# STATE TRANSMISSION SITING PROCESSES

The approach to siting and permitting transmission facilities varies by state. The information that follows outlines the responsibilities and processes for the states that are members of the Northern Tier Transmission Group.

## IDAHO

The siting of electric transmission lines in Idaho is not centralized in one government entity. The Governor's Office is the point of contact for coordinating the siting and review of transmission facilities.

**Utility Regulation**

The Idaho Public Utilities Commission has jurisdiction over transmission lines being built by public utilities, exercised through a certification process. See *Idaho Code* § 61-526. Utilities may not need to obtain a certificate of public convenience and necessity if they are merely extending a transmission line within their authorized service territories so long as the new lines do not interfere with the operation of any other utility line. *Id.*

**Eminent Domain/Right-of-Ways**

State law provides that utilities and others may exercise the right of eminent domain to acquire right-of-ways under *Idaho Code* § 7-701(11). For a transmission line of 230 kV or higher to be constructed over private property actively devoted agriculture, requires a public meeting regarding the transmission line's location. *Idaho Code* § 7-704(4). In addition, Idaho law provides that transmission lines may be constructed along or over any public roads except within incorporated cities so long as such lines do not inconvenience the public use of the roadway. *Idaho Code* § 62-705.

**Counties/Cities**

County and city siting requirements varies. Idaho's Land Use Planning Act requires that county and city planning and zoning commissions adopt a "Comprehensive Plan" that includes an analysis of "utility transmission corridors." *Idaho Code* § 67-6508(h). Persons wishing to construct transmission lines should contact the County/City Planner in the affected areas to discuss the necessary permitting requirements. Compliance with utility right-of-way regulations, subdivision regulations and appropriate use in zoned areas are among the subjects to discuss. Some counties and cities will have additional informational requirements. Cities are also authorized to regulate the construction of transmission lines within city limits. *Idaho Code* § 50-328.

**Environmental Permitting**

Entities constructing transmission lines would seek air, water, and wastewater permits from the Idaho Department of Environmental Quality as appropriate for the specific construction project location.

# MONTANA

**Siting**

Montana's transmission siting process is centralized in the Department of Environmental Quality (DEQ) under the Major Facility Siting Act of 2003 (the MFSA, § 75-20-101, *et seq.*, MCA), which consolidates most permitting functions into a single process. Under the MFSA, a large transmission line may not be constructed or operated in Montana without a Certificate of Compatibility issued by the DEQ. The MFSA process considers environmental resources, socioeconomic impacts, and costs; provides for public input; and provides a coordinated method for processing all authorizations needed for regulated facilities.

**Lines Covered by the MFSA and Exceptions**

Transmission lines are covered by the MFSA if they have a design capacity of more than 69 KV, except for 1) lines 230 KV or less which are 10 miles or less in length, 2) lines of less than 230 KV if the person planning to construct it has obtained right-of-way agreements or options from more than 75% of the owners who collectively own more than 75% of the property along the centerline that follow public notification procedures; and 3) lines less than 150 miles long which extend from an electrical generation facility, as defined in 15-24-3001 (4) or a wind generation facility, as defined in 15-6-157, MCA, to the point of connection to a regional transmission grid at an existing substation or other facility for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline.

**Required Findings Prior to Construction**

Before it can issue a Certificate of Compatibility, the DEQ must make a number of findings and determinations in a public process about the need for the line, probable environmental impacts and how they are minimized, considering available technology and the nature and economics of alternatives. Regarding transmission lines, other determinations include

*(a.)* what part, if any, of the line or aqueduct will be located underground;
*(b.) that the facility is consistent with regional plans for expansion of the appropriate grid of the utility systems serving the state and interconnected utility systems*; and
*(c.) that the facility will serve the interests of utility system economy and reliability.*

The DEQ must also find:

*(a.)* that the location of the facility as proposed conforms to applicable state and local laws and regulations, except that the department may refuse to apply any local law or regulation if it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, of factors of cost or economics, or of the needs of consumers, whether located inside or outside the directly affected government subdivisions;
*(b.)* that the facility will serve the public interest, convenience, and necessity;
*(c.)* that the department or board has issued any necessary air or water quality decision, opinion, order, certification, or permit as required by 75-20-216(3), MCA; and
*(d.)* that the use of public lands for location of the facility was evaluated and public lands were selected whenever their use is as economically practicable as the use of private lands.

