

ORDER NO. 92399

H.R.1, Public Law No.: 119-21

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

Administrative Docket
PC 73

Issued: May 11, 2026

**ORDER RELATED TO NET METERING WORKING GROUP REPORT
ON ORDER NOS. 91984 AND 92135**

In Order No. 91984 issued on November 14, 2025, the Commission addressed a number of issues related to interconnection, directed the Interconnection Work Group (“IWG”) to discuss additional interconnection issues, and directed the Net Energy Metering (“NEM”) Working Group to discuss and attempt to find consensus on two matters:

- (1) Concurrent Interconnection and Community Solar Subscriber Organization ID (“SOID”) Application Processes; and
- (2) Request for Recommendations on Financial Deposits Related to the New Concurrent SOID and Interconnection Application Process.¹

On January 9, 2026, the Coalition for Community Solar Access (“CCSA”) filed a Request for Expedited Clarification of Order No. 91984, requesting, among other things, specific direction on timelines for curing interconnection applications where site control

¹ Order No. 91984 at 7-8 and 39.

has not been demonstrated.² In response, the Commission issued Order No. 92135, directing the IWG to take certain actions regarding its proposed emergency interconnection regulations.³ The Commission also directed the NEM Working Group to discuss CCSA’s requests and (1) include in its forthcoming proposed tariff updates any consensus language reached regarding interconnection-related site control, and (2) file the proposed tariff updates containing recommended changes along with any non-consensus positions.⁴

On February 13, 2026, the NEM Working Group filed a report pursuant to Order Nos. 91984 and 92135.⁵ In the report, the NEM Working Group stated it was not filing specific tariff pages, but instead provided descriptions of the language and positions discussed by its members, and requested the Commission’s guidance to resolve outstanding non-consensus items.⁶

1. Issue Raised by the NEM Working Group: Concurrent Interconnection and Community Solar Subscriber Organization ID Application Processes

a. NEM Working Group Report

The NEM Working Group report highlights that in Order No. 91984, the Commission waived the requirement for Community Solar Energy Generating Systems (“CSEGs”) to obtain a SOID prior to applying for interconnection and directed new tariffs to reflect a concurrent process.⁷ Specifically, the Commission stated:

The Commission agrees with the parties that there is good cause to waive the existing tariff requirement that CSEG projects must first obtain an SOID before applying for utility interconnection... Therefore, the Commission waives this tariff requirement until the end of 2027. The Commission will allow CSEG projects to apply

² Maillog No. 326033.

³ Order No. 92135 at 3-4.

⁴ *Id.* at 4.

⁵ Maillog No. 327149.

⁶ *Id.* at 1.

⁷ *Id.* at 2.

for SOID and utility interconnection concurrently. The Commission will not require proof of SOID issuance to complete the interconnection process. However, proof of SOID will be required for entry into the utilities' community solar programs.⁸

Following issuance of Order No. 91984, the electric utilities have allowed CSEGS to submit interconnection applications without SOIDs. However, the NEM Working Group reports lack of consensus on specific tariff language and offers the following two debated positions:⁹

Position 1: The Interconnection (ITC) application requires a simultaneous SOID application. To determine that a Subscriber Organization has “concurrently” applied for interconnection and an SOID, the electric company would need to confirm the status of the SOID application at the time the interconnection application is submitted. This may require a confirmation list from Commission Staff of all applicants or a Commission maillog number assigned upon application for the SOID. In any case, “concurrent” in this interpretation would effectively mean the application for the SOID is a prerequisite for an interconnection application.

Position 2: The ITC application does not require an immediate SOID application, but an SOID would be required to advance to the Community Solar (CS) queue. Under this interpretation considered by the [NEM Working Group], “concurrent” means that an interconnection application could proceed without a corresponding SOID application. In this scenario, the SOID application might not be submitted until advice on the status of the interconnection application has been provided by the electric company, either as a partial agreement for interconnection or as information about the feasibility of the project and interconnection costs. This approach would allow a Subscriber Organization to undertake an SOID application (or a project addition amendment for an existing SOID) solely for projects determined to be viable via the interconnection feasibility analysis. While this approach may lighten the burden on Subscriber Organizations by avoiding SOID application costs and bonding for non-feasible projects, it alters the traditional sequence of CSEGS application events. This may impose unanticipated administrative burdens on electric companies and create unintended

⁸ Order No. 91984 at 7.

⁹ Maillog No. 327149 at 3.

consequences for projects which have not undergone colocation or other project review at the Commission.

Commission Decision

The Commission approves Position 1. While this option would require an application for a SOID be made before an application for interconnection, the application for interconnection can follow as soon as practicable without the need to wait for Staff to issue the SOID. This option preserves the Commission's intent that CSEGs should not have to wait—potentially for long periods of time—to obtain the SOID before they can apply for interconnection. The Commission finds it should not be burdensome for a CSEG to provide proof of an SOID application as part of the interconnection application. The Commission appreciates the NEM Working Group's ideas for how to confirm an SOID application for purposes of an interconnection application and urges the NEM Working Group to adopt practical solutions.

2. Issue Considered by NEM Working Group: Whether Financial Deposits Related to the New Concurrent SOID and Interconnection Application Process are Recommended

In Order No. 91984, the Commission wrote:

The Commission recognizes this process change [to concurrent SOID and Interconnection application] may present near-term challenges, including adverse impacts to utility interconnection resources. The Commission therefore directs the Net Metering Working Group to develop recommendations on whether financial deposits and/or penalties for SOID applications deemed ineligible (*e.g.*, for co-location or forest cover violations) are warranted.¹⁰

¹⁰ Order No. 91984 at 8.

a. NEM Working Group Report

In its February 13, 2026 report, the NEM Working Group did not recommend the adoption of financial deposits for interconnection applications made concurrently with SOID applications.

