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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Proposed Rulemaking Concerning Utah Code §§ 54-26-101 to -901, Large Scale Electric Service Requirements	Docket No. 25-R318-01

JOINT COMMENTS OF NRG ENERGY AND TRACT

NRG Energy ("NRG") and Tract Capital Management, LP ("Tract") (together the "Joint Commenters"), through the undersigned counsel, file these Joint Comments pursuant to the Commission's June 6, 2025, Scheduling Order. The Joint Commenters are grateful for the opportunity to engage with the Commission and other parties to develop rules that are fully consistent with S.B. 132[1] to attract large load customers to Utah and ensure that Utah's ratepayers continue to receive high quality, reliable service at reasonable and affordable rates.

I. Background

This proceeding is designed to adopt rules to effectuate S.B. 132. S.B. 132 is designed

[1] S.B. 132 (2025), codified at Section 54-26-101, et. seq., Utah Code Annotated. All references to "Section 54-26-xxx" are to the Utah Code Annotated.

to create an environment that will both encourage new large load customers, protect existing customers, and navigate the challenges inherent in new large load additions because there may be limited new generation and transmission capacity available from the incumbent utilities. To meet these goals and address these challenges the legislature created a regulatory framework to allow non-utility generators to build critical generation resources needed to serve large load customers where the utility is unable to do so economically. The legislature also created cost allocation provisions to ensure just and reasonable allocation of the costs and benefits of any resulting electric system growth and prevent existing customers from unjustly shouldering the risks of such growth.

The Joint Commenters are organizations that want to invest in Utah. Notably, NRG and Tract worked actively with other stakeholders and members of the legislature to draft the language in S.B. 132 and are well acquainted with the language behind the statute. NRG is a Fortune 500 company with over 16,000 employees whose affiliates serve over 8 million electric and natural gas business and residential customers through North America. NRG operates over 13 GW of power generation. Tract is a developer of master planned industrial parks with an emphasis on serving the growing demands of data processing and storage facilities. Tract Capital Management, LP, through its affiliates, is developing data center projects throughout the country and, in Utah specifically, is working to develop two sites. Because NRG and Tract together represent both potential non-utility generators and potential data center customers they are well situated to offer constructive comments to the Commission.

The Joint Commenters present specific comments below that articulate their overall issues and concerns with the draft straw proposal presented by RMP in the stakeholder workshops through the summer. The Joint Commenters also provide proposed edits to that

straw proposal included as Attachment A to this submission.

II. General Comments

Three overarching themes guide these Joint Comments. First, the Commission's rules must comply with the mandates in S.B. 132. The legislature crafted S.B. 132 to encourage growth by creating a clear path to private generation development in the event the utilities are unable to economically provide service. For that clear path to work, the new rules must refrain from imposing more regulations or regulatory burdens on non-utility generators than those prescribed by the statute. Retaining the "light touch" adopted by S.B. 132 will be essential to making Utah a competitive state for entities to make large load investments. Second, the rules must further the goals of S.B. 132 by encouraging large load growth in Utah. However, RMP's proposed straw proposal is inconsistent with this legislative intent in several regards and appears to create an environment that might discourage such growth unless it is served by the utilities. The rules should reflect principles of nondiscriminatory access and fair cost allocation to protect existing ratepayers, new large load customers, and the qualified electric utilities ("QEUs"). Lastly, the transmission rules must be compatible with FERC regulations and applicable open access transmission tariffs ("OATTs"). Utah must avoid triggering any preemption issues by crafting rules that interfere with FERC's authority under the Federal Power Act. These rules must be compatible with those aspects of electric regulation Congress left to the states. Any conflict with FERC's jurisdiction will invite regulatory uncertainty that will divert large load customers away from Utah, rather than attract them.

