



Edison Electric Institute

*Power by Association™*



# STATE GENERATION & TRANSMISSION SITING DIRECTORY



AGENCIES

CONTACTS

AND REGULATIONS



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*Power by Association™*

# STATE GENERATION & TRANSMISSION SITING DIRECTORY

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CONTACTS

AND REGULATIONS

OCTOBER 2013

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## **PREFACE**

The Edison Electric Institute's State Generation and Transmission Siting Directory provides brief summaries of the siting processes for generation facilities and transmission lines in all 50 states and the District of Columbia. The directory identifies the primary siting agencies, state siting officials, and related contact information, including internet sites. Also listed are the pertinent regulatory documents.

This resource is also available on EEI's website: [www.eei.org](http://www.eei.org)

If you have questions, contact Randy Graham at [rgraham@eei.org](mailto:rgraham@eei.org).



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# ALABAMA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

A utility seeking to build a generation plant in Alabama must file with the Alabama Public Service Commission for a Certificate of Public Convenience and Necessity only if the Commission has jurisdiction over it. The Commission has jurisdiction over investor-owned utilities in Alabama providing retail service to the public at large. A corporation that does not hold itself out to serve the public generally is not a utility under the jurisdiction of the Commission and does not need to apply for a certificate. Construction of such facilities requires coordination with other state agencies, such as the Alabama Department of Environmental Management (i.e. air permit).

### **TRANSMISSION**

In Alabama, a utility is exempt from filing for a Certificate of Public Convenience and Necessity for electric transmission lines when such lines are considered an ordinary extension of service or have been approved as part of granting a certificate of public convenience and necessity for a generation project.

## **PRIMARY SITING AGENCY:**

Please see referenced code sections.

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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Fax: (334) 242-0207  
E-mail: John.free@psc.alabama.gov



**RELATED SITING AGENCY:**

Please see referenced code sections.

**REGULATORY CITATIONS:**

Code of Alabama, 1975 (as amended):

Code SS 37-4-28, 37-4-130, 37-4-131 and 10A-21-2.04

[www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm](http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm)

# ALASKA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Department of Natural Resources is the land manager for state land. Other major landowners in this state are the federal government and the Native Corporations. If these landowners are involved, separate permitting processes will ensue with either the Bureau of Land Management (federal) or with specific Native Corporations.

### **TRANSMISSION**

All electric transmission lines that cross state land must be approved by the Alaska State Department of Natural Resources.

### **PRIMARY SITING AGENCY**

Alaska Department of Natural Resources:

[www.dnr.alaska.gov](http://www.dnr.alaska.gov)

## **CONTACT INFORMATION**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

### **Division of Fish and Game**

[www.adfg.alaska.gov](http://www.adfg.alaska.gov)

### **Department of Environmental Conservation**

[www.dec.alaska.gov](http://www.dec.alaska.gov)

**Division of Mining, Land, and Water**

[www.dnr.alaska.gov/mlw](http://www.dnr.alaska.gov/mlw)

**REGULATORY CITATION:**

**Title 38.05 Public Land – Alaska Land Act**

[www.legis.state.ak.us/basis/folio.asp](http://www.legis.state.ak.us/basis/folio.asp)

**SITING AUTHORITY:**

State of Alaska

# ARIZONA

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## **SUMMARY/OVERVIEW:**

Anyone who wants to build an electrical power generating plant with a nameplate rating of one hundred megawatts or more, or to build an above ground electrical transmission line with a capacity of one hundred fifteen thousand volts or more must obtain a Certificate of Environmental Compatibility (CEC) that has been affirmed and approved by the Arizona Corporation Commission (Commission). Arizona Revised Statutes (A.R.S.) § 40-360.07(A). An application for a CEC is filed with the Commission which refers it to the Arizona State Power Plant and Transmission Lines Siting Committee (Committee) for a hearing. A.R.S. §40-360.03. The Committee may grant or deny the application, or grant it with conditions. A.R.S. § 40.360.06(A). Anyone who is a party to the Committee hearing may request review of the Committee's action before the Commission. A.R.S. § 40-360.07(A). The Commission may approve, deny or modify the CEC granted by the Committee. A.R.S. § 40-360.07(B).

## **GENERATION**

An application for construction of an electrical power generating facility of one hundred megawatts or more requires consideration of a number of factors listed in A.R.S. §§ 40-360.06 and -360.07(B). The factors include the need for the new power generation, its impact on reliability, its cost, and its impact upon a number of environmental factors.

## **TRANSMISSION**

An application for construction of an above ground electrical transmission line with a capacity of one hundred fifteen thousand volts or more requires consideration of similar factors to a power plant. A.R.S. §§ 40-360.06 and -360.07(B). The factors include the need for the new transmission line, its impact on reliability of the grid, its cost, and its impact upon a number of environmental factors.

## **PRIMARY SITING AGENCIES:**

**Arizona Corporation Commission**

[www.cc.state.az.us/](http://www.cc.state.az.us/)

**Arizona Power Plant and Transmission Line Siting Committee**

[www.cc.state.az.us/utility/electric/linesiting-faqs.htm](http://www.cc.state.az.us/utility/electric/linesiting-faqs.htm)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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E-mail: [solea@azcc.gov](mailto:solea@azcc.gov)

# ARKANSAS

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

No central authority exists to oversee the siting of merchant constructed generation facilities in the state of Arkansas. Potential project developers are required to obtain applicable air, water, or other environmental permits, and must comply with zoning regulations. Only regulated utilities, which include investor owned and cooperative utilities require the permission of the Arkansas Public Service Commission to construct generation facilities.

### **TRANSMISSION**

The Arkansas Public Service Commission requires a Certificate of Public Convenience and Necessity for all electric transmission lines. A more extensive process requiring an environmental analysis and review is needed for lines  $\geq 100\text{kV}$  &  $> 10$  miles in length and for lines  $\geq 170\text{kV}$  &  $> 1$  mile in length. These types of facilities require a Certificate of Environmental Compatibility and Public Need.

## **PRIMARY SITING AGENCY:**

**Arkansas Public Service Commission**

<http://www.arkansas.gov/psc/>

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

|          |   |
|----------|---|
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**RELATED SITING AGENCIES:**

Local zoning boards

**REGULATORY CITATIONS:**

Arkansas Code Annotated Title 23, Public Utilities and Regulated Industries; Subtitle 1 Public Utilities And Carriers; Chapter 3, Regulation of Utilities and Carriers Generally; Subchapter 2, Certificates of Convenience and Necessity.

<http://www.lexisnexis.com/hottopics/arcodes/Default.asp>

Utility Facility Environmental and Economic Protection Act  
Chapter 18 Subchapter 5

<http://www.lexisnexis.com/hottopics/arcodes/Default.asp>

Arkansas Public Service Commission Rules of Practice and Procedure, Section 7

[http://www.apscservices.info/Rules/rules\\_of\\_practice\\_procedure.pdf](http://www.apscservices.info/Rules/rules_of_practice_procedure.pdf)

**SITING AUTHORITIES:**

Organization to consider regional need

Southwest Power Pool

Preemptive authority over local government

State of Arkansas

# CALIFORNIA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

All new thermal generation facilities in California 50 MW and greater, including renewable projects and transmission lines up to the first point of interconnection, must be certified by the California Energy Commission (CEC) by meeting the regulatory criteria under the California Environmental Quality Act (CEQA) and Warren-Alquist Act. The Energy Commission regulates the planning and construction of generation facilities. The California Public Utilities Commission (CPUC) approves transmission lines beyond the first point of interconnection, power purchase agreements entered into by generation facilities and investor owned utilities (IOUs), and IOU investments in generating facilities. Further details of these processes are included below.

### **TRANSMISSION**

New transmission facilities from generation projects 50 MW or more to the first point of interconnection with the existing transmission system must be certified by the CEC. The planning and construction of transmission facilities proposed by an electric public utility are regulated by the CPUC and subject to additional regulatory approval where applicable. Further details of these processes are included below.

### **CALIFORNIA ENERGY COMMISSION**

The Warren-Alquist Act, beginning at Public Resources Code section 25000, and particularly sections 25500 through 25542, defines the Commission's exclusive authority to certify sites and related facilities. In general, the Commission has exclusive jurisdiction over thermal power plants with a net generating capacity of 50 MW or more, modifications that result in a 50 MW or more increase in generating capacity, and new or modified transmission lines that carry the electricity from a thermal power plant with a generating capacity of 50 MW or more to the interconnected grid.

The staff relies on the Commission's regulations, Title 20, California Code of Regulations, section 1701 and the following, for direction on staff's particular responsibilities in a siting case. The Commission's siting process has been determined by the Secretary of the Resources



Agency to meet the criteria of a certified regulatory program under the California Environmental Quality Act (CEQA).

As a certified program, it is considered to be the functional equivalent of preparing environmental impact reports (EIR). Consequently, the Commission, as lead agency for all projects under its jurisdiction, is not required to prepare environmental impact reports, but instead has its staff prepare an independent environmental assessment of each proposed project in accordance with the siting regulations. Because of the similarity between the staff assessment and an EIR, the staff often turns to CEQA and the CEQA Guidelines for additional guidance on assessing environmental impacts and their significance. In every siting case, the staff consults with other agencies and reviews the various local, regional, state, and federal laws, regulations, standards, and ordinances that apply to the proposed project under analysis.

The standard power plant permitting process is essentially a one-stop permitting process where all local and state permits that would normally be required, except for the Energy Commission's exclusive permitting authority, are consolidated into a single permit. Staff works closely with the federal agencies in the development of any required federal permits, which are also addressed in the Energy Commission's final decision.

Power plant projects that are 50 to 100 MW and that will not have any significant unmitigated impacts on the environment or energy resources may obtain an exemption from the Energy Commission's permitting process. If the Energy Commission grants the exemption, the project owner uses the Energy Commission's Mitigated Negative Declaration to obtain all necessary permits from local and state agencies.

The Application for Certification licensing process is normally conducted in 12 months, starting from the day the application is deemed complete by the Commission for having met all informational requirements. An Application for a Small Power Plant Exemption is not subject to informational requirements and is normally processed in about 6 months.

California Public Utilities Commission Under the provisions of the California Public Utilities Code, the California Public Utilities Commission (CPUC) has issued General Order No. 131-D to regulate the planning and construction of certain electric transmission facilities, and those generating facilities permitted by the Energy Commission that are owned by an electric public utility. G.O. 131-D requires that

“an electricpublic utility desiring to build transmission line facilities in this state for immediate or eventual operation in excess of 200kV shall file for a CPCN [Certificate of Public Convenience and Necessity].”

Lines under 200kV do not require a CPCN, but the proponent must obtain a Permit to Construct. There are eight situations where a project would be exempt from obtaining a Permit to Construct (see Section III.B.1), but the exemptions are not applicable if certain conditions speci-

fied in the California Environmental Quality Act (CEQA) guidelines exist at the project site (see Section III.B.2).

The order states that many facilities requiring either a CPCN or Permit to Construct may not commence construction until it has been determined that the project will not significantly impact the environment in accordance with CEQA. Furthermore, any transmission line may be required to adhere to additional resource agency regulations beyond those established by the CPUC (e.g., California Coastal Commission, United States Fish and Wildlife Service) if the project falls within the state or federal agency’s jurisdiction.

A regulatory checklist, Information and Criteria List, is available on the CPUC website. The list includes both filing information for a CPCN and environmental compliance guidelines.

Further proponent obligations include outlining the manner in which the utility will reduce potential exposure to electric and magnetic fields (EMF) generated by the proposed facilities. Such information may be included in the Proponent’s Environmental Assessment (PEA) for a CPCN or Permit to Construct.

## **PRIMARY SITING AGENCIES:**

**California Energy Commission – Siting, Transmission, and Environmental Protection Division**

[www.energy.ca.gov/](http://www.energy.ca.gov/)

**California Public Utilities Commission**

[www.cpuc.ca.gov/](http://www.cpuc.ca.gov/)

## **CONTACT INFORMATION:**

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E-mail: [pac@cpuc.ca.gov](mailto:pac@cpuc.ca.gov)

## **REGULATORY CITATIONS:**

**Warren-Alquist Act, (Public Resources Code Section 25000 et seq.);**

[www.energy.ca.gov/reports/Warren-Alquist\\_Act/](http://www.energy.ca.gov/reports/Warren-Alquist_Act/)

**Rules of Practice and Procedure & Power Plant Site Certification Regulations, Title 20, California Code of Regulations, Chapter 1 (sections 1001—1007), Chapter 2 (sections 1101—1236), Chapter 5 (sections 1701—2012, Chapter 6 (sections 2305—2307), and Chapter 7 (sections 2501—2557);**

[www.energy.ca.gov/reports/2000-08\\_800-00-007\\_TITLE20.PDF](http://www.energy.ca.gov/reports/2000-08_800-00-007_TITLE20.PDF)

**CPUC General Order 131-D**

[www.cpuc.ca.gov/PUBLISHED/Graphics/589-2.pdf](http://www.cpuc.ca.gov/PUBLISHED/Graphics/589-2.pdf)

## **California Environmental Quality Act**

[www.ceres.ca.gov/ceqa/](http://www.ceres.ca.gov/ceqa/)

## **Overview of the California Environmental Review and Permit Approval Process**

[ceres.ca.gov/topic/env\\_law/ceqa/guidelines/intro.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/intro.html)

## **California EMF Program**

[www.cpuc.ca.gov/static/industry/environment/electromagnetic+fields/7steps.htm](http://www.cpuc.ca.gov/static/industry/environment/electromagnetic+fields/7steps.htm)

## **SITING AUTHORITIES:**

### **Organization to consider regional need**

California ISO / West Connect

### **Preemptive authority over local government**

State of California



# COLORADO

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## **SUMMARY/OVERVIEW:**

Local governments have primary siting authority for power plants and transmission lines in Colorado.

## **GENERATION**

Non-utility builders of power plants are not required to obtain approval for construction from the Colorado Public Utilities Commission unless a builder of a merchant plant intends to sell power produced by the plant to a utility regulated by the Commission. A regulated utility seeking to build a power plant is required to obtain permission from the Commission.

A regulated utility seeking to build a power plant must obtain a Certificate of Public Convenience and Necessity from the Commission. The Commission's Resource Planning rules require that regulated investor-owned utilities must acquire resources through a competitive resource acquisition process.

Air permits must be obtained from the Colorado Department of Health and Environment.

## **TRANSMISSION**

A regulated utility seeking to build a transmission line is required to obtain a Certificate of Public Convenience and Necessity from the Commission.

## **PRIMARY SITING AGENCIES:**

Local governments (county, municipality, city, district, or other political subdivision of the state of Colorado) have primary siting authority). Colorado Revised Statutes 29-20-108.

## **CONTACT INFORMATION:**

### **Generation Facilities**

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**Renewable Portfolio Standard**

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**Transmission Facilities**

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**RELATED SITING AGENCY:**

If a local government imposes requirements or conditions that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, a public utility or power authority may appeal the local government decision to the public utilities commission for a determination.

**Colorado Public Utilities Commission**

[www.dora.state.co.us/puc/](http://www.dora.state.co.us/puc/)

**Regulatory Citations:Colorado Revised Statutes 29-20-108(5)**

Local Zoning Regulations

## **SITING AUTHORITIES:**

### **Organization to consider regional need West Connect**

[www.westconnect.com/init\\_regionalplan.php](http://www.westconnect.com/init_regionalplan.php)

Preemptive authority over local government State of Colorado. Utilities may appeal a local government land use decision concerning generating plants and transmission lines to the Public Utilities Commission under Colorado Revised Statutes 29-20-108(5).

