

## 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

03/07/2012 Adoption of Report: Pass as Amended and Read Second Time

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 ELECTRIC TRANSMISSION  
1.7 OWNER TO CONSTRUCT AND OWN ELECTRIC TRANSMISSION LINE TO  
1.8 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" means a high-voltage transmission line with a  
1.12 capacity of 100 kilovolts or more and transmission facilities.

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, provided that the  
1.16 electric utility, transmission company, or municipal utility owns, operates, controls, or  
1.17 maintains an electric transmission line in this state.

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

2.1           Subd. 3. Commission procedure. (a) If an electric transmission line has been  
2.2 approved for construction in a federally registered planning authority transmission plan,  
2.3 the incumbent electric transmission owner, or owners if there is more than one owner,  
2.4 shall give notice to the commission, in writing, within 90 days of approval, regarding its  
2.5 intent to construct, own, and maintain the electric transmission line. If an incumbent  
2.6 electric transmission owner gives notice of intent to build the electric transmission line  
2.7 then, unless exempt from the requirements of section 216B.243, within 18 months from  
2.8 the date of the notice described in this paragraph or such longer time approved by the  
2.9 commission, the incumbent electric transmission owner shall file an application for a  
2.10 certificate of need under section 216B.243 or certification under section 216B.2425.

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

2.18           **EFFECTIVE DATE.** This section is effective the day following final enactment.