

House Bill 373

By: Representative Twiggs of the 8th

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to electric membership corporations and foreign electric cooperatives, so as to require prior approval of transmission lines to be built for or on behalf of such entities; to define terms; to provide for a power plant and transmission line siting committee; to provide for the membership of the committee and their service and compensation; to provide for the operations, powers, and duties of the committee; to provide for applications and the consideration of such applications, including practice and procedure and the criteria to be applied; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to electric membership corporations and foreign electric cooperatives, is amended by adding at its end a new Part 18 to read as follows:

"Part 18

46-3-560.

As used in this part, the term:

(1) 'Committee' means the Transmission Line Siting Committee.

(2) 'Member' means a member of the committee.

(3) 'Transmission line' means a series of new structures erected above ground and supporting one or more conductors designed for the transmission of electric energy at nominal voltages of 115,000 volts or more and all new switchyards to be used therewith and related thereto.

(4) 'Utility' means any electric membership corporation or any foreign electric cooperative.

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1 46-3-561.

2 (a) There is established the Transmission Line Siting Committee.

3 (b) The committee shall consist of the following members:

4 (1) The Attorney General or the Attorney General's designee;

5 (2) The director of the Environmental Protection Division of the Department of Natural
6 Resources or the director's designee; and

7 (3) One member appointed by the Governor, one member appointed by the Lieutenant
8 Governor, and one member appointed by the Speaker of the House, such appointed
9 members to serve for terms concurrent with terms of members of the General Assembly.

10 (c) The Attorney General or the Attorney General's designee shall be chairperson of the
11 committee.

12 (d) Committee members who are not public officers or employees shall receive
13 compensation for each meeting attended as provided in Code Section 45-7-21. Committee
14 members who are public officers or public employees are not eligible to receive
15 compensation for their services but may be reimbursed for their actual and necessary
16 expenses incurred in connection with their participation in committee meetings.

17 (e) The committee may utilize the staff resources of the Public Service Commission as
18 well as necessary consultants.

19 46-3-562.

20 Every utility contemplating construction of any transmission line within the state shall file
21 with the committee an application setting forth:

22 (1) The size and proposed route of the proposed transmission line;

23 (2) The purpose to be served by the proposed transmission line; and

24 (3) Such other matter as required by rule of the committee.

25 46-3-563.

26 (a) The committee shall provide public notice as to the time and place of a hearing on the
27 application.

28 (b) The committee may conduct the hearing or may appoint an attorney as a hearing
29 officer.

30 (c) The committee or hearing officer shall receive under oath and before a court reporter
31 evidence and comments of the parties to the proceedings, and the committee or hearing
32 officer may require the consolidation of the representation of nongovernmental parties
33 having similar interests.

34 (d) The committee shall review and consider the transcript of the public hearing and shall
35 by a decision of a majority of the members approve or deny the application based upon its

determination of whether the proposed transmission line will serve the public necessity and convenience and will comply with all environmental and other laws of this state.

46-3-564.

(a) The parties to a certification proceeding shall include:

(1) The applicant;

(2) Any local government which elects to become a party; and

(3) Such other persons as the committee or hearing officer may at any time deem appropriate.

(b) Any person may make a limited appearance in the proceeding by filing a statement in writing. A person making a limited appearance shall not be a party or have the right to present oral testimony or cross-examine witnesses.

46-3-565.

The committee may approve or deny an application and may impose reasonable conditions in the public interest upon the approval of an application.

46-3-566.

(a) The committee shall adopt rules to govern its proceedings.

(b) The committee shall by rule establish fees for applications and proceedings such that the annual proceeds from such fees shall approximately equal the annual costs of administering this part.

(c) The committee shall be attached for administrative purposes to the Public Service Commission.

(d) The committee, the rules of the committee, the proceedings of the committee, and judicial review of actions of the committee shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.