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October 4, 2019

**By Electronic Filing and Federal Express**

ML#227051

David J. Collins  
Deputy Executive Secretary  
Maryland Public Service Commission  
William Donald Schaefer Tower  
6 St. Paul Street, 16<sup>th</sup> Floor  
Baltimore, MD 21202-6806

**Re: Case No. 9431**

Dear Mr. Collins:

Enclosed for filing in the referenced matter please find the Motion of the Retail Energy Supply Association (RESA). An original and 12 copies will be sent via Federal Express to the Commission. While RESA is filing this motion in the above-captioned proceeding, RESA requests that the Commission address this matter administratively at the next available Administrative Meeting.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brian R. Greene', enclosed in a light blue rectangular box.

Brian R. Greene

Enclosure  
CC: Service List (by email)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND**

In the Matter of the Applications of U.S. Wind, \*  
Inc. and Skipjack Offshore Energy, LLC for a \*  
Proposed Offshore Wind Project(s) Pursuant to \* Case No. 9431  
the Maryland Offshore Wind Energy Act of \*  
2013 \*

**MOTION OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”),<sup>1</sup> by counsel, submits this Motion to address concerns pertaining to the scheduled commercial operation dates (“COD”) of the two offshore wind projects approved by the Commission in this proceeding in Order No. 88192, issued on May 11, 2017. As explained below, it is likely that one of the projects, U.S. Wind, Inc. (“U.S. Wind”), will not meet its project COD of 2020. The other project, Skipjack Offshore Energy, LLC (“Skipjack”), has a scheduled COD of 2022, and RESA is not aware of any public filing indicating whether Skipjack will, or will not, meet that timeline. With upcoming CODs – especially for U.S. Wind – RESA requests that the Commission resolve what appears to be a conflict between the language in the Maryland Offshore Wind Energy Act of 2013<sup>2</sup> (“OWEA” or “the Act”) and the implementing regulations found in Title 20, Subtitle 61, Chapter 06 of the COMARs.

As explained below, while the OWEA specifically provides that no payment will be made for an offshore wind renewable energy credit (“OREC”) until the project is generating

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Associate (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy supplier dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>2</sup> See generally PUA § 7-701 *et seq.*

electricity supply, the COMARs could be interpreted to require electricity suppliers, including members of RESA active in the Maryland retail electricity market, to make payments before the offshore wind project is in service.

RESA submits this Motion to resolve this apparent conflict. As explained below, RESA requests that the Commission enter an order:

- (1) directing U.S. Wind and Skipjack to provide public notice of any changes or delays to their expected project CODs;
- (2) holding that, under the OWEA, electric suppliers and their customers are not required to pay for ORECs before an offshore wind project begins operating and, if necessary, waiving any regulations in Title 20, Subtitle 61, Chapter 06 of the COMARs that may require OREC payments before an offshore wind project becomes operational; and
- (3) modifying the current OREC price schedule to ensure that it goes into effect upon commercial operation of an approved offshore wind project.

While RESA is filing this request in the above-captioned proceeding, RESA requests that the Commission address this matter administratively at the next available Administrative Meeting.

## **I. INTRODUCTION & BACKGROUND**

RESA is a trade association of competitive retail electricity and natural gas suppliers operating in Maryland and throughout the country in jurisdictions with competitive retail energy markets. RESA's members are contracting with Maryland customers to provide retail electricity supply service in 2020 and beyond. RESA's members must comply with Maryland's Renewable Portfolio Standard ("RPS"), including any applicable offshore wind component, which applies to the retail electricity sales made by RESA's members and other competitive suppliers serving

customers in Maryland.<sup>3</sup> As explained below, it appears that construction of the U.S. Wind project approved in this proceeding has been delayed and it is unclear whether, and to what degree, suppliers will be required to purchase ORECs under the OREC price schedule issued in Order No. 88192 *before* the U.S. Wind project begins operating. This may also be the case for Skipjack.

