LEGISLATURE OF THE STATE OF IDAHO

Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 395, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC UTILITIES; AMENDING CHAPTER 3, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-335, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING COMPETITIVE PROCUREMENT AND RATEPAYER PROTECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 3, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 61-335, Idaho Code, and to read as follows:

61-335. COMPETITIVE PROCUREMENT AND RATEPAYER PROTECTION. (1) For the purposes of this section:

(a) "New large load" means any electric load associated with a new service entrance, an existing service entrance, or an expansion of an existing service entrance that results in an increase in power requirements of such service entrance of thirty (30) megawatts or more in any consecutive twelve (12) month period.

(b) The following terms shall have the same meaning as provided for in section 61-332A, Idaho Code:

(i) "Commission";

(ii) "Consumer";

(iii) "Electric service";

(iv) "New service entrance";

(v) "Public utility"; and

(vi) "Service entrance."

(2) A public utility providing a new large load service to a customer shall not provide such service from its existing resources or from resources that have been identified and are planned or anticipated to serve its general body of ratepayers within ten (10) years from the initial date of service of the new large load. A public utility may recover the costs associated with a new large load service from only that customer and may not recover any costs associated with a new large load service from any other ratepayer. The prohibited costs include but are not limited to cost of capital, generation, transmission, and distribution, and customer-related costs.

(3) To further the competitive supply of electric service for a new large load, an electric consumer may receive electric service for a new large load, entirely or in part, from an entity other than the public utility that would otherwise be selected to provide such service pursuant to the electric supplier stabilization act, sections 61-332 through 61-334C, Idaho Code. The public utility shall make its transmission, distribution, and electric supply delivery facilities available, at cost, to facilitate such competitively procured electric service.

(4) A new large load does not change its status as such by means of artifice such as by splitting its load among more than one (1) electric supplier or by adding additional connections, meters, or new service entrances to serve an otherwise single entity or enterprise.

(5)(a) The commission may promulgate rules, subject to legislative approval, to implement the provisions of this section, facilitate the competitive procurement of electric services for a new large load, and ensure there are no cost shifts from a new large load to the public utility's other customers.

(b) The commission shall have the jurisdiction to resolve all disputes arising under this section.

(6) Providing electric service pursuant to this section shall not be construed to:

(a) Be a grant of preference or advantage;

(b) Subject any person or corporation to any prejudice or disadvantage; or

(c) Have established or to maintain any unreasonable difference in rates, charges, or services in any respect.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2025.