

SB0132S04 compared with SB0132

~~{Omitted text}~~ shows text that was in SB0132 but was omitted in SB0132S04

inserted text shows text that was not in SB0132 but was inserted into SB0132S04

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Electric Utility Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Scott D. Sandall
House Sponsor: Colin W. Jack

LONG TITLE

General Description:

This bill creates requirements for providing electrical service to large-scale electrical loads.

Highlighted Provisions:

This bill:

- defines terms;
- establishes alternative processes for providing electric service to customers with large electrical loads;
- exempts service provided under this chapter from certain rate regulation requirements while maintaining safety and reliability standards;
- ~~{establishes requirements}~~ creates procedures for submitting ~~{and processing}~~ , evaluating, and contracting for large-scale electrical service requests;
- establishes requirements for qualified electric utilities and large-scale generation providers serving large load customers;
- creates accounting and operational transparency requirements to protect retail customers;
-

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establishes a framework for closed private generation systems and connected generation systems;

- 11 ▶ requires the Public Service Commission to {review} investigate the feasibility of a large load
12 {contracts} flexible tariff;and
- 13 ▶ {creates requirements for electrical corporations serving large loads;}
- 14 ▶ {establishes registration and operating requirements for large-scale generation providers;}
- 15 ▶ {requires separate accounting for large load service costs;}
- 16 ▶ {prohibits cost shifting to other electrical customers; and}
- 17 ▶ requires {financial security} the commission to conduct periodic reviews of the program and
18 {insurance for large-scale service} report to the Legislature.

Money Appropriated in this Bill:

25 None

Other Special Clauses:

27 None

AMENDS:

30 **63G-6a-107.6 , as last amended by Laws of Utah 2024, Chapters 291, 522 , as last amended
31 by Laws of Utah 2024, Chapters 291, 522**

ENACTS:

32 **54-26-101** , Utah Code Annotated 1953 , Utah Code Annotated 1953

33 **54-26-102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

34 **54-26-201** , Utah Code Annotated 1953 , Utah Code Annotated 1953

35 **54-26-202** , Utah Code Annotated 1953 , Utah Code Annotated 1953

36 **54-26-301** , Utah Code Annotated 1953 , Utah Code Annotated 1953

37 **54-26-301.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

38 **54-26-302** , Utah Code Annotated 1953 , Utah Code Annotated 1953

39 **54-26-401** , Utah Code Annotated 1953 , Utah Code Annotated 1953

40 **54-26-402** , Utah Code Annotated 1953 , Utah Code Annotated 1953

41 **54-26-501** , Utah Code Annotated 1953 , Utah Code Annotated 1953

42 **54-26-502** , Utah Code Annotated 1953 , Utah Code Annotated 1953

43 **54-26-503** , Utah Code Annotated 1953 , Utah Code Annotated 1953

44 **54-26-504 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

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54-26-505 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54-26-601 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54-26-602 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54-26-701 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54-26-801 , Utah Code Annotated 1953 , Utah Code Annotated 1953

54-26-802 , Utah Code Annotated 1953 , Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **1** is enacted to read:

54-26-101. Definitions.

26. LARGE-SCALE ELECTRIC SERVICE REQUIREMENTS

1. General Provisions

As used in this chapter:

(1) "Closed private generation system" means electric generating facilities and associated transmission infrastructure that:

(a) is not connected to and operates independently from a transmission provider, cooperative utility, municipal utility, or other utility;

(b) serves one or more customers with a minimum cumulative electrical demand of 100 megawatts; and

(c) serves one or more large load customers through direct connection.

(2) "Connected generation system" means electric generating facilities and associated transmission infrastructure that:

(a) is connected to and operates in conjunction with the transmission system of a qualified utility;

(b) serves one or more large load customers through connection to the transmission system of a qualified electric utility, and

(c) except as provided in a large load contract, operates independent of the generation resources of any qualified electric utility, cooperative utility, municipal utility, or other utility.

{(1)} (3) {"Feasibility study"} "Evaluation" means an {engineering analysis} assessment that:

(a) evaluates the impact of a large-scale service request on {an electrical corporation's} a qualified electric utility's systems;

(b) identifies any necessary:

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(i) system modifications or upgrades to the qualified electric utility's system to provide service as requested in a large-scale service request;

(ii) {~~system upgrades~~} generation capacity; or

(iii) transmission service requests;

(c) provides cost estimates for any required improvements; and

(d) establishes an estimated timeline for implementing any necessary system changes.

{~~(2)~~} (4) "Large load contract" means a large load construction contract or a large load service contract.

{~~(3)~~} (5) "Large load construction contract" means a contract for the construction of large load facilities between:

(a) {~~an electrical corporation~~} a qualified electric utility or a large-scale generation provider; and

(b) a large load customer.

