

# Electric Transmission Line Siting Compact

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## ARTICLE I

### PURPOSE

Siting electric transmission lines across state borders and federal lands is an issue for states, the federal government, transmission utilities, consumers, environmentalists, and other stakeholders.

The current, multi-year application review process by separate and equal jurisdictions constitutes a sometimes inefficient and redundant process for transmission companies and complicates the efforts of state and federal policy-makers and other stakeholders to develop more robust economic opportunities, increase grid reliability and security, and ensure the consumers have the lowest cost electricity possible.

In an effort to create more energy independence, develop more renewable and cleaner electricity generation resources and capture economic opportunities in developing smart energy technologies member states recognize a critical need to be able to site interstate electricity transmission lines to make the electric grid more robust, reliable, efficient, and to promote economic competitiveness.

This compact recognizes that states have a vested interest in retaining their sovereignty and that EPACT 2005 authorizes interstate compacts that can forestall federal preemptive acts if states cooperatively develop a transmission siting process.

1 The goal of this compact is to balance competing interests of the stakeholders and to provide a  
2 mechanism with which to resolve differences, bring interested parties together, and move  
3 projects forward. The compact creates a national structure under which states may cooperate on a  
4 regional basis, to facilitate siting of interstate power lines.

5

6 Based on these considerations, this interstate compact is intended to:

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8 A. Simplify and standardize the application and filing process.

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10 B. Create a transparent and streamlined process for review and decision making.

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12 C. Allow states to consider regional benefits.

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14 D. Minimize impediments and delays to the siting of interstate transmission lines.

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16 E. Promote regional collaborative decision-making on line siting while providing the  
17 opportunity for public review and comments regarding the application.

18

19 F. Avail the member states of the provisions in EPACT 2005 and preserving state  
20 sovereignty with respect to interstate transmission line siting.

21

22 G. Create a forum for federal agencies and tribes to become part of the siting review process  
23 simultaneously with states.

1 **ARTICLE II**

2 **DEFINITIONS**

3  
4 A. "Bylaws" means: those bylaws established by the interstate commission pursuant to  
5 Article IX for its governance, or for directing or controlling its actions and conduct.

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7 B. "Contiguous State" means: the next adjacent state, recognizing shared bodies of water  
8 and referring only to member states.

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10 C. "Combined Multi-State Siting Authority" (CMSSA) means: the members of the State  
11 Project Review Panel (SPRP) of each involved state.

12  
13 D. "Commissioner" means: the voting representative appointed by each member state  
14 pursuant to Article IX of this compact.

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16 E. "Convening state" means: the member state in which an application is filed.

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18 F. "Federal Agency" means: Any agency of the U.S. government authorized by Congress  
19 that administers lands within a proposed transmission line route in member state.

20  
21 G. "Interstate Commission" or "Commission" means: the interstate commission created  
22 pursuant to Article IX of this compact.

- 1 H. “Involved State” means: A member state through which a proposed transmission line will  
2 pass.
- 3  
4 I. “Member State” means: any state that has adopted a transmission line siting compact and  
5 has enacted the enabling compact legislation.
- 6  
7 J. “Record” means: all materials and testimonies submitted to the CMSSA during formal  
8 proceedings
- 9  
10 K. “Rule” means: a written statement by the interstate commission promulgated pursuant to  
11 Article XII of this compact that is of general applicability, implements, interprets or  
12 prescribes a policy or provision of the compact, or an organizational, procedural, or  
13 practice requirement of the commission, and has the force and effect of statutory law in a  
14 member state, and includes the amendment, repeal, or suspension of an existing rule.
- 15  
16 L. “State Project Review Panel” (SPRP) means: from each member state, three (3)  
17 representatives: one appointed respectively by the governor, the legislature, and the state  
18 agency with siting authority or as otherwise prescribed by the adopting state .
- 19  
20 M. “State” means: any state, commonwealth, district, or territory of the United States.
- 21  
22 N. “Tribe” means: Any Native American or Alaskan Native tribe or organization federally  
23 recognized by the U.S. Department of Interior and the Bureau of Indian Affairs.
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1 **ARTICLE III**