**a. Applicable Law**

**i. The Maryland Offshore Wind Energy Act of 2013**

The OWEA was passed by the General Assembly and signed into law on April 9, 2013.<sup>4</sup> The Act amended the RPS to include an offshore wind energy component and an OREC purchase obligation to support development of offshore wind projects.<sup>5</sup>

An OREC is “a renewable energy credit equal to the generation attributes of 1 megawatt-hour of electricity that is derived from offshore wind energy.”<sup>6</sup> Electricity suppliers are obligated to purchase “the number of ORECs required to satisfy the offshore wind component of the [RPS]” from a designated escrow account.<sup>7</sup> The Commission determines the offshore wind component of the RPS and sets the OREC price schedule upon approval of an offshore wind project.<sup>8</sup>

When the Commission approves a proposed offshore wind project, the order approving the project must contain: (i) the OREC price schedule, which establishes the price to be paid for ORECs each calendar year,<sup>9</sup> (ii) the term of the OREC price schedule, which cannot exceed 20

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<sup>3</sup> See generally PUA § 7-701 *et seq.*

<sup>4</sup> 2013 H.B. 226.

<sup>5</sup> 2013 H.B. 226.

<sup>6</sup> PUA § 7-701(h).

<sup>7</sup> PUA § 7-704.2(c).

<sup>8</sup> See generally PUA § 7-703; PUA § 7-704.1.

<sup>9</sup> PUA § 7-704.1(f)(1)(i). See also COMAR 20.61.01.03(7-6) (clarifying that the price schedule establishes the price on a yearly basis).

years,<sup>10</sup> and (iii) the number of ORECS that may be sold each year.<sup>11</sup> Importantly, the Act prohibits OREC payments before an offshore wind project becomes operational:

An order the Commission issues approving a proposed offshore wind project shall... (iv) provide that: 1. a payment may not be made for an OREC until electricity supply is generated by the offshore wind project...<sup>12</sup>

Then-Governor O'Malley testified before the Maryland General Assembly Senate Finance Committee on February 13, 2013 regarding the Act. During his testimony, he referenced the pre-operational OREC payment prohibition as one of the “very specific consumer protections” embedded within the legislation. He explained that customers would not pay for ORECs that did not yet exist: **“No consumer will pay even a penny more on their energy bill until the turbines start spinning.”**<sup>13</sup>

It stands to reason that if electric suppliers are required to make OREC payments before a project is in service, the supplier will include OREC costs in the prices they charge their customers. This means that customers and their retail suppliers will be paying for ORECs that do not yet exist from projects that are not in service. As discussed below, RESA is seeking confirmation that, consistent with this statutory directive, retail suppliers and their customers will not be required to make payments for ORECs before an offshore wind facility is generating electricity.

## **ii. Offshore Wind Regulations - COMAR 20.61.06**

In 2014, the Commission initiated Rulemaking 51 to promulgate regulations implementing the Act, including procedures for offshore wind project application and approval,

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<sup>10</sup> PUA § 7-704.1(f)(1)(ii).

<sup>11</sup> PUA §7-704.1(f)(1)(iii).

<sup>12</sup> PUA § 7-704.1(f)(1)(iv)(1).

<sup>13</sup> See RM51, *Letter from Retail Energy Supply Association to Maryland Public Service Commission* at 3 (Aug. 25, 2014) (citation omitted).

establishment of OREC price schedules, and compliance requirements and procedures regarding the offshore wind component of the RPS.<sup>14</sup> Upon approval of an offshore wind project, the Commission establishes the OREC purchase obligation for each year of the RPS “on a forward-looking basis and at least 3 years in advance.”<sup>15</sup> Electric suppliers must purchase ORECs associated with approved projects at the prices established by the Commission in the OREC price schedule.<sup>16</sup>

The OREC price schedule is tied to an offshore wind project’s COD. The price schedule establishes the OREC price for each calendar year of the OREC price schedule term,<sup>17</sup> which begins on a project’s COD.<sup>18</sup> The price schedule *also* includes “an additional schedule of prices for each of 5 years following the end of the initial term to accommodate potential delays in project COD.”<sup>19</sup> If an offshore wind project proceeds according to the schedule approved by the Commission, without a delay in COD, a project administrator must be appointed 360 days prior to the estimated project COD and must be approved by the Commission 90 days prior to April 1 of the year that the offshore wind RPS takes effect.<sup>20</sup> The appointed administrator pays the project for ORECs produced by the offshore wind facility, receives the ORECs from the facility in its PJM-EIS GATS account, issues quarterly invoices to OREC purchasers (electric suppliers) based on reported electricity sales, and delivers ORECs to the OREC purchasers.

