

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0204.03 Duane Gall x4335

SENATE BILL 20-190

SENATE SPONSORSHIP

Hansen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING INCENTIVES FOR THE DEVELOPMENT OF AN ELECTRIC
102 GRID THAT FULLY ACCOMMODATES INCREASED PRODUCTION
103 FROM ZERO-CARBON GENERATION RESOURCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill directs the public utilities commission (PUC) to approve utilities' applications to build new transmission facilities if the PUC finds that the new facilities would assist the utilities in meeting the state's clean energy goals established in 2019. Applications are deemed approved if the PUC does not deny them within 180 days after completion

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and public notice of the application.

Section 2 directs the PUC, as part of its ongoing docket regarding evaluation of the benefits of a regional transmission organization, to undertake and, by December 31, 2020, to complete a review of existing and potential additional energy resource zones for renewable resource generation development areas within Colorado. The purposes of the study are to:

- ! Identify planned electric transmission lines (lines) and renewable resource generation development areas within Colorado that have potential to support competition among renewable energy developers for development of renewable resource generation projects;
- ! Evaluate opportunities to support transitions in electricity generation by evaluating renewable resource generation opportunities located in communities with substantial economic activity and employment in the fossil fuel industry; and
- ! Identify opportunities for the development of renewable resources:
 - ! For export to consumers outside of Colorado and the potential to use new and existing transmission capacity for export; and
 - ! To be interconnected to the transmission system in a manner that promotes a reliable and integrated transmission system and shifts the state away from inefficient, radial transmission development.

Section 2 also amends the existing statute to narrow the scope of the PUC's docket inquiry, including only consideration of regional transmission organizations and removing references to energy imbalance markets, power pools, and joint tariffs.

If a potential line in Colorado has been submitted to the PUC as part of an electric resource plan based on the inclusion of planned lines in the report the PUC is required to submit as part of its docket inquiry, pursuant to existing requirements for transmission plan reporting, or under a regional transmission plan required by another applicable federal regional transmission planning requirement, section 2 allows bidders in an electric resource plan to rely on the planned line for interconnection in their proposals made pursuant to utility resource plans.

Under section 2, the PUC is directed to review clean energy project bids without such bids being burdened by the cost of planned lines. If the development of such lines would result in cost-effective generation being developed to meet the state's clean energy goals, then the PUC shall direct public utilities to submit those lines for approval and construction in order to meet the state's 2030 clean energy goals and beyond.

The federal energy regulatory commission requires each public utility transmission provider to participate in a regional transmission planning process to produce a regional transmission plan. If construction of a line in Colorado has been approved in a regional transmission plan or by another applicable federal regional transmission planning requirement, **section 3** affords an incumbent electric utility owning the existing transmission facilities to which the line will connect up to 180 days after the line has been approved to give written notice to the PUC that the incumbent electric utility intends to construct, own, and maintain the line. If the incumbent electric utility does not provide notice to the PUC, the incumbent electric utility surrenders its right of first refusal to construct, own, and maintain the line. If the incumbent electric utility provides the notice, the incumbent electric utility, if it is subject to the PUC's regulation, shall, within 24 months after filing the notice, file an application with the PUC for a certificate of public convenience and necessity to construct the line.

The right of first refusal is conditioned on the incumbent electric utility having joined a regional transmission organization and exercising the right of first refusal within ten years thereafter.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-126, **amend** (3)
3 introductory portion and (3)(a); and **recreate and reenact, with**
4 **amendments**, (4) as follows:

5 **40-2-126. Transmission facilities - biennial review - energy**
6 **resource zones - definition - plans - approval - cost recovery.** (3) The
7 commission shall approve a utility's application for a certificate of public
8 convenience and necessity for the COST-EFFECTIVE construction or
9 expansion of transmission facilities pursuant to ~~paragraph (b) of~~
10 ~~subsection (2)~~ SUBSECTION (2)(b) of this section if the commission finds
11 that:

12 (a) The construction or expansion is required to ensure the reliable
13 delivery of electricity to Colorado consumers, ~~or~~ to enable the utility to
14 meet the renewable energy standards set forth in section 40-2-124, OR TO

