

**§3132-B. Small transmission and distribution projects**

For the purposes of this section, "small transmission project" means any proposed new or upgraded transmission line, substation component or associated infrastructure capable of operating at less than 69 kilovolts and projected to cost \$5,000,000 or less. For the purposes of this section, a "distribution project" means any proposed new or upgraded distribution line, substation component or associated infrastructure capable of operating at less than 34 kilovolts. [PL 2023, c. 355, §8 (AMD).]

**1. Planning study.** Each investor-owned transmission and distribution utility in this State shall annually complete and submit to the Office of the Public Advocate, for review by the nonwires alternative coordinator, a planning study for small transmission projects and distribution projects. In completing the planning study, an investor-owned transmission and distribution utility shall develop and use system planning models. The study must:

- A. Analyze system needs for the next 5 years and provide a schedule of proposed projects and associated costs; [PL 2019, c. 298, §13 (NEW).]
- B. Describe system capacity and load by substation and circuit; and [PL 2019, c. 298, §13 (NEW).]
- C. Identify corresponding planned and anticipated growth-related investments. [PL 2019, c. 298, §13 (NEW).]

After review of a planning study submitted under this subsection, the nonwires alternative coordinator may provide comments or recommendations, which may include recommendations to achieve the policy goals established in section 3143. An investor-owned transmission and distribution utility may, at its discretion, incorporate recommendations on a planning study made by the nonwires alternative coordinator. Failure to incorporate recommendations made by the nonwires alternative coordinator may not result in a presumption of imprudence.

[PL 2019, c. 298, §13 (NEW).]

**2. Nonwires alternatives investigation.** Except as provided in subsection 3, for a proposed project presented in a planning study under subsection 1, the nonwires alternative coordinator:

- A. Shall investigate nonwires alternatives if the project is a small transmission project or is a distribution project estimated to cost \$500,000 or more; and [PL 2019, c. 298, §13 (NEW).]
- B. May investigate nonwires alternatives if the project is a distribution project estimated to cost less than \$500,000 and, in the judgment of the nonwires alternative coordinator, there is a reasonable likelihood that a nonwires alternative would be more cost-effective than the proposed distribution project. [PL 2019, c. 298, §13 (NEW).]

An investigation of nonwires alternatives under this subsection must be conducted in accordance with section 3132-C.

[PL 2019, c. 298, §13 (NEW).]

**3. Excluded projects; criteria.** The commission, by rule, shall develop criteria to exclude from investigation by the nonwires alternative coordinator small transmission projects and distribution projects best suited to transmission and distribution investments, including but not limited to projects that are:

- A. Necessary for redundant supply to a radial load; [PL 2019, c. 298, §13 (NEW).]
- B. Necessary to address maintenance, asset condition or safety needs; [PL 2019, c. 298, §13 (NEW).]
- C. Necessary to address stability or short circuit problems; or [PL 2019, c. 298, §13 (NEW).]

D. Required to be in service within one year based on the controlling load forecast. [PL 2019, c. 298, §13 (NEW).]  
[PL 2019, c. 298, §13 (NEW).]

**4. Nonwires alternatives recommendations.** Based on the investigation under subsection 2, the nonwires alternative coordinator shall make recommendations to the investor-owned transmission and distribution utility regarding nonwires alternatives to proposed small transmission projects and distribution projects. The nonwires alternative coordinator and the utility shall attempt to reach a good faith agreement regarding the adoption of nonwires alternatives that are most cost-effective. If agreement is reached, the utility shall pursue the agreed-upon nonwires alternatives. If there is no agreement, the utility or the Office of the Public Advocate may petition the commission to resolve the dispute.

[PL 2023, c. 355, §9 (AMD).]

**5. Dispute resolution.** In responding to a petition by an investor-owned transmission and distribution utility or the Office of the Public Advocate pursuant to subsection 4, the commission shall review the planning study prepared under subsection 1 and the recommendations of the nonwires alternative coordinator under subsection 4. In resolving the dispute, the commission shall give preference to nonwires alternatives that are identified as able to address the identified need for the proposed small transmission project or distribution project and are most cost-effective. Of the identified nonwires alternatives, the commission shall give preference to the lowest-cost nonwires alternatives. When the costs to ratepayers in this State of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the nonwires alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

[PL 2023, c. 355, §10 (AMD).]

## SECTION HISTORY

PL 2019, c. 298, §13 (NEW). PL 2023, c. 355, §§8-10 (AMD).

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