

Senate Study Bill 3088

Bill Text

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1 1 Section 1. Section [478.13](#), Code 2001, is amended to read
1 2 as follows:
1 3 478.13 EXTENSION OF FRANCHISE PUBLIC NOTICE.
1 4 1. Any person, firm, or corporation owning a franchise
1 5 granted under this chapter or previously existing law

1 6

~~desiring to acquire extensions of such franchise,~~
~~may petition~~
1 7 the utilities board

1 8

~~in the manner provided for the granting of~~
~~a franchise and the proceeding shall be conducted in the same~~

1 9

~~manner as an original application, including the assessing of~~

1 10

~~costs provided by section 478.4~~
~~for an extension of the~~
1 11 franchise. The board shall adopt rules governing extension
1 12 applications and proceedings. Assessment of costs shall be as
1 13 provided in section 478.4.

1 14 2. If the extension of franchise is sought for all lines
1 15 in a given county or counties, the published notice need not
1 16 contain a general description of the lands and highways
1 17 traversed by the lines, but in lieu of containing such
1 18 description the petitioner may offer to provide to any
1 19 interested party, free of charge and within ten working days,
1 20 a current, accurate map showing the location of the lines for
1 21 which the franchise extension is sought. The public notice
1 22 shall advise the citizens of the county or counties affected
1 23 of the availability of such map. If this alternate procedure
1 24 is not followed the publication of the description of the
1 25 lands and highways traversed by the lines shall be done in the
1 26 manner as in an original application for franchise.

1 27 3.

~~In any event an~~
~~An~~ extension under this section shall
1 28 be granted only for a valid, existing franchise, and the
1 29 lands, roads, or streams covered by the franchise over,
1 30 through, or upon which electric transmission lines have in
1 31 fact been erected or constructed and are in use or operation
1 32 at the time of the application for the extension of the
1 33 franchise.

~~Such petition~~

-
1 34 4. The application for the extension of the franchise
1 35 shall be accompanied by the written consent of the applicant
2 1 that the provisions of all laws relating to public utilities,
2 2 franchises, and transmission lines, or to the regulation,
2 3 supervision, or control thereof which are then in force or
2 4 which may be thereafter enacted, shall apply to its existing
2 5 line or lines, franchises, and rights

~~with the same force and~~

-
2 6

~~effect~~

- as if

~~such~~

- the franchise had been granted

~~or such~~

- the

2 7 lines had been constructed, or rights had been obtained under
2 8 the provisions of this chapter.

2 9 5. An extension of a franchise is not required for an
2 10 electric transmission line

~~which~~

- that has been permanently

2 11 retired from operation at thirty-four and one-half kilovolts
2 12 or more but

~~which~~

- that remains in service at a lower voltage.

2 13 The board shall be notified of changes in operating status.

2 14 Sec. 2. Section 478.18, Code 2001, is amended to read as
2 15 follows:

2 16 478.18 SUPERVISION OF CONSTRUCTION LOCATION.

2 17 1. The utilities board shall have power of supervision
2 18 over the construction of

~~said~~

- a transmission line and over its

2 19 future operation and maintenance.

~~Said~~

-
2 20 2. A transmission line shall be constructed near and
2 21 parallel to roads, to the

~~right of way~~

- right-of-way of the

2 22 railways of the state, or along the division lines of the
2 23 lands, according to the government survey

~~thereof~~

-, wherever

2 24 the same is practicable and reasonable, and so as not to
2 25 interfere with the use by the public of the highways or
2 26 streams of the state, nor unnecessarily interfere with the use
2 27 of any lands by the occupant

~~thereof~~

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2 28 Sec. 3. Section 478.21, Code 2001, is amended to read as
2 29 follows:

2 30 478.21 NONUSER.

2 31 1. If the improvement for which a franchise is granted is

2 32 not constructed in whole or in part within two years from the
2 33 date the franchise is granted, or within two years after final
2 34 unappealable disposition of judicial review of a franchise
2 35 order or of condemnation proceedings, the franchise shall be
3 1 forfeited and the utilities board which granted the franchise
3 2 shall revoke the franchise and make a record of the
3 3 revocation, unless the person holding the franchise petitions
3 4 the board for an extension of time.
3 5 2. Upon a showing of sufficient justification for the
3 6 delay of construction, the board may grant

~~an extension~~

~~one or~~

3 7 more extensions of time for

~~not more than an additional~~

3 8 periods up to two years for each extension.

~~An extension of~~

3 9

~~time shall only be allowed for franchises granted on or after~~

3 10

~~July 1, 1994.~~

3 11

EXPLANATION

3 12 This bill amends provisions of Code chapter 478, relating
3 13 to electric transmission lines.

3 14 Code section 478.13 is amended to provide for adoption of
3 15 rules by the utilities board related to extension of utilities
3 16 franchises. The bill also divides current Code language into
3 17 subsections, and modernizes certain language used in the Code
3 18 section.

3 19 Code section 478.18 is amended to include roadways as one
3 20 of the preferred routes for electric lines. The current Code
3 21 also provides that division lines of land and railroad rights-
3 22 of-way are other preferred routes for electric lines. The
3 23 bill also divides current Code language into subsections, and
3 24 modernizes certain language used in the Code section.

3 25 The bill amends Code section 478.21 to provide that the
3 26 franchise for an electric transmission line may only be
3 27 considered forfeited two years after final unappealable
3 28 disposition of any judicial review of a franchise order or of
3 29 any condemnation proceedings. Code section 478.21 is also
3 30 amended to allow multiple extensions to be granted during the
3 31 construction of a franchised electric line if the franchisee
3 32 can justify the extension. The bill also divides current Code
3 33 language into subsections.

3 34 LSB 5302DP 79

3 35 jj/sh/8