

1 **SENATE FLOOR VERSION**

2 February 20, 2025

3 SENATE BILL NO. 279

By: Green and Gollihare of the
Senate

4 and

5 Boles of the House
6

7
8 An Act relating to electric transmission; defining
9 terms; establishing requirements for submission of
10 certificate of authority; requiring transmission
11 developer to submit certain application for
12 certificate of authority prior to certain
13 transmission development; stating contents of
14 application; requiring approval of certificate prior
15 to certain transfer; providing for approval of
16 applications under certain circumstances; providing
17 for fee assessment; authorizing rule promulgation;
18 providing for codification; and declaring an
19 emergency.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 295 of Title 17, unless there is
23 created a duplication in numbering, reads as follows:

24 As used in this act:

1. "Certificate of authority" means authorization for a
transmission developer by an order of the Corporation Commission
through filing of a case with an application, notice, and hearing.

1 The Corporation Commission shall establish a specific electric
2 transmission facility docket for the filing of such cases;

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

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

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 296 of Title 17, unless there is
16 created a duplication in numbering, reads as follows:

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

22 B. A transmission developer shall file an application to obtain
23 a certificate of authority from the Corporation Commission for each
24 electric transmission facility. No electric transmission facility

1 shall be commenced without obtaining a certificate of authority.

2 The application shall include, but is not limited to, the following:

3 1. The name, address, and contact information, including at
4 least one named representative of the transmission developer and a
5 telephone number and electronic mail address for each such
6 representative;

7 2. A description and a map or plat for any proposed electric
8 transmission facility route or alternative route, regardless of
9 whether a transmission developer has made a submission or received
10 approval from the Southwest Power Pool or any other applicable
11 regional planning process or other federal authority, or made no
12 submission or received approval from any such entities;

13 3. Identification of any and all such counties within any
14 proposed electric transmission facility route or alternative route;
15 and

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

21 C. If the transmission developer is required to file subsequent
22 forms with FERC or any other agency or organization due to changing
23 routes or heights of individual structures from the locations or
24 heights originally proposed, the transmission developer shall,

1 within ten (10) days of filing with FERC or other agency or
2 organization, file such subsequent forms with the Corporation
3 Commission. A transmission developer shall not be required to start
4 the notification process over unless the subsequent FERC or other
5 agency or organization application expands the project beyond the
6 original boundaries in the application filed with the Corporation
7 Commission.

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

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

17 2. Within sixty (60) days after filing an application with the
18 Corporation Commission as provided for in subsection B of this
19 section, proof of service that the transmission developer caused a
20 copy of the notice to be sent, by certified mail, to:

21 a. the board of county commissioners of every county in
22 which all or a portion of the electric transmission
23 facility is to be located, and, if all or a portion of
24 the electric transmission facility is to be located

1 within the incorporated area of a municipality, the
2 governing body of the municipality,

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

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

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

22 If the transmission developer makes a search with reasonable
23 diligence, and the whereabouts of any party entitled to any notice
24 described in this subsection cannot be ascertained or such notice

1 cannot be delivered, then an affidavit attesting to such diligent
2 search for the parties shall be filed with Corporation Commission;

3 3. That a public meeting was held by the transmission developer
4 in the county or counties in which all or a portion of the electric
5 transmission facility is to be located. Notice of the public
6 meeting shall be published in a newspaper of general circulation and
7 submitted to the board of county commissioners in the county or
8 counties in which all or a portion of the electric transmission
9 facility is to be located. The notice shall contain the place,
10 date, and time of the public meeting. Proof of publication of the
11 notice shall be submitted to the Corporation Commission;

12 4. An attestation that the transmission developer has
13 sufficient insurance coverage to cover any and all aspects of the
14 electric transmission facility from commencement of the electric
15 transmission facility through operation and maintenance;

16 5. That impacts to the environment and public safety will be
17 addressed by the transmission developer;

18 6. That a safety plan is in place and will be updated for the
19 electric transmission facility and provided to the Corporation
20 Commission upon request;

21 7. That the electric transmission facility is beneficial and in
22 the public interest;

23 8. That a decommission plan is in place that identifies the
24 methodology used to mitigate potential impacts resulting from the

1 cessation of operation at the end of the electric transmission
2 facility's useful life which includes, but is not limited to:

- 3 a. identification of the specific project components that
4 will be removed,
- 5 b. description of the decommissioning process in the
6 event of abandonment during construction and
7 abandonment during operation,
- 8 c. a description of the process used for land and road
9 restoration, and
- 10 d. the financial capability, including a financial surety
11 guarantee, the form and amount to be determined by the
12 Corporation Commission, which shall remain in effect
13 until release is authorized by the Corporation
14 Commission; and

15 9. Any additional information required by the Corporation
16 Commission shall be requested from the transmission developer prior
17 to or during the hearing including, but not limited to, information
18 related to potential impacts to ad valorem taxes to surface
19 landowners.

20 E. Approval through an order of the Corporation Commission is
21 required prior to the effectiveness of any transfer.

22 F. Within two hundred (200) days of filing the original
23 application or any amended application with the Corporation
24 Commission, if the transmission developer has met the aforementioned

1 requirements, the Corporation Commission shall issue an order
2 granting a certificate of authority. Failure to issue an order on a
3 completed application by the Corporation Commission shall result in
4 the certificate of authority being deemed granted.

5 G. The Corporation Commission may assess a filing fee for any
6 certificate of authority, not to exceed One Thousand Dollars
7 (\$1,000.00). The Corporation Commission may promulgate rules to
8 effectuate the provisions of this section.

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

13 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
14 February 20, 2025 - DO PASS
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