

## **Proposed Initial Draft Rules Effectuating SB 132**

~~Rocky Mountain Power~~Enyo Renewable Energy, LLC presents this redlines of Rocky Mountain Power's Initial October 1, 2025 Draft of Rules Effectuating SB 132 for the convenience and review of parties.

### **R746-XX1 GENERAL COMMISSION REQUIREMENTS**

#### **R746-XX1-1. Authority**

The rules in Utah Administrative Code R746-XX1 et seq. are adopted under Utah Code §§ 54-1-1 and Utah Code Title 54 Chapter 26.

#### **R746-XX1-2. Definitions**

- (1) “Applicant” means a party who files an Application for Commission approval of a Large Load Contract ~~or Private Generation Contract~~ as ~~those terms are~~ defined in Utah Code § 54-26-101.
- (2) “Application” means an Application for Commission approval of a Large Load Contract ~~or Private Generation Contract~~.
- (3) “Application to Register” means an Application by a Large-Scale Generation Provider ~~or Private Generation Contract~~ to register with the Commission consistent with Utah Code § 54-26-501.
- (4) “Commission” is defined in Utah Code § 54-2-1(4).
- (5) Capitalized terms not defined in this Section have the meaning provided in Utah Code Ann. § 54-26-101.
- (6) Definitions in this Section apply to each Section of R746-XXX et seq.

### **R746-XX2 OBLIGATIONS OF A QUALIFIED ELECTRIC UTILITY**

#### **R746-XX2-1. Applicability**

- (1) This rule governs the obligations of a Qualified Electric Utility related to its Large Load Service Request processes, procedures and requirements to facilitate Application requirements.

## **R746-XX2-2. Tariff Obligations of a Qualified Electric Utility**

- (1) Pursuant to Utah Code Ann. § 54-26, it is a Utah state requirement that a Qualified Electric Utility is required to provide unbundled transmission service to Large Load customers when certain requirements are met.
- (2) Before March 1, 2026, the Qualified Electric Utility shall make a filing to this Commission demonstrating that no changes to its FERC-approved Open Access Transmission Tariff (OATT) are necessary to effectuate the requirements of Utah Code § 54-26, or if the Qualified Electric Utility believes that changes to its FERC-approved OATT may be necessary, a filing describing the specific OATT changes that the Qualified Electric Utility believes are likely required in order enable the requirements in Utah Code § 54-26 to be met.

  - (a) If adherence to Utah Code § 54-26 requires FERC approval of tariff or contract provisions, the Qualified Electric Utility must petition FERC for the approval of the tariff or contract provisions in a timely manner.
- (3) Before April 1, 2026, a Qualified Electric Utility must file with the Commission proposed tariffs that are practical and workable in combination with tariffs required by FERC. The Qualified Electric Utility must:

  - (a) State rates, terms, and conditions in its tariffs filed with the Commission that properly work in conjunction with the Qualified Electric Utility's FERC tariffs and, if not identical to, can at least be easily compared with those required by FERC.
  - (b) Provide guidance clarifying the obligations of Large Load Customers and Large Scale Generation Providers to pay service and infrastructure costs as contemplated under Utah Code § 54-26-503 to the fullest extent allowable under the OATT.
  - (c) Ensure the minimization of differences in service definitions between the tariffs filed with this Commission and the Qualified Electric Utility's OATT.
  - (d) Ensure that services that are permitted to be self-supplied by FERC are permitted to be self-supplied under the tariffs filed with the Commission, unless the Qualified Electric Utility obtains an exception from the Commission.

