

Commerce
SENATE FILE 2135 Do Pass 2/23 (j. 546)

Commerce
Gallagher, Chair
Bruner
Tieden

See Small Business 3/1 FILED FEB 6 1984
Senate File 2135

SENATE FILE 2135

BY DELUHERY and TIEDEN

Small Business and Commerce: Chiodo, Chair; Parker and Schroeder.

See Appropriations 3/26 (j. 1300)

Passed Senate, Date 3-1-84 (j. 596) Passed House, Date 3-30-84 (j. 1525)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved April 17, 1984 (j. 1608)

A BILL FOR

- 1 An Act relating to electric transmission line, wire, or
- 2 cable franchises and making civil penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2135

1 Section 1. Section 476.25, Code 1983, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. An electric utility shall not serve
4 or offer to serve electric customers in an exclusive service
5 area assigned to another electric utility, nor shall an
6 electric utility construct facilities to serve electric
7 customers in an exclusive service area assigned to another
8 electric utility. The state, an electric utility, or any
9 other person who is injured or threatened with injury by
10 conduct prohibited by this section may initiate a contested
11 case proceeding with the commission under chapter 17A. Upon
12 finding a violation of this section the commission shall order
13 appropriate corrective action including discontinuance of
14 the unlawful service to electric customers, removal of the
15 unlawful facility, or other disposition the commission deems
16 just and reasonable.

17 Sec. 2. Section 478.1, Code 1983, is amended to read as
18 follows:

19 478.1 FRANCHISE. ~~No individual, company, or corporation~~
20 A person shall not construct, erect, maintain, or operate
21 any a transmission line, wire, or cable which operates at
22 an electric voltage of thirty-four and one-half kilovolts
23 or more along, over, or across any public highway or grounds
24 outside of cities for the transmission, distribution, or sale
25 of electric current, without first procuring from the Iowa
26 state commerce commission a franchise granting authority ~~so~~
27 ~~to be~~ as provided in this chapter ~~provided~~.

28 If the transmission line, wire, or cable operates at an
29 electric voltage of less than thirty-four and one-half
30 kilovolts, no franchise is required. However, the commission
31 shall retain jurisdiction over all such lines, wires or cables
32 and shall prescribe the contents of a written notice and map
33 to be timely provided to the commission and affected parties
34 including owners of electric supply lines located within six-
35 tenths of one mile of proposed construction of such lines,

1 wires or cables. A person who seeks to construct, erect,
2 maintain or operate a transmission line, wire or cable which
3 will operate at an electric voltage of less than thirty-four
4 and one-half kilovolts outside of cities and which cannot
5 secure the necessary voluntary easements to do so may petition
6 the commission pursuant to section 478.3, subsection 1 for
7 a franchise granting authority for such construction, erection,
8 maintenance or operation, and for the use of the right of
9 eminent domain.

10 Sec. 3. Section 478.19, Code 1983, is amended by adding
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. All transmission lines, wires
13 or cables outside of cities for the transmission, distribution
14 or sale of electric current at any voltage shall be constructed
15 and maintained in accordance with standards adopted by rule
16 by the commission.

17 EXPLANATION

18 This bill prohibits an electric utility from serving or
19 offering to serve electric customers in an exclusive service
20 area assigned to another utility. The bill provides that
21 the state, an electric utility or any other person injured
22 by a utility breaking this prohibition may initiate a contested
23 case seeking redress. In addition, the violating public
24 utility would be subject to civil penalties for willful
25 violations under section 476.51, Code Supplement 1983.

26 The bill also eliminates the requirement that an electric
27 utility receive a franchise for a transmission line, wire,
28 or cable which operates at less than thirty-four and one-half
29 kilovolts. However, the Iowa state commerce commission re-
30 tains jurisdiction over such lines and allows for an ap-
31 plication for a franchise if necessary to secure easements.

32 The bill takes effect July 1 following its enactment.

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SENATE FILE 2135

AN ACT

RELATING TO ELECTRIC TRANSMISSION LINE, WIRE, OR CABLE FRANCHISES AND MAKING CIVIL PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 476.25, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An electric utility shall not serve or offer to serve electric customers in an exclusive service area assigned to another electric utility, nor shall an electric utility construct facilities to serve electric customers in an exclusive service area assigned to another electric utility. The state, an electric utility, or any other person who is injured or threatened with injury by conduct prohibited by this section may initiate a contested case proceeding with the commission under chapter 17A. Upon finding a violation of this section the commission shall order appropriate corrective action including discontinuance of the unlawful service to electric customers, removal of the

unlawful facility, or other disposition the commission deems just and reasonable.

Sec. 2. Section 478.1, Code 1983, is amended to read as follows:

478.1 FRANCHISE. ~~No individual, company, or corporation~~ A person shall not construct, erect, maintain, or operate any a transmission line, wire, or cable which operates at an electric voltage of thirty-four and one-half kilovolts or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current, without first procuring from the Iowa state commerce commission a franchise granting authority ~~se te-de~~ as provided in this chapter ~~provided~~.

If the transmission line, wire, or cable operates at an electric voltage of less than thirty-four and one-half kilovolts, no franchise is required. However, the commission shall retain jurisdiction over all such lines, wires or cables and shall prescribe the contents of a written notice and map to be timely provided to the commission and affected parties including owners of electric supply lines located within six-tenths of one mile of proposed construction of such lines, wires or cables. A person who seeks to construct, erect, maintain or operate a transmission line, wire or cable which will operate at an electric voltage of less than thirty-four and one-half kilovolts outside of cities and which cannot secure the necessary voluntary easements to do so may petition the commission pursuant to section 478.3, subsection 1 for a franchise granting authority for such construction, erection, maintenance or operation, and for the use of the right of eminent domain.

Sec. 3. Section 478.19, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All transmission lines, wires or cables outside of cities for the transmission, distribution or sale of electric current at any voltage shall be constructed

and maintained in accordance with standards adopted by rule
by the commission.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2135, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 17, 1984

TERRY E. BRANSTAD
Governor