

54-17-604 Plans and reports.

- (1) An electrical corporation shall develop and maintain a plan for implementing Subsection 54-17-602(1), consistent with the cost-effectiveness criteria of Subsection 54-17-201(2)(c)(ii).
- (2)
 - (a) A progress report concerning a plan under Subsection (1) for other than a cooperative association shall be filed with the commission by January 1 of each of the years 2010, 2015, 2020, and 2024.
 - (b) For an electrical corporation that is a cooperative association, a progress report shall be filed with the cooperative association's board of directors by January 1 of each of the years 2010, 2015, 2020, and 2024.
- (3) The progress report under Subsection (2) shall contain:
 - (a) the actual and projected amount of qualifying electricity through 2025;
 - (b) the source of qualifying electricity;
 - (c)
 - (i) an analysis of the cost-effectiveness of renewable energy sources for other than a cooperative association; or
 - (ii) an estimate of the cost of achieving the target for an electrical corporation that is a cooperative association;
 - (d) a discussion of conditions impacting the renewable energy source and qualifying electricity markets;
 - (e) any recommendation for a suggested legislative or program change; and
 - (f) for other than a cooperative association, any other information requested by the commission or considered relevant by the electrical corporation.
- (4) The plan and progress report required by Subsections (1) and (2) may include procedures that will be used by the electrical corporation to identify and select any renewable energy resource and qualifying electricity that satisfy the criteria of Subsection 54-17-201(2)(c)(ii).
- (5) By July 1, 2026, each electrical corporation shall file a final progress report demonstrating:
 - (a) how Subsection 54-17-602(1) is satisfied for the year 2025; or
 - (b) the reason why Subsection 54-17-602(1) is not satisfied for the year 2025, if it is not satisfied.
- (6) By January 1 of each of the years 2011, 2016, 2021, and 2025, the Division of Public Utilities shall submit to the Legislature a report containing a summary of any progress report filed under Subsections (2) through (5).
- (7) The summary required by Subsection (6) shall include any recommendation for legislative changes.
- (8)
 - (a) By July 1, 2027, the commission shall submit to the Legislature a report summarizing the final progress reports and recommending any legislative changes.
 - (b) The 2027 summary may contain a recommendation to the Legislature concerning any action to be taken with respect to an electrical corporation that does not satisfy Subsection 54-17-602(1) for 2025.
 - (c) The commission shall provide an opportunity for public comment and take evidence before recommending any action to be taken with respect to an electrical corporation that does not satisfy Subsection 54-17-602(1) for 2025.
- (9) If a recommendation containing a penalty for failure to satisfy Subsection 54-17-602(1) is made under Subsection (8), the proposal shall require that any amount paid by an electrical corporation as a penalty be utilized to fund demand-side management for the retail customers of the electrical corporation paying the penalty.

- (10) A penalty may not be proposed under this section if an electrical corporation's failure to satisfy Subsection 54-17-602(1) is due to:
- (a) a lack of cost-effective means to satisfy the requirement; or
 - (b) force majeure.
- (11) By July 1, 2026, an electrical corporation that is a cooperative association shall file a final progress report demonstrating:
- (a) how Subsection 54-17-602(1) is satisfied for the year 2025; or
 - (b) the reason why Subsection 54-17-602(1) is not satisfied for the year 2025 if it is not satisfied.
- (12) The plan and any progress report file under this section by an electrical corporation that is cooperative association shall be publicly available at the cooperative association's office or posted on the cooperative association's website.

Enacted by Chapter 374, 2008 General Session