

IC 8-1-38

Chapter 38. Transmission Reliability

IC 8-1-38-1

"Electric transmission facility"

Sec. 1. As used in this chapter, "electric transmission facility" means a high voltage transmission line with a rating of at least one hundred (100) kilovolts and related transmission facilities and controls.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-2

"Incumbent electric transmission owner"

Sec. 2. As used in this chapter, "incumbent electric transmission owner" means a public utility that owns, operates, and maintains an electric transmission facility in whole or in part in Indiana.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-3

"Local reliability electric transmission facility"

Sec. 3. (a) As used in this chapter, "local reliability electric transmission facility" means an electric transmission facility located in whole or in part in Indiana that is required by a regional transmission organization to satisfy the reliability standards of the North American Electric Reliability Corporation, a regional reliability organization, or a successor corporation or organization. If the electricity transmission facility is located in the territory of the PJM Interconnection regional transmission organization territory, or its successor organization, its rating must be:

- (1) at least one hundred (100) kilovolts; and
- (2) not more than three hundred (300) kilovolts.

(b) The term does not include an electric transmission facility to the extent the facility is required by a regional transmission organization primarily to address nonreliability drivers.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-4

"New electric transmission owner"

Sec. 4. As used in this chapter, "new electric transmission owner" means a corporation, company, partnership, limited liability company, or other organization that:

- (1) on the date of its incorporation or organization, does not own, operate, or maintain an electric transmission facility located in whole or in part in Indiana; and
- (2) is incorporated or organized to construct, own, operate, and maintain an electric transmission facility located in whole or in part in Indiana.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-5

"Public utility"

Sec. 5. As used in this chapter, "public utility" has the meaning set forth in IC 8-1-8.5-1.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-6

"Regional transmission organization"

Sec. 6. As used in this chapter, "regional transmission organization" refers to a regional transmission organization approved by the Federal Energy Regulatory Commission.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-7

Authority to operate; findings

Sec. 7. (a) The commission shall grant a new electric transmission owner authority to operate as a public utility in Indiana if the commission makes the following findings:

(1) The new electric transmission owner has the financial, managerial, and technical capability to construct, own, operate, and maintain an electric transmission facility.

(2) The new electric transmission owner has the ability and intent to comply with all statutes, rules, and regulations enforced by the commission.

(3) The new electric transmission owner has the intent to construct, own, operate, and maintain an electric transmission facility that is under consideration by an applicable regional transmission organization.

(4) The new electric transmission owner has provided written notice of its request for authority under this section to each incumbent electric transmission owner that may connect its existing electric transmission facility to the new electric transmission facility of the new electric transmission owner.

(b) In making findings under subsection (a), the commission may consider the creditworthiness of the new electric transmission owner, including:

(1) the new electric transmission owner's investment grade rating;

(2) guarantees of a parent company of the new electric transmission owner that has an investment grade rating;

(3) a bank reference letter or bonding commitment on behalf of the new electric transmission owner;

(4) the authority of the new electric transmission owner to directly set rates or impose taxes; and

(5) the capability of the new electric transmission owner to meet its financial obligations if it abandons the new electric transmission facility after its construction.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-8

Notice of construction

Sec. 8. A new electric transmission owner shall notify the commission in a timely manner of the dates on which construction of the new electric transmission facility began and was completed.
As added by P.L.174-2013, SEC.1.

IC 8-1-38-9

Right of first refusal

Sec. 9. (a) An incumbent electric transmission owner has the right to construct, own, operate, and maintain the following:

- (1) A local reliability electric transmission facility that connects to an electric transmission facility owned by the incumbent electric transmission owner.
- (2) Upgrades to an existing electric transmission facility owned by the incumbent electric transmission owner.

(b) The right to construct, own, operate, and maintain a local reliability facility that connects to electric transmission facilities owned by two (2) or more incumbent electric transmission owners belongs individually and proportionately to each incumbent electric transmission owner, unless the incumbent electric transmission owners otherwise agree in writing.

As added by P.L.174-2013, SEC.1.

IC 8-1-38-10

Contract between incumbent and new electric transmission owners; jurisdiction of commission

Sec. 10. (a) An incumbent electric transmission owner may enter into a contract with a new electric transmission owner that proposes to connect a new electric transmission facility to the electric transmission facility of the incumbent electric transmission owner. The contract may assign responsibility for:

- (1) maintenance and upgrades; and
- (2) reliability compliance;

with respect to the new electric transmission facility.

(b) The commission has jurisdiction to resolve a dispute arising under a contract described in subsection (a).

As added by P.L.174-2013, SEC.1.

IC 8-1-38-11

Existing property rights

Sec. 11. This chapter does not affect an incumbent electric transmission owner's use and control of existing property rights.

As added by P.L.174-2013, SEC.1.