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SOUTHERN RENEWABLE ENERGY ASSOCIATION

Southern Renewable Energy Association
11610 Pleasant Ridge Rd.
Suite 103 #176
Little Rock, AR 72223

September 24, 2026

Via Fax and FedEx

CC: LE

LA PUBLIC SERVICE COMM
SEP 25 2026 AM11:33

Louisiana Public Service Commission
Attn: Krys Abel / Records Division
602 N. 5th Street, 12th Floor
Baton Rouge, Louisiana 70802
Fax: 225-342-0877

Re: **LPSC Docket No. R-37905:** Notice of proceeding regarding determination and evaluation of private use electrical networks in order to enable generation to serve new large loads looking to locate in Louisiana

Dear Ms. Abel:

Please find enclosed for filing in the above-referenced proceeding an original and two (2) hard copies of the **Southern Renewable Energy Association's Comments Regarding Private Use Electrical Networks.** Please send the facsimile transmission fee to simon@southernwind.org and contact me if you have any questions. Thank you for your assistance with this matter.

Respectfully submitted,

Simon Mahan
Executive Director
Southern Renewable Energy Association
11610 Pleasant Ridge Road, Suite 103 # 176
Little Rock, AR 72223
simon@southernwind.org
337-303-3723

Hand

BEFORE THE

LOUISIANA PUBLIC SERVICE COMMISSION

LA PUBLIC SERVICE COMM
SEP 25 2026 AM11:33

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

IN RE: NOTICE OF PROCEEDING REGARDING DETERMINATION AND EVALUATION OF PRIVATE USE ELECTRICAL NETWORKS IN ORDER TO ENABLE GENERATION TO SERVE NEW LARGE LOADS LOOKING TO LOCATE IN LOUISIANA.	)	**DOCKET NO. R-37905**

SOUTHERN RENEWABLE ENERGY ASSOCIATION

COMMENTS REGARDING PRIVATE USE ELECTRICAL NETWORKS

The Southern Renewable Energy Association (SREA) is a nonprofit trade association for large-scale renewable energy resource development throughout the southeast. SREA's advocacy focuses on utility-scale wind energy, solar power, battery storage, and transmission development in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee. SREA appreciates the opportunity to provide comments regarding Private Use Electrical Networks (PUEN) in response to the Staff Initial Report, the Technical Conference held on August 28, 2026, and the draft Rule.

I. SREA's Responses to Staff's Initial Report RFI

SREA appreciates the opportunity to provide further feedback on the additional questions regarding PUENs. However, SREA is concerned that some of these questions could potentially deny PUEN operators FERC-jurisdictional services such as generator interconnection, as well as sales and purchases from wholesale electricity markets. Alternatively, if a PUEN is interconnected with a public utility, or regularly receives service from a public utility, standard

regulatory processes, such as rate cases and CPCN filings, should cover those agreements. Additionally, the engineering requirement requests are better addressed by the NERC stakeholder process.

I. SREA's Comments on Initial Report, Draft Rule

SREA is concerned that the draft Rule may create new jurisdiction for the Commission. The Commission's oversight is public utilities, including public utility ratemaking. Louisiana Revised Statute RS 45:1161 defines a "Public Utility"[1] in such a manner that an islanded or off-grid system, regardless of size, geography, or technology is unlikely to trigger Commission oversight. Indeed, industrial-level local cogeneration and homeowner backup generators are not Commission regulated. Similarly, merchant generation resources that do not sell power to a public utility are not regulated by the Commission. A fully off-grid, unconnected load with matching generation has no relation to a public utility or public utility ratemaking. In effect, the draft Rule aims to set new jurisdiction and oversight of non-public utilities. SREA recommends

