



Sen. Chapin Rose

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09800SB1874sam001

LRB098 10663 CEL 43164 a

1 AMENDMENT TO SENATE BILL 1874

2 AMENDMENT NO. _____. Amend Senate Bill 1874 by replacing
3 everything after the enacting clause with the following:

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:

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

3 (A) A detailed description of the Project,
4 including location maps and plot plans to scale showing
5 all major components.

6 (B) The following engineering data:

7 (i) a detailed Project description including:

8 (I) name and destination of the Project;

9 (II) design voltage rating (kV);

10 (III) operating voltage rating (kV); and

11 (IV) normal peak operating current rating;

12 (ii) a conductor, structures, and substations
13 description including:

14 (I) conductor size and type;

15 (II) type of structures;

16 (III) height of typical structures;

17 (IV) an explanation why these structures
18 were selected;

19 (V) dimensional drawings of the typical
20 structures to be used in the Project; and

21 (VI) a list of the names of all new (and
22 existing if applicable) substations or
23 switching stations that will be associated
24 with the proposed new high voltage electric
25 service line;

26 (iii) the location of the site and

1 right-of-way including:

2 (I) miles of right-of-way;

3 (II) miles of circuit;

4 (III) width of the right-of-way; and

5 (IV) a brief description of the area
6 traversed by the proposed high voltage
7 electric service line, including a description
8 of the general land uses in the area and the
9 type of terrain crossed by the proposed line;

10 (iv) assumptions, bases, formulae, and methods
11 used in the development and preparation of the
12 diagrams and accompanying data, and a technical
13 description providing the following information:

14 (I) number of circuits, with
15 identification as to whether the circuit is
16 overhead or underground;

17 (II) the operating voltage and frequency;
18 and

19 (III) conductor size and type and number
20 of conductors per phase;

21 (v) if the proposed interconnection is an
22 overhead line, the following additional
23 information also must be provided:

24 (I) the wind and ice loading design
25 parameters;

26 (II) a full description and drawing of a

1 typical supporting structure, including
2 strength specifications;

3 (III) structure spacing with typical
4 ruling and maximum spans;

5 (IV) conductor (phase) spacing; and

6 (V) the designed line-to-ground and
7 conductor-side clearances;

8 (vi) if an underground or underwater
9 interconnection is proposed, the following
10 additional information also must be provided:

11 (I) burial depth;

12 (II) type of cable and a description of any
13 required supporting equipment, such as
14 insulation medium pressurizing or forced
15 cooling;

16 (III) cathodic protection scheme; and

17 (IV) type of dielectric fluid and
18 safeguards used to limit potential spills in
19 waterways;

20 (vii) technical diagrams that provide
21 clarification of any item under this item (1)
22 should be included; and

23 (viii) applicant shall provide and identify a
24 primary right-of-way and one or more alternate
25 rights-of-way for the Project as part of the
26 filing. To the extent applicable, for each

1 right-of-way, an applicant shall provide the
2 information described in this subsection (a). Upon
3 a showing of good cause in its filing, an applicant
4 may be excused from providing and identifying
5 alternate rights-of-way.

6 (2) An application fee of \$100,000, which shall be paid
7 into the Public Utility Fund at the time the Chief Clerk of
8 the Commission deems it complete and accepts the filing.

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

1 description of the Project, must be provided in writing to
2 the clerk of each county where the Project is to be
3 located. A representative of the Commission shall be
4 invited to each pre-filing public meeting.

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

8 (c) Nothing in this Section prohibits a utility from
9 requesting, or the Commission from approving, protection of
10 confidential or proprietary information under applicable law.
11 The public utility may seek confidential protection of any of
12 the information provided pursuant to this Section, subject to
13 Commission approval.

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

17 (e) The public utility shall establish a dedicated website
18 for the Project 3 weeks prior to the first public meeting and
19 maintain the website until construction of the Project is
20 complete. The website address shall be included in all public
21 notices.

22 (f) The Commission shall, after notice and hearing, grant a
23 certificate of public convenience and necessity filed in
24 accordance with the requirements of this Section if, based upon
25 the application filed with the Commission and the evidentiary
26 record, it finds the Project will promote the public

1 convenience and necessity and that all of the following
2 criteria are satisfied:

3 (1) That the Project is necessary to provide adequate,
4 reliable, and efficient service to the public utility's
5 customers and is the least-cost means of satisfying the
6 service needs of the public utility's customers or that the
7 Project will promote the development of an effectively
8 competitive electricity market that operates efficiently,
9 is equitable to all customers, and is the least cost means
10 of satisfying those objectives.

11 (2) That the public utility is capable of efficiently
12 managing and supervising the construction process and has
13 taken sufficient action to ensure adequate and efficient
14 construction and supervision of the construction.

15 (3) That the public utility is capable of financing the
16 proposed construction without significant adverse
17 financial consequences for the utility or its customers.

18 (g) The Commission shall issue its decision with findings
19 of fact and conclusions of law granting or denying the
20 application no later than 150 days after the application is
21 filed. The Commission may extend the 150-day deadline upon
22 notice by an additional 75 days if, on or before the 30th day
23 after the filing of the application, the Commission finds that
24 good cause exists to extend the 150-day period.

25 (h) In the event the Commission grants a public utility's
26 application for a certificate pursuant to this Section, the

1 public utility shall pay a one-time construction fee to each
2 county in which the Project is constructed within 30 days after
3 the completion of construction. The construction fee shall be
4 \$20,000 per mile of high voltage electric service line
5 constructed in that county, or a proportionate fraction of that
6 fee. The fee shall be in lieu of any permitting fees that
7 otherwise would be imposed by a county. Counties receiving a
8 payment under this subsection (h) may distribute all or
9 portions of the fee to local taxing districts in that county.

10 (i) Notwithstanding any other provisions of this Act, a
11 decision granting a certificate under this Section shall
12 include an order pursuant to Section 8-503 of this Act
13 authorizing or directing the construction of the high voltage
14 electric service line and related facilities as approved by the
15 Commission, in the manner and within the time specified in said
16 order.

17 (j) The amendatory changes made to this Section by this
18 amendatory Act of the 98th General Assembly shall apply to all
19 applications filed on or after the effective date of this
20 amendatory Act of the 98th General Assembly and to all
21 applications filed before the effective date of this amendatory
22 Act for which the Commission has not issued a decision before
23 the effective date of this amendatory Act.

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".