

## Summary of State Transmission Siting Law in the Western Interconnection

The table below provides an overview of different features for each state. The left hand column provides links to a descriptive summary of each state’s siting process. Each state summary contains links to the underlying statutory provisions of the transmission siting process.

This initial draft attempts to capture the key parameters and compare siting processes among different states. We intend to build upon on this initial working draft and incorporate comments from stakeholders familiar with state siting laws.

	Permitting System	Permitting Authority	Scope of Authority	Permission Required	Demonstration of Need	Timeline	Environmental Impact Analysis
<a href="#"><u>Alberta</u></a>	<ul style="list-style-type: none"> <li>• Province-level</li> <li>• 2-step process</li> </ul>	<ul style="list-style-type: none"> <li>• Alberta Utilities Commission</li> </ul>	<ul style="list-style-type: none"> <li>• A persons wishing to construct a transmission line</li> </ul>	<ul style="list-style-type: none"> <li>• Permit to construct</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrated through a need identification document</li> </ul>	<ul style="list-style-type: none"> <li>• 180 days, with 90 day extension, and further extension granted by Energy Minister when necessary</li> </ul>	<ul style="list-style-type: none"> <li>• Commission may make environmental regulations when issuing permit</li> </ul>
<a href="#"><u>Arizona</u></a>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> <li>• 2-step process</li> </ul>	<ul style="list-style-type: none"> <li>• Arizona Corporation Commission (final approval)</li> <li>• ACC Transmission Line Siting Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Lines <math>\geq</math> 115kV.</li> <li>• Decisions binding on all state and local agencies</li> <li>• Local ordinances, plans, and regulations must be complied with</li> </ul>	<ul style="list-style-type: none"> <li>• Certificate of Environmental Compatibility</li> </ul>	<ul style="list-style-type: none"> <li>• Matter of committee discretion</li> <li>• No CPCN needed</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory timeline for siting decisions</li> <li>• Generally <math>\approx</math>180 days from submission of application</li> </ul>	<ul style="list-style-type: none"> <li>• No official EIA required. Environmental impact is considered by the TLSC.</li> </ul>
<a href="#"><u>British Columbia</u></a>	<ul style="list-style-type: none"> <li>• Province-level, single siting authority</li> <li>• Single step process</li> </ul>	<ul style="list-style-type: none"> <li>• British Columbia Utilities Commission</li> </ul>	<ul style="list-style-type: none"> <li>• All public utilities plants or systems</li> </ul>	<ul style="list-style-type: none"> <li>• CPCN</li> </ul>	<ul style="list-style-type: none"> <li>• Must show need for CPCN.</li> <li>• Addressed through planning as well</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Assessment Certificate</li> </ul>

