

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1394

By: Murdock

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6 AS INTRODUCED

7 An Act relating to wind energy; amending 17 O.S.
8 2011, Section 160.15, which relates to the Oklahoma
9 Wind Energy Development Act; adding requirement to
10 submit certain notification to the Corporation
11 Commission; requiring notification prior to
12 commencement of construction of wind energy
13 facilities to certain entities in certain manner;
14 specifying contents of public notification; providing
15 for codification; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 17 O.S. 2011, Section 160.15, is
18 amended to read as follows:

19 Section 160.15 A. The owner of a wind energy facility shall
20 notify the Corporation Commission of the commercial generation date
21 so that the Commission may track the project and determine when the
22 facility will reach the fifteenth year of operation.

23 B. After the fifteenth year of operation of a wind energy
24 facility, the owner shall file with the Corporation Commission
evidence of financial security to cover the anticipated costs of
decommissioning the wind energy facility. Evidence of financial

1 security may be in the form of a surety bond, collateral bond,
2 parent guaranty, or letter of credit.

3 ~~B.~~ C. The evidence of financial security shall be accompanied
4 by an estimate of the total cost of decommissioning, minus the
5 salvage value of the equipment, prepared by a professional engineer
6 licensed in the State of Oklahoma. The amount of the evidence of
7 financial security shall be either:

8 1. The estimate of the total cost of decommissioning minus the
9 salvage value of the equipment which shall be filed with the
10 Commission in the fifteenth year of the project and every tenth year
11 thereafter for the life of the wind energy facility; or

12 2. One hundred twenty-five percent (125%) of the estimate of
13 the total cost of decommissioning which shall be filed with the
14 Commission in the fifteenth year of the project.

15 ~~C.~~ D. If the owner of a wind energy facility fails to file the
16 information with the Commission as is required by this section, the
17 owner shall be subject to an administrative penalty not to exceed
18 One Thousand Five Hundred Dollars (\$1,500.00) per day.

19 ~~D.~~ E. In the event of a transfer of ownership of a wind energy
20 facility, the evidence of financial security posted by the
21 transferor shall remain in place and shall not be released until
22 such time as evidence of financial security meeting the requirements
23 of this section is posted by the new owner of the wind energy
24 facility and deemed acceptable by the Commission.

1 ~~E.~~ F. The provisions of this section shall apply to any wind
2 energy facility or portion thereof entering into or renewing a power
3 purchase agreement (PPA) for the energy generated by the wind energy
4 facility on or after the effective date of this act. If a wind
5 energy facility does not sell its energy under a power purchase
6 agreement, the provisions of this section shall apply to the wind
7 energy facility or portion thereof which construction commences on
8 or after the effective date of this act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 160.20 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Notification of the forthcoming construction of a wind
13 energy facility shall be provided by the owner in the following
14 manner to the following entities no less than six (6) months prior
15 to commencement of construction of the facility:

- 16 1. A letter submitted to the Corporation Commission;
- 17 2. A letter submitted to the County Clerk of any county in
18 which any portion of the facility is to be located;
- 19 3. A letter submitted to the governing body of any municipality
20 in which any portion of the facility is to be located; and
- 21 4. Notice placed in some newspapers of general circulation
22 printed in the area in which the facility is to be located.

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1 B. Public notification of the forthcoming construction of a
2 wind energy facility as required in paragraph 4 of subsection A of
3 this section shall include:

- 4 1. The name of the wind energy facility;
- 5 2. The name of the owner and developer of the wind energy
6 facility;
- 7 3. The contact information of the owner and developer of the
8 wind energy facility;
- 9 4. A map of the boundaries of the wind energy facility in each
10 county in which the facility is located;
- 11 5. The approximate commercial generation date; and
- 12 6. A list of school district sites that are located within the
13 boundaries of the wind energy facility.

14 SECTION 3. This act shall become effective November 1, 2015.

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