

An Act

ENROLLED HOUSE
BILL NO. 2756

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

and

Green of the Senate

An Act relating to electric transmission facilities; creating the High Voltage Electric Transmission Facility Act; providing short title; defining terms; providing for certain exemptions; creating applications for specific certificates; requiring certain information for applications; determining when certain updated information is to be filed; requiring certain actions before certain hearings; requiring different types of notice; requiring public meetings; determining insurance requirements; requiring a public safety plan; requiring notice of public benefit; determining decommission plans; authorizing requests for additional information; providing for approval of certificates; determining alternative approval of certificates; authorizing assessment of filing fees; requiring the promulgation of rules; providing for noncodification; providing for codification; and declaring an emergency.

SUBJECT: Electric transmission facilities

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

SECTION 1. NEW LAW A new section of a new law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "High Voltage Electric Transmission Facility Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 850 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 to comply with the provisions of this act by an order of the Corporation Commission through filing a case with an application, notice, and hearing. The Commission shall establish a unique and identifiable designation for the filing of such cases;

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

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

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

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 851 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. This section shall not be construed to require any Oklahoma retail electric supplier or rural electric cooperative to secure a certificate of authority for any extension, rebuild, or upgrade to an electric transmission facility.

B. A transmission developer shall file an application to obtain a certificate of authority from the Corporation Commission for each electric transmission facility. No electric transmission facility shall be commenced without obtaining a certificate of authority. Such application shall include, but shall not be limited to, the following:

1. The name, address, and contact information of a named representative or representatives of the transmission developer and

a telephone number and electronic email address for each such representative or representatives;

2. A description and a map or plat of the proposed route or routes or alternative route or routes for any electric transmission facility regardless of whether or not a transmission developer has made a submission or received approval from the Southwest Power Pool or any other applicable regional planning process or other federal authority;

3. Identification of any and all such counties within the electric transmission facility's route or routes or alternative route or routes;

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

5. An estimate of the costs, including potential costs or savings impacts, to any Oklahoma electric customers and the estimated time frame for the electric transmission facility being developed.

C. If the transmission developer is required to file subsequent forms with the Federal Energy Regulatory Commission (FERC) or any other agency or organization due to changing the route or height of individual structures from the locations or heights originally proposed, the transmission developer shall, within ten (10) days of filing with the FERC or other agency or organization, file such subsequent forms with the Corporation Commission. A transmission developer shall not be required to start the notification process over unless the subsequent FERC or other agency or organization application expands the project beyond the original boundaries in the application filed with the Corporation Commission.

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

1. Within thirty (30) days after filing an application with the Commission as provided for in subsection B of this section, proof of publication that the transmission developer published notice of the application in a newspaper of general circulation in the county or

counties in which all or a portion of the electric transmission facility is to be located;

2. Within sixty (60) days after filing an application with the Commission as provided in subsection B of this section, proof of service that the transmission developer published notice to be sent by certified mail to:

- a. the board of county commissioners of every county in which all or a portion of the electric transmission facility is to be located and, if all or a portion of the electric transmission facility is to be located within the incorporated area of a municipality, the governing body of the municipality,
- b. all surface landowners, as reflected in the public land records of the county clerk's office, upon which all or any part of the surface estate is located within the electric transmission facility route or routes or alternative route or routes,
- c. any operator, as reflected in the records of the Commission, who is conducting oil and gas operations upon all or any part of the surface estate as to which the transmission developer intends the construction of the electric transmission facility, and
- d. any operator, as reflected in the records of the Commission, of an unspaced unit, or a unit created by order of the Commission, who is conducting oil and gas operations for the unit where all or any part of the unit area is within the geographical boundaries of the surface estate as to which the transmission developer intends the construction of the electric transmission facility.

If the transmission developer makes a search with reasonable diligence and the whereabouts of any party entitled to any notice described in this paragraph cannot be ascertained or such notice cannot be delivered, then an affidavit attesting to such diligent search for the parties shall be filed with the Commission;

3. Within ninety (90) days of publishing the notice in a newspaper as provided for in paragraph 1 of subsection D of this section, a public meeting in the county or counties in which all or

a portion of the electric transmission facility is to be located. Notice of the public meeting shall be published in a newspaper of general circulation and submitted to the board of county commissioners in the county or counties in which all or a portion of the electric transmission facility is to be located. The notice shall contain the place, date, and time of the public meeting. Proof of the publication of the notice shall be submitted to the Commission;

4. An attestation that the transmission developer has or shall secure or maintain sufficient insurance coverage to cover any and all aspects of the electric transmission facility from construction through operation and maintenance, or any transfer of ownership;

5. Evidence that impacts to the environment and public safety will be addressed by the transmission developer;

6. A safety plan that will be in place and will be updated for the electric transmission facility and will be provided to the Commission upon request;

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

8. A decommission plan that identifies the methodology used to mitigate potential impacts resulting from the cessation of operation at the end of the electric transmission facility's useful life, which includes, but is not limited to:

- a. identification of specific project components that will be removed,
- b. a description of the decommission process in the event of abandonment during construction and abandonment during operation,
- c. a description of the process used for land and road restoration, and
- d. the financial capability of a transmission developer, including a financial surety guarantee, if required by the Commission prior to commencing construction or upon any transfer of ownership, in a form and amount to be determined by the Commission, which shall remain

in effect until release is authorized by the Commission; and

9. Any additional information required by the Commission from the transmission developer prior to or during the hearing, including, but not limited to, information related to potential impacts to ad valorem taxes to surface owners.

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

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

G. The Commission is authorized to assess a filing fee for any certificate of authority, not to exceed One Thousand Dollars (\$1,000.00). The Commission shall promulgate rules to implement this act. Nothing in this act will be deemed to authorize any transmission developer the power to exercise eminent domain, condemnation, siting, or project-specific approval not already provided in the Oklahoma Statutes.

SECTION 4. 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 House of Representatives the 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of May, 2025.

Presiding Officer of the Senate

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: _____