

House Engrossed

transmission lines; applications; exceptions

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2437

AN ACT

AMENDING SECTIONS 40-360.03 AND 40-360.07, ARIZONA REVISED STATUTES;  
RELATING TO THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-360.03, Arizona Revised Statutes, is amended  
3 to read:

4 40-360.03. Applications before construction of facilities;  
5 exception

6 A. Every utility planning to construct a plant, ~~OR~~ OR transmission  
7 line, or both, in this state shall first file with the commission an  
8 application for a certificate of environmental compatibility. The  
9 application shall be in a form prescribed by the commission and shall be  
10 accompanied by information with respect to the proposed type of facilities  
11 and description of the site, including the areas of jurisdiction affected  
12 and the estimated cost of the proposed facilities and site. ~~Also~~ The  
13 application shall ALSO be accompanied by a receipt evidencing payment of  
14 the appropriate fee required by section 40-360.09. The COMMISSION SHALL  
15 PROMPTLY REFER THE application and accompanying information ~~shall be~~  
16 ~~promptly referred by the commission~~ to the chairman of the committee for  
17 the committee's review and decision.

18 B. THIS SUBSECTION DOES NOT APPLY IF THE TRANSMISSION LINE AND ITS  
19 ASSOCIATED RIGHT-OF-WAY IS TO BE LOCATED ON LAND THAT IS ENTIRELY OWNED IN  
20 FEE SIMPLE BY ONE OR MORE OWNERS OF THE TRANSMISSION LINE. FOR THE  
21 PURPOSES OF THIS SUBSECTION, LAND THAT IS HELD IN FEE SIMPLE BY AN  
22 AFFILIATE OF ONE OR MORE OWNERS OF THE TRANSMISSION LINE IS DEEMED TO BE  
23 HELD BY THE OWNERS OF THE TRANSMISSION LINE IF EACH OF THE OWNERS OF THE  
24 AFFILIATE HAS AN OWNERSHIP INTEREST IN THE TRANSMISSION LINE.

25 Sec. 2. Section 40-360.07, Arizona Revised Statutes, is amended to  
26 read:

27 40-360.07. Compliance by utility; commission order

28 A. ~~NO~~ A utility may NOT construct a plant or transmission line  
29 within this state until it has received a certificate of environmental  
30 compatibility from the committee with respect to the proposed site,  
31 affirmed and approved by an order of the commission which shall be issued  
32 not less than thirty days nor more than sixty days after the certificate  
33 is issued by the committee, except that within fifteen days after the  
34 committee has rendered its written decision any party to a certification  
35 proceeding may request a review of the committee's decision by the  
36 commission. THIS SUBSECTION DOES NOT APPLY IF THE TRANSMISSION LINE AND  
37 ITS ASSOCIATED RIGHT-OF-WAY IS TO BE LOCATED ON LAND THAT IS ENTIRELY  
38 OWNED IN FEE SIMPLE BY ONE OR MORE OWNERS OF THE TRANSMISSION LINE. FOR  
39 THE PURPOSES OF THIS SUBSECTION, LAND THAT IS HELD IN FEE SIMPLE BY AN  
40 AFFILIATE OF ONE OR MORE OWNERS OF THE TRANSMISSION LINE IS DEEMED TO BE  
41 HELD BY THE OWNERS OF THE TRANSMISSION LINE IF EACH OF THE OWNERS OF THE  
42 AFFILIATE HAS AN OWNERSHIP INTEREST IN THE TRANSMISSION LINE.

43 B. The grounds for review shall be stated in a written notice filed  
44 with the commission with a copy thereof served on the chairman of the  
45 committee. The committee shall transmit to the commission the complete

1 record, including a certified transcript, and the review shall be  
2 conducted on the basis of the record. The commission ~~may~~, at the request  
3 of any party, ~~MAY~~ require written briefs or oral argument and shall within  
4 sixty days ~~from~~ ~~AFTER~~ the date the notice is filed either confirm, deny or  
5 modify any certificate granted by the committee, or ~~in the event~~ ~~IF~~ the  
6 committee refused to grant a certificate, the commission may issue a  
7 certificate to the applicant. In arriving at its decision, the commission  
8 shall comply with ~~the provisions of~~ section 40-360.06 and shall balance,  
9 in the broad public interest, the need for an adequate, economical and  
10 reliable supply of electric power with the desire to minimize the effect  
11 thereof on the environment and ecology of this state.

12 C. The committee or any party to a decision by the commission  
13 pursuant to subsection B of this section may request the commission to  
14 reconsider its decision within thirty days after the decision is  
15 issued. A request for reconsideration made pursuant to this subsection  
16 shall set forth the grounds ~~upon~~ ~~ON~~ which it is based and state the manner  
17 in which the party believes the commission unreasonably or unlawfully  
18 applied or failed to apply the criteria set forth in section  
19 40-360.06. The decision of the commission is final with respect to all  
20 issues, subject only to judicial review as provided by law in the event of  
21 an appeal by a person having a legal right or interest that will be  
22 injuriously affected by the decision.