

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2756

By: Caldwell (Trey)

6 AS INTRODUCED

7 An Act relating to electric transmission facilities;
8 amending 17 O.S. 2021, Section 291, which relates to
9 definitions; adding certain definitions; providing
10 for certain exemptions; creating applications for
11 specific certificates; requiring certain information
12 for applications; determining when certain updated
13 information is to be filed; requiring certain actions
14 before certain hearings; requiring different types of
15 notice; requiring public meetings; determining
insurance requirements; requiring a public safety
plan; requiring notice of public benefit; determining
decommission plans; providing for additional
information; providing for approval of certificates;
determining alternative approval of certificates;
allowing for assessment of application; requiring the
promulgation of rules; providing for codification;
and declaring an emergency.

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

20 SECTION 1. AMENDATORY 17 O.S. 2021, Section 291, is
21 amended to read as follows:

22 Section 291. As used in this act:

23 1. "Certificate of Authority" means authorization for a
24 transmission developer by an order of the Commission through filing

1 a case with an application, notice, and hearing. The Commission
2 shall establish a specific electric transmission facility docket for
3 the filing of such cases;

4 2. "Commission" means the Corporation Commission;

5 3. "Electric transmission facility" means a high-voltage

6 transmission line or high-voltage associated transmission facility
7 with a rating of greater than three hundred (300) kilovolts;

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

9 2. 5. "Incumbent electric transmission owner" means any

10 Oklahoma electric public utility, as recognized by the Commission,
11 or its affiliates, or subsidiaries or any electric cooperative, any
12 municipal power agency or any municipal utility that owns, operates
13 and maintains an electric transmission facility in this state or any
14 public utility, as recognized by the Commission, that is engaged in
15 the development of an electric transmission facility in the state as
16 of the effective date of this act;

17 3. 6. "Local electric transmission facility" means a high-

18 voltage transmission line or high-voltage associated transmission
19 facilities with a rating of greater than sixty-nine (69) kilovolts
20 and less than three hundred (300) kilovolts; and

21 7. "Transfer" means any sale, assignment, or change in

22 ownership of the electric transmission facility by a transmission
23 developer;

1 8. "Transmission developer" means any person, firm,
2 corporation, or entity that develops, owns, operates, controls,
3 manages, or maintains an electric transmission facility within the
4 State of Oklahoma and is licensed to do business in Oklahoma; and

5 4. 9. "Southwest Power Pool" means the Southwest Power Pool or
6 any federally recognized successor entity.

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

10 A. This section shall not be construed to require any Oklahoma
11 retail electric supplier or rural electric cooperative to secure a
12 Certificate of Authority for any extension, rebuild, or upgrade of
13 an existing electric transmission facility within or through any
14 territory already served by it or to facilities owned by it.

15 B. A transmission developer shall file an application to obtain
16 a Certificate of Authority from the Commission for each electric
17 transmission facility. No electric transmission facility shall be
18 commenced without obtaining a Certificate of Authority. Said
19 application shall contain, but is not limited to, the following:

20 1. The name, address, and contact information, of a named
21 representative(s) of the transmission developer and a telephone
22 number and electronic email address for each such representative(s);

23 2. A description and a map or plat of the proposed route(s) or
24 alternative route(s) for any electric transmission facility

1 regardless of whether a transmission developer has made a submission
2 or received approval from the Southwest Power Pool or any other
3 applicable regional planning entity or other federal authority;

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

6 4. Identification of any energy resource(s) to which the
7 electric transmission facility is to be directly connected or, to
8 the extent known, resources to which the electric transmission
9 facility could be connected to integrate existing natural gas or
10 other resource generation; and

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

14 C. If the transmission developer is required to file subsequent
15 forms with the FERC or any other agency or organization due to
16 changing routes or height of individual structures from the
17 locations or heights originally proposed, the transmission developer
18 shall, within ten (10) days of filing with the FERC or other agency
19 or organization, file such subsequent forms with the Commission. A
20 transmission developer shall not be required to start the
21 notification process over unless the subsequent FERC or other agency
22 or organization application expands the project beyond the original
23 boundaries in the application filed with the 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(s) or alternative route(s),

- 1 c. any operator, as reflected in the records of the
2 Commission, who is conducting oil and gas operations
3 upon all or any part of the surface estate as to which
4 the transmission developer intends the construction of
5 the electric transmission facility, and
6 d. any operator, as reflected in the records of the
7 Commission, of an unspaced unit, or a unit created by
8 order of the Commission, who is conducting oil and gas
9 operations for the unit where all or any part of the
10 unit area is within the geographical boundaries of the
11 surface estate as to which the transmission developer
12 intends the construction of the electric transmission
13 facility.

14 If the transmission developer makes a search with reasonable
15 diligence and the whereabouts of any party entitled to any notice
16 described in paragraph 2 of this subsection cannot be ascertained or
17 such notice cannot be delivered, then an affidavit attesting to such
18 diligent search for the parties shall be filed with the Commission;

19 3. An attestation that the transmission developer has
20 sufficient insurance coverage to cover any and all aspects of the
21 electric transmission facility from the commencement of the electric
22 transmission facility through operation and maintenance;

23 4. Documents stating impacts to the environment and public
24 safety will be addressed by the transmission developer;

1 5. A safety plan is in place and will be updated for the
2 electric transmission facility and will be provided to the
3 Commission upon request;

4 6. The electric transmission facility is beneficial to the
5 public interest;

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

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

21 Any additional information required by the Commission shall be
22 requested from the transmission developer prior to or during the
23 hearing, including, but not limited to, information related to
24 potential impacts to ad valorem taxes to surface owners.

1 E. Within ninety (90) days of publishing the notice in a
2 newspaper as provided for in paragraph 1 of this subsection, the
3 transmission developer shall hold a public meeting in the county or
4 counties in which all or a portion of the electric transmission
5 facility is to be located. Notice of the public meeting shall be
6 published in a newspaper of general circulation and submitted to the
7 board of county commissioners in the county or counties in which all
8 or a portion of the electric transmission facility is to be located.
9 The notice shall contain the place, date, and time of the public
10 meeting. Proof of the publication of the notice shall be submitted
11 to the Commission.

12 F. Approval through an order of the Commission is required
13 prior to the effectiveness of any transfer.

14 G. Within two hundred (200) days of filing the original
15 application or any amended application with the Commission, if the
16 transmission developer has met the aforementioned requirements, the
17 Commission shall issue an order granting a Certificate of Authority.
18 Failure to issue an order on a completed application by the
19 Commission shall result in the Certificate of Authority being deemed
20 granted.

21 H. The Commission is authorized to assess a filing fee for any
22 Certificate of Authority, not to exceed One Thousand Dollars
23 (\$1,000.00). The Commission shall promulgate rules to effect this
24 section.

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

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