

Application for License to Operate as a Distributed Energy Resource Aggregator in the State of Maryland

Any entity seeking authorization to aggregate and manage the operations of one or more Distributed Energy Resources (DER), either independently or utility-affiliated, in the state of Maryland for the purpose of providing electric distribution system support services, demand-side management, and market participation in Maryland's retail programs or the wholesale electricity market, it must submit an application to register for a license to operate as such.

If the entity currently operates as a curtailment service provider (CSP) in the state of Maryland and is seeking authorization to aggregate and manage the operations of a broader array of energy resources (e.g., generation, energy storage), in addition to or in place of the resources it currently manages, for the purpose of providing electric distribution system support services, demand-side management, and market participation in Maryland's retail programs or the wholesale electricity market, it must submit an application to register for a license to operate as such.

Submission Guidelines

You must use the attached form to submit your Application. (For paper or hardcopy submissions, please remove this instruction sheet prior to filing.) If you need more space than is provided on this form or if you are attaching exhibits, all attachments must be labeled or tabbed to identify the Application item to which they correspond.

To file an Application with the Maryland Public Service Commission, use the E-file link here: <https://webpscxb.psc.state.md.us/DMS/E-file>

To file an Application with the Maryland Public Service Commission, file:

- ☐ an electronic version of the Application and attachments
- ☐ a nonrefundable license fee of \$400.00 (payable to "Public Service Commission").

Concurrently with the filing of the Application with the Executive Secretary, a paper copy of the Application shall be submitted to the Office of People's Counsel, 6 St. Paul St., 21st Floor, Baltimore, MD 21202.

Questions pertaining to completion of this Application may be directed to the Public Service Commission Staff, Energy Analysis and Planning Division, at the above address or you may call the Division at (410) 767-8085.

If your answer to any of the Application items changes pending Application review, or while you are operating within the State of Maryland, you are under a duty to inform the Commission. An Applicant is also required to officially notify the Commission 60 days prior to ceasing operations in Maryland. The notice must be sent to be Commission's Executive Secretary at the address shown above.

Applicable law: The provisions set forth in this Application related to the licensing of distributed energy resource aggregators and the provision of electricity supply and electricity supply services are addressed in detail in the Maryland Annotated Code, Public Utilities Article ("PUA"), § 7-1001(e)(1)(ii) and PUA §1-101(2) et seq., and in the Code of Maryland Regulations, Title 20, Subtitle 51, and Commission Order No. 91597 in Case No. 9761.

1. Identity of the Applicant:

(Must match the entity listed on the certificate issued by the State Department of Assessments and Taxation of Maryland)

Applicant Name: _____

Business Address: _____

Street Address (if different than above): _____

Website URL: _____

2. Service Territories and Type of customer sited resources the Applicant intends to aggregate:

Baltimore Gas and Electric Company

____ Residential ____ Commercial ____ Industrial

Choptank Electric Cooperative, Inc.

____ Residential ____ Commercial ____ Industrial

Delmarva Power and Light Company

____ Residential ____ Commercial ____ Industrial

The Potomac Edison Company

____ Residential ____ Commercial ____ Industrial

Potomac Electric Power Company

____ Residential ____ Commercial ____ Industrial

Southern Maryland Electric Cooperative

____ Residential ____ Commercial ____ Industrial

3. Does the Applicant currently operate as a curtailment service provider (CSP) in the state of Maryland?

_____ Yes _____ No

4. If Applicant currently operates as a curtailment service provider (CSP) in the state of Maryland, please provide the following information:

License No: _____

5. Is the Applicant a PJM member in good standing with plans to participate in the PJM wholesale market as a Distributed Energy Resource Aggregator?

_____ Yes _____ No

6. Regulatory Contact:

Name and Title: _____

Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

7. Applicant's Business Formation:

- ☐ Proprietorship
- ☐ Corporation
- ☐ Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Company
- ☐ Limited Liability Partnership
- ☐ Other:

8. Actions Against Licenses:

Provide the following information for the Applicant and any Affiliate that engages as an Aggregator of Distributed Energy Resource in the five years prior to submitting this application.

☐ Actions such as Suspensions/Revocations, Limitations, Reprimands, Fines, Consent Decrees or other similar actions have been taken or are pending against the Applicant or affiliate(s). If checked, provide an attachment describing the action; and include docket numbers, offense dates, and case numbers, if applicable.

