

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 832 Session of 2023

INTRODUCED BY YAW, LAUGHLIN, LANGERHOLC, AUMENT, VOGEL, CULVER AND BAKER, JUNE 20, 2023

AS AMENDED ON THIRD CONSIDERATION, APRIL 30, 2024

AN ACT

1 ~~Amending Title 71 (State Government) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in boards and offices, establishing~~
3 ~~the Independent Energy Office.~~

4 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED <--
5 "AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
6 EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE
7 EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
8 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
9 INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
10 TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
11 AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
12 DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
13 DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
14 OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
15 BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
16 GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
17 AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
18 CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
19 OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
20 AND COMMISSIONS; PROVIDING FOR JUDICIAL ADMINISTRATION; AND
21 PRESCRIBING THE MANNER IN WHICH THE NUMBER AND COMPENSATION
22 OF THE DEPUTIES AND ALL OTHER ASSISTANTS AND EMPLOYES OF
23 CERTAIN DEPARTMENTS, BOARDS AND COMMISSIONS SHALL BE
24 DETERMINED," IN ENERGY DEVELOPMENT AUTHORITY AND EMERGENCY
25 POWERS, FURTHER PROVIDING FOR DEFINITIONS AND FOR ENERGY
26 DEVELOPMENT AUTHORITY; PROVIDING FOR ENERGY DEVELOPMENT AND
27 ELECTRIC GENERATION PERMIT REVIEW PROGRAM, FOR ACCELERATED
28 ENERGY DEVELOPMENT AND ELECTRIC GENERATION PERMIT REVIEW
29 PROGRAM AND FOR PENNSYLVANIA OPPORTUNITIES WITH ENERGY
30 RELIABILITY AUTHORITY REGULATORY WAIVER PROGRAM; AND MAKING
31 EDITORIAL CHANGES.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Part V of Title 71 of the Pennsylvania~~ <--  
3 ~~Consolidated Statutes is amended by adding a chapter to read:~~

4 ~~CHAPTER 43~~

5 ~~INDEPENDENT ENERGY OFFICE~~

6 ~~Sec.~~

7 ~~4301. Definitions.~~

8 ~~4302. Office established.~~

9 ~~4303. Duties of office.~~

10 ~~4304. Committee.~~

11 ~~4305. Appointment.~~

12 ~~4306. Powers and duties of director.~~

13 ~~4307. Records.~~

14 ~~4308. Access to information.~~

15 ~~§ 4301. Definitions.~~

16 ~~The following words and phrases when used in this chapter~~  
17 ~~shall have the meanings given to them in this section unless the~~  
18 ~~context clearly indicates otherwise:~~

19 ~~"Committee." The Independent Energy Office Selection and~~  
20 ~~Organization Committee.~~

21 ~~"Commonwealth agency." Any office, department, authority,~~  
22 ~~board, multistate agency or commission of the executive branch.~~

23 ~~The term includes:~~

24 ~~(1) The Governor's Office.~~

25 ~~(2) The Office of Attorney General, the Department of~~  
26 ~~the Auditor General and the Treasury Department.~~

27 ~~(3) An independent agency as defined in 62 Pa.C.S. § 103~~  
28 ~~(relating to definitions).~~

29 ~~(4) A State affiliated entity as defined in 62 Pa.C.S. §~~  
30 ~~103.~~

1 ~~(5) The General Assembly.~~

2 ~~(6) The unified judicial system.~~

3 ~~"Director." The Director of the Independent Energy Office.~~

4 ~~"Office." The Independent Energy Office established under~~

5 ~~section 4302 (relating to office established).~~

6 ~~§ 4302. Office established.~~

7 ~~The Independent Energy Office is established as a nonpartisan~~

8 ~~independent agency.~~

9 ~~§ 4303. Duties of office.~~

10 ~~(a) Mandatory. The office shall:~~

11 ~~(1) Plan recommendations that cover coal, natural gas~~  
12 ~~and oil, electric power, energy efficiency, solar, wind,~~  
13 ~~hydro, geothermal, biomass, landfill gas, renewable natural~~  
14 ~~gas, nuclear and other energy technologies.~~

15 ~~(2) Analyze policies, regulations and laws that relate~~  
16 ~~to energy generation, production or distribution.~~

17 ~~(3) Provide at least one Statewide energy report each~~  
18 ~~legislative session presented to the General Assembly.~~

19 ~~(4) Formulate and review the use of fossil, renewable~~  
20 ~~and energy efficiency initiatives designed to advance energy~~  
21 ~~resource development opportunities and provide energy~~  
22 ~~services to businesses, communities and homeowners in this~~  
23 ~~Commonwealth.~~

24 ~~(b) Discretionary. The office may:~~

25 ~~(1) Provide independent studies on other State energy~~  
26 ~~policies to recommend to the Commonwealth.~~

27 ~~(2) Track energy use, production and generation~~  
28 ~~statistics from year to year.~~

29 ~~(3) Work with the General Assembly to establish a~~  
30 ~~Statewide energy plan.~~

1 ~~§ 4304. Committee.~~

2 ~~The Independent Energy Office Selection and Organization~~  
3 ~~Committee is established within the office. The committee shall~~  
4 ~~create and publish qualifications for director of the office.~~

5 ~~The committee shall consist of the following members:~~

6 ~~(1) The President pro tempore of the Senate.~~

7 ~~(2) The Speaker of the House of Representatives.~~

8 ~~(3) The Majority Leader of the Senate.~~

9 ~~(4) The Minority Leader of the Senate.~~

10 ~~(5) The Majority Leader of the House of Representatives.~~

11 ~~(6) The Minority Leader of the House of Representatives.~~

12 ~~(7) The chairperson of the Environmental Resources and~~  
13 ~~Energy Committee of the Senate.~~

14 ~~(8) The minority chairperson of the Environmental~~  
15 ~~Resources and Energy Committee of the Senate.~~

16 ~~(9) The chairperson of the Environmental Resources and~~  
17 ~~Energy Committee of the House of Representatives.~~

18 ~~(10) The minority chairperson of the Environmental~~  
19 ~~Resources and Energy Committee of the House of~~  
20 ~~Representatives.~~

21 ~~§ 4305. Appointment.~~

22 ~~(a) Director. The office shall be headed by a director~~  
23 ~~appointed by the committee by May 30, 2025. The appointment~~  
24 ~~shall be made without regard to political affiliation and solely~~  
25 ~~on the basis of fitness to perform the duties of the office~~  
26 ~~based on qualifications published by the committee.~~

27 ~~(b) Deputy director. The director shall appoint a deputy~~  
28 ~~director who shall perform such duties as assigned by the~~  
29 ~~director and who shall, during the absence or incapacity of the~~  
30 ~~director or a vacancy, act as the director.~~

1 ~~(c) Term. The term of office of the director shall be six~~  
2 ~~years. An individual appointed as director to fill a vacancy~~  
3 ~~prior to the expiration of a term shall serve only for the~~  
4 ~~unexpired portion of that term. An individual serving as~~  
5 ~~director at the expiration of a term may continue to serve until~~  
6 ~~a successor is appointed.~~

7 ~~(d) Removal. The director may be removed by a concurrent~~  
8 ~~resolution passed by the Senate and the House of~~  
9 ~~Representatives.~~

10 ~~§ 4306. Powers and duties of director.~~

11 ~~(a) Personnel. The director shall appoint and fix the~~  
12 ~~compensation of personnel as necessary to carry out the duties~~  
13 ~~and functions of the office. All personnel of the office shall~~  
14 ~~be appointed without regard to political affiliation and solely~~  
15 ~~on the basis of their fitness to perform their duties.~~

