

**ORDER NO. 91674**

DRIVE Act Implementation

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\*BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND\_\_\_\_\_  
Case No. 9761  
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Issue Date: June 6, 2025

**ORDER APPROVING APPLICATION PROVISIONS FOR DISTRIBUTED  
ENERGY RESOURCE AGGREGATOR LICENSE TO OPERATE**

The Commission issued Order No. 91391 on October 25, 2024, with an “aim to regulate Distributed Energy Resource Aggregators (“DERAs”) and protect customers without an onerous impact on the market,” among other considerations, and directed the Commission’s Technical Staff (“Staff”) to propose amendments to the curtailment service provider license application form and adapt it for DERAs. Order No. 91391 also stated that Staff may propose amendments to implement parts of the U.S. Department of Energy’s (“DOE’s”) DERA Code of Conduct,<sup>1</sup> where it makes sense while being mindful not to add burdensome requirements.

On January 16, 2025, Staff filed a proposed draft application for a License to Operate as a Distributed Energy Resource Aggregator in the State of Maryland.<sup>2</sup> The Commission invited interested parties to file comments on the matter by February 20, 2025.<sup>3</sup> Comments were received from several parties.<sup>4</sup> The Commission issued Order No.

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<sup>1</sup> See DOE’s “DER Aggregator Code of Conduct, A Reference for Consumer Engagement”, November 2023.

<sup>2</sup> Maillog No. 314967.

<sup>3</sup> Maillog No. 315004 (Case No. 9761 and PC 44).

<sup>4</sup> Enerwise Global Technologies, LLC, d/b/a CPower (Maillog No. 316062), Sunrun Inc. (Maillog No. 316068), Baltimore Gas and Electric Company on behalf of the Maryland Joint Exelon Utilities (Maillog No. 316075), University of Delaware Electric Vehicle Research and Development Group (Maillog No. 316098),

91597 on Distributed Energy Resource Licensing in Maryland on April 8, 2025 directing certain actions while also directing Staff to consult with the commenting stakeholders, and other stakeholders, as necessary, to make further edits and clarifications to its proposed application. The Commission also directed Staff to provide its revised draft application by June 2, 2025, including its conclusions and recommendations regarding the Code of Conduct and its recommendations on any remaining non-consensus items in the draft application after its consultation with stakeholders. Staff was also directed to publish a list of approved DERA license applicants that is accessible to the utilities and the public after the licensure process is initiated.

Staff provided this filing on June 2, 2025, as required by Order No. 91597. Staff further states in its filing that, "Pursuant to Order No. 91597, after its review of the comments filed by interested stakeholders and receiving additional input from EDCs, Staff did not find the requests to be unreasonable and included all suggestions."<sup>5</sup> Also, Staff stated that: "After further consideration and consultation with other stakeholders, Staff has included several elements of the Code [of Conduct] in its revised draft application, as the standard provides a customer-centric non-prescriptive framework designed to ensure DER Aggregators operate with transparency, integrity, accountability, and equity, while supporting grid reliability, consumer protection, and compliance with state and federal mandates such as FERC Order No. 2222."<sup>6</sup>

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Solar Energy Industries Association ("SEIA") and Chesapeake Solar and Storage Association ("CHESSA") aka Joint Solar Parties (Maillog No. 316099).

<sup>5</sup> Maillog No. 319316 at 7-8.

<sup>6</sup> *Id.* at 3. The Code of Conduct elements added include: (1) Customer Enrollment, Sales Behavior, and Communication, (2) Customer Protection and Data Privacy, (3) Market Integrity and Regulatory Oversight, (4) Grid Reliability, Operations and EDC Coordination, and (5) Equity and Access.

### **Commission Decision**

The Commission accepts Staff's proposed DERA License to Operate application since Staff has worked with commenting stakeholders from the previous draft to include their suggestions, while also complying with the Commission's prior direction regarding the Code of Conduct. There was no non-consensus noted in Staff's filing.

The Commission also notes that Maryland and other states are just beginning to update their regulatory frameworks for DER aggregation and expects that over time, best practices will eventually emerge. While the Commission emphasizes its intent to avoid burdensome thresholds for entry for DERAs, especially for launch of initial DRIVE Act programs, the Commission also considers DERA licensing to be part of the scope for the lessons to be learned from these pilots. Accordingly, as DRIVE Act pilot programs evolve and eventually scale up and transition to permanent programs and tariffs, the Commission's intent is to follow industry best practices and also apply any lessons learned from the initial DRIVE Act implementation to future updates of the DERA License to Operate application. To that end, the Commission directs Staff to continue to monitor the pilots, engage stakeholders, and make recommendations in the future to the DERA License to Operate application, if and when appropriate. The Commission also reinforces the Order No. 91597 requirement that Staff publish a list of approved DERA applicants that is accessible to the utilities and the public after the licensure process is initiated.

**IT IS, THEREFORE,** this 6<sup>th</sup> day of June, in the year Two Thousand Twenty-Five, by the Public Service Commission of Maryland, **ORDERED:**

(1) that Staff's proposed DERA License to Operate application shall become effective on July 1, 2025 concomitant with the DRIVE Act requirement for investor-owned electric companies to submit DRIVE Act pilot programs and/or temporary tariffs;

(2) that Staff shall make the new DERA License to Operate application accessible to the utilities and the public on the Commission's website prior to the July 1, 2025 effective date;

(3) that Staff shall also publish a list of approved DERA applicants that is accessible to the utilities and the public after the licensure process is initiated; and

(4) that Staff shall also continue to monitor the DRIVE Act pilots, engage stakeholders, and make recommendations in the future to the DERA License to Operate application, if and when appropriate, as described herein.

/s/ Frederick H. Hoover, Jr.

/s/ Michael T. Richard

/s/ Kumar P. Barve

/s/ Bonnie A. Suchman

/s/ Odogwu Obi Linton

Commissioners