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**AS AMENDED**

By: Jackson of the House

and

Marlatt of the Senate

[ energy - granting incumbent electric transmission owners the right to construct, own and maintain certain facilities - codification - 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;

2. "Incumbent electric transmission owner" means any Oklahoma electric public utility, as recognized by the Commission, or its affiliates, or subsidiaries or any electric cooperative, any municipal power agency or any municipal utility that owns, operates and maintains an electric transmission facility in this state or any public utility, as recognized by the Commission, that is engaged in

1 the development of an electric transmission facility in the state as  
2 of the effective date of this act;

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

7 4. "Southwest Power Pool" means the Southwest Power Pool or any  
8 federally recognized successor entity.

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

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

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

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

22 B. The right to construct, own and maintain a local electric  
23 transmission facility that will interconnect to facilities owned by  
24 two or more incumbent electric transmission owners belongs

1 individually and equally to each incumbent electric transmission  
2 owner, unless otherwise agreed upon in writing by the incumbent  
3 electric transmission owners.

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

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

15 A. If the Southwest Power Pool has approved a local electric  
16 transmission facility in a Southwest Power Pool transmission plan  
17 and has formally directed the incumbent electric transmission owner  
18 or owners, if there is more than one owner, to construct, own and  
19 maintain the local electric transmission facility, the incumbent  
20 electric transmission owner or owners shall give notice to the  
21 Southwest Power Pool, in writing, within ninety (90) days of receipt  
22 of the direction to construct by the Southwest Power Pool, regarding  
23 its intent to construct, own and maintain the local electric  
24 transmission facility. If notice is not provided, the incumbent

1 electric transmission owner shall surrender its right to construct,  
2 own and maintain the local electric transmission facility.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
12 April 4, 2013 - DO PASS AS AMENDED  
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