[1] §1161. Definitions
As used in this Part "commission" means the Louisiana Public Service Commission.
As used in R.S. 45:1168 through 45:1175:
(1) "Public utility" means any person, public or private, subject to the general jurisdiction of the commission but not including carriers by rail, water, electric or motor vehicles or pipelines, or public utilities municipally owned, or operated, or regulated, unless the electors of such municipality, and electors residing outside the municipality, who are customers of the municipally owned utility, have manifested their approval of such jurisdiction as is required by Article IV, Section 21(C) of the Constitution of Louisiana in the manner provided by R.S. 45:1164.1 through 45:1164.13. However, "public utility" shall not include any person owning, leasing and/or operating an electric generation facility provided such person is not primarily engaged in the generation, transmission, distribution and/or sale of electricity, and provided that such person (a) consumes all of the electric power and energy generated by such facility for its own use at the site of generation or at some other location of mutually acceptable agreements to transport such electric power and energy can be reached with each electric public utility whose transmission facilities would be electrically utilized therefor; provided, however, notwithstanding any provision contained herein, there shall be no obligation or duty, expressed or implied, to purchase, to sell, to transport, or to engage in any other type of transaction with respect to the electric power and energy that may be generated by such person, imposed upon any public utility by this Section except as shall be provided in the cogeneration rules and regulations adopted by the Louisiana Public Service Commission pursuant to the Public Utility Regulatory Policies Act of 1978; or (b) only consumes a portion thereof in such manner and sells the entire remaining portion of such electric power and energy generated to an electric public utility as defined in R.S. 45:121; or (c) sells the entire production of electric power and energy generated by such facility to an electric public utility as defined in R.S. 45:121.
(2) "Security" means any note, stock, treasury stock, bond, debenture or other evidence of interest in or indebtedness of a public utility.

that the Commission adopt "tiers" of Private Use Electrical Network designations. This approach would recognize fully islanded systems as private use in accordance with RS 45:1161, while more electrically complex systems would receive additional Commission oversight before being designated as a non-public utility. Below are some suggested tiers, as previously submitted by SREA:

- Islanded Systems – These loads and generation are full self-service and not physically connected with any part of the distribution or transmission systems, and do not receive service from any existing public utility. These systems would not require LPSC oversight.
- Colocation Systems – These loads and systems must be co-located within two substations and may be connected to the larger grid system, but must curtail either load or generation to minimize grid interaction. The intent of these systems is to create a net zero impact on the grid system on a sub-hourly basis. These systems may not require LPSC oversight if public utilities are not involved.
- Virtual Systems – These systems may not have physically close load and generation, but if no public utilities are involved, LPSC oversight may not be necessary.

As currently crafted, the draft Rule establishes new restrictions on PUENs without conveying associated benefits. The draft Rule outlines PUEN eligibility, ownership requirements, restrictions on wholesale and retail electricity sales, application process, reporting and monitoring requirements, and cost allocation protections for non-participating ratepayers. There does not appear to be a benefit for a developer to seek PUEN designation, thus creating incentives to evade PUEN designation. Below are some examples of PUEN structures that would not qualify under the draft Rules:

- A 49 MW load with 200 MW solar and battery nameplate generation capacity

- Violates Eligibility Criteria 201(3) requiring minimum of 50 MW load
- Violates Eligibility Criteria 201(4A) requiring 85% of nameplate capacity dedication to load

- A 200 MW load partially served by self-owned generation and partially by third-party PPA in a separate Parish
  - Violates Contiguous Property Requirement 202(1) and Network Boundary 202(3)
- A new 500 MW data center load where the company closes a smaller 50 MW data center in the same state
  - Violates New Load Requirement 201(2)
- A new 200 MW space port with 200 MW/200 MWh (1 hour) of batteries
  - Violates Minimum Load Threshold of 80% load factor 201(3)
  - Violates Eligibility Criteria 201(4A) requiring 85% of nameplate capacity dedication to load

SREA is concerned that some parameters for PUEN designation effectively eliminate the ability for a PUEN to be predominately served by renewable energy and battery resources. As an islanded system, a PUEN load may have an exceptionally high, but self-driven and paid for, reserve margin. Requiring "at least eighty five percent (85%) of total nameplate generating capacity" to be for PUEN loads may inadvertently limit generation technology and generation diversification. Gas-only, or gas-heavy PUEN facilities, even if electrically islanded, will influence gas system consumption and prices, considerations which are not discussed in this rulemaking.

