

#### **54-17-801. Definitions.**

As used in this part:

(1) "Contract customer" means a person who executes or will execute a renewable energy contract with a qualified utility.

(2) "Qualified utility" means an electric corporation that serves more than 200,000 retail customers in the state.

(3) "Renewable energy contract" means a contract under this part for the delivery of electricity from one or more renewable energy facilities to a contract customer requiring the use of a qualified utility's transmission or distribution system to deliver the electricity from a renewable energy facility to the contract customer.

(4) "Renewable energy facility":

(a) except as provided in Subsection (4)(b), means a renewable energy source defined in Section [54-17-601](#) that is located in the state; and

(b) does not include an electric generating facility whose costs have been included in a qualified utility's rates as a facility providing electric service to the qualified utility's system.

#### **54-17-802. Contracts for the purchase of electricity from a renewable energy facility.**

(1) Within a reasonable time after receiving a request from a contract customer and subject to reasonable credit requirements, a qualified utility shall enter into a renewable energy contract with the requesting contract customer to supply some or all of the contract customer's electric service from one or more renewable energy facilities selected by the contract customer.

(2) Subject to a contract customer agreeing to pay the qualified utility for all incremental costs associated with metering facilities, communication facilities, and administration, a renewable energy contract may provide for electricity to be delivered to a contract customer:

(a) from one renewable energy facility to a contract customer's single metered delivery location;

(b) from multiple renewable energy facilities to a contract customer's single metered delivery location; or

(c) from one or more renewable energy facilities to a single contract customer's multiple metered delivery locations.

(3) (a) A single contract customer may aggregate multiple metered delivery locations to satisfy the minimum megawatt limit under Subsection (4).

(b) Multiple contract customers may not aggregate their separate metered delivery locations to satisfy the minimum megawatt limit under Subsection (4).

(4) The amount of electricity provided to a contract customer under a renewable energy contract may not be less than 2.0 megawatts.

(5) The amount of electricity provided in any hour to a contract customer under a renewable energy contract may not exceed the contract customer's metered kilowatt-hour load in that hour at the metered delivery locations under the contract.

(6) A renewable energy contract that meets the requirements of Subsection (4) may provide for one or more increases in the amount of electricity to be provided under the contract even though the amount of electricity to be provided by the increase is less than the minimum amount required under Subsection (4).

(7) The total amount of electricity to be generated by renewable energy facilities and delivered to contract customers at any one time under all renewable energy contracts may not exceed 300 megawatts, unless the commission approves in advance a higher amount.

(8) Electricity generated by a renewable energy facility and delivered to a contract customer under a renewable energy contract may not be included in a net metering program under Chapter 15, Net Metering of Electricity.

**54-17-803. Ownership of a renewable energy facility -- Joint ownership -- Ownership of environmental attributes.**

(1) A renewable energy facility may be owned:

(a) by a person who will be a contract customer receiving electricity from the renewable energy facility;

(b) by a qualified utility;

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

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

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

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

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

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

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

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

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

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

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

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

(4) The right to any environmental attribute associated with a renewable energy facility shall remain the property of the renewable energy facility's owner, except to the extent that a contract to which the owner is a party provides otherwise.

**54-17-804. Exemption from certificate of convenience and necessity requirements.**

(1) A qualified utility is not required to comply with Section 54-4-25 with respect to a renewable energy facility that is the subject of a renewable energy contract if:

(a) each contract necessary for the commission to determine compliance with this part is filed with the commission; and

(b) the commission determines that each contract relating to the renewable energy facility complies with this part.

(2) In making its determination under Subsection (1)(b), the commission may process and consider together multiple renewable energy contracts between the same contract customer and the qualified utility providing for the delivery of electricity from a renewable energy facility to the contract customer's multiple metered delivery locations.

**54-17-805. Costs associated with delivering electricity from a renewable energy facility to a contract customer.**

(1) To the extent that a renewable energy contract provides for the delivery of electricity from a renewable energy facility owned by the contract customer, the renewable energy contract shall require the contract customer to pay for the use of the qualified utility's transmission or distribution facilities at the qualified utility's applicable rates, which may include transmission costs at the qualified utility's applicable rate approved by the Federal Energy Regulatory Commission.

(2) To the extent that a renewable energy contract provides for the delivery of electricity from a renewable energy facility owned by a person other than the qualified utility or the contract customer, the renewable energy contract shall require the contract customer to bear all reasonably identifiable costs that the qualified utility incurs in delivering the electricity from the renewable energy facility to the contract customer, including all costs to procure and deliver electricity and for billing, administrative, and related activities, as determined by the commission.

(3) A qualified utility that enters a renewable energy contract shall charge a contract customer for all metered electric service delivered to the contract customer, including generation, transmission, and distribution service, at the qualified utility's applicable tariff rates, excluding:

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

(b) any kilowatts of electricity delivered from the renewable energy facility that coincide with the contract customer's monthly metered kilowatt demand measurement, adjusted for transmission losses;

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

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

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