1 EFFECTUATE CLEAN ENERGY PLANS APPROVED PURSUANT TO SECTION
2 40-2-125.5; and

3 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ANY
4 APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
5 FOR THE CONSTRUCTION OR EXPANSION OF TRANSMISSION FACILITIES
6 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION, THE COMMISSION
7 SHALL ISSUE A FINAL ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER
8 THE APPLICATION IS DEEMED COMPLETE AND PUBLIC NOTICE OF THE
9 APPLICATION IS GIVEN. IF THE COMMISSION DOES NOT ISSUE A FINAL
10 ORDER WITHIN THAT PERIOD, THE APPLICATION IS DEEMED APPROVED.

11 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-2.3-102
12 as follows:

13 **40-2.3-102. Commission proceeding - evaluate participation**
14 **in regional transmission organization - study renewable resource**
15 **generation development areas - support for fossil fuel communities**
16 **- renewable energy exports - study - report - definitions - repeal.**

17 (1) On or before January 1, 2020, the commission shall open a
18 proceeding to investigate the potential costs and benefits to electric
19 utilities, other generators, and Colorado electric utility customers that
20 would arise from electric utilities participating in ~~any energy imbalance~~
21 ~~markets, regional transmission organizations, power pools, or joint tariffs.~~

22 The proceeding must include an investigation of the potential advantages
23 and disadvantages of ~~these options~~ THIS OPTION, including the effect on:

- 24 (a) Both participating and nonparticipating retail and wholesale
25 Colorado electric service providers;
26 (b) Wholesale electric energy rates;
27 (c) Transmission rates;

- 1 (d) Retail electric energy rates for both participating and
- 2 nonparticipating Colorado retail electric service providers;
- 3 (e) Commitment and dispatch of generation and real-time dispatch
- 4 optimization of energy and ancillary services;
- 5 (f) Reserve margin requirements;
- 6 (g) Short-term and long-term operational costs;
- 7 (h) Regional infrastructure investment in response to growth in
- 8 demand for electric energy or changes in energy production;
- 9 (i) Operating reserve procurement; and
- 10 (j) Renewable energy resource interconnection and integration.

11 (2) On or before ~~July~~ JANUARY 1, 2021, the commission shall hold
12 a hearing for public comment to consider the information received during
13 the commission's investigation and deliberate on whether electric utilities
14 should participate in ~~an energy imbalance market~~, A regional transmission
15 organization. ~~power pool, or joint tariff~~.

16 (3) On or before ~~December~~ JULY 1, 2021, the commission shall
17 issue a decision determining whether electric utilities participating in ~~an~~
18 ~~energy imbalance market~~, A regional transmission organization ~~power~~
19 ~~pool, or joint tariff~~ is in the public interest.

20 (4) If the commission determines that electric utility participation
21 in ~~an energy imbalance market~~, A regional transmission organization
22 ~~power pool, or joint tariff~~ is in the public interest, the commission, on or
23 before July 1, 2022, shall direct electric utilities to take appropriate
24 actions and conduct such proceedings as the commission deems
25 appropriate to pursue participation in ~~an energy imbalance market~~, A
26 regional transmission organization. ~~power pool, or joint tariff~~.

27 (5) (a) **Study.** (I) AS PART OF ITS DOCKET OPENED PURSUANT TO

1 SUBSECTIONS (1) TO (4) OF THIS SECTION, THE COMMISSION IS DIRECTED
2 TO UNDERTAKE AND, BY DECEMBER 31, 2020, TO COMPLETE A STUDY OF
3 EXISTING AND POTENTIAL ADDITIONAL ENERGY RESOURCE ZONES FOR
4 RENEWABLE RESOURCE GENERATION DEVELOPMENT AREAS AND PLANNED
5 TRANSMISSION LINES WITHIN COLORADO IN ACCORDANCE WITH
6 SUBSECTION (5)(b) OF THIS SECTION.