## **RENEWABLE ENERGY RESOURCES**

### **3668. Environmental Impacts.**

- (a) Eligible energy resources must meet all applicable federal, state, and local environmental permitting requirements.
- (b) For eligible energy resources larger than two MW that are not net-metered or any wind turbine structures extending over 50 feet in height, the QRU shall require project developers to include in the bid package written documentation that consultation occurred with appropriate governmental agencies (for example, the Colorado Division of Wildlife or the U.S. Fish and Wildlife Service) responsible for reviewing potential project development impacts to state and federally listed wildlife species, as well as species, habitats, and ecosystems of concern.
- (c) For eligible energy resources larger than two MW that are not net-metered or any wind turbine structures extending over 50 feet in height, the QRU renewable energy supply contract shall require project developers to certify the following as a condition precedent to achieving commercial operation:
  - (I) The developer has performed site specific wildlife surveys (referred to herein as the Environmental Surveys) which are conducted on the facility's site prior to construction;
  - (II) The developer, with good faith effort, used the results of the Environmental Surveys and available monitoring in developing the design, construction plans, and management plans of the facilities to avoid, minimize, and/or mitigate any adverse environmental impacts to state and federally listed species, to species of special concern, to sites shown to be local bird migration pathways, to critical habitat, to important ecosystems, and to areas where birds or other wildlife are highly concentrated and are considered at risk;



- (III) The results of the pre-construction Environmental Surveys shall be shared with the Colorado Division of Wildlife (CDOW) prior to project construction; and
- (IV) A summary report of these results shall be made available to CDOW at the time the project achieves commercial operation.

**Colorado Parks and Wildlife**

Address: Administrative Offices  
6060 Broadway  
Denver, CO 80216

Phone: (303) 291-7227

[www.wildlife.state.co.us/About/OfficesAndPhone/Pages/Contact-Numbers.aspx](http://www.wildlife.state.co.us/About/OfficesAndPhone/Pages/Contact-Numbers.aspx)

# CONNECTICUT

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

No facility under the jurisdiction of the Connecticut Siting Council may be constructed or modified without obtaining from the Council a Certificate of Environmental Compatibility and Public Need or petitioning the Council for a Declaratory Ruling that a Certificate of Environmental Compatibility and Public Need is not necessary in accordance with Connecticut Statutes and Regulations.

### **TRANSMISSION**

The Connecticut Siting Council requires a Certificate of Environmental Compatibility and Public Need for new construction of or major additions to substations and transmission lines 69kV or above. The application for this certificate requires a description of existing conditions, alternatives, potential environmental impact and mitigation/management of these impacts.

## **PRIMARY SITING AGENCY:**

**The Connecticut Siting Council**

[www.ct.gov/csc/site/default.asp](http://www.ct.gov/csc/site/default.asp)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

**Connecticut Department of Energy and Environmental Protection (DEEP)**

[www.ct.gov/dep/site/default.asp](http://www.ct.gov/dep/site/default.asp)

**Connecticut Public Utility Regulatory Authority (part of Connecticut DEEP)**

[www.ct.gov/pura/site/default.asp](http://www.ct.gov/pura/site/default.asp)

**Municipal Zoning and Inland Wetland Commissions**

**REGULATORY CITATION:**

**Connecticut General Statutes 16-50g through 16-50aa**

[www.cga.ct.gov/2011/pub/chap277.htm](http://www.cga.ct.gov/2011/pub/chap277.htm)

**SITING AUTHORITIES:**

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

State of Connecticut

# DELAWARE

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Delaware Public Service Commission, which has regulatory authority over investor-owned utilities in the state, does not have jurisdiction over the siting of merchant generation facilities. There is no central siting authority in Delaware, although permits from the Department of Natural Resources and compliance with local zoning authorities are required.

### **TRANSMISSION**

The Delaware Public Service Commission reviews the need for new transmission lines. However, the Commission does not issue certifications unless the new transmission lines would extend beyond pre-defined service territories. A utility may require permits and approvals from other state agencies, such as the Department of Natural Resources or the Delaware Department of Transportation. The need for these other approvals is dependent upon facility location.

## **PRIMARY SITING AGENCY:**

### **Delaware Public Service Commission**

<http://www.state.de.us/delpsc/>

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

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**RELATED SITING AGENCIES:**

Delaware Department of Natural Resources and Environmental Control

<http://www.dnrec.state.de.us/dnrec2000/>

Delaware Department of Transportation

<http://www.deldot.net/>

Local zoning boards

**REGULATORY CITATIONS:**

Title 26 Delaware Code, Sections 201, 203A, 203B & 906

<http://delcode.delaware.gov/title26/index.shtml>

Local zoning regulations

**SITING AUTHORITIES:**

Organization to consider regional need

PJM-PJM West

Preemptive authority over local government

State of Delaware

# **DISTRICT OF COLUMBIA**

*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION AND TRANSMISSION**

The District of Columbia Public Service Commission approves all electric facilities regardless of size, if they are located entirely within the District. If the facilities are considered interstate facilities, they require FERC approval.

### **PRIMARY SITING AGENCY:**

District of Columbia Public Service Commission

<http://www.dcpSC.org/>

### **CONTACT INFORMATION:**

#### **Generation and Transmission Facilities**

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### **RELATED SITING AGENCIES:**

N/A

### **REGULATORY CITATION:**

DC Code Title 34

### **SITING AUTHORITY:**

Organization to consider regional need  
PJM



# FLORIDA

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Florida Electrical Power Plant Siting Act (PPSA) became effective July 1, 1973. This Act was designed to provide a one-stop site certification procedure, coordinated by the Florida Department of Environmental Protection (FDEP), to obtain all state and local approvals for construction, operation, and maintenance of new or expanding power plants in the state of Florida. Final approvals are based on the standards and recommendations of the state and local government reviewing agencies. All federal permits are sought and issued separately.

The PPSA applies to new or expanded steam-electric or solar generators of 75 MW or more. Simple cycle combustion turbine facilities are NOT covered by the Act unless they incorporate a steam or solar component and the combined output is 75 MW or higher. Steam and solar electrical generators less than 75 MW can be certified under the Act at the applicant's option.

The PPSA incorporates two public hearings. A hearing on land use and zoning is held within 90 days of receipt of a complete application if the land use consistency determination made by the local government is challenged, and a certification hearing on environmental issues and other pertinent matters is held within 300 days after receipt of a complete application. State and Departmental regulations and the Administrative Procedures Act dictate public notice provisions, public participation, and provisions for becoming a party to a hearing. The hearings are conducted by a State Administrative Law Judge who submits a Recommended Order, presented by DEP, for consideration of final certification by the Governor and Cabinet sitting as the Siting Board. In stipulated cases in which the certification hearing is cancelled, DEP's Secretary will issue the Final Order of Certification for the Siting Board. The entire process typically takes approximately twelve to fourteen months.

In separate binding procedures, the Florida Public Service Commission (FPSC) determines the need for the facility and is the sole forum for determining the need for a new power plant subject to the PPSA. Section 403.519 delineates six major topics for the FPSC to consider in determining the need for a facility:



1. The need for electric system reliability and integrity.
2. The need for adequate electricity at a reasonable cost.
3. The need for fuel diversity and supply reliability.
4. Whether the proposed plant is the most cost-effective option available.
5. Whether renewable energy sources and technologies, as well as conservation measures are utilized to the extent reasonably available.
6. Other matters within the Commission's jurisdiction that it deems relevant (such as conservation measures which might mitigate the need for the proposed plant).

Without a positive finding of need, final action cannot be taken on a siting case.

As stated above, federal authorizations are not included in the PPSA process. Federal permits such as U.S. Nuclear Regulatory Commission licenses and US Army Corps of Engineers (Corps) permits; and state issued federal permits including Underground Injection Control, Prevention of Significant Deterioration, and National Pollutant Discharge Elimination System permits are issued separately.

The FDEP and the US Army Corps of Engineers (Corps) have entered into an operating agreement establishing a joint application format and coordination, where possible, of the distribution and review of information received for regulation of activities affecting waters of the United States under the jurisdiction of the Corps and wetlands and other surface waters under the jurisdiction of the Department. Upon completion of the site certification process, water quality certifications are issued to the Corps for the certified site.

## **TRANSMISSION**

Transmission lines located within Florida that are 230 kV or larger, cross a county line, and are greater than 15 miles in length are subject to the Transmission Line Siting Act (TLSA). However, certification for lines not meeting these thresholds can be sought at an applicant's request. Additionally, certification for transmission lines built in conjunction with a new or modified generation facility may be sought under the PPSA.

Similar to the PPSA, the TLSA was designed to provide a one-stop site certification procedure, coordinated by the DEP, to obtain all state and

local approvals for construction, operation, and maintenance of electrical transmission lines. Final permitting recommendations are based on the standards and recommendations of the state and local government reviewing agencies. A final determination of approval or denial is ultimately made by the Governor and Cabinet sitting as the Siting Board.

Applicants constructing lines not subject to the Siting Acts must individually obtain all state and local approvals.

All transmission lines 69 kV and over are subject to the State's Electric and Magnetic Fields Rule (62-814, F.A.C.). Compliance reviews are conducted for these lines by the Department's Siting Coordination Office.

## **PRIMARY SITING AGENCY:**

### **Florida Department of Environmental Protection**

<http://www.dep.state.fl.us/siting/>

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

### **Florida Public Service Commission**

<http://www.psc.state.fl.us/>

### **Florida Department of Economic Opportunity**

<http://www.floridajobs.org/>

### **Florida Fish and Wildlife Conservation Commission**

<http://www.myfwc.com/>

**Florida Department of Transportation**

<http://www.dot.state.fl.us/>

**Florida Department of State, Division of Historical Resources**

<http://www.flheritage.com/>

**Florida Division of Forestry**

<http://www.floridaforestservice.com/>

**Regional Planning Councils**

<http://www.ncfrpc.org/state.html>

**Water Management Districts**

<http://flwaterpermits.com/>

**Counties**

<http://www.myflorida.com/counties>

**REGULATORY CITATIONS:**

**Florida Electrical Power Plant Siting Act (PPSA) Sections 403.501-518, Florida Statutes (F.S.), and Rule 62-17, Florida Administrative Code (F.A.C.)**

[http://www.dep.state.fl.us/siting/power\\_plants.htm](http://www.dep.state.fl.us/siting/power_plants.htm)

**Florida Transmission Line Siting Act (TLSA) Sections 403.52-5365, F.S., and Rule 62-17, F.A.C.**

<http://www.dep.state.fl.us/siting/transmission.htm>

**SITING AUTHORITIES:**

**Organization to consider regional need**

Grid Florida

**Preemptive authority over local government**

State of Florida

# GEORGIA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Georgia Public Service Commission (PSC) regulates only investor-owned utilities, and has no siting responsibility for any independent power producer, co-op, or municipal utility. The Georgia PSC regulates the planning and construction of the investor-owned generation facility. The proposed facility must also be approved and certified by the Georgia PSC through an economic and need-based assessment.

Power developers are required to obtain permits from the Georgia Department of Natural Resources (DNR) verifying that the proposed generation facilities meet state environmental standards for water and air. Proposed facilities also need to be in compliance with local zoning boards and governments.

### **TRANSMISSION**

The Georgia PSC has no specific requirements for siting and construction of transmission lines. Transmission facilities must also be approved and certified by the Georgia PSC through an economic and need-based assessment. Transmission owners coordinate planning through the Georgia Integrated Transmission System (ITS).

As well as complying with the National Environmental Policy Act (NEPA), the DNR may also have certain jurisdiction if construction involves a river or wetland crossing. Utilities are encouraged to work with the Georgia Department of Transportation to ensure that lines conform to road and highway specifications.

For any transmission lines  $\geq 150$  kV and at least one mile in length, utilities are required to hold a public meeting to provide information and receive comments from the public before eminent domain can be exercised.

## **PRIMARY SITING AGENCY:**

**No Primary Siting Agency**

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

### **Georgia Public Service Commission**

[www.psc.state.ga.us/](http://www.psc.state.ga.us/)

### **Georgia Transmission Corporation / ITS**

[gatrans.com/PlanningConstruction/Planning/IntegratedTransmissionSystem/index.htm](http://gatrans.com/PlanningConstruction/Planning/IntegratedTransmissionSystem/index.htm)

### **Georgia Department of Natural Resources**

[www.gadnr.org/](http://www.gadnr.org/)

### **Environmental Protection Division**

[www.dnr.state.ga.us/dnr/environ/](http://www.dnr.state.ga.us/dnr/environ/)

### **Georgia Department of Transportation**

[www.dot.state.ga.us/](http://www.dot.state.ga.us/)

### **Local zoning boards**

## **REGULATORY CITATION:**

Georgia House Bill 373 (amendment to Title 22, Chapter 2  
Georgia Official Code)

[www.legis.state.ga.us/legis/2003\\_04/fulltext/hb373.htm](http://www.legis.state.ga.us/legis/2003_04/fulltext/hb373.htm)

## **SITING AUTHORITY:**

State of Georgia

# HAWAII

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Hawaii State Land Use Commission is involved in the generation siting process if the proposed facility is to be located on lands involving an area greater than 15 acres in the State Land Use Agricultural or Rural Districts, or on any amount of land in the Conservation District. Normally, the lands would need to be reclassified as part of the Urban District, but, potentially, the applicant's use of the land for a power generating facility could be permitted by the Conservation District upon approval of a Conservation District Use Application by the Hawaii Department of Land and Natural Resources. If the site involves 15 acres or less in the Agricultural or Rural Districts, jurisdiction over the reclassification process would rest with the county. If the site is already in the Urban District, the Hawaii State Land Use Commission is not involved in the siting process. The Hawaii Public Utilities Commission oversees all public utilities in the state of Hawaii.

Upon receipt of a properly filed petition to reclassify lands (contents and format are described in Chapter 15-15 Hawaii Administrative Rules), the Hawaii State Land Use Commission is required to hold a hearing on the island in which the said property is located within not less than 60 days and not more than 180 days. The Hawaii State Land Use Commission is required to act upon the petition within 365 days after the petition is deemed properly filed. The Hawaii State Land Use Commission may approve, deny, or modify the petition by imposing conditions.

On petitions to reclassify Conservation District lands, an Environmental Impact Statement may be required. The requirements of the EIS Law (Chapter 343, Hawaii Revised Statutes (HRS)) must be met before the petition to reclassify Conservation District lands can be deemed a properly filed petition and acted upon by the Hawaii State Land Use Commission.

In its review of any petition, the Hawaii State Land Use Commission is required to consider decision-making criteria relating to (1) the extent to which a proposed reclassification conforms to the Hawaii State Plan and Functional Plans; (2) the extent to which the proposed reclassifica-

tion conforms to the applicable district standards; (3) its impact upon areas of state concern, including environmental, cultural, historical, natural, and agricultural resources; state funds and resources; employment opportunities and economic development; and housing opportunities and (4) the representations and commitments made by the petitioner in securing the reclassification.

By law, the decision making process of the Hawaii State Land Use Commission is quasi-judicial in nature to ensure that the rights of those who are most directly involved or most affected by the decision are accorded due process before an action is taken by the Hawaii State Land Use Commission. These individuals are allowed to take part in the proceedings. In addition to the petitioner, the State Office of Planning and the respective county planning department are mandatory parties to the proceedings. Persons with direct interests that are clearly distinguished from those of the general public may petition the Hawaii State Land Use Commission to intervene in the proceedings and become a party.

Pursuant to Act 26, Session Laws of Hawaii ("SLH") 2008, the Commission is required, as part of its decision-making criteria, to consider the county general plan and all community, development, or community development plans adopted pursuant to the county general plan as they relate to the land that is subject to the petition.

## **TRANSMISSION**

The Hawaii Public Utilities Commission has regulatory authority over all electric transmission lines. Transmission lines must be installed in conformance with the PUC's General Orders. Additional authorization is also required for projects exceeding \$500,000 and lines that are >46 kV. The PUC rules do not focus specifically on facility siting.

## **PRIMARY SITING AGENCY:**

**Hawaii Public Utilities Commission**

<http://www.state.hi.us/budget/puc/puc.htm>

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

### **Hawaii Department of Land and Natural Resources**

<http://www.hawaii.gov/dlnr/Welcome.html>

### **Hawaii State Land Use Commission**

<http://luc.state.hi.us/>

## **REGULATORY CITATIONS:**

### **Hawaii Revised Statutes – Chapters 205, 343 & 269**

<http://www.capitol.hawaii.gov/hrscurrent/?press1=docs>

### **Hawaii Administrative Rules – Chapters 15-15 & 13-5**

<http://www.hawaii.gov/dlnr/land/rules/>

### **Session Laws of Hawaii (“SLH”) 2008- Acts 26 & 204**

<http://www.capitol.hawaii.gov/site1/docs/docs.asp>

## **SITING AUTHORITY:**

State of Hawaii





# IDAHO

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Idaho Public Utilities Commission issues Certificates of Public Convenience and Necessity only for new generating plants proposed by regulated utilities. Merchant plants are not regulated and do not require the Commission's approval, but they must have the approval of the Idaho Department of Environmental Quality for their proposed air and/or water emissions. Local planning and zoning officials deal with the actual site development.

