

278.714 Application for certificate to construct nonregulated electric transmission line or carbon dioxide transmission pipeline -- Granting or denial -- Public hearing -- Local public information meeting -- Fee.

- (1) No person shall commence to construct a nonregulated electric transmission line or a carbon dioxide transmission pipeline without a construction certificate issued by the board. An application for a construction certificate shall be filed at the offices of the Public Service Commission along with an application fee as set forth in subsection (6) of this section. The board may hire a consultant to review the transmission line or carbon dioxide pipeline and provide recommendations concerning the adequacy of the application and proposed mitigation measures. The board may direct the consultant to prepare a report recommending changes in the route of the carbon dioxide pipeline or the route of the electric transmission line. Any consultant expenses or fees shall be borne by the applicant.
- (2) A completed application shall include the following:
 - (a) The name, address, and telephone number of the person proposing construction of the nonregulated electric transmission line or the carbon dioxide transmission pipeline;
 - (b) A full description of the proposed route of the electric transmission line or the carbon dioxide transmission pipeline and its appurtenances. The description shall include a map or maps showing:
 1. The location of the proposed line or pipeline and all proposed structures that will support it;
 2. The proposed right-of-way limits;
 3. Existing property lines and the names of persons who own the property over which the line or pipeline will cross; and
 4.
 - a. The distance of the proposed electric transmission line from residential neighborhoods, schools, and public and private parks within one (1) mile of the proposed facilities; or
 - b. The distance of the proposed carbon dioxide transmission pipeline from residential neighborhoods, schools, and parks, either private or public, within one thousand (1,000) feet of the proposed facilities;
 - (c) With respect to electric transmission lines, a full description of the proposed line and appurtenances, including the following:
 1. Initial and design voltages and capacities;
 2. Length of line;
 3. Terminal points; and
 4. Substation connections;
 - (d) A statement that the proposed electric transmission line and appurtenances will be constructed and maintained in accordance with accepted engineering practices and the National Electric Safety Code;
 - (e) With respect to both electric transmission lines and carbon dioxide transmission pipelines, evidence that public notice has been given by publication in a newspaper of general circulation in the general area

concerned. Public notice shall include the location of the proposed electric transmission line or carbon dioxide pipeline, shall state that the proposed line or pipeline is subject to approval by the board, and shall provide the telephone number and address of the Public Service Commission; and

- (f) Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed electric transmission line or carbon dioxide transmission pipeline is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the general area in which the line or pipeline is proposed to be located.
- (3) With respect to electric transmission lines, within ninety (90) days of receipt of the application, or one hundred twenty (120) days if a local public hearing is held, the board shall, by majority vote, grant or deny the construction certificate either in whole or in part. Action to grant the certificate shall be based on the board's determination that the proposed route of the line will minimize significant adverse impact on the scenic assets of Kentucky and that the applicant will construct and maintain the line according to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed construction or modification of electric transmission facilities in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that the construction and maintenance of the line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the line, or changes in design or configuration of the line.
- (4) A public hearing on an application to construct a nonregulated electric transmission line may be held in accordance with the provisions of KRS 278.712.
- (5) The board shall convene a local public information meeting upon receipt of a request by not less than three (3) interested persons that reside in the county or counties in which the carbon dioxide pipeline is proposed to be constructed. If the board convenes the local public information meeting, the meeting will be in the county seat of one (1) of the counties, as determined by the board, in which the proposed carbon dioxide pipeline will be located. The meeting shall provide an opportunity for members of the public to be briefed and ask the party proposing the carbon dioxide pipeline questions about the pipeline.
- (6) Pursuant to KRS 278.706(3) and (5), the board shall promulgate administrative regulations to establish an application fee for a construction certificate for:
 - (a) A nonregulated transmission line; and
 - (b) A carbon dioxide transmission pipeline.
- (7) With respect to carbon dioxide transmission lines, within ninety (90) days of receipt of the application or one hundred twenty (120) days if a local public information meeting is held, the board shall, by majority vote, grant or deny the construction certificate either in whole or in part. Action to grant the certificate shall be based on the board's determination that the proposed route of the pipeline will minimize significant adverse impact on the scenic assets of Kentucky and that the applicant will construct and maintain the line according

to all applicable legal requirements. In addition, the board may consider the interstate benefits expected to be achieved by the proposed carbon dioxide transmission pipeline in the Commonwealth. If the board determines that locating the transmission line will result in significant degradation of scenic factors or if the board determines that locating the carbon dioxide transmission line will be in violation of applicable legal requirements, the board may deny the application or condition the application's approval upon relocation of the route of the pipeline.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 82, sec. 6, effective June 8, 2011. -- Amended 2006 Ky. Acts ch. 137, sec. 2, effective July 12, 2006. -- Created 2002 Ky. Acts ch. 365, sec. 8, effective April 24, 2002.

Legislative Research Commission Note (10/25/2011). A reference to "subsection (5)" in subsection (1) of this statute has been changed to "subsection (6)" under KRS 7.136(1)(e) and (h). In 2011 Ky. Acts ch. 82, sec. 6, the existing subsection (5) was renumbered as subsection (6), but an internal reference to that subsection in the existing language of this statute was overlooked.