2 **OVERVIEW OF THE APPLICATION AND REVIEW PROCESS**

3  
4 This Compact creates a method for states to site multi-state electric transmission lines. Three  
5 levels of organization are provided:

- 6 • A state project review panel within each member state, consisting of three or more  
7 members, to coordinate the views of different agencies and interests within the state;
- 8 • A combined multi-state siting authority, consisting of the states affected by a particular  
9 project proposal, authorized to make siting decisions for that project; and
- 10 • An Interstate Compact Commission, which provides administrative support and  
11 rulemaking capability.

12 The CMSSA is hereby given the authority under the compact, as authorized by Congress, to  
13 cooperatively site electric transmission lines within the affected states.

14  
15 A project sponsor may choose to use the procedures of this Compact or to apply to each affected  
16 state under the state procedures otherwise applicable. In member states, federal backstop  
17 permitting under section 215 of the Federal Power Act (FPA) may not be requested.

18  
19 A request for siting authority under this Compact is initiated by filing an application in any one  
20 of the states in which the project would be sited. That state will convene a CMSSA, composed  
21 of each interested state’s SPRP. The CMSSA will make an early determination to accept or  
22 reject the application. It will set a procedural schedule for a hearing on the merits of the project.

- 1       A. The application shall include:
- 2           1.       In states that have not declared a critical need for energy infrastructure the
- 3                    showing of need shall be established by the following:
- 4                    a.       determined by each state statute;
- 5                    b.       other procedures as shall be acceptable to the committee; and
- 6                    c.       including regional and/or national energy and environmental requirements,
- 7                               while taking into consideration the rules and statutes of each involved
- 8                               member state;
- 9           2.       All relevant information regarding cost recovery of project costs, or other appropriate
- 10                   organizations; Project costs recovery will be addressed under FERC, individual state
- 11                   regulatory commissions, private contracts, or other mechanisms as specified by the
- 12                   applicant;
- 13           3.       How the application is consistent with any FERC-sanctioned regional transmission
- 14                   plans;
- 15           4.       Environmental studies normally required by the federal highway administration
- 16           5.       The proposed route plan, including an alternatives analysis; and
- 17           6.       Corporate identity of the primary applicant and any additional partners. This shall be
- 18                   based on existing FERC requirements.
- 19       B. Public notification of the application and the proposed line shall be provided to each
- 20           involved state by the convening state.
- 21       C. During the review process, the CMSSA will hold two public hearings: the first hearing
- 22           will evaluate whether the application is complete, and the second hearing will assess the

1 merits of the application, including, but not limited to the economic justification and  
2 environmental impacts of the proposed line.

3 D. Once a route is certified by the combined state application review board, eminent domain  
4 shall be based on each state's existing authority.

5 E. For the purposes of this compact judicial appeal shall be based on the appellate process  
6 established in 16USC 825L, section 313 of the Power Act Federal Power Act.

7  
8 Such other information as to meet the substantial interests of the involved state requirements for  
9 intrastate transmission lines based upon pre-application conferences with stakeholders and  
10 involved states.

#### 11 12 **ARTICLE IV**

#### 13 **APPLICATION FILING PROCESS**

14  
15 The application process begins with the filing of an application and is subject to the following  
16 conditions:

17  
18 A. Siting a line across multiple states requires only one application and that application will  
19 be filed electronically (to the extent possible) in one state with a state siting authority.

20  
21 B. The applicant may file in any eligible member state, which shall also serve as the  
22 convening state and shall ensure that copies of the filing are forwarded to the other

1 involved member states. Once the application is filed, that state will convene involved  
2 member states to form a CMSSA in the state of filing as defined in Article II, Letter C.