It is unclear whether the Commission has jurisdiction to deny otherwise independent generation from various FERC-regulated market opportunities such as the MISO Planning

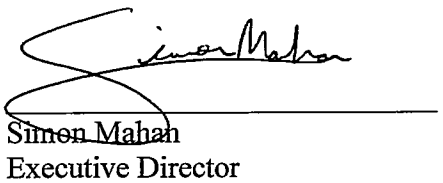
Reserve Auction. SREA recommends removing the specific limitations proposed in the draft Rule to greater enable technological diversification and PUEN choice.

Finally, SREA is concerned that the draft Rule implies contractual obligations for current customers beyond regular ratemaking. The Staff Report argues that the PUEN rules "...should not allow existing load to exit the system."[2] However, ratepayers are mobile and variable. Businesses shutter and re-open in new locations. Personal home generators disconnect customers from the grid, creating a direct, but sometimes temporary, system exit. Existing loads may already be able to "exit the system" to an extent, by installing technology behind the meter to reduce energy or capacity demand. While retail deregulation is not at issue here, SREA encourages thoughtful consideration that ratepayers are not permanently owned property of public utilities.

II. Conclusion

SREA appreciates the opportunity to provide these Comments regarding Private Use Electrical Networks in response to Staff's Report and the technical conference. SREA looks forward to further participation in this proceeding and reserves the right to provide responses to these and similar questions in the future, and to refine our positions.

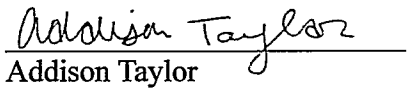
Respectfully submitted this 24th day of September, 2026.



Simon Mahan
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11610 Pleasant Ridge Road, Suite 103 # 176
Little Rock, AR 72223

[2] Staff Report pg. 71

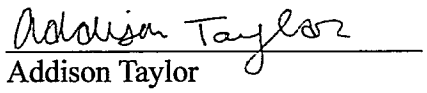
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Addison Taylor
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CERTIFICATE OF SERVICE

I hereby certify that I have served all parties with the foregoing document by electronic mail on this 24th day of September, 2026.



Addison Taylor
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APPENDIX A

REDLINE TO PROPOSED RULES GOVERNING THE AUTHORIZATION AND OPERATION OF PRIVATE USE ELECTRICAL NETWORKS

LOUISIANA PUBLIC SERVICE COMMISSION

RULES GOVERNING THE AUTHORIZATION AND OPERATION OF PRIVATE USE ELECTRICAL NETWORKS

PURPOSE

The purpose of this General Order is to establish rules, standards, and procedures governing the authorization, construction, and operation of Private Use Electrical Networks ("PUENs") within the State of Louisiana, in order to enable generation to serve new large industrial and digital loads seeking to locate in Louisiana while preserving the Commission's regulatory authority, protecting existing ratepayers from cost shifts and stranded-cost exposure, and maintaining the safety, reliability, and adequacy of the electric utility system within the state.

AUTHORITY

Article IV, Section 21 of the Louisiana Constitution of 1974 provides the Commission with the following authority:

> **Powers and Duties.** The Commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by Law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by Law.

Consistent with the above authority, the Commission has adopted rules and regulations through Commission Orders that apply to utilities in general, and in some instances, electric utilities specifically. The blanket authority to regulate public utilities granted above; however, is not absolute, as it is subject to the following limitations regarding utilities owned, operated, or regulated by a political subdivision:

> **Limitation.** The Commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

Further, the Louisiana Supreme Court has repeatedly held that the above-referenced provision gives the Commission exclusive, plenary power to regulate all common carriers and public utilities. Furthermore, acts or omissions of the Legislature cannot subtract from the Commission's power. *Global Tel Link, Inc. v. Louisiana Public Service Commission*, 97-0645, pp. 6-7 (La. 1/21/98), 707 So. 2d 28, 33; *Bowie v. Louisiana Public Service Commission*, 627 So. 2d 164 (La. 1993).

SECTION 101. DEFINITIONS

As used in this General Order, the following terms shall have the meanings ascribed:

1. "Applicant" means any person, entity, or group of entities that files an application with the Commission for confirmation of a Private Use Electrical Network under this General Order.

2. "Commission" means the Louisiana Public Service Commission.

