

(2) SHALL BE DISCLOSED TO CUSTOMERS IN A MANNER TO BE DETERMINED BY THE COMMISSION; AND

(3) MAY NOT INCLUDE THE COSTS FOR A POWER PURCHASE CONTRACT UNDER THE FEDERAL PUBLIC UTILITY REGULATORY POLICY ACT CONTEMPLATED IN RATES OR RESTRUCTURING PROCEEDINGS.

(D) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION IN CONSULTATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, THE COMMISSION MAY WAIVE THE RECOVERY OF ALL OR PART OF THE COMPLIANCE FEE ASSESSED ON THE LOAD OF A PARTICULAR INDUSTRIAL OR NONRETAIL COMMERCIAL CUSTOMER FOR A PARTICULAR YEAR, BASED ON A DEMONSTRATION BY THE APPLICANT OF AN EXTREME ECONOMIC HARDSHIP THAT SIGNIFICANTLY IMPAIRS THE CONTINUED OPERATION OF THE APPLICANT.

(2) ANY COMPLIANCE FEE RECOVERY THAT IS WAIVED UNDER THIS SUBSECTION MAY NOT BE ASSESSED AGAINST OTHER CUSTOMERS.

(3) AN ELECTRICITY SUPPLIER IS NOT LIABLE FOR ANY COMPLIANCE FEE THAT IS WAIVED UNDER THIS SUBSECTION.

7-707.

(A) THERE IS A MARYLAND RENEWABLE ENERGY FUND.

(B) THE PURPOSE OF THE FUND IS TO ENCOURAGE THE DEVELOPMENT OF RESOURCES TO GENERATE RENEWABLE ENERGY IN THE STATE.

(C) SUBJECT TO OVERSIGHT BY THE COMMISSION, THE ADMINISTRATION SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) COMPLIANCE FEES PAID UNDER § 7-705 OF THIS SUBTITLE;

(2) PAYMENTS RECEIVED IN REPAYMENT OF A LOAN;

(3) INVESTMENT EARNINGS OF THE FUND; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) (1) THE FUND MAY BE USED ONLY TO MAKE LOANS AND GRANTS TO SUPPORT THE CREATION OF NEW TIER 1 RENEWABLE ENERGY SOURCES IN THE STATE.