3  
4 C. An amount equal to the total expenses incurred for the cost of reviewing the last  
5 application in the convening state. This shall be based on reasonable filing fees and is  
6 intended to cover only the application's costs, not the cost of the project itself.

7  
8 D. The applicant will be responsible for all reasonable costs associated with the review of  
9 the application by the involved member states, thus ensuring that costs are covered  
10 independent of state funds.

11  
12 E. Each member state shall form a State Project Review Panel. While each member state  
13 may individually determine which agencies should be part of the SPRP, the Panel shall  
14 include the following 3 representatives: one appointed respectively by the governor, the  
15 legislature, and the state agency with siting authority or as otherwise prescribed by the  
16 adopting state, one of whom shall be designated as chair.

17  
18  
19 F. Affected federal agencies and tribes shall be notified and the CMSSA shall include one  
20 advisory representative for federal agencies (if federal land is involved) and one  
21 representative for all federally recognized tribes (if tribal land is involved) who shall  
22 serve in an ex-officio capacity.

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1 **ARTICLE V**

2 **REVIEW OF SUFFICIENCY OF APPLICATION**

3  
4 A. The initial application review process shall be completed within 90 days of filing.

5  
6 1. During that period, the convening state will assemble the CMSSA comprised of the  
7 SPRP members of each involved member state to meet and review the application.

8 Meetings may be held face to face or convened by electronic means as determined by  
9 the CMSSA.

10  
11 2. The Panel will review the application for completeness and accept or reject the  
12 application before proceeding with the formal hearing and approval process. If the  
13 application is rejected for incompleteness the information deemed to be missing or  
14 inadequate shall be clearly specified by the Panel.

15  
16 3. The CMSSA triggered hereunder shall establish the procedural policies for  
17 implementation including public notice of filings and hearings.

18  
19 **ARTICLE VI**

20 **PROPOSAL REVIEW AND TIMELINE**

21  
22 A. The first CMSSA hearing shall occur within 90 days of the initial filing and is intended to  
23 assess the completeness of the application. A second CMSSA meeting will occur no  
24 more than 30 days after the initial decision. The second meeting will assess the merits of

1 the application, including, but not limited to the proposed route, regional and national  
2 energy needs, and costs.

3  
4 B. The CMSSA at their initial meeting shall establish procedures by which interveners may  
5 participate in developing the formal record for the application review.

6  
7 C. The CMSSA shall hold at least one public comment hearing in each of the involved  
8 member states. These public comment hearings must be completed within 120 days after  
9 the initial application filing.

10  
11 D. At CMSSA and SPRP meetings all transcripts and other exhibits will be recorded, and all  
12 meetings will be open to the public unless a majority of CMSSA or SPRP members vote  
13 to close the meeting under the laws of the convening or member state in which the  
14 meeting is being held. These documents will be included in the official record.

15  
16 **ARTICLE VII**

17 **APPROVAL PROCESS**

18  
19 A. The CMSSA shall conduct an evidentiary hearing.

20  
21 B. The CMSSA will issue conditional or final approval based on the record within 270 days  
22 of the filing of the application unless the applicant and the CMSSA agree to a different  
23 timeline. The CMSSA shall outline the required actions in instances where conditional

1 approval is granted.

2  
3 C. All decisions of the CMSSA will be based on majority vote, with each involved state  
4 having one vote as determined by a majority vote of each State Project Review Panel.

5  
6 D. A state, based upon the rules of the involved states, may alter the route for the  
7 transmission line within its boundaries by assuming incremental costs.

