



January 21, 2026

VIA ELECTRONIC FILING

Andrew S. Johnston
Executive Secretary
Maryland Public Service Commission
6 Saint Paul Street, 16th Floor
Baltimore, Maryland 21202-6806

*Re: Implementing COMAR Subtitle 20.96 Large Load Customers and Tariffs,
Administrative Docket RM 93 and Large Load Customer Regulations and Tariffs
Interconnecting to the Electric System Servicing Maryland, PC 72*

Dear Mr. Johnston:

Attached for filing in the above-referenced case, please find the Comments on Proposed Regulations filed on behalf of Sierra Club, the Center for Progressive Reform, and Earthjustice in the above-captioned case.

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

Susan Stevens Miller, Esq.

Earthjustice
1001 G Street NW, Ste. 1000
Washington, D.C. 20001
(443) 534-6401
(202) 667-2356 (fax)
smiller@earthjustice.org

BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND

Implementing COMAR Subtitle 20.96—	*	Administrative Docket
Large Load Customers and Tariffs	*	RM 93
_____	*	_____
Large Load Customer Regulations and Tariffs	*	
Interconnecting to the Electric System	*	PC 72
Servicing Maryland	*	_____
_____	*	

COMMENTS ON PROPOSED REGULATIONS

Pursuant to the Maryland Public Service Commission’s (“Commission”) Notice of December 9, 2025,¹ Sierra Club, the Center for Progressive Reform, and Earthjustice (jointly, “NPOs”) respectfully file these comments addressing the proposed regulations as submitted by Commission Staff (“Staff”).

I. BACKGROUND

During the 2025 legislative session, the Maryland General Assembly passed Senate Bill 937 (“SB 937”) / House Bill 1035 (“HB 1035”), known as the Next Generation Energy Act (“NGEA”).² The statute requires, among other things, the establishment of regulations and tariffs that address large load customers interconnecting to the electric system serving the State.³

Pursuant to PUA § 4–212(f), the Commission is required to adopt regulations to carry out this section of the statute and these regulations shall: (a) “establish minimum notice requirements and deadlines related to load study requests and contract terminations and adjustments;” (b) “if

¹ Maryland Public Service Commission, Notice Initiating a Rulemaking, Opportunity to Comment and Rulemaking Session (December 9, 2025). (“Notice”).

² The NGEA was signed into law by Governor Wes Moore on May 20, 2025. *See* 2025 MD Laws, Ch. 625; (SB 937/HB 1035).

³ Public Utilities Article (“PUA”) § 4–212.

considered necessary by the Commission, specify common forms of acceptable collateral to satisfy the requirements of this section;” and (c) “establish deadlines related to completion of load studies and payment of fees.”

Also, pursuant to Section 4-212(c)(1)(i) of the statute, each investor-owned electric company and cooperative shall submit to the Commission for approval a specific rate schedule for large load customers that accomplishes the intent of PUA § 4–212(b), which provides “it is the intent of the General Assembly that residential retail electric customers in the State should not bear the financial risks associated with large load customers interconnecting to the electric system serving the State.”

On June 25, 2025, the Commission established a work group to propose regulations on large load customers and tariffs interconnecting to the electric system in Maryland. The Commission provided that the work group shall develop proposed regulations required by the statute and make recommendations to the Commission regarding the other requirements of PUA § 4–212.

On December 8, 2025, Staff requested that the Commission docket a rulemaking proceeding to consider the proposed regulations required by PUA § 4-212(f). On the same day, Staff filed its Progress Report on the Status of Implementing PUA § 4-212 (“Report”). According to the Report, Staff plans to continue convening the work group, focusing on the forthcoming utility large load tariffs due to be filed September 1, 2026.⁴ Through Staff’s Report, the work group requested additional time to discuss the complete implementation of PUA § 4-212, focusing on the requirements for the large load tariff schedules that utilities must file by September 1, 2026.

⁴ Report at 1-2.

Staff recommends that the Commission require the PC 72 work group to continue meeting and submit the next report no later than May 1, 2026.⁵

II. DISCUSSION

PUA §4-212 establishes protections designed to protect residential customers from the financial risk associated with large load customers.⁶ As stated above, § 4-212(f) requires the Commission to adopt regulations by June 1, 2026 related to load study requests and contract adjustments by large load customers, and payment and forms of collateral for such studies.

