

54-7-12.9 Gross receipts tax decrease on electrical corporations -- Tariffs -- Procedure.

(1) As used in this section:

(a)

(i) "electrical corporation" includes every corporation, cooperative association, and person, their lessees, trustees, and receivers, owning, controlling, operating, or managing any electric plant, or in any way furnishing electric power for public service or to its consumers or members for domestic, commercial, or industrial use, within this state, that:

(A) pays property taxes under Title 59, Chapter 2, Property Tax Act; and

(B) is subject to rate regulation by the commission; and

(ii) "electrical corporation" does not include independent energy producers, or electricity that is generated on or distributed by the producer solely for the producer's own use, the use of the producer's tenants, or for the use of members of an association of unit owners formed under Title 57, Chapter 8, Condominium Ownership Act, and not for sale to the public generally; and

(b) "gross receipts tax" means the tax:

(i) imposed by Title 59, Chapter 8a, Gross Receipts Tax on Electrical Corporations Act; and

(ii) repealed by Laws of Utah 2006, Chapter 221, Section 5.

(2) An electrical corporation shall:

(a) file new tariffs with the commission on or before July 31, 2006 as part of its 2006 general rate case revenue requirement:

(i) reflecting the decrease in the electrical corporation's rates as a result of the repeal of the gross receipts tax by Laws of Utah 2006, Chapter 221, Section 5; and

(ii) spreading the amount of the decrease described in Subsection (2)(a)(i) among all classes of the electrical corporation's customers on the same basis that the gross receipts tax was allocated to each class of the electrical corporation's customers under the rates effective on the day on which the rate determined by the commission take effect under the electrical corporation's 2006 general rate case filed on or before September 1, 2006; and

(b) on or before the day on which the electrical corporation files new tariffs with the commission under Subsection (2)(a), file with the commission a complete report of the calculation of the allocation required by this section.

Amended by Chapter 250, 2008 General Session