**R746-XX2-3. Obligations of a Qualified Electric Utility to Large Load Customers and Large-Scale Generation Providers**

- (1) A Qualified Electric Utility shall post all Large Load Customer integration requests on its OASIS portal within five business days of receipt.
- (2) A Qualified Electric Utility shall determine Large Load Incremental Costs based on a study approach that reasonably represents both the large load and the large-scale generation using the assumption that the large load will be served by the large-scale generation during system constraints identified by the Qualified Electric Utility as described, inclusive of peak and shortage conditions, unless otherwise indicated by the Large Load Contract, and that the Large-Scale Generation will curtail as provided for in R746-XX6-1(1)(c).
- (3) A Qualified Electric Utility shall provide to the Large Load Customer, concurrent with the evaluation results required by Utah Code § 54-26-202(1)(c), all supporting technical documentation, including modeling results, that are developed as part of the evaluation. If the Large Load Service Request includes Large Load Customer owned or contracted-for generation, the Qualified Electric Utility shall conduct as part of its evaluation a study considering the net impact of load and generation and provide such results to the Large Load Customer.
- (4) Within 15 days of the request, a Qualified Electric Utility must provide to a Large-Scale Generation Provider identified by the Large Load Customer all supporting technical documentation, including modeling results, that are developed as part of the Qualified Electric Utility's evaluation required by Utah Code § 54-26-202(1)(c).
- (5) A Qualified Electric Utility that receives a transmission service request pursuant to Utah Code § 54-26-503 shall provide the requesting party documentation sufficient to demonstrate the impact of the transmission service request on the Qualified Electric Utility's transmission system.
- (6) In connection with a Large Load Contract pursuant to Utah Code § 54-26-301(3) and (4), a Qualified Electric Utility shall only impose commercially reasonable security and credit demonstration requirements, as applicable, that consider the specific circumstances of the service requested.

**R746-XX2-3. Evaluation Requirements**

(1) To facilitate Application requirements for a Large Load Contract, a Qualified Electric Utility shall, at the Large Load Customer's request, include as part of its initial Evaluation both:

(a) a scenario where the Large Load Customer is served exclusively by a Qualified Electric Utility; and

(b) at the Large Load Customer's request, 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 requested by the Large Load Customer, such scenarios may include 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.

(2) If the Large Load Customer does not request alternative scenarios as part of its initial Evaluation, it may request subsequent evaluation of such scenarios. A Qualified Electric Utility shall evaluate such requests in a serial manner, and such study results shall be returned to the Large Load Customer within 90 days of receipt of complete information from the Large Load Customer and Large Scale Generation Provider(s).

**R746-XX2-XX3      General-GENERAL Commission-FILING**

**RequirementsREQUIREMENTS**

**R746-XX2XX3-1. Applicability**

(1) This rule applies to Applications for Commission approval of

(a) Large Load Service Contracts between a Large Load Customer and the Qualified Electric Utility or a Large-Scale Generation Provider; and

(b) Large Load Construction Contracts between a Large Load Customer and the Qualified Electric Utility or a Large-Scale Generation Provider; or

(2) This rule governs the process by which the Commission shall review Applications for approval of Large Load Contracts as required by Utah Code ~~Ann.~~ § 54-26-302.

**R746-~~XX2XX3~~-2. General Requirements for Filing an Application for Approval of a Large Load Contract**

- (1) Within 15 days of executing a large Load Contract, a Qualified Electric Utility or Large-Scale Generation Provider shall file with the Commission an Application for approval of the Large Load Contract.
- (2) An Application for Commission approval of a Large Load Contract may be filed by a Qualified Electric Utility or Large-Scale Generation Provider.
- (3) ~~A non-confidential version of the Application for Commission approval of a Large Load Contract to which the Qualified Electric Utility is not a party shall be served upon the Qualified Electric Utility on the same day it is filed with the Commission.~~  
An Applicant may designate confidential information pursuant to the procedures set out in Utah Administrative Code R746-1-601, but in any event must provide sufficient information for the Commission ~~and Qualified Electric Utility~~ to evaluate the technical aspects of a Large Load Contract to ensure the safety and reliability of the Qualified Electric Utility's distribution, transmission, and generation system. The Commission shall mail its notice of agency action for an application for commission approval of a Large Load Contract to the Qualified Electric Utility as permitted under Utah Code § 63G-4-201(2)(b)(iii).
- (4) An Application to the Commission for approval of a Large-Load Contract shall be accompanied by:
  - (a) Evidence that demonstrates that the Large Load Customer meets all applicable requirements of Utah Code Title 54 Chapter 26, including that the project is expected to reach a cumulative demand of 100 megawatts or greater within five years;
  - (b) A copy of the relevant portions of the fully executed Large Load Contract at issue to demonstrate compliance with Utah Code § 54-26-302;
  - (c) A description of how the addition of the Applicant's use will impact the Qualified Electric Utility's system, including the projected increase in electricity demand from the Qualified Electric Utility, if any, to serve the Large Load Customer;