8  
9 **ARTICLE VIII**

10 **ADMINISTRATIVE AND JUDICIAL REVIEW**

11  
12 A. Any Person aggrieved by any action taken by the Combined Multi-State Siting  
13 Authority ('CMSSA'), pursuant to the provisions of the compact or authorized rules  
14 promulgated hereunder shall be entitled to a hearing before the Interstate Commission  
15 according to the procedures provided in the compact bylaws and rules. After exhaustion  
16 of such administrative remedies, (i) any aggrieved Person shall have the right to judicial  
17 review of a final action by the Commission before a three judge panel of the United  
18 States District Courts for the District of Columbia or the District Court in which the  
19 interstate commission (Interstate Commission on Electric Transmission Line Siting  
20 'ICCC') created hereunder maintains offices, provided such action is commenced within  
21 90 days;

1 B. The Commission may initiate actions to compel compliance with the provisions of this  
2 Compact, and the bylaws and rules promulgated hereunder. Jurisdiction over such actions  
3 is granted to the United States District Courts for the District of Columbia and the  
4 District Court in which the Commission maintains offices. The remedies available to any  
5 such court shall include, but not be limited to, equitable relief and civil penalties.

6  
7 C. Each Involved State may issue orders within its respective jurisdiction and may initiate  
8 actions to compel compliance with the provisions of its respective statutes and  
9 regulations adopted to implement the authorities contemplated by this Compact in  
10 accordance with the provisions of the laws adopted in each Party's jurisdiction.

11  
12 D. Any aggrieved Person, Involved State or the Commission may commence a civil  
13 action in the relevant courts and administrative systems to compel any Person or Involved  
14 State to comply with this Compact should any such Person, or Involved State without  
15 approval having been given, undertake a siting of multi-state electric transmission lines  
16 which is prohibited by or subject to approval pursuant to this Compact.

17  
18 1. No action under this subsection may be commenced if:

19 a. CMSSA approval for the multi-state electric transmission siting has been  
20 granted; or

21 b. The CMSSA has found that the proposed siting is not subject to approval  
22 pursuant to this Compact.

23 2. No action under this subsection may be commenced unless:

1 a. A Person commencing such action has first given 60 days prior notice to the  
2 Commission, Person or Involved State alleged to be in noncompliance; and

3 b. Neither the Commission, Person, or Involved State has commenced and is  
4 diligently prosecuting appropriate enforcement actions to compel compliance  
5 with this Compact.

6 3. The available remedies shall include equitable relief, and the prevailing or  
7 substantially prevailing party may recover the costs of litigation, including  
8 reasonable attorney and expert witness fees, whenever the court determines  
9 that such an award is appropriate.

10  
11 E. Each of the Involved States may adopt provisions providing additional enforcement  
12 mechanisms and remedies including equitable relief and civil penalties applicable  
13 within its jurisdiction to assist in the implementation of this Compact.

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15  
16 **ARTICLE IX**

17 **THE INTERSTATE COORDINATING COMPACT COMMISSION**

18  
19 The member states hereby create the “Interstate Commission on Electric Transmission Line  
20 Siting” for the purpose of the administration of the Interstate Compact, which is a discretionary  
21 state function. The Interstate Commission shall:

1       A. Be a body corporate and joint agency of the member states and shall have all the  
2       responsibilities, powers and duties set forth herein, and such additional powers as may  
3       be conferred upon it by a subsequent concurrent action of the respective legislatures of  
4       the member states in accordance with the terms of this compact.

5  
6       1. Consist of one Interstate Commission voting representative from each member state  
7       who shall be that state’s compact commissioner. Each member state shall appoint a  
8       compact commissioner and alternates by gubernatorial appointment or as otherwise  
9       determined by law. Each member state represented at a meeting of the Interstate  
10      Commission is entitled to one vote.

11  
12      2. A majority of the total member states shall constitute a quorum for the transaction  
13      of business, unless a larger quorum is required by the bylaws of the Interstate  
14      Commission.

15  
16      3. The bylaws may provide for meetings of the Interstate Commission to be conducted  
17      by telecommunication or electronic communication.

18  
19      B. May include ex-officio, non-voting representatives who are members of interested  
20      organizations including but not be limited to, tribes, regional transmission organizations,  
21      and federal agencies.

