PERIOD.

7-1210.

AN APPLICATION SUBMITTED FOR A NUCLEAR ENERGY GENERATION PROJECT UNDER § 7-1208 OF THIS SUBTITLE SHALL INCLUDE:

(1) A DETAILED DESCRIPTION AND FINANCIAL ANALYSIS OF THE PROJECT;

(2) THE PROPOSED METHOD OF FINANCING THE PROJECT, INCLUDING DOCUMENTATION DEMONSTRATING THAT THE APPLICANT HAS APPLIED FOR ALL CURRENT ELIGIBLE STATE AND FEDERAL GRANTS, REBATES, TAX CREDITS, LOAN GUARANTEES, AND OTHER PROGRAMS AVAILABLE TO OFFSET THE COST OF THE PROJECT OR PROVIDE TAX ADVANTAGES;

(3) A COMMITMENT THAT THE APPLICANT WILL USE BEST EFFORTS TO APPLY FOR ALL ELIGIBLE STATE AND FEDERAL GRANTS, REBATES, TAX CREDITS, LOAN GUARANTEES, OR OTHER SIMILAR BENEFITS AS THOSE BENEFITS BECOME AVAILABLE;

(4) A COST-BENEFIT ANALYSIS THAT SHALL INCLUDE, AT A MINIMUM:

(I) A DETAILED INPUT-OUTPUT ANALYSIS OF THE IMPACT OF THE PROJECT ON INCOME, EMPLOYMENT, WAGES, AND TAXES IN THE STATE;

(II) DETAILED INFORMATION CONCERNING ASSUMED EMPLOYMENT IMPACTS IN THE STATE, INCLUDING THE EXPECTED DURATION OF EMPLOYMENT OPPORTUNITIES, THE SALARY OF EACH POSITION, AND OTHER SUPPORTING EVIDENCE OF EMPLOYMENT IMPACTS;

(III) AN ANALYSIS OF ANY IMPACT ON RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL RATEPAYERS OVER THE LIFE OF THE PROJECT;

(IV) AN ANALYSIS OF ANY LONG-TERM EFFECT ON ENERGY AND CAPACITY MARKETS AS A RESULT OF THE PROJECT;

(V) AN ANALYSIS OF ANY IMPACT THE PROJECT WOULD HAVE ON BUSINESSES IN THE STATE;

(VI) AN ANALYSIS OF THE ANTICIPATED ENVIRONMENTAL BENEFITS, HEALTH BENEFITS, AND ENVIRONMENTAL IMPACTS OF THE PROJECT TO THE CITIZENS OF THE STATE; AND

(VII) AN ANALYSIS OF OTHER BENEFITS RESULTING FROM THE PROJECT, INCLUDING INCREASED IN-STATE CONSTRUCTION, OPERATION AND MAINTENANCE NEEDS, AND EQUIPMENT PURCHASES;

(5) A PROPOSED LONG-TERM PRICING SCHEDULE FOR THE PROJECT THAT SHALL SPECIFY A PRICE FOR THE GENERATION ATTRIBUTES, INCLUDING THE ENERGY, CAPACITY, ANCILLARY SERVICES, AND ENVIRONMENTAL ATTRIBUTES;

(6) A DECOMMISSIONING AND WASTE STORAGE PLAN FOR THE PROJECT, INCLUDING PROVISIONS FOR DECOMMISSIONING OR WASTE STORAGE AS REQUIRED BY THE U.S. NUCLEAR REGULATORY COMMISSION;

(7) A COMMITMENT TO ABIDE BY THE REQUIREMENTS SET FORTH IN § 7-1213 OF THIS SUBTITLE;

(8) A DESCRIPTION OF THE APPLICANT'S PLAN FOR ENGAGING SMALL BUSINESSES, AS DEFINED IN § 14-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(9) IF APPLICABLE, THE STATEMENT SPECIFIED IN § 7-1211(c)(2) OF THIS SUBTITLE; AND

(10) ANY OTHER INFORMATION THE COMMISSION REQUIRES.

7-1211.

