Chad Baker (#14541)
Holland & Hart LLP
222 S Main St Suite 2200, Salt
Lake City, UT 84101
Telephone: (801) 799-5938
ccbaker@hollandhart.com

Thorvald A. Nelson (CO #24715, MT #8666, NV #15442, WY #8-6796)
Abigail C. Briggerman (CO #46028, MD #0612120095, WY #7-5476)
Holland & Hart LLP
555 17th Street, Suite 3200,
Denver, CO 80202
Telephone: (303) 290-1601
tnelson@hollandhart.com
acbriggerman@hollandhart.com
Attorneys for Tract Capital Management, LP and NRG Energy

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 AND PROPOSED REVISIONS OF NRG ENERGY AND TRACT

NRG Energy ("NRG") and Tract Capital Management, LP ("Tract") (together the "Joint Commenters"), through their undersigned counsel, file these Joint Comments and Proposed Revisions pursuant to the Commission's September 18, 2025, Amended Scheduling Order and Notice of Retention of Independent Evaluator, that allowed stakeholders to file by October 10, 2025, "comments and proposed rule revisions on RMP's rule proposal." The Joint Commenters filed initial comments on August 28, 2025, and reply comments on September 10, 2025, and are grateful for the opportunity to file comments and proposed revisions to the October 1, 2025, rule proposal from Rocky Mountain Power ("RMP").

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"). After initial comments on a straw proposal, reply comments on proposed rules, and a technical conference, the Commission ordered RMP to provide a new set of proposed rules in its September 18, 2025, Amended Scheduling Order. RMP provided revisions to its proposed Rules on October 1, 2025 (the "October Proposed Rules"). The October Proposed Rules were to incorporate comments provided to that point in this proceeding. The Joint Commenters appreciate the movement RMP made in the October Proposed Rules to incorporate positions from various commenters. The Joint Commenters specifically find significant value in RMP's proposal to incorporate the Federal Energy Regulatory Commission ("FERC") approved Open Access Transmission Tariff ("OATT") as the transmission service cost applicable to Large Load Contracts.[1]

The Joint Commenters appreciate the opportunity to provide these Comments and Proposed Revisions. Pursuant to the directions provided by the Commission in the Technical Conference, the Joint Commenters provide detailed briefing on key issues below. These comments aim to provide the Commission with statutory interpretation that it can apply to its rules as well as address practical considerations that should guide the Commission's deliberations in this proceeding.

II. JOINT COMMENTERS' COMMENTS AND PROPOSED REVISIONS

1. General Requirements for Transmission Service

As explained in the Joint Commenters' Initial Comments, there are generally 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 generator to the load

[1] These comments capitalize terms defined in S.B. 132. For consistency, these comments also capitalize defined terms in quotes from the statute, but do not offset them with brackets for readability.

based on the utility's FERC-jurisdictional 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.

The October Proposed Rules recognize that S.B. 132 contemplates Large Load Customers becoming FERC-jurisdictional transmission customers under a FERC-approved OATT: "Transmission service for Large Load Customers shall be provided pursuant to a Transmission Provider's Federal Energy Regulatory Commission-approved open access transmission tariff."[2] The Joint Commenters agree with this concept.

The second approach, however, remains a valid and necessary option for the effective implementation of S.B. 132. Accordingly, Joint Commenters' proposed revisions clarify the Large Load Customer's or LSGP's ability to receive retail transmission service as an OATT customer and retain the option for the Large Load Customer or LSGP to remain a retail customer of the public utility for purposes of delivering the LSGP's power to the Large Load Customer. Preserving both pathways provides flexibility to promote the efficient development and use of energy infrastructure needs to support Large Load Customer development in Utah.

