

February 16, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1382

Page 1, line 1, replace "chapter 49-03" with "chapters 10-13 and 40-32"

Page 1, line 2, after "cooperatives" insert "and municipal power agencies"

Page 1, line 5, replace "49-03" with "10-13"

Page 1, line 10, after the underscored comma insert "electric public utility,"

Page 1, line 12, replace "An" with "Except as provided in subsection 3, an"

Page 1, line 15, after "notice" insert "to the rural electric cooperative"

Page 1, line 15, remove "at least one"

Page 1, remove line 16

Page 1, line 17, remove "necessity for that line"

Page 1, line 18, remove "and the commission."

Page 1, line 21, remove "the commission may not issue a certificate of public convenience"

Page 1, line 22, replace "and necessity for the proposed line of the electric transmission provider or designee" with "the rural electric cooperative shall have the right to construct the line"

Page 1, line 23, after "3." insert: "If an electric transmission line would interconnect facilities owned, leased, or operated by a municipal utility or municipal power agency and by a rural electric cooperative or by an electric public utility doing business in this state the following conditions apply:

- a. The municipal utility or municipal power agency and the rural electric cooperative or the electric public utility shall attempt to agree on all terms and conditions, including design, construction, ownership, and operation of the electric transmission line.
- b. If parties are unable to agree, this subsection does not compel a party to participate in the project or be construed as a waiver by any party of its right to establish and enforce any requirements for interconnection of transmission facilities to its transmission system.

4."

Page 1, after line 24, insert:

**"SECTION 2.** A new section to chapter 40-33 of the North Dakota Century Code is created and enacted as follows:

**Right of municipal electric utilities and municipal power agencies to construct, own, and maintain electric transmission lines.**

1. For purposes of this section, the terms electric transmission provider, electric transmission line, and electric public utility, have the same meanings as in section 49-03-01.5. Municipal power agency has the meaning provided in section 40-33.2-02 and also includes a municipal power agency of which any municipality in this state is a member.
2. Except as provided in subsection 3, an electric transmission provider or designee may not construct an electric transmission line interconnecting with an existing electric transmission line owned, leased, or operated by a municipal utility or municipal power agency, unless the electric transmission provider or designee has provided written notice to the municipal utility or municipal power agency of its intention to do so. If the municipal utility or municipal power agency provides written notification to the electric transmission provider or designee within one hundred eighty days from receipt of the written notice under this subsection, that the municipal utility or municipal power agency is willing and able to construct and operate a similar electric transmission line, the municipal utility or municipal power agency shall have the right to construct said line.
3. If an electric transmission line would interconnect facilities owned, leased, or operated by a municipal utility or municipal power agency and by a rural electric cooperative or by an electric public utility doing business in this state the following conditions apply:
  - a. The municipal utility or municipal power agency and the rural electric cooperative or the electric public utility shall attempt to agree on all terms and conditions, including design, construction, ownership, and operation of the electric transmission line.
  - b. If parties are unable to agree, this subsection does not compel a party to participate in the project or be construed as a waiver by any party of its right to establish and enforce any requirements for interconnection of transmission facilities to its transmission system."

Renumber accordingly