

(C) THE COMMISSION MAY ALLOW AN ELECTRICITY SUPPLIER TO SUBMIT THE REPORT REQUIRED UNDER § 7-505(B)(4) OF THIS TITLE TO DEMONSTRATE COMPLIANCE WITH THE RENEWABLE ENERGY PORTFOLIO STANDARD.

(D) ~~AN AGGREGATOR OR BROKER WHO ASSISTS AN ELECTRICITY CUSTOMER IN PURCHASING ELECTRICITY BUT WHO DOES NOT SUPPLY THE ELECTRICITY OR TAKE TITLE TO OR OWNERSHIP OF THE ELECTRICITY MAY REQUIRE THE ELECTRICITY SUPPLIER FROM WHICH THE AGGREGATOR OR BROKER PROCURES WHO SUPPLIES THE ELECTRICITY, AND WHICH IS NOT ITSELF ACTING AS AN AGGREGATOR OR BROKER IN THE PROCUREMENT, TO DEMONSTRATE COMPLIANCE WITH THIS SUBTITLE.~~

7-706.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN ACCORDANCE WITH THE OBLIGATION TO PROVIDE STANDARD OFFER SERVICE THROUGH THE BID PROCESS CREATED UNDER § 7-510 OF THIS TITLE, THE COMMISSION SHALL ALLOW AN ELECTRICITY SUPPLIER TO RECOVER ACTUAL DOLLAR-FOR-DOLLAR COSTS INCURRED, INCLUDING A COMPLIANCE FEE UNDER § 7-705 OF THIS SUBTITLE, IN COMPLYING WITH A STATE-MANDATED RENEWABLE ENERGY PORTFOLIO STANDARD.

(2) IN ACCORDANCE WITH THE PHASE II SETTLEMENT AGREEMENT APPROVED BY THE COMMISSION IN ORDER NO. 78710 IN CASE NO. 8908 ON SEPTEMBER 30, 2003, FOR ANY FULL-SERVICE AGREEMENT EXECUTED BEFORE THE RENEWABLE ENERGY STANDARD UNDER THIS SUBTITLE APPLIES TO AN ELECTRIC COMPANY, THE ELECTRIC COMPANY AND ITS WHOLESALE ELECTRICITY SUPPLIERS MAY PASS THROUGH THEIR COMMERCIALY REASONABLE ADDITIONAL COSTS, IF ANY, ASSOCIATED WITH COMPLYING WITH THE STANDARD, THROUGH THE END OF THE YEAR OF STANDARD OFFER SERVICE IN WHICH THE REQUIREMENT TOOK EFFECT.

(B) AN ELECTRICITY SUPPLIER MAY RECOVER A COMPLIANCE FEE IF:

(1) THE PAYMENT OF A COMPLIANCE FEE IS THE LEAST-COST MEASURE TO CUSTOMERS AS COMPARED TO THE PURCHASE OF TIER 1 RENEWABLE SOURCES TO COMPLY WITH A RENEWABLE ENERGY PORTFOLIO STANDARD;

(2) THERE ARE INSUFFICIENT TIER 1 RENEWABLE SOURCES AVAILABLE FOR THE ELECTRICITY SUPPLIER TO COMPLY WITH A RENEWABLE ENERGY PORTFOLIO STANDARD; OR

(3) A WHOLESALE ELECTRICITY SUPPLIER DEFAULTS OR OTHERWISE FAILS TO DELIVER RENEWABLE ENERGY CREDITS UNDER A SUPPLY CONTRACT APPROVED BY THE COMMISSION.

(C) ANY COST RECOVERY UNDER THIS SECTION:

(1) FOR ALL ELECTRICITY SUPPLIERS, MAY BE IN THE FORM OF A GENERATION SURCHARGE PAYABLE BY ALL CURRENT ELECTRICITY SUPPLY CUSTOMERS, EXCEPT AS OTHERWISE PROVIDED IN § 7-704(F) OF THIS SUBTITLE;