

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.

§25.83. Transmission Construction Reports.

- (a) **General.** Each electric utility constructing a facility that requires reporting to the commission under §25.101 of this title (relating to Certification Criteria) shall file the reports on the commission-prescribed forms. The commission may require additional facts or information other than those required in commission forms or this section. Nothing in this section should be construed as a limitation of the commission's authority as set forth in the Public Utility Regulatory Act. All reports required in this section shall be filed in a project established by the commission. Projects that shall be reported include:
- (1) projects that require a Certificate of Convenience and Necessity (CCN) under §25.101(b)(3) of this title;
 - (2) projects that do not require a CCN as identified in §25.101(c)(3) and (5) of this title; and
 - (3) other transmission related projects with an estimated cost exceeding \$250,000.
- (b) **Reporting of projects that require a certificate.** Projects that require a CCN under §25.101(b)(3) of this title shall be included in the next scheduled monthly construction progress report following the filing of a CCN application and in all subsequent construction progress reports until the final project costs have been reported.
- (c) **Reporting of projects not requiring a certificate.** The following information is required to be reported for projects that do not require a CCN under §25.101(c)(5) of this title.
- (1) **Construction progress report.** Project information shall be filed in a scheduled monthly construction progress report no fewer than 45 days before construction begins and in all subsequent construction progress reports until the final project costs have been reported.
 - (2) **Consent.** Proof of written consent where required by §25.101(c)(5) of this title, shall be filed with the construction progress report no fewer than 45 days before construction begins. Proof of consent shall be established by an affidavit affirming that written consent was obtained from each required landowner. Construction shall not begin until such affidavit has been received by the commission.
 - (3) **Notice.** Direct notice shall be provided by first-class mail at least 45 days prior to the start of construction of the facilities. Notice is required to all utilities whose certificated service area is crossed by the facilities unless the facilities are being constructed to serve a utility that is singly certificated to the area where the facilities are to be constructed. Notice is required to all landowners whose property is crossed by projects that do not require a CCN under §25.101(c)(5) of this title, except notice is not required to landowners that have provided written consent. For projects that require new or additional rights-of-way, notice is required to all landowners with a habitable structure within 300 feet of the centerline of a transmission project of 230 kV or less, or within 500 feet of the centerline of a transmission project greater than 230 kV as identified on the current county tax rolls. In addition, direct mail notice is required to owners of parks and recreation areas within 1,000 feet, and airports within 10,000 feet, of the centerline of the proposed project. The direct mail notice shall include a description of the activities and contact information for both the utility and the commission.
 - (A) Proof of notice shall be established by an affidavit affirming that direct mail notice was sent to each required entity. The affidavit affirming notice shall be filed with the construction progress report no fewer than 45 days before construction begins. Construction shall not begin until such affidavit has been received by the commission.
 - (B) In the event that the utility finds that any landowner has not been notified, the utility shall immediately provide notice in the manner required by this paragraph and shall immediately notify the commission that such supplemental notice has been provided. Construction shall not commence until all issues related to notice have been resolved.

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- (d) **Reporting requirements for emergency projects.** The repair or reconstruction of a transmission facility due to emergency situations shall proceed without delay or prior approval of the commission. When emergency repairs with estimated costs exceeding \$250,000 have been performed and power has been restored, the affected utility shall file a report describing the work performed and the estimated associated costs. This information shall be included as a project reported in a regularly scheduled construction progress report within 45 days of the completion of the repair and in all subsequent construction progress reports until the final costs have been reported.