

(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;

(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 IN A YEAR BASED ON HARDSHIP 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: