

**REGULATION OF OUT-OF-STATE DISTRIBUTION
ELECTRICAL COOPERATIVE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies provisions related to the Public Service Commission.

Highlighted Provisions:

This bill:

- ▶ limits the jurisdiction of the Public Service Commission over out-of-state distribution electrical cooperatives.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

54-2-202, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **54-2-202** is enacted to read:

54-2-202. Out-of-state distribution electrical cooperative -- Exemption from commission jurisdiction.

(1) As used in this section, "out-of-state distribution electrical cooperative" means an



28 electrical corporation that:
29 (a) is a distribution electrical cooperative;
30 (b) is headquartered and maintains its principal place of business in a state adjoining
31 Utah; and
32 (c) provides electric services to consumers located in Utah.
33 (2) An out-of-state distribution electrical cooperative is exempt from regulation by the
34 commission if the out-of-state distribution electrical cooperative:
35 (a) has not previously been headquartered or maintained its principal place of business
36 in Utah;
37 (b) serves fewer than 25,000 total customers;
38 (c) provides less than 20% of the out-of-state distribution electrical cooperative's total
39 power sales in Utah; and
40 (d) provides and maintains on file with the commission written documentation
41 certifying that the out-of-state distribution electrical cooperative is subject to the applicable
42 laws, rules, and regulations of the state where the out-of state distribution electrical
43 cooperative's principal place of business is located.
44 (3) Notwithstanding the other provisions of this section, the commission may exercise
45 the commission's authority applicable to a distribution electrical cooperative pursuant to this
46 title if:
47 (a) the out-of-state distribution electrical cooperative fails to meet any of the
48 qualifications of Subsection (2); or
49 (b) a complaint is filed against the out-of-state distribution electrical cooperative by
50 one of the out-of-state distribution electrical cooperative's customers within Utah.

Legislative Review Note
Office of Legislative Research and General Counsel