At the outset it is important to bear in mind that the work group was given two tasks: drafting proposed regulations addressing the discrete issues listed above, and determining the large load tariff provisions that will be necessary to protect ratepayers from unjustly bearing the costs of interconnecting large load users to the grid. Only one of those tasks (the proposed regulations) is being considered by the Commission at this time. The NGOs' comments are accordingly focused only on the proposed regulations, but we urge the work group to expeditiously develop large load tariff provisions that will protect ratepayers.

The NPOs support the proposed additions to the consensus regulations provided by Staff and set forth in 20.96.01.03(B)(1)-(3). These proposed additions maintain the narrow focus that PUA § 4-212(f) envisions for these regulations while resolving a potential issue of contention between the utility and the large load customer.

With regard to the changes proposed by either the utilities or Amazon, the NPOs state as follows:

⁵ Report at 44.

⁶ PUA § 4-212(b).

- a. *The Commission should reject the utilities' proposal to include tariff requirements in the regulations.*

The utilities propose the following addition (in green font) to 20.96.01.03:

A. An electric company or a municipal electric utility shall include in an electric company's tariff or in a municipal electric utility's tariff:

(1) the process for commencing a load study; and

(2) the process for requesting additional information for incomplete study requests.

The Commission should reject this proposed language. As noted throughout the Staff Report, the work group continues to discuss the provisions that the stakeholders believe should be included in the large load tariffs. The utilities should not be permitted to circumvent this discussion by including tariff provision requirements in regulations which the statute clearly expected to be narrowly focused.⁷

- b. *The Commission should approve the utilities' proposal giving an electric company thirty (30) calendar days to review a request for a load study.*

Both Amazon and the utilities propose differing time periods regarding how long an electric company will have to review a large load customer's request for a large load study. Amazon proposes ten (10) business days and the utilities propose thirty (30) calendar days.

The NPOs support the utilities' request for a thirty (30) calendar day review period. An electric company should receive ample time to review a request given the potential impact of these large loads on all ratepayers. Moreover, it appears highly likely that an electric company may receive more than one request for a load study at the same time. The electric company should not be put in a position where it has to rush the review or hire more personnel to perform

⁷ The NPOs are including a red-line version of the suggested changes as Attachment A and a clean version of the changes as Attachment B.

the review. A thirty (30) calendar day review period balances the large load customer's desire to move ahead with the project with the electric company's obligation to ensure that each step in the process is performed correctly.

- c. The Commission should approve the utilities' proposal giving an electric company eighteen (18) months to complete the large load study and report on the results of that study.*

Similarly, both the utilities and Amazon propose different time frames for the completion of the large load study. Amazon proposes that the large load study should be required to be completed in 180 days (approximately six months) while the utilities propose that the study be completed within eighteen (18) months.

The NPOs support the utilities' request for eighteen (18) months to complete both the study and the report. An electric company should receive ample time to carefully review the implications and effects of the additional large load. Moreover, an electric company may receive more than one large load study request for the same general area. In that event, each large load study will become more complicated, as the utilities will ostensibly need to evaluate the cumulative impacts that these multiple large load customers will have on the grid.

- d. The Commission should reject Amazon's proposal to limit the length of an extension that an electric company may request.*

Amazon proposes that any request for an extension by an electric company be limited to sixty (60) days. This limitation is unnecessary. Any request for an extension would have to meet the good cause standard, not only for the request for an extension in general, but also for the requested length of the extension. More importantly, there is no way to know at this juncture why an electric company might need an extension and what length of time might be necessary. The Commission has the authority and expertise to determine whether an extension is appropriate

and, if an extension is appropriate, what length of extension is necessary. The Commission should reject Amazon's proposed language.

- e. The Commission should reject the utilities' proposal to give an electric company discretion over the type of collateral to accept.*

The utilities have proposed that the following language be added to the proposed regulation governing acceptable collateral: "(A) The electric company has discretion over the acceptable forms of collateral."

