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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Proposed Rulemaking Concerning Utah Code)	DOCKET NO. 25-R318-01
§§ 54-26-101 to -901, Large-Scale Electric)	
Service Requirements)	
)	
Division of Public Utilities’ Request for an)	DOCKET NO. 24-035-43
Investigatory Docket Regarding Rocky)	
Mountain Power’s Line Extension Policy)	CALPINE ENERGY SOLUTIONS,
<u>for Large Loads)</u>	<u>LLC’S COMMENTS ON NEW RULE</u>

I. INTRODUCTION

Calpine Energy Solutions, LLC (“Calpine Solutions”) respectfully submits to the Utah Public Service Commission (“Utah PSC” or “Commission”) its comments in response to the Commission’s Notice of Comment Period issued on April 28, 2026.

The Commission’s Notice of Comment Period solicits stakeholders’ input concerning whether any amendments should be made to the Commission’s large load rule, Utah Admin. Code R746-318, made effective January 1, 2026 (“New Rule”). Similarly, the Commission’s Notice of Consolidation and Scheduling Conference issued January 15, 2026, stated that “the law required the PSC to implement a rule by the beginning of this calendar year, but the PSC believes the comments it received on December 15, 2025, warrant additional consideration. Therefore, the PSC

will continue the Rulemaking to consider potential amendments to the Rule.”¹

Calpine Solutions appreciates the opportunity to submit comments on the New Rule. As previously stated, Calpine Solutions supports Utah’s efforts, through Senate Bill 132 and this rulemaking proceeding, to introduce competitive electric supply as an option to serve Large Load Customers in the State.

During the rulemaking proceeding, Calpine Solutions has participated in the workshops and the Commission’s technical conference, and it has submitted four sets of written comments proposing edits and revisions to various versions of the proposed rules implementing Senate Bill 132.² While certain of Calpine Solutions’ recommendations were substantively adopted in the New Rule, the New Rule excludes key proposals that are necessary to ensure successful functioning of the new competitive supply option envisioned by Senate Bill 132 for new large loads in Utah. Thus, Calpine Solutions appreciates the Commission’s indication that it will consider revisions to the New Rule before closing this rulemaking. These comments address the three key issues of significant concern in the New Rule addressed in Calpine Solutions’ Dec. 15th Comments: (1) Non-Discriminatory Transmission and Distribution Access; (2) Private Generation Contracts; and (3) Confidentiality and Access to Information.

II. COMMENTS

A. Non-Discriminatory Transmission and Distribution Access

Calpine Solutions again stresses the importance of ensuring Large-Scale Generation

¹ Notice of Consolidation and Scheduling Conference, Docket Nos. 25-R318-01 & 24-035-43, at 1-2 (Jan. 15, 2026).

² Calpine Solutions’ Initial Comments, Docket No. 25-R318-01 (Aug. 28, 2025) (hereafter “Calpine Solutions’ August 28th Comments”); Calpine Solutions’ Comments on Rocky Mountain Power’s Revised Proposed Rules, Docket No. 25-R318-01 (Oct. 10, 2025) (hereafter “Calpine Solutions’ Oct. 10th Comments”); Calpine Solutions Final Comments, Docket No. 25-R318-01 (Oct. 24, 2025) (hereafter “Calpine Solutions’ Oct. 24th Comments”); Calpine Solutions’ Comments on Proposed Rule, Docket No. 25-R318-01 (Dec. 15, 2025) (“Calpine Solutions’ Dec. 15th Comments”).

Providers and Large Load Customers may use the Qualified Electric Utility's transmission and distribution system on a non-discriminatory basis for the purpose of delivering energy from a Connected Generation System to the Large Load Customer.³

As Calpine Solutions explained in its initial comments, Senate Bill 132 is the type of state retail access legislation that triggers the right for certain Rocky Mountain Power customers to unbundled retail transmission under Rocky Mountain Power's Federal Energy Regulatory Commission ("FERC")-regulated Open Access Transmission Tariff ("OATT").⁴ Specifically, in addition to providing the option to purchase energy from certain on-site or behind-the-meter generation owned by non-utility providers, Senate Bill 132 also enables Large Load Customers to obtain direct access to independently owned generation resources over the utility's electric system through its "Connected Generation System" provisions.⁵ However, the New Rule does not provide the clarity necessary to enable use of the Rocky Mountain Power's transmission system to deliver energy from a Large-Scale Service Provider's remotely located Connected Generation System. Notably, Rocky Mountain Power's currently effective OATT does not clearly implement Utah Large Load Customers' right under Senate Bill 132 to access the transmission system for unbundled retail transmission to their load. Absent further action by this Commission, such as adoption of clarifying revisions of the New Rule, Large Load Customers attempting to access remotely located Connected Generation Systems will likely face delays in case-by-case requests for the cooperation of Rocky Mountain Power and, if disagreements arise, through adjudication before the Commission.

³ Calpine Solutions' Oct. 24th Comments at 4-7; Calpine Solutions' Oct. 10th Comments at 4-6; Calpine Solutions' Aug. 28th Comments at 2-8.

