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February 8, 2024

By: Jech

An Act relating to wind energy facilities; defining terms; requiring certain newly established facilities to apply for certain light-mitigating technology system prior to commencement; requiring existing wind energy facilities to apply for certain light-mitigating technology system by certain date; requiring costs to be assumed by facility developer, owner, or operator; directing rule promulgation; 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 160.23 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Light-mitigating technology system" means aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a wind energy facility; and

2. "Wind energy facility" means an electrical generation facility consisting of one or more wind turbines under common

1 ownership or operating control, and includes substations,  
2 meteorological data towers, aboveground and underground electrical  
3 transmission lines, transformers, control systems, and other  
4 buildings or facilities used to support the operation of the  
5 facility, and whose primary purpose is to supply electricity to an  
6 off-site customer or customers. Wind energy facility shall not  
7 include a wind energy facility located entirely on property held in  
8 fee simple absolute estate by the owner of the wind energy facility.

9 B. On and after the effective date of this act, no new wind  
10 energy facility may commence operations in this state unless the  
11 developer, owner, or operator of the facility applies to the Federal  
12 Aviation Administration (FAA) for installation of a light-mitigating  
13 technology system that complies with FAA regulations provided in 14  
14 C.F.R. Section 1.1 et seq. If approved by the FAA, the developer,  
15 owner, or operator of such facility shall install the light-  
16 mitigating technology system on the facility within twenty-four (24)  
17 months after receipt of approval.

18 C. On and after January 1, 2026, any developer, owner, or  
19 operator of a wind energy facility that has commenced commercial  
20 operations in this state without a light-mitigating technology  
21 system shall apply to the FAA for installation of a light-mitigating  
22 technology system that complies with FAA regulations provided in 14  
23 C.F.R. Section 1.1 et seq. If approved by the FAA, the developer,  
24 owner, or operator of such facility shall install the light-

1 mitigating technology system on the facility within twenty-four (24)  
2 months after receipt of approval.

3 D. Any costs associated with the installation, implementation,  
4 operation, and maintenance of a light-mitigating technology system  
5 shall be the responsibility of the developer, owner, or operator of  
6 the wind energy facility.

7 E. Wind energy facilities shall maintain operations of  
8 installed light-mitigating technology systems in accordance with  
9 Corporation Commission rule.

10 F. The Corporation Commission shall have authority to enforce  
11 the provisions of this section and may promulgate rules to  
12 effectuate the provisions of this section.

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

14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS  
15 February 8, 2024 - DO PASS  
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