

CLEAN AND RENEWABLE ENERGY REQUIREMENT

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to clean energy requirements for a large-scale electric utility.

Highlighted Provisions:

This bill:

▸ requires that, on or after a certain date, a certain percentage of a large-scale electric utility's annual retail sales come from qualifying clean electricity if use of qualifying clean electricity is cost effective;

▸ amends provisions relating to the issuance, expiration, and use of renewable energy certificates;

▸ amends and requires plans and reports concerning a large-scale electric utility's progress in acquiring qualifying electricity and qualifying clean electricity; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 [54-17-601](#), as last amended by Laws of Utah 2010, Chapters 119, 125, and 268
- 29 [54-17-602](#), as enacted by Laws of Utah 2008, Chapter 374
- 30 [54-17-603](#), as last amended by Laws of Utah 2009, Chapter 140
- 31 [54-17-604](#), as enacted by Laws of Utah 2008, Chapter 374
- 32 [54-17-605](#), as enacted by Laws of Utah 2008, Chapter 374

33 ENACTS:

34 [54-17-604.5](#), Utah Code Annotated 1953

35

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

37 Section 1. Section [54-17-601](#) is amended to read:

38 **[54-17-601. Definitions.](#)**

39 As used in this part:

40 (1) "Adjusted retail electric sales" means the total kilowatt-hours of retail electric sales
41 of an electrical corporation to customers in this state in a calendar year, reduced by:

42 (a) the amount of those kilowatt-hours attributable to electricity generated or purchased
43 in that calendar year from qualifying zero carbon emissions generation and qualifying carbon
44 sequestration generation;

45 (b) the amount of those kilowatt-hours attributable to electricity generated or purchased
46 in that calendar year from generation located within the geographic boundary of the Western
47 Electricity Coordinating Council that derives [its] energy from one or more of the following but
48 that does not satisfy the definition of a renewable energy source or that otherwise has not been
49 used to satisfy Subsection [54-17-602](#)(1):

50 (i) wind energy;

51 (ii) solar photovoltaic and solar thermal energy;

52 (iii) wave, tidal, and ocean thermal energy;

53 (iv) except for combustion of wood that has been treated with chemical preservatives
54 such as creosote, pentachlorophenol or chromated copper arsenate, biomass and biomass
55 byproducts, including:

56 (A) organic waste;

57 (B) forest or rangeland woody debris from harvesting or thinning conducted to improve
58 forest or rangeland ecological health and to reduce wildfire risk;

59 (C) agricultural residues;
60 (D) dedicated energy crops; and
61 (E) landfill gas or biogas produced from organic matter, wastewater, anaerobic
62 digesters, or municipal solid waste;
63 (v) geothermal energy;
64 (vi) hydroelectric energy; or
65 (vii) waste gas and waste heat capture or recovery; and
66 (c) the number of kilowatt-hours attributable to reductions in retail sales in that
67 calendar year from demand side management as defined in Section 54-7-12.8, with the
68 kilowatt-hours for an electrical corporation whose rates are regulated by the commission and
69 adjusted by the commission to exclude kilowatt-hours for which a renewable energy certificate
70 is issued under Subsection 54-17-603(4)(b).

71 (2) "Amount of kilowatt-hours attributable to electricity generated or purchased in that
72 calendar year from qualifying carbon sequestration generation[~~," for qualifying carbon~~
73 ~~sequestration generation,~~]" means the kilowatt-hours supplied by a facility during the calendar
74 year multiplied by the ratio of the amount of carbon dioxide captured from the facility and
75 sequestered to the sum of the amount of carbon dioxide captured from the facility and
76 sequestered plus the amount of carbon dioxide emitted from the facility during the same
77 calendar year.

78 (3) "Banked renewable energy certificate" means a bundled or unbundled renewable
79 energy certificate that is:

80 (a) not used in a calendar year to comply with this part or with a renewable energy
81 program in another state; and

82 (b) carried forward into a subsequent year.

83 (4) "Bundled renewable energy certificate" means a renewable energy certificate for
84 qualifying electricity that is acquired:

85 (a) by an electrical corporation by a trade, purchase, or other transfer of electricity that
86 includes the renewable energy attributes of, or certificate that is issued for, the electricity; or

87 (b) by an electrical corporation by generating the electricity for which the renewable
88 energy certificate is issued.