While the Joint Commenters appreciate the opportunity to provide these comments, they also intend to supplement and expand on these comments in the September 10th response comments and fully engage in the upcoming technical conference. In addition, as discussed

below, the Joint Commenters ask the Commission for additional time to more fully develop the issues related to transmission cost allocation. For example, all parties will need sufficient time in the future to review any proposed methodologies that arise from the qualified independent consultant.

III. COMMENTS ON RMP'S STRAW PROPOSAL

The Joint Commenters appreciate the engagement by all of the stakeholders in the workshops hosted by RMP to develop the straw proposal. Although the straw proposal has flaws that must be addressed, it is a good starting point for discussion. But it is just that, a starting point. There are several topics discussed below that the Joint Commenters recommend that the Commission add to the straw proposal or significantly amend RMP's proposed language. The Joint Commenters believe these topics are critical to effectuating the goals of S.B. 132. In addition, the Joint Commenters identify areas where they believe the straw proposal includes provisions that create administrative overreach.

1. Missing Provisions

a. Transmission Cost Allocation

i. Cost Allocation Methodology

Transmission Cost Allocation is the only topic which S.B. 132 mandates the commission address by January 1, 2026. It is therefore appropriate to focus substantial efforts on this topic. Most importantly, when dealing with transmission cost allocation it is critical to recognize that the Commission must constrain itself to rules which are compatible with FERC requirements.

There are, broadly speaking, two ways that a large-scale generation provider ("LSGP") or large load customer might arrange for transmission service. First, the LSGP or large load customer might arrange to interconnect with a utility's FERC-jurisdictional transmission

system and wheel power across that system from the generators to the load based on the utility's FERC jurisdictional rates. This model is discussed, for example, in Section 54-26-503(1) which requires a large load customer who requires generation to submit a request to the transmission provider. The statute then directs the LSGP or large load customer to pay all associated costs "to the fullest extent allowable under the applicable federal law." Section 54-26-503(3) then states "The Commission shall review transmission cost allocation consistent with federal requirements and *may* establish rules for implementation of [Section 503]." As these issues are fully covered by federal law, there is no need for the Commission to establish further rules on this sort of service. This is the model that is currently in use in Oregon and Montana,[2] for example. In those states customers that are eligible to go to the market for generation service become FERC-regulated transmission customers of the utility to deliver the generation from the power plants to the load.

The Oregon direct access program has been in place in that state for some time. As a result of that program PacifiCorp's OATT includes Attachment M to effectuate Oregon's Direct Access laws and regulations. Oregon's direct access framework "includes Retail End-Users where the load is either: (i) transitioning from bundled electric service from Transmission Provider under a retail service tariff; or (ii) new load that has not previously been provided bundled utility service from the Transmission Provider."[3] Attachment M is a direct result of Oregon regulations that required PacifiCorp to file a FERC tariff that is:

> practical and workable in combination with tariffs required by the Federal Energy Regulatory Commission (FERC). The electric company must: (a) Ensure the minimization of differences in service definitions between retail direct-access and wholesale open-access; (b) Ensure that services that are permitted to be self-supplied by the FERC are permitted to be self-supplied by the electric company, unless the company obtains an exception from the Commission; and (c) State rates,

[2] *See e.g.,* NorthWestern Energy Electric Tariff, Schedule No. GSEDS-2; Schedule No. CESGTC-1.
[3] PacifiCorp's OATT, Attachment M at ¶A.1.

> terms, and conditions in its Oregon tariffs that properly work in conjunction with the electric company's FERC tariffs and, if not identical to, can at least be easily compared with those required by the FERC. [4]

Because S.B. 132 contemplates that large load customers could be FERC-jurisdictional transmission customers, the Commission should adopt a rule requiring PacifiCorp to implement a comparable approach for Utah customers. This is important because, as a general matter PacifiCorp's FERC tariff prohibits retail loads from being a transmission customer unless permitted by state law in how the OATT defines "customer." S.B. 132 creates the necessary framework for Utah customers to have the same option that PacifiCorp provides for its direct access customers in Oregon and that should be reflected in the utility's Utah and FERC tariff. But if a customer elects this option, there is no need for the Commission to inquire further into "cost allocation" because the customer will pay rates as proscribed by FERC in the utility's OATT. Utah already has well-established principles for how costs are allocated generally between FERC-jurisdictional customers and services and state-jurisdictional customers and services and those principles will apply equally well to large load customers taking service at OATT rates.

