

HOUSE BILL No. 2041

By Committee on Energy, Utilities and Telecommunications

Requested by Paul Snider on behalf of Kansans for Lower Electric Rates

1-21

1 AN ACT concerning electric transmission lines; relating to the state
2 corporation commission; requiring an electric public utility to include
3 that a competitive bid process was completed for the proposed electric
4 transmission line in an application for a siting permit; requiring the
5 commission to issue an order whether a competitive bid process was
6 completed for a proposed electric transmission line to permit such line;
7 amending K.S.A. 66-1,178 and 66-1,180 and repealing the existing
8 sections.
9

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

11 Section 1. K.S.A. 66-1,178 is hereby amended to read as follows: 66-
12 1,178. (a) No electric utility may begin site preparation for or construction
13 of an electric transmission line, or exercise the right of eminent domain to
14 acquire any interest in land in connection with the site preparation for a
15 construction of any such line without first acquiring a siting permit from
16 the commission. Whenever any electric utility desires to obtain such a
17 permit, the utility shall file an application with the commission setting
18 forth therein that the utility proposes to construct an electric transmission
19 line and specifying:

20 (1) The proposed location ~~thereof~~ *of such electric transmission line;*

21 (2) the names and addresses of the landowners of record whose land
22 or interest ~~therein~~ is proposed to be acquired in connection with the
23 construction of or is located within 660 feet of the center line of the
24 easement where the line is proposed to be located; ~~and~~

25 (3) *for transmission lines with costs that will be recovered through a*
26 *regional transmission organization, that such line was placed for*
27 *competitive bid among qualified bidders with evidence that the bidding*
28 *process was open and fair and whether such utility was the lowest*
29 *reasonable bid; and*

30 (4) such other information as may be required by the commission.

31 (b) Upon the filing of an application pursuant to subsection (a), the
32 commission shall fix a time for a public hearing on such application,
33 which shall be not more than 90 days after the date the application was
34 filed, to determine the necessity for and the reasonableness of the location
35 of the proposed electric transmission line. The commission shall fix the

1 place for hearing, which shall be in one of the counties through which the
2 electric transmission line is proposed to traverse.

3 (c) The commission may conduct an evidentiary hearing on an
4 application filed pursuant to this section at such time and place as the
5 commission deems appropriate.

6 (d) The commission shall issue a final order on the application within
7 120 days after the date the application was filed.

8 Sec. 2. K.S.A. 66-1,180 is hereby amended to read as follows: 66-
9 1,180. (a) All hearings conducted pursuant to this act shall be in
10 accordance with the provisions of the Kansas administrative procedure act.
11 All such hearings shall be completed within 30 days after the
12 commencement thereof, unless the electric utility requests a continuance
13 of any such hearing. All costs of any hearing pursuant to this act shall be
14 taxed against the electric utility.

15 (b) *The commission shall not issue a permit for any electric*
16 *transmission line with costs that will be recovered through a regional*
17 *transmission organization, unless the commission issues an order that*
18 *such line was placed for competitive bid among qualified bidders with*
19 *evidence that the bidding process was open and fair and whether the*
20 *lowest reasonable bid was selected.*

21 (c) The commission shall make its decision with respect to the
22 necessity for and the reasonableness of the location of the proposed
23 electric transmission line, taking into consideration the benefit to both
24 consumers in Kansas and consumers outside the state and economic
25 development benefits in Kansas.

26 (d) The commission shall issue or withhold the permit applied for and
27 may condition such permit as the commission may deem just and
28 reasonable and as may, in its judgment, best protect the rights of all
29 interested parties and those of the general public.

30 Sec. 3. K.S.A. 66-1,178 and 66-1,180 are hereby repealed.

31 Sec. 4. This act shall take effect and be in force from and after its
32 publication in the statute book.