

Introduced by

Representatives Laning, Boe, Kempenich

Senators Burckhard, Campbell, O'Connell

1 | A BILL for an Act to create and enact a new section to ~~chapter 49-03~~chapters 10-13 and 40-32  
2 | of the North Dakota Century Code, relating to the construction of electric transmission lines by  
3 | cooperatives and municipal power agencies; and to provide for application.

4 | **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 | **SECTION 1.** A new section to chapter ~~49-03~~10-13 of the North Dakota Century Code is  
6 | created and enacted as follows:

7 | **Right of rural electric cooperative to construct, own, and maintain electric**  
8 | **transmission lines.**

- 9 | 1. For purposes of this section, the terms electric transmission provider, electric  
10 | transmission line, electric public utility, and rural electric cooperative have the same  
11 | meanings as in section 49-03-01.5.
- 12 | 2. ~~An~~Except as provided in subsection 3, an electric transmission provider or designee  
13 | may not construct an electric transmission line interconnecting with an existing electric  
14 | transmission line owned, leased, or operated by a rural electric cooperative, unless the  
15 | electric transmission provider or designee has provided written notice to the rural  
16 | electric cooperative of its intention to do so~~at least one hundred eighty days before~~  
17 | ~~applying for a certificate of public convenience and necessity for that line.~~ If the rural  
18 | electric cooperative provides written notification to the electric transmission provider or  
19 | designee and the commission, within one hundred eighty days from receipt of the  
20 | written notice under this subsection, that the rural electric cooperative is willing and  
21 | able to construct and operate a similar electric transmission line, the commission may  
22 | not issue a certificate of public convenience and necessity for the proposed line of the  
23 | electric transmission provider or designeethe rural electric cooperative shall have the  
24 | right to construct the line.

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

4       a. The municipal utility or municipal power agency and the rural electric cooperative  
5       or the electric public utility shall attempt to agree on all terms and conditions,  
6       including design, construction, ownership, and operation of the electric  
7       transmission line.

8       b. If parties are unable to agree, this subsection does not compel a party to  
9       participate in the project or be construed as a waiver by any party of its right to  
10       establish and enforce any requirements for interconnection of transmission  
11       facilities to its transmission system.

12       4. This section must be construed and applied to the maximum extent possible in a  
13       manner consistent with subsection 2 of section 49-03-02.

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

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

18       1. For purposes of this section, the terms electric transmission provider, electric  
19       transmission line, and electric public utility, have the same meanings as in section  
20       49-03-01.5. Municipal power agency has the meaning provided in section 40-33.2-02  
21       and also includes a municipal power agency of which any municipality in this state is a  
22       member.

23       2. Except as provided in subsection 3, an electric transmission provider or designee may  
24       not construct an electric transmission line interconnecting with an existing electric  
25       transmission line owned, leased, or operated by a municipal utility or municipal power  
26       agency, unless the electric transmission provider or designee has provided written  
27       notice to the municipal utility or municipal power agency of its intention to do so. If the  
28       municipal utility or municipal power agency provides written notification to the electric  
29       transmission provider or designee within one hundred eighty days from receipt of the  
30       written notice under this subsection, that the municipal utility or municipal power  
31       agency is willing and able to construct and operate a similar electric transmission line,

1 the municipal utility or municipal power agency shall have the right to construct said  
2 line.

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

6 a. The municipal utility or municipal power agency and the rural electric cooperative  
7 or the electric public utility shall attempt to agree on all terms and conditions,  
8 including design, construction, ownership, and operation of the electric  
9 transmission line.

10 b. If parties are unable to agree, this subsection does not compel a party to  
11 participate in the project or be construed as a waiver by any party of its right to  
12 establish and enforce any requirements for interconnection of transmission  
13 facilities to its transmission system.

14 **SECTION 3. APPLICATION.** This Act applies to any electric transmission line that is  
15 scheduled to begin being constructed after December 31, 2015.