

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2756

7 By: Caldwell (Trey)

8 POLICY COMMITTEE RECOMMENDATION

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

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 1. "Certificate of Authority" means authorization for a
2 transmission developer by an order of the Oklahoma Corporation
3 Commission through filing a case with an application, notice, and
4 hearing. The Commission shall establish a specific electric
5 transmission facility docket for the filing of such cases;

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

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

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

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

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

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

1 B. A transmission developer shall file an application to obtain
2 a Certificate of Authority from the Oklahoma Corporation Commission
3 for each electric transmission facility. No electric transmission
4 facility shall be commenced without obtaining a Certificate of
5 Authority. Said application shall contain, but is not limited to,
6 the following:

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

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

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

18 4. Identification of any energy resource or resources to which
19 the electric transmission facility is to be directly connected or,
20 to the extent known, resources to which the electric transmission
21 facility could be connected to integrate existing natural gas or
22 other resource generation; and
23
24

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

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

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

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

22 2. Within sixty (60) days after filing an application with the
23 Commission as provided in subsection B of this section, proof of
24

1 service that the transmission developer published notice to be sent,
2 by certified mail to:

3 a. the board of county commissioners of every county in
4 which all or a portion of the electric transmission
5 facility is to be located and, if all or a portion of
6 the electric transmission facility is to be located
7 within the incorporated area of a municipality, the
8 governing body of the municipality,

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

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

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

1 intends the construction of the electric transmission
2 facility.

3 If the transmission developer makes a search with reasonable
4 diligence and the whereabouts of any party entitled to any notice
5 described in paragraph 2 of this subsection cannot be ascertained or
6 such notice cannot be delivered, then an affidavit attesting to such
7 diligent search for the parties shall be filed with the Commission;

8 3. An attestation that the transmission developer has
9 sufficient insurance coverage to cover any and all aspects of the
10 electric transmission facility from the commencement of the electric
11 transmission facility through operation and maintenance;

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

14 5. A safety plan is in place and will be updated for the
15 electric transmission facility and will be provided to the
16 Commission upon request;

17 6. The electric transmission facility is beneficial to the
18 public interest;

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

- 23 a. identification of specific project components that
24 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, including a financial surety
7 guarantee, the form and amount to be determined by the
8 Commission, which shall remain in effect until release
9 is authorized by the Commission; and

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

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

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

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

10 H. The Commission is authorized to assess a filing fee for any
11 Certificate of Authority, not to exceed One Thousand Dollars
12 (\$1,000.00). The Commission shall promulgate rules to effect this
13 section.

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

18
19 60-1-12820 JL 02/21/25

20
21
22
23
24