

TRANSMISSION INFRASTRUCTURE PLANNING ACT (EXCERPT)
Act 125 of 2021

460.593 Regionally cost-shared transmission lines; construction, ownership, operation, maintenance, and control; incumbent electric transmission company; cost accountability requirements; effect and applicability of act.

Sec. 3. (1) An incumbent electric transmission company has the right to construct, own, operate, maintain, and control a regionally cost-shared transmission line if both of the following apply:

(a) The regionally cost-shared transmission line or its construction was included in a plan adopted or otherwise approved by a recognized electric planning authority for the incumbent electric transmission company.

(b) The regionally cost-shared transmission line will interconnect to facilities owned, or that will be owned, by that incumbent electric transmission company.

(2) The right to construct, own, operate, maintain, and control a regionally cost-shared transmission line that will interconnect to facilities owned by 2 or more incumbent electric transmission companies belongs individually and equally to each incumbent electric transmission company, unless otherwise agreed to in writing by each incumbent electric transmission company.

(3) If an incumbent electric transmission company, or companies if there is more than 1 owner of the transmission line, has the right to construct, own, operate, maintain, and control a regionally cost-shared transmission line in accordance with this act, then all of the following cost accountability provisions apply:

(a) Not later than 90 days after approval of the regionally cost-shared transmission line by the recognized electric planning authority, an incumbent electric transmission company, or incumbent electric transmission companies if there is more than 1 owner, that owns a connecting electric transmission facility shall give written notice to the commission indicating whether the incumbent electric transmission company or companies intend to construct the regionally cost-shared transmission line.

(b) Not later than 180 days after approval of the regionally cost-shared transmission line by the recognized electric planning authority, the incumbent electric transmission company or companies shall do both of the following:

(i) Hold a meeting with the commission to provide detailed information and to answer any questions about the regionally cost-shared transmission line.

(ii) Provide a report to the commission that includes an estimate of the cost to construct the regionally cost-shared transmission line and documentation that the cost for the regionally cost-shared transmission line is the result of competitively bid engineering, procurement, and construction contracts.

(c) Until construction of the regionally cost-shared transmission line is complete, the incumbent electric transmission company shall provide a quarterly report to the commission that includes an updated estimate of the cost to construct the regionally cost-shared transmission line and an explanation of changes in the cost estimate from the previous cost estimate.

(d) If the commission files a complaint at the Federal Energy Regulatory Commission to challenge the costs incurred by the incumbent electric transmission company to construct the regionally cost-shared transmission line, then the incumbent electric transmission company shall reimburse the commission's litigation costs as follows:

(i) If the commission's complaint is granted, the incumbent electric transmission company or companies shall reimburse the commission 100% of its litigation costs, not to exceed \$250,000.00.

(ii) If the commission's complaint is denied, the incumbent electric transmission company or companies shall reimburse the commission 25% of its litigation costs, not to exceed \$250,000.00.

(4) This section does not alter or limit the right of a person to construct, own, operate, maintain, or control an electric transmission line in this state that is not a regionally cost-shared transmission line. This section controls in any conflict between this section and any other law of this state.

(5) This act does not do any of the following:

(a) Confer the power of eminent domain.

(b) Modify the authority of the Michigan public service commission under 1939 PA 3, MCL 460.1 to 460.11.

(c) Modify the rights of property owners under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

(d) Modify the requirements, rights, and obligations of an incumbent electric transmission company under the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.

(e) Modify or supersede the requirements, rights, and obligations of an affiliated transmission company, independent transmission company, or electric utility under any contract to which the affiliated transmission

company, independent transmission company, or electric utility is a party, including any service agreement or other contract that is subject to the jurisdiction of the Federal Energy Regulatory Commission, if the contract relates to service over facilities owned or operated, or to be owned or operated, by the affiliated transmission company, independent transmission company, or electric utility.

(f) Modify or supersede the authority, if any, of the Federal Energy Regulatory Commission or the commission to determine the proper classification of transmission and local distribution facilities for any purpose, including assignment of jurisdiction and approval of cost-recovery.

(g) Grant an independent transmission company or affiliated transmission company the right or the authority to distribute electricity or serve retail electric customers in this state.

(h) Modify the exclusive authority of electric utilities to own, construct, and operate local distribution facilities.

(i) Modify or supersede the authority of a municipal electric utility or joint agency to own, construct, and operate transmission lines under any other law of this state.

History: 2021, Act 125, Imd. Eff. Dec. 17, 2021.