16 ~~(b) Experts and consultants. In carrying out the duties and~~  
17 ~~functions of the office, the director may procure the temporary~~  
18 ~~or intermittent services of attorneys, experts or consultants or~~  
19 ~~organization thereof by contract.~~

20 ~~§ 4307. Records.~~

21 ~~The office shall be a legislative agency for purposes of the~~  
22 ~~act of February 14, 2008 (P.L.6, No.3), known as the Right to~~  
23 ~~Know Law.~~

24 ~~§ 4308. Access to information.~~

25 ~~The director shall secure information, data, reports,~~  
26 ~~statistics or other relevant information from a Commonwealth~~  
27 ~~agency or political subdivision. A Commonwealth agency or~~  
28 ~~political subdivision shall submit to the director information~~  
29 ~~within a reasonable amount of time of the request to assist the~~  
30 ~~director in the performance of the duties of the office, other~~

1 ~~than material, the disclosure of which would be a violation of~~  
2 ~~the law.~~

3 ~~Section 2. This act shall take effect in 60 days.~~

4 SECTION 1. ARTICLE XXVIII-C HEADING OF THE ACT OF APRIL 9, <--  
5 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
6 1929, IS AMENDED TO READ:

7 ARTICLE XXVIII-C

8 [ENERGY DEVELOPMENT] PENNSYLVANIA OPPORTUNITIES WITH ENERGY  
9 RELIABILITY AUTHORITY AND EMERGENCY POWERS

10 SECTION 2. THE DEFINITIONS OF "AUTHORITY" AND "PROJECT" IN  
11 SECTION 2801-C OF THE ACT ARE AMENDED TO READ:

12 SECTION 2801-C. DEFINITIONS.--THE FOLLOWING WORDS AND  
13 PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN  
14 TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES  
15 OTHERWISE:

16 "AUTHORITY" MEANS THE [ENERGY DEVELOPMENT] PENNSYLVANIA  
17 OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY.

18 \* \* \*

19 "PROJECT" MEANS AN ACTIVITY, ENTIRELY OR LARGELY CONDUCTED IN  
20 PENNSYLVANIA, WHICH CANNOT BE EFFECTIVELY FUNDED USING PRIVATELY  
21 AVAILABLE RESOURCES, RELATING TO:

22 (1) BASIC AND APPLIED RESEARCH CONCERNING ENERGY USE,  
23 RENEWABLE ENERGY RESOURCES AND ENERGY EXTRACTION, TRANSMISSION,  
24 STORAGE OR CONVERSION;

25 (2) LIMITED SCALE OR LARGE-SCALE DEMONSTRATION OF INNOVATIVE  
26 OR COMMERCIALY UNPROVEN TECHNOLOGY TO PROMOTE THE PRODUCTION,  
27 USE OR CONSERVATION OF ENERGY; [OR]

28 (3) ACTIVITIES TO PROMOTE OR REMOVE OBSTACLES TO THE  
29 UTILIZATION AND TRANSPORTATION OF PENNSYLVANIA ENERGY RESOURCES,  
30 INCLUDING BUT NOT LIMITED TO LIMITED SCALE SYNTHETIC FUEL

1 FACILITIES AND THE CONVERSION OR TECHNOLOGICAL IMPROVEMENT OF  
2 INDUSTRIAL, COMMERCIAL OR AGRICULTURAL SYSTEMS TO UTILIZE  
3 PENNSYLVANIA COAL OR RENEWABLE ENERGY RESOURCES: PROVIDED, THAT  
4 NO SUCH FACILITY UNREASONABLY INTERFERES WITH PRIVATE WASTE  
5 RECYCLING INDUSTRIES [.] ;

6 (4) ENERGY GENERATION ACTIVITIES SEEKING REVIEW UNDER  
7 ARTICLE XXVIII-J, XXVIII-K OR XXVIII-L;

8 (5) A SMALL-SCALE ENERGY PROJECT THAT PROPOSES TO CONSTRUCT  
9 OR MODIFY AN ELECTRICITY GENERATOR WITH A NAMEPLATE CAPACITY OF  
10 LESS THAN 25 MEGAWATTS; OR

11 (6) A LARGE-SCALE ENERGY PROJECT THAT PROPOSES TO CONSTRUCT  
12 OR MODIFY AN ELECTRICITY GENERATOR WITH A NAMEPLATE CAPACITY  
13 EQUAL TO OR GREATER THAN 25 MEGAWATTS.

14 SECTION 3. SECTION 2803-C HEADING, (A), (B) (1), (8) AND (9)  
15 AND (D) OF THE ACT ARE AMENDED AND SUBSECTION (B) IS AMENDED BY  
16 ADDING A PARAGRAPH TO READ:

17 SECTION 2803-C. [ENERGY DEVELOPMENT] PENNSYLVANIA  
18 OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY.-- (A) THERE IS  
19 HEREBY ESTABLISHED THE [ENERGY DEVELOPMENT] PENNSYLVANIA  
20 OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY.

21 (B) THE AUTHORITY SHALL BE GOVERNED AND ALL OF ITS CORPORATE  
22 POWERS EXERCISED BY A BOARD OF DIRECTORS WHICH SHALL BE COMPOSED  
23 OF THE FOLLOWING INDIVIDUALS:

24 (1) [NINE MEMBERS TO BE APPOINTED BY THE GOVERNOR, ONE OF  
25 WHOM SHALL BE DESIGNATED AS CHAIRMAN. AT LEAST TWO MEMBERS SHALL  
26 BE MEMBERS OF THE GENERAL PUBLIC. THE MEMBERS INITIALLY  
27 APPOINTED SHALL SERVE FOR TERMS OF TWO, THREE AND FOUR YEARS,  
28 RESPECTIVELY, THE PARTICULAR TERM OF EACH TO BE DESIGNATED BY  
29 THE GOVERNOR AT THE TIME OF APPOINTMENT. THE TERMS OF ALL OF  
30 THEIR SUCCESSORS SHALL BE FOUR YEARS EACH, EXCEPT THAT ANY

1 PERSON APPOINTED TO FILL A VACANCY SHALL SERVE ONLY FOR THE  
2 UNEXPIRED TERM. EVERY MEMBER'S TERM SHALL EXTEND UNTIL HIS  
3 SUCCESSOR IS APPOINTED AND QUALIFIED. ANY APPOINTMENT OF A  
4 MEMBER OF THE AUTHORITY SHALL BE SUBJECT TO THE ADVICE AND  
5 CONSENT OF A MAJORITY OF ALL OF THE MEMBERS OF THE SENATE. ANY  
6 APPOINTED MEMBER OF THE AUTHORITY SHALL BE ELIGIBLE FOR  
7 REAPPOINTMENT.] (RESERVED).

8 \* \* \*

9 (8) THE CONSUMER ADVOCATE OR HIS DESIGNEE SHALL SERVE AS A  
10 NONVOTING MEMBER.

11 (9) THE CHAIRMAN OF THE PUBLIC UTILITY COMMISSION OR HIS  
12 DESIGNEE SHALL SERVE AS A NONVOTING MEMBER.

13 (10) THE SECRETARY OF TRANSPORTATION OR HIS DESIGNEE.