2. Transmission Cost Allocation

Numerous parties identified the need to create concrete guidelines or methodology to address Transmission Cost Allocation. Although the recommendations varied, nearly all stakeholders

[2] October Proposed Rules R746-XX3-2(1).

requested a uniform framework.[3] Joint Commenters support the development of a uniform framework. The short window provided by the legislature and the absence of real project facts and data frustrates efforts to develop such a framework. Accordingly, given the October Proposed Rule's recognition that transmission service should be provided pursuant to a transmission provider's FERC approved OATT, the Joint Commenters propose a new framework that authorizes Utah customers' retail access to the FERC-approved OATT and recognizes the supremacy of such a FERC approved OATT. To this end, the Joint Commenters disagree with DPU's comment suggesting that the Commission "initially refrain from making any rules under Section 54-26-503(3)."[4] On the contrary, the Joint Commenters encourage the Commission to adopt a rule that accepts that a FERC OATT presumptively satisfies the requirements of the just and reasonable allocation of incremental costs. Although the Joint Commenters provide a new suggested framework below, we also reserve the right to offer additional or alternative comments after the Commission's independent consultant provides its recommendations.

a. Three Rate Possibilities for Transmission Service

The Joint Commenters suggest the Commission adopt FERC-approved OATT rates for the two approaches described above until such time as RMP files a Utah-Jurisdictional Large Load Transmission Tariff. The first approach is for the Commission to designate Large Load Customer or LSGP retail access to the transmission provider's OATT, under which the OATT establishes the costs of such service. This is the method contemplated by Utah Code Ann. § 54-26-503 ("Section 503") and effectuated by the adoption of OATT rates for all Large Load Customers. The second approach would

[3] OCS's Reply Comments at 2 (noting "the need for precise and comprehensive rules for transmission cost allocation"); DPU Reply Comments at 2-3 (noting more specificity is needed to address what constitutes sufficient information demonstrating that Large Load Customers bear all just and reasonable incremental costs attributable to receiving the requested electric service); Enyo's Reply Comments at 8 (agreeing with OCS that cost allocation "must be transparent and based on cost causation"); UAE's Initial Comments at 7-8 (requesting Commission guidance on cost allocation methodology to prevent RMP from proposing cost allocation terms that may be self-serving).

[4] DPU's Reply Comments at 6.

be to establish the OATT rate as a rate pass-through where RMP simply passes the rates it pays for transmission service through as customer charges. The Large Load Customer would pay Commission-regulated rates for its transmission and distribution services while procuring its power directly from the generator. At some point in the future, RMP could voluntarily, or pursuant to Commission order, bring a rate case to establish a Utah-Jurisdictional Large Load Transmission Tariff. This is the method contemplated by Utah Code Ann. § 54-26-901 ("Section 901") and eventually effectuated by a Utah-Jurisdictional Large Load Transmission Tariff. The Joint Commenters explain below how the proposed framework satisfies both Section 503 and Section 901.

b. Section 503

Section 503 recognizes that cost allocation for FERC-jurisdictional transmission service is governed by federal law and that transmission service will, in many cases, be FERC-jurisdictional. Since the Commission cannot require cost allocation that conflicts with federal law for federal regulated services, the Joint Commenters originally contended that there is no need for the Commission to establish further rules on FERC-jurisdictional service. DPU suggested that "it may be best to initially refrain from making any rules under Section 54-26-503(3) on this type of service request."[5] Along those lines, the Joint Commenters propose an intermediate position in its revisions to the October Proposed Rules. The revisions address three concerns: timing, certainty, and statutory intent.

The October Proposed Rules provide that the transmission service for Large Load Customers shall be provided pursuant to the FERC OATT. The Joint Commenters agree that consolidating all Large Load Customer transmission service under the umbrella of the OATT makes sense. First, it is an efficient way to satisfy the Commission's obligation to finalize rules on transmission cost allocation by January 1, 2026. Second, incorporating OATT rates into the Utah Rules creates certainty. Many

[5] DPU Reply Comments at 6.

parties noted transparency into the cost allocation process is a key consideration in attracting developers to Utah. Developers will know that they can rely on the OATT, approved through a formal federal process, to evaluate development opportunities in Utah. Recognizing that the current OATT for transmission service in Utah may not have contemplated retail transmission service, we suggest that the rules require RMP to file a Utah-Jurisdictional Large Load Transmission Tariff rate with FERC, with the Commission, or with both.

The Joint Commenters suggest the Utah-jurisdictional filing could take a number of forms. First, RMP could file a tariff at FERC, mirroring tariffs in Montana and Oregon which permit Large Load Customers and LSGPs to be retail customers on the OATT.[6] The Joint Commenters prefer this option. Alternatively, RMP could file a Utah-Jurisdictional Large Load Transmission Tariff with the Utah Commission. In a Utah Tariff filing, it would be incumbent upon the Commission and intervening parties to review the tariff closely and identify and eliminate any jurisdictional overlap. Lastly, due to the complexity of transmission system planning and cost allocation, RMP, or its transmission provider division or affiliate, may wish to make filings before both bodies to harmonize its overall framework.

