

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2756

6 By: Caldwell (Trey)

7 COMMITTEE SUBSTITUTE

8 An Act relating to electric transmission facilities;
9 providing definitions; providing for certain
10 exemptions; creating applications for specific
11 certificates; requiring certain information for
12 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
16 insurance requirements; requiring a public safety
17 plan; requiring notice of public benefit; determining
18 decommission plans; providing for additional
19 information; providing for approval of certificates;
20 determining alternative approval of certificates;
21 allowing for assessment of application; requiring the
22 promulgation of rules; providing for codification;
23 and declaring an emergency.

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

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

1. "Certificate of Authority" means authorization for a
transmission developer by an order of the Oklahoma Corporation

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

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

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

8 4. "Transfer" means any sale, assignment, or change in
9 ownership of the electric transmission facility by a transmission
10 developer; and

11 5. "Transmission developer" means any person, firm,
12 corporation, or entity that develops, owns, operates, controls,
13 manages, or maintains an electric transmission facility within the
14 State of Oklahoma and is licensed to do business in Oklahoma.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 851 of Title 17, unless there is
17 created a duplication in numbering, reads as follows:

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

23 B. A transmission developer shall file an application to obtain
24 a Certificate of Authority from the Oklahoma Corporation Commission

1 for each electric transmission facility. No electric transmission
2 facility shall be commenced without obtaining a Certificate of
3 Authority. Said application shall contain, but is not limited to,
4 the following:

5 1. The name, address, and contact information, of a named
6 representative or representatives of the transmission developer and
7 a telephone number and electronic email address for each such
8 representative;

9 2. A description and a map or plat of the proposed routes or
10 alternative routes for any electric transmission facility regardless
11 of whether a transmission developer has made a submission or
12 received approval from the Southwest Power Pool or any other
13 applicable regional planning entity or other federal authority;

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

16 4. Identification of any energy resource or resources to which
17 the electric transmission facility is to be directly connected or,
18 to the extent known, resources to which the electric transmission
19 facility could be connected to integrate existing natural gas or
20 other resource generation; and

21 5. Estimate of the costs, including potential costs or savings
22 impacts, to any Oklahoma electric customer and the estimated time
23 frame for the electric transmission facility being developed.

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1 C. If the transmission developer is required to file subsequent
2 forms with the FERC or any other agency or organization due to
3 changing routes or height of individual structures from the
4 locations or heights originally proposed, the transmission developer
5 shall, within ten (10) days of filing with the FERC or other agency
6 or organization, file such subsequent forms with the Commission. A
7 transmission developer shall not be required to start the
8 notification process over unless the subsequent FERC or other agency
9 or organization application expands the project beyond the original
10 boundaries in the application filed with the Commission.

11 D. Prior to or at the time of the hearing on the Certificate of
12 Authority, the transmission developer shall provide:

13 1. Within thirty (30) days after filing an application with the
14 Commission as provided for in subsection B of this section, proof of
15 publication that the transmission developer published notice of the
16 application in a newspaper of general circulation in the county or
17 counties in which all or a portion of the electric transmission
18 facility is to be located;

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

23 a. the board of county commissioners of every county in
24 which all or a portion of the electric transmission

1 facility is to be located and, if all or a portion of
2 the electric transmission facility is to be located
3 within the incorporated area of a municipality, the
4 governing body of the municipality,

5 b. all surface landowners, as reflected in the public
6 land records of the county clerk's office, upon which
7 all or any part of the surface estate is located
8 within the electric transmission facility routes or
9 alternative routes,

10 c. any operator, as reflected in the records of the
11 Commission, who is conducting oil and gas operations
12 upon all or any part of the surface estate as to which
13 the transmission developer intends the construction of
14 the electric transmission facility, and

15 d. any operator, as reflected in the records of the
16 Commission, of an unspaced unit, or a unit created by
17 order of the Commission, who is conducting oil and gas
18 operations for the unit where all or any part of the
19 unit area is within the geographical boundaries of the
20 surface estate as to which the transmission developer
21 intends the construction of the electric transmission
22 facility.

23 If the transmission developer makes a search with reasonable
24 diligence and the whereabouts of any party entitled to any notice

1 described in paragraph 2 of this subsection cannot be ascertained or
2 such notice cannot be delivered, then an affidavit attesting to such
3 diligent search for the parties shall be filed with the Commission;

4 3. An attestation that the transmission developer has
5 sufficient insurance coverage to cover any and all aspects of the
6 electric transmission facility from the commencement of the electric
7 transmission facility through operation and maintenance;

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

10 5. A safety plan is in place and will be updated for the
11 electric transmission facility and will be provided to the
12 Commission upon request;

13 6. The electric transmission facility is beneficial to the
14 public interest;

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

19 a. identification of specific project components that
20 will be removed,

21 b. a description of the decommission process in the event
22 of abandonment during construction and abandonment
23 during operation,

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- 1 c. a description of the process used for land and road
2 restoration, and
- 3 d. the financial capability, including a financial surety
4 guarantee, the form and amount to be determined by the
5 Commission, which shall remain in effect until release
6 is authorized by the Commission; and

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

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

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

1 G. Within two hundred (200) days of filing the original
2 application or any amended application with the Commission, if the
3 transmission developer has met the aforementioned requirements, the
4 Commission shall issue an order granting a Certificate of Authority.
5 Failure to issue an order on a completed application by the
6 Commission shall result in the Certificate of Authority being deemed
7 granted.

8 H. The Commission is authorized to assess a filing fee for any
9 Certificate of Authority, not to exceed One Thousand Dollars
10 (\$1,000.00). The Commission shall promulgate rules to effect this
11 section.

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

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