14 \* \* \*

15 (D) THE BOARD OF DIRECTORS SHALL PROVIDE FOR THE HOLDING OF  
16 REGULAR AND SPECIAL MEETINGS. [TEN DIRECTORS ATTENDING SHALL  
17 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AND AT  
18 LEAST SIX VOTES SHALL BE REQUIRED TO ADOPT ANY ACTION, EXCEPT  
19 THAT AT LEAST NINE VOTES SHALL BE REQUIRED TO APPROVE FINANCIAL  
20 ASSISTANCE FOR ANY PROJECT.] THE BOARD SHALL MEET AT LEAST TEN  
21 TIMES IN A CALENDAR YEAR. FIVE MEMBERS OF THE BOARD SHALL  
22 CONSTITUTE A QUORUM, AND THE FOLLOWING SHALL APPLY:

23 (1) THE CONSENT OF AT LEAST FIVE MEMBERS OF THE BOARD, WITH  
24 AT LEAST FOUR OF THE CONSENTING MEMBERS BEING APPOINTED UNDER  
25 SUBSECTION (B) (6) AND (7), SHALL BE NECESSARY TO TAKE ACTION ON  
26 BEHALF OF THE AUTHORITY FOR ANY OF THE FOLLOWING:

27 (I) ADOPTING BYLAWS.

28 (II) HIRING PROFESSIONALS.

29 (III) AUTHORIZING BONDS.

30 (IV) APPROVING PROJECTS AND CONTRACTS.



1 (V) ADOPTING GUIDELINES.

2 (VI) APPROVING RECOMMENDATIONS AND APPLICATIONS UNDER  
3 ARTICLES XXVIII-J, XXVIII-K AND XXVIII-L.

4 (2) AT ITS FIRST MEETING AFTER THE EFFECTIVE DATE OF THIS  
5 SUBSECTION, THE BOARD SHALL ELECT A CHAIRPERSON.

6 SECTION 4. SECTION 2806-C(8) OF THE ACT IS AMENDED TO READ:

7 SECTION 2806-C. POWERS AND DUTIES.--THE AUTHORITY, AS A  
8 PUBLIC CORPORATION AND GOVERNMENTAL INSTRUMENTALITY EXERCISING  
9 PUBLIC POWERS OF THE COMMONWEALTH, IS HEREBY GRANTED AND SHALL  
10 HAVE AND MAY EXERCISE ALL POWERS NECESSARY OR APPROPRIATE TO  
11 CARRY OUT AND EFFECTUATE THE PURPOSES OF THIS ARTICLE, INCLUDING  
12 THE FOLLOWING POWERS, IN ADDITION TO OTHERS HEREIN GRANTED:

13 \* \* \*

14 (8) TO ACCEPT GRANTS FROM AND TO ENTER INTO CONTRACTS OR  
15 OTHER TRANSACTIONS WITH ANY FEDERAL AGENCY. MONEY AWARDED TO THE  
16 AUTHORITY FROM THE FEDERAL GOVERNMENT SHALL BE CONSIDERED MONEY  
17 OF THE COMMONWEALTH AND SUBJECT TO APPROPRIATION BY THE GENERAL  
18 ASSEMBLY.

19 \* \* \*

20 SECTION 5. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

21 ARTICLE XXVIII-J  
22 ENERGY DEVELOPMENT AND ELECTRIC  
23 GENERATION PERMIT REVIEW PROGRAM  
24 (A) PRELIMINARY PROVISIONS

25 SECTION 2801-J. SCOPE OF ARTICLE.

26 THIS ARTICLE RELATES TO ENERGY DEVELOPMENT AND ELECTRIC  
27 GENERATION PERMIT REVIEW.

28 SECTION 2802-J. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "ACCOUNT." THE ADVANCED PERMIT AND REGULATORY REVIEW PROGRAM  
3 ACCOUNT ESTABLISHED UNDER SECTION 2815-J.

4 "AUTHORITY." THE PENNSYLVANIA OPPORTUNITIES WITH ENERGY  
5 RELIABILITY AUTHORITY.

6 "BOARD." THE BOARD OF DIRECTORS OF THE AUTHORITY.

7 "INITIAL APPLICATION." AN APPLICATION SUBMITTED TO A  
8 QUALIFYING STATE AGENCY WHICH SEEKS A PERMIT THAT IS NECESSARY  
9 FOR A SMALL-SCALE ENERGY PROJECT AND WHICH SEEKS ANY OF THE  
10 FOLLOWING:

11 (1) A NEW PERMIT.

12 (2) A PERMIT RENEWAL.

13 (3) A PERMIT AMENDMENT.

14 (4) A PERMIT MODIFICATION.

15 (5) A PERMIT TRANSFER.

16 (6) A CHANGE OF OWNERSHIP OF A PERMIT.

17 "NAMEPLATE CAPACITY." THE MAXIMUM ELECTRICAL OUTPUT IN  
18 MEGAWATTS THAT A GENERATOR CAN SUSTAIN OVER A SPECIFIED PERIOD  
19 OF TIME WHEN NOT RESTRICTED BY SEASONAL OR OTHER DERATINGS AS  
20 MEASURED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF  
21 ENERGY STANDARDS.

22 "QUALIFIED LICENSED PROFESSIONAL." AN INDIVIDUAL WHO IS  
23 APPROVED BY THE BOARD TO CONDUCT PERMIT REVIEW ON BEHALF OF A  
24 QUALIFYING STATE AGENCY UNDER THE REVIEW PROGRAM.

25 "QUALIFYING STATE AGENCY." A STATE AGENCY AUTHORIZED BY  
26 STATUTE TO ISSUE PERMITS RELATED TO A SMALL-SCALE ENERGY  
27 PROJECT.

28 "REVIEW PETITION" OR "PETITION." A PETITION SUBMITTED TO THE  
29 BOARD UNDER SECTION 2814-J(A) SEEKING THIRD-PARTY REVIEW OF AN  
30 INITIAL APPLICATION FILED WITH A QUALIFYING STATE AGENCY, WHICH

1 MAY INCLUDE, IN ADDITION TO THE INITIAL APPLICATION, ANY OTHER  
2 DOCUMENTS CREATED DURING THE COURSE OF THE QUALIFYING STATE  
3 AGENCY'S CONSIDERATION OF THE INITIAL APPLICATION.

4 "REVIEW PETITIONER" OR "PETITIONER." AN INDIVIDUAL,  
5 CORPORATION, MUNICIPALITY, MUNICIPAL AUTHORITY OR POLITICAL  
6 SUBDIVISION THAT FILES A REVIEW PETITION WITH THE BOARD SEEKING  
7 THIRD-PARTY REVIEW OF AN INITIAL APPLICATION.

8 "REVIEW PROGRAM." THE ENERGY DEVELOPMENT AND ELECTRIC  
9 GENERATION PERMIT REVIEW PROGRAM ESTABLISHED UNDER SECTION 2812-  
10 J.

11 "SMALL-SCALE ENERGY PROJECT." A PROJECT THAT PROPOSES TO  
12 CONSTRUCT OR MODIFY AN ELECTRICITY GENERATOR WITH A NAMEPLATE  
13 CAPACITY OF LESS THAN 25 MEGAWATTS.

14 (B) ENERGY DEVELOPMENT AND ELECTRIC  
15 GENERATION PERMIT REVIEW  
16 SECTION 2811-J. SCOPE OF SUBARTICLE.

17 THIS SUBARTICLE RELATES TO THE ENERGY DEVELOPMENT AND  
18 ELECTRIC GENERATION PERMIT REVIEW PROGRAM.

19 SECTION 2812-J. ENERGY DEVELOPMENT AND ELECTRIC GENERATION  
20 PERMIT REVIEW PROGRAM.

21 (A) ESTABLISHMENT.--THE ENERGY DEVELOPMENT AND ELECTRIC  
22 GENERATION PERMIT REVIEW PROGRAM IS ESTABLISHED IN THE  
23 AUTHORITY. THE PURPOSE OF THE REVIEW PROGRAM SHALL BE TO PROVIDE  
24 AN ALTERNATIVE METHOD, THROUGH THE USE OF QUALIFIED LICENSED  
25 PROFESSIONALS, OF REVIEWING INITIAL APPLICATIONS FOR SMALL-SCALE  
26 ENERGY PROJECTS WHEN THE QUALIFYING STATE AGENCY HAS NOT ISSUED  
27 A DECISION TO APPROVE OR DENY AN INITIAL APPLICATION WITHIN THE  
28 TIME PERIOD PROVIDED FOR BY STATUTE, REGULATION OR AGENCY  
29 POLICY, OR WITHIN 120 DAYS, WHICHEVER OCCURS FIRST.

