

House Bill 1148

By: Representative Drenner of the 85<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 3 of Title 22 and Title 46 of the Official Code of Georgia  
2 Annotated, relating to electric transmission lines and public utilities and public  
3 transportation, respectively, so as to provide for evaluation of electromagnetic field levels  
4 and protection of the transmission and distribution systems against damage from an  
5 electromagnetic pulse or a geomagnetic storm; to provide for definitions; to require that such  
6 factors related to electromagnetic field levels and protection against damage from an  
7 electromagnetic pulse or a geomagnetic storm be considered by a utility in exercising the  
8 power of eminent domain in selecting a route for the location of an electric transmission line;  
9 to provide for applicability; to provide for the Public Service Commission to adopt rules and  
10 regulations identifying effective design measures to limit electromagnetic field levels and  
11 ensure the protection of transmission and distribution systems against damage from an  
12 electromagnetic pulse or a geomagnetic storm; to require that transmission lines constructed  
13 incorporate such design measures; to require integrated resource planning by electric utilities  
14 to provide for limitations upon electromagnetic field levels and to implement measures  
15 against damages from an electromagnetic pulse or a geomagnetic storm; to provide for  
16 related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 8 of Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to  
20 electric transmission lines, is amended by revising Code Section 22-3-161, relating to  
21 selection of route for electric transmission line and settlement negotiations with property  
22 owners, as follows:

23 "22-3-161.

24 (a) As used in this Code section, the terms 'electromagnetic pulse' and 'geomagnetic storm'  
25 shall have the same meaning as set forth in Code Section 46-1-1.

26 ~~(a)~~(b)(1) On and after July 1, 2004, but prior to the effective date of this Code section,  
 27 before exercising the right of eminent domain for purposes of constructing or expanding  
 28 an electric transmission line described in subsection (a) of Code Section 22-3-160.1, the  
 29 utility shall select a practical and feasible route for the location of the electric  
 30 transmission line. In selecting the route for the location of the electric transmission line,  
 31 the utility shall consider existing land uses in the geographic area where the line is to be  
 32 located, existing corridors, existing environmental conditions in the area, engineering  
 33 practices related to the construction and operation of the line, and costs related to the  
 34 construction, operation, and maintenance of the line.

35 (2) On and after the effective date of this Code section, any utility shall, before  
 36 exercising the right of eminent domain for purposes of constructing or expanding an  
 37 electric transmission line described in subsection (a) of Code Section 22-3-160.1, select  
 38 a practical and feasible route for the location of the electric transmission line in  
 39 accordance with the provisions of this paragraph and not the provisions of paragraph (1)  
 40 of this subsection. In selecting the route for the location of the electric transmission line,  
 41 the utility shall consider all of the following factors:

42 (A) Existing land uses in the geographic area where the line is to be located and  
 43 existing corridors;

44 (B) Existing environmental conditions in the area;

45 (C) Engineering practices related to the construction and operation of the line;

46 (D) Costs related to the construction, operation, and maintenance of the line; and

47 (E) Electromagnetic field levels and protections against damage from an  
 48 electromagnetic pulse or a geomagnetic storm.

49 ~~(b)~~(c) After the utility has selected the preferred route for the location of an electric  
 50 transmission line, the utility shall attempt in good faith to negotiate a settlement with each  
 51 property owner from whom the utility needs to acquire property rights for the line. In  
 52 connection with the negotiations, the utility shall provide the property owner with a written  
 53 offer to purchase the property rights, a document that describes the property rights, and a  
 54 drawing that shows the location of the line on the owner's property.

55 ~~(c)~~(d) The requirements of ~~subsections (a) paragraph (1) of subsection (b) and (b)~~  
 56 subsection (c) of this Code section shall not apply to an electric transmission line described  
 57 in subsection (d) of Code Section 22-3-160.1. The requirements of paragraph (2) of  
 58 subsection (b) of this Code section shall not apply to an electric transmission line described  
 59 in paragraphs (1), (2), and (4) through (6) of subsection (d) of Code Section 22-3-160.1."

60

**SECTION 2.**

61 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public  
62 transportation, is amended by revising Code Section 46-1-1, relating to definitions applicable  
63 to public utilities and public transportation, as follows:

64 "46-1-1.