3. ~~"Contiguous Property" means a single, undivided tract or parcel of real property, or multiple tracts or parcels that share a common boundary or are connected without interruption by intervening land owned or controlled by unrelated third parties.¶~~

~~4. "Dedicated Capacity" means the percentage of the total nameplate generating capacity (measured in megawatts) of all generation resources, including storage resources, within the PUEN that is contractually and physically committed to serving the electrical requirements of the Identified Load Customer(s) within the Network Boundary, as specified in Section 201.¶~~

~~5. "Dedicated Energy" means the percentage of the total energy output (measured in MWhs) of the generation resources within the PUEN that is contractually and physically committed to serving the electrical requirements of the Identified Load Customer(s) within the Network Boundary, as specified in Section 201.¶~~

~~6.~~ "Identified Load Customer" means a specific, identified end-use consumer of electricity whose load is to be served by the PUEN within its Network Boundary and who is identified by name, location, and projected load in the PUEN confirmation application. An Identified Load Customer must be an industrial entity, to include digital load such as data centers, with a minimum connected load of not less than the threshold specified in the Minimum Load Threshold provision of Section 201 of this General Order.

7. "Interconnected Utility" means the jurisdictional electric public utility whose service territory encompasses the geographic area in which the PUEN is located and with which the PUEN maintains or proposes to maintain an electrical interconnection as allowed by this rule.

8. "Network Boundary" means the clearly delineated ~~physical and~~ electrical boundary of the ~~Contiguous Property~~PUEN that is owned, leased, or otherwise lawfully controlled by the Applicant, the Identified Load Customer(s), or an affiliate thereof that comprises the PUEN.

9. "New Load" means electrical load associated with a new facility, new industrial process, or new data center of an Identified Load Customer(s) that: (a) does not, as of the date of the PUEN Confirmation Application, receive electric service from a jurisdictional public utility; and (b) represents a new addition to electric demand within the State of Louisiana.

10. "Private Use Electrical Network" or "PUEN" means an integrated system of generation resources, energy storage facilities (if any), and related electrical facilities (including wiring, transformers, switchgear, protective relaying, and distribution or transmission infrastructure) that meets all of the following criteria:

    (A) The system is located entirely within a Network Boundary;

    (B) ~~Not less than the Dedicated Capacity serving the electricity requirements of one or more Identified Load Customer(s) constituting New Load;¶~~

    ~~(C)~~ Electricity is delivered exclusively through Privately Owned Electric Facilities that are not part of the transmission or distribution system of a jurisdictional public utility;

    (D) ~~The Identified Load Customer(s) does not own the electric generation that serves it but instead has entered a binding contract with the PUEN Operator for the output and delivery of the Dedicated Capacity and energy needed to serve its load; and¶~~

    ~~(E)~~ The system has received a Confirmation of Qualification from the Commission pursuant to Section 301 of this General Order.

11. "Privately Owned Electrical Facilities" means electric generation, including energy storage, transmission, distribution, substation, switching, protective relay, and related equipment and infrastructure that is owned and operated by the PUEN Operator or the Identified Load Customer and that is not part of the facilities of a jurisdictional electric public utility, and is not interconnected with and takes no service from the public electric system, except as may be allowed by these rules.

12. "PUEN Operator" means the entity that owns the electrical generation, including energy storage, and is responsible for the day-to-day operation and maintenance of the PUEN.

13. "RTO" means a Regional Transmission Organization or Independent System Operator, including but not limited to the Midcontinent Independent System Operator, Inc. (MISO)

or the Southwest Power Pool (SPP), as applicable to the geographic area in which the PUEN is located.

SECTION 201. ELIGIBILITY CRITERIA AND LIMITING CIRCUMSTANCES

1. General Limitation. A PUEN shall be authorized only in narrowly defined circumstances. Confirmation of a PUEN is not available as of right; it requires a specific showing by the Applicant that all eligibility criteria set forth in this Section 201 are met, subject to case-by-case review and approval by the Commission.