The Joint Commenters suggest that requiring RMP to file a Utah-Jurisdictional Large Load Transmission Tariff is preferable to having the Commission create cost allocation rules at this time. A tariff is evaluated based on utility data whereas universal rules may be more speculative in nature. The Joint Commenters believe that the evidence and testimony of a rate case filing will better effectuate the intent of S.B. 132 without unnecessary speculation.

c. Section 901 Transmission Cost Allocation

Section 901(1) requires the Commission undertake rulemaking for the allocation of

[6] *See e.g.,* NorthWestern Energy Electric Tariff, Schedule No. GSEDS-2; Schedule No. CESGTC-1. (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.).

transmission costs for Large Load Contracts between Large Load Customers and retail customers by January 1, 2026. 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. However, any transmission cost allocation framework the Commission creates can only apply to services that are Utah-jurisdictional. Cost allocations that venture into FERC's jurisdiction are susceptible to preemption. The line between FERC's jurisdiction and the Commission's jurisdiction is difficult to draw, especially with the current information limited to theory without project specific facts.

The Joint Commenters believe that the redlines to the October Proposed Rule comply with the considerations in Section 901. Section 901(3) permits the Commission to establish different cost allocation methodologies based on the timing of Large Load Customer interconnection. Using the OATT now and a Utah-jurisdictional rate in the future as more developers seek to build in the state is a logical sequence from a timing perspective. Additionally, because focused large load growth is an emerging issue, the Commission likely does not have the data it needs to effectively evaluate most of the considerations listed in Section 901(2). Using the OATT initially will provide real data on the effects of large loads on RMP's system, and the region's transmission generally, for the Commission to use when evaluating a Utah-Jurisdictional Large Load Transmission Tariff application.

In this proceeding the Commission can also provide initial direction to RMP for the Utah-Jurisdictional Large Load Transmission Tariff application. For instance, the Commission should demonstrate an expectation that RMP include specific transparent pricing and credit treatment when it files the Utah-Jurisdictional Large Load Transmission Tariff application. Furthermore, the Joint Commenter's suggest RMP should look to unbundled retail competition states such as Arizona[7] and

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

Ohio,[8] for guidance on any future Utah-Jurisdictional Large Load Transmission Tariff.

3. The Commission's Narrow Jurisdiction Over Closed Private Generation Systems Does Not Include Private Generation Contract Review.

S.B. 132 grants the Commission oversight of Closed Private Generation Systems on just three points.[9] RMP's repeated efforts to create an approval process for Private Generation Contracts find no support in any section of S.B. 132.[10] The rules must reflect the statutory limitations, as reflected in the Joint Commenters' redlines.

The procedures and standards set forth in the newly created Chapter 26 "govern (a) large scale service requests, (b) services sought, provided, or received under either a large-scale service request or a private generation service request; (c) services provided through Closed Private Generation Systems under Private Generation Contracts; and (d) the review and approval of Large Load Contracts and Private Generation Contracts."[11]

Utah Code Ann. § 54-26-302 ("Section 302") details the requirements for commission review and approval of Large Load Contracts. First, Section 302 does not reference Private Generation Contracts anywhere, only Large Load Contracts. Large Load Contracts is an umbrella term encompassing large load construction contracts or large load service contracts.[12] Neither of the Large Load Contract types include Private Generation Contracts. Private Generation Contracts are their own category for "the provision of electric service through a Closed Private Generation System."[13] Although a Private Generation Contract arises between a Large Load Customer and a LSGP,[14] this

[8] Ohio Rev. Code Ann. § 4928.01 et. seq.
[9] Utah Code Ann. § 54-26-504(2)(b), (3) & (4) (ensure separation from QEU and other utility owner or operated facilities; ensure use of only qualified generation resources; and potentially require notices and warnings regarding separation from the utility system).
[10] RMP's Reply Comments at 5 (RMP claims, without citation, that "The Utah Legislature was express in its intention that the Commission must approve private generation contracts.").
[11] Utah Code Ann.§ 54-26-102(1).
[12] *Id.* § 54-26-101(4).
[13] *Id.* § 54-26-101(13).
[14] *Id.*

does not mean that Private Generation Contracts are Large Load Contracts.

