

HOUSE BILL NO. 1811

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

4348H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to incumbent electric transmission owners.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be known as section 393.1250, to read as follows:

393.1250. 1. As used in this section, the following terms shall mean:

(1) "Affiliate", any company of which ten percent or more of its outstanding voting securities or interests are owned, controlled, or held with the power to vote, directly or indirectly, by an incumbent electric transmission owner or by its direct or indirect owner;

(2) "Commission", the public service commission;

(3) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as defined in subsection 2 of section 393.110;

(4) "Electrical transmission line", a transmission line with a capacity of one hundred kilovolts or more and associated with transmission facilities;

(5) "Incumbent electric transmission owner", any electrical corporation that owns, operates, and maintains an electric transmission line in this state;

(6) "Transmission plan", a transmission plan adopted by the entity with authority for transmission planning in a Federal Energy Regulatory Commission-recognized planning region.

2. (1) An incumbent electric transmission owner, or its affiliate, has the right to construct, own, and maintain an electric transmission line that has been approved for

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 construction in a transmission plan and connects to its own facilities or that connects to
19 its own facilities and facilities owned by a nonincumbent electric transmission owner.

20 (2) An incumbent electric transmission owner, or its affiliate, has the right to
21 construct, own, and maintain its share of an electric transmission line that has been
22 approved for construction in a transmission plan and connects to more than one facility
23 where the facilities are owned by different incumbent electric transmission owners
24 unless otherwise agreed upon in writing. For the purposes of this subdivision, the share
25 of the electric transmission line that each incumbent transmission owner or its affiliate
26 has the right to construct, own, and maintain shall be calculated based on the location of
27 the electric transmission line that is to be constructed, with each incumbent electric
28 transmission owner to be credited with the portion of the to-be-built electric
29 transmission line that will be constructed in its commission-approved service
30 territory. Portions of the electric transmission line that are not constructed in one of
31 the incumbent electric transmission owners' commission-approved service territories
32 shall be credited equally to each incumbent transmission owner for purposes of
33 determining the shares.

34 3. (1) If an electric transmission line has been approved for construction in a
35 transmission plan, the incumbent electric transmission owner or owners shall give
36 notice to the commission in writing within ninety days of approval regarding its intent
37 or the intention of its affiliate to construct, own, and maintain all, or if applicable, its
38 share, of the electric transmission line. If an incumbent electric transmission owner
39 gives notice of its intent or the intent of its affiliate to build all, or if applicable, its share,
40 of the electric transmission line, the incumbent electric transmission owner or its
41 affiliate shall, to the extent otherwise required by law and within eighteen months after
42 giving notice to the commission, file an application for a certificate of convenience or
43 necessity under subsection 1 of section 393.170 seeking permission to begin construction.

44 (2) If the incumbent electric transmission owner does not timely indicate that it
45 or its affiliate intends to build all or, if applicable, its share, of the electric transmission
46 line or fails to timely seek a certificate of convenience or necessity under subsection 1 of
47 section 393.170 for such line if the certificate is otherwise required by law, another
48 electric transmission owner may, subject to receiving necessary permissions required by
49 law, construct all or, if applicable, its share of the electric transmission line.

50 4. This section shall not limit the right of any incumbent electric transmission
51 owner to construct, own, and maintain any electric transmission equipment or facilities
52 within its service territory under subsection 2 of section 393.170.

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