2. ~~New Load Requirement. A PUEN shall serve only New Load as defined in Section 101(9). The PUEN shall not be used to serve load that, as of the date of the application for confirmation, is receiving electric service from a jurisdictional public utility.¶~~

~~3. Minimum Load Threshold. The aggregate connected load of the Identified Load Customer(s) to be served by the PUEN shall be not less than fifty megawatts (50 MW) with an expected and verified load factor of at least 80 percent at the time of initial confirmation. No PUEN shall be confirmed as qualified to serve an aggregate load below this threshold.¶~~

~~4. Dedication Requirement. The Dedicated Capacity and Dedicated Energy of all generation resources within the PUEN shall be dedicated to serving the electricity requirements of the Identified Load Customer(s) within the Network Boundary. For purposes of this requirement:¶~~

~~5. Capacity dedicated to fulfilling the capacity needs of the Identified Load Customer(s) must be at least eighty five percent (85%) of total nameplate generating capacity;¶~~

~~6. Energy and Ancillary Services available for export to the wholesale electricity market in accordance with Section 203 shall not exceed thirty percent (30%) of total electricity generated from the Dedicated Capacity; and¶~~

~~7. Compliance with the dedication requirement shall be attested to at the time of confirmation and demonstrated on an ongoing annual basis through reporting required under Section 401.~~

8. ~~Single Purpose Limitation. A PUEN shall serve only the Identified Load Customer(s) named in the confirmation application. The PUEN shall not provide retail electric service to the general public, to residential customers, or to commercial or industrial customers who are not Identified Load Customers named in the confirmation.¶~~

~~9.~~ Islanded Load Requirement. The Identified Load Customer(s) served by a PUEN shall not be connected to or receive electric service of any type from the public electric system. No

Identified Load Customer within a PUEN shall take backup, standby, supplemental, maintenance, or any other form of electric service from a jurisdictional public utility or through the transmission or distribution facilities of such utility. This requirement shall not prohibit the PUEN's generation resources from maintaining an interconnection with the Interconnected Utility ~~solely for the export of surplus electricity to the wholesale market, as provided in Section 203~~.

SECTION 202. PROPERTY, CONTIGUITY AND NETWORK BOUNDARY REQUIREMENTS

1. ~~Contiguous Property Requirement. All generation, storage, transmission, distribution, and load-serving facilities constituting the PUEN shall be located on Contiguous Property as defined in Section 101(3).¶~~

2. ~~Single Ownership or Control. The Contiguous Property on which the PUEN is located shall be owned, leased, or otherwise lawfully controlled by a single entity.¶~~

3. Network Boundary Delineation. The Applicant shall, as part of its confirmation application, file with the Commission:

   (A) A metes-and-bounds description or recorded plat of the ~~Contiguous Property constituting the~~ Network Boundary;

   (B) A single-line electrical diagram showing all generation resources, distribution/transmission infrastructure, switching equipment, protective relays, customer delivery points, and Points of Common Coupling within and at the boundary of the PUEN; and

   (C) Evidence of legal right (ownership, lease, or servitude) to occupy and use the ~~Contiguous Property~~Network Boundary for the siting and operation of the PUEN.

SECTION 203. INTERCONNECTION FOR EXPORT SERVICE

1. Permissible Interconnection. A PUEN may maintain an interconnection with the Interconnected Utility ~~solely for export of surplus electricity to the wholesale market administered by the applicable RTO, subject to the Limitations on Export provision of this Section 203, and provided that the PUEN solely bears the entire cost of that interconnection as determined by the RTO.~~

2. Limitations on Export. Surplus electricity generated within the PUEN and exported beyond the Network Boundary:

   (A) Shall be delivered only into the wholesale electricity market administered by the applicable RTO;

(B) ~~Shall not be sold, delivered, wheeled, or otherwise provided directly to any retail customer or end user outside the Network Boundary;¶~~

~~(C) Shall not exceed, on a rolling twelve-month basis, thirty percent (30%) of the¶ PUEN's total net generation (measured in MWh); and¶~~

(D) Shall be subject to applicable FERC, RTO, and Commission rules governing wholesale market participation and transmission service.

SECTION 204. PROHIBITION ON RETAIL SALES AND DELIVERIES OUTSIDE THE NETWORK

1. No Retail Sales. A certified PUEN shall not sell, deliver, distribute, wheel, or otherwise provide electric service at retail to any person or entity that is not an Identified Load Customer named in the PUEN's Confirmation of Qualification.