Statutory interpretation norms require interpretations that give meaning to every word.[15] However, RMP's argument that Private Generation Contracts are Large Load Contracts violates that norm by dissolving any distinction between a Closed Private Generation System and a Connected Generation System. They must be distinct because both involve a Large Load Customer and a LSGP, yet only Connected Generation Systems appear under the umbrella of Large Load Contracts.

If the legislature intended for Large Load Contract to include Private Generation Contracts it would not have drafted separate consecutive sections providing distinct requirements for each.[16] This is further supported by the fact that the Large Load Contract requirements section includes LSGPs providing service through a Connected Generation System,[17] while LSGPs serving Closed Private Generation Systems get a separate statutory section.[18] Thus, the omission of Private Generation Contracts from Section 302 is indicative of the legislature's intent. The Commission's contract approval jurisdiction applies to contracts that interact with the grid, i.e., through the utility's large-scale service request or a Connected Generation System.

Moreover, Utah Code Ann. § 54-26-504 ("Section 504") unambiguously states that Closed Private Generation Systems and their large-scale generation providers "are exempt from commission oversight or regulation as a public utility under this title."[19] Section 504 provides only two requirements for Closed Private Generation Systems: (1) wholly separate status from the Qualified Electric Utility's ("QEU") facilities[20] and (2) use of qualified resources.[21] Additionally, Closed Private

[15] *State v. J.M.S.*, 2011 UT 75, ¶ 13, 280 P.3d 410, 413 (Sup.Ct.) ("Often, statutory text may not be plain when read in isolation, but may become so in light of its linguistic, structural, and statutory context. For this reason, our interpretation of a statute requires that each part or section be construed in connection with every other part or section so as to produce a *harmonious whole*." (internal quotation marks and citations omitted, emphasis in original)).
[16] Utah Code Ann. § 54-26-301 & -301.5.
[17] *Id.* § 54-26-301(4).
[18] *Id.* § 54-26-301.5 & -504.
[19] *Id.* § 54-26-504(2)(a).
[20] *Id.* § 54-26-504(2)(b).
[21] *Id.* § 54-26-504(3).

Generation Systems may convert to Connected Generation Systems pursuant to the requirements of Utah Code Ann. § 54-26-505[22] and may, as determined by the Commission, be required to give certain notices and warnings about separation from the utility system.[23]

Regarding the language that Chapter 26 governs "the review and approval of Large Load Contract and Private Generation Contracts,"[24] the Commission must harmonize this with the rest of the statute. To the extent this phrase creates ambiguity between the Commission's clear declaration that Private Generation Systems are exempt from commission oversight and the implication that Private Generation Contracts should be subject to some approval, the route to a harmonizing interpretation is straightforward. The Commission may *review* the specifications of a Closed Private Generation System and enforce compliance for systems that violate the statute. This is the type of simple jurisdictional determination proposed by the Joint Commenters. However, the statute provides zero guidance to the Commission on what it must *approve* in an adjudicated process for a Closed Private Generation System, despite providing extensive guidance for what to approve for a QEU served Large Load Contract or Connected Generation System. Accordingly, the statute only grants the Commission authority specifically delegated, to review a Private Generation Contract for the two requirements provided in Section 504, and in its discretion require notices and warnings. This review should culminate in a compliance filing and does not necessitate notice or public involvement like an application could.

Lastly, RMP's argument that it needs to review Private Generation Contracts for system safety is unsupportable. By definition a private generation contract is wholly separate from the QEU system.[25] If a Closed Private Generation System wants to convert to a Connected Generation System,

[22] *Id.* § 54-26-504(2)(c).
[23] *Id.* § 54-26-504(4).
[24] *Id.* § 54-26-102(1).
[25] *Id.* § 54-26-101(1).

the QEU will have all the necessary rights to review that service request.[26]

The Joint Commenters attached redlines strike references to Private Generation Contracts consistent with the extremely limited Commission jurisdiction over them. The redlines also adjust the language describing jurisdiction over Private Generation Contracts accordingly.