### **TRANSMISSION**

The Idaho Public Utilities Commission issues Certificate of Convenience and Necessity for new electric transmission lines in counties where the utility wishes to construct a transmission line. The determination for permit issuance is based on whether or not a clear need for the facility has been demonstrated. The location of a line is based on an arrangement struck between the utility and landowners, unless condemnation action is necessary. Because much of the land is publicly held, these agreements often involve negotiations with state and federal land management agencies.

## **PRIMARY SITING AGENCY:**

**Idaho Public Utilities Commission**

<http://www.puc.state.id.us/>

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

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**RELATED SITING AGENCIES:**

Idaho Department of Environmental Quality

<http://www.deq.state.id.us/index.htm>

Local planning and zoning boards

**REGULATORY CITATIONS:**

Idaho Code Chapter 61, Sections 526-528

<http://www3.state.id.us/idstat/TOC/61005KTOC.html>

Local zoning regulations

**SITING AUTHORITIES:**

Organization to consider regional need

RTO West

Preemptive authority over local government

State of Idaho

# ILLINOIS

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Illinois Public Act 90-561, effective December 1997, deregulated electric generation and removed the Illinois Commerce Commission's plant siting authority, although utilities may ask the Commission for siting approval (at their option).

The only remaining plant siting authorities in Illinois are the zoning boards of local communities. Proposed generation facilities must also comply with Illinois Environmental Protection Agency rules.

### **TRANSMISSION**

The Illinois Commerce Commission reviews electric utility permit applications for electric transmission lines. Lines with voltages as low as 69kV have been certified in the state, but the lower limit is typically 138kV. Other state agencies that may be involved include the State Historical Society, Illinois Department of Agriculture, and the Illinois EPA. The Illinois Commerce Commission has no authority over electric transmission lines constructed by entities that are not public utilities.

## **PRIMARY SITING AGENCY:**

**Illinois Commerce Commission**

[www.icc.illinois.gov/](http://www.icc.illinois.gov/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

|          |  |
|----------|--|
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## **RELATED SITING AGENCIES:**

**Illinois Department of Agriculture**

[www.agr.state.il.us/](http://www.agr.state.il.us/)

**Illinois Department of Natural Resources**

[dnr.state.il.us/](http://dnr.state.il.us/)

**Illinois Environmental Protection Agency**

[www.epa.state.il.us/](http://www.epa.state.il.us/)

**U.S. Army Corps of Engineers**

[www.usace.army.mil/](http://www.usace.army.mil/) Local zoning boards

## **REGULATORY CITATIONS:**

**Interagency Wetland Policy Act of 1989 – 20 ILCS 830**

[www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=279&ChapterID=5](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=279&ChapterID=5)

**Illinois State Agency Historic Resources Preservation Act – 20 ILCS 3420**

[www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=372&ChapAct=20%26nbsp%3BILCS%26nbsp%3B3420%2F&ChapterID=5&ChapterName=EXECUTIVE+BRANCH&ActName=Illinois+State+Agency+Historic+Resources+Preservation+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=372&ChapAct=20%26nbsp%3BILCS%26nbsp%3B3420%2F&ChapterID=5&ChapterName=EXECUTIVE+BRANCH&ActName=Illinois+State+Agency+Historic+Resources+Preservation+Act%2E)

**Illinois Public Utilities Act – 220 ILCS 5/8-406, 220 ILCS 5/406.1, 220 ILCS 5/8-503, 220 ILCS 5/8-509, and 220 ILCS 5/8-510**

[www.legis.state.il.us/legislation/ilcs/ilcs5.asp?ActID=1277&ChapAct=220%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=23&ChapterName=UTILITIES&ActName=Public+Utilities+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs5.asp?ActID=1277&ChapAct=220%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=23&ChapterName=UTILITIES&ActName=Public+Utilities+Act%2E)

**Illinois Farmland Preservation Act – 505 ILCS 75**

[www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1687&ChapAct=505%26nbsp%3BILCS%26nbsp%3B75%2F&ChapterID=40&ChapterName=AGRICULTURE&ActName=Farmland+Preservation+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1687&ChapAct=505%26nbsp%3BILCS%26nbsp%3B75%2F&ChapterID=40&ChapterName=AGRICULTURE&ActName=Farmland+Preservation+Act%2E)

### **Illinois Endangered Species Protection Act – 520 ILCS 10**

[www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1730&ChapterID=520&ChapterName=WILDLIFE&ActName=Illinois+Endangered+Species+Protection+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1730&ChapterID=520&ChapterName=WILDLIFE&ActName=Illinois+Endangered+Species+Protection+Act%2E)

### **Illinois Natural Areas Preservation Act – 525 ILCS 30**

[www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1739&ChapterID=525&ChapterName=CONSERVATION&ActName=Illinois+Natural+Areas+Preservation+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1739&ChapterID=525&ChapterName=CONSERVATION&ActName=Illinois+Natural+Areas+Preservation+Act%2E)

### **Rivers, Lake and Streams Act – 615 ILCS 5**

[www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1781&ChapterID=615&ChapterName=WATERWAYS&ActName=Rivers%2C+Lakes%2C+and+Streams+Act%2E](http://www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1781&ChapterID=615&ChapterName=WATERWAYS&ActName=Rivers%2C+Lakes%2C+and+Streams+Act%2E)

## **ILLINOIS DEPARTMENT OF NATURAL RESOURCES:**

### **Illinois Administrative Code - Title 8 Part 700 Farmland Preservation Act**

[www.legis.state.il.us/commission/jcar/admincode/008/00800700sections.html](http://www.legis.state.il.us/commission/jcar/admincode/008/00800700sections.html)

### **Illinois Administrative Code - Title 17 Part 1075 Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas**

[www.legis.state.il.us/commission/jcar/admincode/017/01701075sections.html](http://www.legis.state.il.us/commission/jcar/admincode/017/01701075sections.html)

## **ILLINOIS COMMERCE COMMISSION:**

### **Rule of Practice – Title 83, Part 200**

[www.legis.state.il.us/commission/jcar/admincode/083/08300200sections.html](http://www.legis.state.il.us/commission/jcar/admincode/083/08300200sections.html)

### **Guidelines for Right-of-Way Acquisitions – Title 83, Part 300**

[www.legis.state.il.us/commission/jcar/admincode/083/08300300sections.html](http://www.legis.state.il.us/commission/jcar/admincode/083/08300300sections.html)

**Construction of Electric Power and Communication Lines –  
Title 83, Part 305\**

[www.legis.state.il.us/commission/jcar/  
admincode/083/08300305sections.html](http://www.legis.state.il.us/commission/jcar/admincode/083/08300305sections.html)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midwest Independent System Operator / PJM-PJM West

**Preemptive authority over local government**

State of Illinois

# INDIANA

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

Regulated utilities under the jurisdiction of the Indiana Utility Regulatory Commission require approval prior to constructing, buying, or leasing new generation facilities. The process includes evidentiary hearings at which citizen/ consumer action groups and other concerned parties may participate. Following a period of discovery, the commission makes a final decision on whether to deny or approve the petition, or whether to approve it with modifications.

### **TRANSMISSION**

There is no state oversight of the construction or siting of electric utility lines in Indiana. Permits may be required by the Indiana Department of Natural Resources if special conditions exist such as a river crossing. Senate Bill 94 (now IC 8-1-38) was recently enacted into law and deals with which entities can build transmission facilities for the primary purpose of maintaining local reliability. An incumbent electric transmission owner has the right to construct, own, operate, and maintain:

A local reliability electric transmission facility owned by the incumbent transmission owner.

Upgrades to an existing transmission facility owned by the incumbent transmission owner.

Also, a local reliability facility that connects to electric transmission facilities owned by 2 or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless the incumbent owners otherwise agree in writing.

A local reliability transmission project is located in whole or in part in Indiana that is required by an RTO to satisfy NERC reliability standards. The law has slightly different definitions that recognize differences between MISO and PJM.



**PRIMARY SITING AGENCY:**

Indiana Utility Regulation Commission

[www.in.gov/iurc/](http://www.in.gov/iurc/)

**CONTACT INFORMATION:**

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**RELATED SITING AGENCIES:**

Indiana Department of Environmental Management

[www.in.gov/idem/](http://www.in.gov/idem/)

Indiana Department of Natural Resources

[www.in.gov/dnr/](http://www.in.gov/dnr/)

[Regulatory Citations:](#) \_\_\_\_\_

Indiana Code Title 8-1-2.5 & 8-1-8.5

[www.in.gov/legislative/ic/code/title8/ar1/ch2.5.html](http://www.in.gov/legislative/ic/code/title8/ar1/ch2.5.html) [www.in.gov/legislative/ic/code/title8/ar1/ch8.5.html](http://www.in.gov/legislative/ic/code/title8/ar1/ch8.5.html)

**SITING AUTHORITIES:**

Organization to consider regional need

Midwest Independent System Operator / PJM-PJM West

Preemptive authority over local government

State of Indiana

# IOWA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

According to Iowa Code 476A, a developer cannot commence construction of an electric generating facility with a capacity of, or exceeding, 25 MW until the Iowa Utilities Board has issued a Certificate of Public Convenience, Use, and Necessity. If the Board determines the proposed facility will not harm the public interest, it can waive certificate requirements.

Section 476A.6 authorizes the Board to issue a certificate if the applicant meets three criteria:

Whether the services and operations resulting from the construction of the facility are consistent with legislative intent as expressed in section 476.53 and the economic development policy of the state as expressed in Title I, subtitle 5, and will not be detrimental to the provision of adequate and reliable electric service.

The applicant is willing to construct, maintain, and operate the facility pursuant to the provisions of the certificate.

The construction, maintenance, and operation of the facility are consistent with reasonable land use and environmental policies and consonant with reasonable utilization of air, land, and water resources, considering available technology and the economics of available alternatives.

IOWA CODE 476A also requires the applicants to meet permitting, licensing, and zoning requirements of other agencies. The Iowa Department of Natural Resources (IDNR) reviews all air construction permit applications to see if a source or modification may cause or contribute to a violation of the national ambient air quality standards.

The decision criteria do not apply to non-utility generators who sell electrical output onto the competitive electric markets.

IOWA CODE 476A also requires the applicants to meet permitting, licensing, and zoning requirements for other agencies. The Iowa Department of Natural Resources (DNR) reviews all air construction permit applications. The DNR rule 567 Iowa Administrative Code 22.1 requires “an air construction permit before installation, construction, or modification of any equipment or control equipment which emits regulated pollutants to the air outside of buildings.”

New source performance standards apply to affected facilities and resources listed in DNR rule 23.1(2). Some of the affected facilities in this list are:

electric utility steam generating units capable of combusting more than 250 million Btu per hour (73 MW) heat input fossil fuel in the steam generator; electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour; industrial-commercial-institutional steam generating units with a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW; and industrial-commercial-institutional steam generating units with a maximum design heat input capacity of 29 MW(100 million Btu per hour) or less, but greater than or equal to 2.9 MW (10 million Btu per hour).

IDNR rule 22.4 regulations require a Prevention of Significant Deterioration (PSD) permit. A PSD permit is required for large sources in the attainment areas. A PSD permit requires the sources to use “the best available control technology.” Fossil-fuel steam electric plants of more than 250 million Btu per hour heat input and fossil-fuel boilers totaling more than 250 million Btu per hour heat input require a PSD permit and are subject to 100 tons per year threshold for air pollutants.

## **TRANSMISSION**

The Iowa Utilities Board issues a Franchise to Construct and Operate for all electric transmission lines rated 69 kV and higher that lie beyond town limits.

A public hearing is held for a franchise petition if the public objects or if condemnation authority is requested. Franchises last for 25 years, and then must be renewed.

## **PRIMARY SITING AGENCY:**

**Iowa Utilities Board**

[www.state.ia.us/iub/](http://www.state.ia.us/iub/)

## **CONTACT INFORMATION:**

### **Generation Facilities**

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## **RELATED SITING AGENCY:**

**Iowa Department of Natural Resources**

[www.iowadnr.com/](http://www.iowadnr.com/)

## **REGULATORY CITATIONS:**

**Iowa Code Chapter 476A & 478**

[www.legis.state.ia.us/cgi-bin/IACODE/Code2003SUPPLEMENT.pl](http://www.legis.state.ia.us/cgi-bin/IACODE/Code2003SUPPLEMENT.pl)

**199 Iowa Administrative Code Chapter 11 – Electric Lines**

[www4.legis.state.ia.us/IAChtml/199.htm](http://www4.legis.state.ia.us/IAChtml/199.htm)

**199 Iowa Administrative Code Chapter 24 – Location and Construction of Electric Power Generating Facilities**

[www4.legis.state.ia.us/IAChtml/199.htm](http://www4.legis.state.ia.us/IAChtml/199.htm)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midwest Independent System Operator

**Preemptive authority over local government**

State of Iowa

# KANSAS

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

According to recent legislation, only nuclear power plants are required to receive the approval of the Kansas Corporation Commission.

### **TRANSMISSION**

For transmission lines, Kansas statutes require the Kansas Corporation Commission to issue a Siting Permit for all lines 230 kV and greater

and at least 5 miles in length, unless they are constructed on an existing easement with one or more transmission lines that is not within the corporate limits of a city or adjacent to the right-of-way of a four lane controlled access highway. A further exemption to the requirement for a siting permit applies to any electric utility that complies with the National Environmental Policy Act of 1969 for the siting of electric transmission lines.

## **PRIMARY SITING AGENCY:**

**Kansas Corporation Commission**

[kcc.ks.gov/](http://kcc.ks.gov/)

## **CONTACT INFORMATION:**

### **Generation Facilities**

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|----------|--|
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### **RELATED SITING AGENCIES:**

**Kansas Department of Health and Environment**

[www.kdheks.gov/ Local zoning authorities](http://www.kdheks.gov/Local%20zoning%20authorities)

### **REGULATORY CITATIONS:**

**Kansas Corporation Commission K.S.A. 66-1, 158 to 66-1, 163 & 66-1, 177 to 66-1, 183**

[www.kslegislature.org/li/b2011\\_12/statute/](http://www.kslegislature.org/li/b2011_12/statute/)

**Kansas Corporation Commission K.A.R. 82-8-1 & 82-12-1 to 82-12-9**

[www.kssos.org/pubs/pubs kar.aspxSiting Authorities](http://www.kssos.org/pubs/pubs_kar.aspxSiting%20Authorities)

**Organization to consider regional need**

Southwest Power Pool

**Preemptive authority over local government**

State of Kansas

**Other**

Kansas Department of Wildlife, Parks, and Tourism Kansas Historic Preservation Office

# KENTUCKY

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## **SUMMARY/OVERVIEW:**

### **GENERATION AND TRANSMISSION**

Regulated utilities under the jurisdiction of the Kentucky Public Service Commission must obtain a Certificate of Public Convenience and Necessity to construct new electric power generating facilities and all electric transmission lines > 138 kV and at least one mile in length. Approval is determined by the need for the proposed facility.

Merchant plant developers are not under the commission's jurisdiction and, as such; do not require a Certificate of Public Convenience and Necessity. However, merchant plants with generating capacity of > 10 Mw and non-regulated transmission lines > 69 kV require approval from the Kentucky State Board on Electric Generation and Transmission Siting. The Siting Board makes decisions based on the effects on the surrounding property, economic impact and the effect on the transmission grid.

