Can Transmission Owners be Compelled to use Eminent Domain Authority for Interconnection Customer Facilities?

- Viewed as a “state law” issue, not an SPP procedural issue.
- Many similarities to the Kelo vs. New London supreme court case.
- States are acting to restrict use of eminent domain for private development in response to Kelo vs. New London.
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- LGIA Sec 5.13 – Transmission Owner (TO) shall use eminent domain authority for TO Interconnection Facilities and Network Upgrades (i.e. facilities it will own).
- LGIA Sec 4.4 - All work shall be done in compliance with applicable laws and regulations.
- To the extent a TO is willing and state law allows, a TO can uses eminent domain authority for Interconnection Customer Interconnection Facilities, but is not compelled to do so.

Example

Transmission Owner uses eminent domain as necessary (Section 5.13 of the LGIA)
LGIA Definitions

- Applying the term “Attachment Facilities” alleviates the circular definition problem.
- No significant modifications will be required for the facility definitions.

Cost Allocation Recommendation

- RSC approved the LGIA Task Force recommendations at their meeting on October 24, 2005