



# CITY COUNCIL WORK SESSION AGENDA

May 11, 2015  
12:00 p.m.

Marc D. Tall, Mayor  
Ronald J. Beauchamp, Mayor Pro-Tem  
Patricia A. Baribeau, Council Member  
Ralph B. Blasier, Council Member  
Michael R. Sattem, Council Member

James V. O'Toole, City Manager  
Robert S. Richards, CMC, City Clerk  
Ralph B.K. Peterson, City Attorney

City Council Chambers located at: City Hall - 410 Ludington Street - Room C101 - Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items listed with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

**Monday, May 11, 2015, 12:00 p.m.**

CALL TO ORDER  
ROLL CALL  
APPROVAL/ADJUSTMENTS TO THE AGENDA  
CONFLICT OF INTEREST DECLARATION

NEW BUSINESS

- 1. Discussion - Senate Bill 282 - Siting and Construction of Electric Transmission Lines - Senator Tom Casperson.**  
**Explanation:** Senator Tom Casperson will be present to discuss the intent and concept of Senate Bill 282, which is a bill to regulate the siting and construction of certain electric transmission lines; to prescribe powers and duties of certain state and local entities and officials; to create a board; to prescribe the board's powers and duties; and to provide certain fees.

GENERAL PUBLIC COMMENT  
ANNOUNCEMENTS  
ADJOURNMENT

Respectfully Submitted,

James V. O'Toole  
City Manager



State Senator

# TOM CASPERSON

Michigan's 38th State Senate District

*Proudly serving the citizens of Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, Schoolcraft Counties*

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## Casperson's game-changing bill connects Upper, Lower Peninsulas to same electrical grid

Posted on April 16, 2015

LANSING, Mich. – Michigan's Upper and Lower Peninsulas could soon share the same electrical grid if legislation submitted on Thursday by state Sen.

Tom Casperson becomes law.

Senate Bill 282 addresses a growing concern that, with only one major power plant, most U.P. residents rely on electricity sourced from outside the state.

“It is hard to believe – and unacceptable – that in 2015, residents of Michigan’s Upper Peninsula primarily rely on another state for electricity,” said Casperson, R-Escanaba. “If we, as one state, want to establish a more independent energy future that is by Michigan and for Michigan, then it only makes sense that our peninsulas be connected by more than just a bridge. In that spirit, just as the state came together to build the Mackinac Bridge, it is time for the state to come together to bridge this energy divide.”

The bill would allow for construction of electric infrastructure to connect the peninsulas to the same electric grid, enabling transmission from one to the other. Beyond integration, this move would ensure affordable and reliable electricity for not only all Michiganders, but especially for the U.P, as well as establish a more unified and independent energy future.

Under the bill, the governor would appoint a state board to select, through a bidding process, a developer to construct a project that meets the policy goals of the legislation. The siting of the project would need to be approved by the Michigan Public Service Commission and undergo analysis by Midcontinent Independent System Operator (MISO), a regional transmission organization.

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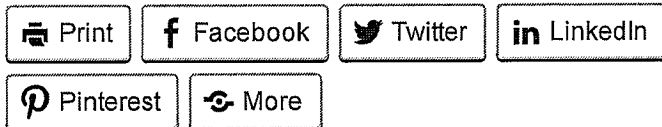
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Project costs would be shared among all Michigan ratepayers within MISO.

“Michiganders are incredibly generous people,” Casperson said. “Just as we all came together to help the city of Detroit in recent years, the Upper Peninsula needs a similar effort. As with Detroit, the state of Michigan cannot reach its full potential without a healthy and prosperous U.P. – one that provides families, small business and industry with affordable and reliable energy so we can all grow and prosper.”

SB 282 is expected to be formally introduced Tuesday, April 21, and will likely be referred to the Senate Committee on Energy and Technology.

