

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 4093

 By: Caldwell (Trey)

7 AS INTRODUCED

8 An Act relating to utilities; amending 17 O.S. 2021,
9 Section 158.25, as amended by Section 1, Chapter 95,
10 O.S.L. 2023 (17 O.S. Supp. 2023, Section 158.25),
11 which relates to exclusive rights within the
12 territory; requiring certain retail electric service
13 provider to provide certain notification; requiring
14 certain information be confidential upon request;
15 requiring notice to provide certain information; and
16 providing an effective date.

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

16 SECTION 1. AMENDATORY 17 O.S. 2021, Section 158.25, as
17 amended by Section 1, Chapter 95, O.S.L. 2023 (17 O.S. Supp. 2023,
18 Section 158.25), is amended to read as follows:

19 Section 158.25 A. Except as otherwise provided herein, each
20 retail electric supplier shall have the exclusive right to furnish
21 retail electric service to all electric-consuming facilities located
22 within its certified territory, and shall not furnish, make
23 available, render or extend its retail electric service to a
24 consumer for use in electric-consuming facilities located within the

1 certified territory of another retail electric supplier; provided
2 that any retail electric supplier may extend its facilities through
3 the certified territory of another retail electric supplier, if such
4 extension is necessary for such supplier to connect any of its
5 facilities or to serve its consumers within its own certified
6 territory.

7 B. Except as provided in subsections C and E of this section,
8 any new electric-consuming facility located in an unincorporated
9 area which has not ~~as~~ yet been included in a map issued by the
10 Oklahoma Corporation Commission, pursuant to Section 158.24 of this
11 title, or certified, pursuant to Section 158.24 of this title, shall
12 be furnished retail electric service by the retail electric supplier
13 which has an existing distribution line in closer proximity to such
14 electric-consuming facility than is the nearest existing
15 distribution line of any other retail electric supplier. Any
16 disputes under this subsection shall be resolved by the Commission.

17 C. If the Commission, after hearing, shall determine that the
18 retail electric service being furnished or proposed to be furnished
19 by a retail electric supplier to an electric-consuming facility is
20 inadequate and is not likely to be made adequate, the Commission may
21 authorize another retail electric supplier to furnish retail
22 electric service to such facility.

23 D. Except as provided in subsection C of this section, no
24 retail electric supplier shall furnish, make available, render or

1 extend retail electric service to any electric-consuming facility to
2 which such service is being lawfully furnished by another retail
3 electric supplier on September 10, 1971, or to which retail electric
4 service is lawfully commenced thereafter in accordance with this
5 section by another retail electric supplier.

6 E. The provisions of ~~this act~~ the Retail Electric Supplier
7 Certified Territory Act shall not preclude any retail electric
8 supplier from extending its service after September 10, 1971, (1) to
9 its own property and facilities, in an unincorporated area, and (2)
10 subject to subsection D of this section, to an electric-consuming
11 facility requiring electric service, in an unincorporated area, if
12 the connected load for initial full operation of such electric-
13 consuming facility is to be 1,000 kw or larger.

14 F. To achieve the purposes of efficient, cost-effective retail
15 electric service without duplication of electric facilities and to
16 avoid unfairly shifting costs to residential consumers, retail
17 electric service providers are required to establish and utilize
18 rate tariffs which are specifically applicable to a rate class of
19 customers composed of electric-consuming facilities being served in
20 accord with the 1,000 kw size exception found in subsection E of
21 this section and located outside the retail electric service
22 provider's certified territory. These tariffs may be for a specific
23 electric-consuming facility or for a class of electric-consuming
24 facilities taking service under this provision. For retail electric

1 service providers that are rate-regulated by the Commission, the
2 rates supporting this rate class shall be determined in the rate-
3 regulated service provider's most recent rate proceeding. Rates for
4 this rate class shall be designed to recover (i) the costs of
5 extending service to the competitive load of electric-consuming
6 facilities of 1,000 kw or larger located outside the retail electric
7 service provider's certified territory; and (ii) the allocated share
8 of other costs associated with providing service to the electric-
9 consuming facility. Such tariffs shall be cost-of-service based and
10 shall not subsidize other rate classes or be subsidized by other
11 rate classes. Unless costs of extending service to such a new load
12 are collected from the customer, those costs shall be included in
13 the cost of service study in the next rate proceeding. If the
14 electric service provider, in whose certified territory the
15 competitive load is seeking electric service, chooses in writing not
16 to compete for said competitive load or does not respond within
17 thirty (30) days of receiving written notice by the customer, the
18 terms of this subsection shall not apply.

19 G. Any retail electric service supplier, not excluded by
20 Section 158.28 of this title, that intends to provide retail
21 electric service to a new electric-consuming facility within the
22 certified territory of another retail electric service provider
23 shall notify that incumbent retail electric service provider and
24 Public Utility District (PUD), either in writing or by electronic

1 mail, no less than fifteen (15) business days prior to a contract
2 for service, written or verbal, being made between the non-incumbent
3 retail electric service provider and the new electric-consuming
4 facility. Upon request by the new electric-consuming facility,
5 information contained in the notice shall be maintained
6 confidentially by the incumbent retail electric service provider and
7 arrangements shall be made with PUD to allow such information to
8 remain confidential. This notice shall provide information
9 including, but not limited to, the following:

10 1. A specific description of the anticipated location of the
11 new electric-consuming facility by Global Positioning System
12 coordinates to allow clear identification of the new facility's
13 location, and the identification of the certified territory of the
14 retail electric service provider.

15 2. A specific description of the planned size of the connected
16 load for initial full operation to be added.

17 3. Identification of the tariff, on file with PUD, under which
18 the retail electric supplier intends to serve the electric-consuming
19 facility.

20 SECTION 2. This act shall become effective November 1, 2024.
21

22 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/15/2024 - DO
23 PASS.
24