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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
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REPLY COMMENTS OF ENYO RENEWABLE ENERGY, LLC

I. Introduction

Enyo Renewable Energy, LLC (“Enyo”), through its undersigned counsel, respectfully submits its Reply Comments in the above-captioned rulemaking proceeding. Enyo appreciates the engagement from stakeholders and the Utah Public Service Commission (“Commission”) to develop an understanding of large load customer needs in order to facilitate rules that are consistent with S.B. 132¹ requirements and policy intentions.

Enyo develops large-scale generation and load projects, including solar, storage, and natural gas resources, with active projects under development in Utah and across the West. Based on this experience, Enyo has first-hand knowledge of the interconnection and cost-allocation barriers that S.B. 132 was designed to address. For example, Enyo developed the Quicksilver Energy Complex, a 3,000 MW project combining natural gas, solar, and battery storage resources.

¹ S.B. 132 (2025), codified at Section 54-26-101, et. seq., Utah Code Annotated. Referred to as “S.B. 132” herein.

The Complex is designed to support multiple large loads, including Enyo's, that have requested service at and around Mercer substation. The generation project is permitted, with initial phases anticipated to be commercially operating by 2027 and a full project buildout possible by 2028. The first 200 MW has a signed LGIA, and an additional 398 MW will finalize interconnection agreements by the end of 2025, enabling nearly 600 MW of new, firm generation at Mercer substation. Enyo has also submitted load requests at several adjacent substations where it is developing generation. Unfortunately, PacifiCorp's study results assign duplicative and costly upgrades, often exceeding \$100 million, to both generation and load, even when they could interconnect at the same substation and operate as a paired system. S.B. 132 provides an appropriate regulatory pathway to enable contract links between generation and load in this manner and should be used to relieve customers from commercially unfeasible costs and timelines.

Importantly, S.B. 132 establishes new, parallel pathways for alternative frameworks to serving large loads in Utah while insulating retail customers from cost impacts. The value of these frameworks lies in the range of constructs that Large-Scale Generation Providers can offer to Large Load Customers and in the "speed to power" that is possible when Large Load Customers can minimize their impact on the RMP system during constrained periods. To carry out this legislative mandate, the Commission should adopt rules that: first, facilitate and do not preclude the potential development of a Large Load Flexible Tariff ("LLFT"), allowing the subsequent statutorily required tariff investigation to proceed efficiently and on a clear foundation aligned with adopted rules; second, require utilities to conduct simultaneous, net evaluations when generation and load are physically adjacent and contractually paired; third, preserve the independence of Private Generation Contracts from Qualified Electric Utility processes. Together, these measures will address concerns raised across party filings and ensure Utah attracts large load development

without imposing costs on existing ratepayers or creating conflicts with PacifiCorp's OATT. To that end, Enyo proposes specific rule changes that prevent study assumptions of either 100 percent firm demand or total lack of access to the broader PacifiCorp system even during unconstrained hours, preserve the independence of Private Generation Contracts, require net evaluation of paired generation and load, confirm that no modifications to PacifiCorp's OATT are needed, and direct Qualified Electric Utilities to file tariffs that reflect the contracting realities for large loads.

Several parties, including Calpine Energy Solutions, LLC ("Calpine Solutions") and the joint commenters NRG Energy ("NRG") and Tract Capital Management, LP ("Tract"), emphasize that this rulemaking must avoid conflicts between state and federal jurisdiction. Enyo agrees the rules crafted in this proceeding must respect federal jurisdiction and should be consistent with Rocky Mountain Power's ("RMP" or "Company") existing Open Access Transmission Tariff ("OATT") to the greatest extent possible. Otherwise, they risk creating a framework that cannot be implemented in practice and will impede the outcomes envisioned by SB 132. In these comments and in Enyo's reply redlines, Enyo proposes a path by which these rules can establish that resultant state-jurisdictional tariffs are consistent with the current OATT, avoiding or minimizing the need to effectuate S.B. 132 requirements through a FERC-jurisdictional proceeding.

Other commenters, including Utah Association of Energy Users ("UAE"), Interwest Energy Alliance ("Interwest"), Enchanted Rock, LLC ("Enchanted Rock"), and the Office of Consumer Services ("OCS"), raised concerns about retail customer protections and cost-allocation methods. Enyo's reply comments build on these concerns and propose targeted rule modifications that faithfully implement S.B. 132 and advance large load development.