2. No Third-Party Retail Customers. The PUEN shall not extend its distribution facilities, grant interconnection, or otherwise enable any person or entity outside the Network Boundary to receive electric service from the PUEN at retail rates.

3. ~~Limited Wholesale Export. As provided in the Limitations on Export provision of Section 203, surplus generation may be exported to the wholesale market administered by the applicable RTO, subject to the quantitative limits and conditions specified therein. Such wholesale sales do not constitute retail service.¶~~

SECTION 301. APPLICATION, CONFIRMATION OF QUALIFICATION, AND COMMISSION APPROVAL PROCESS

1. Confirmation of Qualification Required. No person or entity shall construct, operate, or energize a PEUN within the jurisdictional boundaries of the Commission without first obtaining a Confirmation of Qualification issued by the Commission pursuant to this Section 301. Confirmation of Qualification confirms non-public utility status to the applicant PUEN.

2. Case-by-Case Review. Each application for Confirmation of Qualification shall be evaluated by the Commission on its individual merits. Satisfaction of the eligibility criteria in Section 201 shall be a necessary, but not a sufficient, condition for confirmation. The Commission retains discretion to deny, condition, or limit any confirmation based on considerations of the public interest, system reliability, and protection of ratepayers.

3. Application Contents. An application for a Confirmation of Qualification shall contain, at minimum, the following:

   (A) The legal name, address, and organizational structure of the Applicant and the proposed PUEN Operator;

(B) The identity of each Identified Load Customer, including a description of the customer's business and projected electrical load (MW and annual MWh);

(C) ~~Evidence demonstrating that the load to be served constitutes New Load, as defined in Section 101(9);¶~~

~~(D)~~ A complete description of the proposed PUEN, including the type, capacity, and fuel source of each generation resource; any energy storage resources; all transmission and distribution infrastructure; and all ancillary equipment;

(E) The Network Boundary documentation required by the Network Boundary Delineation provision of Section 202;

(F) ~~Demonstration of compliance with the 85% Dedicated Capacity requirement and 70% Dedicated Energy requirement under the Dedication Requirement provision of Section 201;¶~~

~~(G)~~ Any proposed Interconnection Agreement with the Interconnected Utility, or evidence that negotiations are underway with a proposed schedule for completion;

(H) A cost-shift analysis demonstrating that the proposed PUEN will not result in an unreasonable shift of costs or stranded investment to the Interconnected Utility's remaining ratepayers;

(I) Evidence of the Applicant's financial capability and technical qualifications to construct and operate the PUEN;

(J) A proposed operating protocol and emergency response plan; and

(K) Such other information as the Commission or its Staff may require.

4. Notice and Opportunity to Be Heard. Upon the filing of an application for a Confirmation of Qualification:

(A) The Commission shall provide notice of the application in the Commission's Official Bulletin;

(B) Intervenors shall have not less than sixty (60) days from the date of notice to file comments, protests, or petitions to intervene;

(C) The Commission may, at its discretion, convene a technical conference or evidentiary hearing; and

(D) The Interconnected Utility, if any, shall have standing as a party in any proceeding on the application.

5. Standards for Approval. The Commission shall grant a Confirmation of Qualification only upon finding that:

   (A) The proposed PUEN satisfies all eligibility criteria set forth in Section 201;

   (B) The proposed PUEN satisfies the ~~property, contiguity, and boundary~~ requirements of Section 202;

   (C) The proposed PUEN will not result in an unreasonable cost shift or stranded-cost burden on the Interconnected Utility's remaining ratepayers;

   (D) Adequate provisions have been made for interconnection for export in accordance with Sections 203 and 205;

   (E) The Applicant has demonstrated the financial and technical capability to construct, operate, and maintain the PUEN; and

   (F) Confirmation that the PUEN is consistent with the public interest.

6. Conditions of Confirmation. The Commission may attach such conditions to a Confirmation of Qualification as it deems necessary to protect the public interest.

7. Amendments. Any material change to the PUEN after confirmation—including but not limited to the addition of new Identified Load Customers, expansion of the Network Boundary, or material increase in generating capacity—shall require a supplemental application and Commission approval prior to implementation.

