

SENATE BILL NO. 353

INTRODUCED BY W. SALES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RIGHTS OF FIRST REFUSAL; PROVIDING RIGHT TO CONSTRUCT TRANSMISSION SYSTEMS IN FEDERALLY RECOGNIZED RELIABILITY ORGANIZATIONS; AMENDING SECTION 69-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-5-202, MCA, is amended to read:

"69-5-202. Right of first refusal. (1) (a) Except as provided in subsection (1)(b), an incumbent electric utility has the right to construct, own, and maintain an electric transmission line on or after January 1, 2017:

(i) located in an area included in ~~the midwest reliability organization~~ a federally recognized reliability organization;

(ii) approved for construction by a federally registered planning authority; and

(iii) planned to interconnect with an incumbent electric utility's transmission facilities.

(b) An incumbent electric utility may waive its right to construct, own, and maintain an electric transmission line by providing notice to the federally registered planning authority.

(2) If an incumbent electric utility intends to construct, own, and maintain an electric transmission line in accordance with subsection (1)(a), the incumbent electric utility shall provide notice to the federally registered planning authority of its intent within 120 days after the federally registered planning authority's approval of the project.

(3) If an electric transmission line constructed, owned, and maintained in accordance with subsection (1)(a) is connected between two separate incumbent electric utilities, the electric transmission line must be shared equally between the incumbent utilities, unless the incumbent utilities agree to different terms and conditions.

(4) Nothing in this section may be construed to limit, alter, or modify the authority of the

1 commission to make findings relative to 69-3-109 and 69-3-201 as they relate to transmission facilities or to
2 regulate utilities subject to Title 69, chapter 3."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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