

1 **SENATE FLOOR VERSION**

2 April 24, 2025

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2756

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

6 and

7 Green of the Senate

8

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

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

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

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

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

4 As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 1. Within thirty (30) days after filing an application with the
24 Commission as provided for in subsection B of this section, proof of

1 publication that the transmission developer published notice of the
2 application in a newspaper of general circulation in the county or
3 counties in which all or a portion of the electric transmission
4 facility is to be located;

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

9 a. the board of county commissioners of every county in
10 which all or a portion of the electric transmission
11 facility is to be located and, if all or a portion of
12 the electric transmission facility is to be located
13 within the incorporated area of a municipality, the
14 governing body of the municipality,

15 b. all surface landowners, as reflected in the public
16 land records of the county clerk's office, upon which
17 all or any part of the surface estate is located
18 within the electric transmission facility route or
19 routes or alternative route or routes,

20 c. any operator, as reflected in the records of the
21 Commission, who is conducting oil and gas operations
22 upon all or any part of the surface estate as to which
23 the transmission developer intends the construction of
24 the electric transmission facility, and

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

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

14 3. Within ninety (90) days of publishing the notice in a
15 newspaper as provided for in paragraph 1 of subsection D of this
16 section, a public meeting in the county or counties in which all or
17 a portion of the electric transmission facility is to be located.
18 Notice of the public meeting shall be published in a newspaper of
19 general circulation and submitted to the board of county
20 commissioners in the county or counties in which all or a portion of
21 the electric transmission facility is to be located. The notice
22 shall contain the place, date, and time of the public meeting.
23 Proof of the publication of the notice shall be submitted to the
24 Commission;

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

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

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

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

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

16 a. identification of specific project components that
17 will be removed,

18 b. a description of the decommission process in the event
19 of abandonment during construction and abandonment
20 during operation,

21 c. a description of the process used for land and road
22 restoration, and

23 d. the financial capability of a transmission developer,
24 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.

1 condemnation, siting, or project-specific approval not already
2 provided in the Oklahoma Statutes.

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

7 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
April 24, 2025 - DO PASS AS AMENDED BY CS

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