

2nd Sub. S.B. 224  
ENERGY INDEPENDENCE AMENDMENTS

Representative **Joel K. Briscoe** proposes the following amendments:

1. Page 16, Line 485 through Page 17, Line 509:

485           (5) ~~{(a)}~~ An affected electrical utility ~~{:}~~  
486           ~~{(i)}~~ may recover reasonable ongoing operating costs incurred in connection with the  
487 operation of a proven dispatchable generation resource located within the state ~~{;and}~~ ~~⋮~~  
488           ~~{(ii) has a presumption that the ongoing operating costs described in Subsection (5)(a)(i)~~  
489 ~~are reasonable as determined by the commission in a general rate case or other appropriate~~  
490 ~~commission proceeding;~~  
491 ~~——(b) A party may submit evidence in a commission proceeding to challenge the~~  
492 ~~reasonableness of the affected electrical utility's operating costs.~~  
493 ~~——(c) If an affected electrical utility's operating costs are unchallenged or the commission~~  
494 ~~determines after a commission proceeding that a challenging party has failed to demonstrate~~  
495 ~~that the affected electrical utility's operating costs are not reasonable, the affected electrical~~  
496 ~~utility is entitled to recover operating costs associated with a proven dispatchable generation~~  
497 ~~resource in rates.~~  
498 ~~——(d) If the commission determines, after hearing evidence from a challenging party, that~~  
499 ~~the affected electrical utility's operating costs are not reasonable, the commission shall establish~~  
500 ~~reasonable rates that allow the affected electrical utility to recover only reasonable operating~~  
501 ~~costs associated with a proven dispatchable generation resource.}~~  
502           (6) ~~{(a)}~~ Upon filing of a request for recovery under this section from an affected  
503 electrical utility that is expected to result in a rate increase, the commission shall provide a  
504 written notice of the request to the Executive Appropriations Committee and the Public  
505 Utilities, Energy, and Technology Interim Committee.  
506           ~~{(b) Upon receiving the notice described in Subsection (6)(a), the Executive~~  
507 ~~Appropriations Committee may review the affected utility's request for cost recovery and~~  
508 ~~determine whether to direct committee staff, the division, or an otherwise qualified third party~~  
509 ~~to intervene and advocate on behalf of the Legislature.}~~