7 (II) THE COMMISSION SHALL HOLD AT LEAST THREE MEETINGS,
8 WHICH SHALL BE OPEN TO THE PUBLIC, FOR THE PURPOSE OF SOLICITING
9 PUBLIC INPUT. ONE OF THE MEETINGS SHALL BE HOSTED IN A REGION OF
10 THE STATE THAT HAS PREVIOUSLY BEEN IDENTIFIED AS A RENEWABLE
11 ENERGY RESOURCE ZONE AND ANOTHER SHALL BE HOSTED IN A FOSSIL
12 FUEL HOST COMMUNITY. THE COMMISSION SHALL SOLICIT AND RECEIVE
13 COMMENTS, INCLUDING WRITTEN COMMENTS, FROM MEMBERS OF THE
14 PUBLIC. THE COMMISSION MAY DETERMINE THE MANNER IN WHICH SUCH
15 COMMENTS ARE RECEIVED.

16 (III) THE COMMISSION SHALL CONSIDER AND GIVE WEIGHT TO ANY
17 COMMENTS RECEIVED FROM THE GENERAL PUBLIC AS WELL AS WRITTEN
18 COMMENTS FROM AFFECTED COUNTIES, CITIES, ELECTRIC UTILITIES AND
19 THEIR CUSTOMERS, ENVIRONMENTAL GROUPS, AND OTHER INTERESTED
20 STAKEHOLDERS.

21 (b) **Scope of inquiry.** AT A MINIMUM, THE COMMISSION, IN
22 CONDUCTING THE STUDY, SHALL:

23 (I) DEVELOP A MAP OF EXISTING GENERATION AND TRANSMISSION
24 LINES, PLANNED TRANSMISSION LINES, AND POTENTIAL RENEWABLE
25 RESOURCE GENERATION DEVELOPMENT AREAS WITHIN COLORADO THAT
26 HAVE POTENTIAL TO SUPPORT COMPETITION AMONG RENEWABLE ENERGY
27 DEVELOPERS FOR DEVELOPMENT OF RENEWABLE RESOURCE GENERATION

1 PROJECTS OR TO EFFECTUATE CLEAN ENERGY PLANS APPROVED PURSUANT
2 TO SECTION 40-2-125.5;

3 (II) IDENTIFY POTENTIAL RENEWABLE RESOURCE GENERATION
4 DEVELOPMENT IN FOSSIL FUEL HOST COMMUNITIES IN ORDER TO SUPPORT
5 ENERGY SECTOR TRANSITIONS;

6 (III) IDENTIFY OPPORTUNITIES FOR THE DEVELOPMENT OF ENERGY
7 STORAGE AND NONRENEWABLE RESOURCES THAT DO NOT EMIT CARBON
8 DIOXIDE FROM THE GENERATION OF ELECTRICITY IN ORDER TO SUPPORT
9 COLORADO'S CARBON DIOXIDE EMISSIONS REDUCTION GOALS AND THE
10 DEVELOPMENT OF CLEAN ENERGY PLANS FILED PURSUANT TO SECTION
11 40-2-125.5;

12 (IV) IDENTIFY OPPORTUNITIES FOR THE DEVELOPMENT OF
13 RENEWABLE RESOURCES FOR THE PRIMARY PURPOSE OF EXPORTING
14 ELECTRICITY TO CONSUMERS OUTSIDE OF COLORADO;

15 (V) EVALUATE THE POTENTIAL USE OF ENTERPRISE ZONES IN THE
16 DEVELOPMENT OF RENEWABLE RESOURCE GENERATION DEVELOPMENT
17 AREAS;

18 (VI) EVALUATE THE TRANSMISSION NEEDS OF THE RENEWABLE
19 RESOURCE GENERATION DEVELOPMENT AREAS WITH REGARD TO
20 LOCATIONS IN WHICH CUSTOMERS CAN USE THE RENEWABLE RESOURCES,
21 INCLUDING AN EVALUATION OF ENERGY RESOURCE GENERATION ZONES
22 AND TRANSMISSION LINES IDENTIFIED BY COLORADO ELECTRIC UTILITIES
23 IN THEIR MOST RECENT FILINGS PURSUANT TO SECTION 40-2-126;

24 (VII) EVALUATE EXISTING AND POTENTIAL POINTS OF CONGESTION
25 AND AREAS SUITABLE FOR ADDITIONAL INTERCONNECTION TO AVOID
26 CONGESTION;