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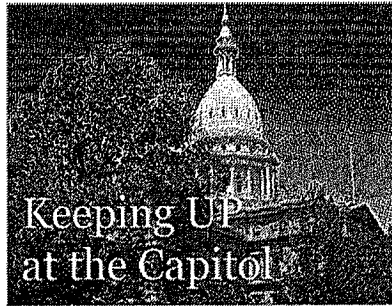
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# SENATE BILL No. 282

April 21, 2015, Introduced by Senators CASPERSON, HORN, KNEZEK, O'BRIEN, STAMAS, SCHMIDT, SCHUITMAKER, ANANICH, KOWALL and SHIRKEY and referred to the Committee on Energy and Technology.

A bill to regulate the siting and construction of certain electric transmission lines; to prescribe powers and duties of certain state and local entities and officials; to create a board; to prescribe the board's powers and duties; and to provide for certain fees.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "Michigan electric infrastructure act".

3           Sec. 2. As used in this act:

4           (a) "Board" means the Michigan electric infrastructure board  
5 created in section 3.

6           (b) "Commission" means the Michigan public service commission  
7 created in section 1 of 1939 PA 3, MCL 460.1.

1 (c) "Construction" means any substantial action constituting  
2 placement or erection of the foundations, trenches, facilities,  
3 equipment, or structures supporting a transmission line including,  
4 but not limited to, the conductors, wires, or other equipment  
5 attached to the structures. Construction does not include  
6 preconstruction activity or the addition of circuits to an existing  
7 transmission line.

8 (d) "Electric utility" means a person, partnership,  
9 corporation, association, or other legal entity whose transmission  
10 or distribution of electricity the commission regulates under 1909  
11 PA 106, MCL 460.551 to 460.559, or 1939 PA 3, MCL 460.1 to 460.11.  
12 Electric utility does not include an independent transmission  
13 company.

14 (e) "Good cause" means an event or circumstance, whether or  
15 not foreseeable, not caused by a qualified developer that prevents  
16 the qualified developer from complying with an obligation under  
17 this act. Good cause does not include a strike or other labor  
18 unrest that affects only the qualified developer, an increase in  
19 prices or other change in general economic conditions, or a change  
20 in law or regulations.

21 (f) "Independent transmission company" means that term as  
22 defined in section 2 of the electric transmission line  
23 certification act, 1995 PA 30, MCL 460.562.

24 (g) "Municipality" means a city, township, or village.

25 (h) "Notice to construct" means a notice issued by the board  
26 granting an entity the sole right to construct a transmission line  
27 until the notice to construct expires.

1 (i) "Preconstruction activity" means that term as defined in  
2 section 2 of the electric transmission line certification act, 1995  
3 PA 30, MCL 460.562.

4 (j) "Qualified developer" means either of the following:

5 (i) An independent transmission company that commits to  
6 support and advocate for the implementation of 1 resource adequacy  
7 zone that includes both the Upper and Lower Peninsulas of this  
8 state.

9 (ii) An entity that the board determines meets all of the  
10 criteria stated in section 5(4).

11 (k) "Resource adequacy zone" means a geographic area, defined  
12 by a regional transmission organization, for which there must be  
13 access to sufficient total generation capacity, both internal and  
14 importable into the zone, to serve load in accordance with the  
15 regional transmission organization's requirements.

16 (l) "Route" means real property or other infrastructure on or  
17 across which a transmission line is constructed or proposed to be  
18 constructed.

19 (m) "Transmission line" means all structures, equipment, and  
20 real property necessary to transfer electricity at system bulk  
21 supply voltage of 100 kilovolts or more.

22 (n) "Utility corridor" means the geographic area necessary to  
23 accommodate the construction and operation of 1 or more electric  
24 transmission or distribution lines.

25 Sec. 3. (1) The Michigan electric infrastructure board is  
26 created within the department of licensing and regulatory affairs.  
27 The board shall consist of 7 members, appointed by the governor as



1 follows:

2 (a) One individual representing the department of  
3 environmental quality.

4 (b) One individual representing the department of natural  
5 resources.

6 (c) One individual representing the state energy office.

7 (d) One individual representing the Michigan economic  
8 development corporation.

9 (e) One individual representing the technical staff of the  
10 commission.

11 (f) One resident of the Upper Peninsula.

12 (g) One resident of the Lower Peninsula.

