

Representative Roger E. Barrus proposes the following substitute bill:

ELECTRICAL TRANSMISSION FACILITY

SITING STUDY ACT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Roger E. Barrus

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Electrical Transmission Facility Siting Study Act.

Highlighted Provisions:

This bill:

▶ enacts the Electrical Transmission Facility Siting Study Act, including:

- defining terms;
- requiring the Division of Public Utilities to conduct a study related to an electrical transmission facility;
- requiring a person who intends to construct an electrical transmission facility within the state to provide certain notice to the Division of Public Utilities;
- addressing the procedures and requirements for the study;
- requiring the Public Service Commission to determine the costs of the study and impose those costs on the electrical transmission facility that is the subject of the study;
- addressing reporting requirements; and
- providing that the study is in addition to any other requirement provided by law.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides an immediate effective date.

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **54-20-101**, Utah Code Annotated 1953

32 **54-20-102**, Utah Code Annotated 1953

33 **54-20-103**, Utah Code Annotated 1953

34 **54-20-104**, Utah Code Annotated 1953

35 **54-20-105**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **54-20-101** is enacted to read:

39 **CHAPTER 20. ELECTRICAL TRANSMISSION FACILITY SITING STUDY ACT**

40 **54-20-101. Title.**

41 This chapter is known as the "Electrical Transmission Facility Siting Study Act."

42 Section 2. Section **54-20-102** is enacted to read:

43 **54-20-102. Definitions.**

44 As used in this section:

45 (1) (a) "Construction" means the clearing of land, excavation, construction, or
46 installation of an electrical transmission facility.

47 (b) "Construction" does not include:

48 (i) a study or report related to an electrical transmission facility;

49 (ii) an action reasonably necessary to determine the location of an electrical
50 transmission facility corridor;

51 (iii) the use of property to secure geological data, including a necessary boring or
52 drilling to ascertain foundation conditions;

53 (iv) conducting an action that is reasonably necessary to operate or maintain an existing
54 electrical transmission facility, including:

55 (A) performing maintenance;

56 (B) making a repair or replacement;

- 57 (C) reconductoring;
- 58 (D) performing vegetation control; or
- 59 (E) making an expansion or improvement unless the expansion or improvement
- 60 involves the addition of 1,000 or more megawatts of capacity to the existing electrical
- 61 transmission facility; or
- 62 (v) performing the design, installation, or construction of an interconnection with an
- 63 existing electrical transmission facility unless the design, installation, or construction involves
- 64 the addition of 1,000 or more megawatts of capacity to the existing electrical transmission
- 65 facility.
- 66 (2) "Division" means the Division of Public Utilities.
- 67 (3) (a) "Electrical transmission facility" means a system:
- 68 (i) for transmitting electrical power; and
- 69 (ii) that has a capacity of at least 1,000 megawatts.
- 70 (b) "Electrical transmission facility" includes the following associated with
- 71 transmitting electrical power:
- 72 (i) an access road;
- 73 (ii) equipment;
- 74 (iii) a fixture;
- 75 (iv) a line;
- 76 (v) a plant;
- 77 (vi) a structure;
- 78 (vii) a terminal; or
- 79 (viii) a substation.
- 80 (4) "Electrical transmission facility corridor" means a transmission line route of an
- 81 electrical transmission facility.
- 82 Section 3. Section **54-20-103** is enacted to read:
- 83 **54-20-103. Study by division -- Procedures and requirements.**
- 84 (1) A person may not commence the construction of an electrical transmission facility
- 85 within the state before the division:
- 86 (a) completes the study required by this section; and
- 87 (b) makes the report required by Section [54-20-104](#).

88 (2) The division shall begin the study required by this section no later than 30 days
89 after the earlier of:

90 (a) the date the commission receives a written request to conduct the study from the
91 chairs of the Executive Appropriations Committee; or

92 (b) the date the commission receives the notice described in Subsection (3).

93 (3) (a) Except as provided in Subsection (3)(b), on or before the date a person files the
94 first application for a right-of-way with respect to an electrical transmission facility the person
95 seeks to construct within the state, the person shall file a written notice with the division stating
96 that the person has filed or will file an application for a right-of-way with respect to the
97 electrical transmission facility the person seeks to construct within the state.

98 (b) A person is exempt from Subsection (3)(a) if, on or before January 1, 2014:

99 (i) the person has filed the first application for a right-of-way with respect to an
100 electrical transmission facility the person seeks to construct within the state; or

101 (ii) the person was a project entity as defined in Section [11-13-103](#).

102 (4) (a) On or before the date the division begins the study required by this section, the
103 division shall require a person who seeks to construct an electrical transmission facility within
104 the state to file an application with the division.

105 (b) The division shall provide the form for the application.

106 (c) The application shall include:

107 (i) the name and address of the person who files the application;

108 (ii) the name and address of any other person who is responsible for permitting the
109 electrical transmission facility;

110 (iii) a description of the nature and proposed location of the electrical transmission
111 facility;

112 (iv) the estimated date of commencement of construction of the electrical transmission
113 facility; and

114 (v) the estimated time frame for completing the construction of the electrical
115 transmission facility.

116 (5) (a) Subject to Subsections (5)(b) and (6), the division shall study the socioeconomic
117 impacts and benefits related to siting the electrical transmission facility in the state.

118 (b) The division shall focus the study described in Subsection (5)(a) on issues not

119 addressed in an environmental impact statement or analysis.

120 (6) If an electrical transmission facility that is the subject of a study under this section
121 is a public utility, the division may not study an issue under this section that is duplicative of an
122 issue the commission or the division has already addressed as part of:

123 (a) a hearing required by Section 54-4-25; or

124 (b) any other study the commission or the division performs with respect to the
125 electrical transmission facility.

126 (7) The division shall conduct the study in consultation with:

127 (a) the Governor's Office of Economic Development;

128 (b) the Office of Energy Development;

129 (c) county legislative bodies of counties impacted by the electrical transmission
130 facility; and

131 (d) any other federal, state, local, or private entity as determined by the division.

132 (8) The division shall complete the study no later than six months after the date the
133 division begins the study.

134 (9) (a) The electrical transmission facility that is the subject of a study required by this
135 section shall pay the costs of the study.

136 (b) The commission shall:

137 (i) determine the costs described in Subsection (9)(a); and

138 (ii) impose those costs on the electrical transmission facility.

139 Section 4. Section 54-20-104 is enacted to read:

140 **54-20-104. Division report to Executive Appropriations Committee -- Division**
141 **report to Public Utilities and Technology Interim Committee.**

142 (1) The division shall provide a written report of its findings and recommendations on
143 the study required by Section 54-20-103 to the Executive Appropriations Committee within 10
144 days after the date the division completes the study.

145 (2) The division shall make reports to the Public Utilities and Technology Interim
146 Committee as requested by the chairs.

147 Section 5. Section 54-20-105 is enacted to read:

148 **54-20-105. Requirements of chapter are in addition to other requirements of law.**

149 The requirements of this chapter are in addition to any other requirement provided by

150 law.

151 Section 6. **Effective date.**

152 If approved by two-thirds of all the members elected to each house, this bill takes effect

153 upon approval by the governor, or the day following the constitutional time limit of Utah

154 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

155 the date of veto override.