## **PRIMARY SITING AGENCIES:**

### **Kentucky Public Service Commission**

[psc.ky.gov/](http://psc.ky.gov/)

### **Kentucky State Board on Electric Transmission and Generation Siting**

[psc.ky.gov/Home/EGTSB](http://psc.ky.gov/Home/EGTSB)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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**RELATED SITING AGENCIES:**

Kentucky Energy and Environment Cabinet

[www.eec.ky.gov](http://www.eec.ky.gov)

Local siting agencies

**REGULATORY CITATIONS:**

Kentucky PSC 807 KAR 5: 001, Section 9

[www.lrc.state.ky.us/kar/807/005/001.htm](http://www.lrc.state.ky.us/kar/807/005/001.htm)

KRS 278.700 – 278.716

[www.lrc.state.ky.us/krs/278-00/chapter.htm](http://www.lrc.state.ky.us/krs/278-00/chapter.htm)

Local zoning regulations

**SITING AUTHORITIES:**

Organizations to consider regional need Midwest Independent  
System Operator Southern Power Pool

PJM

Tennessee Valley Authority

Preemptive authority over local government

Commonwealth of Kentucky

# LOUISIANA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Developers of new generation facilities are required to obtain permits from the Department of Environmental Quality (DEQ).

The Louisiana Ground Water Resources Management Act of 2003 established a state ground water management program under the authority of the Commissioner of Conversation in the Louisiana Department of Natural Resources. Included in the authority of the Commissioner is the requirement that new wells be registered in advance, and the commissioner's ability to issue spacing and casing size limits and production allowable when the proposed well could negatively impact ground water resources in the area.

New facilities must also comply with local siting regulations.

### **TRANSMISSION**

Utilities involved in siting and construction of electric lines within the state of Louisiana do not require regulatory approval from the Public Service Commission. However, approval is required if the building utility desires the costs of these facilities to be put into its rate base. If a facility crosses state-owned lands, the Louisiana Department of Forestry is consulted. The Department of Natural Resources requires a permit for linear facilities if the facility is sited in the coastal zone. Approval from the Army Corps of Engineers is required if the project impacts wetlands.

## **PRIMARY SITING AGENCY:**

**Louisiana Department of Environmental Quality**

[www.deq.state.la.us/](http://www.deq.state.la.us/)

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

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**RELATED SITING AGENCIES:**

Local zoning boards

**REGULATORY CITATIONS:**

Louisiana State and Local Coastal Zone Management Act

[dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=106](http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=106)

Local zoning regulations

**SITING AUTHORITIES:**

Organization to consider regional need

Southwest Power Pool

Preemptive authority over local government

State of Louisiana

# MAINE

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Maine has a coordinated process for early identification of regulatory requirements and critical path issues. Particulars of permitting vary with each facility, but nearly all require air emission, wastewater, storm water, wetland, and Site Location of Development (“Site Law”) permits.

The Site Law is unique to Maine, and includes the development’s impacts on numerous resources, including surface water, groundwater, local archeology, and wildlife. All permits are issued through the Maine Department of Environmental Protection. Reviews of the Maine Department of Environmental Protection applications for resources, such as wildlife, are conducted by other state agencies.

### **TRANSMISSION**

The Maine Public Utilities Commission issues a Certificate of Public Convenience and Necessity for new electric transmission lines of voltage 69 kV and above.

## **PRIMARY SITING AGENCIES:**

### **Maine Department of Environmental Protection**

[www.maine.gov/dep/index.shtml](http://www.maine.gov/dep/index.shtml)

### **Maine Public Utilities Commission**

[www.state.me.us/mpuc/](http://www.state.me.us/mpuc/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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**RELATED SITING AGENCIES:**

**Maine Department of Inland Fish & Wildlife**

[www.state.me.us/ifw/](http://www.state.me.us/ifw/)

**Maine Department of Conservation**

[www.state.me.us/doc/](http://www.state.me.us/doc/)

**Maine Department of Economic and Community Development**

[www.econdevmaine.com/](http://www.econdevmaine.com/)

**REGULATORY CITATIONS:**

**Title 35-A, Maine Revised Statutes**

[janus.state.me.us/legis/statutes/35-A/title35-Ach0sec0.html](http://janus.state.me.us/legis/statutes/35-A/title35-Ach0sec0.html)

**Title 38, Maine Revised Statutes, Section 341-A**

[janus.state.me.us/legis/statutes/38/title38sec341-A.html](http://janus.state.me.us/legis/statutes/38/title38sec341-A.html)

**SITING AUTHORITIES:**

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

For generation, there is no preemptive authority after restructuring. Maine utilities do not build or own generation. Transmission preemptive authority lies with the State of Maine.

# MARYLAND

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

Developers must obtain a Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission to build or modify electric power plants over 70 MW in the state. CPCN exemptions are required for installations less than or equal to 70 MW.

The Maryland Power Plant Research Program (a unit of the Maryland Department of Natural Resources) facilitates the study of the impact of proposed facilities on the environment and on other areas of public interest. It also coordinates the development of recommendations to be included as conditions within the Certificate of Public Convenience and Necessity.

Developers intending to sell into the PJM transmission system must meet PJM interconnection requirements.

### **TRANSMISSION**

The Maryland Public Service Commission issues a Certificate of Public Convenience and Necessity (CPCN) for all overhead electric transmission lines > 69 kV to be built by electric companies. If the line is placed underground, has voltage < 69 kV, or is a distribution line, it does not require a CPCN. The CPCN process entails an environmental review of the project. The Department of Natural Resources (DNR) Power Plant Research Program is responsible for coordinating the review of projects requiring a CPCN with other units within DNR as well as other State agencies.

## **PRIMARY SITING AGENCY:**

**Maryland Public Service Commission**

<http://www.psc.state.md.us/psc/>

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**RELATED SITING AGENCY:**

Maryland Power Plant Research Program

**REGULATORY CITATIONS:**

Maryland PSC title 20 subtitle 79

<http://www.esm.versar.com/pprp/licensing/regs/pscregs.html>

**SITING AUTHORITIES:**

Organization to consider regional need

PJM

Preemptive authority over local government

State of Maryland

# MASSACHUSETTS

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Proposed power plants exceeding 100 MW of generating capacity re-quire the approval of the Massachusetts Energy Facilities Siting Board. Applications should address the effects of the proposed facility upon the environment and provide evidence that the effects are consistent with state environmental and health policies. The application must also provide evidence that the plant will not exceed certain ratios of air pollutant emissions to MW generated. If the facility emissions exceed any threshold levels, then the applicant must provide an analysis of alternate generating technologies and a justification for the use of the more polluting technology.

The petition process in the state of Massachusetts follows an administrative law structure. After an application is filed, public hearings are held. These hearings are followed by an intervention period, a discovery period, and evidentiary hearings. After a final briefing period, the Energy Facilities Siting Board meets to give staff direction regarding the preparation of a tentative decision. After the tentative decision is drafted, the Siting Board votes to approve or disapprove the proposed facility or to approve it with conditions.

Developers must file an environmental notification form with the Massachusetts Executive Office of Energy and Environmental Affairs. For larger facilities, more detailed Draft and Final Environmental Reports must be filed. An air permit must be obtained from the Massachusetts Department of Environmental Protection; other federal, state, and local permits may also be required.

### **TRANSMISSION**

The Massachusetts Energy Facilities Siting Board also must approve new transmission lines > 69kV and > 1 mile, if in a new right-of-way, and transmission lines that are > 115 kV and > 10 miles if located in existing rights-of-way. The review process is similar to that for power plants; however, the scope of review for transmission lines encompasses the need for, cost of and alternatives to the transmission line, and a comparison of potential routes, as well as environmental issues. Additional state or local permits may be required, depending on the length and location of the transmission line.



**PRIMARY SITING AGENCY:**

**Massachusetts Energy Facilities Siting Board**

[www.mass.gov/eea/energy-utilities-clean-tech/energy-facilities-siting-board/](http://www.mass.gov/eea/energy-utilities-clean-tech/energy-facilities-siting-board/)

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**RELATED SITING AGENCIES:**

**Massachusetts Executive Office of Energy and Environmental Affairs**

[www.mass.gov/eea/](http://www.mass.gov/eea/)

**Massachusetts Department of Environmental Protection**

[www.mass.gov/eea/waste-mgmt-recycling/](http://www.mass.gov/eea/waste-mgmt-recycling/)

**Massachusetts Conservation Commissions**

[www.maccweb.org/](http://www.maccweb.org/)

**Local zoning boards**

**REGULATORY CITATIONS AND LINKS IF APPLICABLE:**

**MA Gen Statutes Ch 164 Sec 69 J & J1/4**

[www.state.ma.us/legis/laws/mgl/164%2D69j.htm](http://www.state.ma.us/legis/laws/mgl/164%2D69j.htm)

**Massachusetts Administrative Bulletin 78-2 Code of  
Massachusetts Regulations 980**

**SITING AUTHORITIES:**

[www.mass.gov/eea/energy-utilities-clean-tech/energy-facilities-siting-board/relevant-regulations.html](http://www.mass.gov/eea/energy-utilities-clean-tech/energy-facilities-siting-board/relevant-regulations.html)

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

State of Massachusetts



# MICHIGAN

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Michigan Public Service Commission does not have jurisdiction over the siting of power plants built by independent power producers. However, although there is no central siting authority, developers must comply with environmental laws (air, water and waste permits) governed by the Michigan Department of Environmental Quality and other federal, state or local agencies.

Renewable generation project siting is handled at the local government level.

### **TRANSMISSION**

The Michigan Public Service Commission certifies electric transmission lines that are > 345 kV & > 5 miles in length under Act 30 of 1995.

In addition, the Michigan Public Service Commission has jurisdiction over Expedited Siting Certificate for transmission facilities located within designated Wind Energy Resource Zones under Act 295 of 2008.

## **PRIMARY SITING AGENCY:**

**Michigan Public Service Commission**

[www.michigan.gov/mpsc](http://www.michigan.gov/mpsc)

## **CONTACT INFORMATION:**

### **Generation Facilities**

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|----------|--|
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**RELATED SITING AGENCY:**

Michigan Department of Environmental Quality

[www.michigan.gov/deq](http://www.michigan.gov/deq)

**REGULATORY CITATIONS:**

Michigan PSC, MCL 460.501 et. seq.; MSA 22.141 et. Seq.

[www.michiganlegislature.org/law/mileg.  
asp?page=getObject&objName=mcl-Act-69-of-1929&highlight=](http://www.michiganlegislature.org/law/mileg.asp?page=getObject&objName=mcl-Act-69-of-1929&highlight=)

Michigan PSC, MCL 460.561 et. seq.; MSA 22.10 (1) et. seq.

[www.michiganlegislature.org/law/mileg.  
asp?page=getObject&objName=mcl-Act-30-of-1995&highlight=](http://www.michiganlegislature.org/law/mileg.asp?page=getObject&objName=mcl-Act-30-of-1995&highlight=)

Michigan PSC, MCL 460.1151 et. seq.

[www.legislature.mi.gov/\(S\(xbmulj45ymzpsbriqxuuxz55\)\)/mileg.aspx  
?page=getObject&objectName=mcl-460-1151](http://www.legislature.mi.gov/(S(xbmulj45ymzpsbriqxuuxz55))/mileg.aspx?page=getObject&objectName=mcl-460-1151)

**Local Zoning Regulations**

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midcontinent Independent System Operator

**Preemptive authority over local government**

State of Michigan

# MINNESOTA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

A developer cannot construct new generation facilities or expand existing facilities over 50 MW until it has obtained a Certificate of Need and a siting permit from the Minnesota Public Utilities Commission.

To obtain a Certificate of Need, the developer must submit an application to the Minnesota Public Utilities Commission. The case is then referred to the Office of Administrative Hearings for a contested case proceeding conducted by an Administrative Law Judge. For less controversial projects, a certificate of need can instead be reviewed using a less formal alternative review process. Under either process, the Minnesota Department of Commerce's Division of Energy Resources participates as an advocate for the public interest. At least one public hearing is held in order to receive comments from the public.

The Department of Commerce's Energy Facilities Permitting unit is responsible for issuing an environmental report for the Certificate of Need process. In contested case proceedings the Administrative Law Judge issues findings, conclusions, and a recommendation to the Public Utilities Commission. Under the alternative review process, initial and reply comments are solicited and an Administrative Law Judge presides over the public hearing and provides a summary of the comments received. The Commission then deliberates before making its final decision. The Court of Appeals can review the final decision of the Public Utilities Commission.

The Minnesota Public Utilities Commission also issues siting and routing permits. The application process is similar to the process for obtaining the Certificate of Need. It takes approximately 12 months to obtain a certificate of need and a site permit. The site permit review process can include the formation of a citizen advisory committee and the preparation of an Environmental Impact statement by the Department of Commerce's Energy Facilities Permitting unit.

**TRANSMISSION**

A Certificate of Need and a routing permit are necessary for transmission lines that are > 100 kV and are 10 miles in length or cross a state or country border, and for all lines greater than 200kV.

**PRIMARY SITING AGENCIES:**

**Minnesota Public Utilities Commission – Facilities Permitting**

[www.puc.state.mn.us/](http://www.puc.state.mn.us/)

**Minnesota Department of Commerce – Facilities Permitting unit**

[mn.gov/commerce/energyfacilities/](http://mn.gov/commerce/energyfacilities/)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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**RELATED SITING AGENCY:**

**Minnesota Pollution Control Agency**

[www.pca.state.mn.us/](http://www.pca.state.mn.us/)

**REGULATORY CITATIONS:**

**M.S. Definition of Large Energy Facility 216B.2421, Subd.2(b)**

**M.S. Certificate of Need for Large Energy Facility 216B.243**

[www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl](http://www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl)

**Minnesota Rules Power Plant or Line Chapter 7849**

[www.revisor.leg.state.mn.us/arule/7849/](http://www.revisor.leg.state.mn.us/arule/7849/)

**M.S. Power Plant Siting Act - Electric Power Facility Permits 216E.**

[www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl](http://www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl)

**Minnesota Rules Site or Route Permit; Power Plant or Line Chapter 7850**

[www.revisor.leg.state.mn.us/arule/7850/](http://www.revisor.leg.state.mn.us/arule/7850/)

**Minnesota Statue: Environmental Policy Act 116D.04**

[www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl](http://www.revisor.leg.state.mn.us/cgi-bin/getstatchap.pl)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midwest Independent System Operator

**Preemptive authority over local government**

State of Minnesota





# MISSISSIPPI

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION AND TRANSMISSION**

A developer may not begin construction on new merchant electric power generating facilities until it has acquired a Facility Certificate from the Mississippi Public Service Commission. In order to obtain this Certificate, the petitioner must establish that the proposed facility fills some demand for public convenience and necessity (however, this requirement is less strict than for publicly owned utilities. The Mississippi Public Service Commission also conducts public hearings on the issue.

The Mississippi Public Service Commission issues a Certificate of Public Convenience and Necessity authorizing the construction of electric facilities. Other state or federal agencies may require separate permits for transmission lines. For example, if a natural feature such as a river is crossed, the utility must contact the appropriate state or federal agency.

## **PRIMARY SITING AGENCY:**

**Mississippi Public Service Commission**

<http://www.psc.state.ms.us/>

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

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## **RELATED SITING AGENCIES:**

**Local zoning boards**

## **REGULATORY CITATIONS:**

**Mississippi State Code 77-1-1**

<http://www.mscode.com/free/statutes/77/001/0001.htm>

**Mississippi State Code 77-3-1**

<http://www.mscode.com/free/statutes/77/003/0001.htm>

**Mississippi State Code 77-3-14**

<http://www.mscode.com/free/statutes/77/003/0014.htm>

## **SITING AUTHORITIES:**

**Organization to consider regional need**

Southwest Power Pool

**Preemptive authority over local government**

State of Mississippi

# MISSOURI

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

Regulated utilities are certificated by the Missouri Public Service Commission in Missouri. Generally, these certificates give blanket authority to build facilities in a geographic area defined in the certificate without further permission from the Commission. However, in 2008 the Western District Court of Appeals held in *State ex rel. Cass County v. Public Service Commission*, 259 S.W.3d 544 (Mo. App. 2008), that regulated utilities are required to obtain from the Commission certificates specific to new generating units and associated substations before they are built. Independent power producers and exempt wholesale generators can build facilities in Missouri without the approval of the Missouri Public Service Commission if they build on their own property. They do need permits from the Missouri Department of Natural Resources.

### **TRANSMISSION**

Utilities require a permit from the Missouri Public Service Commission for construction of electric transmission line facilities that extend beyond the applicant's assigned service territory.

