

54-17-402 Request for review of resource decision.

- (1) Beginning on February 25, 2005, before implementing a resource decision, an energy utility may request that the commission approve all or part of a resource decision in accordance with this part.
- (2)
 - (a) To obtain the approval permitted by Subsection (1), the energy utility shall file a request for approval with the commission.
 - (b) The request for approval required by this section shall include any information required by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) In ruling on a request for approval of a resource decision, the commission shall determine whether the decision:
 - (a) is reached in compliance with this chapter and rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) is in the public interest, taking into consideration:
 - (i) whether it will most likely result in the acquisition, production, and delivery of utility services at the lowest reasonable cost to the retail customers of an energy utility located in this state;
 - (ii) long-term and short-term impacts;
 - (iii) risk;
 - (iv) reliability;
 - (v) financial impacts on the energy utility; and
 - (vi) other factors determined by the commission to be relevant.
- (4)
 - (a) If the commission approves a proposed resource decision only in part, the commission shall explain in the order issued under this section why the commission does not approve the resource decision in total.
 - (b) Recovery of expenses incurred in connection with parts of a resource decision that are not approved is subject to the review of the commission as part of a rate hearing under Section 54-7-12.
- (5) The commission may not approve a resource decision in whole or in part under this section before holding a public hearing.
- (6) Unless the commission determines that additional time to analyze a resource decision is warranted and is in the public interest, within 180 days of the day on which the energy utility files a request for approval, the commission shall:
 - (a) approve all or part of the resource decision;
 - (b) approve all or part of the resource decision subject to conditions imposed by the commission;or
 - (c) disapprove all or part of the resource decision.
- (7) The commission shall include in its order under this section:
 - (a) findings as to the approved projected costs of a resource decision; and
 - (b) the basis upon which the findings described in Subsection (7)(a) are made.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules regarding the process for approval of a resource decision under this section.

Amended by Chapter 382, 2008 General Session