<u>California</u>	<ul style="list-style-type: none"> <li>• State-level, dual siting authority</li> <li>• PUC oversight of utilities</li> </ul>	<ul style="list-style-type: none"> <li>• CA Energy Commission (CEC)</li> <li>• California PUC</li> </ul>	<ul style="list-style-type: none"> <li>• CEC: Lines attached to generation <math>\geq</math> 50MW</li> <li>• PUC: Utility-sponsored projects &gt; 200kV</li> </ul>	<ul style="list-style-type: none"> <li>• CEC: certification</li> <li>• PUC: CPCN</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> <li>• Addressed through planning</li> </ul>	<ul style="list-style-type: none"> <li>• <math>\approx</math> 1yr. for CEC: notice of intent phase</li> <li>• <math>\approx</math>12 or 18 mos. for CEC application phase</li> </ul>	<ul style="list-style-type: none"> <li>• EIA done by Environmental Section of PUC, using CA Environmental Quality Act</li> </ul>
<u>Colorado</u>	<ul style="list-style-type: none"> <li>• County-level, appeals to PUC</li> <li>• PUC oversight of utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Local, by county or municipality</li> <li>• Colorado PUC for utilities and power authorities</li> </ul>	<ul style="list-style-type: none"> <li>• Local: all lines</li> <li>• PUC: Utility-sponsored lines</li> </ul>	<ul style="list-style-type: none"> <li>• Local: permit, license, etc.</li> <li>• PUC: Cert. of Public Convenience and Necessity</li> </ul>	<ul style="list-style-type: none"> <li>• Local: requirements vary</li> <li>• Need must be demonstrated for CPCN</li> </ul>	<ul style="list-style-type: none"> <li>• Local: <math>\approx</math>120 days to issue/deny permits</li> <li>• PUC: <math>\approx</math>60 days to make CPCN decision</li> </ul>	<ul style="list-style-type: none"> <li>• Air permits must be obtained from CO Dept. of Public Health &amp; Environment.</li> </ul>
<u>Idaho</u>	<ul style="list-style-type: none"> <li>• County-level multiple siting authorities</li> <li>• State environ. permits</li> <li>• PUC oversight of Utilities and NIETCs</li> </ul>	<ul style="list-style-type: none"> <li>• Local, by county or municipality</li> <li>• Idaho DEQ</li> <li>• Idaho PUC</li> </ul>	<ul style="list-style-type: none"> <li>• Local: all lines</li> <li>• DEQ: all lines</li> <li>• PUC: Utility-sponsored projects</li> </ul>	<ul style="list-style-type: none"> <li>• Local: permit, license, etc.</li> <li>• DEQ: Environmental permits</li> <li>• PUC: CPCN</li> <li>• PUC: NIETC Route Certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Clear showing of need for CPCN</li> <li>• No need for NIETCs because need assumed critical</li> </ul>	<ul style="list-style-type: none"> <li>• 12 month timeline on all NIETC Route Certificates.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental permits required from Dept. Environmental Quality</li> </ul>
<u>Montana</u>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> </ul>	<ul style="list-style-type: none"> <li>• Montana DEQ</li> </ul>	<ul style="list-style-type: none"> <li>• Lines <math>\geq</math> 69kV</li> <li>• Lines <math>\leq</math> 230kV and <math>\leq</math> 10 miles are exempt</li> <li>• Decisions binding on state and local agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Certificate of Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> <li>• Addressed through planning</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory 9-month review period.</li> <li>• After review, 30-day time limit on decision.</li> <li>• Expedited process available in some cases</li> </ul>	<ul style="list-style-type: none"> <li>• Air and water quality permits must be obtained</li> <li>• EIA using SEPA standards</li> </ul>
<u>Nevada</u>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> </ul>	<ul style="list-style-type: none"> <li>• Nevada PUC</li> <li>• Division of Environmental Protection (review only)</li> </ul>	<ul style="list-style-type: none"> <li>• Lines <math>\geq</math> 200kV</li> <li>• Cooperatives considered utilities</li> </ul>	<ul style="list-style-type: none"> <li>• CPCN</li> <li>• Permits under Utility Environmental Permit Act</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> <li>• PUC is only entity allowed to consider need</li> </ul>	<ul style="list-style-type: none"> <li>• <math>\approx</math> 150 days to make decision</li> <li>• Application period pegged to federal EIS process.</li> </ul>	<ul style="list-style-type: none"> <li>• Summary of environmental analyses required with application</li> </ul>

