

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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| Proposed Rulemaking Regarding Utah<br>Code Title 54, Chapter 25, Electrical<br>Power Delivery Quality Act | <u>DOCKET NO. 23-999-09</u><br><br><u>NOTICE OF INTENTION TO FILE</u><br><u>PROPOSED RULE</u> |
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ISSUED: August 11, 2023

On March 17, 2023, the Public Service Commission (PSC) issued a Notice, explaining H.B. 389, Electrical Power Delivery Quality Amendments (“HB 389”), requires the PSC to promulgate rules establishing requirements for the submission, review, and implementation of electrical power delivery quality plans (EPDQPs). The Notice further explained HB 389 requires the PSC to consult with qualified utilities, utility-scale electricity providers, and other state agencies to develop these rules. Consequently, the Notice invited any interested person to submit comments and reply comments.

On May 1, 2023, the PSC received comments from the following: (1) Rocky Mountain Power (RMP); (2) the Division of Public Utilities (DPU); (3) Utah Rural Electric Cooperative Association and Utah Rural Electric (filing jointly and collectively, “URECA”); and (4) Dixie Power and the Utah Rural Electric Cooperative Association (filing jointly and collectively, “Dixie”).

The DPU’s comments offered general insight into the nature and importance of power quality, distinguished power quality from power reliability, and alluded to other proceedings that might provide a framework for the rulemaking HB 389 requires.

Dixie’s comments consisted entirely of proposed rule language. URECA’s comments

attached similar draft language and included a letter advocating the importance of ensuring that increasing inverter driven generation does not adversely impact power quality.

RMP's comments did not provide precise draft rule language but did outline with specificity the components HB 389 requires and provided proposals with respect to each required component.

On June 15, 2023, RMP filed reply comments, generally concurring with the DPU's comments and offering revisions to Dixie's proposed rule language. RMP explained it believed URECA had referenced an incorrect standard, and RMP modified URECA's proposed language to reflect what RMP believed to be the applicable standards, namely IEEE 1453, IEEE 519, and ANSI C84.1.

While the PSC is not necessarily opposed to implementing a rule that contains specific tolerances regarding specific power quality characteristics (e.g., voltage fluctuation, flicker, etc.), the record before us only contains URECA's initial proposal and RMP's effort to correct that proposal based on its belief that URECA erroneously referenced the wrong standards. Moreover, URECA's proposed rule does not provide for the few things HB 389 specifically requires: (1) a requirement to file an EPDQP; (2) a process for the PSC's review and approval of EPDQPs; and (3) a process for reviewing the utility's implementation of its PSC-approved EPDQP.

At this juncture, the PSC must move forward with implementing a rule that accomplishes, at minimum, the statute's requirements. The PSC has attached a

proposed draft rule that it believes accomplishes that purpose. The PSC notes this draft rule facilitates a comment period to allow stakeholder feedback after a qualified utility submits its EPDQP, which will afford the utility, regulators, and stakeholders an opportunity to evaluate and refine the components of any EPDQP. Further, as the statute requires, a proposed EPDQP is subject to the PSC's approval and the PSC will subsequently evaluate the utility's implementation of the plan. Given the existence of these processes, the PSC is inclined at this time to implement a rule that meets the statutory requirements and retains flexibility to allow utilities and stakeholders to evaluate specific metrics and tolerances within the context of each qualified utility's system and proposed EPDQP.

The PSC, therefore, gives notice it intends to publish the attached Proposed Rule in the Utah State Bulletin on September 15, 2023.

DATED at Salt Lake City, Utah, August 11, 2023.

/s/ Thad Levar, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#329131

PROPOSED RULE

**R746. Public Service Commission, Administration.**

**R746-XXX. Electrical Power Delivery Quality Plans.**

**R746-XXX-1. Authority.**

Section R746-316 establishes requirements pertaining to the submission, review, and implementation of Electrical Power Delivery Quality Plans pursuant to Sections 54-25-101, 54-25-102, and 54-25-201.