II. Importance of a Large Load Flexible Tariff

Enyo understands that this proceeding is intended to result in rules implementing a subset of S.B. 132 requirements, and that the Commission has indicated its intent to fulfill its statutory mandate to investigate an LLFT in a separate regulatory proceeding. However, it is important for the Commission not to lose sight of the fact that the Legislature recognized the LLFT as an important mechanism to enable large load growth while ensuring that retail customers bear no additional costs. The cost avoidance benefits of load flexibility are clear: by avoiding system impacts during constrained periods such as peak hours, Large Load Customers can reduce or obviate the need for incremental infrastructure investment. As such, it is critical that the rules adopted in this proceeding facilitate, or at the very least do not frustrate, the timely development of an LLFT in a way that is economically rational for Large Load Customers. Final rules adopted in this proceeding should not assume 100 percent firm service when customers are willing to contract for more flexible arrangements. Absent this flexibility, customers may face duplicative and unnecessary upgrade assignments that undermine commercially viable development.

An LLFT would enable large load customers to contract for service based on actual system availability rather than being forced into upgrades sized to the most constrained hours of the year. Customers could agree, through contract, to limit their consumption in specified intervals or rely on paired generation when system conditions require it. To support this flexibility, study processes must evaluate scenarios where service is provided in whole or in part by contracted generation, capturing the full range of options from firm service to partial coverage with voluntary curtailment. This approach allows customers to utilize existing system resources when available, avoids unnecessary upgrades, and ensures retail customers remain insulated from additional costs. The results of such a study would provide the operational and contractual baseline for a flexible service

contract under an LLFT or other tariff mechanism the Commission determines is appropriate.

Utah also has a history of Commission-approved interruptible service contracts for large industrial customers, several of which remain in effect today.² These arrangements demonstrate that interruptible service is a proven and workable tool for balancing system needs and customer requirements. However, the customer landscape has evolved, and it is no longer practical for RMP to rely solely on individually negotiated contracts without a standardized regulatory framework. The absence of such a framework now constrains the ability of large load customers to locate and invest in Utah. The establishment of this framework will allow the Commission to ensure that retail customers remain insulated from unreasonable cost shifts. Establishing rules that align with, and ultimately support, the development of flexible tariff structures, including an LLFT, will restore this service option on a transparent, durable, and commercially feasible basis.

Enyo therefore urges the Commission to recognize the LLFT as a central piece in the efficient and economic development of large loads in Utah. Again, the rules adopted in this proceeding should be designed to align with, and support, development of an LLFT, not to create obstacles that would necessitate revisions or duplicative rulemaking later. Enyo's proposed redlines to study requirements will facilitate service options for large load customers as intended by S.B. 132.

III. Federal Jurisdiction

As noted above, several commenters argued that the implementation of the provisions of S.B. 132 must not usurp federal jurisdiction and must be consistent with PacifiCorp's OATT.

² See e.g. Docket No. 21-035-53 – Application of US Magnesium, LLC for Determination of Long-Term Rates, Terms, and Conditions of Interruptible/DSM Electric Service between it and Rocky Mountain Power; Docket No. 21-035-69 – In the Matter of the Application of Rocky Mountain Power for Approval of Electric Service Agreement Between PacifiCorp and Nucor-Plymouth Bar Division, a Division of Nucor Corporation.

While Enyo agrees with the importance of this issue, no commenter identified specific redlines in the current OATT that would be required to enable the aims of S.B. 132. Indeed, PacifiCorp's OATT states that "Any retail customer taking unbundled transmission service pursuant to a state requirement that the Transmission Provider offer the transmission service, or pursuant to a voluntary offer of such service by the Transmission Provider, is an Eligible Customer under the Tariff."

PacifiCorp's current OATT sets forth conditions specific to retail choice in Oregon in Attachment M, as observed by Calpine Solutions. However, Attachment M states that it is not intended to prevent Eligible Customers from "seeking eligibility to acquire Point-To-Point Service under Part II of the Tariff or Network Integration Transmission Service under Part III of the Tariff."³ Instead, Attachment M sets out cost allocation approaches specific to Oregon's regulatory history and retail choice program. For purposes of effectuating S.B. 132, Enyo observes that the existing OATT does not prevent FERC-jurisdictional customers from taking unbundled transmission service and accepting cost allocation as contemplated by the OATT itself. In other words, for FERC-jurisdictional customers, the requirements of Utah Code Section 54-26-503 regarding cost allocation, may be met simply by Large Load Customers and Large-Scale Generation Providers paying for the services and infrastructure costs set forth in PacifiCorp's OATT.