The second way that a LSGP or large load customer might arrange for power to be wheeled from the generator to load is for the load to remain a retail customer of the utility for purposes of delivering the power, while contracting with the LSGP for the generation itself. In this arrangement, the utility would be a Utah-regulated intermediary between the two other entities and the large load customer would pay Commission-regulated rates for its transmission and distribution services. In a variety of other jurisdictions including, for example, Arizona[5]

[4] OAR 860-038-0260.
[5] *See e.g.* Arizona Public Service Co Tariffs, Rate Rider AG-X; Tucson Electric Power Tariffs, Rider 18, Market Pricing-Experimental (MP-EX).

and Ohio,[6] customers have access to retail competition for generation but transmission and distribution remains a service furnished by the electric distribution utility and billed directly to the customer under rates approved by a state commission.

To permit this alternative approach, S.B. 132 contains a second subpart on transmission cost allocation. Specifically, Section 901(a) requires the Commission undertake rulemaking for the allocation of transmission costs between large load customers and retail customers for large load contracts." Section 901(2) provides a list of topics the Commission must consider in this rulemaking and then Section 901(3) provides different factors that the Commission could use to create cost allocation methodologies. But those provisions can only apply, by law, to services that are jurisdictional to the Utah Commission and are not FERC jurisdictional. This distinction is reflected in the attached redlines.[7]

Thus, it is essential that the straw proposal clearly indicate that FERC-jurisdictional transmission services are (a) available and (b) will be provided based on FERC-approved rates and tariffs. And, second, that if Utah-jurisdictional transmission and distribution services are being provided, that the costs of those be fairly allocated between the new and existing customers. In this regard, the Joint Commenters are concerned that the straw proposal does not really resolve this issue but rather seems to kick this can down the road to case by case filings. While certainly there will be details that need to be worked out in specific cases, general principles adopted in rules would provide guidance to all stakeholders on how this process might work.

To this end, the Joint Commenters urge the Commission to focus on Section 54-26-901(2)(h) & (g) and consider "methods to apportion costs based on cost causation and system

[6] Ohio Rev. Code Ann. § 4928.01 et. seq.
[7] Attachment A at R746-XX2-2.

benefits and any other factors the commission determines are relevant to establishing a fair and reasonable allocation of transmission costs." In considering these two factors the Commission will inherently consider other components of the list in section 901(2), such as increased demand, incremental costs, economic benefits associated with large load, just and reasonable rates, the extent to which a new facility is "required specifically to serve large load customers." What is critical here is that the cost allocation methodology must ensure that large load customers are paying their fair share but also not subsidizing other customers.

The Joint Commenters believe that an approach that permits transmission service either through the FERC process or through a state regulated process will help achieve the goals of S.B. 132. But the Commission should be clear that while both options are possible, only the second option is subject to specific Commission-approved rates and tariffs. Having created that framework, the Commission should then at least provide general guidance of the principles that QEUs should follow when adopting those state-regulated rates and tariffs.

ii. Section 901 Fees

Section 54-26-901(5)(a), provides that "The commission shall impose and collect a fee from each large load customer that submits a large-scale service request." The rules should establish what this amount will be, or at least provide a cap, so large load customers will have some regulatory certainty associated with their request.

b. Large Load Service Requests

i. LSSR Financial Capability Demonstration

Section 54-26-202(2) lists information the large load customer must include in the Large-Scale Service Requests ("LSSRs"). While most of these are straightforward, further refining the financial capability component in rules would help guide customers and support an expeditious process. Section 54-26-202(2)(f) requires large load customers to provide

"information sufficient to demonstrate the financial capability to complete the large load customer's project that is the subject of the large-scale service request." The Commission's rules should explain what standard applies to "sufficient to demonstrate" and how the QEU determines the value "to complete the large load customer's project."