SECTION 401. REPORTING, METERING, AND ONGOING COMPLIANCE OBLIGATIONS

1. External Metering. The PUEN Operator shall install and maintain metering at the point of generator interconnection with the Interconnected Utility to measure electricity delivered to the wholesale market. Such external metering shall be of sufficient accuracy and reliability to support the reporting obligations of the Section 401.

2. Internal Metering. The PUEN Operator shall install and maintain metering at each customer delivery point within the PUEN to measure electricity delivered to each Identified Load Customer, and at each generation resource to measure net output. Such internal metering shall be of sufficient accuracy and reliability to support the reporting obligations of this Section 401.

3. Annual Compliance Report. Subject to normal confidentiality treatment, ~~On~~ on or before March 31 of each calendar year, the PUEN Operator shall file with the Commission an Annual Compliance Report containing:

(A) Total generation (MWh) by each generation resource within the PUEN for the preceding calendar year;

(B) Total electricity (MWh) delivered to each Identified Load Customer;

(C) Total electricity (MWh) exported to the wholesale market;

(D) ~~Demonstration of continued compliance with the 85% Dedicated Capacity and 70% Dedicated Energy requirement under the Dedication Requirement provision of Section 201, calculated on both a nameplate capacity basis and an annual energy output basis;¶~~

~~(E) Demonstration that the Identified Customer load complies with the size requirement of at least 50MWs with at least an 80 percent load factor;¶~~

~~(F)~~ A summary of any material changes to the PUEN's facilities, operating status, or personnel; and

(H) Such other information as the Commission or its Staff may require.

4. Records Retention. The PUEN Operator shall retain all metering data, operational records, and compliance documentation for a period of not less than five (5) years and shall make such records available to the Commission or its Staff upon request.

5. Right of Inspection. The Commission or its Staff shall have the right, upon reasonable notice, to inspect the PUEN's facilities, metering equipment, and records to verify compliance with this General Order and the terms of the Confirmation of Qualification.

SECTION 501. COST-ALLOCATION AND STRANDED-COST PROTECTIONS

1. Ratepayer Harmlessness Principle. The authorization and operation of a PUEN shall not result in an increase in rates or charges to the ratepayers of the Interconnected Utility. All costs associated with the generation, delivery, and internal operation of the PUEN shall be borne by the PUEN Operator and/or the Identified Load Customer(s), and not by non-participating ratepayers.

2. Cost-Shift and Stranded Cost Analysis. As part of the confirmation process under Section 301, the Commission shall evaluate whether the proposed PUEN will impose stranded costs or revenue shortfalls on the Interconnected Utility.

3. No Cross-Subsidization. The rates charged by the Interconnected Utility for export interconnection service to a PUEN shall fully recover the cost of providing such service, such that non-participating ratepayers do not subsidize the PUEN's operations.

SECTION 502. SUNSET PROVISION

1. Termination of Acceptance of New Applications. No new applications for Confirmation of Qualification pursuant to this General Order will be accepted by the Commission more than five (5) years after the effective date of this General Order. Applications received within the five-year period shall continue to be processed, and Confirmations of Qualification issued pursuant to timely-filed applications shall remain in full force and effect, notwithstanding the expiration of the application period.

2. Automatic Termination. The termination of acceptance of new applications shall be automatic unless, prior to the expiration of the five-year period, a party files a request for renewal of this General Order and the Commission, after notice and opportunity to be heard, determines that renewal of the General Order's application period would serve the public interest.

3. Continuing Effect of Issued Confirmations. Any Confirmation of Qualification issued prior to the expiration of the application period shall remain valid and enforceable in accordance with its terms, and the PUEN Operator's obligations under this General Order shall continue in full force and effect for the duration of the confirmation, regardless of whether the application period has expired.

SECTION 601. EFFECTIVE DATE, SEVERABILITY, AND RESERVATION OF AUTHORITY

1. Effective Date. This General Order shall become effective upon publication in the Commission's Official Bulletin.

2. Severability. If any provision of this General Order, or the application thereof to any person, entity, or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions or applications of this General Order, which shall be given effect without the invalid provision or application.

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