

HOUSE BILL No. 5531

April 12, 2016, Introduced by Reps. Cole, Glenn, Runestad, Kelly and Aaron Miller and referred to the Committee on Energy Policy.

A bill to amend 1995 PA 30, entitled
"Electric transmission line certification act,"
by amending section 2 (MCL 460.562), as amended by 2004 PA 198.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Affiliated transmission company" means a person,
3 partnership, corporation, association, or other legal entity, or
4 its successors or assigns, ~~which~~**THAT** has fully satisfied the
5 requirements to join a regional transmission organization as
6 determined by the ~~federal energy regulatory commission,~~**FEDERAL**
7 **ENERGY REGULATORY COMMISSION**, is engaged in this state in the
8 transmission of electricity using facilities it owns that were
9 transferred to the entity by an electric utility that was engaged

1 in the generation, transmission, and distribution of electricity in
2 this state on December 31, 2000, and is not independent of an
3 electric utility or an affiliate of the utility, generating or
4 distributing electricity to retail customers in this state.

5 (b) "Certificate" means a certificate of public convenience
6 and necessity issued for a major transmission line under this act
7 or issued for a transmission line under section 9.

8 (c) "Commission" means the Michigan public service commission.

9 (d) "Construction" means any substantial action taken on a
10 route constituting placement or erection of the foundations or
11 structures supporting a transmission line. Construction does not
12 include preconstruction activity or the addition of circuits to an
13 existing transmission line.

14 (e) "Electric utility" means a person, partnership,
15 corporation, association, or other legal entity whose transmission
16 or distribution of electricity the commission regulates under 1909
17 PA 106, MCL 460.551 to 460.559, or 1939 PA 3, MCL 460.1 to
18 ~~460.10ee.~~ **460.11**. Electric utility does not include a municipal
19 utility, affiliated transmission company, or independent
20 transmission company.

21 (f) "Independent transmission company" means a person,
22 partnership, corporation, association, or other legal entity, or
23 its successors or assigns, **THAT IS** engaged ~~in this state~~ **OR IS**
24 **PROPOSING TO BE ENGAGED** in the transmission of electricity using
25 facilities it owns ~~that have been divested to the entity by an~~
26 ~~electric utility that was engaged in the generation, transmission,~~
27 ~~and distribution of electricity in this state on December 31, 2000,~~

1 and ~~THAT~~ is independent of an electric utility or ~~NOT~~ an affiliate
2 of ~~the~~ **AN ELECTRIC** utility ~~—~~generating or distributing electricity
3 to retail customers in this state.

4 (g) "Major transmission line" means a transmission line of 5
5 miles or more in length wholly or partially owned by an electric
6 utility, affiliated transmission company, or independent
7 transmission company through which electricity is transferred at
8 system bulk supply voltage of 345 kilovolts or more.

9 (h) "Municipality" means a city, township, or village.

10 (i) "Preconstruction activity" means any activity on a
11 proposed route conducted before construction of a transmission line
12 begins. Preconstruction activity includes surveys, measurements,
13 examinations, soundings, borings, sample-taking, or other testing
14 procedures, photography, appraisal, or tests of soil, groundwater,
15 structures, or other materials in or on the real property for
16 contamination. Preconstruction activity does not include an action
17 that permanently or irreparably alters the real property on or
18 across the proposed route.

19 (j) "Route" means real property on or across which a
20 transmission line is constructed or proposed to be constructed.

21 (k) "Transmission line" means all structures, equipment, and
22 real property necessary to transfer electricity at system bulk
23 supply voltage of 100 kilovolts or more.