(6) "Large load customer" means a current or potential customer in the service territory of a qualified electric utility that:

{~~(4)~~} (a) {"~~Large load customer" means a customer or potential customer that~~} requests electric service under a large-scale service request~~{:}~~ ; or

(b) enters into a private generation contract with a large-scale generation provider.

{~~(5)~~} (7) "Large load facilities" means facilities and resources reasonably necessary , as determined in an evaluation, to provide safe and reliable electric service ~~{for}~~ as requested in a large-scale service request, including the reasonably allocated share of facilities or upgrades necessary to facilitate a transmission request from a qualified electric utility or large-scale generation provider ~~{for}~~ necessary to serve a large-scale service request.

(8) "Large load flexible tariff" means a tariff:

(a) pursuant to which a large load customer:

(i) will receive components of electric services from a large-scale service provider; or

(ii) will reduce demand at periods specified by a large-scale service provider; and

(b) under which a large load customer receives components of available electric services from a qualified electric utility to the extent:

(i) the qualified electric utility's resources are reasonably expected to be available and sufficient; and

(ii) as determined by:

(A) agreement with the qualified electric utility; or

(B) tariffs approved by the commission.

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- 110 (9) "Large load incremental costs" means all costs reasonably necessary for:
62 ~~{(6)}~~ (a) {"Large load incremental costs" means all costs reasonably necessary for } the design,
engineering, procurement, construction, and completion of:
64 ~~{(a)}~~ (i) large load facilities; and
65 ~~{(b)}~~ (ii) any activities required to provide electric service under a large-scale service request~~{:}~~; and
115 (b) the long-term operation and maintenance of large load facilities for the duration of any applicable
service contract.
- 66 ~~{(7)}~~ (10) "Large load service contract" means a contract for the provision of electric service for a
large-scale service request between:
68 (a) ~~{an electrical corporation}~~ a qualified electric utility or a large-scale generation provider; and
69 (b) a large load customer.
- 70 ~~{(8)}~~ (11) "Large-scale generation provider" means an entity that:
71 (a) is not ~~{an electrical corporation}~~ a qualified electric utility;
72 (b) is registered with the commission in accordance with Section 54-26-501;and
73 (c) owns ~~{and}~~ , operates , or contracts for the output of one or more qualifying generation resources~~{:~~
and} intended to be used to supply certain retail electric services to a large load customer pursuant
to a large load contract or a private generation contract.
- 74 ~~{(d) {is capable of generating electricity sufficient to fulfill a large-scale service request using~~
~~exclusively qualifying generation resources that the entity has offered to an electrical corporation~~
~~through a public procurement process.}}~~
- 77 ~~{(9)}~~ (12) "Large-scale service request" means a request submitted to a qualified electric utility for:
78 (a) new electric service that is ~~{50}~~ expected to reach a cumulative demand of 100 megawatts or
greaterwithin five years of the requested initial start date; or
79 (b) additional electric service that ~~{increases}~~ is expected to increase a customer's total service level by
~~{50}~~ 100 megawatts or greaterwithin five years of the requested start date for the additional service.
- 134 (13) "Private generation contract" means a contract for the provision of electric service through a closed
private generation system between:
136 (a) a large-scale generation provider; and
137 (b) a large load customer requesting new electric service that is expected to reach a cumulative demand
of 100 megawatts or greater within five years of the requested initial start date.
- 140 (14) "Qualified electric utility" means a large-scale electric utility.

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81 ~~{(10)}~~ (15) "Qualifying generation {~~resource~~} resources" means {~~an~~} one or more electric generating
82 ~~{facility}~~ resources that, in combination:
83 ~~{(a) {is capable of continuous operation at a minimum of 85% of rated capacity for not less than 325~~
84 ~~days per calendar year;}}~~
85 ~~{(b) {maintains at the facility's own cost;}}~~
86 ~~{(i) {spinning reserves of at least 15% of the facility's capacity; and}}~~
143 (a) if connected to the transmission system of a qualified electric utility:
144 (i) meets or exceeds the resource adequacy standards of the qualified electric utility;
86 (ii) ~~{the total planning reserve margin required}~~ includes sufficient resources and capacity to meet
87 all requirements imposed by the North American Electric Reliability Corporation and the Western
88 Electricity Coordinating Council{:} , and
89 ~~{(e) {is not dependent upon;}}~~
90 ~~{(i) {intermittent energy sources; or}}~~
91 ~~{(ii) {energy storage systems; and}}~~
148 (iii) is capable of satisfying the load and electricity requirements of a large load customer without
149 drawing on any generation or generation services provided by a qualified electric utility, any
150 cooperative utility, municipal utility, or other utility except to the extent such services are provided
151 under a large load contract; or
152 (b) if not connected to the transmission system of a qualified electric utility:
153 (i) is capable of satisfying the load, transmission, and electricity requirements of a large load customer
154 without drawing on any generation or services provided by a qualified electric utility, any
155 cooperative utility, municipal utility, or other utility; and
91 ~~{(d)}~~ (ii) meets any other reliability standards established by the commission.
92 ~~{(11) {"Spinning reserve" means spinning reserve as defined by the Western Electricity Coordinating~~
93 ~~Council.}}~~
94 ~~{(12)}~~ (16) "Transmission provider" means an {~~electrical corporation~~} entity that:
159 (a) is a qualified electric utility; and
160 (b)
95 ~~{(a)}~~ (i) owns, operates, or controls facilities located in the state that are used for the transmission of
96 electric energy at voltages above 100 kilovolts; {and} or
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~~{(b)}~~ (ii) provides transmission service under a Federal Energy Regulatory Commission-approved open access transmission tariff.