13 (2) The members initially appointed under subsection (1) shall  
14 be appointed within 30 days after the effective date of this act.

15 (3) The board shall exercise its powers, duties, and decision-  
16 making authority independently of the commission.

17 (4) The board shall ensure that adequate resources will be  
18 able to reach electric consumers in this state through the  
19 construction of transmission infrastructure that will reduce  
20 congestion and energy prices in this state, provide for additional  
21 transmission capacity in this state, ensure reliable and efficient  
22 operation of the integrated electrical transmission system in this  
23 state, and support this state's energy policy goals.

24 Sec. 5. (1) Within 30 days of the initial appointment of the  
25 board under section 3, the board shall publish a list of counties  
26 within this state that contain transmission facilities on which  
27 constraints have caused congestion in the 5 years preceding the

1 publication of that list, leading to increased electricity prices.

2 (2) Within 60 days after the board publishes the list under  
3 subsection (1), the board shall request interested entities to  
4 submit proposals identifying any proposed transmission line  
5 necessary to do any of the following:

6 (a) Provide additional transmission capacity to the geographic  
7 areas of this state that include the counties identified in  
8 subsection (1), reduce congestion, constraints, and losses on the  
9 electrical system in this state, and reduce the overall cost of  
10 delivered energy in this state.

11 (b) Ensure the deliverability of generation resources both  
12 internal and external to this state to loads throughout this state  
13 for purposes of resource adequacy.

14 (c) Facilitate generation resource diversification.

15 (d) Increase the electrical connectivity between the Upper and  
16 Lower Peninsulas of this state beyond the capability provided by  
17 the 2 circuits connecting the Upper and Lower Peninsulas of this  
18 state existing on the effective date of this act by adding  
19 additional circuitry beyond the normal power carrying capacity of  
20 these circuits to enable the formation of 1 resource adequacy zone  
21 within the Midcontinent Independent System Operator footprint in  
22 this state.

23 (3) Any proposals submitted under subsection (2) must include  
24 all of the following:

25 (a) A preliminary cost estimate for the identified  
26 transmission line.

27 (b) An analysis of the estimated cost impact to retail

1 ratepayers if the cost of the transmission line were allocated to  
2 all retail electric customers located in the Midcontinent  
3 Independent System Operator footprint in this state.

4 (c) Any benefits associated with the transmission line.

5 (d) A statement from the entity submitting the proposal that  
6 indicates why that entity is a qualified developer.

7 (4) After receiving a proposal under subsection (2), the board  
8 shall determine whether an interested entity is a qualified  
9 developer. To be considered a qualified developer, an entity must  
10 be an independent transmission company or must demonstrate all of  
11 the following:

12 (a) A commitment to support and advocate for the  
13 implementation of a resource adequacy zone that includes both the  
14 Upper and Lower Peninsulas of this state.

15 (b) Managerial expertise and capability, as demonstrated by  
16 all of the following:

17 (i) A history of singular corporate focus on transmission.

18 (ii) The continuous operation of a networked transmission  
19 system in this state during the 5 years before a proposal is  
20 submitted under subsection (2).

21 (iii) A governance structure or control of the entity that is  
22 independent of the users of the transmission facilities, and that  
23 no member of the entity's board of directors has an affiliation  
24 with a user of the transmission facilities or with an affiliate of  
25 a user during the member's tenure on the board, that would unduly  
26 affect the entity's performance. As used in this subparagraph,  
27 "user" means any entity or affiliate of that entity that buys or

1 sells electricity in the entity's region or in a neighboring  
2 region.

3 (iv) Technical and engineering qualifications and experience  
4 in the design, construction, operation, and maintenance of  
5 transmission lines.

6 (c) Financial strength and capability, as demonstrated by all  
7 of the following:

8 (i) That securities of that entity have been issued through an  
9 initial public offering.

10 (ii) That the entity has securities traded on at least 1 stock  
11 exchange or in the over-the-counter market.

12 (iii) That the entity has a registration statement on file  
13 with the federal Securities and Exchange Commission.

14 (iv) That the entity has an investment grade credit rating  
15 from a nationally recognized statistical rating organization.

