

SENATE BILL No. 1508

September 22, 2010, Introduced by Senator HUNTER and referred to the Committee on Energy Policy and Public Utilities.

A bill to amend 1995 PA 30, entitled
"Electric transmission line certification act,"
by amending sections 7 and 8 (MCL 460.567 and 460.568), as amended
by 2004 PA 198, and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5A. (1) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
2 THAT ADDED THIS SECTION, AN ELECTRIC UTILITY, AFFILIATED
3 TRANSMISSION COMPANY, OR INDEPENDENT TRANSMISSION COMPANY SHALL
4 CONSTRUCT ANY MAJOR TRANSMISSION LINE UNDERGROUND UNLESS THE
5 COMMISSION DETERMINES THAT AN UNDERGROUND MAJOR TRANSMISSION LINE
6 IS NOT FEASIBLE.

7 (2) IF THE COMMISSION DETERMINES THAT AN UNDERGROUND MAJOR
8 TRANSMISSION LINE IS NOT FEASIBLE UNDER SUBSECTION (1), AN ELECTRIC
9 UTILITY, AFFILIATED TRANSMISSION COMPANY, OR INDEPENDENT

1 TRANSMISSION COMPANY SHALL CONSTRUCT A BUFFER ZONE OF 330 FEET
2 BETWEEN THAT PORTION OF THE MAJOR TRANSMISSION LINE THAT IS NOT
3 UNDERGROUND AND ANY SCHOOL OR RESIDENTIAL AREA.

4 (3) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL ADOPT
6 STANDARDS FOR BEST MANAGEMENT PRACTICES FOR ELECTROMAGNETIC FIELDS
7 RESULTING FROM MAJOR TRANSMISSION LINES. THE STANDARDS SHALL BE
8 BASED ON THE LATEST SCIENTIFIC AND MEDICAL RESEARCH ON
9 ELECTROMAGNETIC FIELDS AND SHALL INCLUDE DESIGN TECHNIQUES FOR
10 MAJOR TRANSMISSION LINES. THE COMMISSION SHALL SUBMIT A REPORT TO
11 THE HOUSE AND SENATE STANDING COMMITTEES WITH OVERSIGHT OF PUBLIC
12 UTILITIES ISSUES SETTING FORTH THE STANDARDS AND A DESCRIPTION OF
13 THE METHOD USED IN SELECTING THE STANDARDS.

14 Sec. 7. (1) An electric utility that has 50,000 or more
15 residential customers in this state, an affiliated transmission
16 company, or an independent transmission company shall apply to the
17 commission for a certificate for a proposed major transmission
18 line. An applicant may withdraw an application at any time.

19 (2) An application for a certificate shall contain all of the
20 following:

21 (a) The planned date for beginning construction.

22 (b) A detailed description of the proposed major transmission
23 line, its route, ~~and~~ its expected configuration and use, **AND ANY**
24 **RESIDENTIAL AREAS, SCHOOLS, OR OTHER LAND USES LOCATED ADJACENT TO**
25 **THE MAJOR TRANSMISSION LINE ROUTE.**

26 (c) A description and evaluation of 1 or more alternate major
27 transmission line routes and a statement of why the proposed route

1 was selected.

2 (d) If a zoning ordinance prohibits or regulates the location
3 or development of any portion of a proposed route, a description of
4 the location and manner in which that zoning ordinance prohibits or
5 regulates the location or construction of the proposed route.

6 (e) The estimated overall cost of the proposed major
7 transmission line.

8 (f) Information supporting the need for the proposed major
9 transmission line, including identification of known future
10 wholesale users of the proposed major transmission line.

11 (g) Estimated quantifiable and nonquantifiable public benefits
12 of the proposed major transmission line.

13 (h) Estimated private benefits of the proposed major
14 transmission line to the applicant or any legal entity that is
15 affiliated with the applicant.

16 (i) Information addressing potential effects of the proposed
17 major transmission line on public health and safety, **INCLUDING, BUT**
18 **NOT LIMITED TO, THE POTENTIAL EFFECTS OF ANY ELECTROMAGNETIC FIELD**
19 **PRODUCED BY THE MAJOR TRANSMISSION LINE.**

20 (j) A summary of all comments received at each public meeting
21 and the applicant's response to those comments.

22 (k) Information indicating that the proposed major
23 transmission line will comply with all applicable state and federal
24 environmental standards, laws, and rules.

25 **(l) INFORMATION INDICATING THAT THE PROPOSED MAJOR TRANSMISSION**
26 **LINE WILL COMPLY WITH ANY BEST MANAGEMENT PRACTICES ADOPTED BY THE**
27 **COMMISSION UNDER SECTION 5A.**

1 (M) ~~(H)~~ Other information reasonably required by the commission
2 pursuant to rule.

3 Sec. 8. (1) Upon applying for a certificate, the electric
4 utility, affiliated transmission company, or independent
5 transmission company shall give public notice in the manner and
6 form the commission prescribes of an opportunity to comment on the
7 application. Notice shall be published in a newspaper of general
8 circulation in the area to be affected within a reasonable time
9 period after an application is provided to the commission and shall
10 be sent to each affected municipality and each affected landowner
11 on whose property a portion of the proposed major transmission line
12 will be constructed. The notice shall be written in plain,
13 nontechnical, and easily understood terms and shall contain a title
14 that includes the name of the electric utility, affiliated
15 transmission company, or independent transmission company and the
16 words "NOTICE OF INTENT TO CONSTRUCT A MAJOR TRANSMISSION LINE".

17 (2) The commission shall conduct a proceeding on the
18 application as a contested case under the administrative procedures
19 act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Upon receiving an
20 application for a certificate, each affected municipality and each
21 affected landowner shall be granted full intervenor status as of
22 right in commission proceedings concerning the proposed major
23 transmission lines.

24 (3) The commission may assess certificate application fees
25 from the electric utility, affiliated transmission company, or
26 independent transmission company to cover the commission's
27 administrative costs in processing the application and may require

1 the electric utility, affiliated transmission company, or
2 independent transmission company to hire consultants chosen by the
3 commission to assist the commission in evaluating those issues the
4 application raises.

5 (4) The commission shall grant or deny the application for a
6 certificate not later than 1 year after the application's filing
7 date. If a party submits an alternative route for the proposed
8 major transmission line, the commission shall grant the application
9 for either the electric utility's, affiliated transmission
10 company's, or independent transmission company's proposed route or
11 1 alternative route or shall deny the application. The commission
12 may condition its approval upon the applicant taking additional
13 action to assure the public convenience, health, and safety and
14 reliability of the proposed major transmission line.

15 (5) The commission shall grant the application and issue a
16 certificate if it determines all of the following:

17 (a) The quantifiable and nonquantifiable public benefits of
18 the proposed major transmission line justify its construction.

19 (b) The proposed or alternative route is feasible and
20 reasonable.

21 (c) The proposed major transmission line does not present an
22 unreasonable threat to public health or safety.

23 (d) The applicant has accepted the conditions contained in a
24 conditional grant.

25 **(E) THE PROPOSED MAJOR TRANSMISSION LINE COMPLIES WITH ANY**
26 **BEST MANAGEMENT PRACTICES ADOPTED BY THE COMMISSION UNDER SECTION**
27 **5A.**

1 (6) A certificate issued under this section shall identify the
2 major transmission line's route and shall contain an estimated cost
3 for the transmission line.

4 (7) If construction of a proposed major transmission line is
5 not begun within 5 years of the date that a certificate is granted,
6 the certificate is invalid and a new certificate shall be required
7 for the proposed major transmission line.