(A) THE COMMISSION SHALL USE THE FOLLOWING CRITERIA TO EVALUATE AND COMPARE APPLICATIONS FOR NUCLEAR ENERGY GENERATION PROJECTS SUBMITTED DURING AN APPLICATION PERIOD UNDER § 7-1208 OF THIS SUBTITLE:

(1) THE LOWEST COST IMPACT ON RATEPAYERS OF THE PRICE SET UNDER A PROPOSED PRICING SCHEDULE;

(2) POTENTIAL REDUCTIONS IN TRANSMISSION CONGESTION PRICES WITHIN THE STATE;

(3) POTENTIAL CHANGES IN CAPACITY PRICES WITHIN THE STATE;

(4) POTENTIAL REDUCTIONS IN LOCATIONAL MARGINAL PRICING;

(5) POTENTIAL LONG-TERM CHANGES IN CAPACITY PRICES WITHIN THE STATE FROM THE PROJECT AS IT COMPARES TO CONVENTIONAL ENERGY SOURCES;

(6) THE EXTENT TO WHICH THE COST-BENEFIT ANALYSIS SUBMITTED UNDER § 7-1210 OF THIS SUBTITLE DEMONSTRATES POSITIVE NET ECONOMIC, ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE;

(7) THE EXTENT TO WHICH AN APPLICANT’S PLAN FOR ENGAGING SMALL BUSINESSES MEETS THE GOALS SPECIFIED IN TITLE 14, SUBTITLE 5 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(8) THE EXTENT TO WHICH AN APPLICANT’S PLAN PROVIDES FOR THE USE OF SKILLED LABOR, PARTICULARLY WITH REGARD TO THE CONSTRUCTION AND MANUFACTURING COMPONENTS OF THE PROJECT, THROUGH OUTREACH, HIRING, OR REFERRAL SYSTEMS THAT ARE AFFILIATED WITH REGISTERED APPRENTICESHIP PROGRAMS UNDER TITLE 11, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE;

(9) THE EXTENT TO WHICH AN APPLICANT’S PLAN PROVIDES FOR THE USE OF AN AGREEMENT DESIGNED TO ENSURE THE USE OF SKILLED LABOR AND TO PROMOTE THE PROMPT, EFFICIENT, AND SAFE COMPLETION OF THE PROJECT, PARTICULARLY WITH REGARD TO THE CONSTRUCTION, MANUFACTURING, AND MAINTENANCE OF THE PROJECT;

(10) THE EXTENT TO WHICH AN APPLICANT’S PLAN PROVIDES FOR COMPENSATION TO ITS EMPLOYEES AND SUBCONTRACTORS CONSISTENT WITH WAGES OUTLINED UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(11) SITING AND PROJECT FEASIBILITY;

(12) THE EXTENT TO WHICH THE PROJECT WOULD REQUIRE TRANSMISSION OR DISTRIBUTION INFRASTRUCTURE IMPROVEMENTS IN THE STATE; AND

(13) ANY OTHER CRITERIA THAT THE COMMISSION DETERMINES ARE APPROPRIATE.

(B) IN EVALUATING AND COMPARING AN APPLICATION FOR A NUCLEAR ENERGY GENERATION PROJECT UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY CONTRACT FOR THE SERVICES OF INDEPENDENT CONSULTANTS AND EXPERTS.

(C) (1) IN THIS PARAGRAPH, “MINORITY” MEANS AN INDIVIDUAL WHO IS A MEMBER OF ANY OF THE GROUPS LISTED IN § 14–301(k)(1)(i) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) IF AN APPLICANT IS SEEKING INVESTORS IN A PROPOSED NUCLEAR ENERGY GENERATION PROJECT, THE APPLICANT SHALL TAKE THE

FOLLOWING STEPS BEFORE THE COMMISSION MAY APPROVE THE PROPOSED PROJECT:

(I) MAKE SERIOUS, GOOD-FAITH EFFORTS TO SOLICIT AND INTERVIEW A REASONABLE NUMBER OF MINORITY INVESTORS;

(II) AS PART OF THE APPLICATION, SUBMIT A STATEMENT TO THE COMMISSION THAT LISTS THE NAMES AND ADDRESSES OF ALL MINORITY INVESTORS INTERVIEWED AND WHETHER OR NOT ANY OF THOSE INVESTORS HAVE PURCHASED AN EQUITY SHARE IN THE ENTITY SUBMITTING THE APPLICATION;

(III) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION THAT REQUIRES THE APPLICANT TO AGAIN MAKE SERIOUS, GOOD-FAITH EFFORTS TO SOLICIT AND INTERVIEW A REASONABLE NUMBER OF MINORITY INVESTORS IN ANY FUTURE ATTEMPTS TO RAISE VENTURE CAPITAL OR ATTRACT NEW INVESTORS TO THE PROJECT;