## **PRIMARY SITING AGENCY:**

**Missouri Public Utilities Commission**

<http://www.psc.state.mo.us/>

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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**RELATED SITING AGENCY:**

Missouri Department of Natural Resources (for air and water permits)

<http://www.dnr.state.mo.us/>

**REGULATORY CITATIONS:**

Missouri Statute 386

<http://www.moga.state.mo.us/STATUTES/C386.HTM>

Missouri Statute 393

<http://www.moga.state.mo.us/STATUTES/C393.HTM>

**SITING AUTHORITIES:**

Organization to consider regional need

Midwest Independent System Operator / Southwest Power Pool

Preemptive authority over local government

State of Missouri

# MONTANA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

According to the Montana Major Facility Siting Act (MFSA), a developer may petition the Montana Department of Environmental Quality for coverage of the energy related facility under MFSA. If the petition is accepted, information concerning the proposed location and other base-line data must be included in an application. MFSA also addresses any use of geothermal resources, including the use of underground space in existence or to be created, for the creation, use, or conversion of energy, designed for, or capable of, producing geothermal derived power equivalent to 50 megawatts or more, or any addition thereto, except pollution control facilities approved by the department and added to an existing plant. For hydroelectric facilities regulated by FERC, plants, units, or other facilities capable of generating 50 megawatts of hydroelectric power or more, or any addition thereto are covered by MFSA.

The Montana Department of Environmental Quality (DEQ) must notify applicants within 30 days to inform them whether the application is complete or incomplete. The Department of Environmental Quality must issue a report describing alternatives and impacts within nine months of acceptance of a completed application but if working with a federal land management agency on a joint review, DEQ's decision may be timed to coincide with that of the federal agency. Within 30 days following the issuance of the report, the Department of Environmental Quality must approve the facility if certain findings are made. MCA Statutes 75-20-216 & 75-20-301.

The Certificate must include the requirement that the construction of the generation facility begin within 6 years of the date of certification. Decisions of the Department of Environmental Quality can be appealed to the Board of Environmental Review. Decisions of the Montana Board of Environmental Review may be appealed to state district court.

For the Montana Department of Environmental Quality to grant a Certificate, the proposed facility must incorporate all reasonable efforts to mitigate the environmental impact. The facility must not pose a threat to the environment, to the social or economic conditions of the area, or to the health, safety, or welfare of the area inhabitants. MCA Statute 75-20-301(3).

**TRANSMISSION**

Similarly, the Montana Department of Environmental Quality (DEQ) issues a Certificate of Compatibility under the Montana Major Facility Siting Act for certain transmission lines over 69kV (see 75-20-104(8), MCA in [data.opi.mt.gov/bills/mca/75/20/75-20-104.htm](http://data.opi.mt.gov/bills/mca/75/20/75-20-104.htm)). State agencies, such as the Montana Department of Natural Resources and Conservation, must report to the DEQ on the impact of the proposed line in the agency’s area of expertise.

An expedited review process of 90 days is available for generating facilities and transmission lines that are unlikely to have a significant adverse environmental impact. MCA Statute 75-20-231. Requirements pertaining to the commencement of construction of a transmission facility vary by voltage.

**PRIMARY SITING AGENCY:**

Montana Department of Environmental Quality

[www.deq.mt.gov/index.asp](http://www.deq.mt.gov/index.asp)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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**RELATED SITING AGENCIES:**

Montana Department of Transportation Montana Department of Fish Wildlife and Parks

Montana Department of Natural Resources and Conservation  
Montana Historic Preservation Office

# NEBRASKA

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## **SUMMARY/OVERVIEW**

### **GENERATION**

A developer planning to build an electric generating facility must submit an application to the Nebraska Power Review Board. The application process is described in the Nebraska Power Review Board's regulations at Title 285, Chapter 2. The forms necessary are available from the regulations and are available on the Board's website. Other potentially interested power suppliers will be notified of the application and given an opportunity to submit objections or forms indicating consent to approval of the application and a waiver of hearing. If another power supplier or any other interested party with standing objects to the application, a contested hearing is held before the Board. If no party with standing objects, the Board holds a hearing to gather evidence on the proposed facility to ensure that the criteria in Nebraska Revised Statute section 70-1014 have been met. The applicant must demonstrate that the facility will serve the public convenience and necessity, that the applicant can most economically and feasibly supply the electric service resulting from the proposed facility, without unnecessary duplication of facilities or operations. After the hearing, the Board will vote on the application in a public meeting to approve or deny the application. The Board will then issue a written order reflecting the Board's decision.

### **TRANSMISSION**

The Nebraska Power Review Board must approve all transmission lines over 700 volts that will be located outside a power supplier's own service area. The Board's procedures and approval criteria for transmission lines are the same as those for generation facilities. The Nebraska Public Service Commission (PSC) issues orders to utilities to construct, operate and maintain electric utility lines that are > 0.7kV and that are outside of a city limit. This authority of the PSC does not extend to designating the specific location of transmission facilities.

## **PRIMARY SITING AGENCIES:**

**Nebraska Power Review Board**

[www.nprb.state.ne.us/](http://www.nprb.state.ne.us/)



**Nebraska Public Service Commission**

[www.psc.state.ne.us/](http://www.psc.state.ne.us/)

**CONTACT INFORMATION:**

**Generation Facilities**

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**Transmission Facilities**

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**RELATED SITING AGENCIES:**

N/A

**REGULATORY CITATIONS:**

Nebraska Power Review Board Statutes Section 70-1001 to 70-1027, in particular 70-1012 to 70-1016

[statutes.unicam.state.ne.us/corpus/chapall/chap70.html](http://statutes.unicam.state.ne.us/corpus/chapall/chap70.html)

Nebraska Administrative Code Chapter 2, Title 285

[www.sos.state.ne.us/local/regsearch/Rules/Power\\_Review\\_Board/Title-285/Chapter-2.pdf](http://www.sos.state.ne.us/local/regsearch/Rules/Power_Review_Board/Title-285/Chapter-2.pdf)

Nebraska Administrative Code Chapter 7, Title 291

[www.sos.state.ne.us/local/regsearch/Rules/Public\\_Service\\_Commission/Title-291/Chapter-2.pdf](http://www.sos.state.ne.us/local/regsearch/Rules/Public_Service_Commission/Title-291/Chapter-2.pdf)

**Nebraska Statutes Chapter 75 Article 7**

[statutes.unicam.state.ne.us/corpus/chapall/chap75.html](http://statutes.unicam.state.ne.us/corpus/chapall/chap75.html)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midwest Independent System Operator / West Connect

**Preemptive authority over local government**

State of Nebraska



# NEVADA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Public Utilities Commission of Nevada is responsible for reviewing and approving siting applications. In the two counties with populations above 100,000, Washoe and Clark, air emission permit applications are considered and are approved by the County Air Quality Boards and other local and state agencies. In all counties, the applicant requests a permit under the Utility Environmental Permit Act (UEPA) from the Public Utilities Commission of Nevada for conventional generation. There is an exemption of the UEPA for renewable projects under 70 MW gross nameplate rating. The Commission has 150 days to review and act on the application.

If an application is amended, the Commission has another 120 days to review and act on the amended application. An initial application must be made to the Commission within 30 days of the start studies of an environmental assessment or environmental impact statement when federal agency approvals are required for a generation system located in Nevada.

### **TRANSMISSION**

The Nevada Public Utilities Commission (PUCN) requires a Permit to Construction for electric transmission lines 200 kV or greater. The application is made available for parallel state agency review by the Nevada State Clearinghouse including the Department of Conservation and Natural Resources, Department of Wildlife, and State Historical Preservation Office.

If an application is amended, the Commission has another 120 days to review and act on the amended application. An initial application must be made to the Commission within 30 days of the start studies of an environmental assessment or environmental impact statement when federal agency approvals are required for a generation system.

## **PRIMARY SITING AGENCIES:**

**Public Utilities Commission of Nevada**

[www.puc.nv.gov](http://www.puc.nv.gov)

**Nevada Department of Conservation and Natural Resources**

[dcnr.nv.gov/](http://dcnr.nv.gov/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

**U.S. Bureau of Land Management**

[www.blm.gov/nv/st/en.html](http://www.blm.gov/nv/st/en.html)

**USDA Forest Service**

[www.fs.fed.us/](http://www.fs.fed.us/)

**Local siting boards**

## **REGULATORY CITATIONS**

**Nevada Utility Environmental Protection Act state statute NRS  
704.820-704.900**

[www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-704.  
html](http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-704.html)

## **SITING AUTHORITIES:**

**Organization to consider regional need**

RTO West/West Connect/WECC

**Preemptive authority over local government**

State of Nevada

# NEW HAMPSHIRE

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

All proposed generating facilities exceeding 30 MW in capacity, as well as other types of energy facility projects related to natural gas or oil pipelines, or storage facilities with the equivalent energy to supply a 30 MW facility for seven days of continuous operation, require the approval of the New Hampshire Site Evaluation Committee (SEC). If the SEC approves the facility, it grants a Certificate of Site and Facility with conditions. Approval of the Certificate is contingent upon the applicant's successful demonstration that a need exists for the facility, evidence that the appropriate financial management to support the proposed facility is in place, and that the facility will suitably comply with all pertinent state public health, environmental, economic, fish and wildlife, cultural and safety standards.

The New Hampshire Department of Environmental Services reviews the siting, location, and potential environmental impacts of the proposed facility. The New Hampshire Public Utilities Commission reviews the safety, capacity, and reliability aspects of the proposal. Other member agencies of the SEC review the economic and land use impacts, potential public health effects, consistency with smart growth planning objectives (including effects on state transportation systems), consistency with state energy policy, and potential changes to fisheries or wildlife habitats, endangered species, cultural resource impacts and mitigation, and population dynamics.

The New Hampshire Revised Statutes Annotated (RSA) 162-H: 9 also provides for the appointment by the State Attorney General of an Assistant Attorney General to serve as the Counsel for the Public to represent common issues of that group during the proceedings in seeking to protect the quality of the environment and to assure an adequate supply of energy.

The various members of the SEC must submit their recommendations within five months from the date of the formal application acceptance. Adversarial hearings are then held at this stage in the evaluative process, during which all parties have the opportunity to present direct evidence and to cross-examine other witnesses in the proceedings. The SEC must render its final decision as to whether or not to grant a Cer-

tificate of-Site and Facility for energy facilities, within eight months from the date of the application’s acceptance if a renewable/alternative energy facility (RSA 162-H:6-a) or within nine months if the project involves a conventional energy facility).

**TRANSMISSION**

Applications for transmission lines are submitted to the Site Evaluation Committee (SEC) for review and a decision on the application’s accept- ability for further processing. The Department of Environmental Services reviews the siting, location, and potential environmental impacts of the proposed line. The Public Utilities Commission evaluates the application for need, reliability and safety.

Other agencies represented on the SEC evaluate such issues as land use, transportation infrastructure requirements, possible public health consequences, natural resource impacts, fish and wildlife impacts, cultural resources and mitigation, and statewide energy and economic policy considerations. An application and an approval is required for a line > 100 kV that is in excess of 10 miles

in length, over a route not already occupied by a transmission line, or an electric transmission line which the committee determines should require a certificate if the facility poses the potential for causing undue environmental impact or an anticipated adverse public response (see RSA 162-H:2 for specifics).

**PRIMARY SITING AGENCIES:**

**New Hampshire Site Evaluation Committee**

[nhsec.state.nh.us/](http://nhsec.state.nh.us/)

**New Hampshire Department of Environmental Services**

[des.nh.gov/](http://des.nh.gov/)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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**RELATED SITING AGENCIES:**

**New Hampshire Office of Energy and Planning**

[www.nh.gov/oep/](http://www.nh.gov/oep/)

**New Hampshire Public Utilities Commission**

[www.puc.nh.gov/](http://www.puc.nh.gov/)

**New Hampshire Fish and Game Department**

[www.wildlife.state.nh.us/](http://www.wildlife.state.nh.us/)

**New Hampshire Department of Transportation**

[www.nh.gov/dot/](http://www.nh.gov/dot/)

**New Hampshire Department of Resources and Economic Development**

[www.dred.state.nh.us/](http://www.dred.state.nh.us/)

**New Hampshire Department of Health and Human Services**

[www.dhhs.nh.gov/](http://www.dhhs.nh.gov/)

**New Hampshire Department of Cultural Resources**

[www.nh.gov/nhculture/](http://www.nh.gov/nhculture/)

**REGULATORY CITATIONS:**

**RSA 162-H - New Hampshire Energy Facility Evaluation, Siting, Construction and Operation Act**

[www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-xii-162-h.htm](http://www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-xii-162-h.htm)

**Administrative Rules: Chapter Site 100-400 “Energy Facility; Site Evaluation Committee Organization Rules”**

[www.nhsec.nh.gov/rules/documents/chapter100\\_organizational  
rules\\_adopated.pdf](http://www.nhsec.nh.gov/rules/documents/chapter100_organizational_rules_adopated.pdf)

[www.nhsec.nh.gov/rules/documents/chapter200\\_procedural\\_rules  
adopated.pdf](http://www.nhsec.nh.gov/rules/documents/chapter200_procedural_rules_adopated.pdf)



**SITING AUTHORITIES:**

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

State of New Hampshire

# NEW JERSEY

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Applications must be made to the PJM Interconnection to site new generation facilities. The PJM review process includes preliminary feasibility, impact and cost allocations studies.

Siting of new generation facilities requires approval by local authorities and the New Jersey Department of Environmental Protection.

### **TRANSMISSION**

A utility planning to construct an electric transmission line in New Jersey must petition the Board of Public Utilities (BPU) for permission when the line crosses more than one municipality or where the utility is unable to garner necessary local approvals. In the latter case, BPU approval overrides the local decision. When granting approval for an electric transmission line, the BPU reviews a project for need and land use practices. Examples of land use practices include the use of low-profile structures, painting of towers to camouflage their appearance, landscaping of rights-of-way with low growing vegetation, and the use of existing rights-of-way such as railroad corridors and roadways. The BPU may require the utility to consider allowing multiple uses of existing rights-of-way. If the utility does not choose to use existing rights-of-way, it must demonstrate why such is not possible. While the BPU has the major role for transmission line siting, other authorities may become involved including the Department of Environmental Protection, Pinelands Commission, Turnpike Authority, and other port and river authorities.

## **PRIMARY SITING AGENCY:**

**New Jersey Board of Public Utilities**

[www.bpu.state.nj.us/](http://www.bpu.state.nj.us/)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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**RELATED SITING AGENCIES:**

**New Jersey Department of Environmental Protection**

[www.state.nj.us/dep/](http://www.state.nj.us/dep/)

**Turnpike Authority**

[www.state.nj.us/turnpike/](http://www.state.nj.us/turnpike/)

**Pinelands Commission**

[www.state.nj.us/pinelands/](http://www.state.nj.us/pinelands/)

**REGULATORY CITATIONS:**

**Municipal Land Use Law NJSA 40: 55D-19 Extension of Facilities  
NJSA 48: 2-27 Public Utilities NJSA 48:3**

**Electric Light, Heat and Power Companies NJSA 48: 7**

**Utilities NJAC 14: 3**

[www.njleg.state.nj.us/](http://www.njleg.state.nj.us/)

**Local zoning regulations**

**SITING AUTHORITIES:**

**Organization to consider regional need**

**PJM-PJM West**

**Preemptive authority over local government**

State of New Jersey



# NEW MEXICO

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

Per New Mexico SA 1978, Section 62-9-3, only generating plants of or exceeding 300 MW in capacity require siting approval. Before any such facility can be constructed, the developer, if it is a regulated public utility, must obtain a Certificate of Public Convenience and Necessity and location approval from the New Mexico Public Regulation Commission. If the developer is not a regulated public utility, it must obtain a location approval. The applicant must also provide proof that it has obtained the permission of the local authorities in the area affected by the proposed facility.

The New Mexico Public Regulation Commission requires air quality, acid rain and ground water discharge permits from the New Mexico Environment Department before it issues a Siting Permit.

