

HB0044S02 compared with HB0044S01

~~text~~ shows text that was in HB0044S01 but was deleted in HB0044S02.

text shows text that was not in HB0044S01 but was inserted into HB0044S02.

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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 ~~letter~~certificate of in-state need from the Office of Energy Development with the land use application.

Money Appropriated in this Bill:

None

Other Special Clauses:

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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

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

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

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

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

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

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

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

(i) "Certificate of in-state need" means a certificate issued by the office in accordance with this Subsection (3) certifying that a proposed merchant electric transmission line can fulfill present and future in-state electric power needs as demonstrated by an expression of need.

(~~ii~~) "In-state merchant generator" or "in-state merchant generation" means an electric power provider that ~~is generated~~ generates power in Utah and does not ~~provide~~ provide service to retail customers within the boundaries of Utah.

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

(~~iii~~) "Significant useful transmission capacity" means an electric transmission capacity for use

(iv) "Expression of need" means a document prepared and submitted by an in-state merchant generator that ~~is no less than 25% capacity of the~~ describes or otherwise documents:

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(A) present and future transmission needs from a proposed merchant electric transmission line;

~~(b) (i) An applicant filing a land use application for a conditional use for a merchant electric transmission line shall include a letter of verification from~~ (B) the state and local economic impacts resulting from the use of the transmission in the in-state merchant generator project; and

(C) that the in-state merchant generator has received one or more required permits or other approval condition required by a state or local authority for an in-state merchant generation project.

(v) "Office" means the Office of Energy Development ~~verifying that the merchant electric transmission line operator has reserved significant useful transmission capacity in the project described in the land use application.~~

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

~~(iii) The Office of Energy Development:~~

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

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

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

~~(iv) established in Section 63M-4-401.~~

(b) A county may not consider a land use application for a conditional use for a proposed merchant electric transmission line unless the person filing the application includes a certificate of in-state need for that merchant electric transmission line.

(c) To receive a certificate of in-state need, the person described in Subsection (3)(b) ~~(i) unless the application includes a verification letter from the Office of Energy Development.~~

shall request a certificate of in-state need from the office by filing a written request that

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describes the proposed merchant electric transmission line and includes the name and contact information of the person.

(d) (i) If the office receives a request described in Subsection (3)(c), the office shall:

(A) publish notice on the Utah Public Notice Website created under Section 63F-1-701 that the office has received a request for a certificate of in-state need;

(B) identify the requesting person and briefly describe the proposed merchant electric transmission line; and

(C) include contact information and provide the deadline date for submission as described in Subsection (3)(e) for an in-state merchant generator to submit an expression of need for the merchant electric transmission line.

(ii) An in-state merchant generator that submits an expression of need under Subsection (3)(d)(i)(C) shall:

(A) submit the expression of need no later than 30 days after the public notice is published in accordance with Subsection (3)(d)(i)(A); and

(B) include a description of the in-state merchant generator's project or proposed project.

(e) No later than 30 days after the expiration of the 30-day period described in Subsection (3)(d)(ii)(A) the office shall:

(i) review all expressions of need submitted under Subsection (3)(d)(i)(C); and

(ii) calculate the present and future needs of each in-state merchant generator based on each submitted expression of need.

(f) A person described in Subsection (3)(c) shall no later than 180 days after notice is published in accordance with Subsection (3)(d)(i)(A) submit a copy of each signed transmission agreement for in-state merchant generation entered into with the person.

(g) No later than 15 days after the expiration of the 180-day period described in Subsection (3)(f), the office shall determine whether the person described in Subsection (3)(c) has demonstrated in the submitted agreements for in-state merchant generation that the person can fulfill the present and future needs, whether in a proposed build or by future upgrades as described in the agreements, calculated in accordance with Subsection (3)(e)(ii).

(h) If a person has demonstrated that the proposed merchant electric transmission line can fulfill present and future needs as calculated in Subsection (3)(e)(ii), the office:

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(i) shall issue to the person described in Subsection (3)(c) a certificate of in-state need;
and

(ii) may charge the person a fee, in accordance with Section 63J-1-504, for the cost of reviewing an agreement described in Subsection (3)(f) or an expression of need described in Subsection (3)(e)(i).

(i) A certificate of in-state need issued in accordance with this Subsection (3) is valid only to the extent that a transmission agreement for in-state merchant generation submitted under Subsection (3)(f) continues to reflect the agreements of the parties.

(4) Subsection (3) does not apply to a land use application for a conditional use for a transmission line that is, or is proposed to be, owned or operated by a project entity as defined in Section 11-13-103.