30 (B) (RESERVED).

1 (C) FEES.--THE BOARD SHALL ESTABLISH A FEE TO BE PAID UPON  
2 SUBMISSION OF A REVIEW PETITION, WHICH SHALL BE PAID IN ADDITION  
3 TO ANY FEES COLLECTED BY THE QUALIFYING STATE AGENCY IN  
4 CONNECTION WITH THE INITIAL APPLICATION. FEES SHALL BE DEPOSITED  
5 INTO THE ACCOUNT. IF THE BOARD'S COST OF REVIEWING THE REVIEW  
6 PETITION EXCEEDS THE SUM OF THE REVIEW PETITION FEE AND PERMIT  
7 FEE, THE AUTHORITY SHALL ASSESS AN ADDITIONAL FEE TO COVER ALL  
8 COSTS. UPON PAYMENT OF A FEE UNDER THIS SUBSECTION, ANY FEES  
9 PAID TO A QUALIFYING STATE AGENCY SHALL BE RETURNED TO THE  
10 PETITIONER.

11 SECTION 2813-J. SELECTION OF QUALIFIED LICENSED PROFESSIONALS.

12 (A) GENERAL RULE.--THE AUTHORITY SHALL, THROUGH A REQUEST  
13 FOR PROPOSALS PROCEDURE, SELECT QUALIFIED LICENSED PROFESSIONALS  
14 TO PERFORM A TECHNICAL REVIEW IN ACCORDANCE WITH THIS ARTICLE.

15 (B) ELIGIBILITY.--IN ORDER TO BE SELECTED AS A QUALIFIED  
16 LICENSED PROFESSIONAL, AN INDIVIDUAL MUST SATISFY THE FOLLOWING  
17 CRITERIA:

18 (1) BE A PROFESSIONAL ENGINEER, LAND SURVEYOR,  
19 GEOLOGIST, LANDSCAPE ARCHITECT OR OTHER LICENSED  
20 PROFESSIONAL, WHICH MAY BE NECESSARY TO REVIEW APPLICATIONS  
21 UNDER THE REVIEW PROGRAM.

22 (2) HAVE AT LEAST THREE YEARS OF RELEVANT PERMITTING  
23 EXPERIENCE IN THIS COMMONWEALTH.

24 (C) LIST TO BE COMPILED.--THE AUTHORITY SHALL COMPILE AND  
25 PUBLISH ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
26 A LIST OF APPROVED QUALIFIED LICENSED PROFESSIONALS. THE  
27 AUTHORITY SHALL UPDATE THE LIST EVERY THREE YEARS.

28 SECTION 2814-J. PERMIT REVIEW PROCEDURE.

29 (A) SUBMISSION OF REVIEW PETITION.--A PETITIONER MAY SUBMIT  
30 A REVIEW PETITION TO THE AUTHORITY FOR PERMIT REVIEW IF THE

1 PETITIONER HAS MADE INITIAL APPLICATION TO A QUALIFYING STATE  
2 AGENCY AND HAS NOT RECEIVED A DECISION ON THE INITIAL  
3 APPLICATION WITHIN THE TIME PERIOD PROVIDED FOR BY STATUTE,  
4 REGULATION OR AGENCY POLICY, OR WITHIN 120 DAYS, WHICHEVER  
5 OCCURS FIRST. AFTER RECEIPT OF THE PETITION AND PAYMENT OF THE  
6 REQUIRED FEE, WITHIN 10 BUSINESS DAYS, IF THE BOARD DETERMINES  
7 THAT THE INITIAL APPLICATION AND THE PETITION MEET THE  
8 REQUIREMENTS OF THIS PARAGRAPH, THE BOARD SHALL REFER THE  
9 PETITION AND ANY OTHER DOCUMENTS SUBMITTED TO A QUALIFIED  
10 LICENSED PROFESSIONAL TO CONDUCT A TECHNICAL REVIEW.

11 (B) CONFLICTS.--THE BOARD MAY NOT REFER A PETITION TO A  
12 QUALIFIED LICENSED PROFESSIONAL UNDER THE REVIEW PROGRAM IF THE  
13 QUALIFIED LICENSED PROFESSIONAL HAS PERFORMED SERVICES FOR THE  
14 PETITIONER WITHIN THREE YEARS OF THE INITIAL APPLICATION BEING  
15 RECEIVED BY THE QUALIFYING STATE AGENCY OR ANY OTHER CONFLICTS  
16 OF INTEREST AS DETERMINED BY THE BOARD.

17 (C) TECHNICAL REVIEW BY QUALIFIED LICENSED PROFESSIONAL.--

18 (1) AFTER A PETITION HAS BEEN REFERRED UNDER SUBSECTION  
19 (A), THE QUALIFIED LICENSED PROFESSIONAL SHALL CONDUCT A  
20 TECHNICAL REVIEW AND, WITHIN THE TIME PERIOD PROVIDED FOR BY  
21 STATUTE, REGULATION OR AGENCY POLICY, OR WITHIN 120 DAYS,  
22 WHICHEVER OCCURS FIRST, PROVIDE A RECOMMENDATION TO THE BOARD  
23 THAT THE APPLICATION BE EITHER APPROVED OR DENIED.

24 (2) IF THE QUALIFIED LICENSED PROFESSIONAL FINDS ANY  
25 DEFICIENCY, THE QUALIFIED LICENSED PROFESSIONAL MAY REQUEST  
26 ADDITIONAL INFORMATION FROM THE PETITIONER.

27 (3) UPON RECEIPT OF A RECOMMENDATION FROM A QUALIFIED  
28 LICENSED PROFESSIONAL, THE BOARD SHALL VOTE TO ADOPT OR  
29 REJECT THE RECOMMENDATION OF THE QUALIFIED LICENSED  
30 PROFESSIONAL, EITHER AT ITS NEXT SCHEDULED MEETING OR WITHIN

1 10 BUSINESS DAYS, WHICHEVER OCCURS FIRST.

2 (4) IF THE BOARD VOTES BY QUALIFIED MAJORITY TO ADOPT  
3 THE RECOMMENDATION, AN ORDER TO THAT EFFECT SHALL BE  
4 IMMEDIATELY TRANSMITTED TO THE QUALIFYING STATE AGENCY,  
5 DIRECTING THAT THE PERMIT OR PERMITS BE ISSUED OR DENIED IN  
6 ACCORDANCE WITH THE BOARD'S ORDER.

7 (5) IF THE BOARD VOTES TO REJECT THE QUALIFIED LICENSED  
8 PROFESSIONAL'S RECOMMENDATION TO DENY THE INITIAL  
9 APPLICATION, AN ORDER TO THAT EFFECT SHALL IMMEDIATELY BE  
10 TRANSMITTED TO THE QUALIFYING STATE AGENCY, DIRECTING THAT  
11 THE PERMIT OR PERMITS BE ISSUED IN ACCORDANCE WITH THE  
12 BOARD'S ORDER.

