



SYNOPSIS:

Under existing law, the Public Service Commission reviews retail electric service contracts between utilities and large load customers. The commission approves these contracts if the commission finds that the contracts are in the public interest.

This bill would provide that when the commission is making the determination whether a contract between a utility and a large load customer is in the public interest, the commission must take into account certain considerations, including whether the contract will provide for the recovery from the large load customer of incremental costs that are attributable to the large load customer and that the contract will promote positive benefits for other residential, commercial, and industrial utility customers.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to utilities; to add Section 37-4-22.1 to the Code of Alabama 1975; to provide specific considerations for the Public Service Commission's review and approval of retail



electric service contracts between a utility and a large load customer, including determining that such contracts provide for the recovery of incremental costs and promote other positive benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-4-22.1 is added to the Code of Alabama 1975, to read as follows:

§37-4-22.1

(a) For purposes of this section, the following terms have the following meanings:

(1) INCREMENTAL COSTS OF RETAIL ELECTRIC SERVICE. The additional costs associated with the generation, transmission, distribution, sale, or furnishing of electricity to a large load data center customer, including fuel costs and taxes, which the utility would not incur but for the large load data center customer contract.

(2) LARGE LOAD CUSTOMER. A customer of the utility which has executed a contract for retail electric service with the utility which requires the utility to serve an expected total peak demand of 100 megawatts or greater at one or more contiguous parcels of land.

(3) TERMS AND CONDITIONS. The provisions in a contract for service between a customer and utility which address matters such as minimum term for contract length, upfront payments, security and collateral, and minimum payment.

(b) For purposes of Section 37-4-22(b), a contract for retail electric service between a utility and a person that qualifies as a large load customer is consistent with the



57 public interest where the commission determines that the  
58 contract pricing and contract terms and conditions over the  
59 contract term are expected to:

60 (1) Provide for the recovery of the incremental costs  
61 of retail electric service to the large load customer's  
62 premises from the large load customer; and

63 (2) Promote positive benefits to other retail electric  
64 customers of the utility.

65 (c) The determination of whether a contract between a  
66 large load customer and a utility promotes positive benefits  
67 under subdivision (b) (2) includes considerations such as:

68 (1) Whether the pricing and terms and conditions of the  
69 contract could lower costs for other residential, commercial,  
70 and industrial customers of the utility; and

71 (2) Whether the large load customer is expected to  
72 increase the efficiency of the utility's power system.

73 Section 2. This act shall become effective on October  
74 1, 2026.