

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2184

By: Brewer

4  
5  
6 AS INTRODUCED

7 An Act relating to the Corporation Commission;  
8 amending 17 O.S. 2011, Section 151, which relates to  
9 definitions of public utilities; modifying  
10 definition; excluding certain for-profit business  
11 entities engaged in sale or lease of assets for  
12 production of electric power by means of solar energy  
13 from definition; prescribing conditions; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 17 O.S. 2011, Section 151, is  
17 amended to read as follows:

18 Section 151. The term "public utility" as used in Sections 151  
19 through 155 of this title, shall be taken to mean and include every  
20 corporation, association, company, individuals, their trustees,  
21 lessees, or receivers, successors or assigns, except as hereinafter  
22 provided, and except cities, towns, or other bodies politic, that  
23 now or hereafter may own, operate, or manage any plant or equipment,  
24 or any part thereof, directly or indirectly, for public use, or may  
supply any commodity to be furnished to the public.

1 (a) For the conveyance of gas by pipeline.

2 (b) For the production, transmission, delivery or furnishing of  
3 heat or light with gas.

4 (c) For the production, transmission, delivery or furnishing  
5 electric current for light, heat or power, with the exception of:

6 (1) a for-profit business primarily engaged in the lease of  
7 assets for the production of electricity by means of solar  
8 panels or other devices for converting sunlight into  
9 electric power if the assets are leased for use in an  
10 unincorporated area of the state; or

11 (2) a for-profit business primarily engaged in the sale or  
12 lease of assets for the production of electricity by means  
13 of solar panels or other devices for converting sunlight  
14 into electric power if the assets are sold or leased for  
15 use in an incorporated area of the state, and if the for-  
16 profit business entity fulfills the conditions of the  
17 Public Utility Regulatory Policies Act ("PURPA", Pub.L. 95-  
18 617, 92 Stat. 3117) and complies with any applicable  
19 requirements imposed by municipal law.

20 (d) For the transportation, delivery or furnishing of water for  
21 domestic purposes or for power. Provided further that a corporation  
22 organized and existing not for profit pursuant to Title 18 of the  
23 Oklahoma Statutes, Sections 851-863, but for the purpose of  
24 developing and providing rural water supply and sewage disposal

1 facilities to serve rural residents shall not be declared a public  
2 utility under this act, and shall be exempt in any and all respects  
3 from the jurisdiction and control of the Corporation Commission of  
4 this state.

5 The term "Commission" shall be taken to mean Corporation  
6 Commission of Oklahoma.

7 Provided, that, in Washington County, where any corporation,  
8 association, company, individuals, their trustees, lessees, or  
9 receivers, successors or assigns, is engaged in the private business  
10 of manufacturing any products other than those hereinbefore defined,  
11 and in the manufacture of such products operate and maintain private  
12 electric or water plants for its own power and electrical energy or  
13 water used in its manufacturing plant, without the right of eminent  
14 domain and without the use of streets, highways or public property,  
15 it may contract upon terms and prices approved by Corporation  
16 Commission the sale of a bona fide surplus of electrical energy or  
17 water developed in such private plants to any public utility engaged  
18 in manufacturing and distributing electrical energy in Washington  
19 County, Oklahoma, without becoming a public utility. Provided  
20 further any city or town within a county having a population of over  
21 five hundred thousand (500,000) or any county having a population of  
22 over five hundred thousand (500,000), according to the 1970 Federal  
23 Census, which is a beneficiary of a public trust that has multiple  
24 beneficiaries and that includes within any or all of its boundaries

1 a water supply and/or distribution system, or any portion thereof,  
2 shall have the authority to condemn all or any portion of any water  
3 supply and/or distribution system owned and/or operated and/or  
4 leased by a public trust within the limits of the condemning city or  
5 town or within the unincorporated areas of the condemning county;  
6 provided the power granted hereunder shall not be exercised until  
7 the condemning city, town or county shall have made provision to pay  
8 off all outstanding bonded indebtedness incurred by the public  
9 trust, including interest on the bonds to maturity of the bonds, or  
10 first call date, and premium, if any, to which the property to be  
11 condemned or the revenues therefrom has been pledged for security.

12 SECTION 2. This act shall become effective November 1, 2019.

13  
14 57-1-6912 MAH 01/17/19  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24