27 (VIII) EVALUATE WHETHER SELF-PROVISION OF TRANSMISSION

1 PROJECTS SINCE THE CREATION OF THE TASK FORCE PURSUANT TO SENATE
2 BILL 07-100, ENACTED IN 2007, HAS PROVIDED THE MOST ECONOMICAL
3 RESULTS FOR RATEPAYERS; AND

4 (IX) EVALUATE THE POTENTIAL DEVELOPMENT OF VARIOUS
5 RESOURCES THAT SUPPORT COLORADO'S CARBON DIOXIDE EMISSIONS
6 REDUCTION GOALS, INCLUDING ELIGIBLE ENERGY RESOURCES AS DEFINED
7 IN SECTION 40-2-124 (1)(a), ENERGY STORAGE, AND ANY OTHER
8 NONCARBON-EMITTING ELECTRIC GENERATION RESOURCE, TAKING INTO
9 ACCOUNT THE SOCIAL COST OF CARBON ESTABLISHED IN ACCORDANCE
10 WITH SECTION 40-3.2-106 (4).

11 (c) **Report.** THE COMMISSION SHALL REPORT ITS FINDINGS ON THE
12 AREAS OF INQUIRY IDENTIFIED IN SUBSECTION (5)(b) OF THIS SECTION TO
13 THE GOVERNOR AND THE GENERAL ASSEMBLY NO LATER THAN DECEMBER
14 31, 2020. THE COMMISSION'S REPORT, CONSIDERING INPUT FROM BOTH
15 REGULATED AND UNREGULATED ENTITIES, SHALL CONSTITUTE A
16 STATEWIDE TRANSMISSION PLAN. THE INCLUSION OF PLANNED
17 TRANSMISSION LINES IN THE REPORT CREATES A REBUTTABLE
18 PRESUMPTION THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE
19 CONSTRUCTION OF THE LINES, AND PUBLIC UTILITIES AND GENERATION
20 RESOURCE DEVELOPERS MAY RELY ON THE FUTURE EXISTENCE OF SUCH A
21 LINE IN THEIR ELECTRIC RESOURCE PLANS.

22 (d) **Repeal.** THIS SUBSECTION (5) IS REPEALED, EFFECTIVE
23 JANUARY 1, 2021.

24 (6) **Effect in electric resource plan proceedings.** (a) IN ANY
25 ELECTRIC RESOURCE PLAN FILED BY A PUBLIC UTILITY, INCLUDING A PLAN
26 FILED PURSUANT TO SECTION 40-2-125.5, THE PUBLIC UTILITY SHALL
27 ALLOW BIDDERS TO SUBMIT, AS PART OF ANY PROCUREMENT PROCESS,

1 PROPOSALS FOR RESOURCES THAT IDENTIFY A POINT OF INTERCONNECTION
2 TO PLANNED TRANSMISSION LINES IDENTIFIED IN:

3 (I) THE REPORT SUBMITTED PURSUANT TO SUBSECTION (5)(c) OF
4 THIS SECTION; OR

5 (II) ANOTHER TRANSMISSION PLANNING REPORT SUBMITTED TO
6 THE COMMISSION UNDER ITS RULES OR OTHERWISE PURSUANT TO THIS
7 TITLE 40.

8 (b) THE COMMISSION SHALL EVALUATE ELECTRIC RESOURCE PLAN
9 PROPOSALS INDEPENDENT OF THE COST OF ANY PLANNED TRANSMISSION
10 LINES TO WHICH THE PROJECTS PROPOSE TO INTERCONNECT, REGARDLESS
11 OF WHETHER THE PLANNED TRANSMISSION LINES HAVE RECEIVED A
12 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. THE COMMISSION
13 SHALL APPROVE A PLANNED TRANSMISSION LINE AS PART OF ITS APPROVAL
14 OF THE ELECTRIC RESOURCE PLAN IF RESOURCE PROPOSALS THAT
15 INTERCONNECT TO A PLANNED TRANSMISSION LINE ARE A PART OF THE
16 SELECTED RESOURCE PORTFOLIO.

