

1 source of the new demand, with safeguards so any cost overruns are not borne by ratepayers in
2 general. Any excess power from the dedicated dispatchable source can be sold onto the broader
3 grid at wholesale rates, with the profits of those sales split between the utility and the demanding
4 source, per their contract.

5 (d) If any state, or political subdivision thereof, provides economic incentives for the
6 construction, opening, or operations of a new data center, they shall enter into a memorandum of
7 understanding or other similar instrument regarding subsection (c) of this section such that failure
8 or refusal to meet the terms of the aforementioned memorandum of understanding, the
9 Commission is authorized to notify the relevant state and local agencies to commence
10 proceedings to recoup the current cash value of the economic incentives from the parent company
11 of the data center.

12 (e) If new data centers requiring dispatchable power cannot come to an agreement with
13 the local utility to construct new dispatchable power, they may submit their own plan to the
14 Commission for how they will develop and deliver that power. Any dispatchable power source
15 they construct and maintain will have to comply with the same environmental, safety, and health
16 regulations public utilities operate under, and any excess power generated by the new source, if
17 connected to the grid, can be sold to a contracting utility at an agreed upon price."

18 **SECTION 2.** If any provision of this act or its application is held invalid, the
19 invalidity does not affect other provisions or applications of this act that can be given effect
20 without the invalid provisions or application and, to this end, the provisions of this act are
21 severable.

22 **SECTION 3.** This act is effective when it becomes law.