

Effective 5/7/2025

54-26-101 Definitions.

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 the transmission system of a qualified electric utility, 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 electric 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.
- (3) "Evaluation" means an assessment that:
 - (a) evaluates the impact of a large-scale service request on a qualified electric utility's systems;
 - (b) identifies any necessary:
 - (i) system modifications or upgrades to the qualified electric utility's system to provide service as requested in a large-scale service request;
 - (ii) 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.
- (4) "Large load contract" means a large load construction contract or a large load service contract.
- (5) "Large load construction contract" means a contract for the construction of large load facilities between:
 - (a) 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:
 - (a) requests electric service under a large-scale service request; or
 - (b) enters into a private generation contract with a large-scale generation provider.
- (7) "Large load facilities" means facilities and resources reasonably necessary, as determined in an evaluation, to provide safe and reliable electric service 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 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.
- (9) "Large load incremental costs" means all costs reasonably necessary for:
 - (a) the design, engineering, procurement, construction, and completion of:
 - (i) large load facilities; and
 - (ii) any activities required to provide electric service under a large-scale service request; and
 - (b) the long-term operation and maintenance of large load facilities for the duration of any applicable service contract.
- (10) "Large load service contract" means a contract for the provision of electric service for a large-scale service request between:
 - (a) a qualified electric utility or a large-scale generation provider; and
 - (b) a large load customer.
- (11) "Large-scale generation provider" means an entity that:
 - (a) is not a qualified electric utility;
 - (b) is registered with the commission in accordance with Section 54-26-501; and
 - (c) owns, operates, or contracts for the output of one or more qualifying generation resources 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.
- (12) "Large-scale service request" means a request submitted to a qualified electric utility for:
 - (a) 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; or
 - (b) additional electric service that is expected to increase a customer's total service level by 100 megawatts or greater within five years of the requested start date for the additional service.
- (13) "Private generation contract" means a contract for the provision of electric service through a closed private generation system between:
 - (a) a large-scale generation provider; and
 - (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.
- (14) "Qualified electric utility" means a large-scale electric utility.
- (15) "Qualifying generation resources" means one or more electric generating resources that, in combination:
 - (a) if connected to the transmission system of a qualified electric utility:
 - (i) meets or exceeds the resource adequacy standards of the qualified electric utility;
 - (ii) includes sufficient resources and capacity to meet all requirements imposed by the North American Electric Reliability Corporation and the Western Electricity Coordinating Council; and
 - (iii) is capable of satisfying the load and electricity requirements of a large load customer without drawing on any generation or generation services provided by a qualified electric utility, any cooperative utility, municipal utility, or other utility except to the extent such services are provided under a large load contract; or
 - (b) if not connected to the transmission system of a qualified electric utility:
 - (i) is capable of satisfying the load, transmission, and electricity requirements of a large load customer without drawing on any generation or services provided by a qualified electric utility, any cooperative utility, municipal utility, or other utility; and
 - (ii) meets any other reliability standards established by the commission.

(16) "Transmission provider" means an entity that:

(a) is an affiliate of a qualified electric utility; and

(b)

(i) owns, operates, or controls facilities located in the state that are used for the transmission of electric energy at voltages above 100 kilovolts; or

(ii) provides transmission service under a Federal Energy Regulatory Commission-approved open access transmission tariff.

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