<u>New Mexico</u>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> <li>• Multiple permits</li> </ul>	<ul style="list-style-type: none"> <li>• New Mexico Public Regulation Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Lines <math>\geq</math> 230 kV</li> <li>• Approval necessary for lines with right-of-way greater than 100 ft. in width</li> </ul>	<ul style="list-style-type: none"> <li>• CPCN</li> <li>• Location Permit</li> <li>• Right-of-Way Width Determination</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> <li>• Statutory recognition of need for transmission expansion</li> </ul>	<ul style="list-style-type: none"> <li>• <math>\approx</math> 9 mos. For CPCN</li> <li>• <math>\approx</math> 90 days for Location Permit</li> <li>• <math>\approx</math> 6 mos. for Determination of Right-of-Way</li> </ul>	<ul style="list-style-type: none"> <li>• statutory standards when reviewing applications for CPCN and Location Permit</li> </ul>
<u>Oregon</u>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> </ul>	<ul style="list-style-type: none"> <li>• Energy Facility Siting Council</li> </ul>	<ul style="list-style-type: none"> <li>• Lines <math>\geq</math> 230kV and <math>\geq</math>10 miles</li> <li>• Decisions binding on state and local agencies</li> <li>• Local ordinances, plans, and regulations must be considered</li> </ul>	<ul style="list-style-type: none"> <li>• Site Certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed through planning</li> <li>• NIETC designation automatically meets need</li> </ul>	<ul style="list-style-type: none"> <li>• 2-phase process</li> <li>• 1: Notice of intent phase has no set time limit</li> <li>• 2: Application phase completed within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• Uses a standard-based process.</li> <li>• Uses land use criteria rather than a SEPA.</li> </ul>
<u>Utah</u>	<ul style="list-style-type: none"> <li>• County-level</li> <li>• Dispute resolution by review board with limited powers</li> <li>• PSC oversight</li> </ul>	<ul style="list-style-type: none"> <li>• Local, by county or municipality</li> <li>• Utah DEQ</li> <li>• Utah PSC</li> <li>• Utility Facility Review Board</li> </ul>	<ul style="list-style-type: none"> <li>• Local: all lines</li> <li>• DEQ: all lines</li> <li>• PSC: Utility-sponsored projects</li> </ul>	<ul style="list-style-type: none"> <li>• Local: permit, license, etc.</li> <li>• DEQ: Environmental permits</li> <li>• PSC: CPCN</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> <li>• Review board will hear if a local permit is denied for a facility that is needed</li> </ul>	<ul style="list-style-type: none"> <li>• Local governments must respond to application within 120 days or the utility may seek review by Board.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental permits required from Dept. Environmental Quality</li> </ul>
<u>Washington</u>	<ul style="list-style-type: none"> <li>• State-level, single siting authority</li> </ul>	<ul style="list-style-type: none"> <li>• Energy Facility Site Evaluation Council</li> <li>• Governor (final approval)</li> </ul>	<ul style="list-style-type: none"> <li>• Lines associated with generation facilities <math>\geq</math> 350MW</li> <li>• Optional, lines associated with 100% renewable generation (sponsor choice)</li> <li>• Lines <math>\geq</math>115kV (sponsor choice)</li> <li>• ALL NIETC projects</li> <li>• Decisions binding on state and local agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Site Certification Agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Need is assumed by statute and need not be demonstrated</li> </ul>	<ul style="list-style-type: none"> <li>• 3-phase process</li> <li>• 1: Preapplication phase has time limits for setting public hearings</li> <li>• 2: Application phase completed within 12 months</li> <li>• 3: Final approval within 60 days of receipt by governor</li> </ul>	<ul style="list-style-type: none"> <li>• EIA using SEPA standards</li> <li>• Process incorporates federally delegated water and air quality permits into decision</li> </ul>

<p><b>Wyoming</b></p>	<ul style="list-style-type: none"> <li>• County-level, appeals to PSC</li> <li>• PSC oversight of utilities</li> <li>• DEQ oversight of non-utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Local, by county or municipality</li> <li>• Wyoming Public Service Commission</li> <li>• WY DEQ, Industrial Siting Council</li> </ul>	<ul style="list-style-type: none"> <li>• Local: all lines</li> <li>• PSC: Utility-sponsored projects <math>\geq 69\text{kV}</math> and <math>&gt; 3</math> miles</li> <li>• DEQ: all non-utility projects</li> </ul>	<ul style="list-style-type: none"> <li>• Local: permit, license, etc.</li> <li>• PSC:CPCN</li> <li>• DEQ: environmental permits</li> </ul>	<ul style="list-style-type: none"> <li>• Need must be demonstrated for CPCN</li> </ul>	<ul style="list-style-type: none"> <li>• DEQ: decisions must be made within 45 days of hearing</li> </ul>	<ul style="list-style-type: none"> <li>• DEQ conducts environmental evaluation when issuing permit</li> </ul>
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