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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1989

01/30/2012 Authored by Hackbarth, Hilty and Beard

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to energy; utilities; establishing rights for incumbent electric transmission
1.3 owners; establishing commission procedures; proposing coding for new law
1.4 in Minnesota Statutes, chapter 216B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [216B.246] RIGHT OF INCUMBENT ELECTRONIC
1.7 TRANSMISSION OWNER TO CONSTRUCT AND OWN ELECTRIC
1.8 TRANSMISSION LINE TO ELECTRIC FACILITIES; NOTICE; PROCEDURE.

1.9 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.10 subdivision have the meanings given them.

1.11 (b) "Electric transmission line" has the meaning given in section 216B.2421,
1.12 subdivision 2, clause (2) or (3).

1.13 (c) "Incumbent electric transmission owner" means any electric utility as defined
1.14 under section 216B.1691, subdivision 1, paragraph (b); any transmission company as
1.15 defined under section 216B.02, subdivision 10; or any municipal utility.

1.16 Subd. 2. Incumbent electric transmission owner rights. An incumbent
1.17 electric transmission owner has the right to construct, own, and maintain an electronic
1.18 transmission line that connects to facilities owned by the incumbent electric transmission
1.19 owner. The right to construct, own, and maintain an electric transmission line that
1.20 connects to facilities owned by two or more incumbent electric transmission owners
1.21 belongs individually and proportionally to each incumbent electric transmission owner,
1.22 unless otherwise agreed upon in writing.

1.23 Subd. 3. Commission procedure. (a) If an electric transmission line has been
1.24 approved for construction in a federally registered planning authority transmission plan,

2.1 the incumbent electric transmission owner, or owners if there is more than one owner, shall
2.2 give notice to the commission, in writing, within 90 days of approval, regarding its intent
2.3 to construct, own, and maintain the electric transmission line. If an incumbent electric
2.4 transmission owner gives notice of intent to build the electric transmission line then,
2.5 unless exempt from the requirements of section 216B.243, within 18 months from the
2.6 date of the notice described in this paragraph, the incumbent electric transmission owner
2.7 shall file an application for a certificate of need under section 216B.243 or certification
2.8 under section 216B.2425.

2.9 (b) If the incumbent electronic transmission owner indicates that it does not intend
2.10 to build the transmission line, such notice shall fully explain the basis for that decision. If
2.11 the incumbent electric transmission owner, or owners, gives notice of intent not to build
2.12 the electric transmission line, then the commission may determine whether the electric
2.13 transmission line is needed and decide whether the incumbent electric transmission owner
2.14 or other entity will build the electric transmission line, taking into consideration issues
2.15 such as cost, efficiency, reliability, and other factors identified in this chapter.