

SENATE BILL NO. 103

February 04, 2021, Introduced by Senators SCHMIDT and HERTEL and referred to the Committee on Energy and Technology.

A bill to provide for the rights of certain electric transmission line owners.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "transmission infrastructure planning and condemnation authority
3 act".

4 Sec. 2. As used in this act:

5 (a) "Affiliated transmission company" means that term as
6 defined in section 2 of the electric transmission line
7 certification act, 1995 PA 30, MCL 460.562.

1 (b) "Cooperative electric utility" means either of the
2 following:

3 (i) An electric cooperative organized as a cooperative
4 corporation under sections 98 to 109 of 1931 PA 327, MCL 450.98 to
5 450.109.

6 (ii) A cooperative corporation in the business of generating or
7 transmitting electricity.

8 (c) "Electric utility" means any of the following:

9 (i) An electric utility as that term is defined in section 10h
10 of 1939 PA 3, MCL 460.10h.

11 (ii) A municipal electric utility system as that term is
12 defined in section 4 of the Michigan energy employment act of 1976,
13 1976 PA 448, MCL 460.804.

14 (iii) A cooperative electric utility.

15 (d) "High-voltage transmission line" means a line used to
16 transmit electricity and all associated structures, equipment,
17 facilities, and other personal property necessary to transfer
18 electricity over the line at a system bulk supply voltage of 100
19 kilovolts or more.

20 (e) "Incumbent electric transmission company" means an
21 electric utility, affiliated transmission company, or independent
22 transmission company that owns, operates, maintains, and controls a
23 high-voltage transmission line in this state.

24 (f) "Independent transmission company" means that term as
25 defined in section 2 of the electric transmission line
26 certification act, 1995 PA 30, MCL 460.562.

27 (g) "Recognized electric planning authority" means a person
28 recognized by the Federal Energy Regulatory Commission or the North
29 American Electric Reliability Corporation as authorized under

1 federal law to approve a high-voltage transmission line for
2 construction by an incumbent electric transmission company,
3 including, but not limited to, a regional transmission
4 organization.

5 (h) "Regional transmission organization" means a person that
6 meets all of the following:

7 (i) Possesses characteristics required under 18 CFR 35.34(j).

8 (ii) Performs functions required under 18 CFR 35.34(k).

9 (iii) Accommodates an open architecture as required under 18 CFR
10 35.34(l).

11 (iv) Is recognized by the Federal Energy Regulatory Commission
12 as the organization with oversight responsibility for a region that
13 includes the service territory of an incumbent electric
14 transmission company.

15 Sec. 3. (1) An incumbent electric transmission company has the
16 right to construct, own, operate, maintain, and control a high-
17 voltage transmission line if both of the following apply:

18 (a) The high-voltage transmission line or its construction was
19 included in a plan adopted or otherwise approved by a recognized
20 electric planning authority for the incumbent electric transmission
21 company.

22 (b) Either of the following:

23 (i) The incumbent electric transmission company is recognized
24 as a designated transmission owner for the high-voltage
25 transmission line by the recognized electric planning authority for
26 the incumbent electric transmission owner.

27 (ii) The high-voltage transmission line will interconnect to
28 facilities owned, or that will be owned, by that incumbent electric
29 transmission company.

1 (2) The right to construct, own, operate, maintain, and
2 control a high-voltage transmission line that will interconnect to
3 facilities owned by 2 or more incumbent electric transmission
4 companies belongs individually and equally to each incumbent
5 electric transmission company, unless otherwise agreed to in
6 writing by each incumbent electric transmission company.

7 (3) An incumbent electric transmission company has the right
8 to upgrade or rebuild a high-voltage transmission line owned by
9 that incumbent electric transmission company.

10 (4) This section does not alter or limit the right of a person
11 to construct, own, operate, maintain, and control an electric
12 transmission line in this state that is not a high-voltage
13 transmission line. This section controls in any conflict between
14 this section and any other law of this state.

15 (5) This act does not do any of the following:

16 (a) Confer the power of eminent domain.

17 (b) Modify the authority of the Michigan public service
18 commission under 1939 PA 3, MCL 460.1 to 460.11.

19 (c) Modify the rights of property owners under the uniform
20 condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

21 (d) Modify the requirements, rights, and obligations of an
22 incumbent electric transmission company under the electric
23 transmission line certification act, 1995 PA 30, MCL 460.561 to
24 450.575.