☐ No such action has been taken

9. Technical Competency: The Applicant must submit, in an attachment, affirmation of technical capability regarding the technical, operational, and organizational capabilities necessary to effectively receive notification of grid events, dispatch enrolled Distributed Energy Resources and provide any reporting data as prescribed within program parameters in order to act as a Distributed Energy Resource Aggregator in Maryland. The Applicant's infrastructure, expertise, and commitment to regulatory and cybersecurity best practices must ensure safe, reliable, and compliant aggregation of diverse DER assets to support both customer benefits and grid resilience.

10. Description of Services: The portfolio of DERs the Applicant intends to aggregate include:

- ☐ Behind-the-meter solar photovoltaic systems
- ☐ Battery energy storage systems (BESS)
- ☐ Electric vehicles (EVs) and EV charging infrastructure
- ☐ Smart thermostats and demand response-enabled HVAC systems
- ☐ Other flexible loads and controllable distributed energy assets

These DERs will be coordinated to:

- ☐ Provide grid support services (e.g., peak demand reduction, frequency regulation, voltage support)
- ☐ Participate in state and utility-sponsored programs (e.g., EmPOWER Maryland)
- ☐ Participate in wholesale markets operated by PJM, in accordance with FERC Order No. 2222 and PJM market rules

11. Notice of Required Compliance: The Applicant is hereby notified that it is required to comply with the following:

- a. Provide updates of all items that may change in the Application within 30 days of its effective date.
- b. Supplement this Application in the event the Commission modifies the licensing requirements, or requests further information.
- c. Pay all fees imposed by the Commission and any State and local taxes.
- d. Acknowledge that the license is not transferable without prior Commission approval.
- e. Commission rules governing distribution energy resource aggregators.
- f. Interconnection requirements and coordination protocols with Maryland EDCs.
- g. Customer data privacy and cybersecurity standards.
- h. PJM requirements for distributed energy resource aggregation and market participation.

12. Affidavits Required: The Applicant must supply Affidavits of Tax Compliance and General Compliance to the Commission with the completed Application. The affidavits are included with this Application packet and must be executed by the Applicant or representative with authority to bind the Applicant in compliance with Maryland law.

13. Further Developments: Applicant is under a continuing obligation to amend its Application if substantial changes occur in the information upon which the Commission relied upon in approving the original filing.

Pursuant to the Code of Maryland Regulations (“COMAR”) Title 20, Subtitle 51, Chapter 2, Section .03 – An Applicant shall immediately inform the Commission of any material change in the information provided in the Application during the Application review process.

14. Code of Conduct Compliance

As a condition of approval, the Applicant must agree to fully comply with and uphold the following guiding principles:

- ☐ Applicant agrees to employ customer-centric practices by using clear, accurate, and transparent communication which clearly describes all relevant benefits, any and all fees, and service requirements; provide customers with the option to easily opt-in and opt-out of services; and not mislead customers using deceptive marketing strategies or sales tactics.
- ☐ Applicant agrees to employ strict data protection policies aligned with applicable state and federal consumer protection laws; will securely handle the collection and processing of customer energy usage data, personally identifiable information (PII), and other sensitive consumer data; will take appropriate technical and organizational measures to cyber risks

consistent with applicable National Institute for Standards and Technology (NIST), North American Electric Reliability Corporation (NERC), and any other cybersecurity frameworks and standards as required by the Commission; and agrees to only use customer data for authorized purposes with the explicit permission and consent of the customer.

- ☐ Applicant agrees to employ transparent aggregation and compensation structures that are competitively neutral, and in compliance with state and federal antitrust laws and regulations regarding anti-competitive behavior; are non-discriminatory toward all eligible customers who choose to participate in a service program; will employ a clear complaint and dispute resolution process responsive to customer concerns; and will comply with established regulatory rules and standards and agree to cooperate with any investigation enforced by the Commission or its Staff when it has reason to believe a code violation has occurred, and if it finds that a violation has occurred, the Commission may enter any orders to appropriately enforce compliance within the Commission's statutory authority.
- ☐ Applicant agrees to coordinate with EDCs to ensure DER dispatch does not negatively impact electric grid reliability; to adequately notify customers before the agreed upon operational period starts to allow customer to take appropriate actions; and deploy systems that accurately measure and verify DER contributions to grid services and communicate reliably with EDCs and market platforms.
- ☐ Applicant agrees to promote equity by avoiding designs that disproportionately burden low-income or vulnerable customers; agree to encourage outreach to underserved communities to support equitable access to the benefits of DER aggregation; and respect customer health and safety issues before and during operational dispatch consistent with applicable governmental health agency guidelines.