22

- 1 C. Meet at least once each calendar year via telecommunications or in-person meetings. The  
2 chairperson may call additional meetings and, upon the request of a simple majority of  
3 the member states, shall call additional meetings.  
4
- 5 D. Establish bylaws and rules that provide for conditions and procedures under which the  
6 Interstate Commission, the CMSSA, and the SRPR shall make information and official  
7 records available to the public for inspection or copying as required by the  
8 “Government and Sunshine Act and Open Records Act.”  
9
- 10 E. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate  
11 Commission shall certify that the meeting may be closed upon a vote of at least 2/3  
12 majority and shall reference each relevant exemptible provision. The Interstate  
13 Commission shall keep minutes which shall fully and clearly describe all matters  
14 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
15 and the reasons therefore, including a description of the views expressed and the record  
16 of a roll call vote. All documents considered in connection with an action shall be  
17 identified in such minutes. All minutes and documents of a closed meeting shall remain  
18 under seal, subject to release by a majority vote of the Interstate Commission.  
19
- 20 F. After eight states join the compact, an executive committee may be established, whose  
21 members shall include the officers of the Interstate Commission and such other members  
22 of the Interstate Commission as determined by the bylaws. Members of the executive  
23 committee shall serve a one year term. Members of the executive committee shall be

1 entitled to one vote each. The executive committee shall have the power to act on behalf  
2 of the Interstate Commission, with the exception of rulemaking, during periods when the  
3 Interstate Commission is not in session. The executive committee shall oversee the day-  
4 to-day activities of the administration of the compact including enforcement and  
5 compliance with the provisions of the compact, its bylaws and rules, and other such  
6 duties as deemed necessary.

## 8 **ARTICLE X**

### 9 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

10  
11 The Interstate Commission shall have the following powers:

- 12
- 13 A. To provide for dispute resolution among member states.
  - 14
  - 15 B. To promulgate rules, which shall be binding to the extent and in the manner provided  
16 for in this compact.
  - 17
  - 18 C. To issue, upon request of a member state, advisory opinions concerning the meaning or  
19 interpretation of the interstate compact, its bylaws, rules and actions.
  - 20
  - 21 D. To enforce compliance with the compact provisions, the rules promulgated by the  
22 Interstate Commission, and the bylaws, using all necessary and proper means, including  
23 but not limited to the use of judicial process.



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- E. To purchase and maintain insurance and bonds.
  
- F. To borrow, accept, hire or contract for services of personnel.
  
- G. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section F which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
  
- H. To elect or appoint such officers and appoint attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission’s personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.
  
- I. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
  
- J. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
  
- K. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

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L. To establish a budget and make expenditures.

M. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

N. To report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

O. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials involved in such activity.

P. To maintain corporate books and records in accordance with the bylaws.

Q. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

1 **ARTICLE XI**

2 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

3  
4 A. The Interstate Commission shall, by a majority of the members present and voting, within  
5 12 months after the first Interstate Commission meeting, adopt bylaws to govern its  
6 conduct as may be necessary or appropriate to carry out the purposes of the compact

7  
8 B. The Interstate Commission shall, by a majority of the members, elect or appoint annually  
9 from among its members a chairperson, a vice-chairperson, and a treasurer, each of  
10 whom shall have such authority and duties as may be specified in the bylaws. The  
11 chairperson or, in the chairperson’s absence or disability, the vice-chairperson, shall  
12 preside at all meetings of the Interstate Commission. The officers so elected shall serve  
13 without compensation or remuneration from the Interstate Commission; provided that,  
14 subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary  
15 and necessary costs and expenses incurred by them in the performance of their  
16 responsibilities as officers of the Interstate Commission.

17  
18 C. The Interstate Commission’s officers and its employees shall be immune from suit and  
19 liability, either personally or in their official capacity, for a claim for damage to or loss of  
20 property or personal injury or other civil liability caused or arising out of or relating to an  
21 actual or alleged act, error, or omission that occurred, or that such person had a  
22 reasonable basis for believing occurred, within the scope of Interstate Commission  
23 employment, duties, or responsibilities; provided, that such person shall not be protected

1 from suit or liability for damage, loss, injury, or liability caused by the intentional or  
2 willful and wanton misconduct of such person.