Section 2. Section 2 is enacted to read:

54-26-102. Application.

The procedures and standards set forth in this chapter shall govern:

~~{(1)}~~ (a) large-scale service requests;

~~{(2)}~~ (b) services sought, provided, or received under either a large-scale service request or a private generation service request; ~~{and}~~

(c) services provided through closed private generation systems under private generation contracts; and

~~{(3)}~~ (d) the review and approval of large load contracts and private generation contracts.

(2) Electric service provided pursuant to a large-scale service request under this chapter is exempt from:

(a) rate regulation under Section 54-3-1;

(b) the ratemaking provisions of Section 54-3-4;

(c) the tariff and schedule filing requirements under Section 54-3-2; and

(d) any other provision related to the regulation of rates, charges, or classifications of service.

Section 3. Section 3 is enacted to read:

54-26-201. Large-scale service request requirements.

2. Service Request Process

~~(1) {A}~~ Except for large load customers seeking service under a private generation contract, a large load customer seeking service under this chapter shall submit a large-scale service request to {an electrical corporation} the qualified electric utility serving the proposed location.

(2) A large-scale service request shall include:

(a) the customer's identifying information;

(b) the proposed location for electric service;

(c) the requested amount of electric {capacity} demand in megawatts;

(d) a proposed service commencement date {that is at least three years, unless otherwise specified by mutual agreement between the customer and electrical corporation, after the date on which the customer delivers the large-scale service request to the electrical corporation} ;

(e) load profile information, including:

(i) anticipated annual energy usage;

(ii) expected hours of operation;

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- 120 (iii) seasonal variations;
121 (iv) peak demand requirements; and
122 (v) any special service requirements;
123 (f) information sufficient to demonstrate the financial capability to complete the {project} large load
customer's project that is the subject of the large-scale service request; and
125 (g) confirmation that the customer will not use the electric service for resale.
126 (3) After submitting a large-scale service request and before entering into a large load contract, a
customer shall:
128 (a) ensure that all information submitted under this section remains current; and
129 (b) promptly notify the {electrical corporation} qualified electric utility of any material changes to
information submitted under this section.
205 (4) A large load customer satisfies the requirements of Subsection (1) of this section if the large-load
customer submitted a large-scale service request consistent with the qualified electric utility's then-
existing requirements to the qualified electric utility prior to May 7, 2025.
209 Section 4. Section 4 is enacted to read:
210 **54-26-202. Service request procedures -- Notice.**
133 (1) {An electrical corporation} A qualified electric utility that receives a large-scale service request
shall:
134 (a) acknowledge receipt of the request;
135 (b) notify the customer of any missing information within 15 business days after {receipt of} beginning
to process the request under Subsection (2); and
137 (c) {conduct a feasibility study} complete an evaluation as soon as reasonably practicable {under the
circumstances} after beginning the study under Subsection (2), but in no case more than 6 months
after beginning the evaluation.
218 (2) A qualified electric utility shall begin processing large-scale service requests, including conducting
evaluations, no later than:
220 (a) January 1, for requests received after June 30 and on or before December 31 of the previous year; or
222 (b) July 1, for requests received after December 31 of the previous year and on or before June 30 of the
same year.
138 {(2)} (3) During the {feasibility study} evaluation process, the {electrical corporation} qualified
electric utility shall:

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- 139 (a) provide the customer with regular updates; and
140 (b) notify the customer when the { study } evaluation is completed.
- 141 { (3) } (4) Within 15 business days after completing { a feasibility study } an evaluation, the { electrical
corporation } qualified electric utility shall provide to the customer a written { response } service
proposal that includes:
- 143 (a) whether the { electrical corporation } qualified electric utility can provide the requested service
within the time frame required by the customer;
- 145 (b) the estimated large load incremental costs that will be allocated to the customer, based on the
information provided by the customer;
- 147 (c) any required:
- 148 (i) system upgrades;
- 149 (ii) improvements; or
- 150 (iii) transmission service requests;
- 151 (d) the estimated timeline for commencing the requested electric service; and
- 152 (e) the proposed terms and conditions of service { : }, including provisions for addressing long-term
operation and maintenance costs for large load facilities..
- 153 { (4) } { An electrical corporation: } }
- 240 (5) A qualified electric utility:
- 154 (a) may charge reasonable fees { to recover costs of conducting } for costs incurred in:
- 155 (i) evaluating a { feasibility study } large-scale service request; and
- 156 (ii) { any } necessary subsequent or related { studies } assessments; and
- 157 (b) is not required to begin work on { a study } an evaluation until the customer:
- 158 (i) pays applicable fees; and
- 159 (ii) provides the information required to the { electrical corporation } qualified electric utility to conduct
a feasibility study an evaluation.
- 248 Section 5. Section 5 is enacted to read:
- 250 **54-26-301. Large load contract requirements.**
3. Large Load and Private Generation Contracts
- 163 (1) Electric service for a large-scale service request shall be provided only under { a } one or more large
load { contract. } contracts with:
- 253 (a) a qualified electric utility;