The Commission should reject this proposed change. The utilities' language negates the list of acceptable forms of collateral agreed to by all the stakeholders, including apparently the utilities. Since the provisions in these regulations can be waived for good cause,⁸ if the electric company has a concern about the collateral proffered by a large load customer in a particular instance, the electric company can request that the Commission authorize the company to reject the specific collateral. A blanket grant of discretion to the electric company is unnecessary and unwarranted.

III. CONCLUSION

For the foregoing reasons, the NPOs respectfully request that the Commission adopt the proposed regulations set forth in Attachment A.

Continued for signatures

⁸ See proposed regulation 20.96.01.08.

Respectfully submitted,



Bryan Dunning
Center for Progressive Reform
bdunning@progressivereform.org
1250 Connecticut Ave. NW, Suite 700
Washington, DC 20036



Sari Amiel
50 F St NW Eighth Floor
Washington, DC 20001
(301) 807-2223
sari.amiel@sierraclub.org

Counsel for Sierra Club



Susan Stevens Miller, Esq.
Earthjustice
1001 G Street NW, Ste. 1000
Washington, D.C. 20001
(443) 534-6401
(202) 667-2356 (fax)
smiller@earthjustice.org

RM93

PROPOSED REGULATIONS
Title 20 PUBLIC SERVICE COMMISSION
NEW Subtitle 96 LARGE LOAD CUSTOMERS

The proposed regulations are color coded to reflect various workgroup members preferred language.

Consensus language appears in black.

Staff's suggested language appears in blue.

The Exelon Utilities and Potomac Edison's suggested language appear in green.

Amazon's suggested language appears in purple.

20.96.01.00

Statutory Authority: Public Utilities Article, § 4-212(f), Annotated Code of Maryland

20.96.01.01 Definitions

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Commission" means the Maryland Public Service Commission.

(2) "Contract capacity" has the meaning stated in § 4-212(a) of the Public Utilities Article, Maryland Annotated Code.

(3) "Electric company" means an investor-owned electric company or an electric cooperative, operating in the State of Maryland.

(4) "Large load customer" has the meaning stated in § 4-212(a) of the Public Utilities Article, Maryland Annotated Code.

(5) "Load study" means an initial analysis of the feasibility and timing of providing the requested retail services to the large load customer.

(a) The load study must include the effects and interconnection on the utilities' transmission and distribution systems, over the contract period;

(b) The load study must consider other interconnection requests.

(6) “Load ramp” means a schedule for peak load until contract capacity is reached as mutually agreed to by an electric company and the large load customer.

(7) “Municipal Electric Utility” has the meaning stated in § 101(t) of the Public Utilities Article, Maryland Annotated Code.

20.96.01.02 Load Study Request

A. A large load customer shall submit a written load study request to the electric company or municipal electric utility in the form and format specified by the electric company or municipal electric utility.

B. If the large load customer submits the written load study request pursuant to the electric company or municipal electric utility’s stated instructions, the large load customer has satisfied the requirement described in 20.96.01.02 A.

20.96.01.03 Load Study Completeness Determination

A. 30 calendar days after an electric company or a municipal electric utility receives a request for a load study, an electric company or a municipal electric utility shall:

(1). If an electric company or a municipal electric utility determines that the request for a load study contains all required information, the electric company or municipal electric utility shall notify the large load customer in writing that the load study request has been deemed complete and the load study will commence or

(2) If an electric company or a municipal electric utility determines that the request for a load study is incomplete, the electric company or municipal electric utility shall notify the large load customer in writing and identify the specific information needed for the electric company or the municipal electric utility to determine completeness.

(a) The large load customer shall provide the additional information or otherwise cure the deficiency within 10 business days of receipt of the request for additional information.

(b) The large load customer and an electric company or a municipal electric utility may extend the response time by mutual agreement.

(3) After the large load customer provides the additional information, the utility shall restart the completeness review.

20.96.01.04 Load Study Agreement and Payment.

A. After an electric company or a municipal electric utility issues a completeness determination an electric company or a municipal electric utility shall require the execution of a load study agreement.

