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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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**JOINT REPLY 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 Reply Comments pursuant to the Commission’s August 21, 2025, Order Granting Joint Motion to Amend Scheduling Order, that “allowed stakeholders to file, by September 10, 2025, reply comments in response to parties’ initial comments.” The Joint Commenters filed initial comments on August 28, 2025, and are grateful for the opportunity to file responsive comments to the initial comments filed by the Office of Consumer Services (“OCS”), Rocky Mountain Power (“RMP”), Calpine Energy Solutions, LLC (“Calpine”), Enyo Renewable Energy (“Enyo”), Enchanted Rock, LLC (“Enchanted Rock”), Interwest Energy Alliance (“Interwest”), and the Utah Association of Energy Users (“UAE”) on or before August 28, 2025 (collectively “Stakeholders”).

## **I. BACKGROUND**

The Commission opened this rulemaking docket to adopt rules to effectuate the Electric Service Amendments enacted as the Large-Scale Electric Service Requirements, Utah Code Ann. §§ 54-26-101, et. seq., during the 2025 general session of the Utah Legislature (the “Act” or “S.B. 132”). In accordance with the Commission’s June 6, 2025, Scheduling Order, the Stakeholders filed initial comments and rule proposals on or before August 28, 2025. The initial comments and rule proposals were based, largely, on a strawman proposal prepared by RMP (“the Strawman Proposal”). In its August 21, 2025, Scheduling Order, the Commission approved a request for a September 10, 2025, deadline for the filing of Stakeholder reply comments in response to the initial comments. This additional comment date does not alter the October 10, 2025, due date for reply comments. The Joint Commenters appreciate the opportunity to provide reply comments in accordance with the Commission’s August 21, 2025, Scheduling Order.

## **II. JOINT COMMENTERS’ REPLY COMMENTS**

The Joint Commenters have reviewed the Stakeholders’ respective initial comments, and file these Reply Comments to facilitate discussion at the Commission’s September 17, 2025, technical conference. In reviewing the Stakeholders’ initial comments, the Joint Commenters identified general themes common among the potential Large Load Customers and potential Large-Scale Generation Providers. These Reply Comments identify the common themes and present a redline in Attachment A (“Consolidated Redline”). The Consolidated Redline incorporates initial comments from potential Large Load Customers and potential Large-Scale Generation Providers that align with the Joint Commenters’ initial comments.

### **1. Scope of Regulation**

Several Stakeholders shared Joint Commenters’ comment that the scope of regulations must align with the legislative mandates reflected in the Act. The misalignment between the

Strawman Proposal and the Act was most acute in the rules regarding Private Generation Contracts and Closed Private Generation Systems. The Consolidated Redline closely aligns with the Act by streamlining the Large-Scale Generation Provider Registration Process (R746-XX3-3) and limiting the Commission's review in the Closed Private Generation System Certification Process (R746-XX5-3).

## **2. Confidentiality**

Many Stakeholders stressed the need for the Commission to preserve the Confidentiality of the Large-Scale Generation Contracts, especially when the Qualified Electric Utility is not a party to the Large-Scale Generation Contracts between the Large Load Customer and the Large-Scale Generation Provider. To protect the confidential nature of these contracts and promote a functioning market, the R746-XX1-6 in the Consolidated Redline appropriately restricts the terms and conditions of a contract that must be shared with the Commission and provides for the handling of the contracts as Confidential and Highly Confidential to reduce access to this information by non-parties to the subject contracts, including without limitation the Qualified Electric Utility.

## **3. Transmission Access and Cost Allocation**

Many Stakeholders' initial comments identified the need for additional work on and clarification of the transmission access and cost allocation rules to avoid incompatibility with, and potential preemption by, rules and tariffs administered under Federal Energy Regulatory Commission ("FERC"). Such clarification is necessary to ensure the just and reasonable allocation costs and benefits subject to Commission jurisdiction. These comments included enabling open and non-discriminatory access to the transmission system under FERC jurisdiction for Large Load Customers and Large-Scale Generation Providers; defining the transmission, distribution, and ancillary services subject to the Commission's jurisdiction; and specifying the principles and categories of cost and benefits the Commission should evaluate in establishing just and reasonable

cost allocation to Large Load Contracts. The Consolidated Redline clarifies in the applicability of these rules in R746-XX2-2 and provides guiding principles for just and reasonable cost allocation in R746-XX2-3.

#### **4. Process Improvements**

The Joint Commenters agree with several Stakeholders' comments and proposals seeking greater clarity in the Qualified Electric Utility's obligations in processing Large Load Service Requests ("LSSR"), the information requirements associated with a LSSR, and the Commission review and approval of Large Load Contracts. These comments are reflected in the Consolidated Redline in R746-XX1-4 ("Obligations of a Qualified Electric Utility"), R746-XX1-5 ("Evaluation Requirements"), R746-XX1-6 ("General Requirements for Filing an Application for Approval of a Large Load Contract"), and R746-XX1-7 ("Process for Approval of a Large Load Contract").

### **III. CONCLUSION**

The Joint Commenters appreciate the opportunity to provide these Reply Comments and Consolidated Redline to the Commission and look forward to continued engagement in this process to effectuate the intent of S.B. 132 in Utah.

Respectfully submitted this 10th day of September 2025,

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## CERTIFICATE OF SERVICE

I certify that on September 10, 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](mailto:psc@utah.gov) and served upon the following in Utah Docket No. 25-R318-01 as indicated below:

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