13 (6) COMMONWEALTH COURT SHALL HAVE ORIGINAL JURISDICTION  
14 OF ANY APPEALS OF BOARD ACTION FILED UNDER THE AUTHORITY OF  
15 THIS SUBARTICLE. THE AUTHORITY SHALL DEFEND ALL APPEALS FILED  
16 UNDER THIS SUBARTICLE.

17 SECTION 2815-J. PERMIT REVIEW AND REGULATORY WAIVER PROGRAM  
18 ACCOUNT.

19 THE PERMIT REVIEW AND REGULATORY WAIVER PROGRAM ACCOUNT IS  
20 ESTABLISHED AS A SEPARATE ACCOUNT WITHIN THE ENERGY DEVELOPMENT  
21 FUND. THE FOLLOWING APPLY:

22 (1) THE ACCOUNT SHALL CONSIST OF FEES AND COSTS ASSESSED  
23 BY THE BOARD UNDER ARTICLES XXVIII-J, XXVIII-K AND XXVIII-L.

24 (2) MONEY IN THE ACCOUNT SHALL BE USED FOR THE  
25 ADMINISTRATION OF THE PROGRAMS ESTABLISHED UNDER ARTICLES  
26 XXVIII-J, XXVIII-K AND XXVIII-L IN ACCORDANCE WITH PROGRAM  
27 GUIDELINES ESTABLISHED BY THE BOARD.

28 SECTION 2816-J. REPORT TO GENERAL ASSEMBLY.

29 THE AUTHORITY SHALL, NOT LATER THAN 12 MONTHS AFTER THE  
30 EFFECTIVE DATE OF THIS SECTION, SUBMIT A WRITTEN REPORT TO THE

1 GENERAL ASSEMBLY RELATING TO THE PROGRESS IN IMPLEMENTING THE  
2 REVIEW PROGRAM.

3 ARTICLE XXVIII-K

4 ACCELERATED ENERGY DEVELOPMENT AND  
5 ELECTRIC GENERATION PERMIT REVIEW PROGRAM

6 (A) PRELIMINARY PROVISIONS

7 SECTION 2801-K. SCOPE OF ARTICLE.

8 THIS ARTICLE RELATES TO THE ACCELERATED ENERGY DEVELOPMENT  
9 AND ELECTRIC GENERATION PERMIT REVIEW PROGRAM.

10 SECTION 2802-K. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "APPLICANT." AN INDIVIDUAL, CORPORATION, MUNICIPALITY,  
15 MUNICIPAL AUTHORITY OR POLITICAL SUBDIVISION THAT SUBMITS AN  
16 APPLICATION TO THE BOARD FOR A PERMIT THAT IS NECESSARY FOR A  
17 LARGE-SCALE ENERGY PROJECT.

18 "AUTHORITY." THE PENNSYLVANIA OPPORTUNITIES WITH ENERGY  
19 RELIABILITY AUTHORITY.

20 "BOARD." THE BOARD OF DIRECTORS OF THE AUTHORITY.

21 "LARGE-SCALE ENERGY PROJECT." A PROJECT THAT PROPOSES TO  
22 CONSTRUCT OR MODIFY AN ELECTRIC GENERATOR WITH A NAMEPLATE  
23 CAPACITY EQUAL TO OR GREATER THAN 25 MEGAWATTS.

24 "NAMEPLATE CAPACITY." THE MAXIMUM ELECTRICAL OUTPUT IN  
25 MEGAWATTS THAT A GENERATOR CAN SUSTAIN OVER A SPECIFIED PERIOD  
26 OF TIME WHEN NOT RESTRICTED BY SEASONAL OR OTHER DERATINGS AS  
27 MEASURED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF  
28 ENERGY STANDARDS.

29 "PERMIT APPLICATION." AN APPLICATION SUBMITTED TO THE BOARD  
30 WHICH SEEKS A PERMIT THAT IS NECESSARY FOR ANY OF THE FOLLOWING

1 RELATED TO A LARGE-SCALE ENERGY PROJECT:

2 (1) A NEW PERMIT.

3 (2) A PERMIT RENEWAL.

4 (3) A PERMIT AMENDMENT.

5 (4) A PERMIT MODIFICATION.

6 (5) A PERMIT TRANSFER.

7 (6) A CHANGE OF OWNERSHIP OF A PERMIT.

8 "PROGRAM." THE ACCELERATED ENERGY DEVELOPMENT AND ELECTRIC  
9 GENERATION PERMIT REVIEW PROGRAM.

10 "QUALIFYING STATE AGENCY." A STATE AGENCY AUTHORIZED BY  
11 STATUTE TO ISSUE PERMITS RELATED TO A LARGE-SCALE ENERGY  
12 PROJECT.

13 (B) ACCELERATED ENERGY DEVELOPMENT AND ELECTRIC  
14 GENERATION PERMIT REVIEW PROGRAM  
15 SECTION 2811-K. SCOPE OF SUBARTICLE.

16 THIS SUBARTICLE RELATES TO THE ACCELERATED ENERGY DEVELOPMENT  
17 AND ELECTRIC GENERATION PERMIT REVIEW PROGRAM.

18 SECTION 2812-K. ACCELERATED ENERGY DEVELOPMENT AND ELECTRIC  
19 GENERATION PERMIT REVIEW PROGRAM.

20 (A) ESTABLISHMENT.--THE ACCELERATED ENERGY DEVELOPMENT AND  
21 ELECTRIC GENERATION PERMIT REVIEW PROGRAM IS ESTABLISHED IN THE  
22 AUTHORITY. THE PURPOSE OF THE PROGRAM SHALL BE TO PROVIDE AN  
23 ACCELERATED METHOD, THROUGH THE USE OF QUALIFIED LICENSED  
24 PROFESSIONALS, OF REVIEWING PERMIT APPLICATIONS FOR LARGE-SCALE  
25 ENERGY PROJECTS THAT WOULD OTHERWISE BE SUBMITTED TO A STATE  
26 AGENCY AUTHORIZED BY STATUTE TO ISSUE THE PERMITS.

27 (B) FEES.--THE AUTHORITY SHALL ESTABLISH A FEE TO BE PAID  
28 UPON SUBMISSION OF A PERMIT APPLICATION. IF THE BOARD'S COST OF  
29 REVIEWING THE APPLICATION EXCEEDS THE SUM OF THE FEE, THE  
30 AUTHORITY SHALL ASSESS AN ADDITIONAL FEE TO COVER ALL COSTS.



1 FEES SHALL BE DEPOSITED INTO THE PERMIT REVIEW AND REGULATORY  
2 WAIVER PROGRAM ACCOUNT ESTABLISHED UNDER SECTION 2815-J.  
3 SECTION 2813-K. SELECTION OF QUALIFIED LICENSED PROFESSIONALS.

4 (A) GENERAL RULE.--THE AUTHORITY SHALL, THROUGH A REQUEST  
5 FOR PROPOSALS PROCEDURE, SELECT QUALIFIED LICENSED PROFESSIONALS  
6 TO REVIEW PERMIT APPLICATIONS SUBMITTED UNDER THE PROGRAM.

7 (B) ELIGIBILITY.--IN ORDER TO BE SELECTED AS A QUALIFIED  
8 LICENSED PROFESSIONAL, AN INDIVIDUAL MUST SATISFY THE FOLLOWING  
9 CRITERIA:

10 (1) BE A PROFESSIONAL ENGINEER, LAND SURVEYOR,  
11 GEOLOGIST, LANDSCAPE ARCHITECT OR OTHER LICENSED  
12 PROFESSIONAL, WHICH MAY BE NECESSARY TO REVIEW APPLICATIONS  
13 UNDER THE PROGRAM.

14 (2) HAVE AT LEAST THREE YEARS OF RELEVANT PERMITTING  
15 EXPERIENCE IN THIS COMMONWEALTH.

