

# SB1874



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1874

Introduced 2/15/2013, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-406.1

Amends the Public Utilities Act. Provides that a public utility may apply for expedited review of a certificate of public convenience and necessity for the construction of any new high voltage electric service line that does not exceed 5 miles in length nor advance contiguously to a project filed with the Commission during 2012 (rather than any new high voltage electric service line) and related facilities. Provides that no transmission line may be constructed within 1.5 miles of specified areas. Provides that the amendatory changes shall apply on or after the effective date of the amendatory Act and to all applications filed before the effective date of the amendatory Act for which the Commission has not issued a decision before the effective date of the amendatory Act. Effective immediately.

LRB098 10663 CEL 40963 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 8-406.1 as follows:

6 (220 ILCS 5/8-406.1)

7 Sec. 8-406.1. Certificate of public convenience and  
8 necessity; expedited procedure.

9 (a) A public utility may apply for a certificate of public  
10 convenience and necessity pursuant to this Section for the  
11 construction of any new high voltage electric service line that  
12 does not exceed 5 miles in length nor advance contiguously to a  
13 project filed with the Commission during 2012 and related  
14 facilities (Project). To facilitate the expedited review  
15 process of an application filed pursuant to this Section, an  
16 application shall include all of the following:

17 (1) Information in support of the application that  
18 shall include the following:

19 (A) A detailed description of the Project,  
20 including location maps and plot plans to scale showing  
21 all major components.

22 (B) The following engineering data:

23 (i) a detailed Project description including:

- 1 (I) name and destination of the Project;
- 2 (II) design voltage rating (kV);
- 3 (III) operating voltage rating (kV); and
- 4 (IV) normal peak operating current rating;
- 5 (ii) a conductor, structures, and substations
- 6 description including:
- 7 (I) conductor size and type;
- 8 (II) type of structures;
- 9 (III) height of typical structures;
- 10 (IV) an explanation why these structures
- 11 were selected;
- 12 (V) dimensional drawings of the typical
- 13 structures to be used in the Project; and
- 14 (VI) a list of the names of all new (and
- 15 existing if applicable) substations or
- 16 switching stations that will be associated
- 17 with the proposed new high voltage electric
- 18 service line;
- 19 (iii) the location of the site and
- 20 right-of-way including:
- 21 (I) miles of right-of-way;
- 22 (II) miles of circuit;
- 23 (III) width of the right-of-way; and
- 24 (IV) a brief description of the area
- 25 traversed by the proposed high voltage
- 26 electric service line, including a description

1 of the general land uses in the area and the  
2 type of terrain crossed by the proposed line;

3 (iv) assumptions, bases, formulae, and methods  
4 used in the development and preparation of the  
5 diagrams and accompanying data, and a technical  
6 description providing the following information:

7 (I) number of circuits, with  
8 identification as to whether the circuit is  
9 overhead or underground;

10 (II) the operating voltage and frequency;  
11 and

12 (III) conductor size and type and number  
13 of conductors per phase;

14 (v) if the proposed interconnection is an  
15 overhead line, the following additional  
16 information also must be provided:

17 (I) the wind and ice loading design  
18 parameters;

19 (II) a full description and drawing of a  
20 typical supporting structure, including  
21 strength specifications;

22 (III) structure spacing with typical  
23 ruling and maximum spans;

24 (IV) conductor (phase) spacing; and

25 (V) the designed line-to-ground and  
26 conductor-side clearances;

1 (vi) if an underground or underwater  
2 interconnection is proposed, the following  
3 additional information also must be provided:

4 (I) burial depth;

5 (II) type of cable and a description of any  
6 required supporting equipment, such as  
7 insulation medium pressurizing or forced  
8 cooling;

9 (III) cathodic protection scheme; and

10 (IV) type of dielectric fluid and  
11 safeguards used to limit potential spills in  
12 waterways;

13 (vii) technical diagrams that provide  
14 clarification of any item under this item (1)  
15 should be included; and

16 (viii) applicant shall provide and identify a  
17 primary right-of-way and one or more alternate  
18 rights-of-way for the Project as part of the  
19 filing. To the extent applicable, for each  
20 right-of-way, an applicant shall provide the  
21 information described in this subsection (a). Upon  
22 a showing of good cause in its filing, an applicant  
23 may be excused from providing and identifying  
24 alternate rights-of-way.

25 (2) An application fee of \$100,000, which shall be paid  
26 into the Public Utility Fund at the time the Chief Clerk of

1 the Commission deems it complete and accepts the filing.

