

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1932

By: Jackson

COMMITTEE SUBSTITUTE

An Act relating to energy; defining terms; granting incumbent electric transmission owners the right to construct, own and maintain certain local electric transmission facilities; granting an incumbent electric transmission owner certain rights to local electric transmission facilities; providing for the rights of two or more incumbent electric transmission owners to one local electric transmission facility; providing for the property rights of an incumbent electric transmission owner; requiring an incumbent electric transmission owner to give certain notice; stating results if notice is not provided; allowing the Southwest Power Pool to determine the right to build under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 291 of Title 17, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Commission" means the Corporation Commission;

1 2. "Incumbent electric transmission owner" means any Oklahoma
2 electric public utility, as recognized by the Commission, or its
3 affiliates, or subsidiaries or any electric cooperative, any
4 municipal power agency or any municipal utility that owns, operates
5 and maintains an electric transmission facility in this state or any
6 public utility as recognized by the Commission that is engaged in
7 the development of a local electric transmission facility in the
8 state as of the effective date of this act;

9 3. "Local electric transmission facility" means a high-voltage
10 transmission line or high-voltage associated transmission facilities
11 with a rating of greater than sixty-nine (69) kilovolts and less
12 than three hundred (300) kilovolts; and

13 4. "Southwest Power Pool" means the Southwest Power Pool or any
14 federally recognized successor entity.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 292 of Title 17, unless there is
17 created a duplication in numbering, reads as follows:

18 A. An incumbent electric transmission owner has the right to
19 construct, own and maintain a local electric transmission facility
20 that has been approved for construction in a Southwest Power Pool
21 transmission plan and will interconnect to facilities owned by that
22 incumbent electric transmission owner. An incumbent electric
23 transmission owner has the right to construct, own and maintain:
24

1 1. A new local electric transmission facility that connects to
2 electric transmission facilities owned by the incumbent; and

3 2. Upgrades to the existing local electric transmission
4 facilities of the incumbent.

5 B. The right to construct, own and maintain a local electric
6 transmission facility that will interconnect to facilities owned by
7 two or more incumbent electric transmission owners belongs
8 individually and equally to each incumbent electric transmission
9 owner, unless otherwise agreed upon in writing by the electric
10 transmission owners.

11 C. Nothing in this section is intended to affect an incumbent
12 electric transmission owner's use and control of its existing
13 property rights including the incumbent electric transmission
14 owner's ability to assign its rights to construct, own and maintain
15 a local electric transmission facility. The retention, modification
16 or transfer of existing property rights of an incumbent electric
17 transmission owner shall remain subject to the relevant state law or
18 regulation that granted the property right.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 293 of Title 17, unless there is
21 created a duplication in numbering, reads as follows:

22 A. If the Southwest Power Pool has approved a local electric
23 transmission facility in a Southwest Power Pool transmission plan
24 and has formally directed the incumbent electric transmission owner

1 or owners, if there is more than one owner, to construct, own and
2 maintain the local electric transmission facility, the incumbent
3 electric transmission owner or owners shall give notice to the
4 Southwest Power Pool, in writing, within ninety (90) days of receipt
5 of the direction to construct by the Southwest Power Pool, regarding
6 its intent to construct, own and maintain the local electric
7 transmission facility. If notice is not provided, the incumbent
8 electric transmission owner shall surrender its right to construct,
9 own and maintain the local electric transmission facility.

10 B. If an incumbent electric transmission owner or owners give
11 notice of intent not to construct the local electric transmission
12 facility or fail to provide notice as required in subsection A of
13 this section, then the Southwest Power Pool may determine whether
14 the incumbent electric transmission owner or owners or other entity
15 will construct, own and maintain the local electric transmission
16 facility.

17 SECTION 4. This act shall become effective November 1, 2013.
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