IV. Private Generation Contracts

As multiple commenters explain, S.B. 132 draws a clear line between Large Load Contracts and Private Generation Contracts. S.B. 132 does not contemplate Commission approval of private generation contracts, and attempting to do so would deter investment in closed private systems that the statute

³ PacifiCorp's OATT, Attachment M, available at: <https://www.oasis.oati.com/ppw/index.html>.

deliberately exempted. Enyo agrees with NRG/Tract that Private Generation Contracts are to be treated as a commercial matter between two private parties and that the involvement of a Qualified Electric Utility must be limited to what is necessary under statute. While Enyo is not proposing redlines on this matter, to be clear, Enyo does not support the Straw Proposal's approach. Enyo agrees with the NRG/Tract redlines on this matter.

V. Proposed Redlines

Enyo offers the following comments on redlines to the Straw Proposal that should be adopted.

A. The Commission should adopt study requirements that facilitate large load customer choice as envisioned by S.B. 132.

The preceding section explained why the LLFT is a critical mechanism to implement S.B. 132. As noted above, in order to facilitate development of an LLFT, the rules adopted here should establish study requirements that produce results usable for flexible or interruptible service, not just for traditional firm service requests. In other words, the evaluation required by S.B. 132⁴ must be designed to generate the data necessary to support new tariffs, whether through interim use of existing schedules, an interruptible tariff, or ultimately an LLFT. Predictable study outcomes and tariff frameworks are essential for large load customers to make the long-term commitments necessary for investments in Utah.

Several commenters, including Calpine, NRG/Tract, and UAE, have raised concerns about how study assumptions can drive unnecessary upgrades or create conflicts with federal jurisdiction. Enyo submits that modernizing the evaluation process is the most effective way to resolve these concerns while providing a sound foundation for the Commission's forthcoming tariff investigation.

To that end, Enyo continues to propose rules that make explicit a Qualified Electric Utility's obligations for study requirements conducted as part of the initial evaluation, as set forth in its draft R746-XX1-5. Enyo's proposal requires that evaluations under Utah Code § 54-26-401 shall allow customers to request a Qualified Electric Utility to study "one or more alternative scenarios where the Large Load Customer is served, in whole or in part, by one or more Large-Scale Generation Providers." As part of the

⁴ Utah Code Ann. §§ 54-26-101(3) and 54-26-202.

alternative scenarios, the Large Load Customer should be permitted to request “arrangements wherein the Large Load Customer agrees to limit its consumption in whole or in part, for specified durations and at a specified frequency, to the output of its contracted Large-Scale Generation Provider(s) in response to system constraints as determined by the Qualified Electric Utility during the study process.” The language Enyo proposed in its draft rule R746-XX1-5 ensures that RMP’s evaluations are not limited to the assumption of 100 percent firm service, which is neither required by statute nor aligned with customer needs. Instead, studies would capture the full spectrum of service possibilities, from full firm coverage to partial service with curtailment, paired generation, or other flexible structures. This approach would allow maximum commercial viability for Large Load Customers and promote overall system cost savings in integrating large loads on the RMP system.

By adopting Enyo’s proposed R746-XX1-5, the Commission would ensure that study outputs meaningfully inform immediate contracting pathways, and support service under new tariffs to be investigated by the Commission. This approach most efficiently addresses other parties’ concerns about requiring commercially unfeasible upgrades and jurisdictional overlap, while preserving flexibility for Utah to adopt modern tariffs that accurately reflect system capabilities and statutory guardrails.

B. Rules must clarify how Connected Generation is studied.

Final rules should resolve how a Qualified Electric Utility studies paired generation and load. Several commenters, including OCS, emphasize that cost allocation must be transparent and based on cost causation. Enyo agrees and submits that current study practices should be modified to effectuate these standards. S.B. 132 requires that large load customers bear all just and reasonable incremental costs, while protecting other retail customers from unreasonable cost shifts. It also creates a distinct contracting pathway for Connected Generation Systems under Utah Code § 54-26-505, which allows such systems to serve large loads with dedicated resources while reducing system burden. Paired generation and load at the same substation represent the most efficient and cost-effective pathway for serving large loads, minimizing system impacts and avoiding duplicative costs.