(IV) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION THAT REQUIRES THE APPLICANT TO USE BEST EFFORTS AND EFFECTIVE OUTREACH TO OBTAIN, AS A GOAL, CONTRACTORS AND SUBCONTRACTORS FOR THE PROJECT THAT ARE MINORITY BUSINESS ENTERPRISES, TO THE EXTENT PRACTICABLE, AS SUPPORTED BY A DISPARITY STUDY; AND

(V) SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION AND SKILLED LABOR ORGANIZATIONS THAT REQUIRES THE APPLICANT TO FOLLOW THE PORTIONS OF THE APPLICANT'S PLAN THAT RELATE TO THE CRITERIA SET FORTH IN SUBSECTION (A)(8) AND (9) OF THIS SECTION.

(3) THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE ASSISTANCE TO ALL POTENTIAL APPLICANTS AND POTENTIAL MINORITY INVESTORS TO SATISFY THE REQUIREMENTS UNDER PARAGRAPH (2)(I) AND (III) OF THIS SUBSECTION.

7-1212.

(A) THE COMMISSION MAY NOT APPROVE AN APPLICATION FOR A NUCLEAR ENERGY GENERATION PROJECT SUBMITTED UNDER § 7-1208 OF THIS SUBTITLE UNLESS:

(1) THE PROJECT IS CONNECTED TO THE ELECTRIC DISTRIBUTION SYSTEM SERVING THE STATE;

(2) OVER THE DURATION OF THE PROPOSED LONG-TERM PRICING SCHEDULE, THE PROJECTED NET RATE IMPACT FOR AN AVERAGE RESIDENTIAL CUSTOMER, BASED ON ANNUAL CONSUMPTION OF 12,000 KILOWATT-HOURS AND COMBINED WITH THE PROJECTED NET RATE IMPACT OF OTHER NUCLEAR ENERGY GENERATION PROJECTS, DOES NOT EXCEED AN AMOUNT DETERMINED BY THE COMMISSION;

(3) OVER THE DURATION OF THE PROPOSED LONG-TERM PRICING SCHEDULE, THE PROJECTED NET RATE IMPACT FOR ALL NONRESIDENTIAL CUSTOMERS, CONSIDERED AS A BLENDED AVERAGE AND COMBINED WITH THE PROJECTED NET RATE IMPACT OF OTHER NUCLEAR ENERGY GENERATION PROJECTS, DOES NOT EXCEED A PERCENTAGE DETERMINED BY THE COMMISSION OF NONRESIDENTIAL CUSTOMERS' TOTAL ANNUAL ELECTRIC BILLS; AND

(4) THE PRICE SPECIFIED IN THE PROPOSED LONG-TERM PRICING SCHEDULE DOES NOT EXCEED AN AMOUNT DETERMINED BY THE COMMISSION.

(B) WHEN CALCULATING THE PROJECTED NET AVERAGE RATE IMPACTS FOR NUCLEAR ENERGY GENERATION PROJECTS UNDER THIS SECTION, THE COMMISSION SHALL APPLY THE SAME NET LONG-TERM COST PER MEGAWATT-HOUR TO RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS.

(C) THE COMMISSION SHALL KEEP CONFIDENTIAL ANY AMOUNTS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION.

7-1213.

(A) AN APPLICATION FOR A NUCLEAR ENERGY GENERATION PROJECT SUBMITTED UNDER § 7-1208 OF THIS SUBTITLE IS SUBJECT TO A COMMUNITY BENEFIT AGREEMENT.

(B) A COMMUNITY BENEFIT AGREEMENT SHALL:

(1) BE APPLICABLE TO THE DEVELOPMENT OF A NUCLEAR ENERGY GENERATION PROJECT;

(2) PROMOTE INCREASED OPPORTUNITIES FOR LOCAL BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE RENEWABLE ENERGY INDUSTRY;

(3) ENSURE THE TIMELY, SAFE, AND EFFICIENT COMPLETION OF THE PROJECT BY:

(I) FACILITATING A STEADY SUPPLY OF HIGHLY SKILLED CRAFT WORKERS WHO SHALL BE PAID NOT LESS THAN THE PREVAILING WAGE RATE DETERMINED BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(II) GUARANTEEING THAT THE CONSTRUCTION WORK PERFORMED IN CONNECTION WITH THE PROJECT WILL BE SUBJECT TO AN AGREEMENT THAT:

