

**State of Utah**  
**Administrative Rule Analysis**  
Revised May 2023

**NOTICE OF PROPOSED RULE**

**TYPE OF FILING:** New

**Title No. - Rule No. - Section No.**

**Rule or Section Number:**

**R746-316**

**Filing ID: Office Use Only**

**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Public Service Commission	
<b>Room number:</b>		
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state and zip:</b>	Salt Lake City, Utah 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state and zip:</b>	Salt Lake City, Utah 84114-4558	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Hammer	801-530-6729	<a href="mailto:michaelhammer@utah.gov">michaelhammer@utah.gov</a>

**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

<b>2. Rule or section catchline:</b>
R746-316. Electrical Power Delivery Quality Plans.
<b>3. Purpose of the new rule or reason for the change:</b>
On March 14, 2023, H.B. 389, Electrical Power Delivery Quality Act (the "Act") was signed into law, codified at Sections 54-25-101, 54-25-102, and 54-25-201. Section 54-25-201 requires qualified electric utilities to submit electrical power delivery quality plans (EPDQPs) to the Public Service Commission (PSC) for the PSC's review. Section 54-25-102 directs the PSC to establish rules to implement the Act, including rules to require submission of EPDQPs, the PSC's review of EPDQPs, and the PSC's review of utilities' subsequent implementation of their approved EPDQPs. This new rule is proposed to comply with the Act's requirements.
<b>4. Summary of the new rule or change:</b>
The rule institutes a requirement for qualified utilities to submit EPDQPs to the PSC for review and processes for the PSC's review and approval of submitted EPDQPs and the PSC's review of utilities' implementation of their EPDQPs, as the statute requires.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The rule is not anticipated to affect the state budget. The Division of Public Utilities and Office of Consumer Services will have an opportunity to participate in any dockets arising out of the PSC's review of EPDQPs and their implementation, but the costs of such participation are expected to be nominal and subsumed within the costs these agencies incur in their frequent and ordinary participation in PSC dockets.
<b>B) Local governments:</b>
The rule does not pertain in any manner to local governments and is not anticipated to affect local governments' budgets.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):

The rule could potentially affect small businesses who are concerned about electrical power delivery quality and choose to participate in dockets arising out of the rule, but any such costs will be voluntary and a consequence of the small business choosing to participate.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

The rule will affect qualified utilities that are now required by statute to submit and implement EPDQPs. The rule has been crafted to allow these utilities and stakeholders flexibility in determining the components and parameters of EPDQPs, therefore, the costs a utility incurs in preparing its EPDQP will be contingent on the requirements the utility proposes. The rule imposes no additional costs beyond what is expressly required under the Act. The rule may also affect non-business commercial customers who are concerned about electrical power delivery quality and choose to participate in dockets arising out of the rule, but any such costs will be voluntary and a consequence of the commercial customer's decision to participate.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The rule could potentially affect residential customers who are concerned about electrical power delivery quality and choose to participate in dockets arising out of the rule, but any such costs will be voluntary and a consequence of the person choosing to participate.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

The rule imposes no compliance costs on qualified utilities other than any costs for compliance that stem from obligations expressly created in the Act.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Chair of the PSC, Thad LeVar, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 54-25-101	Ex 2: Subsection 63G-3-403(3)	
Section 54-25-102		
Section 54-25-201		

**Incorporations by Reference Information**

**7. Incorporations by Reference** (if this rule incorporates more than two items by reference, please include additional tables):

**A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

<b>Official Title of Materials Incorporated (from title page)</b>

<b>Publisher</b>	
<b>Issue Date</b>	
<b>Issue or Version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Issue Date</b>	
<b>Issue or Version</b>	

### Public Notice Information

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>	10/16/2023	
<b>B) A public hearing (optional) will be held:</b>		
<b>Date (mm/dd/yyyy):</b>	<b>Time (hh:mm AM/PM):</b>	<b>Place (physical address or URL):</b>

**To the agency:** If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

<b>9. This rule change MAY become effective on:</b>	10/23/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

### Agency Authorization Information

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

<b>Agency head or designee and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	08/24/2023
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#### **R746. Public Service Commission, Administration.**

#### **R746-316. Electrical Power Delivery Quality Plans.**

#### **R746-316-1. Authority.**

This rule 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.

#### **R746-316-2. 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 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 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.

#### **R746-316-3. 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 against applicable Industry Standards;
  - (b) a description of the equipment the qualified utility uses to assess Power Quality and to otherwise comply with 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 preventive 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.

**R746-316-4. 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 Electrical Power Delivery Quality Plan and providing recommendations to the qualified utility regarding changes required to get the Commission's approval.

(4) Notwithstanding Subsections R746-316-4(1) through R746-316-4(3), 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.

**R746-316-5. 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 Subsections R746-316-5(1) through R746-316-5(4), 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: Sections 54-25-101; 54-25-102; 54-25-201**