16 (v) That the entity has access to capital markets.

17 (vi) That the entity has the ability to cover losses resulting  
18 from damage to or failure of any part of the facilities of the  
19 transmission line in the normal course of business or financial  
20 strategy and experience to facilitate timely replacements or  
21 rebuilds as a result of catastrophic destruction or natural aging.

22 (d) Transmission planning expertise and capability, as  
23 demonstrated by all of the following:

24 (i) That the entity has qualified engineers responsible for  
25 planning functions.

26 (ii) The entity's prior experience in multiple regional  
27 transmission organization planning processes.

1           (iii) The entity's experience in planning transmission lines  
2 with a voltage level of at least 300 kilovolts.

3           (iv) The entity's experience in complying with transmission  
4 planning criteria and guidelines, including those relevant to  
5 interconnection with existing facilities.

6           (v) The entity's experience in addressing public concerns  
7 regarding transmission lines.

8           (e) Construction expertise and capability, as demonstrated by  
9 all of the following:

10           (i) The entity's history of successful construction of  
11 transmission lines at voltage levels of at least 300 kilovolts.

12           (ii) The entity's ability to meet a schedule for the  
13 development and completion of the transmission line consistent with  
14 the identified date by which the project is needed.

15           (iii) The entity's demonstrated ability to construct projects  
16 in accordance with project budgets.

17           (iv) The entity's experience in acquiring rights-of-way to  
18 facilitate approval and construction of transmission lines.

19           (v) The entity's land acquisition experience.

20           (vi) The entity's permitting and siting experience.

21           (vii) Whether the entity has a sufficiently sized skilled  
22 workforce.

23           (viii) The entity's established supply chain and vendor  
24 relationships.

25           (f) Operations and maintenance capability, as demonstrated by  
26 all of the following:

27           (i) The entity's performance on benchmarking studies in the

1 areas of reliability, storm response, and safety.

2 (ii) Whether the entity has been registered with the North  
3 American Electric Reliability Corporation as a transmission owner,  
4 transmission operator, and transmission planner for the 5 years  
5 before a proposal is submitted under subsection (2).

6 (iii) The entity's compliance with the North American Electric  
7 Reliability Corporation registration requirements and regional  
8 entity reliability standards for the 5 years before a proposal is  
9 submitted under subsection (2).

10 (iv) Ownership training, certification, and operations center  
11 experience.

12 (v) Operation of diverse equipment types, including poles,  
13 conduits, insulators, and transformers.

14 (vi) Sufficiently sized skilled workforce.

15 (vii) Sufficient capabilities and competencies to perform  
16 operations, maintenance, testing, inspection, repair, and  
17 replacement tasks including outage response, switching, emergency  
18 repairs, preventative or predictive maintenance, management of  
19 spare equipment, real-time operations monitoring and control  
20 capabilities, and major facility replacements or rebuilds.

21 (viii) Capability to maintain real-time reliability of the  
22 electric transmission system, ensuring comparable and  
23 nondiscriminatory transmission access and necessary services,  
24 minimizing system congestion, and further addressing real or  
25 potential transmission constraints.

26 (ix) Intention to construct, own, operate, and maintain an  
27 electric transmission facility that is under consideration by an

1 applicable regional transmission organization.

2 (x) Established supply chain and vendor relationships.

3 (g) Exemplary corporate citizenship, as demonstrated by all of  
4 the following:

5 (i) Community outreach.

6 (ii) Communication and information-sharing during all phases  
7 of transmission line development, construction, and operation.

8 (iii) Civic contributions to regional, state, and local  
9 communities.

10 (iv) Whether the transmission entity operates under policies  
11 that promote positive performance designed to satisfy the  
12 electricity requirements of customers.

13 (v) A dedicated customer service department.