### **TRANSMISSION**

A Certificate of Convenience and Necessity (CCN), Location Permit, and Right-of-Way Width Determination are required from the Public Regulation Commission (PRC) of New Mexico if a regulated public utility intends to construct an electric transmission line, more so, if the voltage level is > 230 kV. The New Mexico statutes require approval for any transmission line having a right-of-way greater than 100 feet in width, regardless of voltage, in cases other than a fee simple acquisition. The utility applies to the PRC for a determination that a right-of-way width greater than 100 feet is needed for the particular line. Justification is based upon National Electrical Safety Code suggested widths. All companies interested in constructing facilities of any type are strongly advised to consult New Mexico Statutes to ensure that they can comply with statutory requirements.

## **PRIMARY SITING AGENCY:**

**New Mexico Public Regulation Commission**

<http://www.nmprc.state.nm.us/>

**CONTACT INFORMATION:**

Generation and Transmission Facilities

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E-mail: [prasad.potturi@state.nm.us](mailto:prasad.potturi@state.nm.us)

**RELATED SITING AGENCY:**

New Mexico Environment Department

<http://www.nmenv.state.nm.us/>

**REGULATORY CITATIONS:**

New Mexico Statute Annotated 62-9-1, 62-9-2; 62-9-3; 62-9-31; 62-9-3.2; 62-9-5; 62-9-6, 62-9-7, 62-6-4B and 62-3-3E

**SITING AUTHORITIES:**

Organization to consider regional need

Southwest Power Pool / West Connect

Preemptive authority over local government

State of New Mexico

# NEW YORK

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Article 10 of the New York State Public Service Law provides for the siting of new or modified electric generation facilities of 25 megawatts and larger. Enacted in 2011, the new law supplants the requirements of the State Environmental Quality Review Act (SEQRA) and replaces a number of state and local permitting requirements with a Certificate of Environmental Compatibility and Public Need issued by the State Board of Electric Generation Siting and the Environment. The law also provides “Intervenor Funding,” both in the pre-application and application phase, for local governments and other interested parties to hire experts to review applications for new electric generators. Before a Certificate may be issued, the Board must make a number of findings regarding the need for the proposed facility and its potential impact on the environment and public health, visual, historic and archeological resources, and studies on potential “environmental justice” impacts. In addition, all electric companies must be granted permission by the Public Service Commission, under Public Service Law Section 68, prior to beginning construction on any proposed facilities.

### **TRANSMISSION**

Article VII of the New York State Public Service Law requires that transmission projects are granted a Certificate of Environmental Compatibility and Public Need by the Public Service Commission. The PSC certifies transmission lines > 125 kV & > 1 mile; and also lines between 100- 124 kV & > 10 miles. The Department does not certify underground lines in cities with a population of 125,000 or more, nor does it certify primary transmission lines for hydroelectric facilities under FERC jurisdiction. Notice provisions apply to lines > 65 kV and extend > 1 mile.



**PRIMARY SITING AGENCIES:**

New York Department of Public Service

[www.dps.ny.gov/](http://www.dps.ny.gov/)

Local Governments

**CONTACT INFORMATION:**

Generation and Transmission Facilities

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**RELATED SITING AGENCIES:**

New York Department of Environmental Conservation

[www.dec.ny.gov/](http://www.dec.ny.gov/)

New York Department of Health

[www.health.state.ny.us/](http://www.health.state.ny.us/)

New York Energy Research and Development Authority

[www.nyserda.org/](http://www.nyserda.org/)

**REGULATORY CITATIONS:**

New York State Environmental Quality Review

[www.dec.ny.gov/](http://www.dec.ny.gov/)

New York State Public Service Law, Section 68

[assembly.state.ny.us/leg/?cl=95&a=5](http://assembly.state.ny.us/leg/?cl=95&a=5)

Article VII of the New York State Public Service Law

[assembly.state.ny.us/leg/?cl=95&a=10](http://assembly.state.ny.us/leg/?cl=95&a=10)

## **SITING AUTHORITIES:**

### **Organization to consider regional need**

New York ISO

[www.nyiso.com/public/index.jsp](http://www.nyiso.com/public/index.jsp)

### **Preemptive authority over local government**

State of New York



# NORTH CAROLINA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Under current law, no public utility or other person shall begin construction of an electric generation facility used to furnish public utility service, directly or indirectly, without first obtaining from the North Carolina Utilities Commission a certificate that public convenience and necessity requires, or will require, such construction. Only a public utility as defined in State law may obtain a certificate to construct a new transmission line, except an entity may obtain a certificate to construct a new transmission line solely for the purpose of providing interconnection of an electric generation facility. This application must include information describing the facility, the proposed site, the construction schedule, and the total cost. Public hearings may be held on the proposed facility. Merchant plants are covered in a separate Commission rule.

The North Carolina Utilities Commission also currently requires that for non-merchant plant generating facilities, with capacity of 300 MW or more, preliminary plans must be filed 120 or more days before a certificate application. Environmental permits must also be obtained from the North Carolina Department of Environment and Natural Resources.

### **TRANSMISSION**

The North Carolina Public Utilities Commission approves siting for electric transmission lines that are > 161 kV.

## **PRIMARY SITING AGENCY:**

North Carolina Utilities Commission

[www.ncuc.net](http://www.ncuc.net)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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**RELATED SITING AGENCY:**

North Carolina Department of Environment and Natural  
Resources

[www.enr.state.nc.us/](http://www.enr.state.nc.us/)

**REGULATORY CITATIONS:**

North Carolina Utilities Commission Rules R1-37, R8-61, R8-62,  
and R8-63

[www.ncuc.net/ncrules/rulstoc.htm](http://www.ncuc.net/ncrules/rulstoc.htm)

North Carolina State Statute GS 62-110.1 and GS 62-100 to GS  
62-107

[www.ncleg.net/Statutes/GeneralStatutes/HTML/ByChapter/Chapter\\_62.html](http://www.ncleg.net/Statutes/GeneralStatutes/HTML/ByChapter/Chapter_62.html)

**SITING AUTHORITY:**

State of North Carolina

# NORTH DAKOTA

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*update pending*

## **SUMMARY/OVERVIEW:**

The North Dakota Siting Act governs siting activities, and its primary purpose, as stated in the Act, is to ensure minimal adverse effects on the environment and on the welfare of the citizens of North Dakota.

## **GENERATION**

Siting Certificates are required for construction of any electric generating facility with 100 MW or more of capacity. Developers proposing to construct such a plant must first file a letter of intent with the Commission at least one year prior to filing an application for a Certificate of Siting Compatibility, though the Commission may designate a shorter waiting period at its discretion. Guidelines for the contents of a letter of intent and for an application can be found on the Commission's web site.

Once a filed application is deemed complete, the Commission statutorily has six months to issue a decision. A Public Notice is issued and a hearing is held in the county where the facility is proposed to be located. Any Certificate of Site Compatibility issued is subject to such terms, conditions, or modifications deemed necessary by the Commission.

## **TRANSMISSION**

The North Dakota Public Service Commission requires a "Certificate of Site Compatibility" and a "Route Permit" for electric transmission lines > 115 kV. Environmental assessment and alternative routes are considered in the application approval process.

## **PRIMARY SITING AGENCY:**

**North Dakota Public Service Commission**

<http://www.psc.state.nd.us/>

## **CONTACT INFORMATION:**

Generation Facilities

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**Transmission Facilities**

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Bismarck, ND 58505

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E-mail: ijs@nd.gov

**RELATED SITING AGENCIES:**

**Other agencies provide input to the North Dakota Public Service Commission**

<http://portal.ncdenr.org/web/guest>

**REGULATORY CITATIONS:**

**North Dakota Century Code Chapter 49-22**

<http://www.legis.nd.gov/cencode/t49c22.pdf>

**North Dakota Administrative Code Article 69-06**

<http://www.legis.nd.gov/information/acdata/html/69-06.html>

**Siting Authorities:**

**Organization to consider regional need**

Midwest Independent System Operator

**Preemptive authority over local government**

State of North Dakota

# OHIO

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## **SUMMARY/OVERVIEW:**

### **GENERATION AND TRANSMISSION**

Before construction can begin on any major utility facility within the state of Ohio, a certificate of Environmental Compatibility and Public Need must be obtained from the Ohio Power Siting Board. The Ohio Power Siting Board is an independent agency located within the Public Utilities Commission of Ohio. The staff is drawn from the member agencies' staff and coordinates its work with other state agencies interested in siting activities.

The Ohio Revised Code defines a major utility facility as a generating plant of 50 MW or more, an electric transmission line of 125 KV or more; a gas pipeline greater than 500 feet in length, more than nine inches in outside diameter, and capable of transporting gas at more than 125 pounds per square inch of pressure; or a wind-generation plant of 5 MW or more. Prior to filing an application, the applicant must hold a public informational meeting to inform the public of the project and obtain their input. There are also required public and adjudicatory hearings. The application must contain information regarding the need for a facility (in the case of generation, the need is presumed, while in transmission, a Board determination is required), describe the facility's impact and effects on the area, including environmental, ecological, social, agricultural, and electric system reliability and regional grid impact, and provide information on an alternative site. The regulations provide for differing levels of state review depending on the voltage and length of the right-of-way. Relatively minor projects can be approved within 21-90 days. Larger projects may take 6-12 months from the date of application submittal.

### **PRIMARY SITING AGENCY:**

**The Ohio Power Siting Board is composed of the following member agencies:**

Public Utilities Commission of Ohio  
Ohio Environmental Protection Agency  
Ohio Department of Natural Resources

**Ohio Department of Agriculture**



**Ohio Department of Health**

**Ohio Development Services Agency**

**Public Member (an engineer appointed by the Governor from list submitted by the Ohio Consumers' Counsel)**

**Ohio State Senators (non-voting)**

**Ohio State Representatives (non-voting)**

[www.opsb.ohio.gov](http://www.opsb.ohio.gov)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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E-mail: [ContactOPSB@puc.state.oh.us](mailto:ContactOPSB@puc.state.oh.us)

**RELATED SITING AGENCIES:**

**Ohio Historical Society**

[www.ohiohistory.org/](http://www.ohiohistory.org/)

**Ohio Department of Transportation**

[www.dot.state.oh.us/](http://www.dot.state.oh.us/)

**U.S. Fish and Wildlife Service**

[www.fws.gov/](http://www.fws.gov/)

**REGULATORY CITATIONS:**

**Ohio Revised Code – Chapter 4906**

**Ohio Administrative Code – Chapter 4906**

[www.legislature.state.oh.us/laws.cfm](http://www.legislature.state.oh.us/laws.cfm)

**SITING AUTHORITIES:**

**Organization to consider regional need**

PJM

**Preemptive authority over local government**

State of Ohio



# OKLAHOMA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

No state agency is specifically in charge of siting matters at this time. Oklahoma has adopted electric restructuring statutes that do not address the process for obtaining site approval. Implementation legislation has been proposed, but has not yet been adopted. At this time, public utilities are vertically integrated and have powers of eminent domain that may be exercised through district court proceedings.

### **TRANSMISSION**

There are no statewide requirements for electric transmission lines in Oklahoma. Other state agency approvals are typically not required. In some cases, such as when a line crosses a wetland or a navigable water- way, federal requirements may apply.

## **PRIMARY SITING AGENCY:**

No Primary Siting Authority

## **CONTACT INFORMATION:**

### **Generation Facilities**

Name: Dawson Lasseter  
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Quality Division  
707 North Robinson Street  
P.O. Box 1677  
Oklahoma City, OK 73101-1677  
Phone: (405) 702-4185  
Fax: (405) 702-4101  
E-mail: dawson.lasseter@deq.state.ok.us

## **RELATED SITING AGENCY:**

No Related Siting Agency

**Regulatory Citations:**

Oklahoma Statutes Title 11 & Title 27

[www.lsb.state.ok.us/OKStatutes/CompleteTitles/os11.rtf](http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os11.rtf) [www.lsb.state.ok.us/OKStatutes/CompleteTitles/os27.rtf](http://www.lsb.state.ok.us/OKStatutes/CompleteTitles/os27.rtf)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Southwest Power Pool

**Preemptive authority over local government**

State of Oklahoma

# OREGON

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Developers planning to build thermal electric generation facilities with a capacity exceeding 25 MW and other generation facilities, including renewable, with capacities described in ORS 469.300(11) must apply for a site certificate from the Oregon Energy Facility Siting Council. However, high efficiency cogeneration facilities greater than 25 MW and other specific types of facilities are eligible for an exemption from the Energy Facility Siting Council as described in OAR 345-015-0350.

The normal siting process has two phases. In the first phase, the applicant submits a notice of intent to the Oregon Department of Energy. The notice of intent describes the proposed facility in general terms, allows the Department to gather public comment and enables state and local agencies to identify laws, regulations and ordinances that apply to the proposed facility. The notice of intent phase of review includes the Department issuing a project order, as described in OAR 345-015-0160, identifying applicable statutes, rules and local ordinances. It describes any special information needed for the application. The project order defines the areas over which the applicant must assess the facility's potential impacts. Department staff will determine these areas, called "analysis areas," based on the type of facility and its location. The analysis areas vary for different types of impacts.

The second phase begins when the applicant submits a preliminary application to the Department. Once the application is deemed complete it is reviewed against siting standards. The Department consults with other state and local government agencies and requests their comments about proposed site certificate conditions. The review concludes when the Department issues a draft proposed order. ORS 469.370 If the Department concludes that the proposed facility can meet all of the Council's standards the draft proposed order would present findings of fact, determinations of compliance and site certificate conditions for construction, operation and retirement of the facility.

Following a public notice of the draft proposed order, the Department holds a public hearing. Only those issues that are raised at this time can be addressed later in the contested case proceeding. To affect the Council's final decision, issues must relate to the Council's standards.

Based on the comments of the Council, public comments at the hearing, written comments and consultation with other governmental agencies, the Department then issues the proposed order along with a public notice of a contested case. Following the contested case hearing, the hearing officer issues a proposed contested case order to which exceptions may be filed. After the period for filing exceptions, the Council, by a vote of at least four members, issue a final order, granting or denying a site certificate. The Council may adopt, modify or reject the hearing officer proposed order.

Following the Council's decision and final order, every party to the contested case has 30 days to apply for a rehearing. A party may petition for judicial review within 60 days after the date of service of the Council's final order (or within 30 days after the date a petition for rehearing is denied). The Oregon Supreme Court has exclusive jurisdiction for judicial review of the Council's decision.

**TRANSMISSION**

The Oregon Energy Facility Siting Council issues a Site Certificate for electric transmission lines that are > 230 kV & > 10 miles in length and that are routed across more than one political subdivision in the state. A site certificate is a comprehensive contract incorporating all applicable requirements of state and local agencies. Appeal of a site certificate decision is made directly to the Oregon Supreme Court.

**PRIMARY SITING AGENCY:**

**Oregon Department of Energy: Energy Facility Siting Council**

[www.energy.state.or.us/siting/sitehm.htm](http://www.energy.state.or.us/siting/sitehm.htm)

**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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Fax: (503) 373-7806  
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**RELATED SITING AGENCIES:**

**Oregon Public Utilities Commission**

[www.oregon.gov/PUC/index.shtml](http://www.oregon.gov/PUC/index.shtml)

**Oregon Department of Land Conservation and Development**

[www.lcd.state.or.us/](http://www.lcd.state.or.us/)

**Oregon Department of Fish and Wildlife**

[www.dfw.state.or.us/](http://www.dfw.state.or.us/)

**Oregon Department of Forestry**

[www.odf.state.or.us/](http://www.odf.state.or.us/)

**Oregon Department of Water Resources**

[www.wrd.state.or.us/](http://www.wrd.state.or.us/)

**Oregon Department of State Lands**

[www.oregonstatelands.us/](http://www.oregonstatelands.us/)

**Oregon Department of Parks and Recreation**

[www.prd.state.or.us/](http://www.prd.state.or.us/)

**Oregon Department of Environmental Quality**

[www.deq.state.or.us/](http://www.deq.state.or.us/)

**Local zoning boards**

**REGULATORY CITATIONS:**

**Oregon Revised Statutes CH 469**

[www.leg.state.or.us/ors/469.html](http://www.leg.state.or.us/ors/469.html)

**Oregon Administrative Rules 345-001-345-030**

[arcweb.sos.state.or.us/pages/rules/access/numerically.html](http://arcweb.sos.state.or.us/pages/rules/access/numerically.html)



**SITING AUTHORITIES:**

**Organization to consider regional need**

RTO West

**Preemptive authority over local government**

State of Oregon

# PENNSYLVANIA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Public Utility Commission does not have any jurisdiction or authority over generation siting. The Commission may examine the life cycle costs of non-coal fired, utility owned generating units. The Commission may order the cancellation or modification of the construction of utility owned generating units. The Pennsylvania Department of Environmental Protection is responsible for the environmental permitting.