**Appeals and Other Laws**

Appeals to the Board of Environmental Review may be taken within 30 days. Local governments may not override a Certificate issued by DEQ under MFSA ; but, when lines are excluded from regulation under MFSA, other state and local laws that would have been preempted by the MFSA would apply. In any case, a project sponsor must obtain easements or permits to cross any school trust, highway, park or other land owned by the State of Montana.

**Eminent Domain**
State law provides that utilities and others may exercise eminent domain authority under Title 75, Chapter 30, Montana Codes Annotated (http://data.opi.state.mt.us/bills/mca_toc/70_30.htm). If a project sponsor must condemn land for a transmission line, the court could not consider any location for the line except the one for which a Certificate of Compatibility was issued under the MFSA. Eminent domain cannot be used to obtain a 75/75 exemption mentioned in Lines Covered by the MFSA and Exemptions above.

# OREGON

**Introduction**

Most large energy facilities in Oregon are under the jurisdiction of the Oregon Energy Facility Siting Council (Council). The Oregon Legislature determines what types of energy facilities require Council review. An energy facility developer must apply to the Council for a **site certificate** and must supply information about the proposed facility and the proposed site.

The energy facility siting statutes, beginning at ORS 469.300, include provisions that make the Oregon siting process different from the permitting process in other states and different from the permitting practices of many other state and local agencies in Oregon. These provisions include:

- The use of specific standards for determining compliance
- A "one-stop" process in which the Council determines compliance with specific standards of the Council and other state and local permitting agencies
- Public comment periods at the front end of the process, followed by a more formal contested case proceeding
- Appeal directly to the Supreme Court for judicial review

If a proposed energy facility meets the standards, the Council must issue the site certificate. If the facility does not meet one or more of the standards, the Council cannot issue the site certificate unless the applicant can show that the overall public benefits of the facility outweigh the damage to the resources protected by the standards the facility does not meet.

In making the siting decision, the Council considers not only its own standards but also the applicable rules and ordinances of state and local agencies. The Council's decision is binding on all state and local agencies whose permits are addressed in the Council's review. These agencies must issue necessary permits and licenses, subject only to the conditions adopted by the Council. The Council's decision does not apply to federally-delegated permits.

The standard siting process has two major phases, which are described in more detail below. In the first phase, the applicant submits a notice of intent to the Department of Energy (Department). The notice of intent describes the proposed facility in general terms, allows the Department to gather public comment and enables state and local agencies to identify laws, regulations and ordinances that apply to the proposed facility. The second phase begins when the applicant submits an application to the Department and ends when the Council decides whether or not to issue a site certificate.

Flowchart of the Oregon Energy Facility Siting Process [35 kb pdf]

Some energy facilities qualify for an expedited siting process. The expedited process eliminates the notice of intent phase. The expedited processes for small capacity facilities and special criteria facilities are described below.

Flowchart of the Expedited Process for Small Capacity Facilities [37 kb pdf]

Flowchart of the Expedited Process for Special Criteria Facilities [36 kb pdf]

During its review, the Department consults with other state and local agencies to ensure that the Council considers all governmental concerns. The Department encourages applicants to work directly with the agencies to promote better understanding of their proposed projects. Applicants need not wait until they submit an application to begin working with state and local authorities.

As a part of the application, the applicant must choose whether to seek land use approval from the local jurisdiction or to have the Council make the land use determination. Either way, the participation of the local city or county land use planning department is essential. If the applicant chooses to seek land use approval at the local level, then the applicant must follow the local procedures and comply with all local land use ordinances. The Council will issue a site certificate for the project only if the local jurisdiction has approved the proposed land use. If the applicant chooses instead to have the Council make the land use determination, the Council must make findings on compliance with the local land use ordinances. Local officials are asked to identify the "substantive criteria" from local land use ordinances and comprehensive plan that the Council should apply to the proposed facility.

**Notice of Intent**

The **notice of intent** (NOI) provides information about the proposed energy facility and its potential impacts. The NOI enables the Department and other government agencies to identify issues and determine staffing needs for the review process. It provides the first opportunity for public participation in the process. The Department will hold at least one public informational meeting in the vicinity of the site of the proposed facility. Public and agency comments on the notice of intent alert the applicant to issues that the applicant will need to address.

After receiving an NOI, the Department issues a **public notice**. The Department mails the notice to nearby landowners identified by the applicant and to the Council´s mailing list. In addition, the Department publishes a notice in a newspaper available in the vicinity of the proposed facility.