⁴ See Calpine Solutions' August 28th Comments at 5-6.

⁵ See *id.* (citing Utah Code Ann. § 54-26-101(2), § 54-26-402(1), § 54-26-505(1), & § 54-26-503(1)).

Calpine Solutions continues to recommend the New Rule include the transmission access and cost allocation provisions set forth in its proposed rule revisions filed with its October 10th Comments.⁶ The key features of this proposed revision to the New Rule include:

- Unbundled Retail Transmission under OATT: The Utah PSC’s rule should expressly state that eligible Large Load Customers may take unbundled retail transmission service under Rocky Mountain Power’s OATT. The rule should also require Rocky Mountain Power to make, and periodically update, the necessary revisions to its OATT to ensure that its federal and state transmission and distribution tariffs are consistent and work together in a manner that achieves the objectives of Senate Bill 132. Absent such clear direction, Rocky Mountain Power may fail to properly amend the OATT as necessary, or it may rely on any perceived deficiencies in its existing OATT to stymie or delay Large Load Customers that would otherwise be eligible to access competitive generation supply.
- Nondiscriminatory Access to State-Jurisdictional Delivery: The Utah PSC’s rule should also require Rocky Mountain Power to allow non-discriminatory use of any state-jurisdictional leg of the delivery over the state-jurisdictional distribution system that may be required to enable delivery of power from a remotely located Connected Generation System. As noted in Calpine Solutions’ initial comments, this Commission retains jurisdiction over any distribution-level delivery even where the OATT applies to the unbundled retail transmission.⁷

⁶ See Calpine Solutions’ Oct. 10th Comments at Attachment at 6-9 (§§ R746-XX3-1 to R746-XX3-2).

⁷ Calpine Solutions’ Aug. 28th Comments at 3 (citing *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission on Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.*, Order No. 888, 61 Fed. Reg. 21,540, at 21,625-21,627 (May 10, 1996)).

- Buy-Through Transactions: The Utah PSC’s rule should further facilitate the Large Load Customer’s buy-through of power from a remotely located Connected Generation System in a transaction where the customer remains a retail customer of the Qualified Electric Utility for the purposes of delivering the energy. Under this option, the entire transmission and distribution delivery is subject to state-jurisdictional rates and terms of service because the utility takes title to the power at the point where it is delivered to its system and makes bundled retail delivery to the customer.⁸

Notably, the parties had made significant progress on these transmission issues during the course of the rulemaking. Even Rocky Mountain Power’s proposal for the rules appeared to acknowledge that Large Load Customers may access and use the Company’s transmission system through its FERC-jurisdictional OATT, as part of the solution for a Connected Generation System. Specifically, Rocky Mountain Power’s version of proposed rules filed on October 1, 2025, stated as follows: “Transmission service for Large Load Customers shall be provided pursuant to a Transmission Provider’s Federal Energy Regulatory Commission-approved open access transmission tariff.”⁹

In sum, therefore, Calpine Solutions continues to recommend that the key transmission access issues discussed above be fully clarified in a revision to the New Rule to prevent the inevitable delays and obstacles that will occur if these foundational transmission and distribution access issues are left to be addressed on a case-by-case basis.

⁸ See Joint Comments of NRG Energy and Tract, Docket No. 25-R318-01, at 6-7 (Aug. 28, 2025) (noting this model is used in Arizona and Ohio, where customers have access to retail competition for generation but transmission and distribution remains a service furnished by the electric distribution utility and billed directly to the customer under rates approved by a state commission).

⁹ Rocky Mountain Power’s Proposed Rules, Docket No. 25-R318-01, at Proposed R746-XX3-2(1) (Oct. 1, 2025).

B. Private Generation Contracts

As previously commented, the statute does not require Commission review and approval of Private Generation Contracts, which by definition regard Closed Private Generation Systems that are isolated from the grid.¹⁰ The New Rule includes a “limited and expedited review” procedure for Private Generation Contracts.¹¹ While Calpine Solutions appreciates the Commission’s intent to keep the review process for Private Generation Contracts limited, Calpine Solutions continues to believe that no review process at all would be preferable and has concerns with even the limited review in the New Rule. The purpose of enabling such Private Generation Contracts is to enable Large Load Customers to pursue a private, on-site generation facility after the Qualified Electric Utility fails to timely reach agreement with the Large Load Customer in response to its electric service request. Imposing additional hurdles and regulatory process for the private, on-site generation arrangement contradicts the intended purpose of this potential solution and creates unnecessary delay, regulatory cost, and risk of disclosure of commercially sensitive information. If this review process will be retained, it should be further streamlined to remove certain problematic features that are likely to increase delay, cost, and risk of disclosure of commercially sensitive information.

Specifically, the New Rule delegates to the Qualified Electric Utility the authority to review the proposed Closed Private Generation System’s design and opine on whether it is isolated from the grid. The New Rule even requires the Large-Scale Generation Provider to obtain a declaration from the utility on this point to initiate the process for approval of its Private Generation Contract.¹² The New Rule also appears to enable the utility to intervene in the Commission’s

¹⁰ Calpine Solutions’ Oct. 10th Comments at 3.

