

Representative Stephen G. Handy proposes the following substitute bill:

INTERSTATE ELECTRIC TRANSMISSION LINES

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts language related to a conditional use application for a merchant electric transmission line.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires an applicant for a merchant electric transmission line to include a verification letter from the Office of Energy Development with the land use application.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-506, as last amended by Laws of Utah 2005, Chapter 245 and renumbered and amended by Laws of Utah 2005, Chapter 254



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

27 Section 1. Section 17-27a-506 is amended to read:

28 **17-27a-506. Conditional uses -- Merchant electric transmission line.**

29 (1) A land use ordinance may include conditional uses and provisions for conditional
30 uses that require compliance with standards set forth in an applicable ordinance.

31 (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can
32 be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in
33 accordance with applicable standards.

34 (b) If the reasonably anticipated detrimental effects of a proposed conditional use
35 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
36 achieve compliance with applicable standards, the conditional use may be denied.

37 (3) (a) As used in this Subsection (3):

38 (i) "In-state merchant generator" or "in-state merchant generation" means electric
39 power that is generated in Utah and not provided to retail customers within the boundaries of
40 Utah.

41 (ii) "Merchant electric transmission line" means a transmission line that does not
42 provide electricity to retail customers within the boundaries of Utah.

43 (iii) "Significant useful transmission capacity" means an electric transmission capacity
44 for use by an in-state merchant generator that is no less than 25% capacity of the merchant
45 electric transmission line.

46 (b) (i) An applicant filing a land use application for a conditional use for a merchant
47 electric transmission line shall include a letter of verification from the Office of Energy
48 Development verifying that the merchant electric transmission line operator has reserved
49 significant useful transmission capacity in the project described in the land use application.

50 (ii) To receive a letter of verification described in Subsection (3)(b)(i), an applicant
51 shall submit to the Office of Energy Development copies of each signed transmission
52 agreement for in-state merchant generation by the applicant.

53 (iii) The Office of Energy Development:

54 (A) shall review the agreements submitted by an applicant and determine whether the
55 submitted agreements demonstrate that the applicant has significant useful transmission
56 capacity;

57 (B) after verifying that the applicant has significant useful transmission capacity, shall
58 issue a verification letter to the applicant; and

59 (C) may charge a fee, in accordance with Section [63J-1-504](#), for the cost of reviewing
60 the agreements or issuing a verification letter.

61 (iv) A county may not consider a land use application for a conditional use described in
62 Subsection (3)(b)(i) unless the application includes a verification letter from the Office of
63 Energy Development.