1. IS WITH ONE OR MORE LABOR ORGANIZATIONS; AND

2. ESTABLISHES, IN ACCORDANCE WITH THIS SECTION, THE TERMS AND CONDITIONS OF EMPLOYMENT AT THE CONSTRUCTION SITE OF THE PROJECT OR A PORTION OF THE PROJECT;

(4) PROMOTE SAFE COMPLETION OF THE PROJECT BY ENSURING THAT AT LEAST 80% OF THE CRAFT WORKERS ON THE PROJECT HAVE COMPLETED AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 10-HOUR OR 30-HOUR COURSE;

(5) PROMOTE CAREER TRAINING OPPORTUNITIES IN THE MANUFACTURING, MAINTENANCE, AND CONSTRUCTION INDUSTRIES FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND MINORITIES;

(6) PROVIDE FOR BEST EFFORTS AND EFFECTIVE OUTREACH TO OBTAIN, AS A GOAL, THE USE OF A WORKFORCE INCLUDING MINORITIES, TO THE EXTENT PRACTICABLE;

(7) REFLECT A 21ST-CENTURY LABOR-MANAGEMENT APPROACH BY DEVELOPERS AND SUPPLIERS BASED ON COOPERATION, HARMONY, AND PARTNERSHIP THAT PROACTIVELY SEEKS TO ENSURE THAT WORKERS CAN FREELY CHOOSE TO BOTH ORGANIZE AND COLLECTIVELY BARGAIN;

(8) PROVIDE PLANS TO USE DOMESTIC IRON, STEEL, AND MANUFACTURED GOODS TO THE GREATEST EXTENT PRACTICABLE BY DISCLOSING CONTRACTED SUPPLIERS;

(9) USE LOCALLY AND DOMESTICALLY MANUFACTURED CONSTRUCTION MATERIALS AND COMPONENTS;

(10) MAXIMIZE THE USE OF SKILLED LOCAL LABOR, PARTICULARLY WITH REGARD TO THE CONSTRUCTION AND MANUFACTURING COMPONENTS OF THE

PROJECT, USING METHODS INCLUDING OUTREACH, HIRING, OR REFERRAL METHODS THAT ARE AFFILIATED WITH REGISTERED APPRENTICESHIP PROGRAMS UNDER TITLE 11, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE;

(11) GUARANTEE AGAINST STRIKES, LOCKOUTS, AND SIMILAR DISRUPTIONS;

(12) ENSURE THAT ALL WORK ON THE PROJECT FULLY CONFORMS TO ALL RELEVANT STATE AND FEDERAL LAWS, RULES, AND REGULATIONS;

(13) CREATE MUTUALLY BINDING PROCEDURES FOR RESOLVING LABOR DISPUTES ARISING DURING THE TERM OF THE PROJECT;

(14) SET FORTH OTHER MECHANISMS FOR LABOR-MANAGEMENT COOPERATION ON MATTERS OF MUTUAL INTEREST AND CONCERN, INCLUDING PRODUCTIVITY, QUALITY OF WORK, SAFETY, AND HEALTH; AND

(15) BIND ALL CONTRACTORS AND SUBCONTRACTORS TO THE TERMS OF THE AGREEMENT THROUGH THE INCLUSION OF APPROPRIATE PROVISIONS IN ALL RELEVANT SOLICITATION AND CONTRACT DOCUMENTS.

7-1214.

(A) AN ORDER THE COMMISSION ISSUES APPROVING AN APPLICATION FOR A NUCLEAR ENERGY GENERATION PROJECT SUBMITTED UNDER § 7-1208 OF THIS SUBTITLE SHALL:

(1) SPECIFY THE LONG-TERM PRICING SCHEDULE;

(2) SPECIFY THE DURATION OF THE LONG-TERM PRICING SCHEDULE, NOT TO EXCEED 30 YEARS;

(3) PROVIDE THAT:

(I) A PAYMENT MAY NOT BE MADE UNDER A LONG-TERM PRICING SCHEDULE UNTIL ELECTRICITY SUPPLY IS GENERATED BY THE PROJECT; AND

(II) RATEPAYERS AND THE STATE SHALL BE HELD HARMLESS FOR ANY COST OVERRUNS ASSOCIATED WITH THE PROJECT; AND

(4) REQUIRE THAT ANY DEBT INSTRUMENT ISSUED IN CONNECTION WITH THE PROJECT INCLUDE LANGUAGE SPECIFYING THAT THE DEBT INSTRUMENT DOES NOT ESTABLISH A DEBT, AN OBLIGATION, OR A LIABILITY OF THE STATE.

