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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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FINAL COMMENTS OF ENYO RENEWABLE ENERGY, LLC

I. Introduction

Enyo Renewable Energy, LLC (“Enyo”), through its undersigned counsel, respectfully submits its Final Comments in the above-captioned rulemaking proceeding. Enyo appreciates the opportunity to offer this final round of comments following what has been an expedited, but robust process intended to result in rules that provide Large Load Customers, Large-Scale Generation Providers, the Company and other stakeholders with clear processes and expectations consistent with S.B. 132’s¹ policy intentions. Enyo also appreciates the Commission’s October 17, 2025 Memorandum, which has provided valuable insight into the Commission’s current thinking on several issues of importance to Enyo.

When considering rule language for adoption, it is important to keep in mind both the driver for S.B. 132 and the larger policy objectives of the bill. Senate Bill 132 was enacted to address

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

the lack of timely and cost-effective interconnection options for large loads in Rocky Mountain Power's ("RMP" or "Company") service territory in Utah by establishing new options for serving such large loads beyond traditional cost of service while also seeking to insulate retail customers from the cost impacts of serving large loads. S.B. 132 also recognizes that not all large loads are the same – those that can interconnect with minimal impacts to the RMP system during constrained periods, thereby offering flexibility to the RMP system, may be appropriately served pursuant to a Large Load Flexible Tariff ("LLFT") in addition to other service offerings. In sum, S.B. 132 was intended to – and should be implemented in accordance with – enabling competitive and flexible service options for large load customers, regardless of whether service is provided by an incumbent utility or a large-scale generation service provider.

Enyo continues to support the version of rules attached to its October 10, 2025 comments, with minor clean-up changes and one substantive addition, discussed below, related to financial compensation for Large Load Customers if a Qualified Electric Utility does not complete necessary upgrades within a commercially reasonable timeframe as determined in a Large Load Contract. In reviewing other parties' October 10th comments and proposed redlines, Enyo continues to find alignment with joint commenters NRG Energy and Tract, as well as Calpine Energy Solutions on several key issues, including transmission and Large-Scale Generation Provider requirements. In these final comments, Enyo's further expands on the rationale for rule language that it considers critical for inclusion in final rules.

II. Comments

A. The Commission should adopt rule language that provides further detail and clarity applicable to large-scale service requests.

Enyo appreciates that the Commission's October 17th guidance indicates that it does not intend to include rules governing large-scale service requests in its initial S.B. 132 rules, and

instead, is inclined to believe that “[t]he requirements of SB 132 and existing RMP service request procedures *may* be sufficient in this area.”² Enyo also appreciates that these issues could be addressed as part of a future proceeding, including a future rulemaking proceeding. However, given the premise that Large Load Customer needs are sufficiently met by statute and existing RMP practices, Enyo offers additional clarification and comments on why this is not the case.

Utah Code § 54-26-201 sets forth Large-scale service request requirements, which include minimal information requirements that include proposed location for electric service, requested demand in MW, load profile information and information demonstrating customer financial capability to complete the Large Load Customer’s project, to name a few. Once this information is submitted, Utah Code § 54-226-202 sets forth the timing, notification and other procedural requirements applicable to a Qualified Electric Utility’s review of a large-scale service request, but again, these requirements are relatively minimal. This means that several important aspects of the large-scale service request would necessarily rely on RMP’s service request procedures. If RMP and the large load customer ultimately cannot agree on the reasonableness of RMP’s service request procedures, the dispute may be filed with the Commission. As a construct, this is a resource-intensive and protracted approach that hinders economic development and the timely provision of service to large loads in Utah.

As Enyo noted in its September 10, 2025 comments, it has first-hand knowledge of the interconnection and cost allocation barriers facing large load customers – problems that S.B. 132 was designed to address, but which require the Commission to exercise its discretion to adopt prescriptive policies via rule in order to fully effectuate legislative intent. Additionally, the Company’s current load and generation study approach results in assigning duplicative and

² October 17, 2024 Memorandum at 3 (emphasis added).

costly upgrades at unreasonably high costs in circumstances where both generation and load plan to interconnect at the same substation and indeed, to form a commercial relationship predicated on this proximity. In essence, the Company's study approach is designed to find that *the same* grid assets require upgrade both because of insufficient local generation to serve new load *and* because of insufficient local load to consume new generation. This approach functionally discourages Large Load Customers and Large-Scale Generation Providers from developing load and generation in the most efficient way for the grid – which, if enabled, would minimize cost impacts for existing customers. By contrast, the approach proposed by Enyo is consistent with the Advanced Notice of Proposed Rulemaking issued recently by the Department of Energy.³ Because the Company has steadfastly refused to conduct studies that enable the greatest efficiency for loads and generation, Enyo respectfully disagrees that Utah Code § 54-26-201 and -202 are sufficient to address the types of issues that Enyo has experienced first-hand with RMP's current service request procedures. Commission action via the rules adopted in this proceeding is needed in order to bridge the gap between S.B. 132 requirements and existing RMP processes and procedures in order to meet S.B. 132's policy objectives.