16 (C) LIST TO BE COMPILED.--THE AUTHORITY SHALL COMPILE AND  
17 PUBLISH ON THE AUTHORITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE  
18 A LIST OF APPROVED QUALIFIED LICENSED PROFESSIONALS. THE  
19 AUTHORITY SHALL UPDATE THE LIST EVERY THREE YEARS.

20 SECTION 2814-K. ACCELERATED PERMIT REVIEW PROCEDURE.

21 (A) SUBMISSION OF PERMIT APPLICATION.--IN LIEU OF SUBMITTING  
22 A PERMIT APPLICATION RELATED TO A LARGE-SCALE ENERGY PROJECT TO  
23 THE QUALIFYING STATE AGENCY, AN APPLICANT MAY ELECT TO SUBMIT  
24 ITS PERMIT APPLICATION TO THE BOARD FOR ACCELERATED ENERGY  
25 PERMIT REVIEW BY A QUALIFIED LICENSED PROFESSIONAL. THE  
26 FOLLOWING SHALL APPLY:

27 (1) AFTER RECEIPT OF THE PERMIT APPLICATION AND PAYMENT  
28 OF THE REQUIRED FEE, WITHIN 10 BUSINESS DAYS, THE BOARD SHALL  
29 REFER THE PETITION TO A QUALIFIED LICENSED PROFESSIONAL TO  
30 CONDUCT A REVIEW OF THE APPLICATION.

1           (2) THE BOARD MAY NOT REFER AN APPLICATION TO A  
2 QUALIFIED LICENSED PROFESSIONAL UNDER THE PROGRAM IF THE  
3 QUALIFIED LICENSED PROFESSIONAL HAS PERFORMED SERVICES FOR  
4 THE APPLICANT WITHIN THREE YEARS OF THE DATE OF SUBMISSION OF  
5 THE PERMIT APPLICATION TO THE BOARD OR ANY OTHER CONFLICT OF  
6 INTEREST HAS OCCURRED AS DETERMINED BY THE BOARD.

7 (B) (RESERVED).

8 (C) REVIEW BY QUALIFIED LICENSED PROFESSIONAL.--

9           (1) AFTER AN APPLICATION HAS BEEN REFERRED UNDER  
10 SUBSECTION (A), THE QUALIFIED LICENSED PROFESSIONAL SHALL  
11 CONDUCT A REVIEW OF THE PERMIT APPLICATION. WITHIN THE  
12 STATUTORY TIME FRAME FOR SUCH A PERMIT OR WITHIN 120 DAYS,  
13 WHICHEVER IS LESS, THE QUALIFIED LICENSED PROFESSIONAL SHALL  
14 PRESENT ITS RECOMMENDATION TO THE BOARD.

15           (2) UPON RECEIPT OF A RECOMMENDATION FROM A QUALIFIED  
16 LICENSED PROFESSIONAL, THE BOARD SHALL VOTE TO ADOPT OR  
17 REJECT THE RECOMMENDATION OF THE QUALIFIED LICENSED  
18 PROFESSIONAL, EITHER AT ITS NEXT SCHEDULED MEETING OR WITHIN  
19 10 BUSINESS DAYS, WHICHEVER OCCURS FIRST.

20           (3) IF THE BOARD VOTES TO ADOPT THE RECOMMENDATION, AN  
21 ORDER SHALL BE IMMEDIATELY TRANSMITTED TO THE QUALIFYING  
22 STATE AGENCY, DIRECTING THAT THE PERMIT OR PERMITS BE ISSUED  
23 OR DENIED IN ACCORDANCE WITH THE BOARD'S ORDER.

24           (4) IF THE BOARD VOTES TO REJECT THE QUALIFIED LICENSED  
25 PROFESSIONAL'S RECOMMENDATION TO DENY THE INITIAL  
26 APPLICATION, AN ORDER TO THAT EFFECT SHALL IMMEDIATELY BE  
27 TRANSMITTED TO THE QUALIFYING STATE AGENCY DIRECTING THAT THE  
28 PERMIT OR PERMITS BE ISSUED IN ACCORDANCE WITH THE BOARD'S  
29 ORDER.

30           (5) COMMONWEALTH COURT SHALL HAVE ORIGINAL JURISDICTION

1 OF ANY APPEALS OF BOARD ACTION FILED UNDER THE AUTHORITY OF  
2 THIS SUBARTICLE. THE AUTHORITY SHALL DEFEND ALL APPEALS FILED  
3 UNDER THIS SUBARTICLE.

4 ARTICLE XXVIII-L

5 PENNSYLVANIA OPPORTUNITIES WITH ENERGY RELIABILITY

6 AUTHORITY REGULATORY WAIVER PROGRAM

7 SECTION 2801-L. SCOPE OF ARTICLE.

8 THIS ARTICLE RELATES TO THE PENNSYLVANIA OPPORTUNITIES WITH  
9 ENERGY RELIABILITY AUTHORITY REGULATORY WAIVER PROGRAM.

10 SECTION 2802-L. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "APPLICANT." AN INDIVIDUAL, CORPORATION, MUNICIPALITY,  
15 MUNICIPAL AUTHORITY OR POLITICAL SUBDIVISION THAT SUBMITS AN  
16 APPLICATION TO THE BOARD FOR A PERMIT THAT IS NECESSARY FOR A  
17 LARGE-SCALE ENERGY PROJECT.

18 "AUTHORITY." THE PENNSYLVANIA OPPORTUNITIES WITH ENERGY  
19 RELIABILITY AUTHORITY.

20 "LARGE-SCALE ENERGY PROJECT." A PROJECT THAT PROPOSES TO  
21 CONSTRUCT OR MODIFY AN ELECTRIC GENERATOR WITH A NAMEPLATE  
22 CAPACITY EQUAL TO OR GREATER THAN 25 MEGAWATTS.

23 "NAMEPLATE CAPACITY." THE MAXIMUM ELECTRICAL OUTPUT IN  
24 MEGAWATTS THAT A GENERATOR CAN SUSTAIN OVER A SPECIFIED PERIOD  
25 OF TIME WHEN NOT RESTRICTED BY SEASONAL OR OTHER DERATINGS AS  
26 MEASURED IN ACCORDANCE WITH THE UNITED STATES DEPARTMENT OF  
27 ENERGY STANDARDS.

28 "PARTICIPANT." A PERSON WHOSE APPLICATION TO THE BOARD  
29 SEEKING PARTICIPATION IN THE REGULATORY WAIVER PROGRAM HAS BEEN  
30 APPROVED.

1 "REGULATORY WAIVER." A WAIVER BY THE BOARD OF APPLICABLE  
2 REGULATIONS THAT WOULD OTHERWISE APPLY TO AN ENERGY PROJECT.

3 "REGULATORY WAIVER PROGRAM." THE REGULATORY WAIVER PROGRAM  
4 ESTABLISHED UNDER SECTION 2803-L.

5 SECTION 2803-L. REGULATORY WAIVER PROGRAM.

6 THE REGULATORY WAIVER PROGRAM IS ESTABLISHED IN THE  
7 AUTHORITY.

8 SECTION 2804-L. BOARD DUTIES.

9 (A) DUTIES.--THE BOARD SHALL ADMINISTER THE REGULATORY  
10 WAIVER PROGRAM IN ACCORDANCE WITH THIS ARTICLE AS FOLLOWS:

11 (1) THE BOARD SHALL CREATE AND POST TO ITS PUBLICLY  
12 ACCESSIBLE INTERNET WEBSITE AN APPLICATION FORM TO BE  
13 SUBMITTED BY AN APPLICANT SEEKING PARTICIPATION IN THE  
14 REGULATORY WAIVER PROGRAM.