To accomplish the goals of S.B. 132, it is essential that large load customers and existing ratepayers are treated fairly and neither group subsidizes the other. Cost allocation, as explained above, will be a critical component of determining the cost to "complete the large load customer's project." For example, assume a project is using state-jurisdictional transmission and distribution service and requests 50 MW of capacity and requires a new 230 kV line. If the QEU responds to that request with a proposal including a 100 MW generator and a new 500 kV line, the cost of that additional capacity and transmission voltage and capacity should not be attributed to the large load customer.

Another problem arises from the fact that a determination on the cost to complete a large load customer's project is required as part of the LSSR submission before the QEU even conducts an evaluation. How can the large load customer or the QEU know the required cost to complete the project before the QEU has even evaluated it? Accordingly, the Commission should set some reasonable threshold for the maximum amount of financial capability a LSSR must demonstrate. Furthermore, the Commission should state what types of financial instruments the QEU must accept to "sufficiently demonstrate" its financial capability. In the experience of the Joint Commenters, it is typical to permit a parental guarantee from firms with investment-grade credit ratings, or for firms below these ratings, to require posting a letter of credit or furnishing a surety bond for the utility's incremental costs that are directly associated with serving a new large load. In setting these standards the Commission should keep in mind

that they should not be administratively burdensome. The standards should facilitate efficiency.

ii. Expedited Evaluation

The straw proposal does not address two procedural aspects of LSSRs. Section 54-26-202 provides timelines for notifying the requester of missing information, a minimum of two windows for LSSR review and a 6-month deadline for evaluation completion. The Joint Commenters propose that the draft rules should restate these requirements and add requirements for the two windows for LSSR evaluation.

Section 54-26-202(2) requires the utility to begin processing LSSRs received between October 1 and March 31, no later than April 1. For LSSRs received between April 1 and September 30, the utility must begin processing no later than October 1. The Joint Commenters believe the Commission should add a requirement that if a utility determines during its review that it cannot serve the load requested by the date requested, it notify the Large Load Customer as soon as practicable, but no later than 30 days after the evaluation window commences. When QEU service is not possible, there is no reason to delay the customer's ability to begin its search for alternative service.

Conversely, the rules should allow the large load customer and the QEU to mutually agree to reasonable extensions for the evaluation process.

iii. Dispute Resolution and Waivers

The new rules should incorporate dispute resolution procedures. The Joint Commenters suggest reprinting a dispute resolution process substantially similar to the dispute resolution procedure for nonresidential generator interconnections in Utah. Admin. Code § R746-312.3(5)(b). A clearly articulated dispute resolution process ensures that large load customers and the QEUs have clear procedure to resolve disputes which are sure to arise as the parties work through the new LSSR process.

iv. Evaluation Fees

Section 54-26-202(5) permits a QEU to charge reasonable fees for evaluating a LSSR. The Commission's rules should set a reasonable cap on these LSSR evaluation fees. A cap will help large load customers to make business decisions about pursuing Utah as a location for their facility. It will also ensure that large load customers receive non-discriminatory treatment from the utility. In specific cases, if the QEU requires additional funds to complete extraordinarily complex evaluations, it could ask the Commission for a variance to exceed the cap. However, LSSR evaluation fees (like the Section 54-26-901 cost allocation fees for Commission expenses above) should be standardized to provide regulatory certainty. Maximizing regulatory certainty is essential to attracting investment to the state.

c. Confidentiality Protections

The Joint Commenters note that the straw proposal requires LSGPs to submit commercially sensitive information without any protection or limitation. This is problematic because in these instances the LSGP is in competition with the utility and it is contrary to competitive principles in a well-functioning market for competitors to be required to share commercially sensitive information. While information can be provided to the Commission and, as appropriate, to parties, those submissions should be subject to reasonable confidentiality protections. For this reason the Commission needs to include a confidentiality provision in the rules. The rules should permit commercially sensitive information to be filed under seal by default. This change is reflected in the attached redline.[8]

In addition, the information submitted should be limited to the information required to do the minimal review contemplated by S.B. 132. Section 54-26-302(1)(a), requires LSGPs to

[8] Attachment A at R746-XX1-4(7)-(8).

