

HOUSE BILL No. 2638

By Committee on Utilities

1-18

9 AN ACT enacting the regional coordination in planning and siting of
10 electric transmission lines act; repealing K.S.A. 2005 Supp. 74-633.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. This act may be cited as the regional coordination in plan-
14 ning and siting of electric transmission lines act.

15 Sec. 2. As used in this act:

16 (a) "Electric transmission line" means a set of conductors, insulators,
17 supporting structures and associated equipment used to transmit electric
18 energy at high voltage, usually over long distances between a generating
19 or receiving point and major substations or delivery points.

20 (b) "Electric transmission route" means the geographic course that
21 an electric transmission line follows.

22 (c) "Energy demand" means the requirement for energy as an input
23 to provide products and/or services.

24 (d) "Intervention" means on-the-record participation by an inter-
25 ested party in a contested case or other formal activity undertaken by a
26 state utility regulatory agency.

27 (e) "Load management" means an energy conservation measure or a
28 measure to shift electricity demand to times of lower use of the electricity
29 system.

30 (f) "Planning" means the process of determining when and where
31 electric transmission lines will need to be built to serve demand for
32 electricity.

33 (g) "Regional" means an area encompassing all or part of more than
34 one state.

35 (h) "Regional organizations" mean formal or informal multi-state
36 groups of electric transmission line siting or planning entities formed for
37 the purpose of coordinating planning or siting of electric transmission
38 lines. In most cases, member states are contiguous.

39 (i) "Siting" means the process of evaluating whether a request for
40 approval of the necessary certifications to build, maintain and operate a
41 proposed electric transmission line should be granted and, if the request
42 is granted, the process of issuing the necessary certifications.

43 Sec. 3. (a) The state corporation commission may present the con-

cerns and interests of the state to other states, regional organizations and the federal government on the location, construction and operation of any electric transmission line that may affect the environment, health or safety of the citizens of the state.

(b) The state corporation commission is authorized to participate in a regional transmission organization.

(1) The state corporation commission representative to any regional transmission organization recognized by the federal energy regulatory commission of which one or more Kansas electric public utilities are members is hereby authorized to participate fully in all decision-making bodies of such regional transmission organization, whether the decision of such bodies are advisory to or binding on the regional transmission authorization.

(2) Nothing in this provision shall limit the state corporation commission's regulatory jurisdiction or authority to appeal to the federal energy regulatory commission any decision by a regional transmission organization or relieves the commission of its obligation and authority to ensure that electric public utilities provide efficient and sufficient service.

(c) The state corporation commission shall recognize the value to consumers of regional coordination and collaboration in transmission planning.

(d) In considering planning and siting of electric transmission lines that cross state boundaries, national boundaries or tribal lands, the state corporation commission shall:

(1) Consider the needs and planning of Kansas and regional needs and planning when evaluating whether a proposed electrical transmission line should be approved.

(2) Attempt to reach agreement with affected states and tribes on the points at which electric transmission lines enter and exit each state prior to designating an electric transmission route. In such a case, the commission shall hold joint hearings with agencies of similar jurisdiction in other affected states and with affected tribes on electric transmission planning and siting, with at least one such hearing to be held within the state.

(3) Coordinate with other affected states the evaluation of the need for a proposed electric transmission line. In evaluating need, the commission may consider the following factors:

(A) Whether the proposed transmission line is necessary to serve a public use.

(B) Whether the proposed transmission line is needed to improve the reliability of the electric utility system.

(C) Whether the proposed transmission line is needed to provide market access to electric generation.

- 1 (D) The relationship of the proposed transmission line to compre-
2 hensive electric utility planning that has included, but was not limited to,
3 an evaluation of various generation and transmission line options, alter-
4 native technologies, distributed generation, and targeted energy
5 efficiency.
- 6 (E) Whether the proposed transmission line will substantially im-
7 prove the ability to provide wholesale electric power to meet customer
8 needs in a cost-effective manner.
- 9 (F) Any factors required to be evaluated by the laws of this state.
- 10 (G) Any other relevant factors.
- 11 (e) In coordination with other states and tribal governments, the state
12 corporation commission may also consider the following for electric trans-
13 mission lines that cross state boundaries, national boundaries or tribal
14 lands:
- 15 (1) Setting joint schedules for various activities related to siting of
16 electric transmission lines.
- 17 (2) Determining completeness of applications for proposed electric
18 transmission lines.
- 19 (3) Requiring applicants to use application forms that jointly satisfy
20 state and federal application requirements.
- 21 (4) Reviewing and processing applications and conducting any nec-
22 essary hearings or investigations, after agreeing that they are required.
- 23 (5) Deciding whether a hearing or hearings regarding proposed elec-
24 tric transmission lines are required.
- 25 (6) Taking judicial notice of related evidence in other states.
- 26 (7) Coordinating prehearing procedures, including whether and
27 when prehearing conferences will be held; making determinations of is-
28 sues to be decided during hearings and criteria for evaluation.
- 29 (8) Making joint investigations regarding electric transmission line
30 siting. Such investigations could include, but are not limited to, investi-
31 gations on the determination of the location where the electric transmis-
32 sion lines will cross each state boundary and determination of need for
33 the electric transmission lines.
- 34 (9) Negotiating and entering into agreements or compacts with other
35 state siting authorities to develop cooperative efforts in siting and per-
36 mitting the construction of electric transmission lines and enforcing re-
37 spective state laws.
- 38 (10) Coordinating procedures for notifying the public of electric
39 transmission lines being considered and soliciting public input.
- 40 (11) Coordinating procedures regarding requests for intervention in
41 regulatory processes related to siting of electric transmission lines.
- 42 (12) Determining issues and coordinating activities related to emi-
43 nent domain, if needed.

1 (13) Drafting and issuing joint or concurrent orders with agencies of
2 similar jurisdiction in other states or with agencies of the United States
3 that have jurisdiction over part or all of the proposed electric transmission
4 line.

5 (14) Drafting and issuing decisions regarding proposals for new elec-
6 tric transmission lines.

7 Sec. 4. K.S.A. 2005 Supp. 74-633 is hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after its
9 publication in the statute book.