

NOTICE OF  
PROPOSED NEW RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Agency Information

1. Agency: Public Service Commission - Administration  
 Room no.:  
 Building: HEBER M WELLS BLDG  
 Street address 1: 160 E 300 S  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84111-2316  
 Mailing address 1: PO BOX 45585  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84111-5585

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Sheri Bintz	801-530-6714	801-530-6796	sbintz@utah.gov
Melanie Reif	801-530-6709	801-530-6796	mreif@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 43329 Date filed: 10/29/2018 01:17 PM  
 State Admin Rule Filing Key: 160705  
 Utah Admin. Code ref. (R no.): R 746 - 450 -

Title

2. Title of rule or section (catchline):  
 Procedural and Informational Requirements for Solar Resource Solicitations and Acquisitions

Notice Type

3. Type of notice: New Rule

Rule Purpose

4. Purpose of the rule or reason for the change:  
 The Public Service Commission (PSC) has created Rule R746-450 to comply with Section 54-17-807, Solar Photovoltaic or Thermal Solar Energy Facilities, which was enacted May 8, 2018.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
No

Rule Summary

6. Summary of the rule or change:

This rule applies to a qualified utility's application for PSC approval of a solar solicitation if the solicitation falls under Section 54-17-807 and the definitions established by this rule. For those solicitations, this rule establishes the application requirements and the PSC process for solar solicitation, resource acquisition, and disposition of a solar resource by a qualified facility.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

There is no impact to the state budget because this new rule establishes the procedural and information requirements for solar resource solicitations and acquisitions by a qualified utility. The underlying responsibilities on state agencies exist in statute, and this new rule only clarifies those statutory requirements.

B) Local government:

Affected: No

There will be no impact to a local government unless that local government, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

There will be no impact to a small business unless: 1) that small business, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule; or 2) the small business chooses to submit a bid in a solicitation conducted pursuant to this rule.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There will be no impact to other persons unless: 1) that person, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule; or 2) the person chooses to submit a bid in a solicitation conducted pursuant to this rule.

Compliance Cost Information

8. Compliance costs for affected persons:

There is no compliance cost for affected persons unless a person, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule establishes procedural, application, and informational requirements for certain solar resource solicitations conducted by a qualified utility, but the underlying legal requirements already exist in statute. These necessary procedures implement the statute, but do not create any fiscal impact on any business other than that already established by statute. Additionally, while a business may choose to avail itself of this rule and the underlying statute, there is no mandatory obligation to do so.

B) Name and title of department head commenting on the fiscal impacts:

Thad LeVar, Commission Chair

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
Section 54-17-807

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):
Publisher:
Date Issued:
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

12/17/2018

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 12/24/2018

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

procedural and information requirements  
solar resource solicitations  
solar resource acquisitions

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title: Melanie Reif Legal Counsel Date (mm/dd/yyyy): 10/29/2018