

(I) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR TIER-3 SOLAR ENERGY APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY CONTINUES FOR EACH SUBSEQUENT CONSECUTIVE YEAR THAT THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF TIER-3 SOLAR RENEWABLE ENERGY CREDITS IS GREATER THAN OR EQUAL TO, OR IS ANTICIPATED TO BE GREATER THAN OR EQUAL TO, 1% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND; AND

(II) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR TIER-3 SOLAR ENERGY APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY IS INCREASED TO THE NEXT SCHEDULED PERCENTAGE INCREASE UNDER § 7-703(B) OF THIS SUBTITLE FOR EACH YEAR IN WHICH THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF TIER-3 SOLAR RENEWABLE ENERGY CREDITS IS LESS THAN, OR IS ANTICIPATED TO BE LESS THAN, 1% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND.

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 commercially 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;~~