3  
4 1. The liability of the Interstate Commission's executive director and  
5 employees or Interstate Commission representatives, acting within the scope  
6 of such person's employment or duties for acts, errors, or omissions  
7 occurring within such person's state may not exceed the limits of liability  
8 set forth under the Constitution and laws of that state for state officials,  
9 employees, and agents. The Interstate Commission is considered to be an  
10 instrumentality of the states for the purposes of any such action. Nothing in  
11 this subsection shall be construed to protect such person from suit or  
12 liability for damage, loss, injury, or liability caused by the intentional or  
13 willful and wanton misconduct of such person.

14  
15 2. The Interstate Commission shall defend the officers and its employees and,  
16 subject to the approval of the Attorney General or other appropriate legal  
17 counsel of the member state represented by an Interstate Commission  
18 representative, shall defend such Interstate Commission representative in  
19 any civil action seeking to impose liability arising out of an actual or alleged  
20 act, error or omission that occurred within the scope of Interstate  
21 Commission employment, duties or responsibilities, or that the defendant  
22 had a reasonable basis for believing occurred within the scope of Interstate  
23 Commission employment, duties, or responsibilities, provided that the actual

1 or alleged act, error, or omission did not result from intentional or willful  
2 and wanton misconduct on the part of such person.

3  
4 3. To the extent not covered by the state involved, member state, or the  
5 Interstate Commission, the representatives or employees of the Interstate  
6 Commission shall be held harmless in the amount of a settlement or  
7 judgment, including attorney's fees and costs, obtained against such  
8 persons arising out of an actual or alleged act, error, or omission that  
9 occurred within the scope of Interstate Commission employment, duties, or  
10 responsibilities, or that such persons had a reasonable basis for believing  
11 occurred within the scope of Interstate Commission employment, duties, or  
12 responsibilities, provided that the actual or alleged act, error, or omission  
13 did not result from intentional or willful and wanton misconduct on the part  
14 of such persons.

15  
16 **ARTICLE XII**

17 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

18  
19 A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable rules  
20 pertaining to the administration of the interstate compact commission on electric  
21 transmission line siting, in order to effectively and efficiently achieve the purposes of  
22 this Compact. Notwithstanding the foregoing, in the event the Interstate Commission  
23 exercises its rulemaking authority in a manner that is beyond the scope of the

1 purposes of this Act, or the powers granted hereunder, then such an action by the  
2 Interstate Commission shall be invalid and have no force or effect.

3  
4 B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process that  
5 substantially conforms to the federal “Administrative Procedure Act,” as amended, as  
6 may be appropriate to the operations of the Interstate Commission.

7  
8 C. Not later than thirty (30) days after a rule is promulgated, any person may file a  
9 petition for judicial review in the U.S. District Court where the commission has its  
10 offices or the District of Columbia; provided, that the filing of such a petition shall  
11 not stay or otherwise prevent the rule from becoming effective unless the court finds  
12 that the petitioner has a substantial likelihood of success. The court shall give  
13 deference to the actions of the Interstate Commission consistent with applicable law  
14 and shall not find the rule to be unlawful if the rule represents a reasonable exercise  
15 of the Interstate Commission's authority.

16  
17 **ARTICLE XIII**

18 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

19  
20 A. Oversight

21  
22 1. The executive, legislative and judicial branches of state government in each  
23 member state shall enforce this compact and shall take all actions necessary

1 and appropriate to effectuate the compact's purposes and intent including  
2 enforcement of any orders of the regional panels hereunder. The provisions  
3 of this compact and the rules promulgated hereunder shall have the force  
4 and effect of law.

5  
6 2. All courts shall take judicial notice of the compact and the rules in any  
7 judicial or administrative proceeding in a member state pertaining to the  
8 subject matter of this compact which may affect the powers, responsibilities  
9 or actions of the Interstate Commission or panels.