Local zoning laws dictate where generation facilities can be built. To build or expand facilities within the PJM Interconnection's territory, PJM undertakes testing and makes the final determination.

### **TRANSMISSION**

Pennsylvania Public Utility Commission (PUC) approval is required for all electric transmission lines > 100 kV. Full application is required if the proposed line is > 2 miles in length. If the proposed line is < 2 miles in length or if it is constructed within an existing right-of-way, a less extensive approval process is necessary. Both processes require public notice.

## **PRIMARY SITING AGENCY:**

**Pennsylvania Public Utility Commission**

[www.puc.pa.gov](http://www.puc.pa.gov)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

|          |  |
|----------|--|
| Name:    | Darren Gill  |
| Title:   | Energy Manager   |
| Address: | Bureau of Technical Utility Services<br>Pennsylvania Public Utilities Commission<br>P.O. Box 3265<br>Harrisburg, PA 17105-3265 |
| Phone:   | (717)783-5244  |
| Fax:     | (717) 787-4750   |
| E-mail:  | dgill@pa.gov   |

**RELATED SITING AGENCIES:**

Pennsylvania Department of Environmental Protection

[www.dep.pa.gov](http://www.dep.pa.gov)

Local zoning boards

**REGULATORY CITATIONS:**

Pennsylvania Code Title 25

[www.pacode.com/secure/data/025/025toc.html](http://www.pacode.com/secure/data/025/025toc.html)

Pennsylvania Code Title 52 subchapter 57.71-57.76

[www.pacode.com/secure/data/052/chapter57/chap57toc.html](http://www.pacode.com/secure/data/052/chapter57/chap57toc.html)

**SITING AUTHORITIES:**

Organization to consider regional need

PJM-PJM West / Midwest Independent System Operator

Preemptive authority over local government

State of Pennsylvania

# RHODE ISLAND

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

Applications to the Rhode Island Energy Facility Siting Board (EFSB) are reviewed and docketed within a month of being received. A preliminary hearing is then scheduled and held to determine the issues involved and the agencies that are to act at the behest of the Rhode Island Siting Board to provide advisory opinions on the proposed projects.

A three- to six- month period ensues for the agencies to conduct those studies. Following the receipt of the studies, the Board schedules a hearing in the affected community followed by final hearings. Applicants are responsible for all expenses incurred by the Siting Board.

### **TRANSMISSION**

The Energy Facility Siting Board (EFSB) reviews and processes applications for electric transmission lines > 345 kV. Lines > 345 kV may be subject to review if they are associated with a generating station or another facility that is subject to EFSB jurisdiction.

## **PRIMARY SITING AGENCY:**

**Rhode Island Energy Facility Siting Board**

<http://www.ripuc.org/efsh/index.html>

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

Name: Doug Hartley

Title: Coordinator

Address: Rhode Island Energy Facility Siting Board  
89 Jefferson Boulevard  
Warwick, RI

Phone: (401) 941-4500 ext. 157

Fax: (401) 941-1691

**RELATED SITING AGENCIES:**

**Rhode Island Statewide Planning Commission**

<http://www.planning.ri.gov/>

**Rhode Island Public Utilities Commission**

<http://www.ripuc.org/>

**Rhode Island Department of Environmental Management**

<http://www.dem.ri.gov/>

Regulatory Citation:

**Energy Facility Siting Act 42-98 of the General Laws of the State of Rhode Island**

<http://www.rilin.state.ri.us/Statutes/TITLE42/42-98/INDEX.HTM>

**SITING AUTHORITIES:**

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

Rhode Island Energy Facility Siting Board

# **SOUTH CAROLINA**

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

An application to the South Carolina Public Service Commission must include a description of the facility and its location, a summary of any environmental impact studies, a statement explaining the need for the facility, and such other information that the applicant considers relevant or that the Commission may require.

The application must also include proof of publication of a notice of the proposed facility and application for such and proof that it has been disseminated to those persons residing within the area of the proposed facility, as well as proof of service to all the related siting agencies. The roles of related siting agencies are dependent upon each one's individual charge.

Within 60 to 90 days of receipt of the application by the Commission, a public hearing must commence. Before granting a Certificate, the Commission must determine the basis of the need for the facility and the nature of the probable environmental impact. The Commission must also determine whether the environmental impact is warranted, considering current technology and alternatives; whether the facility will serve the interests of system economy and reliability; and whether convenience and necessity require the construction of the facility.

The applicant must also provide reasonable assurance that the facility will conform to applicable state and local laws and regulations.

### **TRANSMISSION**

The Public Service Commission of South Carolina is also responsible for issuing a Certificate of Environmental Compatibility and Public Convenience and Necessity for electric transmission lines > 125 kV and non-hydro generating facilities in excess of 75 MW.

## **PRIMARY SITING AGENCY:**

**South Carolina Public Service Commission**

<http://www.psc.sc.gov/>

## **CONTACT INFORMATION:**

Generation and Transmission Facilities

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101 Executive Center Drive  
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P.O. Drawer 11649  
Columbia, SC 29211

Phone: (803) 896-5137

Fax: (803) 896-5199

E-mail: Randy.Watts@psc.state.sc.us

## **RELATED SITING AGENCIES:**

**South Carolina Department of Health and Environment Control**

<http://www.scdhec.net/>

**South Carolina Department of Natural Resources**

<http://www.dnr.state.sc.us/>

**South Carolina Institute of Archaeology and Anthropology**

<http://www.cas.sc.edu/sciaa/>

**South Carolina Department of Parks, Recreation, and Tourism**

<http://www.discoversouthcarolina.com/>

**South Carolina Department of Archives and History**

<http://scdah.sc.gov>

Each municipality and head of each state and local government agency charged with protecting the environment or of planning land use in the area of the proposed facility location.

## **REGULATORY CITATION:**

**Utility Facility Siting and Environmental Protection Act in the Code of Laws of South Carolina Sections 58-33**

<http://www.scstatehouse.gov/code/t58c033.php>

## **SITING AUTHORITY:**

State of South Carolina

# **SOUTH DAKOTA**

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

For an energy conversion facility or AC/DC conversion facility that is capable of generating 100 MW or more, a letter of intent six months prior to the filing of an application with the South Dakota Public Utilities Commission. Within 30 days of the notice of intent, the South Dakota Public Utilities Commission appoints a local review committee, which submits a report of its findings to the South Dakota Public Utilities Commission within seven months of the date the application was filed. Prior to the issuance of a permit, the commission may prepare or require the preparation of an environmental impact statement.

The Commission is also required to provide public notice and conduct public input hearings. The process also provides for a formal evidentiary hearing. The Commission must render a decision within 12 months of receipt of the initial application.

### **TRANSMISSION**

The South Dakota Public Utilities Commission issues a Permit to Construct for all electric transmission lines > 115.

The Commission also has siting jurisdiction over certain hydrocarbon pipe- lines as defined in South Dakota Code 49-41B-2.1.

## **PRIMARY SITING AGENCY:**

**South Dakota Public Utilities Commission**

[www.puc.sd.gov](http://www.puc.sd.gov) 605-773-3201

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

|          |  |
|----------|--|
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**RELATED SITING AGENCIES:**

N/A

**REGULATORY CITATION:**

**South Dakota Codified Law 49-41B (Energy Conversion and Transmission Facilities)**

[legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=49-41b&Type=Statute](http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=49-41b&Type=Statute)

**South Dakota Administrative Rules 20: 10:22 (Energy Facility Siting Rules)**

[legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10:22](http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:10:22)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Midwest Independent System Operator

**Preemptive authority over local government**

State of South Dakota

# TENNESSEE

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Tennessee Regulatory Authority regulates only one city in the state which receives power from an out of state producer. The Tennessee Valley Authority, which is a federal entity, provides power to every other location in Tennessee.

### **TRANSMISSION**

The Tennessee Valley Authority serves as the clearinghouse for electric transmission line siting. Siting follows guidelines based on the National Environmental Protection Act and any other pertinent national environmental laws. TVA solicits appropriate input from state agencies when considering a new line.

## **PRIMARY SITING AGENCY:**

Tennessee Valley Authority

[www.tva.gov/](http://www.tva.gov/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

Name: Ian S Grant  
Title: Planning Coordinator  
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1101 Market Street  
Chattanooga, TN 37402-2801  
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E-mail: [isgrant@tva.gov](mailto:isgrant@tva.gov)

## **RELATED SITING AGENCIES:**

N/A

## **REGULATORY CITATION:**

National Environmental Policy Act (NEPA)

[ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm](http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm)

**SITING AUTHORITIES:**

**Organization to consider regional need**

Tennessee Valley Authority

**Preemptive authority over local government**

Tennessee Valley Authority

# TEXAS

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The Public Utility Commission of Texas requires a certificate for generation facilities built by electric utilities to serve areas outside of the Electric Reliability Council of Texas control area. Other state agencies that will be involved include the Texas Commission on Environmental Quality (air and water discharge permits), and the Railroad Commission (gas transmission).

### **TRANSMISSION**

The Public Utilities Commission of Texas approves all electric utility transmission lines that are > 60 kV. Other state agencies such as the Texas Historical Society, Texas Parks and Wildlife Department, and Texas Department of Transportation may become involved as necessary.

## **PRIMARY SITING AGENCY:**

Public Utility Commission of Texas

[www.puc.state.tx.us/](http://www.puc.state.tx.us/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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Fax: (512) 936-7328  
E-mail: [mohammed.ally@puc.texas.gov](mailto:mohammed.ally@puc.texas.gov)

## **RELATED SITING AGENCIES:**

Texas Commission on Environmental Quality

[www.tceq.state.tx.us/index.html](http://www.tceq.state.tx.us/index.html)

**Texas Railroad Commission**

[www.rrc.state.tx.us/](http://www.rrc.state.tx.us/)

**REGULATORY CITATIONS AND LINKS IF APPLICABLE:**

**Chapter 25.101 Substantive Rules Applicable to Electric Service Providers**

[www.puc.state.tx.us/rules/subrules/electric/25.101/25.101.pdf](http://www.puc.state.tx.us/rules/subrules/electric/25.101/25.101.pdf)

**Public Utility Regulatory Act Chapter 37 Sec. 37.051-057**

[www.capitol.state.tx.us/cgi-bin/statutes/pdf/frame.cmd?filepath=/statutes/docs/UT/content/pdf/ut.002.00.000037.00.pdf&title=UTILITIES%20CODE%20-%20CHAPTER%2037](http://www.capitol.state.tx.us/cgi-bin/statutes/pdf/frame.cmd?filepath=/statutes/docs/UT/content/pdf/ut.002.00.000037.00.pdf&title=UTILITIES%20CODE%20-%20CHAPTER%2037)

**SITING AUTHORITIES:**

**Organization to consider regional need**

ERCOT / Southwest Power Pool / West Connect

**Preemptive authority over local government**

State of Texas

# UTAH

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

There is no single Utah State government agency with primary responsibility for electric generation plant siting, although a Certificate of Public Convenience and Necessity from the Utah Public Service Commission is generally required. Various additional agencies need to be contacted to determine the necessary requirements for the specific proposed project.

### **TRANSMISSION**

Construction of new transmission facilities requires receipt of a Certificate of Public Convenience and Necessity from the Utah Public Service Commission, although there are exceptions to this requirement. Federal agency permitting is important in Utah, as over 50 percent of the land is under federal ownership.

## **PRIMARY SITING AGENCY:**

No Primary Siting Agency

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

|          |  |
|----------|--|
| Name:    | Gary Widerburg   |
| Title:   | Commission Administrator   |
| Address: | Utah Public Service Commission<br>Heber M. Wells Bld.<br>4th Floor<br>160 E. 300 S. Salt Lake City, UT 84111 |
| Phone:   | (801) 530-6716   |
| Fax:     | (801) 530-6796   |
| E-mail:  | gwiderburg@utah.gov  |

## **RELATED SITING AGENCIES:**

Public Service Commission of Utah (certificate of convenience and necessity)

[www.psc.utah.gov/](http://www.psc.utah.gov/)

Utah Department of Commerce

[www.commerce.state.ut.us/](http://www.commerce.state.ut.us/)

Utah Department of Environmental Quality

[www.eq.state.ut.us/](http://www.eq.state.ut.us/)

Utah Department of Natural Resources

[www.nr.utah.gov/](http://www.nr.utah.gov/)

School and Institutional Trust Lands Administration

[www.utahtrustlands.com/](http://www.utahtrustlands.com/)

Labor Commission, Occupational Safety & Health Division

[www.uosh.utah.gov/](http://www.uosh.utah.gov/)

County and Local Governments

## **REGULATORY CITATIONS:**

Utah Code 54-4-25

[www.le.state.ut.us/~code/TITLE54/htm/54\\_04026.htm](http://www.le.state.ut.us/~code/TITLE54/htm/54_04026.htm)

Utah Code 11-13-304

[www.le.state.ut.us/~code/TITLE11/htm/11\\_09033.htm](http://www.le.state.ut.us/~code/TITLE11/htm/11_09033.htm)

## **SITING AUTHORITIES:**

Organization to consider regional need

Northern Tier Transmission Group

Preemptive authority over local government

State of Utah

# VERMONT

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*update pending*

## **SUMMARY/OVERVIEW:**

### **GENERATION**

A developer planning to construct an electric power generating facility must file a petition with the Vermont Public Service Board pursuant to Vermont Statutes Annotated Title 30 Section 248. The procedure is laid out in the statute. In addition to obtaining approval from the Vermont Public Service Board, there may be other local, state, and federal approvals also required. Anyone interested in obtaining approval for generation siting should consult a Vermont attorney.

The process before the Vermont Public Service Board is a contested case process. It involves technical hearings at which interested parties are permitted to intervene. The Vermont Department of Public Service is a statutory party and represents the rate payers and the public interest.

In general, applicants must start the process by filing a petition and supporting testimony with the Vermont Public Service Board that complies with 30 VSA 248. The Vermont Public Service Board will then schedule a pre-hearing conference to set a hearing schedule. The schedule usually requires pre-filed written testimony by the petitioning applicant and an opportunity for interested parties to do formal written discovery on the applicant, as well as conduct depositions. The intervenors and the statutory parties then have an opportunity to also pre-file written testimony and the applicant has a similar opportunity to conduct formal discovery on the intervenors. Technical hearings follow discovery.

After the hearings, the parties file briefs and reply to briefs, after which the Vermont Public Service Board issues an order. The process can take months or even as long as a year in complex, controversial cases. Parties may appeal the Board's decision to the Vermont Supreme Court.

### **TRANSMISSION**

A company intending to construct an electric transmission line in Vermont petitions the Public Service Board (PSB) for a Certificate of Public Good. The Vermont Public Service Department is a statutory



party to the resultant proceeding along with other concerned state agencies. Certificates are required for all electric lines > 46 kV. Lines < 46 kV may require a certificate if they are used for electric transmission.

