

(11) A TRANSPORTATION SERVICE FOR TRANSMISSION, DISTRIBUTION, OR DELIVERY OF ELECTRICITY OR NATURAL GAS, IF THE SALE OR USE OF THE ELECTRICITY OR NATURAL GAS IS SUBJECT TO THE SALES AND USE TAX.

SUBTITLE 1A. SPECIAL USE TAX ON CERTAIN ELECTRICITY.

11-1A-01.

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

(B) (1) "ON-SITE GENERATED ELECTRICITY" MEANS ELECTRICITY THAT IS GENERATED AT A FACILITY ~~THAT IS OWNED AND OPERATED BY:~~

(I) THE OWNER OF WHICH IS AN ELECTRIC CONSUMER THAT, TOGETHER WITH ANY TENANTS OF THE OWNER, CONSUMES AT LEAST 80% OF THE ELECTRICITY GENERATED BY THE FACILITY EACH YEAR; AND

(II) THAT IS OPERATED BY THE OWNER OR A DESIGNEE OF THE OWNER.

(2) "ON-SITE GENERATED ELECTRICITY" DOES NOT INCLUDE ELECTRICITY GENERATED AT A FACILITY THAT IS OWNED BY MORE THAN ONE PERSON OR GOVERNMENTAL ENTITY UNLESS THE OWNERSHIP OF THE FACILITY AND THE OWNERSHIP OF THE BUILDING OR MACHINERY AND EQUIPMENT THAT CONSUMES THE ELECTRICITY IS SUBSTANTIALLY THE SAME, AS DETERMINED UNDER REGULATIONS THAT THE COMPTROLLER ADOPTS.

(C) "OWNER" MEANS THE PERSON OR GOVERNMENTAL ENTITY THAT HAS A CAPITAL INVESTMENT IN A FACILITY AND THAT FOR FEDERAL INCOME TAX PURPOSES IS ENTITLED TO DEDUCT DEPRECIATION ON THE FACILITY OR WOULD BE ENTITLED TO THE DEDUCTION IF SUBJECT TO THE FEDERAL INCOME TAX.

~~(C)~~ (D) "PUBLIC SERVICE COMPANY" HAS THE MEANING STATED IN § 8-401 OF THIS ARTICLE.

~~(D)~~ (E) "SPECIAL USE TAX ON ELECTRICITY" MEANS THE TAX IMPOSED UNDER THIS SUBTITLE.

11-1A-02.

(A) IN ADDITION TO ANY TAX IMPOSED UNDER § 11-102 OF THIS TITLE, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A TAX IS IMPOSED ON THE USE, IN THE STATE, OF ELECTRICITY THAT IS NOT DELIVERED BY A PUBLIC SERVICE COMPANY.

(B) THE SPECIAL USE TAX ON ELECTRICITY DOES NOT APPLY TO THE USE OF:

(1) ELECTRICITY THAT IS:

(I) USED FOR RESIDENTIAL PURPOSES; OR