65 As used in this title, the term:

66 (1) 'Certificate' means a certificate of public convenience and necessity issued pursuant  
67 to this title.

68 (2) 'Commission' means the Public Service Commission.

69 (3) 'Company' shall include a corporation, a firm, a partnership, an association, or an  
70 individual.71 (4) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the  
72 commission.73 (5) 'Electromagnetic pulse' means one or more pulses of electromagnetic energy capable  
74 of disabling, disrupting, or destroying a transmission or distribution system.75 ~~(5)(6)~~ (6) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this  
76 title to construct or operate any pipeline or distribution system, or any extension thereof,  
77 for the transportation, distribution, or sale of natural or manufactured gas.78 (7) 'Geomagnetic storm' means a temporary disturbance of Earth's magnetic field  
79 resulting from solar activity.80 ~~(6)(8)~~ (8) 'Person' means any individual, partnership, trust, private or public corporation,  
81 municipality, county, political subdivision, public authority, cooperative, association, or  
82 public or private organization of any character.83 ~~(7)(9)~~ (9) 'Railroad corporation' or 'railroad company' means all corporations, companies,  
84 or individuals owning or operating any railroad in this state. This title shall apply to all  
85 persons, firms, and companies, and to all associations of persons, whether incorporated  
86 or otherwise, that engage in business as common carriers upon any of the lines of railroad  
87 in this state, as well as to railroad corporations and railroad companies as defined in this  
88 Code section.89 ~~(8)(10)~~ (10) 'Rate,' when used in this title with respect to an electric utility, means any rate,  
90 charge, classification, or service of an electric utility or any rule or regulation relating  
91 thereto.92 ~~(9)(11)~~ (11) 'Utility' means any person who is subject in any way to the lawful jurisdiction of  
93 the commission."

94

**SECTION 3.**

95 Said title is further amended by adding a new Code section to read as follows:

96 "46-2-30.1.  
 97 (a) On or before January 1, 2016, the commission shall adopt rules and regulations to  
 98 identify effective design measures for a transmission and distribution system to limit  
 99 electromagnetic field levels and ensure the protection of the transmission and distribution  
 100 system against damage from an electromagnetic pulse or geomagnetic storm. The  
 101 commission may include in such rules and regulations requirements that a third party verify  
 102 that the design measures are incorporated into the construction of a transmission line.  
 103 (b) On and after January 1, 2016, any electric utility constructing a transmission line shall  
 104 incorporate design measures to protect the transmission and distribution system against  
 105 damage from an electromagnetic pulse or a geomagnetic storm and mitigate or minimize  
 106 the electromagnetic fields of the transmission line."

107 **SECTION 4.**

108 Said title is further amended by revising Code Section 46-3A-1, relating to definitions  
 109 applicable to integrated resource planning by electric utilities, as follows:

110 "46-3A-1.

111 As used in this chapter:

- 112 (1) 'Capacity resource' means an electric plant, a long-term power purchase, or a  
 113 demand-side capacity option.
- 114 (2) 'Commission' means the Georgia Public Service Commission.
- 115 (3) 'Construction' means clearing of land, excavation, or other substantial activity leading  
 116 to the operation of an electric plant other than planning, land surveying, land acquisition,  
 117 subsurface exploration, design work, licensing or other regulatory activity, contracting  
 118 for construction, or environmental protection measures and activities associated  
 119 therewith.
- 120 (4) 'Demand-side capacity option' means a program proposed by a utility or the  
 121 commission for the reduction of future electricity requirements the utility's Georgia retail  
 122 customers would otherwise impose, including, but not limited to, conservation, load  
 123 management, cogeneration, and renewable energy technologies.
- 124 (5) 'Electric plant' means any facility, or the portion of a facility, that produces electricity  
 125 or that, at the time application for certification is made pursuant to this chapter, is  
 126 intended to produce electricity for a utility's Georgia retail customers. 'Electric plant'  
 127 includes the realty and ancillary facilities for the construction of the plant.
- 128 (6) 'Long-term power purchase' means a purchase of electric capacity and energy for a  
 129 period exceeding one year, the principal purpose of which is to supply the requirements  
 130 of the Georgia retail customers of a utility.