Existing study practices evaluate generation and load separately, even when they are physically

adjacent and should be operated as a paired system with no remote system impacts. For example, when a generation facility and a large load both interconnect at the same substation, the utility assigns transmission or line extension costs to each independently, despite the fact that the cumulative impact of the load and generation may modify or even obviate the need for cost-driving upgrades. This approach undermines S.B. 132's directive that costs be based on actual incremental impacts.

To implement the statute faithfully, the Commission should adopt Enyo's proposed rule R746-XX1-5(2), requiring Qualified Electric Utilities to study generation and load together when they are physically adjacent and will be contractually paired under a Connected Generation contract. A net, simultaneous study would accurately assess the true system impact, eliminate duplicative costs, and ensure that large load customers pay only the incremental costs directly attributable to their service. Such a rule is consistent with Utah Code Ann. § 54-26-505, which contemplates contracts tying generation and load together, and with Utah Code Ann. §§ 54-26-301 and 302, which obligate the Commission to confirm that contracts protect existing ratepayers.

In practice, this means that during constrained hours, when either the generation or the load disconnects, the other must also disconnect under the Large Load Contract, leaving no residual effect on the grid beyond backup service explicitly provided for in the agreement. This approach is not only commonplace today, but also provides regulatory certainty, aligns with the statute's cost allocation principles, and promotes the efficient development of new large loads in Utah.

Enyo must also emphasize that the power market is in a rapidly moving, high-pressure state and that "speed to power" is of the essence for Large Load Customers. Given that facilitating entry of Large Load Customers is crucial to economic development for the state of Utah and that the system impacts of paired Large Load sites and Large-Scale Generation facilities will often be minimal, Enyo proposes that PacifiCorp manage its load interconnection queue to prioritize transparency and speed. Large load interconnection requests should be added to PacifiCorp's OASIS dashboard to facilitate commercial relationships forming between Large-Scale Generation Providers and Large Load Customers. Similar to

the “HILL” process currently proposed in SPP,⁵ Enyo proposes that PacifiCorp be held to a 90-day timeline to study paired Large Load and Large-Scale Generation projects once all necessary information is received from the projects.

C. Rules must acknowledge the boundaries between Utah Commission and Federal jurisdiction.

As described above, Enyo agrees that it is critical for Utah’s rules to provide a clear boundary between state- and FERC-jurisdictional cost allocation and interconnection procedures. To this end, Enyo’s proposed R746-XX1-4(1) clarifies that these rules constitute a state requirement to provide unbundled transmission service and require RMP to report on the cost allocation implications of its existing OATT, describe any inconsistencies between the requirements of S.B. 132, and to promptly update its OATT as necessary to effectuate Utah state regulatory requirements.

D. Rules must require a Qualified Electric Utility to file appropriate tariff revisions.

The Commission should adopt rules that require a Qualified Electric Utility to file appropriate tariff revisions that are necessary for the implementation of S.B. 132 and the rules adopted by the Commission pursuant thereto. As noted by Enyo’s comments above, new tariffs will be necessary to reflect a large load customer’s option for connected generation, whether through interruptible service, a new tariff, or an LLFT, which may implicate FERC-jurisdictional issues and rates in addition to Utah state requirements. To facilitate identification of FERC-related tariff changes that may be necessary, Enyo believes it is incumbent upon RMP to identify whether its compliance with S.B. 132 and the Commission’s rules implementing its requirements will necessitate FERC filing. Additionally, if RMP tariff revisions are necessary for the provision of service in Utah, RMP should be required to make such filings in a timely manner and consistent with its OATT requirements. As such, Enyo recommends the Commission adopt its proposed R746-XX1-4(2) and (3).

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⁵ <https://spp.org/markets-operations/high-impact-large-load-hill-integration/>

VI. Conclusion

Enyo appreciates the opportunity to provide these reply comments to effectively implement S.B. 132's legal requirements and policy intent. Enyo's comments and proposed redlines aim to clarify utility study obligation, preserve statutory contracting pathways, and establish a foundation that does not hinder future development of an LLFT. By establishing clear contracting pathways, the Commission can avoid a framework that would otherwise force large load customers into uneconomic or involuntary outcomes, while protecting existing retail customers from cross-subsidization. Enyo looks forward to continued collaboration with the Commission and other stakeholders to ensure that S.B. 132 is implemented in a manner that attracts large load development to Utah while protecting existing retail customers.

DATED this 10th day of September 2025.

Respectfully submitted,

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