Applicants should begin informal discussions with the Department before submitting an NOI. Early discussions allow time for planning and identification of issues. Applicants should also begin discussions with local land use agencies and with agencies such as the Oregon Department of Environmental Quality (DEQ) whose federally-delegated permits are outside Council jurisdiction.

Some permits that the facility may need require baseline data that are not available from existing studies. The applicant must plan to gather baseline data over a sufficient period to take into account seasonal and other fluctuations. For instance, a DEQ air quality permit will typically require 12 months of baseline air quality data. Similarly, water quality in surface or ground waters that undergo seasonal changes would require seasonal data. Studies for threatened and endangered species and wildlife habitat typically must be done at specific times of year. It is likely that the applicant will need to begin collecting baseline data before submitting the NOI.

OAR 345-020-0011 describes the required content of an NOI. The NOI must describe the proposed energy facility, the site and the possible impacts of development in enough detail for the Department and other agencies to identify the applicable statutes, rules and local ordinances. The NOI must include a list of permits that the applicant believes are applicable. The applicant should consult with state and local agencies to identify these requirements. The NOI must include a list of potentially affected property owners, as described in OAR 345-020-0011(1)(f).

The NOI must include proposed routes for linear facilities, such as gas pipelines or electric transmission lines. If a proposed transmission line or gas pipeline will cross land zoned for exclusive farm use, then the applicant may need to provide an alternatives analysis under ORS 215.213 or 215.283 to show that the facility is necessary for public service. In exclusive farm use zones, the criteria in ORS 215.275 determine whether a utility facility established under ORS 215.213 (1)(d) or 215.283 (1)(d) is necessary for public service.

The notice of intent phase of review concludes when the Department issues a **project order**. The project order identifies applicable statutes, rules and local ordinances. It describes any special information needed for the application. The project order defines the areas over which the applicant must assess the facility's potential impacts. The Department will determine these areas, called "analysis areas," based on the type of facility and its location. The analysis areas vary for different types of impacts.

**Expedited Review**

***Small Capacity Facilities***
For power plants with an average electric generating capacity of less than 100 megawatts, the applicant can request expedited review. The Council grants expedited review by rule if the Department determines that the facility meets the eligibility requirements described in OAR 345-015-0300.

Average electric generating capacity is defined as the facility's nominal capacity, adjusted by a factor defined in statute. For different types of electric generating facilities, the factors are as follows:

- for gas-fired facilities, the factor is 1.0 (average and nominal capacity are the same)
- for wind or solar facilities, the factor is 3.0 (a wind or solar facility with nominal capacity of less than 300 megawatts qualifies for expedited review)
- for geothermal facilities, the factor is 1.11 (a geothermal facility with nominal capacity of less than 111 megawatts qualifies for expedited review)

In addition to the capacity criteria above, the facility must not include a gas pipeline or electric transmission line that, by itself, would be under Council jurisdiction.

If expedited review is allowed, the applicant does not submit a notice of intent. In an expedited review, the applicant submits an application for a site certificate based on the requirements described in OAR 345-021-0010. The Department issues a project order after reviewing the application as initially submitted but before finding the application complete. Except for skipping the notice of intent phase, an expedited review for a small capacity facility is identical to a standard review of a site certificate application.

***Special Criteria Facilities***
Gas-fired generating plants (regardless of capacity) may qualify expedited review if they meet certain special criteria found at ORS 469.373. These criteria include:

- Location in an industrial zone near existing industrial facilities.
- No more than 3 miles of new transmission line or gas pipeline outside existing right of way
- No new water right or water right transfer
- No new NPDES permit unless it will be obtained by a municipal facility
- Compliance with the Council's carbon dioxide standard via the monetary path.

To request expedited review, applicants must provide written evidence to the Department that the proposed project meets the ORS 469.373 criteria. If the Department finds that the criteria are met, it will allow expedited review on a preliminary and non-binding basis.

The special criteria expedited review process is described in OAR 345-015-0310 and -0320. Briefly, it differs from the standard review process in the following ways:

- The applicant does not submit a notice of intent.
- The Department issues a project order after the applicant submits an application for a site certificate.
- The Department must notify the applicant whether the application is complete within 30 days of receiving it. If the application is not complete, the Department will not file it until the applicant has submitted all the information necessary to determine if the project meets the standards.
- The Department holds a public informational meeting after the application is complete.
- The Department issues a draft proposed order within 90 days after the date that the application is complete and filed.
- After the Council reviews the draft proposed order, the Department issues a proposed order.
- The Council holds a public hearing after the Department issues the proposed order.
- The applicant can request an additional 14 days to supplement the evidentiary record if new issues are raised at the public hearing.
- The applicant can request a contested case, but there is no contested case unless the applicant requests one.
- The Council makes the land use determination as described in ORS 469.504(1)(b).
- The Council must make a site certificate decision within 6 months after the application is complete.
- If the Council decides that the project did not qualify for expedited review, then review of the application continues under the standard process, starting at the completeness phase (see Filing the Application below).