89 (5) "Clean energy source" means:

90 (a) an electric generation facility or generation capability or upgrade that derives
91 energy from one or more of the following:

92 (i) wind energy;

93 (ii) solar photovoltaic and solar thermal energy;

94 (iii) wave, tidal, and ocean thermal energy;

95 (iv) geothermal energy;

96 (v) hydroelectric energy;

97 (vi) nuclear energy;

98 (vii) landfill gas or biogas produced from organic matter, wastewater, anaerobic
99 digesters, or municipal solid waste;

100 (viii) waste gas and waste heat capture or recover, whether or not it is renewable,
101 including methane gas from:

102 (A) an abandoned coal mine; or

103 (B) a coal degassing operation associated with a state-approved mine permit; or

104 (ix) municipal solid waste;

105 (b) hydrogen gas derived from any source of energy described in Subsection (5)(a);

106 (c) if an electric generation facility employs multiple energy sources, that portion of the
107 electricity generated that is attributable to energy sources described in Subsection (5)(a) or (b);

108 and

109 (d) electricity generated or purchased from qualifying carbon sequestration generation.

110 [~~5~~] (6) "Electrical corporation":

111 (a) [~~is as~~] means the same as that term is defined in Section 54-2-1; and

112 (b) does not include a person generating electricity that is not for sale to the public.

113 [~~6~~] (7) "Qualifying carbon sequestration generation" means a fossil-fueled generating
114 facility located within the geographic boundary of the Western Electricity Coordinating
115 Council that:

116 (a) becomes operational or is retrofitted on or after January 1, 2008; and

117 (b) reduces carbon dioxide emissions into the atmosphere through permanent
118 geological sequestration or through another verifiably permanent reduction in carbon dioxide
119 emissions through the use of technology.

120 (8) "Qualifying clean electricity" means electricity generated from a clean energy

121 source if:

122 (a) (i) the clean energy source is located within the geographic boundary of the

123 Western Electricity Coordinating Council; or

124 (ii) the electricity is delivered to:

125 (A) the transmission system of an electrical corporation; or

126 (B) a delivery point designated by the electrical corporation for the purpose of

127 subsequent delivery to the electrical corporation; and

128 (b) the clean energy attributes of the electricity are not traded, sold, transferred, or

129 otherwise used to satisfy another state's renewable, zero carbon energy, or clean energy

130 program.

131 [~~7~~] (9) "Qualifying electricity" means electricity generated on or after January 1,

132 1995, from a renewable energy source if:

133 (a) (i) the renewable energy source is located within the geographic boundary of the

134 Western Electricity Coordinating Council; or

135 (ii) the qualifying electricity is delivered to the transmission system of an electrical

136 corporation or a delivery point designated by the electrical corporation for the purpose of

137 subsequent delivery to the electrical corporation; and

138 (b) the renewable energy attributes of the electricity are not traded, sold, transferred, or

139 otherwise used to satisfy another state's renewable energy program.

140 [~~8~~] (10) "Qualifying zero carbon emissions generation":

141 (a) means a generation facility located within the geographic boundary of the Western

142 Electricity Coordinating Council that:

143 (i) becomes operational on or after January 1, 2008; and

144 (ii) does not produce carbon as a byproduct of the generation process;

145 (b) includes generation powered by nuclear fuel; and

146 (c) does not include renewable energy sources used to satisfy the requirement

147 established under Subsection 54-17-602(1).

148 [~~9~~] (11) "Renewable energy certificate" means a certificate issued under Section

149 54-17-603.