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- 254 (b) a large-scale generation provider; or
255 (c) any combination of Subsections (1)(a) and (1)(b).
- 165 (2) A large load {~~contract~~} customer shall:
257 (a) contract for all of the customer's projected electrical requirements under the large-scale service
request; and
259 (b) maintain contracts with resources or load shedding capabilities sufficient to meet the customer's
actual electrical requirements at all times.
- 261 (3) A large load contract with a qualified electric utility shall:
166 (a) ensure that all large load incremental costs are allocated to and paid by {~~:~~} the large load customer;
167 {(i) {the large load customer; or}-}
168 {(ii) {in the case of service by a large-scale generation provider, the large-scale generation provider, by
the large load customer;-} }
- 170 (b) comply with all system requirements;
171 (c) require the large load customer to maintain financial security sufficient to cover the large load
customer's obligations;
- 173 (d) specify:
174 (i) points of interconnection; {and}
175 (ii) power delivery points;
270 (iii) the amount of electrical capacity contracted for;
176 {(e)} (iv) {specify} the term of service; and
272 (v) any arrangements for backup power supply;
177 {(f)} (e) provide curtailment provisions if the large load customer's demand exceeds {~~:~~} the amount of
contractually supported demand;
178 {(i) {for service provided by an electrical corporation, the amount of contractually supported demand;
or}-}
- 180 {(ii)} (f) {for service provided by a large-scale} identify the incremental generation {provider;-}
resources that the {real-time output, net of transmission losses;} qualified electric utility will use to
serve the large load customer; and
- 277 (g) include provisions addressing the allocation and payment of long-term operation and maintenance
costs for large load facilities.
- 182

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~~{(3)}~~ (4) {~~An electrical corporation or~~ A large load contract with a large-scale generation provider that provides service through a connected electrical system shall:

(a) ensure that all large load incremental costs are allocated to and paid by the large load customer;

(b) comply with all system requirements;

(c) specify:

(i) points of interconnection;

(ii) power delivery points;

(iii) the amount of electrical capacity contracted for;

(iv) the term of service; and

(v) any arrangements for backup power supply; and

(d) provide curtailment provisions if the large load customer's demand exceeds the real-time dispatch of the large-scale generation provider's resources under the large load contract, net of transmission losses.

(5) A qualified electric utility:

(a) has no duty to serve a large load customer except as explicitly provided in a large load contract; and

(b) is not required to provide backup power to a large load customer except as explicitly provided in a large load contract.

~~{(a)}~~ (6) A qualified electric utility may not be required to commence design and construction of large load facilities ~~{only}~~ until after:

~~{(i)}~~ (a) executing a large load construction contract; and

~~{(ii)}~~ (b) obtaining commission approval in accordance with Section 54-26-302{.}.

~~{(b)}~~ (7) {~~commence providing~~ A qualified electric {~~service for a~~ utility or large-scale ~~{service request only after}~~ generation provider shall:

~~{(i) {executing a large load service contract; and}}~~

~~{(ii)}~~ (a) {~~obtaining~~ obtain commission approval in accordance with Section 54-26-302before providing electric service under a large load contract; and

~~{(e)}~~ (b) negotiate the terms of a large load contract with a large load customer on a case-by-case basis.

~~{(4)}~~ (8) Within 15 business days after executing a large load contract, a person executing the contract shall submit an application for approval to the commission for review under Section 54-26-302.

Section 6. Section 6 is enacted to read:

54-26-301.5. Private generation contracts.

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A customer seeking to receive electric service through a closed private generation system:

- (1) may negotiate directly with a large-scale generation provider; and
- (2) is not required to submit a large-scale service request to a qualified electric utility.

Section 7. Section 7 is enacted to read:

54-26-302. Commission review -- Approval of contracts.

