

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR ENGROSSED
4 HOUSE BILL 2756

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

5 and

6 Green of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to electric transmission facilities;
11 creating the High Voltage Electric Transmission
12 Facility Act; providing short title; defining terms;
13 providing for certain exemptions; creating
14 applications for specific certificates; requiring
15 certain information for applications; determining
16 when certain updated information is to be filed;
17 requiring certain actions before certain hearings;
18 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.

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

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

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

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 850 of Title 17, unless there is
5 created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. "Certificate of authority" means authorization for a
8 transmission developer to comply with the provisions of this act by
9 an order of the Corporation Commission through filing a case with an
10 application, notice, and hearing. The Commission shall establish a
11 unique and identifiable designation for the filing of such cases;

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

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

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

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

1 SECTION 3. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 851 of Title 17, unless there is
3 created a duplication in numbering, reads as follows:

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

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

14 1. The name, address, and contact information of a named
15 representative or representatives of the transmission developer and
16 a telephone number and electronic email address for each such
17 representative or representatives;

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

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

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

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

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

- 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 this paragraph cannot be ascertained or such notice
17 cannot be delivered, then an affidavit attesting to such diligent
18 search for the parties shall be filed with the Commission;

19 3. Within ninety (90) days of publishing the notice in a
20 newspaper as provided for in paragraph 1 of subsection D of this
21 section, a public meeting in the county or counties in which all or
22 a portion of the electric transmission facility is to be located.
23 Notice of the public meeting shall be published in a newspaper of
24 general circulation and submitted to the board of county

1 commissioners in the county or counties in which all or a portion of
2 the electric transmission facility is to be located. The notice
3 shall contain the place, date, and time of the public meeting.
4 Proof of the publication of the notice shall be submitted to the
5 Commission;

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

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

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

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

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

21 a. identification of specific project components that
22 will be removed,

1 b. a description of the decommission process in the event
2 of abandonment during construction and abandonment
3 during operation,
4 c. a description of the process used for land and road
5 restoration, and
6 d. the financial capability of a transmission developer,
7 including a financial surety guarantee, if required by
8 the Commission prior to commencing construction or
9 upon any transfer of ownership, in a form and amount
10 to be determined by the Commission, which shall remain
11 in effect until release is authorized by the
12 Commission; and

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

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

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

3 G. The Commission is authorized to assess a filing fee for any
4 certificate of authority, not to exceed One Thousand Dollars
5 (\$1,000.00). The Commission shall promulgate rules to implement
6 this act. Nothing in this act will be deemed to authorize any
7 transmission developer the power to exercise eminent domain,
8 condemnation, siting, or project-specific approval not already
9 provided in the Oklahoma Statutes.

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

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