(B) AN ORDER APPROVING A NUCLEAR ENERGY GENERATION PROJECT VESTS THE OWNER OF THE PROJECT WITH THE RIGHT TO RECEIVE PAYMENTS ACCORDING TO THE TERMS IN THE ORDER.

(C) ON OR BEFORE MARCH 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON:

(1) APPLICANT COMPLIANCE WITH THE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS UNDER § 7-1211(C) OF THIS SUBTITLE; AND

(2) WITH RESPECT TO THE COMMUNITY BENEFIT AGREEMENT UNDER § 7-1213 OF THIS SUBTITLE:

(I) THE AVAILABILITY AND USE OF OPPORTUNITIES FOR LOCAL BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES;

(II) THE SUCCESS OF EFFORTS TO PROMOTE CAREER TRAINING OPPORTUNITIES IN THE MANUFACTURING, MAINTENANCE, AND CONSTRUCTION INDUSTRIES FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND MINORITIES; AND

(III) COMPLIANCE WITH THE MINORITY WORKFORCE GOAL UNDER § 7-1213(B) OF THIS SUBTITLE.

7-1215.

(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF THE COMMISSION APPROVES PROPOSALS THAT DEMONSTRATE, BASED ON THE CRITERIA SPECIFIED IN § 7-1210 OF THIS SUBTITLE, POSITIVE NET ECONOMIC, ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE, THE COMMISSION SHALL APPROVE ORDERS TO FACILITATE THE FINANCING OF NUCLEAR ENERGY GENERATION PROJECTS.

(2) WHEN CALCULATING THE NET BENEFITS TO THE STATE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY CONTRACT FOR THE SERVICES OF INDEPENDENT CONSULTANTS AND EXPERTS.

(B) THE COMMISSION MAY NOT APPROVE AN ORDER TO FACILITATE THE FINANCING OF A NUCLEAR ENERGY GENERATION PROJECT UNLESS THE PROJECT IS SUBJECT TO A COMMUNITY BENEFIT AGREEMENT UNDER § 7-1213 OF THIS SUBTITLE.

7-1216.

(A) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE INCORPORATED IN THIS SECTION.

(B) TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED STATES CONSTITUTION, AN APPLICANT APPROVED FOR A NUCLEAR ENERGY GENERATION PROJECT UNDER § 7-1209 OF THIS SUBTITLE SHALL COMPLY WITH THE STATE'S MINORITY BUSINESS ENTERPRISE PROGRAM.

(C) (1) WITHIN 6 MONTHS AFTER THE ISSUANCE OF AN ORDER THAT APPROVES A NUCLEAR ENERGY GENERATION PROJECT AND INCLUDES A LONG-TERM PRICING COMPONENT, THE GOVERNOR'S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL AND THE APPROVED APPLICANT, SHALL ESTABLISH A CLEAR PLAN FOR SETTING REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR EACH PHASE OF THE NUCLEAR ENERGY GENERATION PROJECT.

(2) TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SET IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.

(3) EVERY 6 MONTHS FOLLOWING THE ISSUANCE OF AN ORDER THAT APPROVES A NUCLEAR ENERGY GENERATION PROJECT AND INCLUDES A LONG-TERM PRICING COMPONENT, THE APPROVED APPLICANT SHALL SUBMIT A REPORT ON THE PROGRESS MADE TO ESTABLISH AND IMPLEMENT MINORITY BUSINESS ENTERPRISE GOALS AND PROCEDURES TO THE COMMISSION.

7-1217.