150 [~~10~~] (12) "Renewable energy source" means:

151 (a) an electric generation facility or generation capability or upgrade that becomes

152 operational on or after January 1, 1995₂ that derives [its] energy from one or more of the
153 following:

- 154 (i) wind energy;
- 155 (ii) solar photovoltaic and solar thermal energy;
- 156 (iii) wave, tidal, and ocean thermal energy;
- 157 (iv) except for combustion of wood that has been treated with chemical preservatives
158 such as creosote, pentachlorophenol or chromated copper arsenate, biomass and biomass
159 byproducts, including:

- 160 (A) organic waste;
- 161 (B) forest or rangeland woody debris from harvesting or thinning conducted to improve
162 forest or rangeland ecological health and to reduce wildfire risk;
- 163 (C) agricultural residues;
- 164 (D) dedicated energy crops; and
- 165 (E) landfill gas or biogas produced from organic matter, wastewater, anaerobic
166 digesters, or municipal solid waste;

- 167 (v) geothermal energy located outside the state;
- 168 (vi) waste gas and waste heat capture or recovery whether or not it is renewable,
169 including methane gas from:

- 170 (A) an abandoned coal mine; or
- 171 (B) a coal degassing operation associated with a state-approved mine permit;
- 172 (vii) efficiency upgrades to a hydroelectric facility, without regard to the date upon
173 which the facility became operational, if the upgrades become operational on or after January
174 1, 1995;

- 175 (viii) compressed air, if:
 - 176 (A) the compressed air is taken from compressed air energy storage; and
 - 177 (B) the energy used to compress the air is a renewable energy source; or
- 178 (ix) municipal solid waste;
- 179 (b) any of the following:
 - 180 (i) up to 50 average megawatts of electricity per year per electrical corporation from a
181 certified low-impact hydroelectric facility, without regard to the date upon which the facility
182 becomes operational, if the facility is certified as a low-impact hydroelectric facility on or after

- 183 January 1, 1995, by a national certification organization;
- 184 (ii) geothermal energy if located within the state, without regard to the date upon which
185 the facility becomes operational; or
- 186 (iii) hydroelectric energy if located within the state, without regard to the date upon
187 which the facility becomes operational;
- 188 (c) hydrogen gas derived from any source of energy described in Subsection [~~(10)~~]
189 (12)(a) or (b);
- 190 (d) if an electric generation facility employs multiple energy sources, that portion of the
191 electricity generated that is attributable to energy sources described in Subsections [~~(10)~~]
192 (12)(a) through (c); and
- 193 (e) any of the following located in the state and owned by a user of energy:
- 194 (i) a demand side management measure, as defined by Subsection 54-7-12.8(1), with
195 the quantity of renewable energy certificates to which the user is entitled determined by the
196 equivalent energy saved by the measure;
- 197 (ii) a solar thermal system that reduces the consumption of fossil fuels, with the
198 quantity of renewable energy certificates to which the user is entitled determined by the
199 equivalent kilowatt-hours saved, except to the extent the commission determines otherwise
200 with respect to net-metered energy;
- 201 (iii) a solar photovoltaic system that reduces the consumption of fossil fuels with the
202 quantity of renewable energy certificates to which the user is entitled determined by the total
203 production of the system, except to the extent the commission determines otherwise with
204 respect to net-metered energy;
- 205 (iv) a hydroelectric or geothermal facility with the quantity of renewable energy
206 certificates to which the user is entitled determined by the total production of the facility,
207 except to the extent the commission determines otherwise with respect to net-metered energy;
- 208 (v) a waste gas or waste heat capture or recovery system, other than from a combined
209 cycle combustion turbine that does not use waste gas or waste heat, with the quantity of
210 renewable energy certificates to which the user is entitled determined by the total production of
211 the system, except to the extent the commission determines otherwise with respect to
212 net-metered energy; and
- 213 (vi) the station use of solar thermal energy, solar photovoltaic energy, hydroelectric

214 energy, geothermal energy, waste gas, or waste heat capture and recovery.

215 ~~[(+)]~~ (13) "Unbundled renewable energy certificate" means a renewable energy
216 certificate associated with:

217 (a) qualifying electricity that is acquired by an electrical corporation or other person by
218 trade, purchase, or other transfer without acquiring the electricity for which the certificate was
219 issued; or

220 (b) activities listed in Subsection ~~[(+)]~~ (12)(e).

221 Section 2. Section 54-17-602 is amended to read:

222 **54-17-602. Target amount of qualifying electricity -- Renewable energy certificate**
223 **-- Cost-effectiveness -- Cooperatives.**

224 (1) (a) To the extent that it is cost effective ~~[to do so]~~ and unless Subsection (3)
225 applies, beginning in 2025 the annual retail electric sales in this state of each electrical
226 corporation shall consist of qualifying electricity or renewable energy certificates in an amount
227 equal to at least 20% of adjusted retail electric sales.