However, as explained below, if there is a delay in project COD, it appears that the Commission’s regulations could be interpreted to require suppliers to pay for ORECs before an offshore wind project is operational. Offshore wind project developers must notify the

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<sup>14</sup> See generally RM51 and COMAR 20.61.

<sup>15</sup> COMAR 20.61.06.08(A).

<sup>16</sup> COMAR 20.61.06.08(B).

<sup>17</sup> COMAR 20.61.01.03(B)(7-6).

<sup>18</sup> COMAR 20.61.01.03(B)(7-7)(a).

<sup>19</sup> COMAR 20.61.01.03(B)(7-7)(b).

<sup>20</sup> COMAR 20.61.06.09(C).

Commission of any change or delay in the project’s estimated COD.<sup>21</sup> Indeed, a change in the project COD is considered a “material change” that must be reported to the Commission within 30 days.<sup>22</sup> Approved offshore wind projects are also required to file annual reports updating the information provided in their initial applications, including project COD.<sup>23</sup> While COMAR mandates that this information be provided to the Commission, this does not ensure that market participants are notified of material changes to the construction schedule or estimated project COD. The Commission’s Offshore Wind website ([www.marylandoffshorewind.com](http://www.marylandoffshorewind.com)) is no longer functional and, to the extent these reports have been filed with the Commission, they have not been made available to market participants.

When the Commission is informed of a delay in the project COD, there are three options, based on the length of the delay in the project COD:

**Option 1 - Delay of Up to 730 Days:** For a delay up to 730 days, an escrow administrator can be appointed to: (i) collect payments from electric suppliers according to the existing OREC price schedule in a designated escrow account,<sup>24</sup> (ii) provide invoices for these payments,<sup>25</sup> and (iii) redistribute the funds to retail electric customers through their electric distribution utility.<sup>26</sup> After withdrawing “pre-agreed periodic fees and documented reasonable third-party expenses” (including administrative costs) from the escrow account, the administrator distributes the remaining balance to electric companies based on their relative market share (in megawatt hours) for redistribution to retail customers.<sup>27</sup>

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<sup>21</sup> COMAR 20.61.06.16(A).

<sup>22</sup> COMAR 20.61.06.18(B)(4).

<sup>23</sup> COMAR 20.61.06.02(G)(9)(a); COMAR 20.61.06.02(H); COMAR 20.61.06.18(A).

<sup>24</sup> COMAR 20.61.06.16(C).

<sup>25</sup> COMAR 20.61.06.16(D).

<sup>26</sup> COMAR 20.61.06.16(C)(2).

<sup>27</sup> COMAR 20.61.06.16(C).

**Option 2 - Delay of More Than 730 Days:** If the projected delay is more than 730 days, COMAR 20.61.06.16(F) requires the Commission to modify the RPS and OREC purchase obligation “on a forward looking basis at least three years in advance.”<sup>28</sup> The original OREC price schedule would remain in the effect for three years.<sup>29</sup>

**Option 3 – Delay of More Than Five Years:** If a project is delayed more than five years, the Commission may revoke the OREC price schedule and modify the RPS and OREC purchase obligation accordingly.<sup>30</sup> If the Commission chooses not to withdraw the OREC order and price schedule, it can instead follow the procedures outlined in COMAR 20.61.06.16(F) for modifying the RPS and OREC purchase obligation.

#### **b. Approval of U.S. Wind and Skipjack Projects**

In Order No. 88192, issued on May 11, 2017, the Commission approved U.S. Wind’s proposed 248 MW project and Skipjack’s 120 MW project.<sup>31</sup> U.S. Wind’s application included an expected COD of January 1, 2020.<sup>32</sup> Skipjack’s Application set a COD of November 2022.<sup>33</sup> The Commission approved both projects and established an OREC price schedule based on the anticipated CODs of the projects.<sup>34</sup>

Based on public filings, it does not appear that U.S. Wind or Skipjack have notified the Commission of a change in COD pursuant to COMAR 20.61.06.18(B)(4).

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<sup>28</sup> COMAR 20.61.06.16(F).

<sup>29</sup> COMAR 20.61.06.16(F) (“... but no such adjustment shall modify any previously determined offshore wind energy RPS or the OREC purchase obligation until the lapse of the 3-year period commencing on the date the previously determined obligations were to take effect.”).

<sup>30</sup> COMAR 20.61.06.16(G).

