An Act

ENROLLED HOUSE
BILL NO. 1932

By: Jackson of the House

and

Marlatt of the Senate

An Act relating to energy; defining terms; granting incumbent electric transmission owners the right to construct, own and maintain certain local electric transmission facilities; granting an incumbent electric transmission owner certain rights to local electric transmission facilities; providing for the rights of two or more incumbent electric transmission owners to one local electric transmission facility; providing for the property rights of an incumbent electric transmission owner; requiring an incumbent electric transmission owner to give certain notice; stating results if notice is not provided; allowing the Southwest Power Pool to determine the right to build under certain circumstances; providing for ability of any person to notify the Southwest Power Pool for certain purpose; providing for codification; and providing an effective date.

SUBJECT: Electric transmission facilities

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 291 of Title 17, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Commission" means the Corporation Commission;

2. "Incumbent electric transmission owner" means any Oklahoma electric public utility, as recognized by the Commission, or its affiliates, or subsidiaries or any electric cooperative, any municipal power agency or any municipal utility that owns, operates and maintains an electric transmission facility in this state or any public utility, as recognized by the Commission, that is engaged in the development of an electric transmission facility in the state as of the effective date of this act;

3. "Local electric transmission facility" means a high-voltage transmission line or high-voltage associated transmission facilities with a rating of greater than sixty-nine (69) kilovolts and less than three hundred (300) kilovolts; and

4. "Southwest Power Pool" means the Southwest Power Pool or any federally recognized successor entity.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 292 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. An incumbent electric transmission owner has the right to construct, own and maintain a local electric transmission facility that has been approved for construction in a Southwest Power Pool transmission plan and will interconnect to facilities owned by that incumbent electric transmission owner. An incumbent electric transmission owner has the right to construct, own and maintain:

1. A new local electric transmission facility that connects to electric transmission facilities owned by the incumbent; and

2. Upgrades to the existing local electric transmission facilities of the incumbent.

B. The right to construct, own and maintain a local electric transmission facility that will interconnect to facilities owned by two or more incumbent electric transmission owners belongs individually and equally to each incumbent electric transmission owner, unless otherwise agreed upon in writing by the incumbent electric transmission owners.

C. Nothing in this section is intended to affect an incumbent electric transmission owner's use and control of its existing property rights including the incumbent electric transmission owner's ability to assign its rights to construct, own and maintain

a local electric transmission facility described in subsection A of this section. The retention, modification or transfer of existing property rights of an incumbent electric transmission owner and the rights described in subsection A of this section shall remain subject to the relevant state law or regulation recognizing the property right.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 293 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. If the Southwest Power Pool has approved a local electric transmission facility in a Southwest Power Pool transmission plan and has formally directed the incumbent electric transmission owner or owners, if there is more than one owner, to construct, own and maintain the local electric transmission facility, the incumbent electric transmission owner or owners shall give notice to the Southwest Power Pool, in writing, within ninety (90) days of receipt of the direction to construct by the Southwest Power Pool, regarding its intent to construct, own and maintain the local electric transmission facility. If notice is not provided, the incumbent electric transmission owner shall surrender its right to construct, own and maintain the local electric transmission facility.

B. If an incumbent electric transmission owner or owners give notice of intent not to construct the local electric transmission facility or fail to provide notice as required in subsection A of this section, then the Southwest Power Pool may determine whether the incumbent electric transmission owner or owners or other entity will construct, own and maintain the local electric transmission facility.

C. Nothing in this section is intended to limit the ability of any person to notify the Southwest Power Pool that it believes an incumbent electric transmission owner with the right to construct, own and maintain a local electric transmission facility originally approved by the Southwest Power Pool has failed to exercise its right to construct, own and maintain the local electric transmission facility within a reasonable period of time and request that the Southwest Power Pool rescind the right to construct, own and maintain the local electric transmission facility and assign the rights to another incumbent electric transmission owner.

SECTION 4. This act shall become effective November 1, 2013.

Passed the House of Representatives the 20th day of May, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of May, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 9:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 29th

day of May, 20 13, at 3:40 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 29th

day of May, 20 13, at 5:25 o'clock P. M.

By: Chris Dennis