(d) ~~Information describing~~ Evidence sufficient to allow the Commission to determine the Large Load Incremental Costs necessary for the Large Load Customer to receive electric service, ~~which may include new~~ including distribution ~~costs~~ system upgrades, ~~transmission costs~~, generation ~~costs~~ resources, ~~contractual costs for providing electrical service~~; and ~~reasonable contribution to long-term operation and maintenance costs for large load facilities~~, and as applicable, any of the following as approved by the Federal Energy Regulatory Commission

- (i) Transmission system improvements, including network upgrades;
- (ii) Interconnection facilities;
- (iii) Transmission service; and
- (iv) Other necessary infrastructure.

(5) For Large Load Contracts with a Large-Scale Generation Provider, the Applicant must provide:

(a) Evidence that the Large-Scale Generation Provider's registration with the Commission is complete.

~~(a)(b)~~ (b) Certification from the Large Load Customer that the requirements of Utah Code ~~Ann.~~ § 54-26-402(1) are met; and

~~(b)(c)~~ (c) Sufficient information for the Commission to conclude that all requirements of Utah Code Title 54, Chapter 26 have been satisfied.

(6) For Large Load Contracts with the Qualified Electric Utility, the Application must include a methodology for how the Qualified Electric Utility will maintain separate accounting records with sufficient detail to demonstrate that costs will be directly assigned to the Large Load Customer. This methodology will be provided by the Qualified Electric Utility. Costs directly assigned to Large Load Customers may include those identified in R746-~~XX2XX3~~-2(4)(d).

(7) The Qualified Electric Utility will provide all information identified in Utah Code ~~Ann.~~ § 54-26-602(4) that is available at the time of filing.

(8) Spreadsheets provided in support of an Application for approval of a Large Load Contract with a Qualified Electric Utility, may be filed as a confidential document in accordance with Commission rules, but should have all formulae intact.

~~(8)(9)~~ An Application to the Commission for approval of a Large-Load Contract may designate commercially sensitive information as confidential or highly confidential information in accordance with in R746-1-601 through 605.

**R746-~~XX2~~XX3-3. Process for Approval of a Large-Load Contract**

- (1) The Commission shall approve or disapprove an Application for approval of a Large Load Contract within 60 days of the Application being filed.
- (2) A party to an Application may seek expedited Commission approval.
- (3) An Applicant seeking expedited review of an Application must demonstrate why the statutory 60-day time frame is insufficient and whether good cause exists and it is in the public interest for the Commission to grant expedited consideration of the Application. Any request for expedited review must include a proposed schedule for review.
- (4) The Commission shall approve an Application for a Large Load Contract if the Commission finds by a preponderance of the evidence in the record that:
  - (a) The contract complies with Title 54, Chapter 26, Large-Scale Electric Service Requirements;
  - (b) The large load customer bears all just and reasonable incremental costs attributable to receiving the requested electric service; and
  - (c) Existing ratepayers do not bear costs justly and reasonably attributable to providing electric service for the large load customer.

**R746-~~XX3~~XX4 TRANSMISSION AND LARGE-SCALE GENERATOR REQUIREMENTS**

**R746-~~XX3~~XX4-1. Applicability**

- (1) This rule applies to the provision of service to a Large Load Customer that requires Utah jurisdictional transmission or distribution service, including Large Load Customer transmission or distribution service requests related to:
  - (a) Large Load Service Contracts between a Large Load Customer and the Qualified Electric Utility or a Large-Scale Generation Provider; or
  - (b) Large Load Construction Contracts between a Large Load Customer and the Qualified Electric Utility or a Large-Scale Generation Provider.

- (2) This rule shall not apply to the provision of Federal Energy Regulatory Commission-jurisdictional service except that a Qualified Electric Utility is required to permit Large Load Customers to become, at the Large Load Customer's option, Federal Energy Regulatory Commission--jurisdictional transmission customers of the Qualified Electric Utility. This rule provides methods by which the Commission shall review cost allocation of associated transmission requests, which methods are consistent with federal requirements.

