

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 279

By: Green

6 AS INTRODUCED

7 An Act relating to electric transmission; defining
8 terms; establishing requirements for submission of
9 certificate of authority; requiring transmission
10 developer to submit certain application for
11 certificate of authority prior to certain
12 transmission development; stating contents of
13 application; requiring approval of certificate prior
14 to certain transfer; providing for approval of
15 applications under certain circumstances; providing
16 for fee assessment; authorizing rule promulgation;
17 providing for codification; and declaring an
18 emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 295 of Title 17, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Certificate of authority" means authorization for a
transmission developer by an order of the Corporation Commission
through filing of a case with an application, notice, and hearing.
The Corporation Commission shall establish a specific electric
transmission facility docket for the filing of such cases;

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

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

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

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

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

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

20 B. A transmission developer shall file an application to obtain
21 a certificate of authority from the Corporation Commission for each
22 electric transmission facility. No electric transmission facility
23 shall be commenced without obtaining a certificate of authority.

24 The application shall include, but is not limited to, the following:
25

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

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

11 3. Identification of any and all such counties within any
12 proposed electric transmission facility route or alternative route;
13 and

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

19 C. If the transmission developer is required to file subsequent
20 forms with FERC or any other agency or organization due to changing
21 routes or heights of individual structures from the locations or
22 heights originally proposed, the transmission developer shall,
23 within ten (10) days of filing with FERC or other agency or
24 organization, file such subsequent forms with the Corporation

1 Commission. A transmission developer shall not be required to start
2 the notification process over unless the subsequent FERC or other
3 agency or organization application expands the project beyond the
4 original boundaries in the application filed with the Corporation
5 Commission.

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

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

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

19 a. the board of county commissioners of every county in
20 which all or a portion of the electric transmission
21 facility is to be located, and, if all or a portion of
22 the electric transmission facility is to be located
23 within the incorporated area of a municipality, the
24 governing body of the municipality,

- 1 b. all surface landowners, as reflected in the public
2 land records of the county clerk's office upon which
3 all or any part of the surface estate is located
4 within the electric transmission facility route or
5 alternative route,
- 6 c. any operator, as reflected in the records of the
7 Corporation Commission, who is conducting oil and gas
8 operations upon all or any part of the surface estate
9 as to which the transmission developer intends the
10 construction of the electric transmission facility,
11 and
- 12 d. any operator, as reflected in the records of the
13 Corporation Commission, of an unspaced unit or a unit
14 created by order of the Corporation Commission, who is
15 conducting oil and gas operations for the unit where
16 all or any part of the unit area is within the
17 geographical boundaries of the surface estate as to
18 which the transmission developer intends the
19 construction of the electric transmission facility.

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

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

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

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

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

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

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

- a. identification of the specific project components that will be removed,
 - b. description of the decommissioning 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, including a financial surety guarantee, the form and amount to be determined by the Corporation Commission, which shall remain in effect until release is authorized by the Corporation Commission; and

9. Any additional information required by the Corporation

Commission shall be requested 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 landowners.

E. Approval through an order of the Corporation 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 Corporation Commission, if the transmission developer has met the aforementioned requirements, the Corporation Commission shall issue an order granting a certificate of authority. Failure to issue an order on a

1 completed application by the Corporation Commission shall result in
2 the certificate of authority being deemed granted.

3 G. The Corporation Commission may assess a filing fee for any
4 certificate of authority, not to exceed One Thousand Dollars
5 (\$1,000.00). The Corporation Commission may promulgate rules to
6 effectuate the provisions of this section.

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

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12 60-1-227

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