

An Act

ENROLLED SENATE
BILL NO. 480

By: Green of the Senate

and

Boles, Munson, Stinson,
Archer, Moore, Culver, Lowe
(Dick), Hefner, Schreiber,
Wilk, Townley, West
(Tammy), Adams, Sneed,
Humphrey, Eaves, Kerbs,
West (Josh), Gise, Harris,
Duel, Maynard, Burns,
Luttrell, Staires, Hardin,
Hill, George, Dobrinski,
Patzkowsky, Grego, Turner,
Kelley, May, Ford,
Cornwell, Bashore,
Steagall, Kannady, Osburn,
Marti, Hasenbeck, Roberts,
Lepak, Williams, Tedford,
Lay, Strom, Fetgatter,
Manger, Cantrell, Blair,
Hays, Bennett, Miller, Pae,
Roe, Sterling, Hildebrant,
Caldwell (Chad), Chapman,
Smith, Stark, Hall,
Crosswhite Hader, Wolfley,
Olsen, and Worthen of the
House

An Act relating to utilities; amending 17 O.S. 2021, Section 151, as amended by Section 1, Chapter 67, O.S.L. 2024 (17 O.S. Supp. 2024, Section 151), which relates to the definition of a public utility; deleting certain exception; modifying certain exception to definition; allowing certain entities to receive electricity; authorizing certain refusal to provide electricity; stating certain rights still available; requiring certain use of natural gas;

updating statutory reference; updating statutory language; providing an effective date; and declaring an emergency.

SUBJECT: Utilities

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

SECTION 1. AMENDATORY 17 O.S. 2021, Section 151, as amended by Section 1, Chapter 67, O.S.L. 2024 (17 O.S. Supp. 2024, Section 151), is amended to read as follows:

Section 151. A. 1. The term "public utility" as used in Sections 151 through 155 of this title~~7~~ shall be taken to mean and include every corporation, association, company, individuals, their trustees, lessees, or receivers, successors or assigns, except as hereinafter provided, and except cities, towns, or other bodies politic, that now or hereafter may own, operate, or manage any plant or equipment, or any part thereof, directly or indirectly, for public use, or may supply any commodity to be furnished to the public~~7~~:

~~(a) For~~

a. for the conveyance of gas by pipeline~~7~~,

~~(b) For~~

b. for the production, transmission, delivery~~7~~ or furnishing of heat or light with gas~~7~~,

~~(c) For~~

c. for the production, transmission, delivery~~7~~ or furnishing of electric current for light, heat~~7~~ or power~~7~~, or

~~(d) For~~

d. for the transportation, delivery, or furnishing of water for domestic purposes or for power. Provided further, that a corporation organized and existing not for profit pursuant to Title 18 of the Oklahoma Statutes, Sections 851-863, but for the purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents shall not be declared a public utility under this ~~act~~ section, and shall be exempt in any and all respects from the jurisdiction and control of the Corporation Commission of this state.

2. The term "Commission" shall be taken to mean the Corporation Commission ~~of Oklahoma.~~

B. Provided, that:

~~1. In Washington County, where any corporation, association, company, individuals, their trustees, lessees, or receivers, successors or assigns, is engaged in the private business of manufacturing any products other than those hereinbefore defined, and in the manufacture of such products operate and maintain private electric or water plants for its own power and electrical energy or water used in its manufacturing plant, without the right of eminent domain and without the use of streets, highways or public property, it may contract upon terms and prices approved by Corporation Commission the sale of a bona fide surplus of electrical energy or water developed in such private plants to any public utility engaged in manufacturing and distributing electrical energy in Washington County, Oklahoma, without becoming a public utility. Provided further any city or town within a county having a population of over five hundred thousand (500,000) or any county having a population of over five hundred thousand (500,000), according to the 1970 Federal Census, which is a beneficiary of a public trust that has multiple beneficiaries and that includes within any or all of its boundaries a water supply and/or distribution system, or any portion thereof, shall have the authority to condemn all or any portion of any water supply and/or distribution system owned and/or operated and/or leased by a public trust within the limits of the condemning city or town or within the unincorporated areas of the condemning county, provided the power granted hereunder shall not be exercised until the condemning city, town or county shall have made provision to pay~~

~~off all outstanding bonded indebtedness incurred by the public trust, including interest on the bonds to maturity of the bonds, or first call date, and premium, if any, to which the property to be condemned or the revenues therefrom has been pledged for security.~~

2. ~~The~~ the term public utility shall not include or be taken to mean a corporation, association, company, individuals, their trustees, lessees, receivers, successors, or ~~assigns~~ assignees engaged in the production of ~~green hydrogen~~ electricity, provided that such entity furnishes an electric service or commodity only on the premises directly to itself, an affiliate, or tenants solely engaged in the production of green hydrogen on the premises or indirectly by contracting with a public utility, rural electric cooperative, or municipality for the purpose of furnishing electric service to a specific customer or is an exempt wholesale generator, so long as that service or commodity is not resold as retail electric service or supplied indirectly or directly for public use. Nothing herein shall relieve such an entity of its obligation to comply with state and federal grid interconnection and registration requirements and associated costs from the applicable regional transmission organization or public utility in the state, ~~nor shall it limit any party from asserting a right they may otherwise be entitled to under Oklahoma law.~~ There shall not be a requirement or an obligation for a public utility to serve any customer receiving electric service from an entity described herein. Further, it shall not limit any party from asserting a right they may otherwise be entitled to under Oklahoma law including filings with the Commission. Additionally, any project pursuant to this act shall be required to utilize a natural gas component in their power generation capacity.

SECTION 2. This act shall become effective July 1, 2025.

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

Passed the Senate the 25th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 8th day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____