

SENATE BILL NO. 1003

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4562S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to incumbent electric transmission owners.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto
2 one new section, to be known as section 393.1200, to read as
3 follows:

**393.1200. 1. As used in this section, the following
2 terms shall mean:**

3 (1) "Affiliate", any company of which ten percent or
4 more of its outstanding voting securities or interests are
5 owned, controlled, or held with the power to vote, directly
6 or indirectly, by an incumbent electric transmission owner
7 or by its direct or indirect owner;

8 (2) "Commission", the public service commission;

9 (3) "Electrical corporation", the same as defined in
10 section 386.020, but shall not include an electrical
11 corporation as defined in subsection 2 of section 393.110;

12 (4) "Electrical transmission line", a transmission
13 line with a capacity of one hundred kilovolts or more and
14 associated transmission facilities;

15 (5) "Incumbent electric transmission owner", any
16 electrical corporation that owns, operates, and maintains an
17 electric transmission line in this state;

18 (6) "Transmission plan", a transmission plan adopted
19 by the entity with authority for transmission planning in a
20 Federal Energy Regulatory Commission-recognized planning
21 region.

22 2. (1) An incumbent electric transmission owner, or
23 its affiliate, has the right to construct, own, and maintain
24 an electric transmission line that has been approved for
25 construction in a transmission plan and connects to its own
26 facilities or that connects to its own facilities and
27 facilities owned by a nonincumbent electric transmission
28 owner.

29 (2) An incumbent electric transmission owner, or its
30 affiliate, has the right to construct, own, and maintain its
31 share of an electric transmission line that has been
32 approved for construction in a transmission plan and
33 connects to more than one facility where the facilities are
34 owned by different incumbent electric transmission owners
35 unless otherwise agreed upon in writing. For the purposes
36 of this subdivision, the share of the electric transmission
37 line that each incumbent transmission owner or its affiliate
38 has the right to construct, own, and maintain shall be
39 calculated based on the location of the electric
40 transmission line that is to be constructed, with each
41 incumbent electric transmission owner to be credited with
42 the portion of the to-be-built electric transmission line
43 that will be constructed in its commission-approved service
44 territory. Portions of the electric transmission line that
45 are not constructed in one of the incumbent electric
46 transmission owners' commission-approved service territories
47 shall be credited equally to each incumbent transmission
48 owner for purposes of determining the shares.

49 3. (1) If an electric transmission line has been
50 approved for construction in a transmission plan, the
51 incumbent electric transmission owner or owners shall give
52 notice to the commission in writing within ninety days of
53 approval regarding its intent or the intention of its
54 affiliate to construct, own, and maintain all, or if
55 applicable, its share, of the electric transmission line.
56 If an incumbent electric transmission owner gives notice of
57 its intent or the intent of its affiliate to build all, or
58 if applicable, its share, of the electric transmission line,
59 the incumbent electric transmission owner or its affiliate
60 shall, to the extent otherwise required by law and within
61 eighteen months after giving notice to the commission, file
62 an application for a certificate of convenience or necessity
63 under subsection 1 of section 393.170 seeking permission to
64 begin construction.

65 (2) If the incumbent electric transmission owner does
66 not timely indicate that it or its affiliate intends to
67 build all or, if applicable, its share, of the electric
68 transmission line or fails to timely seek a certificate of
69 convenience or necessity under subsection 1 of section
70 393.170 for such line if the certificate is otherwise
71 required by law, another electric transmission owner may,
72 subject to receiving necessary permissions required by law,
73 construct all or, if applicable, its share of the electric
74 transmission line.

75 4. This section shall not limit the right of any
76 incumbent electric transmission owner to construct, own, and
77 maintain any electric transmission equipment or facilities
78 within its service territory under subsection 2 of section
79 393.170.

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