**R746-XXX-2. Definitions.**

- (1) "Commission" means the Utah Public Service Commission.
- (2) "Electrical corporation" is defined as in Section 54-2-1.
- (3) "Electrical power delivery quality" is defined as in Section 54-25-101.
- (4) "Electrical Power Delivery Quality Plan" is defined as in Section 54-25-101.
- (5) "Industry Standards" means performance standards related to power quality and reliability promulgated by the North American Electric Reliability Corporation, the American National Standards Institute, the Institute of Electrical and Electronics Engineers, or other entity that promulgates such standards that are widely adopted and accepted among electrical corporations in the United States.
- (6) "Interconnection request" is defined as in Section 54-25-101.
- (7) "Power Quality" refers to the quality of characteristics of electricity delivered to a qualified utility's customers, including but not necessarily limited to voltage level, range, balance, harmonic distortion, flicker, disturbances, and frequency.
- (8) "Qualified utility" is defined as in Section 54-17-801.
- (9) "Utility-scale energy generation system" is defined as in Section 54-25-101.

**R746-XXX-3. Submission of an Electrical Power Delivery Quality Plan.**

- (1) A qualified utility shall submit an Electrical Power Delivery Quality Plan to the Commission on or before April 1, 2024 and biennially thereafter with subsequent Electrical Power Delivery Quality Plans due on or before April 1 of each even-numbered year.
- (2) A qualified utility's Electrical Power Delivery Quality Plan must include:
  - (a) a description of the metrics a qualified utility uses to assess Power Quality with reference to applicable Industry Standards;
  - (b) a description of the equipment the qualified utility uses to assess Power Quality and to otherwise comply with the provisions of this rule;
  - (c) a description of the procedures and standards the qualified utility will use to assess an interconnection request to decrease the risk that the interconnected utility-scale generation facility will adversely affect electrical power delivery quality to customers;

(d) a description of the procedures and standards the qualified utility will use to address adverse effects to electrical power service quality that are caused by interconnected customer-owned generation systems, including instances where the adverse effects are discovered after the time of interconnection; and

(e) a description of proposed modifications or upgrades to facilities and preventative programs the qualified utility will implement to address any electrical power delivery quality issues that do not meet the qualified utility's interconnection policy or relevant Industry Standards.

**R746-XXX-4. Review of an Electrical Power Delivery Quality Plan.**

(1) Upon filing of an Electrical Power Delivery Quality Plan, the Commission shall promptly issue a public notice of filing and comment period, inviting any interested person to submit written comments to the Commission within 30 days of the date the Commission issues the notice.

(2) From the date public comments are due, the qualified utility shall have 21 days to file a written response with the Commission.

(3) The Commission shall issue an order within 120 days of the date a qualified utility submits an electrical power delivery quality plan:

(a) approving the electrical power delivery quality plan; or

(b) declining to approve the electric power delivery quality plan and providing recommendations to the qualified utility regarding changes required to obtain the Commission's approval.

(4) Notwithstanding the preceding paragraphs, the Commission may extend the time for public comment, the time for a qualified utility to respond to public comment, or the time allowed for the Commission to issue an order provided the Commission determines that additional time or process is warranted and in the public interest.

**R746-XXX-5. Review of the Implementation of an Electrical Power Delivery Quality Plan.**

(1) On October 1, 2025, and by the same date each year thereafter, a qualified utility shall file a status report with the Commission regarding the qualified utility's implementation of its Electrical Power Delivery Quality Plan.

(2) Upon filing of the status report, the Commission shall promptly issue a public notice of filing and comment period, inviting any interested person to submit written comments to the Commission within 30 days of the date the Commission issues the notice.

(3) From the date public comments are due, the qualified utility shall have 21 days to file a written response with the Commission.

(4) Within 90 days of the date a qualified utility submits a status report regarding its Electrical Power Delivery Quality Plan, the Commission shall:

(a) issue a letter acknowledging the qualified utility's status report satisfies and complies with the requirements of this rule;

(b) issue a letter indicating the Commission declines to acknowledge the status report complies with the requirements of this rule and explaining the basis for the Commission's determination; or

(c) issue an order directing any further process the Commission finds necessary and in the public interest to ensure a qualified utility is reasonably implementing its approved Electrical Power Delivery Quality Plan.

(5) Notwithstanding the preceding paragraphs, the Commission may extend the time for public comment, the time for a qualified utility to respond to public comment, or the time allowed for the Commission to act on a status report provided the Commission determines that additional time or process is warranted and in the public interest.

**KEY: public utilities; electrical power delivery quality**

**Date of Enactment or Last Substantive Amendment: 2023**

**Authorizing, and Implemented or Interpreted Law: Utah Code Ann. §§ 54-25-101; 54-25-102; 54-25-201**

CERTIFICATE OF SERVICE

I CERTIFY that on August 11, 2023, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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