17 (c) IF THE COMMISSION APPROVES A PLANNED TRANSMISSION LINE
18 AS PART OF AN ELECTRIC RESOURCE PLAN, THE UTILITY SHALL SUBMIT TO
19 THE COMMISSION AN APPLICATION FOR A CERTIFICATE OF PUBLIC
20 CONVENIENCE AND NECESSITY FOR THE PLANNED TRANSMISSION LINE
21 WITHIN SIX MONTHS AFTER APPROVAL OF THE ELECTRIC RESOURCE PLAN,
22 AND THE COMMISSION SHALL REQUIRE THAT THE PLANNED TRANSMISSION
23 LINE BE CONSTRUCTED IN A MANNER THAT ACCOMMODATES THE
24 ANTICIPATED IN-SERVICE DATE OF RESOURCES THAT WILL BE
25 INTERCONNECTED TO THE LINE. THE COMMISSION MAY ALLOW THE
26 STAGED CONSTRUCTION OF A PLANNED TRANSMISSION LINE IF THE
27 COMMISSION FINDS SUCH STAGING TO BE IN THE PUBLIC INTEREST.

1 (7) **Definitions.** AS USED IN THIS SECTION:

2 (a) (I) "ELECTRIC TRANSMISSION LINE" MEANS ANY TRANSMISSION
3 LINE AND ITS RELATED FACILITIES THAT CONNECT TO EXISTING ELECTRIC
4 TRANSMISSION FACILITIES CAPABLE OF TRANSMITTING ELECTRIC ENERGY
5 AT A VOLTAGE OF ONE HUNDRED KILOVOLTS OR MORE.

6 (II) "ELECTRIC TRANSMISSION LINE" DOES NOT INCLUDE A LINE
7 USED SOLELY FOR CONNECTING AN ELECTRIC GENERATION FACILITY TO
8 FACILITIES OWNED BY A WHOLESALE OR RETAIL ELECTRICITY SUPPLIER.

9 (b) "PLANNED TRANSMISSION LINE" MEANS AN ELECTRIC
10 TRANSMISSION LINE INCLUDED IN A PROPOSAL OR STUDY OF POTENTIAL
11 TRANSMISSION FACILITIES THAT HAS BEEN PRESENTED TO THE
12 COMMISSION PURSUANT TO THIS SECTION OR ANY RULE OF THE
13 COMMISSION OR AS PART OF ANY FEDERAL ENERGY REGULATORY
14 COMMISSION TRANSMISSION PLANNING PROCESS.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 40-5-108 as
16 follows:

17 **40-5-108. Incumbent electric utility's right of first refusal to**
18 **construct an electric transmission line approved in a regional**
19 **transmission plan - definitions.** (1) (a) IF AN ELECTRIC TRANSMISSION
20 LINE HAS BEEN APPROVED FOR CONSTRUCTION IN A REGIONAL
21 TRANSMISSION PLAN DEVELOPED IN ACCORDANCE WITH FERC ORDER
22 1000 OR APPROVED PURSUANT TO ANOTHER APPLICABLE FEDERAL
23 REGIONAL TRANSMISSION PLANNING REQUIREMENT, AN INCUMBENT
24 ELECTRIC UTILITY THAT OWNS THE EXISTING ELECTRIC TRANSMISSION
25 FACILITIES TO WHICH THE ELECTRIC TRANSMISSION LINE WILL CONNECT
26 MUST GIVE NOTICE TO THE COMMISSION, WITHIN ONE HUNDRED EIGHTY
27 DAYS AFTER THE ELECTRIC TRANSMISSION LINE'S APPROVAL, IF THE

1 INCUMBENT ELECTRIC UTILITY INTENDS TO CONSTRUCT, OWN, AND
2 MAINTAIN THE ELECTRIC TRANSMISSION LINE.

3 (b) A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE ELECTRIC
4 ASSOCIATION THAT HAS EXEMPTED ITSELF FROM COMMISSION REGULATION
5 THAT FILES A NOTICE WITH THE COMMISSION PURSUANT TO SUBSECTION
6 (1)(a) OF THIS SECTION DOES SO ONLY FOR INFORMATIONAL PURPOSES.
7 THE NOTICE IS NOT SUBJECT TO COMMISSION APPROVAL AND THE
8 MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION
9 THAT HAS EXEMPTED ITSELF FROM COMMISSION REGULATION HAS NO
10 FURTHER OBLIGATIONS UNDER THIS SECTION.