(A) THE COMMISSION SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH THE NUCLEAR ENERGY LONG-TERM PRICING PURCHASE OBLIGATION SUFFICIENTLY IN ADVANCE TO ALLOW AN ELECTRIC

COMPANY TO REFLECT NUCLEAR ENERGY LONG-TERM PRICING COSTS AS A NONBYPASSABLE SURCHARGE PAID BY ALL DISTRIBUTION CUSTOMERS OF THE ELECTRIC COMPANY;

(2) ESTABLISH A NONBYPASSABLE SURCHARGE THAT ALLOWS AN ELECTRIC COMPANY TO RECOVER ALL COSTS ASSOCIATED WITH THE PURCHASE OF NUCLEAR ENERGY FROM ALL DISTRIBUTION CUSTOMERS OF THE ELECTRIC COMPANY;

(3) ESTABLISH AN ESCROW ACCOUNT THAT IS UNDER COMMISSION SUPERVISION; AND

(4) DEFINE RULES THAT FACILITATE AND ENSURE THE SECURE AND TRANSPARENT TRANSFER OF REVENUES AND LONG-TERM PRICING PAYMENTS AMONG PARTIES.

(B) (1) EACH ELECTRIC COMPANY SHALL PROCURE FROM THE ESCROW ACCOUNT ESTABLISHED BY REGULATION UNDER THIS SECTION A VOLUME OF NUCLEAR ENERGY EQUAL TO THE ELECTRIC COMPANY'S RESPECTIVE PERCENTAGE OF RETAIL ELECTRIC SALES EACH YEAR.

(2) (I) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, IF THERE IS INSUFFICIENT NUCLEAR ENERGY AVAILABLE TO SATISFY THE ELECTRIC COMPANIES' NUCLEAR ENERGY OBLIGATION, THE OVERPAYMENT SHALL BE DISTRIBUTED TO ELECTRIC COMPANIES TO BE REFUNDED OR CREDITED TO EACH DISTRIBUTION CUSTOMER BASED ON THE CUSTOMER'S CONSUMPTION OF ELECTRICITY SUPPLY THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(II) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, THE CALCULATION OF AN ELECTRIC COMPANY'S NUCLEAR ENERGY PURCHASE OBLIGATION SHALL BE BASED ON FINAL ELECTRICITY SALES DATA AS REPORTED BY PJM INTERCONNECTION AND MEASURED AT THE CUSTOMER METER.

(3) FOR EACH LONG-TERM PRICING SCHEDULE FOR WHICH A NUCLEAR ENERGY GENERATION PROJECT RECEIVES PAYMENT, THE PROJECT SHALL:

(I) SELL ALL ENERGY, CAPACITY, AND ANCILLARY SERVICES ASSOCIATED WITH THE CREATION OF THE LONG-TERM PRICING INTO THE MARKETS OPERATED BY PJM INTERCONNECTION; AND

(II) DISTRIBUTE THE PROCEEDS RECEIVED FROM THE SALES UNDER ITEM (I) OF THIS PARAGRAPH TO ELECTRIC COMPANIES TO BE REFUNDED OR CREDITED TO EACH DISTRIBUTION CUSTOMER BASED ON THE CUSTOMER'S CONSUMPTION OF ELECTRICITY SUPPLY THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(C) A DEBT, AN OBLIGATION, OR A LIABILITY OF A NUCLEAR ENERGY GENERATION PROJECT OR OF AN OWNER OR OPERATOR OF A NUCLEAR ENERGY GENERATION PROJECT MAY NOT BE CONSIDERED A DEBT, AN OBLIGATION, OR A LIABILITY OF THE STATE.

7-1218.

ON OR BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utilities

7-207.

(b) (1) (i) 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; OR**
- 3. AN ENERGY STORAGE DEVICE THAT IS PART OF A PROPOSAL ACCEPTED BY THE COMMISSION DURING A SOLICITATION PERIOD UNDER § 7-1202 OF THIS TITLE.**

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A GENERATING STATION THAT IS PART OF A PROPOSAL ACCEPTED BY THE COMMISSION DURING A SOLICITATION PERIOD UNDER § 7-1202 OF THIS TITLE SHALL BE ISSUED IN ACCORDANCE WITH § 7-207.4 OF THIS SUBTITLE.

(V) WHEN A PERSON APPLIES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A GENERATING STATION UNDER THIS SECTION, THE APPLICATION SHALL STATE WHETHER THE

PROPOSED GENERATING STATION OR THE PROPOSED MODIFICATION IS PART OF A PROPOSAL ACCEPTED BY THE COMMISSION DURING A SOLICITATION PERIOD UNDER § 7-1202 OF THIS TITLE.

7-207.4.