"submit a copy of the large load contract for which the application seeks review and approval." Section 54-26-302(2), then provides the standards that the Commission should review the contract for, and if met, requires the Commission to approve the contract. Those requirements are (1) compliance with S.B. 132, (2) assurances that the customer bears just and reasonable costs attributable to receiving the service and (3) assurance that existing ratepayers will not bear costs justly and reasonably attributable to providing electric service to the large load customer. Section 54-26-302(3) specifically instructs the Commission to limit is review to these three items and not review other contract terms.

RMP's straw proposal goes unreasonably and unnecessarily beyond these requirements by requiring fully executed contract copies to be submitted. First, whenever a LSGP contracts with a large load customer, it is guaranteed that all costs under that contract will be borne exclusively by the large load customer and not other ratepayers who are, of course, not parties to that contract. Second, evaluating compliance with S.B. 132 requires only a handful of provisions in a LSGP contract. Even in a QEUs large load contract, many terms in the contract will not be relevant to the Commission's analysis and S.B. 132 instructs the Commission not to review them. Therefore, the redlines attached modify the filing requirement to conform with the statute and only require filing "relevant portions of the executed contract."[9]

Similarly, requiring LSGPs to file executable spreadsheets manufactures a filing requirement where S.B. 132 has none. In the cases of contracts with LSGPs the Commission will not need to review any cost allocation because all costs will be between the LSGP and the customer. Therefore, no spreadsheet, and certainly not an executable one, is necessary for the Commission's review of LSGP contracts.

[9] *Id.* at R746-XX1-4(4)(a)-(b).

On the other hand, the Commission will need to evaluate QEU contracts for cost allocation. In this case, the Commission may need to review commercially sensitive information. For this, as well as the reasons discussed above, the rules need a confidentiality provision. These revisions are reflected in the attached redline.[10]

2. Revisions to the Straw Proposal

a. Private Generation Contracts

i. Removal of Private Generation Contracts from Applications for Approval

Private Generation Contracts are not subject to commission approval in S.B. 132. This is because private generation, by definition, does not implicate either the rates or service of any utility or utility customers – the entities the Commission is empowered to regulate and protect. However, throughout RMP's straw proposal, private generation contracts appear alongside any provision applicable to large load contracts. Such equivalent treatment is clearly contrary to the delineation between the two in S.B. 132. Not only is it contrary to the letter of the law, it also contradicts the spirit of S.B. 132 promoting expansion of generation capacity in the state. The reality of data center development is that one of the most complicated and, potentially, time-consuming elements of construction is navigating interconnection with the utility system. In many instances where speed to market is key, if interconnection is expensive or difficult and non-utility generation is explored, it is likely that developers and customers will seriously look at islanded systems that have no impact on the utility or utility customers to avoid interconnection challenges. Those systems may seek to interconnect in the future but injecting excessive and unnecessary regulation before they interconnect will frustrate the goals of S.B. 132.

[10] *Id.* at R746-XX1-4(7).

Specifically, Section 54-26-504 states that "a closed private generation system and a large-scale generation provider that provides service on or through a closed private generation system … are exempt from commission oversight or regulation as a public utility under the title." (emphasis added). Section 54-26-504 goes on to place limitations on closed private generation systems and permit them to interconnect to the utility and change their status from a private generation system to a connected generation system under Section 54-26-505. But nowhere in Section 54-26-504 – nor anywhere else in S.B. 132 – does the law proscribe any filing requirements for closed private generation systems or private generation contracts.