Additionally, Enyo remains concerned that a Qualified Electric Utility does not have a clear incentive to complete necessary upgrades within a commercially reasonable timeframe, despite the Large Load Customer's obligation to "maintain financial security sufficient to cover the large load customer's obligations" as required by Utah Code § 54-26-301(3)(c). This creates unreasonable commercial risk for a Large Load Customer who may be required to maintain financial security for extended periods of time with no guaranteed path for recourse with the Qualified Electric Utility. Inclusion of rule language that requires a Qualified Electric Utility to

³ <https://www.energy.gov/sites/default/files/2025-10/403%20Large%20Loads%20Letter.pdf>

include in a Large Load Contract provisions that ensure financial compensation for a Large Load Customer if necessary upgrades are not completed within a commercially reasonable timeframe are necessary. Such language ensures that a Qualified Electric Utility remains appropriately incentivized to complete necessary upgrades as expeditiously as possible.

Therefore, Enyo continues to advocate for the Commission to adopt its proposed rule language, as amended, under the heading “Obligations of a Qualified Electric Utility.” As stated in Enyo’s October 10, 2025 comments, doing so would ensure transparency and an efficient application process. More specifically:

- Requiring a Qualified Electric Utility to post all Large Load Customer integration requests on its OASIS portal within five business days of receipt ensures transparency and allows for more efficient siting.
- Requiring a Qualified Electric Utility to determine Large Load Incremental Costs based on a study approach that assumes the large load will be served by large-scale generation during system constraints identified by the Qualified Electric Utility, inclusive of peak and shortage conditions, and will curtail, if indicated in a Large Load Contract, would ensure that incremental costs are not greater than necessary.
- Requiring a Qualified Electric Utility to provide all supporting technical documentation, including modeling results for the net impact of load and generation, that could be developed as part of the evaluation required by Utah Code § 54-26-202(1)(c) ensures that the Large Load Customer has all of the information necessary to meet the application requirements contemplated by the proposed rules.

- Requiring a Qualified Electric Utility that has received a transmission service request pursuant to Utah Code § 54-26-503 to provide documentation sufficient to demonstrate the impact of the transmission service request on the Qualified Electric Utility's system ensures that there is transparency in both cost and the allocation of costs.
- Restricting a Qualified Electric Utility to commercially reasonable security and credit demonstration requirements based on the specific circumstances of the service requested ensures that development is not unnecessarily chilled or hindered by out-sized or commercially unreasonable requirements based on the specifics of the project instead of average costs.
- As discussed above, requiring a Qualified Electric Utility to include contract terms that ensure timely completion of necessary upgrades within commercially reasonable timeframes given the obligation of a Large Load Customer to maintain financial security is necessary in order to ensure that incentives are properly aligned to complete necessary upgrades as expeditiously as possible.

B. Enyo's proposed evaluation requirements ensure that customers have access to information that supports the customer choice envisioned by S.B. 132, even prior to development of a LLFT.

As Enyo has acknowledged in its prior comments, it understands that this rulemaking proceeding is not intended to specifically address LLFTs as contemplated in Utah Code § 54-26-701. However, final rules should not frustrate the future development of a LLFT, nor should they allow for the continuation of study requirements that do not adequately recognize that the needs and potential benefits of flexible large loads with co-located generation resources are different from traditional, more inflexible large loads. The Commission need not wait for a final

determination on whether a LLFT is in the public interest before directing study processes that evaluate the net impact of load and generation at the same substation. And in fact, a decision not to require studies that consider both load and generation at the same location at the request of a Large Load Customer will likely serve to require Large Load Customers to incur unnecessary costs, will require a Qualified Electric Utility to expend unnecessary resources, and will introduce unnecessary cost risk from potentially duplicative and unnecessary upgrades. Ultimately, viable commercial development will suffer. As such, Enyo continues to support adopting of its proposed rule language under the heading “Evaluation Requirements” which expand upon the Evaluation Requirements set forth in Utah Code § 54-26-101(3) in a manner that facilitates, but does not pre-determine, future development of a LLFT.

C. The Commission should consider establishing standards and criteria for cost allocations in S.B. 132 rules.

A core tenet of S.B. 132 is a requirement that service provided from a Qualified Electric Utility to a Large Load Customer should not result in unreasonable cost shifts to other retail customers. Utah Code § 54-26-301(3)(a) requires that a Large Load Contract with a Qualified Electric Utility “ensure that all large load incremental costs are allocated to and paid by the large load customer.” In order to ensure a reasonable balance between concerns about retail customer protections and over-allocation of costs to Large Load Customers in the most efficient manner possible, Enyo encourages the Commission to reconsider its position not to establish standards and criteria for cost allocations. Clear expectations from the outset will help to ensure that Large Load Contracts are appropriately priced, and will reduce the resources necessary for retail customers in rate proceedings to investigate and verify that S.B. 132 requirements related to allocation of costs have been appropriately satisfied. Adoption of Enyo’s proposed rules filed on

October 10, 2025, amended as described herein, would ensure that appropriate standards and criteria for cost allocations are present in the initial S.B. 132 rules.

III. Conclusion

Enyo appreciates the opportunity to provide its final comments in this proceeding. Enyo's comments are intended to provide additional clarification and insight given the Commission's October 17th Memorandum. As stated above, Enyo continues to support its proposed rules attached to its October 10, 2025 comments, which include clarifications of utility study obligation and preservation of statutory contracting pathways in a manner that does not hinder future development of an LLFT. Adopting Enyo's proposed rules will avoid forcing Large Load Customers into uneconomic or involuntary outcomes, while also meeting S.B. 132's intent to shield existing retail customers from cross-subsidization.

DATED this 24th day of October 2025.

Respectfully submitted,

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Certificate of Service
Docket No. 25-R318-01

I hereby certify that a true and correct copy of the foregoing was served by email this 24th day of October 2025 on the following:

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