

Idaho Transmission Siting Information

General Information:

Idaho has a decentralized transmission siting system wherein local authorities have siting authority for all transmission lines. Public utilities must obtain a Certificate of Public Convenience and Necessity from the Public Utilities Commission. All entities must obtain proper environmental permits from the Department of Environmental Quality. Local authority can be preempted, and other siting requirements foregone, in the case of a proposed line located in a NIETC. In this case, the applicant must obtain a Route Certificate from the PUC.

Siting Entities:

- Local Governments
- Idaho PUC
- Idaho DEQ

Authorizations Needed:

The type and process varies from local authority to local authority. A utility must obtain a Certificate of Public Convenience and Necessity (CPCN). Various air and water permits must be obtained from the Department of Environmental Quality. For lines within a NIETC the PUC must issue a Route Certificate. [IC 61-1701](#).

Preemption of local siting authority:

Local authority may be preempted in cases of NIETC designation provided certain conditions are met. In order for an entity to seek preemption of local authority it must show the following:

- The notice shall “disclose how the [utility] intends to account for each of the permitting entities and when it proposes to file with these entities for the respective permits or other authorizations prior to the route certificate application. [IC 61-1704\(f\)](#).
- The application must show that the lines will be used in interstate commerce. [IC 61-1705\(1\)\(e\)](#).
- The application must show the same criteria listed in [IC 61-1703\(2\)](#), which are the considerations that the PUC must make in reviewing the application. [IC 61-1705\(1\)\(e\)](#).
- A specific request for preemption of certain local governments and a list of local applications that are pending, denied, or contain approval conditions to which the utility objects. [IC 61-1705\(1\)\(j\)&\(2\)\(f\)](#).

General Siting Process:

All entities proposing to build transmission lines in the state must seek permits from the local authorities as to location of the lines. County and city planning and zoning commissions must adopt a “Comprehensive Plan” that includes an analysis of utility transmission corridors. IC §67-

6508(h). These plans, if they exist, can serve as the basis for siting transmission lines within the county. Entities should contact the city planner in the affected areas.

If the lines will be in a NIETC, the applicant must submit a Notice of Intent to file at least 120 days prior to submission of the application. [IC 61-1704\(1\)](#). Once the notice is filed, the entity must hold public hearings and workshops along the proposed route. [IC 61-1707\(1\)](#) If no application is filed within 180 days of the filing of the Notice of Intent, the notice is considered withdrawn. [IC 61-1704\(1\)](#) Within 21 days of receipt of the notice, the PUC shall convene a preapplication conference with the transmitting utility, federal, state, local government and tribal permitting entities. [IC 61-1704\(4\)](#). The PUC shall issue its final order within 12 months of the receipt of the application. [IC 61-1705\(5\)](#).

Application Requirements:

For Route Certificates, the applicant need not demonstrate need because, at least in NIETC cases, the legislature finds that “the efficient and safe transmission of electricity is critical to the well-being of the citizens and the economy of this state, the region and the nation.” [IC 61-1701](#).

Interstate Cooperation:

Idaho is a member of the Pacific Northwest Electric Power and Conservation Planning Council (PNEPCPC) (with MT, OR, & WA). [IC 61-1201](#). A state office is to be designated as “PNEPCPC member” and will be filled by two governor appointees. [IC 61-1202](#).

Federal Issues:

The PUC is the sole siting entity for NIETC transmission projects. The statute specifically states that PUC preemption is meant to “avoid federal preemption.” [IC 61-1701](#). The statute directly addresses preemption by eliminating the need aspect and providing a general understanding that projects are “critical” to the wellbeing of the state, region and nation. [IC 61-1701](#). The statute also specifically harmonizes Route Certificate criteria with the criteria for preemption in §1221 of the 2005 EPAct. It includes language about regional and national benefits, significant reduction in transmission congestion, and national security and energy independence. [IC 61-1703\(2\)](#). Finally, the statute harmonizes preemption of local authority with 1221 language and provides for preemption of local siting authority in the following instances: (1) local government denies or does not authorize a NIETC project within 60 days of the PUC’s receipt of an application for Route Certificate; (2) the local government imposes too strict a condition on the project. [IC 61-1703\(3\)\(a-b\)](#).