

**54-14-201 Conditions on siting of facilities by local governments -- Payment of actual excess costs.**

If otherwise authorized by law, a local government may require or condition the construction of a facility in any manner if:

- (1) the requirements or conditions do not impair the ability of the public utility to provide safe, reliable, and adequate service to its customers; and
- (2) the local government pays for the actual excess cost resulting from the requirements or conditions, except:
  - (a) any actual excess costs that the public utility collects from its customers pursuant to an order, rule, or regulation of the commission; or
  - (b) any portion of the actual excess costs that the board requires to be borne by the public utility.

Enacted by Chapter 197, 1997 General Session