- (1) ~~{ An electrical corporation }~~ A qualified electric utility or a large-scale generation provider shall file an application with the commission for approval of a large load contract that includes:
 - (a) a copy of the large load contract for which the applicant seeks review and approval; and
 - (b) evidence sufficient to demonstrate compliance with Subsection (2)(b).
- (2) The commission shall approve a large load contract submitted under Subsection (1) if the commission finds by a preponderance of the evidence that:
 - (a) the contract complies with the requirements of this chapter; ~~{ and }~~
 - (b) ~~{ service to }~~ the large load customer ~~{ under the contract will not: }~~ bears all just and reasonable incremental costs attributable to receiving the requested electric service; and
 - ~~{ (i) { adversely impact the reliability of an electrical corporation's system; or } }~~
 - ~~{ (ii) }~~ (c) { prevent an electrical corporation from } existing ratepayers do not bear costs justly and reasonably attributable to providing electric service { to other customers } for the large load customer.
- (3) Commission review of a large load contract:
 - (a) is limited to the requirements described in Subsection (2); and
 - (b) does not include review of other contract terms.
- (4) The commission shall approve or disapprove an application submitted under this section within ~~{ 45 }~~ 60 days after the day on which a person files the application.
- (5) The commission may establish rules to expedite the review of applications for approval of a large load contract under this chapter.

Section 8. Section 8 is enacted to read:

54-26-401. ~~{ Electric corporation }~~ Qualified electric utility service obligations.

4. Service Provider Obligations

- (1) Subject to Subsection (2), ~~{ an electrical corporation }~~ a qualified electric utility has the sole right to provide electric service to a large load customer in the qualified electric utility's service territory.

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219 {~~(2) {An electrical corporation:}~~}

342 (2) A qualified electric utility:

343 (a) is not required to provide electric service:

220 ~~{(a)} (i) {is not required to provide electric service}~~ in response to a large-scale service request if:

222 ~~{(i)} (A)~~ the large load customer has not complied with the requirements of this chapter;

223 ~~{(ii)} (B)~~ the ~~{electrical corporation}~~ qualified electric utility cannot provide the requested service within the timeframe required by the large-scale service request;

225 ~~{(iii)} (C)~~ the large load customer and the ~~{electrical corporation}~~ qualified electric utility cannot agree upon terms for a large load contract;

227 ~~{(iv)} (D)~~ the large load customer fails or refuses to comply with the requirements of a large load contract; or

229 ~~{(v)} (E)~~ the large load customer is receiving service from a large-scale generation provider in accordance with Section 54-26-402; ~~{and}~~ or

354 (ii) to a large load customer that receives service pursuant to a private generation contract; and

231 (b) that does not agree to terms with a large load customer for a large load contract:

232 (i) has no right or duty to serve the large load customer;

233 (ii) is not required to provide ancillary or backup services to the large load customer; and

234 (iii) is not required to provide any services to a large-scale generation provider.

361 Section 9. Section 9 is enacted to read:

362 **54-26-402. Alternative service requirements.**

237 ~~{(1) {A large load customer may enter into a large load contract with a large-scale generation provider if after 180 days following the issuance of a feasibility study, unless the period is mutually extended by the electrical corporation and the large load customer:}}~~

240 ~~{(a) {the electrical corporation and large load customer cannot agree to a large load contract; and}}~~

242 ~~{(b) {the electrical corporation has not exercised its right to provide service under this chapter.}}~~

244 ~~{(2)}~~ (1) {If a} A large load customer ~~{intends to}~~ may enter into a large load contract with a large-scale generation provider~~{, the large load customer shall}~~ if:

246 ~~{(a) {provide written notice to the electrical corporation of the terms of the large load contract negotiated with the large-scale generation provider; and}}~~

248 ~~{(b) {allow the electrical corporation 60 business days after delivery of the information under Subsection (2)(a) to:}}~~

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- 365 (a) a qualified electric utility fails to complete an evaluation or provide a written response within the
time period specified in Section 54-26-202; or
- 250 ~~{(i)}~~ (b) the qualified electric utility and large load customer cannot agree to ~~{provide service to}~~ a
large load contract within 90 days after the day on which the large load customer ~~{on}~~ receives the
evaluation described in Section 54-26-202, unless the ~~{same terms; or}~~ qualified electric utility and
the large load customer mutually agree to a longer period of time.
- 251 ~~{(ii)}~~ (2) ~~{submit}~~ After submitting a ~~{revised}~~ large-scale service ~~{proposal that is accepted by the}~~
request, a large load customer~~{:}~~:
- 372 (a) may negotiate a contract with one or more large-scale generation providers; and
- 373 (b) may not execute a contract with a large-scale generation provider unless the conditions described in
Subsection (1) are met.
- 375 Section 10. Section 10 is enacted to read:
- 377 **54-26-501. Large-scale generation provider requirements.**
5. Large-Scale Generation Provider Requirements
- 254 (1) A large-scale generation provider shall:
- 255 (a) register with the commission before providing serviceto a large load customer;
- 256 (b) maintain any reasonable technical and financial qualifications ~~{established}~~ required by the
commission;
- 257 (c) provide service only through qualifying generation resources~~{:}~~ as required in this part; and
- 258 ~~{(d) {maintain spinning reserve capacity of at least 15% above contracted power delivery obligations;}}~~
~~}~~
- 384 (d) post security:
- 385 (i) as reasonably negotiated with a large load customer;
- 386 (ii) as required by contract with a transmission provider; or
- 260 ~~{(e)}~~ (iii) ~~{comply with all applicable reliability standards}~~ as required by the commission~~{:and}~~ for
services to be provided by a qualified electric utility.
- 261 ~~{(f) {post security deemed sufficient by the commission to cover potential damages from service~~
~~interruptions.}}~~
- 263 (2) A large-scale generation provider shall submit to the commission:
- 264 (a) proof of compliance with Subsection (1);
- 265