15 (2) AN APPLICANT SEEKING A REGULATORY WAIVER IN  
16 CONNECTION WITH A LARGE-SCALE ENERGY PROJECT SHALL SUBMIT THE  
17 APPLICATION TO THE BOARD FOR ITS CONSIDERATION.

18 (3) UPON RECEIPT OF AN APPLICATION, THE BOARD SHALL DO  
19 THE FOLLOWING:

20 (I) POST THE NAME OF THE APPLICANT AND EACH  
21 REGULATION FOR WHICH THE APPLICANT SEEKS A WAIVER TO THE  
22 BOARD'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

23 (II) ADD THE APPLICATION TO ITS AGENDA FOR THE NEXT  
24 SCHEDULED PUBLIC MEETING OR WITHIN 45 DAYS, WHICHEVER IS  
25 SOONER.

26 (B) FEES.--

27 (1) THE BOARD SHALL ESTABLISH AN APPLICATION FEE.

28 (2) THE BOARD MAY ESTABLISH ADDITIONAL FEES TO COVER THE  
29 COSTS OF ADMINISTERING THE REGULATORY WAIVER PROGRAM.

30 (3) FEES SHALL BE DEPOSITED INTO THE PERMIT REVIEW AND

1 REGULATORY WAIVER PROGRAM ACCOUNT ESTABLISHED UNDER SECTION  
2 2815-J.

3 (C) PUBLIC MEETING.--

4 (1) THE MEMBERS OF THE BOARD SHALL VOTE TO EITHER  
5 APPROVE OR DENY THE APPLICATION AT A PUBLIC MEETING. THE  
6 BOARD SHALL TAKE PUBLIC COMMENT BEFORE VOTING.

7 (2) (RESERVED).

8 (C.1) JUDICIAL REVIEW.--THE DENIAL OF AN APPLICATION  
9 SUBMITTED UNDER THIS ARTICLE SHALL NOT BE SUBJECT TO JUDICIAL  
10 REVIEW.

11 (D) PUBLIC NOTICE.--THE BOARD SHALL PROVIDE PUBLIC NOTICE OF  
12 THE BOARD'S DECISION ON THE APPLICATION BY POSTING THE DECISION  
13 ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

14 (E) PROHIBITION.--NOTWITHSTANDING ANY OTHER PROVISION OF  
15 THIS ARTICLE, THE BOARD MAY NOT ENTER INTO A WRITTEN AGREEMENT  
16 WITH AN APPLICANT WHICH WAIVES OR SUSPENDS A TAX, FEE OR CHARGE  
17 THAT IS ADMINISTERED BY THE DEPARTMENT OF REVENUE.

18 SECTION 2805-L. EFFECT OF APPLICATION APPROVAL.

19 (A) GENERAL RULE.--IF THE BOARD APPROVES AN APPLICATION  
20 UNDER THIS ARTICLE, A PARTICIPANT SHALL NOT BE SUBJECT TO THE  
21 ENFORCEMENT OF THE REGULATIONS IDENTIFIED IN THE APPLICATION AND  
22 AS APPROVED BY THE BOARD FOR A WAIVER UNDER THIS ARTICLE. THE  
23 FOLLOWING SHALL APPLY:

24 (1) A PROSECUTOR MAY NOT FILE OR PURSUE CHARGES AGAINST  
25 A PARTICIPANT FOR FAILURE TO COMPLY WITH A REGULATION THAT  
26 THE BOARD HAS APPROVED FOR WAIVER.

27 (2) A STATE AGENCY MAY NOT FILE OR PURSUE ANY PUNITIVE  
28 ACTION AGAINST A PARTICIPANT, INCLUDING A FINE OR LICENSE  
29 SUSPENSION OR REVOCATION, FOR THE PARTICIPANT'S VIOLATION OF  
30 A REGULATION THAT THE BOARD HAS APPROVED FOR WAIVER UNDER

1 THIS ARTICLE.

2 (B) CRIMINAL LIABILITY.--THE FOLLOWING SHALL APPLY:

3 (1) THE BOARD'S APPROVAL OF AN REGULATORY WAIVER SHALL  
4 NOT PROVIDE A PARTICIPANT WITH IMMUNITY FOR ANY VIOLATION  
5 UNDER 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES).

6 (2) A PARTICIPANT SHALL COMPLY WITH FEDERAL LAW AND  
7 REGULATIONS GOVERNING CONSUMER PROTECTION.

8 (C) BOARD LIABILITY.--THE BOARD AND ITS EMPLOYEES SHALL NOT  
9 BE LIABLE FOR ANY BUSINESS LOSS OR THE RECOUPING OF AN  
10 APPLICATION EXPENSE OR OTHER EXPENSE RELATED TO A REGULATORY  
11 WAIVER.

12 ARTICLE XXVIII-M

13 INDEPENDENT ENERGY OFFICE

14 SECTION 2801-M. DEFINITIONS.

15 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
17 CONTEXT CLEARLY INDICATES OTHERWISE:

18 "COMMITTEE." THE INDEPENDENT ENERGY OFFICE SELECTION AND  
19 ORGANIZATION COMMITTEE.

20 "COMMONWEALTH AGENCY." ANY OFFICE, DEPARTMENT, AUTHORITY,  
21 BOARD, MULTISTATE AGENCY OR COMMISSION OF THE EXECUTIVE BRANCH.  
22 THE TERM INCLUDES:

23 (1) THE GOVERNOR'S OFFICE.

24 (2) THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF  
25 THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

26 (3) AN INDEPENDENT AGENCY AS DEFINED IN 62 PA.C.S. § 103  
27 (RELATING TO DEFINITIONS).

28 (4) A STATE-AFFILIATED ENTITY AS DEFINED IN 62 PA.C.S. §  
29 103.

30 (5) THE GENERAL ASSEMBLY.

1           (6) THE UNIFIED JUDICIAL SYSTEM.  
2           "DIRECTOR." THE DIRECTOR OF THE INDEPENDENT ENERGY OFFICE.  
3           "OFFICE." THE INDEPENDENT ENERGY OFFICE ESTABLISHED UNDER  
4 SECTION 2802-M.

5 SECTION 2802-M. OFFICE ESTABLISHED.

6           THE INDEPENDENT ENERGY OFFICE IS ESTABLISHED AS A NONPARTISAN  
7 INDEPENDENT AGENCY.

8 SECTION 2803-M. DUTIES OF OFFICE.

9           (A) MANDATORY.--THE OFFICE SHALL:

10           (1) PLAN RECOMMENDATIONS THAT COVER COAL, NATURAL GAS  
11 AND OIL, ELECTRIC POWER, ENERGY EFFICIENCY, SOLAR, WIND,  
12 HYDRO, GEOTHERMAL, BIOMASS, LANDFILL GAS, RENEWABLE NATURAL  
13 GAS, NUCLEAR AND OTHER ENERGY TECHNOLOGIES.

14           (2) ANALYZE POLICIES, REGULATIONS AND LAWS THAT RELATE  
15 TO ENERGY GENERATION, PRODUCTION OR DISTRIBUTION AND SHARE  
16 RELEVANT ANALYSIS WITH THE PENNSYLVANIA OPPORTUNITIES WITH  
17 ENERGY RELIABILITY AUTHORITY AND TO THE GENERAL ASSEMBLY.

18           (3) PROVIDE AT LEAST ONE STATEWIDE ENERGY REPORT EACH  
19 LEGISLATIVE SESSION PRESENTED TO THE GENERAL ASSEMBLY.