**R746-XX3XX4-2. General Requirements for Allocation of Transmission Costs**

- (1) Unbundled Transmission service for Large Load Customers shall be provided pursuant to a Transmission Provider's Federal Energy Regulatory Commission-approved open access transmission tariff. Bundled Transmission service provided by a Qualified Electric Utility shall be provided pursuant to the Qualified Electric Utility's Commission-approved tariff. The Qualified Electric Utility must coordinate the filings of these tariffs to ensure that all retail and Large Load Customers are offered comparable services at comparable prices.
- (2) From and after January 1, 2026, a Large Load Contract shall identify the reasonably allocated share of facilities or upgrades necessary to facilitate a transmission service request from a Qualified Electric Utility or Large-Scale Generation Provider necessary to serve a Large-Scale Service Request on a non-discriminatory basis.
- (3) To the fullest extent allowable under applicable federal law and regulations, all interconnection and transmission-related studies and any identified interconnection upgrades, transmission upgrades, network upgrades, distribution system upgrades and system upgrades the Qualified Electric Utility or the Large-Scale Generation Provider will incur or pay to provide service to the Large Load Customer shall be directly assigned to the Large Load Customer. A reasonable allocation of facilities or upgrades referenced in Subsection (2) shall adhere to the following principles:
- (a) the Large Load Customer shall bear all just and reasonable incremental costs attributable to receiving the requested electric service;
  - (b) the Large Load Customer shall not be charged for network upgrades that are not triggered by the system impact study conducted in response to the



transmission service request related to the Large Load Customer's load request;

(c) the Large Load Customer shall not be charged for the capital costs of projects that a Qualified Electric Utility has already included in its long-term transmission plan at the time of submission of the transmission service request related to the Large Load Customer's load request;

(d) the Large Load Customer shall not be charged for transmission facility capital costs of projects that have previously been assigned to an active load request, generator interconnection request, or transmission service request; and

(2)(e) the Large Load Customer shall only be charged for a pro rata portion of the capacity made available by a new transmission facility based on the Large Load Customer's electrical contribution, or distribution factor.

(4) From and after January 1, 2025, an Application for Commission approval of a Large Load Contract that provides a Large Load Customer transmission service by the Transmission provider shall provide:

(a) Evidence sufficient to allow the Commission to evaluate compliance with Subsections (2) and (3), above, including an evaluation or study report that identifies the impacts and ensure all incremental transmission costs are allocated necessary mitigations to the Transmission Provider's transmission system caused by the provision of service to the Large Load Customer, including but not limited to the following information:

(i) Study assumptions including earlier queued load requests, generator interconnection requests, transmission service requests, and planned transmission projects that are part of the qualified electric utility's long term plan or associated with earlier queued requests;

(ii) Base case Pre-Large Load Request loading levels on relevant transmission facilities prior to the addition of the Large Load Request, including preexisting overloads;

(iii) Post-Large Load Request loading levels on relevant transmission facilities, including potential overloads, after the addition of the Large

- Load Request but before the addition of incremental transmission facilities identified to mitigate potential overloads;
- (iv) New transmission facilities identified to mitigate overloads triggered by the addition of the Large Load Request, including a +/- 20% cost estimate of the cost for the identified transmission facilities; and
- (v) Post-Large Load Request loading levels on relevant transmission facilities, after the addition of the Large Load Request, and after the addition of incremental transmission facilities identified to mitigate overloads.
- (b) A description of transmission costs the Qualified Electric Utility or the Large Scale Generation Provider will incur or pay to provide service to a Large Load Customer;
- (c) A description of how the addition of the Applicant's use will impact the Qualified Electric Utility's transmission system, including:
  - (i) The projected increase in electricity demand from the Large Load Customer,
  - (ii) The just and reasonable incremental transmission costs required to serve the Large Load Customer,
  - (iii) Any transmission capacity created by network upgrades in excess of those reserved for the Large Load Customer, and the time when that capacity is projected to become used and useful for the Qualified Electric Utility
- ~~(3) If a Large Load Customer will be provided transmission service from a project that was previously identified as a part of the Qualified Electric Utility's long-term transmission plan, the Large Load Customer's share of project costs will be assigned to the Large Load Customer giving consideration to the size of the project, project scope, and any impact on the transmission plan.~~

~~(4)~~(5) To effectuate this policy, an Application for Commission approval of a Large Load Contract that includes Large Load Customer transmission and distribution costs shall provide:

(a) Evidence sufficient to allow the Commission to ensure all reasonable incremental transmission and distribution costs are allocated to the Large Load Customer, including but not limited to:

- (i) A description of transmission costs of the transmission upgrades associated with- providing service to a Large Load Customer;
- (ii) A description of how the addition of the Applicant's use will impact the Qualified Electric Utility's transmission system, including:
  - (A) The projected increase in electricity demand from the Large Load Customer,
  - (B) The transmission upgrades needed to meet the Large Load Customer's transmission service needs;
  - ~~(B)(C) The Large Load Customer's enforceable commitment to limit its consumption to the output of contracted Large Scale Generation in order to mitigate transmission or other upgrade needs.~~
- (iii) An explanation of if and how the Qualified Electric Utility proposes to recover from ratepayers any transmission costs that are excess to, and should not be directly assigned to, the Large Load Customer.

~~(5)(6)~~ To determine whether the Large Load Customer bears all reasonable incremental costs attributable to receiving the requested electric service, the Commission may consider the following non-exclusive list of factors:

- (a) The timing and extent of the relevant generation resources, distribution system upgrades, and any other costs that would not occur absent the Large Load Contract;
- (b) The extent to which the Large Load Contract will change the costs and timing of any project that was already planned;

~~(b)~~(c) The extent to which the Large Load Contract provides for the Large Load Customer to rely on Large Scale Generation in order to mitigate incremental system costs;

~~(e)~~(d) How each of these factors might affect rate base and customer rates.

## **R746-XX45 GENERAL COMMISSION REQUIREMENTS FOR LARGE-SCALE GENERATION PROVIDERS**

### **R746-XX4XX5-1. Applicability**

This provision applies to any Large-Scale Generation Provider seeking to provide service to a Large Load Customer.

### **R746-XX4XX5-2. Large-Scale Generation Provider Registration**

- (1) A Large-Scale Generation Provider that seeks to provide service to a Large Load Customer must ~~file an Application to Register~~submit a registration with the Commission before ~~providing commencing~~ service to the Large Load Customer. No such service may commence until the Commission has deemed the registration complete in accordance with this Rule.
- ~~(2) A non-confidential copy of the Application to Register shall be served upon the Qualified Electric Utility on the same day it is filed with the Commission.~~
- ~~(3)~~(2) The Large-Scale Generation Provider's Application to Register shall provide the Commission with all information identified in Utah Code §Section 54-26-501. The Large-Scale Generation Provider may meet with Commission Staff in advance of registration to confer on its registration materials.
- ~~(3)~~ Upon the Commission's review of the Large-Scale Generation Provider's registration materials, and no later than 60 days after submission, the Commission shall deem the registration complete, or allow the Large-Scale Generation Provider 90 days to supplement its registration materials in order to remedy any deficiencies identified. Upon the submission of any supplemental materials, the Commission shall have 30 days to deem the registration complete, or identify any additional deficiencies. The Large-Scale Generation Provider may supplement its registration materials to resolve any Commission-identified deficiencies until the registration is deemed complete or the Large-Scale Generation Provider otherwise withdraws its registration-an