228 (b) ~~[The amount under Subsection (1)(a) is computed based upon]~~ An electrical
229 corporation shall compute adjusted retail electric sales for the calendar year commencing 36
230 months before the first day of the year for which the target calculated under Subsection (1)(a)
231 applies.

232 (c) Notwithstanding Subsections (1)(a) and (b), an increase in the annual target from
233 one year to the next may not exceed the greater of:

234 (i) 17,500 megawatt-hours; or

235 (ii) 20% of the prior year's amount under Subsections (1)(a) and (b).

236 (2) (a) Cost-effectiveness under Subsection (1) for an electrical corporation other than
237 a cooperative association is determined in comparison to other viable resource options using
238 the criteria provided by Subsection 54-17-201(2)(c)(ii).

239 (b) For an electrical corporation that is a cooperative association, cost-effectiveness is
240 determined using criteria applicable to the cooperative association's acquisition of a significant
241 energy resource established by the cooperative association's board of directors.

242 (3) (a) To the extent that it is cost effective, beginning July 1, 2030, at least 50% of the
243 total kilowatt-hours of a large-scale electric utility's annual retail electric sales to customers in
244 this state in a calendar year shall consist of qualifying clean electricity or renewable energy

245 certificates.

246 (b) A large-scale electric utility shall compute annual retail electric sales for the
247 calendar year commencing 36 months before the first day of the year for which the target
248 calculated under Subsection (3)(a) applies.

249 (c) Cost-effectiveness under Subsection (3)(a) of acquiring qualifying clean electricity
250 means that, on a life-cycle basis and taking into account the long-term risks, the present value
251 of the long-term costs of acquiring qualifying clean electricity is less than or equal to the
252 present value of the long-term costs of other electricity resource options.

253 ~~[(3)]~~ (4) This section does not require an electrical corporation to:

254 (a) substitute qualifying electricity for electricity or qualifying clean electricity from a
255 generation source owned or contractually committed, or from a contractual commitment for a
256 power purchase;

257 (b) enter into any additional electric sales commitment or any other arrangement for the
258 sale or other disposition of electricity that is not already, or would not be, entered into by the
259 electrical corporation; or

260 (c) acquire qualifying electricity in excess of its adjusted retail electric sales.

261 ~~[(4)]~~ (5) (a) For the purpose of Subsection (1), an electrical corporation may combine
262 any of the following:

263 ~~[(a)]~~ (i) qualifying electricity from a renewable energy source owned by the electrical
264 corporation;

265 ~~[(b)]~~ (ii) qualifying electricity acquired by the electrical corporation through trade,
266 power purchase, or other transfer; and

267 ~~[(c)]~~ (iii) a bundled or unbundled renewable energy certificate, including a banked
268 renewable energy certificate.

269 (b) For purposes of Subsection (3), a large-scale electric utility may combine any of the
270 following:

271 (i) qualifying clean electricity from a clean energy source owned by the large-scale
272 electric utility;

273 (ii) qualifying clean electricity acquired by the large-scale electric utility through trade
274 power purchase or other transfer; or

275 (iii) a bundled renewable energy certificate or unbundled renewable energy certificate,

276 including a banked renewable energy certificate.

277 ~~[(5)]~~ (6) For an electrical corporation ~~[whose]~~ with rates the commission regulates, the
278 following rules concerning renewable energy certificates apply:

279 (a) the electrical corporation shall use a banked renewable energy certificate with an
280 older issuance date ~~[shall be used]~~ before any other banked renewable energy certificate issued
281 at a later date is used; and

282 (b) ~~[the total of all]~~ the electrical corporation may not use unbundled renewable energy
283 certificates, including unbundled banked renewable energy certificates, ~~[may not exceed]~~ to
284 satisfy more than 20% of the amount of the annual target provided for in Subsection (1) or (3).