4. The Commission Should Defer Air Quality Issues to the Utah Department of Environmental Quality and Decline Western Resource Advocates ("WRA") Request for Air Modeling

The Joint Commenters disagree with WRA's request that the rule incorporate language requiring LSGPs "whose portfolio of qualifying generation resources emits criteria pollutants [to] submit to the commission air quality modeling that estimates the impact of the generating sources on the state implementation plan ["SIP"]."[27] The Utah Department of Environmental Quality ("UDEQ") is the government body authorized under Utah law to administer the air permitting program, including the development and administration of the SIP, in accordance with the Clean Air Act. WRA's proposal encroaches on UDEQ's authority to ensure compliance with the National Ambient Air Quality Standards ("NAAQS"). UDEQ already has the requisite authority to ensure that emission sources—including major sources subject to modeling requirements and the minor sources exempt from modeling—implement the emission controls necessary to ensure compliance with the NAAQS.

Additional review and air quality modeling and analysis as part of Commission regulations is not required by S.B. 132 or UDEQ's enabling statute or rules. Commission review would be redundant and potentially inconsistent with UDEQ's jurisdiction. Moreover, requiring air quality modeling for all sources would apply an unreasonable regulatory burden on LSGPs. Such modeling is very expensive and time-consuming. And to the extent requirements to submit air quality monitoring are inconsistent with UDEQ requirements, it would impose unnecessary burdens that would slow the

[26] *Id.* § 54-26-505(4)-(5).
[27] WRA Reply Comments at 1.

development of resources to serve Large Load Customers.

5. Obligations of a Qualified Electric Utility

As explained in their Reply Comments, 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-XX2-2 ("Obligations of a Qualified Electric Utility"), R746-XX2-3 ("Evaluation Requirements"), R746-XX2-4 ("General Requirements for Filing an Application for Approval of a Large Load Contract"), and R746-XX2-5 ("Process for Approval of a Large Load Contract").

6. General Requirements for Applications for Approval of a Large Load Contract

Although the October Proposed Rules are more compatible with the language in S.B. 132 on Large Load Contract approval, the Joint Commenters provide additional revisions to better align the process with the statute.

First, the Joint Commenters insert a clear trigger for when the timelines for Commission approval begin to run. Additionally, the Joint Commenters continue to believe that the notice associated with an Application for Approval of a Large Load Contract should be issued through the Commission notice process, not through the Large Load Customer. Furthermore, there is no reason to provide the entirety of any Large Load Contract to the Commission when only specific provisions are relevant to the Commission's analysis. Confidentiality remains a key concern with Large Load Contracts which must be effectively addressed in the rules. The Commission's rules must balance the QEU's role as the system operator as the regulated public utility monopoly with the fact that it also competes as a market participant with other large-scale generation providers. Safeguarding confidential information in Commission proceedings, especially from the utility, is essential to prevent

a QEU from having a competitive advantage.

In addition to the above concerns, the Joint Commenters do not believe that these approval proceedings need to be fully adjudicated. The process for informal proceedings under Utah Code Ann. § 63G-4-202 is sufficient, and participation should be limited except upon motions for good cause shown.

Lastly, the Joint Commenters add a section clarifying a procedural ambiguity. If (a) the Commission denies an application for Large Load Contract approval or (b) a Large Load Customer or the QEU withdraws from a Large Load Contract because it finds terms imposed by the Commission unacceptable, then the Large Load Customer may pursue an alternative agreement with a LSGP. The Joint Commenters believe this clarification is important to clearly define the rights and obligations that arise after the Commission makes a determination on a Large Load Contract Approval Application.

The Joint Commenters redlines to the October Proposed Rules address these concerns.

7. Large-Scale Generation Provider Registration

The October Proposed Rules for registration of LSGPs do not serve the purposes of the statute and go beyond the registration requirements. Utah Code Ann. § 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 organizational history and its proposed generation resources. Requirements (3) and (4) are already evaluated closely in the Large Load Contract Approval Application, thus the Commission must simply transfer those findings to the registration.

Nowhere does Utah Code Ann. § 54-26-501 mandate an application or a litigated proceeding

as proposed by RMP. As recommended in the Joint Commenters' Initial Comments, the Commission should treat LSGP registration as a straight-forward informational filing. The Commission should merely ensure all requirements are met and then certify the registration. The LSGP's registration should be entitled to confidential designations and protections in accordance with Commission rules.

