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PUBLIC SERVICE COMMISSION

March 13, 2026

Review of Next Generation Energy Act Transmission-Connected Energy Storage Proposals - Round 1	*	Case No. 9866
_____	*	_____
Next Generation Energy Act Requirements for Transmission Connected Energy Storage	*	PC 75
_____	*	_____

**NOTICE INITIATING PROCEEDING, ESTABLISHING WORKGROUP, AND
EXTENDING CONFIDENTIAL TREATMENT FOR NEXT GENERATION ENERGY
ACT APPLICATIONS**

On March 2, 2026, the Commission received five transmission-connected energy storage applications (“Applications”) in response to the Commission's “NGEA Energy Storage Request for Applications – Round 1,” issued on December 24, 2025, pursuant to the Next Generation Energy Act of 2025 (“NGEA”).

The Commission hereby initiates Case No. 9866 to evaluate all Applications deemed administratively complete and conduct evidentiary hearings to determine which projects will receive Energy Storage Capacity Credits (“ESCC”).

Pursuant to the *Annotated Code of Maryland*, Public Utilities Article (“PUA”) § 2-309, the Commission has a duty not-to-disclose, which prohibits the Commission from “divulg[ing]

information learned while inspecting the plant or examining the records of a public service company.”¹ Given that the Applications were submitted by nonpublic service companies, the Commission shall extend its duty not to disclose under PUA § 2-309 to any information included with an Application that is clearly marked “CONFIDENTIAL” and shall treat such information with the same protections afforded to confidential public service company data.²

Parties admitted to this case that wish to receive and/or exchange confidential information related to an Application should obtain this confidential information directly from the applicant. These parties must safeguard this information and sign the appropriate non-disclosure agreements (“NDAs”) with the proper parties as follows:

- The Office of People’s Counsel and the Commission’s Technical Staff are entitled to have full access to a confidential Application.
- The Maryland Energy Administration and the Power Plant Research Program are entitled to have full access to a confidential Application but must execute an NDA with the applicant.
- An interconnecting utility is entitled to access a confidential Application as described herein for a project located within the utility’s service territory but must sign an NDA with the applicant. The interconnecting utility should only have access to any confidential information required to evaluate the impact of a proposed energy storage device on the reliability and operation of the electric system. An applicant may still redact other commercially sensitive information in the application.
- Applicants shall not have access to another applicant’s confidential Application.

¹ PUA § 2-309 provides, “Except as directed by the Commission or a court or as authorized by law, an individual subject to § 2-302 of this subtitle may not divulge information learned while inspecting the plant or examining the records of a public service company.”

² The duty not to disclose under PUA § 2-309 also applies to the Office of People’s Counsel (“OPC”). OPC has advised the Commission’s Office of General Counsel that it will extend this duty to any confidential information included with an Application in this proceeding.

- All other intervening parties must first seek approval from the Commission demonstrating “good cause” prior to pursuing access to confidential information with an applicant. Other parties, including the applicant, may file comments with the Commission on the reasonableness and suitability of an intervening party’s request for access.
- All NDAs signed by parties shall be signed between the requesting party and the applicant. The Commission shall not jointly sign these NDAs.

Once the Applications have been deemed administratively complete, the Commission will enter the Applications into the Case No. 9866 docket and establish a pre-hearing conference setting hearing and testimony schedules and discovery rules *inter alia*.

In response to the Commission's “Notice of Request for Comments for Next Generation Energy Act Requirements,” issued on January 9, 2026, the Commission received almost a dozen filings with recommendations for transmission-connected energy storage obligations and commercial relationships in the PC 75 docket. Several of these filings proposed a workgroup be formed to consider the issues involving the establishment of escrow accounts and the standard obligations that a successful applicant for an ESCC award would undertake upon award acceptance.

Therefore, the Commission directs that the Commission’s Advisors lead several workgroup meetings with interested stakeholders and attempt to reach consensus on these matters. These meetings will be convened as part of the PC 75 docket in order not to distract from the review of Round 1 proposals in Case No. 9866. The workgroup will make recommendations within 90 days of the effective date of this Order potentially culminating in a PC 75 Technical Conference with the Commission regarding final decisions on non-consensus matters, if necessary.

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Interested stakeholders may contact Annika Barth via email at annika.barth@maryland.gov by March 20, 2026, to be included on the workgroup roster.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary