

Further explanation of what happened with House File 2459

Just before the legislature adjourned for the year an amendment was placed on SF 2109 **removing two** of the items we had included in HF 2459.

See page 4 of Senate File 2109

DIVISION V

ELECTRIC TRANSMISSION LINES

Sec. 9. Section 478.6A, subsection 2, paragraphs a and c, Code 2016, if enacted by 2016 Iowa Acts, House File 2459, section 37, **are amended by striking the paragraphs.**

That amendment impacted Division V11 of House File 2459

These areas are highlighted below

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Division VII

Electric Transmission Lines

Merchant line Franchises – requirements – limitations.

1. For purposes of this section, “*merchant line*” means a high-voltage direct current electric transmission line which does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by the franchisee.
2. A petition for a franchise to construct a merchant line, in addition to any other applicable requirements pursuant to this chapter, shall be subject to all of the following:
 - a. **Notwithstanding section 478.10, the sale and transfer of a merchant line, by voluntary or judicial sale or otherwise, shall not carry with it the transfer of the franchise. (This section was deleted by the senate amendment)**
 - b. Notwithstanding section 478.21, if a petition that involves the taking of property under eminent domain is not approved by the board and a franchise granted within three years following the date the petition is filed with the board pursuant to section 478.3, the board shall reject the petition and make a record of the rejection. If the hearing on the petition conducted pursuant to section 478.4 has been held within the three-year period following the date the petition is filed, but the board has not completed its deliberations within that three-year period, the three-year period may be extended by the board to allow completion of deliberations. A petitioner shall not file a petition for the same or a similar project that has been rejected within sixty months following the date of rejection if the rejection was for failure to be approved within three years following the date the petition was filed as provided in this subsection.

c. In considering whether to grant a petition that involves the taking of property under eminent domain, section 478.3, subsection 3, is not applicable, and the term "public" shall be interpreted to be limited to consumers located in this state. **This section was deleted by the senate amendment.**

Here are the important facts:

- 1- If this legislation is signed by the Governor -- **We now have a time line!** Without this legislation RICL could continue to stall **indefinitely.**
 - RICL will have 2 years from the effective date (when the governor signs the bill) of this legislation to have their franchise petition approved by the IUB.
 - RICL filed their petition on November 6, 2014
 - RICL must have all voluntary easements or Exhibit E's submitted and in order to the IUB before a public hearing date can be set. This is important part of meeting the new time line.
 - Current records at county court houses show 177 voluntary easements out of the required 1540 parcels.
 - IUB records show NO Exhibit E's
 - RICL has stopped negotiations with landowners approximately 1 year ago
 - RICL requested that the IUB stop all work on petitions for franchise approximately 1 year ago.
- 2- We now have a definition of a merchant transmission line.
- 3- SF 2109 is an appropriations bill and as a result it is subject to line item veto by the Governor.
 - Our immediate goal is to ask the Governor to line item veto Division V (Section 9) of SF 2109.
 - Regardless of the Governor's actions with SF 2109, we want the Governor to sign HF 2459.