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(b) proof of financial capability ~~{to provide service}~~ as ~~{required by the large-scale service request}~~
reasonably negotiated with the large load customer;

(c) the provider's operational history and experience;

(d) ~~{an explanation}~~ a description of the portfolio of qualifying generation resources the provider
intends to use~~{;}~~ to serve the large load customer without reliance on any qualified electric utility,
cooperative utility, municipal utility, or other utility except as provided under a large load contract;
and

~~{(e) {the provider's maintenance schedules for the qualifying generation resource; and} }~~

~~{(f) {the provider's emergency response procedures.} }~~

(e) documentation of:

(i) all required permits obtained for generating sources, including any environmental permits; and

(ii) the estimated impact of generating sources on the state implementation plan for air quality.

Section 11. Section 11 is enacted to read:

54-26-502. Operating requirements -- Registration suspension.

(1) A large-scale generation provider that fails to satisfy the requirements of this chapter:

(a) may not initiate new service to a large load customer;

(b) shall remedy any deficiencies within 90 days after the day on which the deficiency arises; and

(c) may have ~~{its registration suspended or revoked}~~ reasonable conditions imposed by the
commission on the provider's registration status.

(2) If the commission suspends or revokes a large-scale generation provider's registration:

(a) the provider may not continue to provide service to a large load customer after the large load
customer has been given a reasonable opportunity to secure alternative service arrangements; and

(b) the large load customer may not receive electric service from ~~{an electrical corporation until the~~
customer agrees upon} another large-scale generation provider or a qualified electric utility except
pursuant to agreement and commission approval of the terms of a new large load contract consistent
with ~~{the electrical corporation}~~ this chapter.

Section 12. Section 12 is enacted to read:

54-26-503. Transmission requirements.

(1) If ~~{a large-scale service request}~~ the provision of service to a large load customer requires
transmission service:

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(a) the ~~qualified electric utility or the~~ large-scale generation provider shall submit a transmission service request to the transmission provider;

(b) to the fullest extent allowable under applicable federal law and regulations, the large-scale generation provider or large load customer shall:

(i) pay for:

(A) any interconnection or transmission-related studies;

(B) any identified interconnection upgrades, transmission upgrades, network upgrades, ~~distribution system upgrades,~~ or system upgrades; and

(C) the transmission service rates in the transmission provider's open access transmission tariff; and

(ii) pay and provide for:

(A) ancillary services;

(B) balancing services; and

(C) backup services.

~~{(2) {A customer of an electrical corporation may not be required to pay for any cost described in Subsection (1).}}~~

(2) Nothing in this section shall be construed to:

(a) conflict with or supersede any applicable federal law, regulation, or order regarding transmission cost allocation; or

(b) require cost allocation methods inconsistent with Federal Energy Regulatory Commission requirements or orders.

(3) The commission shall review transmission cost allocation consistent with federal requirements and may establish rules for implementation of this section.

Section 13. Section **13** is enacted to read:

54-26-504. Closed private generation systems.

(1) A large load customer may enter into a private generation contract for all needed electric services from a large-scale generation provider through a closed private generation system under terms and conditions acceptable to the large load customer and the large-scale generation provider.

(2) A closed private generation system and a large-scale generation provider that provides service on or through a closed private generation system in accordance with this chapter:

(a) are exempt from commission oversight or regulation as a public utility under this title;

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(b) shall ensure all generation, transmission, and related facilities remain wholly separate from facilities owned or operated by any qualified electric utility, cooperative utility, municipal utility, or other utility except to the extent authorized by this part; and

(c) may connect to or receive services from a qualified electric utility only pursuant to a contract approved by the commission and consistent with Section 54-26-505.

(3) The provision of service to a large load customer on or through a closed private generation system shall utilize qualified generation resources.

(4) The commission may establish rules requiring appropriate notices and warnings regarding separation from the utility system.

Section 14. Section **14** is enacted to read:

54-26-505. Connected generation systems.

(1) A large load customer may obtain all needed electric services from a large-scale generation provider through a connected generation system consistent with this chapter.