**Application for a Site Certificate**

The applicant cannot submit the application until the Department has issued a project order, but applicants can shorten the preparation phase by planning as much of the application as possible in advance. The content of the notice of intent is designed to match the content of the application (although the application is more detailed). A well-prepared notice of intent can serve as a starting framework for the application. It may also be useful to contact other state agencies and ask for informal involvement during this phase. Some agencies, for example, may need to conduct field inspections, which could be initiated during the application preparation phase.

An application for a site certificate includes a detailed description of the proposed site, the proposed facility and the anticipated impacts. The applicant must show how the proposed facility complies with the Council's standards. The project order and the specific requirements of OAR 345-021-0010 define the content of the application.

In its application, the applicant must choose whether to seek land use approval from the local jurisdiction or to have the Council make the land use determination. Once the applicant has made the choice, the applicant may not later amend the application to make a different choice. If the Council makes the land use determination, the Council will apply the applicable substantive criteria in effect on the date the application is submitted. The local government is asked to identify the applicable land use criteria.

The purpose of the application is to give the Council the information needed to determine compliance with energy facility siting standards. Although OAR 345-021-0010 calls for specific detailed information, applicants should include any additional information that demonstrates compliance with the standards.

For pipelines and transmission lines, the applicant selects the final proposed corridor in the application, although the applicant has the option of requesting a site certificate that includes more than one corridor. The application must document a detailed corridor selection assessment using criteria set forth in OAR 345-021-0010(1)(b)(D), including consideration of any comments from the public, interested agencies and local governments.

**Filing the Application**

The Department reviews the application to determine if it is complete. The Department determines whether the application contains enough information to support findings by the Council that the facility meets the applicable standards. If necessary to find the application complete, the Department requests additional information from the applicant. During this "completeness" phase, there often are changes or additions to the application, either in response to the Department´s questions or as the result of changes in the applicant's plans.

The application is "filed" when the Department determines it is complete. The Department issues a public notice when the application is filed.

**Draft Proposed Order**

The Department conducts a thorough review of the filed application. The Department consults with other state and local government agencies and requests their comments and proposed site certificate conditions. The review concludes when the Department issues a **draft proposed order**, as provided under ORS 469.370. The draft proposed order includes proposed findings of fact, recommended conclusions on compliance with Council standards and recommended site certificate conditions for construction, operation and retirement of the facility.

**Public Hearing**

The Department issues a **public notice** of the draft proposed order. The public notice includes notice of a public hearing. The hearing is essential to Oregon´s energy facility siting process, ensuring that the process of siting energy facilities in the state is a public process. Anyone having a concern in opposition to the proposed facility must raise the issue on the record of the hearing:

- To raise an issue on the record of the public hearing, a person must raise the issue in person at the public hearing or in a written comment submitted after the date of the notice and received by the Department before the deadline given in the notice.
- Failure to raise an issue in person or in writing on the record of the public hearing with sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes consideration of the issue in a contested case.
- To raise an issue with sufficient specificity, a person must present facts that support the person's position on the issue.

**Proposed Order**

After the public hearing, the Council reviews the draft proposed order in a public meeting. The Council does not take public comment on the application at this meeting. Based on the comments of the Council, public comment on the record of the public hearing described above and consultation with other governmental agencies, the Department then issues a **proposed order**. At the same time, the Department sends a **notice of contested case** to persons who appeared in person or in writing at the public hearing.

**Contested Case Proceeding**

A contested case proceeding is mandatory under ORS 469.370(5). The Council appoints an independent hearing officer to conduct the proceeding. Aside from the applicant and the Department of Energy, anyone else wanting to participate in the contested case proceeding must request party status from the hearing officer.

Persons who have an interest in the outcome of the Council's contested case proceeding or who represent a public interest in such result may request to participate as parties or limited parties. Only those persons who have commented in person or in writing on the record of the public hearing may request party status. To raise an issue in a contested case proceeding, the issue must be within the jurisdiction of the Council. The person must have raised the issue in person or in writing on the record of the public hearing. To have raised an issue with sufficient specificity, the person must have presented facts at the public hearing that support the person's position on the issue.