285 ~~[(6)]~~ (7) An electrical corporation that is a cooperative association may count towards
286 Subsection (1) any of the following:

287 (a) electric production allocated to this state from hydroelectric facilities becoming
288 operational after December 31, 2007, if the facilities are located in any state in which the
289 cooperative association, or a generation and transmission cooperative with which the
290 cooperative association has a contract, provides electric service;

291 (b) qualifying electricity generated or acquired or renewable energy certificates
292 acquired for a program that permits a retail customer to voluntarily contribute to a renewable
293 energy source; and

294 (c) notwithstanding Subsection 54-17-601~~[(7)]~~(9), an unbundled renewable energy
295 certificate purchased from a renewable energy source located outside the geographic boundary
296 of the Western Electricity Coordinating Council if the electricity on which the unbundled
297 renewable energy certificate is based would be considered qualifying electricity if the
298 renewable energy source was located within the geographic boundary of the Western
299 Electricity Coordinating Council.

300 ~~[(7)]~~ (8) (a) The use of the renewable attributes associated with qualifying electricity to
301 satisfy any federal renewable energy requirement does not preclude the electricity from being
302 qualifying electricity for the purpose of this chapter.

303 (b) The use of the clean energy attributes associated with qualifying clean electricity to
304 satisfy any federal renewable requirement does not preclude the electricity from being
305 qualifying clean electricity for purposes of this chapter.

306 Section 3. Section 54-17-603 is amended to read:

307 **54-17-603. Renewable energy certificate -- Issuance -- Use to satisfy other**
308 **requirements.**

309 (1) The commission shall establish a process for issuance or recognition of a renewable
310 energy certificate.

311 (2) The commission process under Subsection (1) shall provide for the issuance,
312 monitoring, accounting, transfer, and use of a renewable energy certificate, including in
313 electronic form.

314 (3) The commission may:

315 (a) consult with another state or a federal agency and any regional system or trading
316 program to fulfill Subsection (1); and

317 (b) allow use of a renewable energy certificate that is issued, monitored, accounted for,
318 or transferred by or through a regional system or trading program, including the Western
319 Renewable Energy Generation Information System, to fulfill this part's provisions.

320 (4) A renewable energy certificate shall be issued for:

321 (a) qualifying electricity generated on and after January 1, 1995; and

322 (b) the activities of an energy user described in Subsections 10-19-102(11)(e) and
323 54-17-601(10)(e) on and after January 1, 1995.

324 (5) The person requesting a renewable energy certificate shall affirm that the renewable
325 energy attributes of the electricity have not been traded, sold, transferred, or otherwise used to
326 satisfy another state's renewable energy requirements.

327 (6) (a) For the purpose of satisfying Subsection 54-17-602(1) and the issuance of a
328 renewable energy certificate under this section, a renewable energy source located in this state
329 that derives [its] energy from solar photovoltaic or solar thermal energy shall [~~be credited~~] earn
330 a credit for 2.4 kilowatt-hours of qualifying electricity for each 1.0 kilowatt-hour generated.

331 (b) Notwithstanding Subsection (6)(a), the acquisition or construction by an electrical
332 corporation of a renewable energy source that derives [its] energy from solar photovoltaic or
333 solar thermal energy shall comply with the cost-effectiveness criteria of Subsection
334 54-17-201(2)(c)(ii).

335 (7) A renewable energy certificate issued under this section:

336 ~~[(a) does not expire; and]~~

337 (a) expires three years after the date that the renewable energy certificate was issued;

338 and

339 (b) may be banked.

340 (8) The commission may recognize a renewable energy certificate that is issued,
341 monitored, accounted for, or transferred by or through another state or a regional system or
342 trading program, including the Western Renewable Energy Generation Information System, if
343 the renewable energy certificate is for qualifying electricity.

344 (9) A renewable energy certificate:

345 (a) may be used only once to satisfy Subsection 54-17-602(1) or (3);

346 (b) may be used for ~~[the purpose]~~ purposes of Subsection 54-17-602(1) or (3) and the
347 qualifying electricity on which the renewable energy certificate is based may be used to satisfy
348 any federal renewable energy requirement; and

349 (c) may not be used if ~~[it]~~ the renewable energy certificate has been used to satisfy:

350 (i) any other state's renewable energy requirement[-]; or

351 (ii) a requirement of participating in a community renewable energy program under
352 Chapter 17, Part 9, Community Renewable Energy Act.

