



Sen. Steve Stadelman

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10300HB3445sam004

LRB103 29599 RPS 62494 a

1 AMENDMENT TO HOUSE BILL 3445

2 AMENDMENT NO. _____. Amend House Bill 3445, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 3, on page 217, line 15, after "Section 4-610", by
5 inserting "and Article XXIII"; and

6 on page 220, immediately below line 25, by inserting the
7 following:

8 "(220 ILCS 5/Art. XXIII heading new)

9 ARTICLE XXIII. TRANSMISSION EFFICIENCY AND COOPERATION LAW

10 (220 ILCS 5/23-100 new)

11 Sec. 23-100. Short title. This Article may be cited as the
12 Transmission Efficiency and Cooperation Law.

13 (220 ILCS 5/23-105 new)

14 Sec. 23-105. Incumbent transmission line owner rights.

1 (a) As used in this Section:

2 "Electric transmission line" means a transmission line
3 that is designed and constructed with the capability of being
4 safely and reliably energized at 100 kilovolts or more and its
5 associated transmission facilities, including transmission
6 substations. "Electric transmission line" does not include
7 electric transmission lines located on an electric generating
8 facility's side of the facility's point of interconnection
9 with an incumbent electric transmission line owner.

10 "Incumbent electric transmission owner" means any public
11 utility, municipal corporation, or electric cooperative that
12 owns, operates, and maintains at least one electric
13 transmission line in this State.

14 "Regional transmission operator" means a regional
15 transmission organization, independent system operator, or
16 equivalent entity approved by the Federal Energy Regulatory
17 Commission, or its successor agency, that exercises functional
18 control over electric transmission lines located in this
19 State.

20 "Transmission affiliate" means any company that has been
21 issued a certificate of public convenience and necessity in
22 Illinois authorizing it to own and operate an electric
23 transmission line, and is an Illinois electric utility as
24 defined in Section 16-102 or an affiliate thereof through a
25 common ownership structure.

26 "Transmission plan" means a transmission plan adopted by

1 the Midcontinent Independent System Operator between January
2 1, 2022 and December 31, 2024.

3 (b) An incumbent electric transmission owner has the right
4 to construct, own, and maintain an electric transmission line
5 that has been approved for construction in a transmission plan
6 and that will connect to facilities that are owned by that
7 incumbent electric transmission owner and are or will be under
8 the functional control of the Midcontinent Independent System
9 Operator. The right to construct, own, and maintain any such
10 electric transmission line that will connect to facilities
11 located in the Midcontinent Independent System Operator region
12 of the State and owned by 2 or more incumbent electric
13 transmission owners belongs individually and proportionally to
14 each incumbent electric transmission owner, unless otherwise
15 agreed upon in writing. An incumbent electric transmission
16 owner shall be permitted to assign its right to construct,
17 own, and maintain an electric transmission line to a
18 transmission affiliate.

19 (c) Nothing in this Section limits the right of any
20 incumbent electric transmission owner to construct, own, and
21 maintain any transmission equipment or facilities that have a
22 capacity of less than 100 kilovolts or of any entity otherwise
23 qualified under this Act to own, operate, and maintain
24 electric transmission facilities that are not approved for
25 construction in a transmission plan or that will not connect
26 to facilities under the functional control of a regional

1 transmission operator.

2 (d) Nothing in this Section shall be construed to impair,
3 abridge, or diminish in any way the powers, rights, and
4 privileges of municipal corporations that are not incumbent
5 electric transmission owners to partner with an incumbent
6 electric transmission owner on the development and ownership
7 of an electric transmission line included in a transmission
8 plan or to develop, construct, own, operate, maintain,
9 upgrade, and renew facilities that are not included in a
10 transmission plan but that are necessary or convenient in the
11 provision of electric service, directly or indirectly, to
12 citizens and businesses located in the service areas of
13 municipal systems as that term is defined in Section 17-100,
14 including the rights of such municipal systems and of
15 municipal power agencies as defined in Section 11-119.1-3 of
16 the Illinois Municipal Code to develop, construct, own,
17 operate, maintain, upgrade, and renew such electric
18 transmission lines and related facilities.

19 (e) Nothing in this Section shall relieve an incumbent
20 electric transmission owner asserting its right to construct
21 an electric transmission line, or its transmission affiliate
22 as applicable, of the requirement to file an application for a
23 certificate of convenience and necessity to the extent
24 otherwise required by this Act.

25 (f) Within 90 days after the later of the effective date of
26 this amendatory Act of the 103rd General Assembly or approval

1 of the construction of an electric transmission line by a
2 regional transmission operator, an incumbent electric
3 transmission owner otherwise authorized to engage in the
4 construction under this Section may provide notice to the
5 Commission and the applicable regional transmission operator
6 indicating it will not construct any or all of the electric
7 transmission line so approved, or it will assign any or all of
8 the construction to a transmission affiliate. If the notice is
9 given and indicates the notifying incumbent electric
10 transmission owner or its transmission affiliate will not
11 construct any or all of the electric transmission line so
12 approved, the incumbent electric transmission owner shall
13 indicate the reason for that election, and the Commission may
14 grant permission and approval for such construction to another
15 entity otherwise qualified to own and operate the electric
16 transmission line pursuant to this Act."