<sup>31</sup> Case No. 9431, Levitan & Associates, Inc., *Evaluation and Comparison of U.S. Wind and Skipjack Proposed Offshore Wind Project Applications* at ES-1 (Mar. 22, 2017) (Revised Public Version) (hereinafter “Report”).

<sup>32</sup> Order No. 88192 at 6 (citing Report at ES-17).

<sup>33</sup> Report at ES-20.

<sup>34</sup> See generally Order No. 88192.

On September 14, 2019, Skipjack filed a letter (ML #226953) with a copy of a June 4, 2019 letter indicating that the Skipjack project is proceeding in accordance with “all conditions of [Order No. 88192].” Based on this filing, it appears that Skipjack may be on schedule to reach its November 2022 COD, though confirmation of the COD for Skipjack is still warranted. Moreover, because Skipjack is not scheduled to reach COD until 2022, the 2020-2022 OREC pricing schedule in Order No. 88192 is based on the U.S. Wind project reaching COD by 2020. However, as discussed below, public reports suggest that the U.S. Wind project has experienced substantial delays and will not be operational by the January 1, 2020 COD.

## **II. DISCUSSION**

### **a. Confirming a Delay in U.S. Wind’s Project COD**

RESA is primarily concerned with delay of the U.S. Wind project because its estimated COD is January 2020 and is the basis for the first three years of the current OREC price schedule. In May of 2019, U.S. Wind announced that the U.S. Wind project is “expected to be operational during 2023,” rather than 2020.<sup>35</sup> On October 1, 2019, U.S. Wind submitted a filing notifying the Commission of changes regarding the commercial availability of certain wind turbines and confirming that the turbine selection process was not yet complete.<sup>36</sup> Given that U.S. Wind “has not reached a final decision regarding turbine model selection,”<sup>37</sup> it will not meet the January 1, 2020 COD.

The Commission’s regulations require the developer of an approved offshore wind project to report a change in COD within thirty days and in an annual report.<sup>38</sup> Based on public

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<sup>35</sup> Press Release, U.S. Wind Inc., U.S. Wind Moves Ahead with MET Mast Tower Plans (May 20, 2019), *available at* <http://www.uswindinc.com/us-wind-moves-ahead-met-mast-tower-plans/>. Elsewhere in the press release, U.S. Wind states that the project “is expected to be operational in 2021.” Either way, the project will not be operational in 2020.

<sup>36</sup> Case No. 9431, Turbine Selection Filing of U.S. Wind (October 1, 2019).

<sup>37</sup> *Id at 1.*

<sup>38</sup> COMAR 20.61.06.18.

filings in this proceeding, it does not appear that U.S. Wind notified the Commission of a change in the construction schedule or filed an Annual Development Progress Report in 2018 or 2019, as required by COMAR 20.61.06.18.<sup>39</sup> Moreover, U.S. Wind's October 1<sup>st</sup> filing references a "confidential filing made... on July 25, 2019" regarding the turbine selection process.<sup>40</sup> This confirms that U.S. Wind has used confidential filings to provide the Commission with material information regarding its construction progress that was not made available to other stakeholders or to market participants generally.

To resolve this uncertainty, RESA requests that the Commission direct both U.S. Wind and Skipjack to file a public notice in the docket for this proceeding with the current estimated COD for these projects and file public notice of any subsequent delays.

**b. Confirming that competitive electricity suppliers and retail electricity customers will not be charged for ORECs before an offshore wind project is operational.**

Assuming that the U.S. Wind project COD has been delayed, RESA requests that the Commission enter an order clarifying that, consistent with the OWEA, electricity suppliers and their customers will not be charged for ORECs before the U.S. Wind (or Skipjack) project becomes operational. COMAR 20.61.06.16 apparently allows approved offshore wind projects to appoint an administrator that would bill competitive suppliers for ORECs according to the current OREC price schedule *even if* the project's COD is delayed. However, these pre-operational payments conflict with the plain language of PUA § 7-704.1. RESA requests that the Commission: (1) waive any regulations requiring prohibited payments for ORECs before an offshore wind project begins generating electricity; and (2) modify or revoke and re-issue the OREC price schedule so that it takes effect upon the actual project COD. Taking these steps will

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<sup>39</sup> See generally, Case No. 9431.

<sup>40</sup> Turbine Selection Filing of U.S. Wind at 2.

ensure that the OWEA is implemented as intended and will provide clarity and transparency regarding implementation of offshore wind requirements for electric suppliers and retail customers in Maryland.