- ~~Application to Register, the Commission shall open a docket and establish a schedule to evaluate compliance with Utah Code Section 54-26-501.~~
- (4) If a Large-Scale Generation Provider changes ownership or control, it shall update its registration with the Commission within 30 days.
- ~~(5) Upon conclusion of the investigation, the Commission shall, within 60 days of the date the Application to Register is filed, either:~~
- ~~(a) approve the Application to Register;~~
- ~~(b) impose reasonable conditions on the applicant's status, if the initial Application to Register fails to satisfy the requirements of Utah Code Ann. § 54-26-502; or~~
- ~~(c) notify the applicant of deficiencies in its Application to Register and allow the applicant 90 days to remedy any such deficiencies.~~
- ~~(6) If an applicant is permitted to remedy deficiencies, the Commission shall review the revised Application to Register and,~~
- ~~(a) If the Commission, in its discretion, determines that the revised Application to Register failed to remedy the deficiencies previously identified, the Commission may deny registration and the applicant shall be prohibited from providing service to a Large Load Customer.~~
- ~~(b) If the Commission, in its discretion, determines that a revised Application to Register successfully remedied the deficiencies the Commission previously identified, the Commission shall grant the Application to Register and the applicant shall be permitted to provide service to the Large Load Customer as if the application had been granted in the first instance, subject to reasonable conditions imposed by the Commission.~~
- ~~(7)(5) If at any time, upon a complaint filed by a Large Load Customer or the Qualified Electric Utility or in its own discretion, the Commission determines that the Large-Scale Generation Provider has failed to comply with obligations imposed by agreement or the Commission pursuant to this rule, the Commission may suspend or revoke the Large-Scale Generation Provider's registration, such suspension or revocation shall be a final order subject to Utah Code § 54-26-502(2).~~

**R746-~~XX4XX~~5-3. Large-Scale Generation Provider Registration Notice to Large Load Customers**

- (1) A registered Large-Scale Generation Provider must provide notice to any potential Large Load Customer of any conditions imposed on its registration by the Commission.
- (2) A registered Large-Scale Generation Provider must include in every Large Load Contract ~~or Private Generation Contract~~ notice to the Large Load Customer that
  - (a) If the Large-Scale Generation Provider fails to comply with its legal requirements under Utah Code Title 54, Chapter 26, the Commission ~~can~~ may suspend or revoke the Large-Scale Generation Provider's registration. In such a case, the Large Load Customer shall be provided a reasonable opportunity to secure alternative service from another Large-Scale Generation Provider or the Qualified Electric Utility at the large load customers sole discretion and prohibit it from continuing to provide service after the Large Load Customer is given reasonable opportunity to secure alternative service;
  - (b) The Large Load Customer's load is subject to curtailment if the Large Load Customer's demand exceeds the real-time dispatch of the Large-Scale Generation Provider's resources under the Large Load Contract, net of transmission losses;
  - (c) Except as explicitly provided in a Large Load Contract, the Qualified Electric Utility has no duty to serve a Large Load Customer that has entered a into Large Load Contract with a Large-Scale Generation Provider; and
  - (d) Except as explicitly provided in a Large Load Contract, the Qualified Electric Utility is not required to provide backup power to a Large Load Customer that has entered a Large Load Contract with a Large-Scale Generation Provider.

## **R746-XX6    ADDITIONAL REQUIREMENTS FOR CONNECTED GENERATION WITH LARGE-SCALE GENERATION PROVIDERS**

### **R746-~~XX5~~XX6-1. Additional Requirements for Connected Generation with Large-Scale Generation Providers**

In addition to meeting the requirements of R746-~~XX2~~XX3-3:

(1) An Application for approval of a Large Load Contract between a Large-Scale Generation Provider and a Large Load Customer for service through a connected generation system must include:

(a) Proof Evidence that the Large-Scale Generation Provider satisfies all requirements of Utah Code § 54-26-505(2) and

~~(i) The Large-Scale Generation Provider is registered with the Commission in accordance with Utah Code § 54-26-501,~~

~~(ii)(i)~~ (i) The Large Load Customer has complied with Utah Code § 54-26-402(1), and

~~(iii)(ii)~~ (ii) The Large-Scale Generation Provider will serve the Large Load Customer using only Qualifying Generation Resources, as that term is defined in Utah Code § 54-26-101(15);

~~(b) Proof that the Large-Scale Generation Provider has delivered the required notices in R746-XX4-3,~~

~~(c)(b)~~ (b) A declaration from the Large-Scale Generation Provider, ~~including an outline of supporting evidence,~~ either that:

(i) No costs associated with Large Load Facilities will be incurred by the Qualified Electric Utility in conjunction with the Large Load Contract, or