11 (c) (I) IF AN INCUMBENT ELECTRIC UTILITY PROVIDES NOTICE TO
12 THE COMMISSION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND
13 IS SUBJECT TO REGULATION BY THE COMMISSION, THE INCUMBENT
14 ELECTRIC UTILITY SHALL, WITHIN TWENTY-FOUR MONTHS AFTER
15 PROVIDING THE NOTICE TO THE COMMISSION, FILE AN APPLICATION WITH
16 THE COMMISSION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
17 NECESSITY TO CONSTRUCT THE ELECTRIC TRANSMISSION LINE PURSUANT
18 TO SECTION 40-5-101 (1)(a).

19 (II) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
20 CONTRARY, AN INCUMBENT ELECTRIC UTILITY SHALL NOT HAVE A RIGHT
21 OF FIRST REFUSAL TO CONSTRUCT, OWN, AND MAINTAIN AN ELECTRIC
22 TRANSMISSION LINE PURSUANT TO THIS SECTION UNLESS THE ELECTRIC
23 UTILITY:

24 (A) PROVIDES NOTICE PURSUANT TO SUBSECTION (1)(a) OF THIS
25 SECTION OR, IF SUBJECT TO THE COMMISSION'S JURISDICTION, FILES A
26 PETITION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
27 WITHIN TWENTY-FOUR MONTHS AFTER PROVIDING NOTICE PURSUANT TO

1 SUBSECTION (1)(a) OF THIS SECTION;
2 (B) IS A MEMBER OF A REGIONAL TRANSMISSION ORGANIZATION;
3 AND
4 (C) EXERCISES THE RIGHT OF FIRST REFUSAL WITHIN TEN YEARS
5 AFTER JOINING THE REGIONAL TRANSMISSION ORGANIZATION.

6 (2) AS USED IN THIS SECTION:

7 (a) (I) "ELECTRIC TRANSMISSION LINE" MEANS ANY TRANSMISSION
8 LINE AND ITS RELATED FACILITIES THAT CONNECT TO EXISTING ELECTRIC
9 TRANSMISSION FACILITIES CAPABLE OF TRANSMITTING ELECTRIC ENERGY
10 AT A VOLTAGE OF SIXTY-NINE KILOVOLTS OR MORE.

11 (II) "ELECTRIC TRANSMISSION LINE" DOES NOT INCLUDE A LINE
12 USED SOLELY FOR CONNECTING AN ELECTRIC GENERATION FACILITY TO
13 FACILITIES OWNED BY A WHOLESALE OR RETAIL ELECTRICITY SUPPLIER.

14 (b) "FERC ORDER 1000" MEANS THE FEDERAL ENERGY
15 REGULATORY COMMISSION'S RULE CONCERNING TRANSMISSION PLANNING
16 AND COST ALLOCATION BY TRANSMISSION OWNING AND OPERATING
17 PUBLIC UTILITIES, CODIFIED IN 18 CFR 35.1 TO 35.47, COMPRISING
18 SUBPARTS A THROUGH J.

19 (c) "INCUMBENT ELECTRIC UTILITY" MEANS AN ENTITY THAT:

20 (I) IS A WHOLESALE OR RETAIL ELECTRICITY SUPPLIER;

21 (II) IS A MEMBER OF A REGIONAL PLANNING ORGANIZATION THAT
22 HAS PREPARED A REGIONAL TRANSMISSION PLAN; AND

23 (III) OWNS AND OPERATES ELECTRIC TRANSMISSION LINES
24 CAPABLE OF TRANSMITTING ELECTRIC ENERGY AT A VOLTAGE OF ONE
25 HUNDRED KILOVOLTS OR MORE.

26 **SECTION 4. Applicability.** This act applies to conduct occurring
27 on or after the effective date of this act.

1 **SECTION 5. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.