14 (5) Within 120 days after receiving a proposal from a  
15 qualified developer under subsection (2), the board shall issue a  
16 letter to the qualified developer either rejecting the  
17 qualifications or recommendations of the qualified developer in  
18 full, requesting that the qualified developer provide more  
19 information, or recommending the construction of the proposed  
20 transmission line. If the board requests more information under  
21 this subsection, the board shall, within 45 days of receiving that  
22 information from a qualified developer, either reject the  
23 recommendations or recommend construction of the proposed  
24 transmission line. If the board issues a letter recommending  
25 construction of a proposed transmission line, the qualified  
26 developer receiving the letter shall, within 30 days after the  
27 board issues the letter, submit an expression of interest in

1 constructing the transmission line identified by the board. If the  
2 qualified developer does not submit an expression of interest  
3 within 30 days after the board issues a letter under this  
4 subsection, the board may issue a new request for submission of  
5 proposals under subsection (2). Within 7 days after a qualified  
6 developer has submitted an expression of interest, the board shall  
7 issue the qualified developer that submitted the expression of  
8 interest a notice to construct.

9 (6) The board may take any actions necessary and appropriate  
10 to support a transmission line for which a notice to construct has  
11 been issued, including coordination with the Midcontinent  
12 Independent System Operator, supporting any out-of-cycle review  
13 request, execution of any contracts or agreements, and preparation,  
14 submission, and support for filings related to that project before  
15 the Federal Energy Regulatory Commission or any other regulatory  
16 body.

17 (7) The board shall initially give priority to proposals for a  
18 transmission line that accomplishes the purpose stated in  
19 subsection (2) (d).

20 (8) A document submitted to the board under this section is  
21 not subject to disclosure under the freedom of information act,  
22 1976 PA 442, MCL 15.231 to 15.246. The business that the board may  
23 perform shall be conducted at a public meeting of the board held in  
24 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to  
25 15.275.

26 Sec. 6. (1) Within 60 days after receiving a notice to  
27 construct under section 5, a qualified developer shall submit any



1 necessary documents to the Midcontinent Independent System Operator  
2 or other applicable regional transmission organization for any  
3 required review and approval.

4 (2) Within 120 days after obtaining any required reviews and  
5 approvals from the Midcontinent Independent System Operator or  
6 other applicable regional transmission organization, the qualified  
7 developer shall apply to the commission for an expedited siting  
8 certificate under this act. If a qualified developer does not apply  
9 to the commission within 120 days after obtaining any required  
10 reviews and approvals from the applicable regional transmission  
11 organization, the commission shall revoke the notice to construct  
12 and the board may solicit expressions of interest for the  
13 transmission line project under section 5. The commission may waive  
14 the 120-day time limit if it determines the qualified developer had  
15 good cause for failing to apply to the commission for an expedited  
16 siting certificate within 120 days.

17 (3) A qualified developer shall include all of the following  
18 in an application for an expedited siting certificate:

19 (a) Evidence that the applicant obtained a notice to construct  
20 for the transmission line under section 5.

21 (b) The planned date to begin construction of the proposed  
22 transmission line.

23 (c) A detailed description, route, and expected configuration  
24 and use of the proposed transmission line.

25 (d) Information indicating that the proposed transmission line  
26 will comply with all applicable state and federal environmental  
27 standards, laws, and rules.

1 (e) A description and evaluation of 1 or more alternate  
2 transmission line routes for the proposed transmission line, and a  
3 statement of why the proposed route was selected.

4 (f) If a zoning ordinance prohibits or regulates the location  
5 or development of any portion of the proposed route, a description  
6 of the location and manner in which the zoning ordinance prohibits  
7 or regulates the location or construction of the proposed route.

8 (g) Other information reasonably required by commission rules.

9 (4) After applying for an expedited siting certificate, an  
10 applicant shall give public notice in the manner and form the  
11 commission prescribes of an opportunity to participate in a  
12 contested case under subsection (5) regarding the application.  
13 Notice shall be published in a newspaper of general circulation in  
14 the municipalities through which the proposed transmission line  
15 project would run within 14 days after an application is submitted  
16 to the commission under subsection (2). The notice shall be sent to  
17 each affected municipality and each affected landowner on whose  
18 property a portion of the proposed transmission line will be  
19 constructed. The notice shall be written in plain, nontechnical,  
20 and easily understood terms and contain a title that includes the  
21 name of the applicant and the words "Notice of Intent to Construct  
22 a Transmission Line".