At the conclusion of the contested case proceeding, the hearing officer issues a **proposed contested case order**. The parties in the contested case proceeding may file exceptions to the proposed order.

**Final Order**

Following the contested case proceeding, the Council decides whether or not to issue a site certificate. The Council grants a site certificate if at least four members of the Council agree. The Council issues its decision in a **final order**.

**Appeal**

Following the Council's final order, any party to the contested case has 30 days to apply for a rehearing. A party may petition for judicial review within 60 days after the date of service of the Council´s final order (or within 30 days after the date a petition for rehearing is denied). The filing of a petition for judicial review does not automatically stay the Council´s final order.

The Oregon Supreme Court has exclusive jurisdiction for judicial review of the Council´s decision. The Supreme Court is required, under ORS 469.403, to render a decision within six months following the filing of the petition for review.

For more information: http://www.oregon.gov/ENERGY/SITING/index.shtml

# UTAH

**Summary/Overview:**

There is no single Utah State government agency with primary responsibility for transmission facility siting. Various agencies need to be contacted to determine the necessary requirements for the specific proposed project. Federal agency permitting is important in Utah, as over 50 percent of the land is under federal ownership.

Construction of new generation and transmission facilities generally requires receipt of a Certificate of Public Convenience and Necessity (CPCN) from the Utah Public Service Commission although there are exceptions to this requirement.

Public Utilities can exercise the power of eminent domain pursuant to the requirements of UCA 78-34-1(8).

**Certificate of Public convenience and Necessity**
The Utah Public Service Commission (Commission) has jurisdiction over the construction and operation of electric facilities. In accordance with Utah Code Ann. § 54-4-25, PacifiCorp "may not establish, or begin construction or operation of a line, route plant or system, without having first obtained from the commission a certificate that present or future public convenience and necessity does or will require the construction." The foregoing requirement to obtain a certificate is not required for an extension:

a. within any city or town within which it has lawfully commenced operations;
b. into territory, either within or without a city or town, contiguous to its line, plant, or system that is not served by a public utility of like character; or
c. within or to territory already served by it, necessary in the ordinary course of its business.

Challenges may be brought by any other public utility claiming to be injuriously affected by the new facilities. The affected utility is required to file a complaint with the Commission and the Commission may impose conditions or prescribe terms concerning the new construction that are just and reasonable.

**Right of Eminent Domain**
Electric light and electric power lines and sites for electric light and power plants are deemed public uses in Utah for which the right of eminent domain may be exercised. See Utah Code Ann. § 78-34-1(8). Before property can be taken, a utility must demonstrate the following four elements:

a. the use to which it is to be applied is a use authorized by law;
b. the taking is necessary to such use;
c. construction and use will commence within a reasonable time as determined by the court;
d. if already appropriated to some public use, the public use to which it is to be applied is a more necessary public use.

Purpose and necessity of a project is typically a matter of judicial scrutiny. Under Utah case law, a court will not preclude a condemnation action based on a landowner's opinion that a better or different route is available. However, Utah Code Ann. § 78-34-5 states the land required for public use "must be located in the manner which will be most compatible with the greatest public good and the least private injury."

**Public Utility Notice Requirements to Affected Entities**
Utah Code Ann. § 54-3-28 provides that if a specified public utility prepares a long-range plan regarding its facilities proposed for the future or amends an existing long-range plan, it is required to provide notice to affected entities, i.e., counties, municipalities and local districts, of its intent to prepare or amend the long-range plan. The notice must describe or provide a map of the geographic area affected by the plan or plan amendment. The notice must invite affected entities to provide information for the public utility to consider in the process of preparing, adopting, and implementing the long-range plan or plan amendment including impacts on the affected entity, and uses of land that the affected entity is planning or considering that may conflict with the long-range plan or plan amendment.

**Utility Facility Review Board Act**
Pursuant to Utah law, local governments are precluded from imposing certain non-standard requirements without paying the incremental cost difference. A local government may require or condition the construction of a facility (including transmission lines in excess of 34,000 volts) if:

a. the requirements or conditions do not impair the ability of the public utility to provide safe, reliable, and adequate service to is customers; and

b. the local government pays for the actual excess cost (costs exceeding standard costs) resulting from the requirements or conditions.

