

(I) FOR AN ENERGY PRODUCER, BE IN AN AMOUNT EQUAL TO THE LESSER OF:

1. THE PRODUCT OF MULTIPLYING ~~10~~ 5 TIMES THE TAXPAYER'S ESTIMATED ANNUAL TAX CREDIT, BASED ON ESTIMATED ANNUAL ENERGY PRODUCTION, AS CERTIFIED BY THE ADMINISTRATION; OR

2. ~~\$10,000,000;~~ AND \$2,500,000.

~~(II) FOR A QUALIFIED ENERGY AGGREGATOR OR BROKER, BE IN AN AMOUNT EQUAL TO THE LESSER OF:~~

~~1. THE PRODUCT OF MULTIPLYING 10 TIMES THE TAXPAYER'S ESTIMATED ANNUAL TAX CREDIT, BASED ON ESTIMATED ANNUAL ENERGY PURCHASES, AS CERTIFIED BY THE ADMINISTRATION; OR~~

~~2. \$5,000,000.~~

(4) ~~(I)~~ THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN ~~\$100,000,000~~ \$25,000,000.

~~(II) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES TO QUALIFIED ENERGY AGGREGATORS OR BROKERS TOTALING MORE THAN 10% OF THE LIMIT SPECIFIED IN ITEM (I) OF THIS PARAGRAPH.~~

(5) THE ADMINISTRATION SHALL APPROVE ALL APPLICATIONS THAT QUALIFY FOR AN INITIAL CREDIT CERTIFICATE UNDER THIS SUBSECTION ON A FIRST-COME, FIRST-SERVED BASIS.

(6) IF A TAXPAYER OVER A 3-YEAR PERIOD DOES NOT CLAIM ON AVERAGE AT LEAST ~~5%~~ 10% OF THE MAXIMUM CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE, THE ADMINISTRATION AT ITS DISCRETION MAY CANCEL AN AMOUNT OF THE TAXPAYER'S INITIAL CREDIT CERTIFICATE EQUAL TO THE PRODUCT OF MULTIPLYING:

(I) THE AMOUNT OF THE CREDIT ON AVERAGE THAT WAS NOT CLAIMED OVER THE 3-YEAR PERIOD; AND

(II) THE REMAINING NUMBER OF TAX YEARS THAT THE TAXPAYER IS ELIGIBLE TO TAKE THE CREDIT.

(7) AN APPLICANT FOR AN INITIAL CREDIT CERTIFICATE OR A TAXPAYER WHOSE CREDITS HAVE BEEN CANCELED UNDER PARAGRAPH (6) OF THIS SUBSECTION, MAY APPEAL A DECISION BY THE ADMINISTRATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(8) THE ADMINISTRATION MAY NOT ISSUE AN INITIAL CREDIT CERTIFICATE AFTER DECEMBER 31, 2010.