**i. Pre-Operational Payments Contradict the Plain Language of the Act.**

The General Assembly was clear in the Act that “a payment may not be made for an OREC until electricity supply is generated by the offshore wind project.”<sup>41</sup> This prohibition is a mandatory pre-condition that the Commission *must* include in all orders approving proposed offshore wind projects.<sup>42</sup> As RESA first noted during Rulemaking 51, COMAR 20.61.06.16 establishes a mechanism for collecting pre-operational payments from electric companies based on the current OREC price schedule that contradicts the plain language of § 7-704.1(f)(1)(iv)(1).<sup>43</sup> Now that there is an approved offshore wind project and OREC price schedule in place based on a COD that a project is unlikely to meet, the conflict between the statute and regulations must be addressed.<sup>44</sup>

Well-established principles of statutory interpretation mandate enforcement of 7-704.1(f)(1)(iv)(1)’s non-payment provision. Maryland Courts apply the “plain meaning” rule when interpreting a statute:

Statutory construction begins with the plain language of the statute, and ordinary, popular understanding of the English language dictates interpretation of its terminology. In construing plain language, “[a] court may neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute; nor may it construe the statute with forced or subtle interpretations that limit or extend its application.”<sup>45</sup>

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<sup>41</sup> PUA § 7-704.1(f)(1)(iv)(1).

<sup>42</sup> *Id.*

<sup>43</sup> RM51, *Letter from Retail Energy Supply Association to Maryland Public Service Commission* (Aug. 25, 2014).

<sup>44</sup> *See Dep’t of Human Res. V. Hayward*, 426 Md. 638, 658 (2012) (“Administrative agencies have broad authority to promulgate regulations, to be sure, but the exercise of that authority, granted by the Legislature, must be consistent, and not in conflict, with the statute the regulations are intended to implement. We have consistently held that the statute must control.”) (internal citations omitted).

<sup>45</sup> *Kushell v. Dep’t of Natural Res.*, 385 Md. 563, 576-77 (2005) (internal citations omitted).

The plain language of 7-704.1(f)(1)(iv)(1) refers to “a payment... for an OREC.” The pre-operational payments described in 20.61.06.16 fall within the plain meaning of “payment[s]... for an OREC” and therefore are expressly prohibited. The payments are based on the current OREC price schedule, just as they would be if the initial COD was met and the project was operational. The statute does not contain any language limiting the prohibition to payments made by or to certain parties. Adopting such a narrow definition would constitute adding conditions not present in the statute to limit the statute’s application. Likewise, the plain language of § 7-704.1(f)(1)(iv)(1) states that such a payment “may not be *made* until electricity supply is generated by the offshore wind project.” (Emphasis added.) The fact that a portion of the payment prohibited by the statute is ultimately redistributed to retail customers through their electric company does not negate the fact that the payment is made.

**ii. Utility Redistribution of Pre-Operational OREC Payments Would Not Cure the Statutory Conflict.**

While COMAR 20.61.06.16 outlines a mechanism by which pre-operational OREC payments may be redistributed to retail customers through their respective suppliers, customers may still be required to make payments for ORECs before an offshore wind project becomes operational in violation of the Act’s prohibition on such payments. Moreover, it appears that if the pre-operational OREC payments are collected, payment for certain fees and expenses would be taken by the administrator before the funds are sent to the utilities for redistribution to retail customers.<sup>46</sup> Cycling money through the administrative process in this manner incurs unnecessary fees and expenses while providing no benefit to retail customers.

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<sup>46</sup> “Pre-agreed periodic fees and documented reasonable third-party expenses (including any costs and expenses invoiced to the administrator by or on behalf of the Commission...)” are withdrawn *before* any refund is distributed. COMAR 20.61.06.16(C)(1).

The indirect redistribution mechanism for pre-operational payments would take money from customers and then provide it to back to customers, less the OREC administrator's fees and expenses. However, this redistribution mechanism would not necessarily return money to the customers that paid the initial pre-operational OREC payments. For example, it appears that if a customer moves and establishes a new account, they may not get any bill credit for the OREC payments they paid in the previous year when they had a different utility account at a different address.

