

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2756

By: Caldwell (Trey), Hilbert,
and Dobrinski of the House

and

Green of the Senate

COMMITTEE SUBSTITUTE

An Act relating to electric transmission; defining terms; establishing requirements for submission of certificate of authority; requiring transmission developer to submit certain application for certificate of authority prior to certain transmission development; stating contents of application; requiring approval of certificate prior to certain transfer; providing for approval of applications under certain circumstances; providing for fee assessment; authorizing rule promulgation; providing for codification; and declaring an emergency.

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 295 of Title 17, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Certificate of authority" means authorization for a transmission developer by an order of the Corporation Commission

1 through filing of a case with an application, notice, and hearing.

2 The Corporation Commission shall establish a specific electric
3 transmission facility docket for the filing of such cases;

4 2. "Electric transmission facility" means a high-voltage
5 transmission line or high-voltage associated transmission facility
6 with a rating of greater than three hundred (300) kilovolts;

7 3. "FERC" means the Federal Energy Regulatory Commission;

8 4. "Transfer" means any sale, assignment, or change in
9 ownership of the electric transmission facility by a transmission
10 developer; and

11 5. "Transmission developer" means any person, firm,
12 corporation, or entity that develops, owns, operates, controls,
13 manages, or maintains an electric transmission facility within this
14 state and is licensed to do business in this state.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 296 of Title 17, unless there is
17 created a duplication in numbering, reads as follows:

18 A. This section shall not be construed to require any Oklahoma
19 retail electric supplier or rural electric cooperative to secure a
20 certificate of authority for any extension, rebuild, or upgrade of
21 or to an electric transmission facility within or through any
22 territory already served by it or to facilities owned by it.

23 B. A transmission developer shall file an application to obtain
24 a certificate of authority from the Corporation Commission for each

1 electric transmission facility. No electric transmission facility
2 shall be commenced without obtaining a certificate of authority.

3 The application shall include, but is not limited to, the following:

4 1. The name, address, and contact information, including at
5 least one named representative of the transmission developer and a
6 telephone number and electronic mail address for each such
7 representative;

8 2. A description and a map or plat for any proposed electric
9 transmission facility route or alternative route, regardless of
10 whether a transmission developer has made a submission or received
11 approval from the Southwest Power Pool or any other applicable
12 regional planning process or other federal authority, or made no
13 submission or received approval from any such entities;

14 3. Identification of any and all such counties within any
15 proposed electric transmission facility route or alternative route;
16 and

17 4. Identification of any energy resource to which the electric
18 transmission facility is to be directly connected or, to the extent
19 known, resources to which the electric transmission facility could
20 be connected to integrate existing natural gas or other resource
21 generation.

22 C. If the transmission developer is required to file subsequent
23 forms with FERC or any other agency or organization due to changing
24 routes or heights of individual structures from the locations or

1 heights originally proposed, the transmission developer shall,
2 within ten (10) days of filing with FERC or other agency or
3 organization, file such subsequent forms with the Corporation
4 Commission. A transmission developer shall not be required to start
5 the notification process over unless the subsequent FERC or other
6 agency or organization application expands the project beyond the
7 original boundaries in the application filed with the Corporation
8 Commission.

9 D. Prior to or at the time of the hearing on the certificate of
10 authority, the transmission developer shall provide:

11 1. Within thirty (30) days after filing an application with the
12 Corporation Commission as provided for in subsection B of this
13 section, proof of publication that the transmission developer caused
14 a copy of the notice of the application to be published in a
15 newspaper of general circulation in the county or counties in which
16 all or a portion of the electric transmission facility is to be
17 located;

18 2. Within sixty (60) days after filing an application with the
19 Corporation Commission as provided for in subsection B of this
20 section, proof of service that the transmission developer caused a
21 copy of the notice to be sent, by certified mail, to:

22 a. the board of county commissioners of every county in
23 which all or a portion of the electric transmission
24 facility is to be located, and, if all or a portion of

1 the electric transmission facility is to be located
2 within the incorporated area of a municipality, the
3 governing body of the municipality,

4 b. all surface landowners, as reflected in the public
5 land records of the county clerk's office upon which
6 all or any part of the surface estate is located
7 within the electric transmission facility route or
8 alternative route,

9 c. any operator, as reflected in the records of the
10 Corporation Commission, who is conducting oil and gas
11 operations upon all or any part of the surface estate
12 as to which the transmission developer intends the
13 construction of the electric transmission facility,
14 and

15 d. any operator, as reflected in the records of the
16 Corporation Commission, of an unspaced unit or a unit
17 created by order of the Corporation Commission, who is
18 conducting oil and gas operations for the unit where
19 all or any part of the unit area is within the
20 geographical boundaries of the surface estate as to
21 which the transmission developer intends the
22 construction of the electric transmission facility.

23 If the transmission developer makes a search with reasonable
24 diligence, and the whereabouts of any party entitled to any notice

1 described in this subsection cannot be ascertained or such notice
2 cannot be delivered, then an affidavit attesting to such diligent
3 search for the parties shall be filed with Corporation Commission;

4 3. That a public meeting was held by the transmission developer
5 in the county or counties in which all or a portion of the electric
6 transmission facility is to be located. Notice of the public
7 meeting shall be published in a newspaper of general circulation and
8 submitted to the board of county commissioners in the county or
9 counties in which all or a portion of the electric transmission
10 facility is to be located. The notice shall contain the place,
11 date, and time of the public meeting. Proof of publication of the
12 notice shall be submitted to the Corporation Commission;

13 4. An attestation that the transmission developer has
14 sufficient insurance coverage to cover any and all aspects of the
15 electric transmission facility from commencement of the electric
16 transmission facility through operation and maintenance;

17 5. That impacts to the environment and public safety will be
18 addressed by the transmission developer;

19 6. That a safety plan is in place and will be updated for the
20 electric transmission facility and provided to the Corporation
21 Commission upon request;

22 7. That the electric transmission facility is beneficial and in
23 the public interest;

1 8. That a decommission plan is in place that identifies the
2 methodology used to mitigate potential impacts resulting from the
3 cessation of operation at the end of the electric transmission
4 facility's useful life which includes, but is not limited to:

- 5 a. identification of the specific project components that
6 will be removed,
- 7 b. description of the decommissioning process in the
8 event of abandonment during construction and
9 abandonment during operation,
- 10 c. a description of the process used for land and road
11 restoration, and
- 12 d. the financial capability, including a financial surety
13 guarantee, the form and amount to be determined by the
14 Corporation Commission, which shall remain in effect
15 until release is authorized by the Corporation
16 Commission; and

17 9. Any additional information required by the Corporation
18 Commission shall be requested from the transmission developer prior
19 to or during the hearing including, but not limited to, information
20 related to potential impacts to ad valorem taxes to surface
21 landowners.

22 E. Approval through an order of the Corporation Commission is
23 required prior to the effectiveness of any transfer.

1 F. Within two hundred (200) days of filing the original
2 application or any amended application with the Corporation
3 Commission, if the transmission developer has met the aforementioned
4 requirements, the Corporation Commission shall issue an order
5 granting a certificate of authority. Failure to issue an order on a
6 completed application by the Corporation Commission shall result in
7 the certificate of authority being deemed granted.

8 G. The Corporation Commission may assess a filing fee for any
9 certificate of authority, not to exceed One Thousand Dollars
10 (\$1,000.00). The Corporation Commission may promulgate rules to
11 effectuate the provisions of this section.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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