B. The load study agreement shall specify the fee, deposit, or estimated cost of the load study.

C. The methodology for calculating the load study, fee, deposit, actual cost, or estimated cost shall be stated in an electric company or a municipal electric utility tariff.

D. The large load customer shall pay the specified fee, deposit, or estimated cost prior to an electric company or a municipal electric utility commencing the load study.

E. An electric company or municipal electric utility shall complete the load study and provide a report to the large load customer not later than 18 months after:

(1) execution of a load study agreement; and

(2) receipt of the payment.

F. An electric company or a municipal electric utility and the large load customer may mutually agree in writing to an extension of time to complete an initial load study.

G. An electric company or a municipal electric utility may submit a request for an extension to the Commission for the completion of an initial load study for good cause shown.

20.96.01.05 Changes to Load Study Requests

A. After a large load customer has received a determination of completeness from the electric company or municipal electric utility, the large load customer shall notify the electric company or municipal electric utility in writing of any change in requested service as soon as practicable.

B. The changes to a load study may include:

(1) a change in peak load;

(2) anticipated load factor;

(3) the timing of requested service; and

(4) load ramp period changes.

C. The process for reviewing load study request changes shall be specified in the electric company or municipal electric utility tariff.

D. The electric company or municipal electric utility shall review the changes to all load study requests and determine completeness as established by 20.96.01.03.

(E) If the electric company or municipal electric utility determines an additional load study is necessary, the electric company or municipal electric utility shall conduct the load study per 20.96.01.04.

20.96.01.06 Contract Requirements

A. A large load customer is subject to the contract terminations and adjustments as described in the electric company or municipal electric utility tariff and applicable service contract.

B. After the conclusion of the initial contract for service, if a large load customer wishes to adjust its contract capacity, the large load customer shall provide written notice to the electric company or municipal electric utility at least one year before the proposed adjustment unless otherwise specified in a tariff schedule or subsequent contract governing the terms of service for the large load customer.

C. A requested adjustment to a large load customer contract with an electric company or a municipal electric utility as described in this subtitle may require:

- (1) a new load study, and
- (2) resubmission of the load study request under the requirements established in this subtitle.

D. After the conclusion of the initial contract for service between a large load customer and an electric company or municipal electric utility, a large load customer may terminate its service contract by providing written notice to the electric company or municipal electric utility at least one year before the termination date, unless otherwise specified in a tariff schedule or subsequent contract governing the terms of service for the large load customer.

20.96.01.07 Collateral

(A) Forms of collateral may include

- (1) A letter of credit from a financial institution with investment-grade credit metrics;
- (2) A performance bond from a third-party issuer with investment-grade credit metrics;
- (3) A corporate guarantee from a parent company with an investment-grade credit rating; and
- (3) Cash.

20.96.01.08 Waiver

The Commission may waive a regulation in this subtitle for good cause shown.

RM93

PROPOSED REGULATIONS

Title 20 PUBLIC SERVICE COMMISSION

NEW Subtitle 96 LARGE LOAD CUSTOMERS

20.96.01.00

Statutory Authority: Public Utilities Article, § 4-212(f), Annotated Code of Maryland

20.96.01.01 Definitions

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Commission" means the Maryland Public Service Commission.

(2) "Contract capacity" has the meaning stated in § 4-212(a) of the Public Utilities Article, Maryland Annotated Code.

(3) "Electric company" means an investor-owned electric company or an electric cooperative, operating in the State of Maryland.

(4) "Large load customer" has the meaning stated in § 4-212(a) of the Public Utilities Article, Maryland Annotated Code.

(5) "Load study" means an initial analysis of the feasibility and timing of providing the requested retail services to the large load customer.

(a) The load study must include the effects and interconnection on the utilities' transmission and distribution systems, over the contract period;

(b) The load study must consider other interconnection requests.

(6) "Load ramp" means a schedule for peak load until contract capacity is reached as mutually agreed to by an electric company and the large load customer.

(7) "Municipal Electric Utility" has the meaning stated in § 101(t) of the Public Utilities Article, Maryland Annotated Code.

20.96.01.02 Load Study Request

A. A large load customer shall submit a written load study request to the electric company or municipal electric utility in the form and format specified by the electric company or municipal electric utility.

