

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 466

Short Title: Siting Power Lines.

(Public)

Sponsors: Representative Colton.

Referred to: Infrastructure.

March 6, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT REGARDING THE SITING OF ELECTRIC TRANSMISSION LINES.  
3 The General Assembly of North Carolina enacts:

4 Section 1. A new Article is added to the General Statutes to read:

5 **“ARTICLE 5A.**

6 **“SITING OF TRANSMISSION LINES.**

7 **“§ 62-100. Definitions.**

8 As used in this Article:

- 9 (1) The term ‘begin to construct’ includes any clearing of land, excavation,  
10 or other action that would adversely affect the natural environment of  
11 the route of a transmission line; but that term does not include  
12 surveying routes, boring to ascertain geological conditions, or similar  
13 preliminary work that result in temporary changes to the land;  
14 (2) The term ‘distribution line’ means an electric line designed to carry  
15 less than 100 kilovolts;  
16 (3) The word ‘land’ means any real estate or any estate or interest in real  
17 estate, including water and riparian rights, regardless of the use to  
18 which it is devoted;  
19 (4) The term ‘transmission line’ means an electric line designed to carry at  
20 least 100 kilovolts.

21 **“§ 62-101. Certificate to construct transmission line.**

22 No public utility or any other person may begin to construct any of the following  
23 facilities without first obtaining from the Commission a certificate that the public  
24 convenience and necessity require or will require the facility:

- 1           (1) A new transmission line;
- 2           (2) The extension of an existing transmission line;
- 3           (3) The modification of a distribution line to make it a transmission line;
- 4           or
- 5           (4) The modification of an existing transmission line to increase its
- 6           capacity by at least 50 kilovolts.

7 **"§ 62-102. Application for certificate.**

8       (a) An applicant for the certificate described in G.S. 62-101 shall file an

9 application with the Commission containing the following information:

- 10           (1) The reasons the transmission line is needed;
- 11           (2) The proposed location of the transmission line;
- 12           (3) Alternate locations for the transmission line;
- 13           (4) The names and addresses of all landowners of record whose land the
- 14           proposed transmission line and any proposed alternate transmission
- 15           line will cross;
- 16           (5) An environmental impact statement as described in G.S. 113A-4
- 17           detailing the consequences of the construction of the transmission line;
- 18           (6) A list of all necessary certificates and permits that the applicant must
- 19           obtain before it may begin to construct the transmission line; and
- 20           (7) Any other information the Commission requires.

21       (b) Upon order of the Commission the applicant shall give notice of its

22 application to:

- 23           (1) All landowners of record whose land the proposed transmission line
- 24           will cross;
- 25           (2) All landowners of record whose land the proposed transmission line
- 26           will cross if any of the alternate locations of the line listed in the
- 27           application are followed;
- 28           (3) The Public Staff;
- 29           (4) The Attorney General;
- 30           (5) The Department of Natural Resources and Community Development;
- 31           (6) The Department of Commerce;
- 32           (7) The Department of Transportation;
- 33           (8) The Department of Human Resources;
- 34           (9) The Department of Cultural Resources;
- 35           (10) The Office of the Governor;
- 36           (11) The board of county commissioners of each county through which the
- 37           applicant proposes or alternatively proposes to construct the line;
- 38           (12) The governing body of each municipality through which the applicant
- 39           proposes or alternatively proposes to construct the line; and
- 40           (13) Any other parties that the Commission orders the applicant to notify.

41 **"§ 62-103. Hearings.**

42       (a) The Commission shall schedule a hearing or hearings upon each application

43 filed under this Article.

1 (b) If, after proper notice of the application has been given, no significant  
2 protests are filed with the Commission, the Commission may cancel the hearings and  
3 decide the case on the basis of the filed record.

4 (c) The Commission shall issue an order on each application filed under this  
5 Article as expeditiously as possible.

6 **"§ 62-104. Burden of proof; decision.**

7 The burden of proof is on the applicant in all cases under this Article. In deciding  
8 whether the public convenience and necessity require or will require issuance of the  
9 certificate described in G.S. 62-101, the Commission shall consider:

- 10 (1) Whether the proposed transmission line is necessary to satisfy the  
11 reasonable needs of the public for an adequate and reliable supply of  
12 electric energy;
- 13 (2) All alternative routes or plans proposed by the applicant or any other  
14 party;
- 15 (3) How the proposed transmission line or any proposed alternate  
16 transmission line will affect health and safety;
- 17 (4) Aesthetic consequences of the proposed transmission line or any  
18 proposed alternate transmission line;
- 19 (5) The costs associated with the proposed transmission line or any  
20 proposed alternate transmission line;
- 21 (6) The impact the proposed transmission line or any proposed alternate  
22 transmission line will have on the environment; and
- 23 (7) Any other factors the Commission finds are relevant and material.

24 **"§ 62-105. Rules.**

25 Pursuant to G.S. 62-31, the Commission may adopt rules to carry out the purposes of  
26 this Article. In addition, the Commission shall adopt rules requiring public utilities to  
27 file periodic reports stating their short-term and long-term plans for construction of  
28 transmission lines, including proposed locations, in this State."

29 Sec. 2. G.S. 62-300(a) is amended by adding a new subdivision at the end to  
30 read:

31 "(13) Two hundred fifty dollars (\$250.00) with each application for a certificate of  
32 public convenience and necessity to construct a transmission line."

33 Sec. 3. This act shall become effective October 1, 1989.