2 (3) Information showing that the utility has held a  
3 minimum of 3 pre-filing public meetings to receive public  
4 comment concerning the Project in each county where the  
5 Project is to be located, no earlier than 6 months prior to  
6 the filing of the application. Notice of the public meeting  
7 shall be published in a newspaper of general circulation  
8 within the affected county once a week for 3 consecutive  
9 weeks, beginning no earlier than one month prior to the  
10 first public meeting. If the Project traverses 2 contiguous  
11 counties and where in one county the transmission line  
12 mileage and number of landowners over whose property the  
13 proposed route traverses is 1/5 or less of the transmission  
14 line mileage and number of such landowners of the other  
15 county, then the utility may combine the 3 pre-filing  
16 meetings in the county with the greater transmission line  
17 mileage and affected landowners. All other requirements  
18 regarding pre-filing meetings shall apply in both  
19 counties. Notice of the public meeting, including a  
20 description of the Project, must be provided in writing to  
21 the clerk of each county where the Project is to be  
22 located. A representative of the Commission shall be  
23 invited to each pre-filing public meeting.

24 (b) At the first status hearing the administrative law  
25 judge shall set a schedule for discovery that shall take into  
26 consideration the expedited nature of the proceeding.

1 (c) Nothing in this Section prohibits a utility from  
2 requesting, or the Commission from approving, protection of  
3 confidential or proprietary information under applicable law.  
4 The public utility may seek confidential protection of any of  
5 the information provided pursuant to this Section, subject to  
6 Commission approval.

7 (d) The public utility shall publish notice of its  
8 application in the official State newspaper within 10 days  
9 following the date of the application's filing.

10 (e) The public utility shall establish a dedicated website  
11 for the Project 3 weeks prior to the first public meeting and  
12 maintain the website until construction of the Project is  
13 complete. The website address shall be included in all public  
14 notices.

15 (f) The Commission shall, after notice and hearing, grant a  
16 certificate of public convenience and necessity filed in  
17 accordance with the requirements of this Section if, based upon  
18 the application filed with the Commission and the evidentiary  
19 record, it finds the Project will promote the public  
20 convenience and necessity and that all of the following  
21 criteria are satisfied:

22 (1) That the Project is necessary to provide adequate,  
23 reliable, and efficient service to the public utility's  
24 customers and is the least-cost means of satisfying the  
25 service needs of the public utility's customers or that the  
26 Project will promote the development of an effectively

1 competitive electricity market that operates efficiently,  
2 is equitable to all customers, and is the least cost means  
3 of satisfying those objectives.

4 (2) That the public utility is capable of efficiently  
5 managing and supervising the construction process and has  
6 taken sufficient action to ensure adequate and efficient  
7 construction and supervision of the construction.

8 (3) That the public utility is capable of financing the  
9 proposed construction without significant adverse  
10 financial consequences for the utility or its customers.

11 (g) The Commission shall issue its decision with findings  
12 of fact and conclusions of law granting or denying the  
13 application no later than 150 days after the application is  
14 filed. The Commission may extend the 150-day deadline upon  
15 notice by an additional 75 days if, on or before the 30th day  
16 after the filing of the application, the Commission finds that  
17 good cause exists to extend the 150-day period.

18 (h) In the event the Commission grants a public utility's  
19 application for a certificate pursuant to this Section, the  
20 public utility shall pay a one-time construction fee to each  
21 county in which the Project is constructed within 30 days after  
22 the completion of construction. The construction fee shall be  
23 \$20,000 per mile of high voltage electric service line  
24 constructed in that county, or a proportionate fraction of that  
25 fee. The fee shall be in lieu of any permitting fees that  
26 otherwise would be imposed by a county. Counties receiving a



1 payment under this subsection (h) may distribute all or  
2 portions of the fee to local taxing districts in that county.

3 (i) Notwithstanding any other provisions of this Act, a  
4 decision granting a certificate under this Section shall  
5 include an order pursuant to Section 8-503 of this Act  
6 authorizing or directing the construction of the high voltage  
7 electric service line and related facilities as approved by the  
8 Commission, in the manner and within the time specified in said  
9 order.

10 (j) No transmission line may be constructed within 1.5  
11 miles of the following: agricultural zoned land; airports;  
12 Amish religious and educational sites; archaeological sites;  
13 cemeteries; churches; commercial use areas; communication  
14 towers or radio towers; conservation or sensitive management  
15 areas; designated critical habitats; designated recreational  
16 use areas; designated open spaces or preserves; existing  
17 residential use areas; geologically sensitive areas; licensed  
18 day care centers; national historic landmarks; nursing or  
19 assisted living facilities; planned development areas; planned  
20 residential areas; protected species area of known occurrence  
21 or potential habitats; scenic highways, byways, or trails;  
22 schools; State, regional, and local parks; traditional  
23 cultural properties; trees or woodlots; water well sites; or  
24 wetlands.

25 (k) The amendatory changes made to this Section by this  
26 amendatory Act of the 98th General Assembly shall apply to all

1 applications filed on or after the effective date of this  
2 amendatory Act of the 98th General Assembly and to all  
3 applications filed before the effective date of this amendatory  
4 Act for which the Commission has not issued a decision before  
5 the effective date of this amendatory Act.

6 (Source: P.A. 96-1348, eff. 7-28-10.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.