B. If the large load customer submits the written load study request pursuant to the electric

company or municipal electric utility's stated instructions, the large load customer has satisfied the requirement described in 20.96.01.02 A.

20.96.01.03 Load Study Completeness Determination

A. Thirty (30) calendar days after an electric company or a municipal electric utility receives a request for a load study, an electric company or a municipal electric utility shall:

(1). If an electric company or a municipal electric utility determines that the request for a load study contains all required information, the electric company or municipal electric utility shall notify the large load customer in writing that the load study request has been deemed complete and the load study will commence or

(2) If an electric company or a municipal electric utility determines that the request for a load study is incomplete, the electric company or municipal electric utility shall notify the large load customer in writing and identify the specific information needed for the electric company or the municipal electric utility to determine completeness.

(a) The large load customer shall provide the additional information or otherwise cure the deficiency within 10 business days of receipt of the request for additional information.

(b) The large load customer and an electric company or a municipal electric utility may extend the response time by mutual agreement.

(3) After the large load customer provides the additional information, the utility shall restart the completeness review.

20.96.01.04 Load Study Agreement and Payment.

A. After an electric company or a municipal electric utility issues a completeness determination an electric company or a municipal electric utility shall require the execution of a load study agreement.

B. The load study agreement shall specify the fee, deposit, or estimated cost of the load study.

C. The methodology for calculating the load study, fee, deposit, actual cost, or estimated cost shall be stated in an electric company or a municipal electric utility tariff.

D. The large load customer shall pay the specified fee, deposit, or estimated cost prior to an electric company or a municipal electric utility commencing the load study.

E. An electric company or municipal electric utility shall complete the load study and provide a report to the large load customer not later than 18 months after:

(1) execution of a load study agreement; and

(2) receipt of the payment.

F. An electric company or a municipal electric utility and the large load customer may mutually agree in writing to an extension of time to complete an initial load study.

G. An electric company or a municipal electric utility may submit a request for an extension to the Commission for the completion of an initial load study for good cause shown.

20.96.01.05 Changes to Load Study Requests

A. After a large load customer has received a determination of completeness from the electric company or municipal electric utility, the large load customer shall notify the electric company or municipal electric utility in writing of any change in requested service as soon as practicable.

B. The changes to a load study may include:

(1) a change in peak load;

(2) anticipated load factor;

(3) the timing of requested service; and

(4) load ramp period changes.

C. The process for reviewing load study request changes shall be specified in the electric company or municipal electric utility tariff.

D. The electric company or municipal electric utility shall review the changes to all load study requests and determine completeness as established by 20.96.01.03.

(E) If the electric company or municipal electric utility determines an additional load study is necessary, the electric company or municipal electric utility shall conduct the load study per 20.96.01.04.

20.96.01.06 Contract Requirements

A. A large load customer is subject to the contract terminations and adjustments as described in the electric company or municipal electric utility tariff and applicable service contract.

B. After the conclusion of the initial contract for service, if a large load customer wishes to adjust its contract capacity, the large load customer shall provide written notice to the electric company or municipal electric utility at least one year before the proposed adjustment unless otherwise specified in a tariff schedule or subsequent contract governing the terms of service for the large load customer.

C. A requested adjustment to a large load customer contract with an electric company or a

municipal electric utility as described in this subtitle may require:

- (1) a new load study, and
- (2) resubmission of the load study request under the requirements established in this subtitle.

D. After the conclusion of the initial contract for service between a large load customer and an electric company or municipal electric utility, a large load customer may terminate its service contract by providing written notice to the electric company or municipal electric utility at least one year before the termination date, unless otherwise specified in a tariff schedule or subsequent contract governing the terms of service for the large load customer.

20.96.01.07 Collateral

(A) Forms of collateral may include:

- (1) A letter of credit from a financial institution with investment-grade credit metrics;
- (2) A performance bond from a third-party issuer with investment-grade credit metrics;
- (3) A corporate guarantee from a parent company with an investment-grade credit rating; and
- (4) Cash.

20.96.01.08 Waiver

The Commission may waive a regulation in this subtitle for good cause shown.