

H-8030

1 Amend House File 2551 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 478.16, Code 2024, is amended to read
5 as follows:

6 **478.16 Electric transmission lines — federally registered
7 planning authority transmission plans.**

8 1. Development and investment in high-voltage transmission
9 is urgently needed to ensure the reliable, adequate, secure,
10 and stable delivery of electricity to consumers. To ensure
11 reliable electric service to the people of Iowa as a matter
12 of public policy, it is the intent of the general assembly
13 to express a preference for further investment in Iowa
14 transmission infrastructure.

15 ~~1.~~ 2. As used in [this section](#), unless the context otherwise
16 requires:

17 *a.* "Electric transmission line" means a high-voltage
18 electric transmission line located in this state with a
19 capacity of one hundred kilovolts or more and any associated
20 electric transmission facility, including any substation or
21 other equipment located in this state.

22 *b.* "Electric transmission line project" means a project
23 planned and approved in the final, utility board approved plans
24 of the midwest independent system operator or southwest power
25 pool to be owned, operated, and sited in this state.

26 ~~b.~~ *c.* "Electric transmission owner" means an individual or
27 entity who, as of July 1, 2020, owns and maintains an electric
28 transmission line that is required for rate-regulated electric
29 utilities, municipal electric utilities, and rural electric
30 cooperatives in this state to provide electric service to the
31 public for compensation.

32 ~~c.~~ *d.* "Incumbent electric transmission owner" means any of
33 the following, which may be formed, located, or headquartered
34 in any state:

35 (1) A public utility or a municipally owned utility that

1 owns, operates, and maintains an electric transmission line in
2 this state.

3 (2) An electric cooperative corporation or association or
4 municipally owned utility that owns an electric transmission
5 facility in this state and has turned over the functional
6 control of such facility to a federally approved authority.

7 (3) An "electric transmission owner" as defined in paragraph
8 "b".

9 ~~d.~~ e. "Landowner" means the same as defined in section
10 478.2.

11 ~~e.~~ f. "Municipally owned utility" means a "city utility"
12 as defined in section 362.2, or an "electric power agency" as
13 defined in section 390.9 which that is comprised solely of
14 cities or solely of cities and other political subdivisions.

15 ~~2.~~ 3. An If ninety percent of the right of way length,
16 or net acreage in the case of a substation, of the electric
17 transmission line project is exclusively owned or controlled
18 by an incumbent transmission owner at the time of approval
19 of the electric transmission line project in a federally
20 registered planning authority transmission plan, an incumbent
21 electric transmission owner has the right to construct,
22 own, and maintain an electric transmission line project
23 that has been approved for construction in a the federally
24 registered planning authority transmission plan and which
25 that directly connects to an electric transmission facility
26 owned by the incumbent electric transmission owner. Where a
27 proposed electric transmission line would connect to electric
28 transmission facilities owned by two or more incumbent electric
29 transmission owners, each incumbent electric transmission owner
30 whose facility connects to the electric transmission line
31 has the right to construct, own, and maintain the electric
32 transmission line individually and equally. If an incumbent
33 electric transmission owner declines to construct, own, and
34 maintain its portion of an electric transmission line that
35 would connect to electric transmission facilities owned by

1 ~~two or more incumbent electric transmission owners, then the~~
2 ~~other incumbent electric transmission owner or owners that~~
3 ~~own an electric transmission facility to which the electric~~
4 ~~transmission line connects has the right to construct, own, and~~
5 ~~maintain the electric transmission line individually. Prior~~
6 to the utilities board approving an electric transmission line
7 project included in the federally registered planning authority
8 transmission plan, the applicant shall provide to the board
9 evidence that the applicant exclusively owns or controls ninety
10 percent of the right of way length needed to construct the
11 line or, in the case of substations, ninety percent of the
12 net acreage. The evidence shall be based on and calculated
13 on the basis of legal descriptions in recorded instruments of
14 right of way or property exclusively owned or controlled by
15 the applicant, who will develop, own, and operate the electric
16 transmission line project. The board shall verify and confirm
17 that the electric transmission line project will fit within the
18 right of way exclusively controlled or owned with no additional
19 right of way needed. If an additional private or public right
20 of way or property is needed, the right of way length, or
21 net acreage in the case of substations, shall not qualify as
22 exclusively owned or controlled by the applicant.

23 3. ~~If an electric transmission line has been approved for~~
24 ~~construction in a federally registered planning authority~~
25 ~~transmission plan, and the electric transmission line is~~
26 ~~not subject to a right of first refusal in accordance with~~
27 ~~the tariff of a federally registered planning authority,~~
28 ~~then within ninety days of approval for construction, an~~
29 ~~incumbent electric transmission owner, or owners if there~~
30 ~~is more than one owner, that owns a connecting electric~~
31 ~~transmission facility shall give written notice to the board~~
32 ~~regarding whether the incumbent electric transmission owner~~
33 ~~or owners intend to construct, own, and maintain the electric~~
34 ~~transmission line. If the incumbent electric transmission~~
35 ~~owner or owners give notice of intent to construct the electric~~

~~1 transmission line, the incumbent electric transmission owner
2 or owners shall follow the applicable franchise requirements
3 pursuant to this chapter. If the incumbent electric
4 transmission owner or owners give notice declining to construct
5 the electric transmission line, the board may determine whether
6 another person may construct the electric transmission line.~~

7 4. For projects where an election for which a right to
8 construct an electric transmission line has been made under
9 this section, all of the following cost accountability measures
10 shall apply:

11 a. Within thirty days after the issuance of a franchise
12 pursuant to this chapter for the electric transmission line,
13 the incumbent electric transmission owner or owners shall
14 provide to the board an estimate of the cost to construct the
15 electric transmission line.

16 b. Until construction of the electric transmission line
17 is complete, the incumbent electric transmission owner or
18 owners shall provide a quarterly report to the board, which
19 shall include an updated estimate of the cost to construct the
20 electric transmission line and an explanation of changes in the
21 cost estimate from the prior cost estimate.

22 5. This section shall not modify the authority of the
23 board under this chapter, the rights of landowners under this
24 chapter, or the requirements, rights, and obligations relating
25 to the construction, maintenance, and operation of electric
26 transmission lines pursuant to this chapter.

27 6. This section shall not apply to an electric transmission
28 line to be placed underground that has not been approved for
29 construction in a federally registered planning authority
30 transmission plan.

31 7. The board shall adopt rules pursuant to chapter 17A to
32 administer this section.

33 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
34 importance, takes effect upon enactment.

35 Sec. 3. RETROACTIVE APPLICABILITY. The provisions of this

1 Act shall apply retroactively to July 1, 2020.>

MOMMSEN of Clinton