¹¹ New Rule at R746-318-601(4).

¹² New Rule at R746-318-601(2)(d).

review process and potentially even become qualified to obtain highly confidential information related to the Closed Private Generation System and the Private Generation Contract, through the New Rule's provisions addressing Confidentiality and Access to Information (which are discussed further below).¹³

The requirement to obtain the Qualified Electric Utility's declaration as to the Closed Private Generation System's isolation from the grid to initiate a proceeding before the Commission to approve the Private Generation Contract is highly problematic. The Qualified Electric Utility is in direct competition with the Large-Scale Generation Provider, which would be proposing a solution to serve the customer's load after the utility was initially unsuccessful in reaching agreeable terms with the customer. As a direct competitor to the Large-Scale Generation Provider and party that may have an interest in the alternative supply arrangement not moving forward, the Qualified Electric Utility should not be enabled to delay the private commercial arrangement through withholding of a declaration or otherwise. While the New Rule creates the opportunity to litigate the Qualified Electric Utility's withholding of a declaration before the Commission, that added process will unnecessarily delay efforts to secure approvals and bring the Closed Private Generation System online. To the extent there could be some question as to whether a particular Closed Private Generation System is isolated from the grid, Senate Bill 132 charges the Commission with confirming the isolation. Delegation of that function to the Qualified Electric Utility is inappropriate and inconsistent with the statute.

Thus, Calpine Solutions recommends deletion of the requirement to obtain a declaration from the Qualified Electric Utility in support of an application for approval of a Private Generation Contract. If the review process will remain in the rules, the process should be limited to a filing

¹³ New Rule at R746-318-103(6)(a)-(b).

by the Large-Scale Generation Provider that certifies the Closed Private Generation System will not be electrically connected to the utility's system, and that the other statutory criteria are met. Calpine Solutions understands that the Commission may be concerned with its own staffing capabilities with respect to confirming the Closed Private Generation System's isolation from the grid. However, if the Commission is concerned that a particular Closed Private Generation System may not be designed to be isolated from the grid, the rules could state that the Commission retains the right to apply the application fee toward retention of a qualified, independent engineering consultant to review the electrical design to confirm such isolation from the grid. Use of an independent, engineering consultant directly contracted by the Commission is preferable to delegation of this function to the Qualified Electric Utility.

In sum, unless this remaining concern with the limited review process is addressed, Calpine Solutions continues to recommend that Private Generation Contracts not be subject to Commission review and approval in a proceeding where the Qualified Electric Utility could create unreasonable delays and potentially even obtain confidential information.

C. Confidentiality and Access to Information

Calpine Solutions previously understood the Commission's Guidance Memo to express an intent that the Large-Scale Generation Providers would not be required to submit commercially sensitive information to Rocky Mountain Power,¹⁴ but the New Rule leaves open the possibility that Rocky Mountain Power could obtain such information. Specifically, although the New Rule creates a "rebuttable presumption" that "credit terms, pricing terms, and other commercial terms related to implementing pricing and credit terms" are "regulator access only," the New Rule also enables the Qualified Electric Utility to challenge the restricted access designation and states that

¹⁴ Commission's Guidance Memo, Docket No. 25-R318-01, at 2 (Oct. 17, 2025).

in such a challenge the designating party has the burden to demonstrate access should be restricted.¹⁵ This is problematic and creates the risk that highly sensitive information will be required to be disclosed to Rocky Mountain Power.

Under the Commission's general rules for confidential information, Rocky Mountain Power should not be able to ever obtain confidential information related to price, credit, or any other category of information that might enable it to gain a competitive advantage. The Commission's rules expressly state:

*A person, including an expert who is employed or retained by a party, may not receive confidential or highly confidential information if, in performing the person's normal job functions, the person could use the information to the competitive disadvantage of the person providing the information.*¹⁶

Much of the information related to the Large Load Contract, especially the price and credit terms but potentially other features of the commercial arrangement, could be used to Rocky Mountain Power's competitive advantage if provided to any of its employees. Rocky Mountain Power is therefore properly barred in all cases from obtaining such information under the Commission's preexisting rules. Consequently, there is no basis to enable Rocky Mountain Power to initiate a challenge proceeding to potentially obtain this information, as is contemplated in the New Rule.

In sum, the New Rule's "rebuttable presumption" of "regulator access only" is not strong enough, and the rule should instead clarify that "credit terms, pricing terms, and other commercial terms related to implementing pricing and credit terms" are "regulator access only" in all cases.

III. CONCLUSION

Calpine Solutions appreciates the opportunity to submit these comments and recommends that the Commission adopt its recommended revisions to the New Rule.

¹⁵ New Rule at R746-318-103(6)-(7).

¹⁶ Utah Admin. Code R746-1-602(2)(a) (emphasis added).

DATED this 16th day of June, 2026.

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