353 (10) The commission shall establish procedures and reasonable rates permitting an
354 electrical corporation that is a purchasing utility under Section 54-12-2 to acquire or retain a
355 renewable energy certificate associated with the purchase of power from an independent energy
356 producer.

357 Section 4. Section **54-17-604** is amended to read:

358 **54-17-604. Plans and reports.**

359 (1) An electrical corporation shall develop and maintain a plan for implementing
360 Subsection 54-17-602(1), consistent with the cost-effectiveness criteria of Subsection
361 54-17-201(2)(c)(ii).

362 ~~[(2)(a) A progress report concerning a plan under Subsection (1) for other than a~~
363 ~~cooperative association shall be filed with the commission by January 1 of each of the years~~
364 ~~2010, 2015, 2020, and 2024.]~~

365 ~~[(b) For an]~~ (2) An electrical corporation that is a cooperative association[-] shall file a
366 progress report [shall be filed] with the cooperative association's board of directors by January
367 1 [of each of the years 2010, 2015, 2020, and]_ 2024.

368 (3) The progress report ~~[under]~~ described in Subsection (2) shall contain:

369 (a) the actual amount of qualifying electricity to date and projected amount of
370 qualifying electricity through 2025;

371 (b) the source of qualifying electricity;

372 ~~[(c) (i) an analysis of the cost-effectiveness of renewable energy sources for other than~~
373 ~~a cooperative association; or]~~

374 ~~[(ii)] (c) an estimate of the cost of achieving the target [for an electrical corporation~~
375 ~~that is a cooperative association];~~

376 (d) a discussion of conditions impacting the renewable energy source and qualifying
377 electricity markets; and

378 (e) any recommendation for a suggested legislative or program change~~;~~and].

379 ~~[(f) for other than a cooperative association, any other information requested by the~~
380 ~~commission or considered relevant by the electrical corporation.]~~

381 (4) The plan and progress report required by Subsections (1) and (2) may include
382 procedures that will be used by the electrical corporation to identify and select any renewable
383 energy resource and qualifying electricity that satisfy the criteria of Subsection
384 [54-17-201\(2\)\(c\)\(ii\)](#).

385 ~~[(5) By July 1, 2026, each electrical corporation shall file a final progress report~~
386 ~~demonstrating:]~~

387 ~~[(a) how Subsection [54-17-602\(1\)](#) is satisfied for the year 2025; or]~~

388 ~~[(b) the reason why Subsection [54-17-602\(1\)](#) is not satisfied for the year 2025, if it is~~
389 ~~not satisfied:]~~

390 ~~[(6) By January 1 of each of the years 2011, 2016, 2021, and 2025, the Division of~~
391 ~~Public Utilities shall submit to the Legislature a report containing a summary of any progress~~
392 ~~report filed under Subsections (2) through (5).]~~

393 ~~[(7) The summary required by Subsection (6) shall include any recommendation for~~
394 ~~legislative changes.]~~

395 ~~[(8) (a) By July 1, 2027, the commission shall submit to the Legislature a report~~
396 ~~summarizing the final progress reports and recommending any legislative changes.]~~

397 ~~[(b) The 2027 summary may contain a recommendation to the Legislature concerning~~
398 ~~any action to be taken with respect to an electrical corporation that does not satisfy Subsection~~
399 ~~[54-17-602\(1\)](#) for 2025.]~~

400 ~~[(c) The commission shall provide an opportunity for public comment and take~~
401 ~~evidence before recommending any action to be taken with respect to an electrical corporation~~
402 ~~that does not satisfy Subsection [54-17-602\(1\)](#) for 2025.]~~

403 ~~[(9) If a recommendation containing a penalty for failure to satisfy Subsection~~
404 ~~[54-17-602\(1\)](#) is made under Subsection (8), the proposal shall require that any amount paid by~~
405 ~~an electrical corporation as a penalty be utilized to fund demand-side management for the retail~~
406 ~~customers of the electrical corporation paying the penalty.]~~