23 (5) The commission shall conduct a proceeding on an  
24 application for an expedited siting certificate as a contested case  
25 under the administrative procedures act of 1969, 1969 PA 306, MCL  
26 24.201 to 24.328. Upon receiving an application for a certificate,  
27 the commission shall grant each affected municipality and each

1 affected landowner full intervener status as of right in commission  
2 proceedings concerning the proposed transmission line.

3 (6) The commission shall grant an expedited siting certificate  
4 under this act if the commission determines that all of the  
5 following requirements are met:

6 (a) The applicant has received a notice to construct for the  
7 proposed transmission line under section 5.

8 (b) The proposed transmission line does not represent an  
9 unreasonable threat to the public convenience, health, and safety.

10 (c) The proposed or alternate route to be authorized by the  
11 expedited siting certificate is feasible and reasonable.

12 (7) If the commission grants an expedited siting certificate  
13 for a transmission line under this act, the certificate takes  
14 precedence over a conflicting local ordinance, law, rule,  
15 regulation, policy, or practice that prohibits or regulates the  
16 location or construction of the transmission line. A zoning  
17 ordinance or limitation imposed after a qualified developer applied  
18 for an expedited citing certificate does not limit or impair the  
19 transmission line's construction, operation, or maintenance.

20 (8) In an eminent domain or other related proceeding arising  
21 out of or related to a transmission line for which an expedited  
22 siting certificate is issued under this act, an expedited siting  
23 certificate issued under this act is conclusive and binding as to  
24 the public convenience and necessity for that transmission line and  
25 the transmission line's compatibility with the public health and  
26 safety or any zoning or land use requirements in effect when the  
27 application was filed.

1           (9) The commission shall grant or deny an expedited siting  
2 certificate within 180 days after receiving an application under  
3 this section.

4           Sec. 8. If a transmission line constructed under this act is  
5 located within an existing utility corridor owned by an electric  
6 utility or independent transmission company other than the  
7 qualified developer constructing the transmission line, in addition  
8 to any fees or payments related to acquiring the rights to use the  
9 utility corridor, the qualified developer constructing the  
10 transmission line under this act shall make a 1-time payment to the  
11 electric utility or independent transmission company owning that  
12 corridor. The payment shall be equal to 50% of the tax assessed to  
13 the electric utility or independent transmission company in the  
14 prior tax year under the general property tax act, 1893 PA 206, MCL  
15 211.1 to 211.155, for the utility corridor in which the  
16 transmission line constructed under this act is located.

17           Sec. 9. (1) The costs of a transmission line for which a  
18 notice to construct is issued under this act shall be allocated to  
19 all retail electric customers located in the Midcontinent  
20 Independent System Operator footprint within this state.

21           (2) The revenue requirement for a transmission line for which  
22 a notice to construct is issued shall be calculated pursuant to the  
23 open access transmission, energy and operating reserve markets  
24 tariff administered by the Midcontinent Independent System  
25 Operator.

26           (3) The board shall cooperate with the recipient of the notice  
27 to construct, the commission, and the Midcontinent Independent

1 System Operator in making any filings necessary to implement the  
2 cost allocation established in this section.

3 Sec. 10. The commission shall issue a report to the governor  
4 and the legislature on or before the first Monday of March of each  
5 year. The report shall include all of the following:

6 (a) A summary of the impact of this act.

7 (b) A list of any transmission lines constructed or approved  
8 under this act during the previous year.

9 Sec. 11. Except for a transmission line for which another  
10 entity holds a valid notice to construct that has not expired under  
11 this act, this act does not prohibit an entity from constructing a  
12 transmission line without obtaining an expedited siting  
13 certificate.

14 Sec. 12. (1) A commission order relating to any matter  
15 provided for under this act is subject to review as provided in  
16 section 26 of 1909 PA 300, MCL 462.26.

17 (2) In administering this act, the commission has only those  
18 powers and duties granted to it under this act.

19 Sec. 13. This act does not confer the power of eminent domain.

20 Enacting section 1. This act takes effect 90 days after the  
21 date it is enacted into law.