(2) A large-scale generation provider may provide service on or through a connected generation system if the provider:

(a) registers with the commission in accordance with Section 54-26-501;

(b) uses only qualifying generation resources;

(c) maintains sufficient generation capacity to serve all contracted load;

(d) provides the commission with:

(i) system design and operational information;

(ii) emergency response procedures; and

(iii) notification of any changes in system configuration or operation; and

(e) maintains commercial liability insurance as required under Section 54-26-602.

(3) A large-scale generation provider that provides service on or through a connected generation system consistent with the requirements of this chapter is exempt from commission regulation as a public utility under this title.

(4) A closed private generation system or a large-scale generation provider that provides service through a closed private generation system may connect to the interstate transmission system of a transmission provider only if:

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- (a) the closed private generation system is interconnected to the interstate transmission system pursuant to the transmission provider's Federal Energy Regulatory Commission approved open access transmission tariff; and
- 486 (b) the commission determines that the closed private generation system or large-scale generation provider has satisfied the requirements of this chapter for the provision of service on or through a connected generation system.
- 489 (5) A closed private generation system or a large-scale generation provider that provides service through a closed private generation system may receive services from a qualified electric utility only if:
- 492 (a) the requirements of Subsection (4) are met; and
- 493 (b) the system or provider has an agreement with the qualified electric utility as approved by the commission.
- 495 (6) A qualified electric utility:
- 496 (a) is not required to purchase or accept any power from a connected generation system; and
- 498 (b) shall accept power from a connected generation system only as explicitly provided in an agreement that has been approved by the commission.

500 Section 15. Section **15** is enacted to read:

502 **54-26-601. Large load customer requirements -- Cost allocation.**

6. Customer Requirements and Accounting

A large load customer shall pay all {~~reasonably allocated~~} just and reasonable large load incremental costs{~~;~~}

necessary to receive electric service, including the costs of:

- 305 (1) generation resources;
- 306 {~~(2) {transmission system improvements, including network upgrades;}~~}
- 307 {~~(3)}~~ (2) distribution system upgrades;
- 507 (3) to the extent permitted by federal law, and, as applicable, approved by the Federal Energy Regulatory Commission:
- 509 (a) transmission system improvements, including network upgrades; and
- 308 {~~(4)}~~ (b) interconnection facilities;
- 309 {~~(5)}~~ (4) {electrical and} transmission service; and
- 310 {~~(6)}~~ (5) other necessary infrastructure.

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Section 16. Section 16 is enacted to read:

54-26-602. Accounting requirements -- Service standards.

(1) A large-scale generation provider shall:

(a) maintain separate accounting records for all investments, revenues, and expenses associated with large-scale service requests using generally accepted accounting principles;

~~{(b) {demonstrate that customers other than a large load customer are not paying large load incremental costs;}}~~

~~{(c) {provide all:}}~~

~~{(i) {energy;}}~~

~~{(ii) {capacity;}}~~

~~{(iii) {reserves;}}~~

~~{(iv) {balancing services; and}}~~

~~{(v) }~~ (b) {ancillary services necessary} take reasonable measures to ensure {reliable service to the } costs are properly allocated between large load {customer without reliance on an electrical corporation} service and other customers;

(c) provide all contracted energy services without reliance on any qualified electric utility, cooperative utility, municipal utility, or other utility except as provided under a large load contract;

(d) meet all applicable North American Electric Reliability Corporation standards; and

(e) maintain reasonable commercial liability insurance {for the benefit of the electrical corporation and } as determined by contract or the {electrical corporation's customers of at least \$100,000,000 per occurrence} commission.

(2) ~~{An electrical corporation}~~ A qualified electric utility shall:

(a) maintain separate accounting records for all investments, revenues, and expenses associated with large-scale service requests using generally accepted accounting principles; and

~~{(b) {provide information sufficient to demonstrate that customers other than a large load customer are not paying large load incremental costs.}}~~

(b) take reasonable measures to ensure costs are properly allocated between large load service and other operations.

(3) All revenues and large load incremental costs associated with a large-scale service request shall be excluded from any rate determinations by the commission.

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(4) In connection with any rate case or other appropriate proceeding before the commission, a qualified electric utility shall provide:

(a) operational data identifying when and to what extent the incremental generation resources identified in a large load contract pursuant to Subsection 54-26-301(3)(f) were dispatched to serve large load customers;

(b) an identification of the timing, magnitude, and duration of:

(i) the qualified electric utility's dispatch of the resources described in Subsection (4)(a);

(ii) any periods in which large load customers' loads exceeded the dispatch of resources described in Subsection (4)(a); and

(iii) any periods in which the dispatch of resources described in Subsection (4)(a) exceeded the large load customers' loads;

(c) the method by which costs for the provision of electric service from a qualified electric utility to a large load customer will be excluded from rates paid by retail customers; and

(d) any other information the commission requires to ensure that the costs associated with service to a large load customer are excluded from the rates paid for by retail customers.