15. Application Fee: The Applicant must enclose the required licensing fee of \$400.

Applicant: _____

By: _____

Title: _____

Date: _____

AFFIDAVIT OF TAX COMPLIANCE

State of : _____ :
County of : _____ : ss.

_____, Affiant, being duly [sworn/affirmed] according to law,
deposes and says that:

That he/she is the _____ (office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That _____, the Applicant herein certifies to the Commission that it is subject to, will pay, and in the past has paid, the full amount of taxes imposed by applicable state and local statutes and ordinances, as may be amended from time to time. In addition, the Applicant certifies that it will pay the full amount of all taxes and/or surcharges imposed by any local jurisdiction within the State of Maryland upon the services provided by the Applicant on a timely basis. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Maryland or any local jurisdiction within Maryland, shall be cause for the Commission to revoke the license of the Applicant. [The Applicant acknowledges that it shall provide to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission.]

That _____, the Applicant herein, further certifies that the failure to pay the full amount of all taxes to the State of Maryland and any local jurisdiction within Maryland in an timely fashion may result in the forfeiture by the Applicant of all or a part of any bond required by the Commission or local jurisdiction to ensure the payment of such obligations.

As provided by State Law, Applicant, by filing of this Application waives confidentiality with respect to its state tax information in the possession of the Comptroller of the State of Maryland, regardless of the source of the information, and shall consent to the Comptroller of the State of Maryland providing that information to the Maryland Public Service Commission. The Commission shall retain such information confidentially. This does not constitute a waiver of the confidentiality of such information with respect to any party other than the Maryland Public Service Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this ____ day of _____, _____.

Signature of official administering oath

My Commission expires _____

AFFIDAVIT OF GENERAL COMPLIANCE

State of : _____ :
County of : _____ : SS.

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

That he/she is the _____ (office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That the Applicant herein certifies to the Commission that:

The Applicant agrees to comply with the terms and conditions of all applicable electricity company tariffs and agreements with electricity companies.

The Applicant agrees to comply with all applicable requirements of the Federal Energy Regulatory Commission and PJM Interconnection, LLC.

The Applicant agrees to comply with all applicable Federal and state consumer protection and environmental laws and regulations, and Maryland PSC regulations, fees, assessment, and requirements.

The Applicant has obtained all the licenses and permits required to operate the proposed business in the State of Maryland.

The Applicant agrees that it shall neither disclose nor resell individual residential customer data provided to the Applicant by any Maryland electricity company. Disclosure or resale of individual non-residential customer data provided to the Applicant by a Maryland electricity company will be governed by customer contract.

The Applicant, including any of its affiliates engaged in the sale of electricity or related services, the general partners, corporate officers or directors, or limited liability company members, managers or officers of the Applicant or its affiliates:

1. Has had no civil, criminal, or regulatory sanctions or penalties imposed against it within the previous ten years pursuant to any State or Federal consumer protection law or regulation; and has not ever been convicted of a felony; or, alternatively

2. Has disclosed by attachment all such sanctions, penalties or convictions.

The Applicant further certifies that it:

1. Is not under involuntary bankruptcy/insolvency proceedings including but not limited to, the appointment of a receiver, liquidator, or trustee of the supplier, or a decree by such court adjudging the supplier bankrupt or insolvent or sequestering any substantial part of its property or a petition to declare bankruptcy as to reorganize the supplier; and
2. Has not filed a voluntary petition in bankruptcy under any provision of any Federal or State bankruptcy/insolvency law, or its consent to the filing of any bankruptcy or reorganization petition against it under any similar law; or without limiting the generality of the foregoing, a supplier admitted in writing its inability to pay its debts generally as they became due, or consents to the appointment of a receiver, trustee or liquidator of it or of all or any part of its property.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this ____ day of _____, _____.

Signature of official administering oath

My Commission expires _____

VERIFICATION

State of : _____ :
County of : _____ : ss.

_____, Affiant, being duly [sworn/affirmed] according to law,
deposes and says that:

That he/she is the _____ (office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to all applicable sections of the Annotated Code of Maryland as may be amended from time to time relating to perjury and falsification in official matters.

That the Applicant will supplement this Application in the event the Commission modifies the licensing requirements, or requests further information.

That the Applicant agrees that a license issued pursuant to this Application may not be transferred without Commission approval.

That the Applicant agrees to update information contained in this Application in accordance with the schedule otherwise set forth in the Application.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____, _____.

Signature of official administering oath

My Commission expires _____