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

(2) “CONSTRUCTION” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(3) (I) “DISPATCHABLE ENERGY GENERATING PROJECT” MEANS A GENERATING STATION OR ENERGY STORAGE DEVICE:

1. THAT IS PART OF A PROPOSAL ACCEPTED BY THE COMMISSION DURING A SOLICITATION PERIOD UNDER § 7-1202 OF THIS TITLE; OR

2. ON OR BEFORE JANUARY 1, 2025, IS WAITING FOR APPROVAL OR HAS BEEN APPROVED FOR INTERCONNECTION BY PJM.

(II) “DISPATCHABLE ENERGY GENERATING PROJECT” INCLUDES ANY ASSOCIATED INFRASTRUCTURE NECESSARY TO INTERCONNECT THE GENERATING STATION TO THE ELECTRIC DISTRIBUTION SYSTEM.

(4) “ENERGY STORAGE DEVICE” HAS THE MEANING STATED IN § 7-216 OF THIS SUBTITLE.

(5) “GENERATING STATION” HAS THE MEANING STATED IN § 7-207 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES ONLY TO AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A DISPATCHABLE ENERGY GENERATION PROJECT.

(C) UNLESS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH THIS SECTION, A PERSON MAY NOT CONSTRUCT A DISPATCHABLE ENERGY GENERATION PROJECT.

(D) WITHIN 90 DAYS AFTER THE SUBMISSION OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT STATES THAT THE APPLICATION IS FOR A DISPATCHABLE ENERGY GENERATION PROJECT, THE COMMISSION SHALL:

(1) VERIFY THAT THE GENERATING STATION OR ENERGY STORAGE DEVICE IS A DISPATCHABLE ENERGY GENERATION PROJECT; AND

(2) NOTIFY THE APPLICANT AND RELEVANT ENTITIES IN ACCORDANCE WITH § 7-207(C) OF THIS SUBTITLE THAT THE APPLICATION IS SUBJECT TO AN EXPEDITED REVIEW PROCESS IN ACCORDANCE WITH THIS SECTION.

(E) (1) THE COMMISSION SHALL:

(I) EXPEDITE ALL PROCEEDINGS FOR THE REVIEW AND APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A DISPATCHABLE ENERGY GENERATION PROJECT AND PRIORITIZE THESE PROCEEDINGS, IF NECESSARY, OVER OTHER MATTERS; AND

(II) TAKE FINAL ACTION ON A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A DISPATCHABLE ENERGY GENERATION PROJECT NOT LATER THAN 6 MONTHS AFTER THE COMMISSION MAKES THE VERIFICATION UNDER SUBSECTION (D)(1) OF THIS SECTION.

(2) A STATE AGENCY SHALL SUBMIT ANY RECOMMENDED LICENSING CONDITIONS OR TESTIMONY REGARDING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A DISPATCHABLE ENERGY GENERATION PROJECT NOT LATER THAN 90 DAYS AFTER THE DATE THE COMMISSION MAKES THE VERIFICATION UNDER SUBSECTION (D)(1) OF THIS SECTION.

(F) IF A PROPOSED SITE FOR A DISPATCHABLE ENERGY GENERATION PROJECT WAS PREVIOUSLY OR IS CURRENTLY USED FOR ELECTRICITY GENERATION AND HAS A HIGHER GREENHOUSE GAS EMISSION PROFILE COMPARED TO THE DISPATCHABLE ENERGY GENERATION PROJECT:

(1) THE APPLICANT IS EXEMPT FROM THE REQUIREMENTS OF COMAR 20.79.01.04 AND COMAR 20.79.01.05; AND

(2) THE COMMISSION SHALL PRESUME THE PROPOSED SITE IS APPROPRIATE AND CONSISTENT WITH THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A NEW OR EXPANDED GENERATING STATION.

(G) THE COMMISSION, THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND ANY OTHER IMPACTED STATE AGENCY SHALL WAIVE OR EXPEDITE ANY REGULATORY REQUIREMENTS OR DECISIONS TO COMPLY WITH THE TIME FRAMES SET FORTH IN THIS SECTION.

SECTION 5. AND BE IT FURTHER ENACTED, That the General Assembly supports the extension or renewal of the Federal Nuclear Regulatory Commission license for the Calvert Cliffs Nuclear Power Plant's nuclear reactors in the years 2034 and 2036.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. Section 4 of this Act shall remain effective for a period of 5 years and, at the end of June 30, 2030, Section 4 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.