The Utility Facility Review Board or the Commission may provide exceptions to this requirement and require the utility to pay the differential cost. The board is essentially an appellate review for mediating cost differentials and the reasonability of requirements and conditions.

**Possible State Agency Contacts**

Public Service Commission of Utah (certificate of convenience and necessity)
Utah Department of Commerce, Division of Public Utilities
Utah Department of Environmental Quality
- Division of Air Quality
- Division of Solid & Hazardous Waste
- Division of Water Quality

Utah Department of Natural Resources
- Division of Wildlife Resources (state land issues)
- State Parks and Recreation (state land issues)

School and Institutional Trust Lands Administration
Surface Management (school land issues)
Labor Commission, Occupational Safety & Health Division
County and Local Governments

**Websites:**

http://www.psc.utah.gov/

http://www.publicutilities.utah.gov/elect_siting.html

http://www.commerce.state.ut.us/

http://www.eq.state.ut.us/

http://www.nr.utah.gov/

http://www.utahtrustlands.com/

http://www.uosh.utah.gov/

http://www.blm.gov/ut/st/en/fo/salt_lake.html

**Regulatory Citations and Links if applicable:**

Utah Code 54-4-25 and Utah Code 11-13-304: Commission's authority over Certificate of Convenience and Necessity.
Utah Code 54-3-28: Notice required of certain public utilities before preparing or amending a long-range plan or acquiring certain property.
Utah Code 54-8c: Public Utility High Voltage Overhead Lines.
Utah Code 54-7-24 and Utah Code 54-7-25: Commission authority to order injunctions or penalties for any public utility violations of compliance with Title 54 or any rule promulgated thereunder.
Utah Code 78-34-1(8): Persons exercising eminent domain.
Utah Code 54-14: Utility Facility Review Board Act. This act creates a review board to resolve disputes regarding costs and their allocation between public utilities and local governments. The Commission Chairman is chair of the Board. The board has the authority to apportion costs.

http://www.le.state.ut.us/~code/TITLE54/htm/54_04026.htm

http://www.le.state.ut.us/~code/TITLE11/htm/11_09033.htm

# WYOMING

The siting of electric transmission lines in Wyoming is not centralized in one governmental entity.

**Utility Regulation**

The Wyoming Public Service Commission has jurisdiction over transmission lines being built by public utilities, exercised through a certification process. See W.S. § 37-2-205. Under this statute, where a certificate is requested for a line of 230 KV or greater, the Commission must publish notice and give all affected landowners actual notice of hearing by registered mail. Commission certificates for such lines must be conditioned "so that no construction of the line is authorized until all right-of-way for the line has been acquired." By rule, the Commission may require a certificate of public convenience and necessity for public utilities' transmission lines designed to operate at 69 KV and above and which are longer than three miles, unless it is construction necessary in the ordinary course of business.

**Right-of-Way/Ways of Necessity**

Electric transmission right of way may be acquired by cities, towns, utilities and others using Wyoming's eminent domain laws. See W.S. §§ 1-26-801 through -817. Beyond this, "any person, association, company or corporation authorized to do business in this state may appropriate by condemnation a way of necessity over, across or on so much of the lands or real property of others as necessary for the location, construction, maintenance and use of . . . electric power transmission lines . . . ." W.S. § 1-26-815 A condemnation proceeding regarding a facility for which a certificate of public necessity and convenience is required cannot go forward until the certificate has been issued. W.S. § 1-26-817. Condemnation actions are brought in Wyoming's District Courts. See Title 1, Chapter 26, Articles 5-8, the Wyoming Eminent Domain Act.

**State Environmental and Siting**

A storm water permit from the Wyoming Department of Environmental Quality would be needed during construction if the surface disturbance exceeds 1 contiguous acre. Lines not exceeding 500 KV are exempt from the Wyoming Industrial Siting Act. See, W.S. § 35-12-119. Certain information must still be filed regarding such exempt activities. See W.S. § 35-12-109(a)(iii), (iv), (v) and (viii). Persons wishing to construct lines crossing or running along roads and highways in Wyoming, including interstates, should first be discussed with the Wyoming Department of Transportation, Utilities Section.

**Counties**

County requirements vary. Persons wishing to construct transmission lines should contact the County Planners in the affected counties (or the County Attorney in the absence of a Planner) to discuss the necessary compliance. Compliance with county utility right-of-way regulations, subdivision regulations and land use plans (concerning zoned county areas) are among the subjects to discuss. Some counties will have additional informational requirements.