131 (7) 'Plan' means an integrated resource plan which contains the utility's electric demand  
 132 and energy forecast for at least a 20 year period, contains the utility's program for meeting  
 133 the requirements shown in its forecast in an economical and reliable manner, contains the  
 134 utility's analysis of all capacity resource options, including both demand-side and  
 135 supply-side options, and sets forth the utility's assumptions and conclusions with respect  
 136 to the effect of each capacity resource option on the future cost and reliability of electric  
 137 service. The plan shall also:

138 (A) Contain the size and type of facilities which are expected to be owned or operated  
 139 in whole or in part by such utility and the construction of which is expected to  
 140 commence during the ensuing ten years or such longer period as the commission deems  
 141 necessary and shall identify all existing facilities intended to be removed from service  
 142 during such period or upon completion of such construction;

143 (B) Contain practical alternatives to the fuel type and method of generation of the  
 144 proposed electric generating facilities and set forth in detail the reasons for selecting the  
 145 fuel type and method of generation;

146 (C) Contain a statement of the estimated impact of proposed and alternative generating  
 147 plants on the environment and the means by which potential adverse impacts will be  
 148 avoided or minimized;

149 (D) Identify as to existing and proposed electric transmission lines the steps taken to  
 150 limit electromagnetic field levels and indicate in detail all measures implemented to  
 151 ensure the protection of transmission and distribution systems against damage from an  
 152 electromagnetic pulse or a geomagnetic storm.

153 ~~(D)~~(E) Indicate in detail the projected demand for electric energy for a 20 year period  
 154 and the basis for determining the projected demand;

155 ~~(E)~~(F) Describe the utility's relationship to other utilities in regional associations,  
 156 power pools, and networks;

157 ~~(F)~~(G) Identify and describe all major research projects and programs which will  
 158 continue or commence in the succeeding three years and set forth the reasons for  
 159 selecting specific areas of research;

160 ~~(G)~~(H) Identify and describe existing and planned programs and policies to discourage  
 161 inefficient and excessive power use; and

162 ~~(H)~~(I) Provide any other information as may be required by the commission.

163 (8) 'Supply-side capacity option' means an electric plant, a long-term power purchase,  
 164 or any other source of additional energy.

165 (9) 'Utility' means any electric supplier whose rates are fixed by the commission."

166 **SECTION 5.**

167 Said title is further amended by revising Code Section 46-3A-2, relating to filing and  
 168 approval of an integrated resource plan, as follows:

169 "46-3A-2.

170 (a) On or before January 31, ~~1992~~ 2016, and at least every three years thereafter as may  
 171 be determined by the commission, each utility shall file with the commission an integrated  
 172 resource plan as described in this chapter.

173 (b) Not more than 60 days after a utility has filed its plan, the commission shall convene  
 174 a public hearing on the adequacy of the plan. At the hearing any interested person may  
 175 make comments to the commission regarding the contents and adequacy of the plan. After  
 176 the hearing, the commission shall determine whether:

177 (1) The utility's forecast requirements are based on substantially accurate data and an  
 178 adequate method of forecasting;

179 (2) The plan identifies and takes into account any present and projected reductions in the  
 180 demand for energy which may result from measures to improve energy efficiency in the  
 181 industrial, commercial, residential, and energy-producing sectors of the state; ~~and~~

182 (3) The plan provides for adequate limitations upon electromagnetic field levels and  
 183 implements adequate measures to ensure the protection of transmission and distribution  
 184 systems against damage from an electromagnetic pulse or a geomagnetic storm; and

185 ~~(3)~~(4) The plan adequately demonstrates the economic, environmental, and other benefits  
 186 to the state and to customers of the utility, associated with the following possible  
 187 measures and sources of supply:

188 (A) Improvements in energy efficiency;

189 (B) Pooling of power;

190 (C) Purchases of power from neighboring states;

191 (D) Facilities which operate on alternative sources of energy;

192 (E) Facilities that operate on the principle of cogeneration or hydro-generation; and

193 (F) Other generation facilities and demand-side options.

194 (c) Within 120 days after the filing of each integrated resource plan, the commission shall  
 195 approve and adopt an integrated resource plan."

196 **SECTION 6.**

197 All laws and parts of laws in conflict with this Act are repealed.