

[i] 1. the capacity of the generating station does not exceed 70 megawatts; and

[ii] 2. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; or

(II) THAT PRODUCES ELECTRICITY FROM WIND IF:

1. THE GENERATING STATION IS LAND-BASED;

2. THE CAPACITY OF THE GENERATING STATION DOES NOT EXCEED 70 MEGAWATTS;

3. THE ELECTRICITY THAT MAY BE EXPORTED FOR SALE FROM THE GENERATING STATION TO THE ELECTRIC SYSTEM IS SOLD ONLY ON THE WHOLESALE MARKET PURSUANT TO AN INTERCONNECTION, OPERATION, AND MAINTENANCE AGREEMENT WITH THE LOCAL ELECTRIC COMPANY; AND

4. THE COMMISSION PROVIDES AN OPPORTUNITY FOR PUBLIC COMMENT AT A PUBLIC HEARING AS PROVIDED IN SUBSECTION (E) OF THIS SECTION; OR

(2) constructs a generating station if:

(i) the capacity of the generating station does not exceed 25 megawatts;

(ii) the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; and

(iii) at least 10% of the electricity generated at the generating station each year is consumed on-site.

(b) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (a) of this section.

(2) An application for approval under this section shall: