

(i) the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:

1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or

2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building; or

(ii) a person who generates on-site generated electricity.

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8-406.

(b) A public service company, including any multijurisdictional public service company, may claim a credit against the public service company franchise tax in the amount of \$3 for each ton of Maryland-mined coal that the public service company purchased in the calendar year [in excess of the number of tons of Maryland-mined coal that the public service company purchased in 1986].

10-704.1.

(a) (1) In this section[, "cogenerator"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COGENERATOR" means a qualifying cogenerator or qualifying small power producer as determined by the Federal Energy Regulatory Commission under the Public Utility Regulatory Policies Act of 1978.

(3) "ELECTRICITY SUPPLIER" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(b) THIS SECTION DOES NOT APPLY TO:

(1) A COGENERATOR OR ELECTRICITY SUPPLIER THAT IS SUBJECT TO THE PUBLIC SERVICE COMPANY FRANCHISE TAX; OR

(2) AN ELECTRICITY SUPPLIER THAT, BEFORE JULY 1, 1999, WAS NOT AN ELECTRIC COMPANY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE AS IN EFFECT ON JUNE 30, 1999, UNLESS THE ELECTRICITY SUPPLIER IS AN AFFILIATE OF SUCH AN ELECTRIC COMPANY.

(C) A cogenerator [that is not subject to the public service company franchise tax] OR ELECTRICITY SUPPLIER may claim a credit against the State income tax in the amount of \$3 for each ton of Maryland-mined coal that the cogenerator OR ELECTRICITY SUPPLIER purchased in the taxable year [in excess of the number of tons of Maryland-mined coal that the cogenerator purchased in calendar year 1986].

[(c)] (D) (1) A cogenerator OR ELECTRICITY SUPPLIER may only apply the credit against the State income tax for the taxable year in which the credit was earned.