## **PRIMARY SITING AGENCY:**

### **Vermont Public Service Board**

<http://psb.vermont.gov/>

### **Vermont Public Service Department**

<http://www.state.vt.us/psd/>

## **CONTACT INFORMATION:**

### **Generation Facilities**

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112 State Street  
Drawer 20  
Montpelier, VT 05620  
Phone: (802) 828-2358  
Fax: (802) 828-3351  
E-mail: [psb.clerk@state.vt.us](mailto:psb.clerk@state.vt.us)

## **RELATED SITING AGENCIES:**

### **Vermont Attorney General**

<http://www.atg.state.vt.us/>

### **Vermont Department of Health**

<http://healthvermont.gov/>

### **Vermont Agency of Natural Resources**

<http://www.anr.state.vt.us/>

### **Vermont Historic Preservation Division**

<http://www.historicvermont.org/>

### **Vermont Scenery Preservation Council**

<http://www.vtscenery.org/>

**Vermont Agency of Transportation**

<http://www.aot.state.vt.us/>

**Vermont Department of Agriculture, Food, and Markets**

<http://www.vermontagriculture.com/>

**Municipal and regional planning commissions**

The municipal legislative body for each town and city in which the facility will be located

**REGULATORY CITATION:**

**Chapter 30 Vermont Statutes, Section 248**

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=30&Chapter=005&Section=00248>

**SITING AUTHORITIES:**

**Organization to consider regional need**

ISO New England

**Preemptive authority over local government**

State of Vermont



# VIRGINIA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Developers planning to construct electric power generating facilities in Virginia must obtain the approval of the Virginia State Corporation Commission. The Commission must consider the impact of proposed generating facilities on the reliability of the grid. The Commission also considers the technical and financial viability of the plant developers. For facilities to be included in the rate base of Virginia jurisdictional utilities, the Commission must also find that the facilities are necessary for serving the needs of the public. Approvals are based on general findings of whether or not proposed facilities are in the “public interest.”

The Commission has entered into a memorandum of understanding with the Virginia Department of Environmental Quality to coordinate review of proposed generating facilities. Approvals may include conditions necessary to mitigate environmental impacts in addition to any separate approvals that may be needed from environmental agencies. However, the Commission is prohibited from imposing conditions regarding matters covered by or considered in conjunction with permits or approvals by other governmental entities.

Wind powered facilities of 100 MWs owned by non-utility generators are exempted from the Commission’s oversight by a permit by rule process overseen by the Virginia Department of Environmental Quality. Similar exemptions will be available for solar facilities of 100 MWs or less and Biomass facilities of 20 MWs or less once the Virginia Department of Environmental Quality has adopted Permit by Rule procedures for those types of facilities.

### **TRANSMISSION**

Developers planning to build transmission lines that are not ordinary extensions or improvements in the usual course of business must obtain a Certificate of Public Convenience and Necessity (CPCN) from the Virginia State Corporation Commission. A CPCN is required for overhead lines operated at 138 kV or more (of any length), and underground lines (of any length). The Commission must consider reliability, environmental, historic, economic development, and public health and safety impacts. The Commission must impose requirements that reasonably minimize adverse environmental impact.

**PRIMARY SITING AGENCY:**

Virginia State Corporation Commission

[www.scc.virginia.gov](http://www.scc.virginia.gov)

**CONTACT INFORMATION:**

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**RELATED SITING AGENCIES:**

Virginia Department of Environmental Quality

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Local zoning boards

## **REGULATORY CITATIONS:**

**Code of Virginia Sections 56-46.1, 56-234.3, 56-265.2, 56-580**

[leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-46.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-46.1) [leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-234.3](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-234.3) [leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-265.2](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-265.2) [leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-580](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-580)

## **SITING AUTHORITIES:**

**Organization to consider regional need**

PJM Interconnection, LLC

**Preemptive authority over local government**

State of Virginia



# WASHINGTON

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Developers planning to construct thermal (including nuclear) electric power generating facilities with a generation capacity of 350 MW or greater must obtain the approval of the Washington Energy Facility Site Evaluation Council (EFSEC). A preliminary site study may be done prior to starting the certification process to assess whether to proceed with an application. The Council is responsible for evaluating applications to ensure that all environmental and socioeconomic impacts are considered before a site is approved. After evaluating an application, the Washington Energy Facility Site Evaluation Council submits a recommendation to the Governor. If the Council determines that constructing and operating the facility will produce minimal adverse effects on the environment, ecology of the land and wildlife, and ecology of the state waters and aquatic life, then it recommends that a Site Certification Agreement be approved and signed by the Governor. The Site Certification Agreement lists the conditions the applicant must meet during construction, operation and decommissioning of the facility. Since EFSEC supersedes all other state and local governments, all required state and local permits are issued through the Council.

In the case of facilities of less than 350 MW generating capacity, approvals must be received directly from local government, and other permits through appropriate state agencies and local government.

100% renewable energy facilities also have the option to seek permits through EFSEC. Otherwise they are sited by local government.

### **TRANSMISSION**

The Washington Energy Facility Site Evaluation Council is responsible for electrical transmission line siting if the line is associated with the construction of an energy facility under EFSEC jurisdiction. New transmission lines that are 115 kV or larger have the option to seek permits through EFSEC. Otherwise they are sited by local governments.

## **PRIMARY SITING AGENCY:**

**Washington Energy Facility Site Evaluation Council**

[www.efsec.wa.gov/](http://www.efsec.wa.gov/)



**CONTACT INFORMATION:**

**Generation and Transmission Facilities**

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**RELATED SITING AGENCY:**

Local zoning boards

**REGULATORY CITATIONS AND LINKS IF APPLICABLE:**

Revised Code of Washington, Chapter 80.50

[www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=80.50](http://www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=80.50)

Title 463 Washington Administrative Code, Title 463

[www.leg.wa.gov/wac/index.cfm?fuseaction=title&title=463](http://www.leg.wa.gov/wac/index.cfm?fuseaction=title&title=463)

**SITING AUTHORITIES:**

Organization to consider regional need

RTO West

Preemptive authority over local government

State of Washington

# WEST VIRGINIA

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

The role of the Public Service Commission of West Virginia in generation siting is an evolving one. At this time, all entities must apply for and receive a Certificate of Convenience and Necessity for new generation.

The process for reviewing an incumbent utility's request to build a new generation facility differs from a request by an independent producer. In reviewing a utility or wholesale generator's request, the Public Service Commission of West Virginia carefully evaluates the need for the plant, the economics of the plant, and the environmental impact of the plant.

### **TRANSMISSION**

The Public Service Commission (PSC) of West Virginia certifies all electric transmission lines > 200 kV. Utility owned transmission lines < 200 kV may be subject to certification. The Commission has instructed all utilities to consult with PSC staff on whether a construction project that will provide service to the public requires a certificate on a case-by-case basis. Developers of independent power plants have been advised that both the generating plant and the related non-utility transmission lines require certification. Certification is based on convenience, necessity and environmental impact.

## **PRIMARY SITING AGENCY:**

**Public Service Commission of West Virginia**

[www.psc.state.wv.us/](http://www.psc.state.wv.us/)

**CONTACT INFORMATION:**

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**RELATED SITING AGENCY:**

West Virginia Division of Environmental Protection

[www.dep.state.wv.us/](http://www.dep.state.wv.us/)

**REGULATORY CITATION:**

West Virginia Code, Chapter 24 – Section 2-11, 2-11a & 211-c

[129.71.164.29/wvcode/24/masterfrm2frm.htm](http://129.71.164.29/wvcode/24/masterfrm2frm.htm)

**SITING AUTHORITIES:**

Organization to consider regional need

PJM-PJM West

Preemptive authority over local government

State of West Virginia

# WISCONSIN

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Any utility or wholesale merchant company building a power plant with a capacity in excess of 100 MW requires a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission of Wisconsin (PSCW). If the applicant is a utility and the project does not require a CPCN, a Certificate of Authority (CA) is required if the gross estimated project cost exceeds the applicable project cost thresholds.

At least 60 days before submitting an application for a CPCN for a generation project, the applicant must provide an engineering plan to the Wisconsin Department of Natural Resources (WDNR.) Each engineering plan must show the location of the sites and a description of the facility's anticipated environmental impacts. Within 30 days, WDNR must list the site-specific permits or approvals that it will require for construction and operation. Within the next 20 days, the applicant must apply for the permits, and the WDNR must determine if the applications are complete within the following 30 days. Within 120 days of the date permit applications are determined to be complete, WDNR must decide whether or not to grant the permits.

The PSCW provides detailed information requirements to indicate what constitutes a complete CPCN application. Within 30 days of the applicant filing the application, the PSCW, with input from the WDNR, must determine whether the application is complete. If an application is determined to be complete, the PSCW has 180 days in which to issue an order approving, rejecting, or modifying the proposal. The PSCW can seek a 180-day extension from circuit court. Unless the PSCW receives an extension from the circuit court, the project will receive a de facto approval as proposed if an order is not issued within the 180-day period (or within 360 days if an extension is granted).

During the PSCW's review of the project, it may hold public information meetings in the project area to provide the public with information about the project, to describe the PSCW's review process, and to seek public input for its environmental review. In addition, the PSCW provides basic information materials about generation plants, plant siting criteria, and the review process – either through direct mail, public meetings, or its Internet site.

Before issuing a CPCN, the PSCW must hold public hearings in the proposed project area. The public is encouraged to testify at the hearings. The Commission makes its decision on the project on the basis of the hearing record, which includes technical testimony from the applicant and intervening parties as well as testimony from the general public.

A public hearing may or may not be held as part of the CA review. For CA cases where there is no hearing, the Commission bases its decisions on the staff's written summary and information in the case file. For a CA, the Commission is required to issue a decision within 90 days after issuing its Notice of Investigation for cases not involving a hearing and within 180 days after issuing its Notice of Hearing for cases involving a hearing. These deadlines may be extended to 180 and 360 days, respectively, with the approval of the Chairperson of the Commission.

PSCW and WDNR coordinate the environmental review aspects of generation projects. WDNR wetland and waterway permits must be issued within 30 days of the PSCW decision on CPCN projects.

The above information also applies to renewable energy sources of electric generation with respect to CPCN and CA requirements for utilities and wholesale merchant companies. In addition, the PSCW has complaint jurisdiction as to the reasonableness of local governmental oversight over the siting and operation of wind generation.

## **TRANSMISSION**

The PSCW is responsible for permitting transmission lines in Wisconsin. The type of permit needed varies depending on the voltage, length, and cost of the project. Transmission lines designed for operation at greater than 100kV and greater than 1 mile in length require a CPCN, and are processed similarly to CPCN applications for power plants as described above except that the engineering plan and associated WDNR timelines described above for generation projects do not apply to transmission line projects. A public hearing is required as part of the CPCN review.

Transmission lines designed for operation at less than 345 kV are exempt from the CPCN requirement if all related construction activity takes place entirely within an existing transmission line right-of-way.

New transmission lines to be constructed by a utility that do not require a CPCN that exceed cost thresholds require a CA. The PSCW processes CA applications for transmission lines similarly to CA applications for power plants as described above.

Similarly to generation projects, PSCW and WDNR coordinate the environmental review aspects of transmission projects. WDNR wetland and waterway permits must be issued within 30 days of the PSCW decision on CPCN projects.

## **PRIMARY SITING AGENCY:**

**Public Service Commission of Wisconsin**

[psc.wi.gov/](http://psc.wi.gov/)

## **CONTACT INFORMATION:**

### **Generation and Transmission Facilities**

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## **RELATED SITING AGENCIES:**

**Wisconsin Department of Agriculture, Trade, and Consumer Protection**  
(through the Agricultural Impact Statement process)

[datcp.wi.gov](http://datcp.wi.gov)

**Wisconsin State Historical Society**  
(through Section 106 process under the National Historic Preservation Act)

[www.wisconsinhistory.org/](http://www.wisconsinhistory.org/)

**Wisconsin Department of Natural Resources  
(through its permit process)**

[dnr.wi.gov](http://dnr.wi.gov)

[dnr.wi.gov/topic/sectors/energy.html](http://dnr.wi.gov/topic/sectors/energy.html)

**REGULATORY CITATIONS AND LINKS IF  
APPLICABLE:**

**Wisconsin Statutes Chapter 196**

[docs.legis.wisconsin.gov/statutes/statutes/196.pdf](http://docs.legis.wisconsin.gov/statutes/statutes/196.pdf)

**Wisconsin Administrative Code Chapter PSC 111**

[docs.legis.wisconsin.gov/code/admin\\_code/psc/111.pdf](http://docs.legis.wisconsin.gov/code/admin_code/psc/111.pdf)

**Wisconsin Administrative Code Chapter PSC 112**

[docs.legis.wisconsin.gov/code/admin\\_code/psc/112.pdf](http://docs.legis.wisconsin.gov/code/admin_code/psc/112.pdf)

**Wisconsin Administrative Code Chapter PSC 128**

[docs.legis.wisconsin.gov/code/admin\\_code/psc/128.pdf](http://docs.legis.wisconsin.gov/code/admin_code/psc/128.pdf)

**OTHER APPLICABLE AUTHORITIES:**

**Organization to consider regional need**

Midcontinent Independent System Operator, Inc.

<https://www.midwestiso.org/Pages/Home.aspx>

# WYOMING

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## **SUMMARY/OVERVIEW:**

### **GENERATION**

Before constructing an electrical generation facility in the state of Wyoming, regulated utilities must apply to the Wyoming Public Service Commission for a Certificate of Public Convenience and Necessity. This application must include, among other things, the name and address of the applicant; the environmental impact of the proposed facility; a complete description of the facility to be constructed and a description of the surrounding area; the rates that will be charged; the project's estimated cost and length; the financial condition of the applicant; a description of the need for the facility; and how the proposed facility best meets the public convenience.

The Department of Environmental Quality has regulatory authority for air quality, water quality, solid and hazardous waste, mining, and land quality. In addition, it provides the staff for the Wyoming Industrial Siting Council. The Siting Council requires permits to construct and operate generation facilities with construction costs of \$178 million or more; or if a biomass fuel is used, capable of using 600 short tons per day.

The Wyoming State Engineer provides permits for use of ground water or surface water.

### **TRANSMISSION**

The Wyoming Public Service Commission has jurisdiction over all lines built by public utilities. The PSC may require a Certificate of Public Convenience and Necessity for electric transmission lines designed to operate at 69 kV or higher and longer than 3.0 miles unless the line is deemed "construction necessary in the ordinary course of business". Special statutory provisions apply to lines of 230 kV or greater. PSC certification does not precede local authority; however, if a line is rejected or special conditions are added at the local level, the applicant may be entitled to a hearing held by the PSC. Lines of 500kV or less are exempt from the Wyoming Industrial Siting Act. The Department of Environmental Quality has siting jurisdiction over all lines built by any entity other than a public utility. A proposed transmission line may have to be approved under a county land use plan. The relevant county planner or county attorney should be contacted to discuss compliance issue entitled to a hearing held by the PSC.



Transmission projects should be discussed with the Department of Environmental Quality for permit requirements (e.g. stormwater runoff, sanitary facilities, dust control, etc.). The Wyoming Industrial Siting Council requires permits to construct and operate transmission projects if the lines are capable of 500kV.

The Wyoming Infrastructure Authority provides panning and incentives for transmission lines.

**PRIMARY SITING AGENCIES:**

**Wyoming Public Service Commission**

[psc.state.wy.us/](http://psc.state.wy.us/)

**Wyoming Department of Environmental Quality**

[deq.state.wy.us/](http://deq.state.wy.us/)

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## **RELATED SITING AGENCIES**

### **City and county land use planners**

[wyofire.state.wy.us/](http://wyofire.state.wy.us/)

### **Rocky Mountain Area Transmission Study**

[psc.state.wy.us/htdocs/subregional/home.htm](http://psc.state.wy.us/htdocs/subregional/home.htm)

### **Regulatory Citations and Links if applicable:**

#### **Wyoming Public Service Commission Rules 204, 205, 206 & 207**

[soswy.state.wy.us/RULES/1201.pdf](http://soswy.state.wy.us/RULES/1201.pdf)

#### **Wyoming Statutes 35-11-101 to 1507 and 35-12-101-119**

[legisweb.state.wy.us/statutes/titles/title35/chapter11.htm](http://legisweb.state.wy.us/statutes/titles/title35/chapter11.htm) [legisweb.state.wy.us/statutes/titles/title35/chapter12.htm](http://legisweb.state.wy.us/statutes/titles/title35/chapter12.htm)

#### **Wyoming Statutes Title 37**

[legisweb.state.wy.us/statutes/sub37.htm](http://legisweb.state.wy.us/statutes/sub37.htm)

## **SITING AUTHORITIES:**

### **Organization to consider regional need**

West Connect / RTO West

### **Preemptive authority over local government**

State of Wyoming has limited authority over local decisions





EI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers.

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