407 ~~[(10) A penalty may not be proposed under this section if an electrical corporation's~~
408 ~~failure to satisfy Subsection [54-17-602\(1\)](#) is due to:]~~

409 ~~[(a) a lack of cost-effective means to satisfy the requirement; or]~~

410 ~~[(b) force majeure.]~~

411 ~~[(H)]~~ (5) By July 1, 2026, an electrical corporation that is a cooperative association
412 shall file a final progress report demonstrating:

413 (a) how the electrical corporation satisfied Subsection [54-17-602\(1\)](#) [is satisfied] for
414 the year 2025; or

415 ~~[(b) the reason why Subsection [54-17-602\(1\)](#) is not satisfied for the year 2025 if it is~~
416 ~~not satisfied.]~~

417 (b) why the electrical corporation did not satisfy Subsection [54-17-602\(1\)](#) for the year
418 2025.

419 ~~[(12) The]~~ (6) A cooperative association shall make the plan and any progress report
420 [file] filed under this section by an electrical corporation that is cooperative association shall be
421 publicly available at the cooperative association's office or ~~[posted]~~ on the cooperative
422 association's website.

423 Section 5. Section **54-17-604.5** is enacted to read:

424 **54-17-604.5. Plans and reports.**

425 (1) A large-scale electric utility that is required to comply with Subsection
426 [54-17-602\(3\)](#) shall:

427 (a) develop and maintain a plan for implementing Subsection [54-17-602\(3\)](#), consistent
428 with the cost-effectiveness standard described in Subsection [54-17-602\(3\)\(c\)](#);

429 (b) file a report on the progress of the plan described in Subsection (1)(a) with the
430 commission on or before May 1, 2026; and

431 (c) file a final report on the progress of the plan described in Subsection (1)(a) with the
432 commission on or before May 1, 2030.

433 (2) The progress reports described in Subsections (1)(b) and (1)(c) shall contain:

434 (a) the actual amount of qualifying clean energy to date and projected amount of
435 qualifying clean electricity through 2030;

436 (b) the source of qualifying clean electricity;

437 (c) an analysis of the cost-effectiveness of clean energy sources;

438 (d) a discussion of conditions impacting the clean energy source and qualifying clean
439 electricity markets;

440 (e) any recommendation for a suggested legislative or program change;

441 (f) in the final progress report, a demonstration of:

442 (i) how the large-scale electric utility satisfied the requirements of Subsection
443 54-17-602(1) for the year 2025; or

444 (ii) why the large-scale electric utility did not satisfy the requirements of Subsection
445 54-17-602(1) for the year 2025; and

446 (g) any other information requested by the commission or considered relevant by the
447 large-scale electric utility.

448 (3) (a) On or before November 1, 2026, the commission shall, after taking public
449 comment and evidence, submit to the Public Utilities, Energy, and Technology Interim
450 Committee a report summarizing the progress reports and public comment and evidence and
451 recommending any legislative changes.

452 (b) On or before November 1, 2031, the commission shall, after taking public comment
453 and evidence, submit to the Public Utilities, Energy, and Technology Interim Committee a
454 report summarizing the final progress reports, public comment and evidence, and
455 recommending any legislative changes.

456 (c) The report described in Subsection (3)(b) may contain a recommendation to the
457 Legislature concerning any action to be taken with respect to a large-scale electric utility that is
458 required to comply with Subsection 54-17-602(3) and does not satisfy the requirements of
459 Subsection 54-17-602(3) for 2030.

460 (d) The commission shall provide an opportunity for public comment and take
461 evidence before recommending any action to be taken with respect to a large-scale electric

462 utility that is required to comply with Subsection 54-17-602(3) and does not satisfy the
463 requirements of Subsection 54-17-602(3) for 2030.