Commission Decision

The Commission appreciates the NEM Working Group’s discussion of this issue and accepts the work group’s recommendation not to require financial deposits for concurrent applications for interconnection and an SOID.

3. Issue Considered by NEM Working Group: Site Control and Interconnection Queue Management - Cure Period

In Order No. 92135, the Commission responded to CCSA’s January 9, 2026 request for guidance regarding site control curing and directed the NEM Working Group to include in anticipated tariff updates “any consensus language reached regarding interconnection-related issues related to site control raised by CCSA.”¹¹

a. NEM Working Group Report

In its February 13, 2026 filing, the NEM Working Group reported it had not reached consensus on site control matters. First, the group did not reach consensus regarding a requirement for a “Standardized Acknowledgement of Property Owner Consent Form” at the time of interconnection application, nor specific tariff language relating to proof of site control.¹² The report acknowledged that the IWG proposed regulations vis-à-vis proof of

¹¹ Order No. 92135 at 4.

¹² Maillog No. 327149 at 1.

site control in its February 11, 2026 Petition for Rulemaking.¹³ The Commission adopted proposed emergency regulations on the topic of acceptable forms of proof of site control on March 18, 2026.¹⁴ Accordingly, there is no need to address that topic further here.

The NEM Working Group report also discussed whether to require a cure period for certain CSEG interconnection applications currently in queue. Specifically, the cure period would apply to CSEGs that applied for interconnection following the issuance of Order No. 91984 until the effective date of the emergency regulations adopted in RM 94 and would require those CSEGs to provide proof of site control. The members of the NEM Working Group disagree on whether a cure period should be required, and the differing positions are as follows:¹⁵

Position A: Some parties support granting existing applicants in the queue a 45-day cure period to provide required proof of site control before losing their queue position. Under this position, the requirement for proof of site control (*e.g.*, a certification form, option to lease or purchase, or primary documents as listed in Code of Maryland Regulations (COMAR) 20.50.09.06E) applies equally to Item 1 for any newly made interconnection applications. Proponents of this position note that direction from the Commission is needed immediately to govern the process until the proposed rules by the Interconnection Work Group have been adopted as final. Such an Order would serve as interim authority in lieu of finalized rules and tariff filings. Under this position, the Commission's Order should direct that any applications submitted on or after November 14, 2025, be required to provide proof of site control within 45 days of the Order or lose their queue position.

¹³ *Id.*

¹⁴ See Maillog No. 327073, Notice Initiating a Rulemaking, Opportunity to Comment, and Rulemaking Session, RM 94 (Feb. 12, 2026) and Maillog No. 327938, Notice of Rulemaking Session Rescheduled, RM 94 (March 16, 2025).

¹⁵ Maillog No. 327149 at 1-2.

Position B: An alternative position discussed by the Working Group is that no "cure period" is required. Proponents of this view note that utilities have been operating in accordance with Order No. 91984 since November 14, 2025. While there is no objection to requiring site control for future applications to avoid speculative projects, this position holds that utilities should not be responsible for retroactively enforcing new requirements on applications that have already been submitted. Instead, those projects should be subject to the requirements in place at the time of their submission; specifically, if they have not already done so, they will be required to submit proof of site control at the time they apply to the utility community solar queue or during the interconnection review process (at the utility's discretion).

Commission Decision

The Commission discussed this issue at the RM 94 rulemaking session on March 18, 2026, and determined that more information would be beneficial. The Commission issued a bench data request seeking the number of interconnection applications submitted between November 14, 2025 until March 18, 2026, compared to the number of interconnection applications for the corresponding time period in the preceding year.

The Commission has since reviewed the utilities' responses¹⁶ and approves Position B. The Commission will apply the adopted emergency regulations prospectively, consistent with our practice and Maryland law. The Supreme Court of Maryland made clear in *United Insurance Co. of America v. Maryland Insurance Administration* that "statutes that operate retroactively are generally disfavored, and therefore, a statute is presumed to apply prospectively unless there is a 'clear legislative intent to the contrary[.]'"¹⁷ The new site control requirement was included in the suite of emergency regulations adopted by the Commission on March 18, 2026. The requirement was adopted without modification. The

¹⁶ Maillog Nos. 328420, 328830, and 328850.

¹⁷ 450 Md. 1, 27 (2016). Maryland courts evaluate administrative regulations using the same principles of construction applied to statutes. *Maryland Comm'n. on Human Relations v. Bethlehem Steel Corp.*, 295 Md. 586, and 592-93 (1983).

Commission did not express a clear intent that the requirement should apply retroactively and thus necessitate a cure period for affected CSEG applications already in the utilities' interconnection queue. Accordingly, the requirement for evidence of site control, as approved in RM 94, will take effect on the same effective date as the rest of the RM 94 emergency regulations. The Commission encourages those CSEGs projects already in the interconnection queue to work with the host utility to meet all required elements of interconnection as expeditiously as possible.

IT IS THEREFORE, this 11th day of May, in the year of Two Thousand Twenty-Six, by the Public Service Commission of Maryland, **ORDERED**:

(1) that with regard to simultaneous SOID and interconnection applications, Position 1 as outlined by the NEM Working Group, herein, is approved;

(2) that the NEM Working Group's recommendation not to require financial deposits for concurrent applications for interconnection and an SOID is accepted; and

(3) that, with regard to a cure period for certain CSEG interconnection applications currently in queue, Position B as outlined by the NEM Working Group, herein, is approved.

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Commissioners