

1 ENGROSSED HOUSE  
2 BILL NO. 1932

By: Jackson of the House

3 and

4 Marlatt of the Senate  
5  
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7 An Act relating to energy; defining terms; granting  
8 incumbent electric transmission owners the right to  
9 construct, own and maintain certain local electric  
10 transmission facilities; granting an incumbent  
11 electric transmission owner certain rights to local  
12 electric transmission facilities; providing for the  
13 rights of two or more incumbent electric transmission  
14 owners to one local electric transmission facility;  
15 providing for the property rights of an incumbent  
16 electric transmission owner; requiring an incumbent  
17 electric transmission owner to give certain notice;  
18 stating results if notice is not provided; allowing  
19 the Southwest Power Pool to determine the right to  
20 build under certain circumstances; providing for  
21 codification; and providing an effective date.

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24 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;

2. "Incumbent electric transmission owner" means any Oklahoma  
electric public utility, as recognized by the Commission, or its

1 affiliates, or subsidiaries or any electric cooperative, any  
2 municipal power agency or any municipal utility that owns, operates  
3 and maintains an electric transmission facility in this state or any  
4 public utility, as recognized by the Commission, that is engaged in  
5 the development of an electric transmission facility in the state as  
6 of the effective date of this act;

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

11 4. "Southwest Power Pool" means the Southwest Power Pool or any  
12 federally recognized successor entity.

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

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

22 1. A new local electric transmission facility that connects to  
23 electric transmission facilities owned by the incumbent; and  
24

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

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

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

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

20        A. If the Southwest Power Pool has approved a local electric  
21 transmission facility in a Southwest Power Pool transmission plan  
22 and has formally directed the incumbent electric transmission owner  
23 or owners, if there is more than one owner, to construct, own and  
24 maintain the local electric transmission facility, the incumbent

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

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

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

16 Passed the House of Representatives the 12th day of March, 2013.

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18 \_\_\_\_\_  
19 Presiding Officer of the House  
of Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

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23 Presiding Officer of the Senate  
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