

88 renewable energy facility;

89 (b) by a qualified utility;

90 (c) by a person other than a contract customer or qualified utility; or

91 (d) jointly by any combination of Subsections (1)(a), (b), and (c), whether in equal
92 shares or otherwise.

93 (2) A qualified utility may be a joint owner of a renewable energy facility only if:

94 (a) the qualified utility consents to being a joint owner; and

95 (b) the joint ownership agreement requires the qualified utility to recover from contract
96 customers receiving electricity from the renewable energy facility all of the qualified utility's
97 costs associated with its ownership of the renewable energy facility, including administrative,
98 acquisition, operation, and maintenance costs, unless the commission, in an order issued in a
99 separate regulatory proceeding:

100 (i) authorizes the qualified utility to recover some of those costs from customers other
101 than contract customers:

102 (ii) determines that the rate to be paid for electricity from the renewable energy facility
103 by customers other than contract customers is cost effective; and

104 (iii) approves the inclusion of the rate determined under Subsection (2)(b)(ii) in general
105 rates ~~§~~ or through a commission approved cost recovery mechanism ~~§~~ .

106 (3) To the extent that any electricity from a renewable energy facility to be delivered to
107 a contract customer is owned by a person other than the contract customer:

108 (a) the qualified utility shall, by contract with the owner of the ~~§~~ electricity to be sold
108a from the ~~§~~ renewable energy
109 facility, purchase electricity for resale to one or more contract customers;

110 (b) the qualified utility shall sell that electricity to the contract customer or customers
111 under renewable energy contracts with the same duration and pricing as the contract between
112 the qualified utility and the owner of the ~~§~~ electricity to be sold from the ~~§~~ renewable energy
112a facility; and

113 (c) the qualified utility's contract with the owner of the ~~§~~ electricity to be sold from
113a the ~~§~~ renewable energy facility shall
114 provide that the qualified utility's obligation to purchase electricity under that contract ceases if
115 the contract customer defaults in its obligation to purchase and pay for the electricity under the
116 contract with the qualified utility.

117 (4) The right to any environmental attribute associated with a renewable energy facility
118 shall remain the property of the renewable energy facility's owner, except to the extent that a

150 generation, transmission, and distribution service, at the qualified utility's applicable tariff
151 rates, excluding:

152 (a) any kilowatt hours of electricity delivered from the renewable energy facility, based
153 on the time of delivery, adjusted for transmission losses;

154 (b) any ~~¢~~→ [kilowatt hours] kilowatts ←~~¢~~ of electricity delivered from the renewable
154a energy facility that
155 coincide with the contract customer's monthly metered kilowatt demand measurement, adjusted
156 for transmission losses;

157 (c) any transmission and distribution service that the contract customer pays for under
158 Subsection (1) or (2); and

159 (d) any transmission service that the contract customer provides under Subsection (2)
160 to deliver generation from the renewable energy facility.