Utah's rules require an application for licenses, rights, or authorities.[28] 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 understanding. Despite having adequate notice to refute this argument in its reply comments, RMP provides no evidence that the legislature intended to create a litigated proceeding for registration.

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 1 MW or greater facilities, not selling at wholesale, renew their registrations every other year by submitting a statement affirming the information on file is current and correct.[29] The Joint Commenters also add a section 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.

Lastly, the Joint Commenters include a critical addition in R746-XX4-3 clarifying that if a LSGP registration is terminated the Large Load Customer has unlimited discretion to procure alternative service. RMP may not require a large load service request before a Large Load Customer can approach other LSGPs.

[28] 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.")
[29] 16 Tex. Admin. Code § 25.109(h).

8. Connected Generation

The revisions the Joint Commenters make in this section are intended to streamline the rules and incorporate all statutory requirements. As written, the October Proposed Rules cross-reference only selected portions of the statute. This may create ambiguity and thus it is better to reference the broader statutory sections.

9. Additional Edits

The Joint Commenters deleted the new defined term "Application to Register" in the October Proposed Rules. Registering is not an application process which would be adjudicated. Instances of this defined term are revised throughout.

III. CONCLUSION

The Joint Commenters appreciate the opportunity to provide these Comments and Proposed Revisions 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 October 2025,

/s/ Chad Baker
Chad Baker
Thorvald A. Nelson
Abigail C. Briggerman
Holland & Hart LLP
Attorneys for NRG Energy and Tract Capital Management

CERTIFICATE OF SERVICE

I certify that on October 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 and served upon the following in Utah Docket No. 25-R318-01 as indicated below:

BY Electronic-Mail:

ROCKY MOUNTAIN POWER
Jana Saba (jana.saba@pacificorp.com)
Max Backlund (max.backlund@pacificorp.com)
Joelle Steward (joelle.steward@pacificorp.com)
Carla Scarsella (carla.scarsella@pacificorp.com)
Ajay Kumar (ajay.kumar@pacificorp.com)
Katherine Smith (katherine.smith@pacificorp.com)
Lisa Romney (lisa.romney@pacificorp.com)
(datareq@pacificorp.com) (utahdockets@pacificorp.com)

DIVISION OF PUBLIC UTILITIES
Madison Galt (mgalt@utah.gov)

OFFICE OF CONSUMER SERVICES
Alyson Anderson (akanderson@utah.gov)
Alex Ware (aware@utah.gov)
Bela Vastag (bvastag@utah.gov)
Cameron Irmas (cirmas@utah.gov)
Jennifer Ntiamoah (jntiamoah@utah.gov)
(ocs@utah.gov)

CALPINE ENERGY SOLUTIONS, LLC
Gregory M. Adams (greg@richardsonadams.com)
Greg Bass (greg.bass@calpinesolutions.com)

ENYO RENEWABLE ENERGY, LLC
Sommer J. Moser (sommer@pepplemoser.com)
Christine Mikell (christine@enyo-energy.com)
Jacob Simmons (jacob@enyo-energy.com)

NRG ENERGY AND TRACT
Abigail C. Briggerman (acbriggerman@hollandhart.com)
Thorvald A. Nelson (tnelson@hollandhart.com)
Chad Baker (ccbaker@hollandhart.com)

INTERWEST ENERGY ALLIANCE
Christopher Leger (chris@interwest.org)
Hunter Holman (hunter@interwest.org)

UTAH ASSOCIATION OF ENERGY USERS
Phillip Russell (prussell@jdrslaw.com)
Justin Bieber (jbieber@energystrat.com)
Justin Farr (jfarr@energystrat.com)
Kevin Higgins (khiggins@energystrat.com)

UTAH ATTORNEY GENERAL'S OFFICE
Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
Robert Moore (rmoore@agutah.gov)

WESTERN RESOURCE ADVOCATES
Sophie Hayes (sophie.hayes@westernresources.org)
Joro Walker (joro.walker@westernresources.org)

ENCHANTED ROCK, LLC
Scott D. Lipton (slipton@enchantedrock.com)

INDEPENDENT EVALUATOR – CRA INTERNATIONAL, INC.
Andrew Dressel (adressel@crai.com)

35904860_v9