

CHAPTER 1048**ELECTRIC TRANSMISSION LINE FRANCHISES**

S.F. 2086

AN ACT relating to the kilowatt¹ threshold for electric transmission line franchises, making related changes, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 478.1, Code 2001, is amended to read as follows:

478.1 FRANCHISE.

1. A person shall not construct, erect, maintain, or operate a transmission line, wire, or cable ~~which that~~ is capable of operating at an electric voltage of ~~thirty-four and one-half~~ sixty-nine 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 utilities board within the utilities division of the department of commerce a franchise granting authority as provided in this chapter. ~~However, a~~

2. A franchise shall not be required for electric lines constructed entirely within the boundaries of property owned by a person primarily engaged in the transmission or distribution of electric power or entirely within the boundaries of property owned by the end user of the electric power.

3. If the transmission line, wire, or cable is capable of operating only at an electric voltage of less than ~~thirty-four and one-half~~ sixty-nine kilovolts, no franchise is required. However, the utilities board shall retain jurisdiction over all such lines, wires, or cables.

4. A person who seeks to construct, erect, maintain, or operate a transmission line, wire, or cable ~~which that~~ will operate at an electric voltage of less than ~~thirty-four and one-half~~ sixty-nine kilovolts outside of cities and ~~which that~~ cannot secure the necessary voluntary easements to do so may petition the board 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. 2. Section 478.2, Code 2001, is amended to read as follows:

478.2 PETITION FOR FRANCHISE — INFORMATIONAL MEETINGS HELD.

1. Any person, ~~corporation, or company~~ authorized to transact business in the state including cities may file a verified petition asking for a franchise to erect, maintain, and operate a line or lines for the transmission, distribution, use, and sale of electric current outside cities and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, or power over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation, and to acquire necessary interests in real estate for such purposes.

2. As conditions precedent to the filing of a petition with the utilities board requesting a franchise for a new transmission line, and not less than thirty days prior to the filing of such petition, the person, ~~company, or corporation~~ shall hold informational meetings in each county in which real property or rights ~~therein~~ will be affected.

a. A member of the board, the counsel of the board, or a hearing examiner designated by the board shall serve as the presiding officer at each meeting, shall present an agenda for such meeting which shall include a summary of the legal rights of the affected landowners, and shall distribute and review the statement of individual rights required under section 6B.2A, subsection 1. A formal record of the meeting shall not be required.

b. The meeting shall be held at a location reasonably accessible to all persons, ~~companies, or corporations~~ ~~which that~~ may be affected by the granting of the franchise.

3. The person, ~~company, or corporation~~ seeking the franchise for a new transmission line

¹ "Kilovolt" probably intended

shall give notice of the informational meeting to each person, company, or corporation determined to be the landowner affected by the proposed project and any person, company, or corporation in possession of or residing on the property.

a. For the purposes of this section, "~~landowner~~" unless the context otherwise requires:

(1) "~~Landowner~~" means a person, ~~company, or corporation~~ listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and ~~"transmission.~~

(2) "~~Transmission~~ line" means any line capable of operating at ~~thirty-four and one-half sixty-nine~~ kilovolts or more and extending a distance of not less than one mile across privately owned real estate.

b. The notice shall ~~set forth~~ contain the following:

(1) ~~The~~ name of the applicant; ~~state the.~~

(2) ~~The~~ applicant's principal place of business; ~~state the.~~

(3) ~~A~~ general description and purpose of the proposed project; ~~state the.~~

(4) ~~The~~ general nature of the right-of-way desired; ~~state the.~~

(5) ~~The~~ possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; ~~provide a.~~

(6) ~~A~~ map showing the route of the proposed project; ~~provide a.~~

(7) ~~A~~ description of the process used by the utilities board in making a decision on whether to approve a franchise or grant the right to take property by eminent domain; ~~advise.~~

(8) ~~A statement~~ that the landowner has the right to be present at such meetings and to file objections with the utilities board; ~~designate the.~~

(9) ~~The~~ place and time of the meeting; ~~;~~

c. ~~The notice shall~~ be served not less than thirty days prior to the time set for the meeting by certified mail with return receipt requested; and ~~shall~~ be published once in a newspaper of general circulation in the county at least one week and not more than three weeks before the time of the meeting and such publication shall be considered notice to landowners whose residence is not known.

4. ~~No A~~ person, ~~company, or corporation~~ seeking rights under this chapter shall not negotiate or purchase any easements or other interests in land in any county known to be affected by the proposed project prior to the informational meeting.

Sec. 3. Section 478.3, subsection 2, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

Petitions for transmission lines capable of operating at ~~thirty-four and one-half sixty-nine~~ kilovolts or more and extending a distance of not less than one mile across privately owned real estate shall also set forth an allegation that the proposed construction represents a reasonable relationship to an overall plan of transmitting electricity in the public interest and substantiation of such allegations, including but not limited to, a showing of the following:

Sec. 4. Section 478.13, unnumbered paragraph 2, Code 2001, is amended to read as follows:

An extension of a franchise is not required for an electric transmission line ~~which that~~ has been permanently retired from operation at ~~thirty-four and one-half sixty-nine~~ kilovolts or more but which remains in service at a lower voltage. The board shall be notified of changes in operating status.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 1, 2002