

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 Public Service Commission to conduct a study related to an electrical transmission facility;
 - addressing the procedures and requirements for the study;
 - requiring a person who intends to construct an electrical transmission facility within the state to provide certain notice to the Public Service Commission;
 - addressing reporting requirements; and
 - providing that the study is in addition to any other requirement provided by law.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.



26 **Utah Code Sections Affected:**

27 ENACTS:

28 **54-20-101**, Utah Code Annotated 1953

29 **54-20-102**, Utah Code Annotated 1953

30 **54-20-103**, Utah Code Annotated 1953

31 **54-20-104**, Utah Code Annotated 1953

32 **54-20-105**, Utah Code Annotated 1953



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

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

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

37 **54-20-101. Title.**

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

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

40 **54-20-102. Definitions.**

41 As used in this section:

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

44 (b) "Construction" does not include:

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

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

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

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

52 (A) performing maintenance;

53 (B) making a repair or replacement;

54 (C) reconductoring;

55 (D) performing vegetation control; or

56 (E) making an expansion or improvement unless the expansion or improvement

57 involves the addition of 1,000 or more megawatts of capacity to the existing electrical
58 transmission facility; or

59 (v) performing the design, installation, or construction of an interconnection with an
60 existing electrical transmission facility unless the design, installation, or construction involves
61 the addition of 1,000 or more megawatts of capacity to the existing electrical transmission
62 facility.

63 (2) (a) "Electrical transmission facility" means a system:

- 64 (i) for transmitting electrical power; and
- 65 (ii) that has a capacity of at least 1,000 megawatts.

66 (b) "Electrical transmission facility" includes the following associated with providing
67 electrical power;

- 68 (i) an access road;
- 69 (ii) equipment;
- 70 (iii) a fixture;
- 71 (iv) a line;
- 72 (v) a plant;
- 73 (vi) a structure;
- 74 (vii) a terminal; or
- 75 (viii) a substation.

76 (3) "Electrical transmission facility corridor" means a transmission line route of an
77 electrical transmission facility.

78 Section 3. Section **54-20-103** is enacted to read:

79 **54-20-103. Study by commission -- Procedures and requirements.**

80 (1) A person may not commence the construction of an electrical transmission facility
81 within the state before the commission:

- 82 (a) completes the study required by this section; and
- 83 (b) makes the report required by Section [54-20-104](#).

84 (2) The commission shall begin the study required by this section no later than 30 days
85 after the earlier of:

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

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

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

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

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

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

98 (4) The notice described in Subsection (3)(a) shall include:

99 (a) the name and address of the person who provides the notice;

100 (b) the name and address of any other person who is responsible for permitting the
101 electrical transmission facility;

102 (c) a description of the nature and proposed location of the electrical transmission
103 facility;

104 (d) the estimated date of commencement of construction of the electrical transmission
105 facility; and

106 (e) the estimated time frame for completing the construction of the electrical
107 transmission facility.

108 (5) The electrical transmission facility that is the subject of a study required by this
109 section shall pay the costs of the study.

110 (6) The commission shall complete the study required by this section no later than six
111 months after the date the commission begins the study.

112 (7) Subject to Subsections (9) and (10), the study required by this section shall analyze
113 the impacts and benefits of constructing the electrical transmission facility in the state,
114 including:

115 (a) an analysis of the impacts and benefits of proposals on the placement of the
116 electrical transmission facility corridor;

117 (b) an analysis of economic impacts and benefits of constructing the electrical
118 transmission facility in the state;

119 (c) an analysis of how population growth may impact electrical transmission needs and
120 the extent to which the electrical transmission facility will address those needs;

121 (d) an analysis of the extent to which the electrical transmission facility will provide
122 electrical on-ramps or off-ramps within the state;

123 (e) the identification of areas where the interconnection of the electrical transmission
124 facility with one or more electrical systems in the state will provide the greatest benefit to the
125 state;

126 (f) the identification of areas in the state that will be most impacted by the electrical
127 transmission facility; and

128 (g) an evaluation of the level of capacity of the electrical transmission facility that will
129 provide the greatest benefit to the state.

130 (8) The study required by this section may include an evaluation of other issues as
131 determined by the commission.

132 (9) If an electrical transmission facility that is the subject of a study under this section
133 is a public utility, the commission may not require the study of an issue under this section that
134 is duplicative of an issue the commission studies as part of the regulatory process.

135 (10) In conducting the study required by this section, the commission may consider
136 information provided in an environmental impact analysis, but may not focus the study on the
137 environmental impacts of the electrical transmission facility.

138 (11) The commission shall conduct the study required by this section in consultation
139 with:

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

141 (b) the Office of Energy Development;

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

144 (d) any other federal, state, local, or private entity as requested by the commission.

145 (12) The commission shall receive public testimony as part of the study required by
146 this section.

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

148 **54-20-104. Commission report to Executive Appropriations Committee --**

149 **Commission report to Public Utilities and Technology Interim Committee -- Findings and**

150 **recommendations.**

151 (1) The commission shall provide a written report of its findings and recommendations
152 on the study required by Section 54-20-103 to the Executive Appropriations Committee within
153 10 days after the date the commission completes the study.

154 (2) The commission shall make reports to the Public Utilities and Technology Interim
155 Committee as requested by the chairs.

156 (3) (a) As part of its findings and recommendations, the commission shall provide
157 options to the Executive Appropriations Committee to address the impacts and benefits of
158 constructing the electrical transmission facility in the state.

159 (b) The options described in Subsection (3)(a) shall include:

160 (i) an analysis of the extent to which a tax, fee, or charge would mitigate the impacts of
161 constructing the electrical transmission facility in the state; and

162 (ii) an analysis of whether statutory changes are necessary to address the impacts of
163 constructing the electrical transmission facility in the state.

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

165 **54-20-105. Requirements of chapter are in addition to other requirements of law.**

166 The requirements of this chapter are in addition to any other requirement provided by
167 law.

168 Section 6. **Effective date.**

169 If approved by two-thirds of all the members elected to each house, this bill takes effect
170 upon approval by the governor, or the day following the constitutional time limit of Utah
171 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
172 the date of veto override.