

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 911

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC UTILITIES; AMENDING CHAPTER 3, TITLE 61, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 61-335, IDAHO CODE, TO ESTABLISH PROVI-
3 SIONS REGARDING NEW LARGE LOADS; AND DECLARING AN EMERGENCY AND PROVID-
4 ING AN EFFECTIVE DATE.
5

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

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

10 61-335. NEW LARGE LOAD AND RATEPAYER PROTECTION. (1) For the purposes
11 of this section:

12 (a) "Electric service" means electricity furnished to an ultimate con-
13 sumer by a public utility.

14 (b) "Increase in a cumulative power requirement" means the maximum
15 contracted demand, expressed in megawatts, measured relative to the
16 highest contracted demand of such service entrance in the previous
17 sixty (60) month period.

18 (c) "New large load" means any electrical load associated with a new
19 service entrance, any additional electric service associated with a
20 change, enlargement, or other modification of a service entrance, or
21 the utilization of an existing service entrance that:

22 (i) Results in an increase in a cumulative power requirement of
23 such service entrance of fifty (50) megawatts or more in any con-
24 secutive sixty (60) month period; and

25 (ii) Is subject to a service contract with a public utility that
26 was entered into on or after July 1, 2026.

27 (d) "No harm test" means an assessment by the public utilities commis-
28 sion to determine the impact a new large load will have on the rates of
29 existing utility customers.

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

32 (i) "Commission";

33 (ii) "Consumer";

34 (iii) "New service entrance";

35 (iv) "Public utility"; and

36 (v) "Service entrance."

37 (2) A public utility shall provide service to a new large load only pur-
38 suant to a commission-approved service contract.

39 (3) A public utility shall file the service contract with the commis-
40 sion for approval prior to providing service to a new large load. Such filing
41 shall include a no harm test and other supporting information sufficient to
42 demonstrate compliance with the requirements of this section.

1 (4) The commission shall review and approve or deny a new large load
2 service contract within two hundred seventy (270) days of receiving such
3 filing by the public utility. The commission shall approve the service con-
4 tract if the public utility demonstrates that:

5 (a) It is reasonably expected to maintain the same or higher level of
6 service quality and reliability available to the public utility's other
7 customers as would have been reasonably expected to exist had the public
8 utility not served the new large load; and

9 (b) The new large load is responsible for funding its full cost of ser-
10 vice, including its share of generation, transmission, substation, and
11 distribution infrastructure investments that would not be placed in
12 service or be required by the public utility but for the new large load.
13 Such investments may be directly assigned or allocated in part as may be
14 determined by the commission pursuant to this section.

15 (5) A new large load shall not change its status as such by means of ar-
16 tifice, such as by splitting its load among more than one (1) electric ser-
17 vice entrance or by adding additional connections, meters, or new service
18 entrances to serve an otherwise single entity or enterprise.

19 (6) Approval of a service contract shall be conditioned on the new large
20 load furnishing financial security, in a form and amount approved by the com-
21 mission, that is reasonably sufficient to protect the public utility and its
22 other customers from the risk of stranded costs, unrecoverable costs, or un-
23 recoverable investments incurred by the public utility in reliance on the
24 new large load's contracted power requirement.

25 (7) (a) In each general rate case filed by a public utility, the commis-
26 sion shall review the rates, charges, and cost recovery mechanisms ap-
27 plicable to an approved service contract as part of a comprehensive pub-
28 lic utility cost study to ensure the new large load is assigned its full
29 cost of service.

30 (b) The commission may, if necessary, prospectively adjust the appli-
31 cable rates, charges, and cost recovery mechanisms pursuant to this
32 section.

33 (8) (a) The commission shall issue orders setting forth guidance or
34 other requirements necessary to implement the provisions of this sec-
35 tion and to provide reasonable assurance that new large loads will not
36 cause the rates charged to the public utility's other customers to in-
37 crease.

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

40 (9) Providing electric service pursuant to this section shall not be
41 construed to:

42 (a) Be a grant of preference or advantage;

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

45 (c) Establish or maintain any unreasonable difference in rates,
46 charges, or services in any respect.

47 SECTION 2. An emergency existing therefor, which emergency is hereby
48 declared to exist, this act shall be in full force and effect on and after
49 July 1, 2026.