

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1932

By: Jackson of the House

and

Marlatt of the Senate

7  
8  
9  
10                               COMMITTEE SUBSTITUTE

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

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

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

4       As used in this act:

5       1. "Commission" means the Corporation Commission;

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

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

18       4. "Southwest Power Pool" means the Southwest Power Pool or any  
19 federally recognized successor entity.

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

1       A. An incumbent electric transmission owner has the right to  
2 construct, own and maintain a local electric transmission facility  
3 that has been approved for construction in a Southwest Power Pool  
4 transmission plan and will interconnect to facilities owned by that  
5 incumbent electric transmission owner. An incumbent electric  
6 transmission owner has the right to construct, own and maintain:

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

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

11       B. The right to construct, own and maintain a local electric  
12 transmission facility that will interconnect to facilities owned by  
13 two or more incumbent electric transmission owners belongs  
14 individually and equally to each incumbent electric transmission  
15 owner, unless otherwise agreed upon in writing by the electric  
16 transmission owners.

17       C. Nothing in this section is intended to affect an incumbent  
18 electric transmission owner's use and control of its existing  
19 property rights including the incumbent electric transmission  
20 owner's ability to assign its rights to construct, own and maintain  
21 a local electric transmission facility. The retention, modification  
22 or transfer of existing property rights of an incumbent electric  
23  
24

1 transmission owner shall remain subject to the relevant state law or  
2 regulation that granted the property right.

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

6 A. If the Southwest Power Pool has approved a local electric  
7 transmission facility in a Southwest Power Pool transmission plan  
8 and has formally directed the incumbent electric transmission owner  
9 or owners, if there is more than one owner, to construct, own and  
10 maintain the local electric transmission facility, the incumbent  
11 electric transmission owner or owners shall give notice to the  
12 Southwest Power Pool, in writing, within ninety (90) days of receipt  
13 of the direction to construct by the Southwest Power Pool, regarding  
14 its intent to construct, own and maintain the local electric  
15 transmission facility. If notice is not provided, the incumbent  
16 electric transmission owner shall surrender its right to construct,  
17 own and maintain the local electric transmission facility.

18 B. If an incumbent electric transmission owner or owners give  
19 notice of intent not to construct the local electric transmission  
20 facility or fail to provide notice as required in subsection A of  
21 this section, then the Southwest Power Pool may determine whether  
22 the incumbent electric transmission owner or owners or other entity  
23  
24

1 will construct, own and maintain the local electric transmission  
2 facility.

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

4  
5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND AEROSPACE, dated  
6 02/28/2013 - DO PASS, As Amended and Coauthored.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24