Section 54-26-302 requires filing an application for approval of a large load contract, provides filing requirements, provides the Commission's standard of review, and sets approval deadlines. Section 54-26-505(2) requires connected generation systems to "provide the commission with" certain information. But Section 54-26-504 contains no comparable filing requirements for private systems.

This omission is critical. As a principle of statutory construction, the courts "seek to give effect to omissions in statutory language by presuming all omissions to be purposeful." *McKitrick v. Gibson*, 2021 UT 48, ¶ 37, 496 P.3d 147, 155 (Sup.Ct.) (citing *Marion Energy, Inc. v. KFJ Ranch P'ship*, 2011 UT 50, ¶ 14, 267 P.3d 863, 866 (Sup.Ct.)). Here, the Commission should adopt rules that also recognize that the omission of approval requirements for private generation contracts is purposeful.

To align the straw proposal with this understanding, the attached redline deletes all references to private generation contracts from the contract approval section.

ii. Closed Private Generation System Certification

Section 54-26-504 requires a Closed Private Generation System to ensure all its facilities remain wholly separate from any utilities' facilities and use "qualified generation

resources." The rules should create a certification filing where a Closed Private Generation System files a document certifying its compliance with Section 54-26-504. The Commission is then only required to accept the filed certification. This framework replaces that in the straw proposal in Attachment A.[11]

If any party disputes a generation system's status as a Closed Private Generation System, they can raise a complaint through the Commission's standard process. Since any interconnection with a utility must be reviewed and approved by the utility, the utility will have ample opportunity to identify any issues or concerns with the LSGP and, if necessary, with the Commission if a Closed Private Generation System later requests conversion to a connected generation system.

b. Large Load Contract Approval Procedure

Section 54-26-302 requires LSGPs to file their contracts for approval with the Commission. Other than filing requirements, the only procedural processes S.B. 132 provides are a 60-day deadline to approve or disapprove the application for approval and the option to request expedited review. The RMP straw proposal includes some incompatible language and adds procedure unsupported by the statute.

First, the two procedural requirements for these applications for contract approval are rapid and limited. Accordingly, the rules should clearly designate applications for contract approval as informal adjudicative proceedings pursuant to Utah Code Ann. §§ 63G-4-202 and -203.[12] The Joint Commenters suggest the rules prescribe the procedures for applications for contract approval. The procedure should permit no response to the application, no

[11] Attachment A at R746-XX5-3.
[12] Informal proceedings do not require a hearing unless one is mandated by another statute, have no discovery, no requirement for testimony, and intervention is prohibited.

interventions, no discovery, and no hearing. Any entity that would dispute this informal procedure must do so by submitting a motion for leave to participate and make their request for a variance or waiver. These additions appear in the redlined straw proposal.[13]

Another procedural issue with the straw proposal is its provision that any party may file the application for approval. Although Section 54-26-301 states "any person executing the contract shall submit an application," Section 54-26-302 limits filing parties to LSGPs and QEUs. In the case of a contradiction, the specific prevails over the general. The attached redlines amend the straw proposal to state that only LSGPs or QEUs may file the application for contract approval.[14]

Additionally, the straw proposal's filing and service requirements to, presumably, facilitate a QEU intervening in these filings or objecting to these contracts is not supported by the plain language of S.B. 132. If an LSGP is filing a large load contract, it is as a direct result of the large load customer being unable to accept the QEUs service proposal, if any. Thus, by the time a LSGP is filing its contract for approval, the large load customer has moved on from pursuing QEU service and contracted for an alternative. The QEU has no rights or obligations to serve a large load customer taking service from a LSGP under Section 54-26-401 and would no longer have a default interest in the approval of the LSGPs contract. There should be no service requirements for the LSGP filings and the QEU should not be a party to the application for contract approval. If the Commission has concerns that the public, including QEUs, should be apprised of applications for contract approval, the Commission can provide appropriate public notice of agency action pursuant to Utah Code Ann. § 63G-4-201(2)(b). No further