(5) A qualified electric utility may not be required to publicly disclose specific revenue information from individual large load customers in any proceeding described in Subsection (4).

Section 17. Section 17 is enacted to read:

Part 7. Large Load Flexible Tariffs

54-26-701. Large load flexible tariffs.

(1) The commission shall:

(a) investigate a large load flexible tariff for a qualified electric utility; and

(b) adopt a large load flexible tariff if the commission determines that the tariff is:

(i) just and reasonable; and

(ii) in the public interest.

(2) In conducting an investigation for a large load flexible tariff, the commission shall consider:

(a) the conditions and times for the tariff;

(b) the means of determining the rates, terms, and conditions pursuant to which a qualified electric utility may provide electric services to a large load customer; and

(c) the conditions under which a qualified electric utility may require a large load customer to reduce or eliminate electric usage under the large flexible load tariff.

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Section 18. Section **18** is enacted to read:

Part 8. Application and Review

54-26-801. Program duration.

The provisions of this chapter apply only to:

- (1) large load customers, large-scale generation providers or qualified electric utilities which enter into a large load service contract which provides for service to commence on or before December 31, 2034; and
- (2) large load customers and large-scale generation providers which enter into a private generation contract which provides for service to commence on or before December 31, 2034.

Section 19. Section **19** is enacted to read:

54-26-802. Commission review.

- (1) The commission shall:
 - (a) conduct a review of this chapter before October 31, 2027, and every three years thereafter;
 - (b) conduct an investigation with stakeholder input and public comment and prepare a report that includes:
 - (i) data on program participation;
 - (ii) analysis of impacts on electrical rates;
 - (iii) assessment of transmission system reliability; and
 - (iv) recommendations regarding whether to:
 - (A) extend the program;
 - (B) modify program requirements; or
 - (C) allow the program to close to new participants; and
 - (v) provide the report described in this subsection and any recommendations to the Public Utilities, Energy, and Technology Interim Committee; and
- (2)
 - (a) The commission shall impose and collect a fee from each large load customer that submits a large-scale service request to cover the cost of:
 - (i) retaining qualified independent consultants and experts by the commission, the Division of Public Utilities, and the Office of Consumer Services to evaluate large-scale service requests and large load contracts; and

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(ii) any other reasonable costs incurred in conducting proceedings and evaluations under this chapter.

(b) The fee shall be:

(i) assessed on a semi-annual basis corresponding to the study periods established in Section 54-26-202;

(ii) determined based on the anticipated needs given the number and complexity of requests received in each study period; and

(iii) proportionately allocated among large load customers with pending requests.

(c) All fees collected under this subsection shall be:

(i) remitted to the state treasurer;

(ii) credited to the Public Utility Regulation Fee Account created in Section 54-5-1.5; and

(iii) used exclusively for the purposes described in Subsection (2)(a).

Section 20. Section 63G-6a-107.6 is amended to read:

63G-6a-107.6. Exemptions from chapter.

(1) Except for this Subsection (1), the provisions of this chapter do not apply to:

(a) a public entity's acquisition of a procurement item from another public entity; ~~[or]~~

(b) a public entity that is not a procurement unit, including the Colorado River Authority of Utah as provided in Section 63M-14-210~~[-]~~ ; or

(c) the retention of experts by:

(i) the Public Service Commission under Subsection 54-1-6(1)(a)(iii);

(ii) the Division of Public Utilities under Subsection 54-4a-3(2)(b); and

(iii) the Office of Consumer Services under Title 54, Chapter 10a, Office of Consumer Services Act.

(2) Unless otherwise provided by statute and except for this Subsection (2), the provisions of this chapter do not apply to the acquisition or disposal of real property or an interest in real property.

(3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the provisions of this chapter do not apply to:

(a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;

(b) a grant;

(c) medical supplies or medical equipment, including service agreements for medical equipment, obtained by the University of Utah Hospital or the Department of Health and Human Services through a purchasing consortium if:

(i) the consortium uses a competitive procurement process; and

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- 638 (ii) the chief administrative officer of the hospital or the executive director of the Department of Health
and Human Services, as the case may be, makes a written finding that the prices for purchasing
medical supplies and medical equipment through the consortium are competitive with market prices;
- 642 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire, and State Lands,
created in Section 65A-1-4, through the federal General Services Administration or the National
Fire Cache system;
- 645 (e) supplies purchased for resale to the public;
- 646 (f) activities related to the management of investments by a public entity granted investment authority
by law; or
- 648 (g) activities of the Utah water agent appointed under Section 73-10g-702.
- 649 (4) This chapter does not supersede the requirements for retention or withholding of construction
proceeds and release of construction proceeds as provided in Section 13-8-5.
- 651 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a procurement unit's
hiring a mediator, arbitrator, or arbitration panel member to participate in the procurement unit's
dispute resolution efforts.

654 Section 21. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

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