

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2845

By: Caldwell (Trey)

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8 COMMITTEE SUBSTITUTE

9 An Act relating to the Retail Electric Supplier
10 Certified Territory Act; amending 17 O.S. 2021,
11 Section 158.25, which relates to exclusive rights
12 within territory; providing for certain retail
13 electric supplier's ability to extend service under
14 certain circumstances; updating statutory references;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 17 O.S. 2021, Section 158.25, is
18 amended to read as follows:

19 Section 158.25 A. Except as otherwise provided herein, each
20 retail electric supplier shall have the exclusive right to furnish
21 retail electric service to all electric-consuming facilities located
22 within its certified territory, and shall not furnish, make
23 available, render or extend its retail electric service to a
24 consumer for use in electric-consuming facilities located within the
certified territory of another retail electric supplier; provided

1 that any retail electric supplier may extend its facilities through
2 the certified territory of another retail electric supplier, if such
3 extension is necessary for such supplier to connect any of its
4 facilities or to serve its consumers within its own certified
5 territory.

6 B. Except as provided in ~~Section 5~~ subsections C and Section 5
7 E of this section, any new electric-consuming facility located in an
8 unincorporated area which has not as yet been included in a map
9 issued by the Commission, pursuant to ~~Section 4C(1)~~ 158.24 of this
10 title, or certified, pursuant to ~~Section 4-D~~ 158.24 of this title,
11 shall be furnished retail electric service by the retail electric
12 supplier which has an existing distribution line in closer proximity
13 to such electric-consuming facility than is the nearest existing
14 distribution line of any other retail electric supplier. Any
15 disputes under this ~~Section 5-B~~ subsection shall be resolved by the
16 Commission.

17 C. If the Commission, after hearing, shall determine that the
18 retail electric service being furnished or proposed to be furnished
19 by a retail electric supplier to an electric-consuming facility is
20 inadequate and is not likely to be made adequate, the Commission may
21 authorize another retail electric supplier to furnish retail
22 electric service to such facility.

23 D. Except as provided in ~~Section 5~~ subsection C of this
24 section, no retail electric supplier shall furnish, make available,

1 render or extend retail electric service to any electric-consuming
2 facility to which such service is being lawfully furnished by
3 another retail electric supplier on ~~the effective date of this act~~
4 September 10, 1971, or to which retail electric service is lawfully
5 commenced thereafter in accordance with this section by another
6 retail electric supplier.

7 E. The provisions of this act shall not preclude any retail
8 electric supplier from extending its service after ~~the effective~~
9 ~~date of this act~~ September 10, 1971, (1) to its own property and
10 facilities, in an unincorporated area, and (2) subject to ~~Section 5~~
11 subsection D of this section, to an electric-consuming facility
12 requiring electric service, in an unincorporated area, if the
13 connected load for initial full operation of such electric-consuming
14 facility is to be ~~1,000 kw~~ ten thousand kilowatts (10,000 kw) or
15 larger.

16 SECTION 2. This act shall become effective November 1, 2023.

18 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 02/23/2023 - DO
19 PASS, As Amended.

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