10  
11 3. The Interstate Commission or panels shall be entitled to receive all service  
12 of process in any such proceeding, and shall have standing to intervene in  
13 the proceeding for all purposes. Failure to provide service of process to the  
14 Interstate Commission shall render a judgment or order void as to the  
15 Interstate Commission, this compact or promulgated rules.

16  
17 B. Default, Technical Assistance, Suspension and Termination - If the Interstate  
18 Commission determines that a member state has defaulted in the performance of its  
19 obligations or responsibilities under this compact, or the bylaws or promulgated rules,  
20 the Interstate Commission shall:

21  
22 1. Provide written notice to the defaulting state and other member states, of the  
23 nature of the default, the means of curing the default and any action taken by

1 the Interstate Commission. The Interstate Commission shall specify the  
2 conditions by which the defaulting state must cure its default.

3  
4 2. Provide remedial training and specific technical assistance regarding the  
5 default.

6  
7 3 The Interstate Commission, may, by a majority vote of the members, assess  
8 fines, fees, and costs in such amounts as are deemed to be reasonable as  
9 fixed by the Interstate Commission.

10  
11 4. The procedural schedule will continue even without the defaulting state's  
12 participation.

13  
14 5. The state which has been suspended or terminated is responsible for all  
15 assessments, obligations and liabilities incurred through the effective date of  
16 suspension or termination including obligations, the performance of which  
17 extends beyond the effective date of suspension or termination.

18  
19 6. The Interstate Commission shall not bear any costs relating to any state that  
20 has been found to be in default or which has been suspended or terminated  
21 from the compact, unless otherwise mutually agreed upon in writing  
22 between the Interstate Commission and the defaulting state.  
23



1           7.    The defaulting state may appeal the action of the Interstate Commission by  
2                   petitioning the U.S. District Court for the District of Columbia or the federal  
3                   district where the Interstate Commission has its principal offices. The  
4                   prevailing party shall be awarded all costs of such litigation including  
5                   reasonable attorney’s fees.

6  
7           8.    If a state defaults as a result of a filing by a transmission operator or the  
8                   decision by the CMSSA, the CMSAA shall intervene as a Friend of the  
9                   Court on behalf of a transmission applicant who follows the Electric  
10                  Transmission Siting Compact rules.

11  
12    C.    Dispute Resolution

13  
14           1.    The Interstate Commission shall attempt, upon the request of a member state  
15                  or a panel, to resolve disputes which are subject to the compact and which  
16                  may arise among member states and between member and non-member  
17                  states, and between member states and transmission applicants.

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19           2.    The Interstate Commission shall promulgate a rule providing for both  
20                  mediation and binding dispute resolution for disputes as appropriate.

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22    D.    Enforcement

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1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
  
2. The Interstate Commission upon the request of a member state may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.
  
3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state or federal law.

1 **ARTICLE XIV**

2 **FINANCE AND ADMINISTRATION**

3  
4 A. The Commission established hereunder shall delegate day-to-day management and  
5 administration of its duties, as needed, to an employees, contractors or donated staff, who  
6 shall all be considered governmental employees;

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8 B. The Commission shall pay or provide for the payment of reasonable expenses of its  
9 establishment and organization. To fund the cost of initial operations, the Commission  
10 may accept contributions and other forms of funding from federal agencies, compacting  
11 states and other sources. Contributions and other forms of funding from other sources  
12 shall be of such a nature that the independence of the Commission shall not be  
13 compromised;

14  
15 C. The Commission shall collect a filing fee equal to 1.5 percent of the filing fee paid to the  
16 CMSSA for each proposed line from the applicant to cover the cost of operations and  
17 activities of the Commission and its staff in a total amount sufficient to cover the  
18 Commission’s annual budget;

19  
20 D. The Commission shall adopt an annual budget sufficient to provide for the payment of  
21 the reasonable expenses of its establishment, organization, and ongoing activities, which  
22 shall be fully funded by the member states that shall bear ultimate responsibility.