[13] Attachment A at R746-XX1-5.
[14] *Id.* at R746-XX1-4(2).

service is or should be required. These changes are reflected in Attachment A.[15]

c. Registering Large-Scale Generation Providers

The straw proposal for registration of LSGPs does not serve the purposes of the statute and goes beyond the registration requirements. Section 54-26-501 requires LSGPs to (1) register with the Commission before providing service, (2) maintain technical and financial qualifications as set by the Commission, (3) provide service through qualifying generation resources, and (4) post security as required in its agreements with the large load customer, the transmission provider, and the QEU. The LSGP must submit proof of its compliance with these four items and other documentation relevant to its organization history and its proposed generation resources.

Nowhere does Section 54-26-501 mandate an application or a litigated proceeding as proposed by RMP. The Commission should not adopt rules which create a new litigated proceeding for LSGP registration. New litigated proceedings would slow rather than expedite the process of building new generation in Utah. Rather the Commission should treat LSGP registration as a straight-forward notification process, similar to the Closed Private Generation System certification described above. The Commission should ensure all requirements are met and then certify the registration.

Utah's rules require an application for licenses, rights, or authorities.[16] If the legislature intended for LSGPs to submit adjudicated applications, it would have required a license. Registration must clearly be a different type of process. In the redlines attached to these Comments, the Joint Commenters revise the Registration requirement to effectuate this

[15] *Id.* at R746-XX1-4(3).
[16] Utah Admin. Code § 746-1-103(1) ("'Applicant' means any person: (a) applying for a license, right, or authority; or (b) requesting agency action from the Commission.")

understanding.[17]

In the revisions the Joint Commenters also suggest that registration should be a singular event for a given LSGP with annual reporting requirements. If, in the future, a LSGP contracts to serve another customer, they must file a notice containing new details as relevant to that new customer but not a new registration. Texas has a similar framework. In Texas self-generators, which are 1MW or greater facilities but not selling at wholesale, renew their registrations every other year by submitting a statement that their information on file is current and correct.[18]

Lastly, the Joint Commenters add a section on registration clarifying that if the ownership of an LSGP changes, there is no re-registration requirement. The new owner must simply file a notice updating the registration.[19]

d. Large-Scale Generation Provider Notice to Large Load Customers

The Joint Commenters generally find that the concept of the Notice to Large Load Customers is unnecessary. Because the commission is not required to create these rules pursuant to Section 54-26-504(4), the Joint Commenters suggest deleting this section. Any Large Load Customer and LSGP are sophisticated parties engaging in complex development so these general warnings do not add value.

However, if the Commission wishes to promulgate rules on these warnings, the Joint Commenters added a critical provision to the straw proposal. Pursuant to Section 54-26-502 the revisions clarify that in the event of suspension or revocation of a LSGP's registration, the large load customer shall be provided the opportunity to secure alternative service from another LSGP or the QEU at the large load customers sole discretion.[20]

[17] Attachment A at R746-XX3-3.
[18] 16 Tex. Admin. Code § 25.109(h).
[19] Attachment A at R746-XX3-3(4).
[20] *Id.* at R746-XX3-4(4).

e. Connected Generation

The Joint Commenters' edits to Connected Generation section in the straw proposal are not substantive and are intended to avoid incomplete recitation of the statute or clarify language.[21]

IV. CONCLUSION

The Joint Commenters appreciate the opportunity to provide these comments to the Commission and look forward to continued engagement in this process to see the intent of S.B. 132 effectuated in Utah.

Respectfully submitted this 28th day of August 2025.

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[21] *Id.* at R746-XX4-2.

CERTIFICATE OF SERVICE

I certify that on August 28, 2025, I caused a true and correct copy of the foregoing to be filed with the Public Service Commission via email to psc@utah.gov and served upon the following in Utah Docket No. 25-R318-01 as indicated below:

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