

54-17-202 Requirements for solicitation.

- (1) The commission shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, outlining the requirements for a solicitation process. The rules required by this Subsection (1) shall include:
 - (a) the type of screening criteria an affected electrical utility may use in a solicitation process including the risks an affected electrical utility may consider;
 - (b) the required disclosures by an affected electrical utility if a solicitation includes a benchmark option;
 - (c) the required disclosures by an affected electrical utility related to the methodology the affected electrical utility uses to evaluate bids; and
 - (d) the participation of an independent evaluator in a manner consistent with Section 54-17-203.
- (2) If an affected electrical utility is subject to regulation in more than one state regarding the acquisition, construction, or cost recovery of a significant energy resource, in making the rules required by Subsection (1), the commission may consider the impact of the multistate regulation including requirements imposed by other states as to:
 - (a) the solicitation process;
 - (b) cost recovery of resources; and
 - (c) methods by which the affected electrical utility may be able to mitigate the potential for cost disallowances.

Amended by Chapter 382, 2008 General Session