

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1081

By: Claunch

AS INTRODUCED

An Act relating to the Corporation Commission; amending 17 O.S. 1991, Section 151, which relates to definition of public utility; modifying definition; making certain public water trusts subject to jurisdiction of the Corporation Commission; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 17 O.S. 1991, Section 151, is amended to read as follows:

Section 151. ~~The term "public utility" as~~ A. As used in Sections 151 through 155 of this title, ~~shall be taken to mean and include:~~

1. "Public utility" means and includes every corporation, association, company, individuals, their trustees, lessees, or receivers, successors or assigns, except as ~~hereinafter~~ otherwise provided in this section, and except cities, towns, or other bodies politic, that ~~now or hereafter may~~ own, operate, or manage any plant or equipment, or any part thereof, directly or indirectly, for public use, or may supply any commodity to be furnished to the public. for:

- ~~(a)~~ a. ~~For~~ the conveyance of gas by pipeline. l
- ~~(b)~~ b. ~~For~~ the production, transmission, delivery or furnishing of heat or light with gas. l
- ~~(c)~~ c. ~~For~~ the production, transmission, delivery or furnishing of electric current for light, heat or power. l and

~~(d)~~ d. ~~For~~ the transportation, delivery or furnishing of water for domestic purposes or for power. Provided ~~further~~ that ~~a~~:

(1) any public trust organized pursuant to Sections 176 through 180 of Title 60 of the Oklahoma Statutes and engaged in the business of furnishing water utility services to its beneficiaries which are cities, towns or other bodies politic shall be construed as a public utility and shall be subject to the jurisdiction and control of the Corporation Commission, and

(2) any corporation organized and existing not for profit pursuant to Title 18 of the Oklahoma Statutes, Sections 851-863, but for the purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents shall not be declared a public utility under this act, and shall be exempt in any and all respects from the jurisdiction and control of the Corporation Commission of this state; and

~~The term 2.~~ "Commission" ~~shall be taken to mean~~ means the Corporation Commission of Oklahoma.

~~Provided, that, in Washington County, where~~ B. If any corporation, association, company, individuals, their trustees, lessees, or receivers, successors or assigns, ~~is~~ in Washington County, Oklahoma, are engaged in the private business of manufacturing any products other than those ~~hereinbefore defined~~ specified by subsection A of this section, and in the manufacture of such products operate and maintain private electric or water plants for ~~its~~ their own power and electrical energy or water used in ~~its~~ their manufacturing plant, without the right of eminent domain and without the use of streets, highways or public property, ~~it~~ such

entity may contract upon terms and prices approved by Corporation Commission the sale of a bona fide surplus of electrical energy or water developed in such private plants to any public utility engaged in manufacturing and distributing electrical energy in ~~Washington County, Oklahoma~~ such county, without becoming a public utility. ~~Provided further any~~

C. Any city or town within a county having a population of over five hundred thousand (500,000) or any county having a population of over five hundred thousand (500,000), according to the 1970 Federal Census, which is a beneficiary of a public trust that has multiple beneficiaries and that includes within any or all of its boundaries a water supply and/or distribution system, or any portion thereof, shall have the authority to condemn all or any portion of any water supply and/or distribution system owned and/or operated and/or leased by a public trust within the limits of the condemning city or town or within the unincorporated areas of the condemning county; provided the power granted hereunder shall not be exercised until the condemning city, town or county shall have made provision to pay off all outstanding bonded indebtedness incurred by the public trust, including interest on the bonds to maturity of the bonds, or first call date, and premium, if any, to which the property to be condemned or the revenues therefrom has been pledged for security.

SECTION 2. This act shall become effective November 1, 1999.

47-1-5432            KSM            6/12/15