

1 **REGULATION OF OUT-OF-STATE DISTRIBUTION**
2 **ELECTRICAL COOPERATIVE AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Carl R. Albrecht**

6 Senate Sponsor: Kevin T. Van Tassell

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to the Public Service Commission.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ limits the jurisdiction of the Public Service Commission over out-of-state
14 distribution electrical cooperatives.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 ENACTS:

21 **54-2-202**, Utah Code Annotated 1953

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **54-2-202** is enacted to read:

25 **54-2-202. Out-of-state distribution electrical cooperative -- Exemption from**
26 **commission jurisdiction.**

27 (1) As used in this section, "out-of-state distribution electrical cooperative" means an
28 electrical corporation that:

29 (a) is a distribution electrical cooperative;

30 (b) is headquartered and maintains its principal place of business in a state adjoining
31 Utah; and

32 (c) provides electric services to consumers located in Utah.

33 (2) An out-of-state distribution electrical cooperative is exempt from regulation by the
34 commission if the out-of-state distribution electrical cooperative:

35 (a) has not previously been headquartered or maintained its principal place of business
36 in Utah;

37 (b) serves fewer than 25,000 total customers;

38 (c) provides less than 20% of the out-of-state distribution electrical cooperative's total
39 power sales in Utah; and

40 (d) provides and maintains on file with the commission written documentation
41 certifying that the out-of-state distribution electrical cooperative is subject to the applicable
42 laws, rules, and regulations of the state where the out-of state distribution electrical
43 cooperative's principal place of business is located.

44 (3) Notwithstanding the other provisions of this section, the commission may exercise
45 the commission's authority applicable to a distribution electrical cooperative pursuant to this
46 title if:

47 (a) the out-of-state distribution electrical cooperative fails to meet any of the
48 qualifications of Subsection (2); or

49 (b) a complaint is filed against the out-of-state distribution electrical cooperative by
50 one of the out-of-state distribution electrical cooperative's customers within Utah.