1 Nothing in this provision shall prevent the compact commission from paying obligations  
2 incurred and outstanding from a prior year; and

- 3
- 4 E. The Commission may not pledge the credit of any member state, except by and with the  
5 appropriate legal authority of that state, and as a governmental entity shall be exempt  
6 from all taxation in and by the member states. No member state shall have any claim to  
7 or ownership of any property held by or vested in the compact commission or to any  
8 compact commission funds held pursuant to the provisions of this compact except for  
9 state licensing fees collected from licensees as its agent, and held for periodic  
10 transmission to it, by the compact commission.

11

12 **ARTICLE XV**

13 **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

- 14
- 15 A. Any state is eligible to become a member state.
- 16
- 17 B. The compact shall become effective and binding upon legislative enactment of the  
18 compact into law by no less than 3 of the states. Thereafter it shall become effective and  
19 binding as to any other member state upon enactment of the compact into law by that  
20 state. The governors of non-member states or their designees shall be invited to  
21 participate in the activities of the Interstate Commission on a non-voting basis prior to  
22 adoption of the compact by all states.
- 23

1 C. The Interstate Commission may propose amendments to the compact for enactment by  
2 the member states. No amendment shall become effective and binding upon the  
3 Interstate Commission and the member states unless and until it is enacted into law by  
4 unanimous consent of the member states.

5  
6 **ARTICLE XVI**

7 **WITHDRAWAL AND DISSOLUTION**

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9 A. **Withdrawal**

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11 1. Once effective, the compact shall continue in force and remain binding upon  
12 each and every member state; provided that a member state may withdraw  
13 from the compact specifically repealing the statute, which enacted the  
14 compact into law.

15  
16 2. Withdrawal from this compact shall be by the enactment of a statute  
17 repealing the same, but shall not take effect until the later of either the final  
18 determination of a pending application involving that state or one (1) year  
19 after the effective date of such statute and until written notice of the  
20 withdrawal has been given by the withdrawing state to the Governor of each  
21 other member jurisdiction.  
22

- 1           3.    The withdrawing state shall immediately notify the chairperson of the  
2                    Interstate Commission in writing upon the introduction of legislation  
3                    repealing this compact in the withdrawing state.  The Interstate Commission  
4                    shall notify the other member states of the withdrawing state’s intent to  
5                    withdraw within sixty (60) days of its receipt thereof.  
6
- 7           4.    The withdrawing state is responsible for all assessments, obligations and  
8                    liabilities incurred through the effective date of withdrawal, including  
9                    obligations, the performance of which extend beyond the effective date of  
10                   withdrawal.  
11
- 12          5.    Reinstatement following withdrawal of a member state shall occur upon the  
13                    withdrawing state reenacting the compact or upon such later date as  
14                    determined by the Interstate Commission.  
15

16        B.    Dissolution of Compact  
17

- 18           1.    This compact shall dissolve effective upon the date of the withdrawal or  
19                    default of the member state which reduces the membership in the compact  
20                    to one (1) member state.  
21
- 22           2.    Upon the dissolution of this compact, the compact becomes null and void  
23                    and shall be of no further force or effect, and the business and affairs of the

1 Interstate Commission shall be concluded and surplus funds shall be  
2 distributed in accordance with the bylaws.

3  
4 **ARTICLE XVII**

5 **SEVERABILITY AND CONSTRUCTION**

- 6
- 7 A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or  
8 provision is deemed unenforceable, the remaining provisions of the compact shall be  
9 enforceable.
- 10
- 11 B. The provisions of this compact shall be liberally construed to effectuate its purposes.
- 12
- 13 C. Nothing in this compact shall be construed to prohibit the applicability of other  
14 interstate compacts to which the states are members.

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17 **ARTICLE XVIII**

18 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

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20 A. Other Laws

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- 22 1. Nothing herein prevents the enforcement of any other law of a member state  
23 that is not inconsistent with this compact.

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2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.