May 06, 2021, Introduced by Reps. Markkanen, Steven Johnson, Reilly and LaFave and referred to the Committee on Energy.

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may
hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein,"

by amending section 5 (MCL 486.255), as added by 2004 PA 197.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 5. (1) Subject to the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575, and the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, an independent transmission company or an affiliated transmission company shall have has the power to condemn property that is necessary to transmit electric energy for public use except for both of the following:

(a) An independent transmission company or affiliated transmission company shall not circumvent a private agreement that existed on the effective date of the amendatory act that added this subsection July 12, 2004 under which the independent transmission company or affiliated transmission company leases rights-of-way for its electric transmission facilities from the utility.

(b) An independent transmission company or affiliated transmission company shall not condemn property owned by an electric or gas utility or municipally owned utility in a manner which that unreasonably disrupts the ability of the electric or gas utility or municipally owned utility to continue to provide service to its customers. If a dispute exists under this subdivision, the condemnation shall must not proceed until the Michigan public service commission determines that no unreasonable disruption is involved. The commission shall make its determination under this subdivision pursuant to a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, within
180 days of after the date an application or petition requesting a determination is filed with the commission. If the principal parties of record agree that the complexity of dispute involved requires additional time, the commission may have has up to 210 days from after the date the application or petition was filed to make a determination under this subdivision.

(2) Except as otherwise provided under this section, in condemning property under subsection (1), an independent transmission company or affiliated transmission company is subject to the same procedures and requirements under this act as a corporation formed under this act.

(3) Section 3(1) and any procedure or requirement under this act that is inconsistent with the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575, or the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, do not apply to an independent transmission company or affiliated transmission company.

(4) As used in this act:

(a) "Affiliated transmission company" means either of the following:

(i) A person, partnership, corporation, association, or other legal entity, or its successors or assigns, which has fully satisfied the requirements to join a regional transmission organization, as determined by the federal energy regulatory commission, that is considered a qualified transmission developer by a regional transmission organization, that is engaged in this state in the transmission of electricity, using facilities it owns that were transferred to the entity by an electric utility that was engaged in the generation, transmission, and distribution of
electricity in this state on December 31, 2000, and that is not
independent of an electric utility or an affiliate of the utility,
generating or distributing electricity to retail customers in this
state.

(ii) A person, partnership, corporation, association, or other
legal entity that is an affiliate of an electric utility generating
or distributing electricity to retail customers in this state.

(b) "Affiliated transmission company" does not include an
electric utility.

(c) "Commission" means the Michigan public service commission.

(d) (b) "Independent transmission company" means either of the following:

(i) A person, partnership, corporation, association, or other
legal entity, or its successors or assigns, that is engaged in this
state in the transmission of electricity using facilities it owns
that have been divested to the entity by an electric utility that
was engaged in the generation, transmission, and distribution of
electricity in this state on December 31, 2000, and that is
independent of an electric utility or an affiliate of the utility,
generating or distributing electricity to retail customers in this
state.

(ii) A person, partnership, corporation, association, or other
legal entity, that holds a certificate issued by the commission
under the electric transmission line certification act, 1995 PA 30,
MCL 460.561 to 460.575, if that entity is not an affiliate of an
electric utility generating or distributing electricity to retail
customers in this state.