464 Section 6. Section 54-17-605 is amended to read:

465 **54-17-605. Recovery of costs for renewable energy activities.**

466 (1) In accordance with other law, the commission shall include in the retail electric
467 rates of an electrical corporation ~~[whose]~~ with rates the commission regulates the state's share
468 of any of the costs listed in Subsection (2) that are relevant to the proceeding in which the
469 commission is considering the electrical corporation's rates:

470 (a) if the costs are prudently incurred by the electrical corporation in connection with:

471 (i) the acquisition of a renewable energy certificate;

472 (ii) the acquisition of qualifying electricity for which a renewable energy certificate
473 will be issued after the acquisition; and

474 (iii) the acquisition, construction, and use of a renewable energy source; and

475 (b) to the extent any qualifying electricity ~~[or]~~, renewable energy source ~~[under]~~, or
476 clean energy source described in Subsection (1)(a) satisfies the cost-effectiveness criteria ~~[of]~~:

477 (i) described in Subsection 54-17-201(2)(c)(ii)~~[-]~~; or

478 (ii) described in Subsection 54-17-602(3)(c).

479 ~~(2) [The following are costs that may be recoverable]~~ The state is eligible to recover
480 the following costs under Subsection (1):

481 (a) a cost of siting, acquisition of property rights, equipment, design, licensing,
482 permitting, construction, owning, operating, or otherwise acquiring a renewable energy source
483 or clean energy source and any associated asset, including transmission;

484 (b) a cost to acquire qualifying electricity through trade, power purchase, or other
485 transfer;

486 (c) a cost to acquire a bundled or unbundled renewable energy certificate, if any net
487 revenue from the sale of a renewable energy certificate allocable to this state is also included in
488 rates;

489 (d) a cost to interconnect a renewable energy source or clean energy source to the
490 electrical corporation's transmission and distribution system;

491 (e) a cost associated with using a physical or financial asset to integrate, firm, or shape
492 a renewable energy source or clean energy source on a firm annual basis to meet a retail

493 electricity need; and

494 (f) any cost associated with transmission and delivery of qualifying electricity or clean
495 energy source to a retail electricity consumer.

496 (3) (a) The commission [~~may~~] shall:

497 (i) allow an electrical corporation to use an adjustment mechanism or reasonable
498 method other than a rate case under Sections 54-4-4 and 54-7-12 to allow recovery of costs
499 identified in Subsection (2)~~[-];~~ or

500 (ii) allow an electrical corporation to recover costs identified in Subsection (2) by
501 including costs identified in Subsection (2) in rates pursuant to a rate case.

502 (b) [~~If the commission allows the use of an adjustment mechanism, both~~] Both the
503 costs and any associated benefit shall be reflected in the mechanism~~[-];~~ or method approved by
504 the commission in Subsection (3)(a) to the extent practicable.

505 [~~(c) This Subsection (3) creates no presumption for or against the use of an adjustment~~
506 ~~mechanism.~~]

507 (4) (a) The commission may permit an electrical corporation to include in [~~its~~] the
508 electrical corporation's retail electric rates the state's share of costs prudently incurred by the
509 electrical corporation in connection with a renewable energy source, whether or not the
510 renewable energy source ultimately becomes operational, including costs of:

511 (i) siting;

512 (ii) property acquisition;

513 (iii) equipment;

514 (iv) design;

515 (v) licensing;

516 (vi) permitting; and

517 (vii) other reasonable items related to the renewable energy source.

518 (b) Subsection (4)(a) creates no presumption concerning the prudence or recoverability
519 of the costs identified.

520 (c) To the extent deferral is consistent with other applicable law, the commission may
521 allow an electrical corporation to defer costs recoverable under Subsection (4)(a) until the
522 recovery of the deferred costs can be considered in a rate proceeding or an adjustment
523 mechanism created under Subsection (3).

524 (d) An application to defer costs shall be filed within 60 days after the day on which
525 the electrical corporation determines that the renewable energy source project is impaired under
526 generally accepted accounting principles and will not become operational.

527 (e) Notwithstanding the opportunity to defer costs under Subsection (4)(c), an electrical
528 corporation shall include a cost incurred by ~~[an]~~ the electrical corporation for siting, property
529 acquisition, equipment, design, licensing, and permitting of a renewable energy source that the
530 electrical corporation proposes to construct ~~[shall be included]~~ in the electrical corporation's
531 project costs for the purpose of evaluating the project's cost-effectiveness.

532 (f) A deferred cost under Subsection (4)(a) may not be added to, or otherwise
533 considered in the evaluation of, the cost of a project proposed by any person other than the
534 electrical corporation for the purpose of evaluating that person's proposal.