20           (4) FORMULATE AND REVIEW THE USE OF FOSSIL, RENEWABLE  
21 AND ENERGY EFFICIENCY INITIATIVES DESIGNED TO ADVANCE ENERGY  
22 RESOURCE DEVELOPMENT OPPORTUNITIES, INCLUDING INNOVATIVE  
23 TECHNOLOGIES, AND PROVIDE ENERGY SERVICES TO BUSINESSES,  
24 COMMUNITIES AND HOMEOWNERS IN THIS COMMONWEALTH.

25           (B) DISCRETIONARY.--THE OFFICE MAY:

26           (1) PROVIDE INDEPENDENT STUDIES ON OTHER STATE ENERGY  
27 POLICIES TO RECOMMEND TO THE COMMONWEALTH.

28           (2) TRACK ENERGY USE, PRODUCTION AND GENERATION  
29 STATISTICS FROM YEAR TO YEAR.

30           (3) WORK WITH THE GENERAL ASSEMBLY TO ESTABLISH A

1       STATEWIDE ENERGY PLAN.

2       SECTION 2804-M. COMMITTEE.

3       THE INDEPENDENT ENERGY OFFICE SELECTION AND ORGANIZATION  
4       COMMITTEE IS ESTABLISHED WITHIN THE OFFICE. THE COMMITTEE SHALL  
5       CREATE AND PUBLISH QUALIFICATIONS FOR DIRECTOR OF THE OFFICE.  
6       THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

7               (1) THE PRESIDENT PRO TEMPORE OF THE SENATE.

8               (2) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

9               (3) THE MAJORITY LEADER OF THE SENATE.

10              (4) THE MINORITY LEADER OF THE SENATE.

11              (5) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

12              (6) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

13              (7) THE CHAIRPERSON OF THE ENVIRONMENTAL RESOURCES AND  
14              ENERGY COMMITTEE OF THE SENATE.

15              (8) THE MINORITY CHAIRPERSON OF THE ENVIRONMENTAL  
16              RESOURCES AND ENERGY COMMITTEE OF THE SENATE.

17              (9) THE CHAIRPERSON OF THE ENVIRONMENTAL RESOURCES AND  
18              ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

19              (10) THE MINORITY CHAIRPERSON OF THE ENVIRONMENTAL  
20              RESOURCES AND ENERGY COMMITTEE OF THE HOUSE OF  
21              REPRESENTATIVES.

22       SECTION 2805-M. APPOINTMENT.

23              (A) DIRECTOR.--THE OFFICE SHALL BE HEADED BY A DIRECTOR  
24              APPOINTED BY THE COMMITTEE BY MAY 30, 2025. THE APPOINTMENT  
25              SHALL BE MADE WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY  
26              ON THE BASIS OF FITNESS TO PERFORM THE DUTIES OF THE OFFICE  
27              BASED ON QUALIFICATIONS PUBLISHED BY THE COMMITTEE.

28              (B) DEPUTY DIRECTOR.--THE DIRECTOR SHALL APPOINT A DEPUTY  
29              DIRECTOR WHO SHALL PERFORM SUCH DUTIES AS ASSIGNED BY THE  
30              DIRECTOR AND WHO SHALL, DURING THE ABSENCE OR INCAPACITY OF THE



1 DIRECTOR OR A VACANCY, ACT AS THE DIRECTOR.

2 (C) TERM.--THE TERM OF OFFICE OF THE DIRECTOR SHALL BE SIX  
3 YEARS. AN INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY  
4 PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE  
5 UNEXPIRED PORTION OF THAT TERM. AN INDIVIDUAL SERVING AS  
6 DIRECTOR AT THE EXPIRATION OF A TERM MAY CONTINUE TO SERVE UNTIL  
7 A SUCCESSOR IS APPOINTED.

8 (D) REMOVAL.--THE DIRECTOR MAY BE REMOVED BY A CONCURRENT  
9 RESOLUTION PASSED BY THE SENATE AND THE HOUSE OF  
10 REPRESENTATIVES.

11 SECTION 2806-M. POWERS AND DUTIES OF DIRECTOR.

12 (A) PERSONNEL.--THE DIRECTOR SHALL APPOINT AND FIX THE  
13 COMPENSATION OF PERSONNEL AS NECESSARY TO CARRY OUT THE DUTIES  
14 AND FUNCTIONS OF THE OFFICE. ALL PERSONNEL OF THE OFFICE SHALL  
15 BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY  
16 ON THE BASIS OF THEIR FITNESS TO PERFORM THEIR DUTIES.

17 (B) EXPERTS AND CONSULTANTS.--IN CARRYING OUT THE DUTIES AND  
18 FUNCTIONS OF THE OFFICE, THE DIRECTOR MAY PROCURE THE TEMPORARY  
19 OR INTERMITTENT SERVICES OF ATTORNEYS, EXPERTS OR CONSULTANTS OR  
20 ORGANIZATION THEREOF BY CONTRACT.

21 SECTION 2807-M. RECORDS.

22 THE OFFICE SHALL BE A LEGISLATIVE AGENCY FOR PURPOSES OF THE  
23 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-  
24 KNOW LAW.

25 SECTION 2807-M. ACCESS TO INFORMATION.

26 THE DIRECTOR SHALL SECURE INFORMATION, DATA, REPORTS,  
27 STATISTICS OR OTHER RELEVANT INFORMATION FROM A COMMONWEALTH  
28 AGENCY OR POLITICAL SUBDIVISION. A COMMONWEALTH AGENCY OR  
29 POLITICAL SUBDIVISION SHALL SUBMIT TO THE DIRECTOR INFORMATION  
30 WITHIN A REASONABLE AMOUNT OF TIME OF THE REQUEST TO ASSIST THE

1 DIRECTOR IN THE PERFORMANCE OF THE DUTIES OF THE OFFICE, OTHER  
2 THAN MATERIAL, THE DISCLOSURE OF WHICH WOULD BE A VIOLATION OF  
3 THE LAW.

4 SECTION 7. UP TO \$100,000 SHALL BE TRANSFERRED FROM THE  
5 ENERGY DEVELOPMENT FUND TO THE PERMIT REVIEW AND REGULATORY  
6 WAIVER PROGRAM ACCOUNT. THIS SUM IS APPROPRIATED TO THE  
7 PENNSYLVANIA OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY FOR  
8 USE FOR START-UP COSTS RELATED TO THE ENERGY DEVELOPMENT AND  
9 ELECTRIC GENERATION PERMIT REVIEW PROGRAM, THE ACCELERATED  
10 ENERGY DEVELOPMENT AND ELECTRIC GENERATION PERMIT AND REGULATORY  
11 REVIEW PROGRAM AND THE PENNSYLVANIA OPPORTUNITIES WITH ENERGY  
12 RELIABILITY AUTHORITY REGULATORY WAIVER PROGRAM.

13 SECTION 8. ACTIVITIES INITIATED UNDER THE ENERGY DEVELOPMENT  
14 AUTHORITY SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND  
15 MAY BE COMPLETED UNDER THE PENNSYLVANIA OPPORTUNITIES WITH  
16 ENERGY RELIABILITY AUTHORITY. CONTRACTS, OBLIGATIONS, GRANT  
17 APPLICATIONS AND AGREEMENTS ENTERED INTO UNDER THE ENERGY  
18 DEVELOPMENT AUTHORITY ARE NOT AFFECTED NOR IMPAIRED BY THE  
19 RENAMING OF THE ENERGY DEVELOPMENT AUTHORITY TO THE PENNSYLVANIA  
20 OPPORTUNITIES WITH ENERGY RELIABILITY AUTHORITY.

21 SECTION 9. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.