

small turbines for residential, agricultural, and small business use, including facilities installed for net-energy metering;

(2) developers of commercial wind-energy generating facilities that involve more than 10 turbines to:

(i) conduct at least 1 year of site evaluation, using state-of-the-art techniques, both for the potential for direct mortality of avian species and for impacts from fragmentation and loss of forest and other affected habitat; and

(ii) provide the results of the evaluation to the Commission for review in connection with proceedings for the issuance of a certificate of public convenience and necessity;

(3) developers of commercial wind-energy generating facilities that involve 10 or fewer turbines to:

(i) conduct a shorter-term site evaluation both for the potential for direct mortality of avian species and for impacts from fragmentation and loss of forest and other affected habitat; and

(ii) provide the results of the evaluation to the Commission for review in connection with proceedings for the issuance of a certificate of public convenience and necessity; and

(4) developers of all commercial wind-energy generating facilities to:

(i) conduct post-construction avian mortality studies of the impact of facility operation; and

(ii) provide copies to the Commission and, while it exists, to the technical advisory group.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, on or before July 1, 2005, the Public Service Commission shall adopt regulations to implement this Act. It is the intent of the General Assembly that the Public Service Commission propose its regulations concerning waiver of the compliance fee due to hardship under § 7-706(d) of the Public Utility Companies Article, as enacted by this Act, through the emergency adoption process under § 10-111(b) of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Public Service Commission recover the costs of establishing a market-based renewable electricity trading system under § 7-708 of the Public Utility Companies Article, as enacted by this Act, through its assessment under § 2-110 of the Public Utility Companies Article.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall conduct a performance audit of the Maryland Renewable Energy Fund which includes, for each year since the creation of the Fund, an assessment of: