

## HOUSE BILL No. 2457

By Committee on Energy and Environment

1-17

---

1 AN ACT concerning utilities; relating to electric transmission.

2  
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. As used in sections 1 through 3, and amendments thereto:

5 (a) "Incumbent electric transmission owner" means any electric  
6 utility, as defined in K.S.A. 66-1,177, and amendments thereto, that owns,  
7 controls, operates or manages electric transmission lines as of July 1,  
8 2014.

9 If there are two or more incumbent electric transmission owners of an  
10 electric transmission line or related transmission facilities and controls, the  
11 term "incumbent electric transmission owner" shall include each owner.

12 (b) "Southwest power pool" means the southwest power pool  
13 regional transmission organization or its federally recognized successor.

14 (c) "Electric transmission line" means any line or extension of a line  
15 which is used for the bulk transfer of electricity at 300 kilovolts or less, or  
16 any related transmission facilities and controls.

17 Sec. 2. (a) An incumbent electric transmission owner has the right to  
18 construct, own and maintain:

19 (1) Any modification or upgrade to an existing electric transmission  
20 line owned by such incumbent electric transmission owner that has been  
21 approved for construction by the southwest power pool; or

22 (2) a new electric transmission line that: (A) Has been approved for  
23 construction by the southwest power pool in any southwest power pool  
24 plan; and (B) connects to existing electric transmission lines owned by the  
25 incumbent.

26 (b) The right to construct, own and maintain a new electric  
27 transmission line that will interconnect to existing electric transmission  
28 lines that are owned by two or more incumbent electric transmission  
29 owners shall belong individually and equally to each incumbent electric  
30 transmission owner, unless otherwise agreed upon in writing by the  
31 incumbent electric transmission owners.

32 (c) Nothing in this section shall be construed to affect an incumbent  
33 electric transmission owner's use and control of its existing property rights  
34 including, but not limited to, the incumbent electric transmission owner's  
35 ability to assign its rights to construct, own and maintain an electric  
36 transmission line described in subsection (a). The retention, modification

1 or transfer of existing property rights described in subsection (a) shall  
2 remain subject to the relevant state law recognizing the property right.

3 Sec. 3. (a) If the southwest power pool has approved an electric  
4 transmission line in a southwest power pool transmission plan and has  
5 formally directed the incumbent electric transmission owner to construct,  
6 own and maintain the approved local electric transmission line, the  
7 incumbent electric transmission owner shall give notice to the southwest  
8 power pool in writing within 90 days of receipt of the direction to  
9 construct by the southwest power pool, regarding its intent to construct,  
10 own and maintain the line. If notice is not provided, the incumbent electric  
11 transmission owner shall surrender its right to construct, own and maintain  
12 the approved electric transmission line.

13 (b) If an incumbent electric transmission owner gives notice of intent  
14 not to construct the electric transmission line or fails to provide notice as  
15 required in subsection (a), the southwest power pool may rescind the right  
16 to construct, own and maintain the electric transmission line and assign  
17 such right to another incumbent electric transmission owner.

18 (c) Nothing in this section shall be construed to limit the ability of  
19 any person to notify the southwest power pool that such person believes an  
20 incumbent electric transmission owner with the right to construct, own and  
21 maintain an electric transmission line originally approved by the southwest  
22 power pool has failed to exercise its right to construct, own and maintain  
23 the electric transmission line within a reasonable period of time. Such  
24 person may request that the southwest power pool rescind the right to  
25 construct, own and maintain the electric transmission line and assign such  
26 right to another incumbent electric transmission owner.

27 Sec. 4. This act shall take effect and be in force from and after its  
28 publication in the statute book.