Once fees and certain third-party expenses are withdrawn from the escrow account, the remainder is distributed to electric companies based on their relative market share in MWh the previous calendar year.<sup>47</sup> Electric companies are then responsible for redistributing these funds to their retail customers according to a methodology that the utilities will develop.<sup>48</sup> RESA is not aware of any approved utility redistribution methodology, so it appears that this methodology would be developed at some point in the future, likely after retail suppliers and customers have started paying pre-operational OREC payments.<sup>49</sup> The lack of transparency inherent in this process will make it more difficult for retail suppliers and customers to understand if and when customers might receive a utility redistribution credit for pre-operational OREC payments. It is unlikely that the approved methodology would result in retail customers receiving a true refund, as the amount paid by any individual customer based on its load profile would likely differ from the amount credited through a distribution billing line item. Thus, the redistribution mechanism would not be equitable to individual customers. These issues highlight the disconnect between

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<sup>47</sup> COMAR 20.61.06.11(G)(4); COMAR 20.61.06.16(C).

<sup>48</sup> COMAR 20.61.06.16(C).

<sup>49</sup> COMAR 20.61.06.14.

the statutory prohibition on pre-operational OREC payments and the contemplated redistribution mechanism in COMAR 20.61.06.

**iii. The COMARs Provide Inconsistent Information Regarding the Administrator Appointment Process.**

In addition to the opaque pre-operational OREC payment redistribution provisions discussed above, the offshore wind regulations present unclear and contradictory guidance as to how these pre-operational OREC payments are to be collected. As a result, it is unclear whether U.S. Wind has submitted an administrator.

If an approved offshore wind project gives the Commission notice of delay under COMAR 20.61.06.19(B), the project must appoint an administrator to collect pre-operational OREC payments “prior to April 1 of the year in which the offshore wind energy RPS takes effect.” However, COMAR 20.61.06.09 appears to establish an earlier deadline for selecting an administrator, requiring the offshore wind project to propose an administrator no later than 360 days prior to the project COD (whether the original COD or a delayed COD).<sup>50</sup> The proposed administrator is subject to Commission approval, but must be appointed “no later than 90 days prior to April 1 of the year in which the offshore wind energy RPS takes effect.”<sup>51</sup>

It is unclear whether U.S. Wind had complied with the required procedure for appointing an administrator. If no delay in the project COD has been reported, U.S. Wind would have been required to propose an administrator by January 6, 2019.<sup>52</sup> The administrator must then be appointed by January 2, 2020.<sup>53</sup> The uncertainty regarding an OREC administrator for U.S. Wind contributes to the general confusion regarding implementation of the OREC price schedule. This

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<sup>50</sup> COMAR 20.61.06.09(C).

<sup>51</sup> COMAR 20.61.06.09(D)-(E).

<sup>52</sup> January 6, 2019 is 360 days prior to January 1, 2020, the COD established for U.S. Wind in Order No. 88192.

<sup>53</sup> An administrator must be appointed “no later than 90 days prior to April 1 of the year in which the offshore wind energy RPS takes effect.” COMAR 20.61.06.09(D)-(E). January 2, 2020 is 90 days prior to April 1, 2020.

also supports RESA's request that the Commission uphold the statutory prohibition on pre-operational OREC payments and delay implementation of any OREC purchase obligation until an offshore wind facility becomes operational.

### **III. CONCLUSION**

For the foregoing reasons, RESA respectfully requests that the Commission enter an order:

- (1) directing U.S. Wind and Skipjack to provide prompt public notice of any present or future changes or delays to their expected project CODs;
- (2) holding that, under the OWEA, electric suppliers and their customers are not required to pay for ORECs before an offshore wind project begins operating and, if necessary, waiving any regulations in Title 20, Subtitle 61, Chapter 06 of the COMARs that may require OREC payments before an offshore wind project becomes operational; and
- (3) modifying the current OREC price schedule to ensure that it goes into effect upon commercial operation of an approved offshore wind project.

On behalf of its members and the Maryland electricity customers who need to know what will happen in January 2020 with regard to offshore wind costs, RESA requests that the Commission schedule this matter for consideration at the next available Administrative Meeting.

*[Signature on Following Page]*

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel

/s/ Brian R. Greene

Brian R. Greene

Eric J. Wallace

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Counsel for the Retail Energy Supply Association

Dated: October 4, 2019

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion of the Retail Energy Supply Association was e-mailed on October 4, 2019 to all parties on the Service List for this proceeding.

/s/ Brian R. Greene  
Brian R. Greene