(ii) The Large-Scale Generation Provider or Large Load Customer has entered a Large Load Construction agreement to reimburse the reasonably incurred costs of any necessary Large Load Facilities;

~~(d) A declaration from the Qualified Electric Utility, including a outline of supporting evidence that :~~

~~(i) ——— No electric services will be provided by the Qualified Electric Utility in conjunction with the Large Load Contract, or~~

~~(ii) ——— The Large-Scale Generation Provider or Large Load Customer has entered a Large Load Service Agreement for the provision of any necessary electric services from the Qualified Electric Utility in conjunction with the Large Load Contract, and~~

(iii) ~~—— The Qualified Electric Utility has had an opportunity to review the Private Generation Contract and has concurred with the findings in the declaration under subpart (a) of this Rule.~~

~~(e)~~(c) ~~\_\_\_\_\_~~ The Large-Scale Generation Provider has established curtailment processes with the Large Load Customer in the Large Load Contract in the event the Large Load Customer's demand exceeds the real-time dispatch of the Large-Scale Generation Provider's resources under the Large Load Contract, net of transmission losses.

## **R746-~~XX6XX7~~ CLOSED PRIVATE GENERATION**

### **R746-~~XX6XX7~~-1 Applicability**

This Section applies to all Closed Private Generation Systems.

### **R746-~~XX6XX7~~-2. ~~Additional Requirements for Closed Private Generation Systems~~ Certification with Large Scale Generation Providers**

(1) Large-Scale Generation ~~Providers~~ Provider serving a Large Load Customer shall submit a certification to the Commission, prior to commencing service to the Large Load Customer, certifying that: for approval, as required by Utah Code Ann. §§ 54-26-102(1)(d) and 54-26-501, a copy of the Private Generation Contract and

(a) Its system is wholly separate from facilities owned and operated by any Qualified Electric Utility, cooperative utility, municipal utility, or other utility except to the extent authorized in Utah Code §§ 54-26-504 and 54-26-505~~proof the Large Scale Generation Provider is registered consistent with Utah Code § 54-26-501 and Utah Admin. Code R746-XX4-2;~~

~~(b) proof that the Large Scale Generation Provider satisfies all requirements of Utah Code Ann. § 54-26-505(2);~~

~~(c)~~

(b) proof the Large-Scale Generation Provider will serve the Large Load Customer using only Qualifying Generation Resources, as that term is defined in Utah Code Ann. § 54-26-101(15),

~~(d)~~(c) \_\_\_\_\_ has registered with the Commission as a Large-Scale Generation Provider.



- ~~(e) A declaration from the Qualified Electric Utility, including an outline of supporting evidence, that the Closed Private Generation System will operate with complete separation from the Qualified Electric Utility's system, and~~
- ~~(f) Proof the Large Scale Generation Provider has delivered the required notices in R746-XX4-3 as well as the following additional notices:~~
  - ~~(i) the Closed Private Generation System is not connected to and operates independently from the transmission system of the Qualified Electric Utility, cooperative utility, municipal utility, or any other utility;~~
  - ~~(ii) the Qualified Electric Utility has no duty to provide electric service including ancillary services;~~
  - ~~(iii) there is no backup power available in the event of an outage ; and~~
  - ~~(iv) any request for interconnection to the Qualified Electric Utility for any level of service, requires the Large Load Customer to submit a Large Scale Service Request to the Qualified Electric Utility and adhere to the process, cost allocations, and timelines set forth in Utah Code Title 54, Chapter 26.~~
- ~~(2) The Commission shall approve review and deem the filed certification complete or require additional information from the Large-Scale Generation Provider within 30 days. a Private Generation Contract if the Commission finds by a preponderance of the evidence in the record that~~
  - ~~(a) The Large Scale Generation Provider is registered with the Commission;~~
  - ~~(b) The Large Load Customer is requesting service that is expected to reach a cumulative demand of 100 megawatts or greater within five years of the requested initial start date; and~~
  - ~~(c) The generation, transmission, and related facilities remain wholly separate from facilities owned or operated by any Qualified Electric Utility, cooperative utility, municipal utility, or other utility.~~