
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2480 Session of
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INTRODUCED BY DeWEESE, SOLOBAY, McCALL, MUNDY, BENNINGTON,
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MAY 2, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 2, 2008

AN ACT

1 Providing for the Mid-Atlantic Area National Corridor Compact
2 for the purpose of asserting jurisdiction over the location
3 and construction of cross-borders electric energy
4 transmission facilities and transmission corridors; and
5 providing for the form of the compact and for its
6 implementation and expiration.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Mid-Atlantic
11 Area National Corridor Compact Act.

12 Section 2. Execution of compact.

13 The Governor of Pennsylvania, on behalf of this Commonwealth,
14 is hereby authorized to and shall execute the Mid-Atlantic Area
15 National Corridor Compact, hereinafter referred to as the
16 "compact," with two or more of the party states. The General
17 Assembly hereby signifies in advance its approval and
18 ratification of the compact and such compact is hereby adopted

1 and entered into with all states joining therein. The compact
2 shall be in substantially the following form:

3 Mid-Atlantic Area National Corridor Compact

4 Article I

5 STATEMENT OF PURPOSE, LEGISLATIVE FINDINGS

6 AND DECLARATIONS

7 Section 1.1. Purpose of compact.

8 The purpose of this compact is to promote regional
9 cooperation in the location, approval and construction of cross-
10 borders electric energy transmission facilities in the Mid-
11 Atlantic region of the United States by the development of a
12 regional transmission line siting council to facilitate the
13 siting of cross-borders electric energy transmission facilities
14 within the compact states and to perform the interstate electric
15 energy transmission siting responsibilities of such states.

16 Section 1.2. Findings and declaration.

17 The legislatures of the party states hereby find and declare
18 as follows:

19 (1) The authority to review and approve applications to
20 locate and construct electric energy transmission facilities
21 is conveyed by state law or regulation to public utility
22 commissions or similarly situated agencies of other states.

23 (2) In 2005, the Congress passed and the President
24 signed the Energy Policy Act of 2005 (Public Law 109-58, 11
25 Stat. 594).

26 (3) Title XII of the Energy Policy Act of 2005 enacted
27 the "Electricity Modernization Act of 2005" and directs the
28 Secretary of the United States Department of Energy, in
29 consultation with affected states, to conduct a study,
30 triennially, of electric transmission congestion nationwide;

1 and, after considering alternatives and recommendations from
2 interested parties, to issue a report based on the congestion
3 study that may designate any geographic area experiencing
4 electric transmission capacity constraints or congestion that
5 adversely affects consumers as a "national interest electric
6 transmission corridor."

7 (4) The Federal Energy Regulatory Commission shall have
8 the authority to issue one or more permits for the
9 construction or modification of electric transmission
10 facilities in a national interest electric transmission
11 corridor designated by the United States Secretary of Energy,
12 if certain conditions or circumstances exist.

13 (5) A person holding a permit issued by the Federal
14 Energy Regulatory Commission for the construction or
15 modification of electric energy transmission facilities on
16 public or private property situated within a national
17 interest electric transmission corridor would have the
18 authority to exercise federal eminent domain authority.

19 (6) Although the authority conveyed to the United States
20 Department of Energy and the Federal Energy Regulatory
21 Commission under the Energy Policy Act of 2005 may interfere
22 with the traditional and statutory authority of public
23 utility commissions, and similarly situated agencies of other
24 states, to review and approve applications for the location
25 and construction of cross-borders electric energy
26 transmission lines and related facilities in this
27 Commonwealth and such other states, the Congress gave its
28 consent for three or more contiguous states to enter into an
29 interstate compact for the purpose of establishing "regional
30 transmission siting agencies" to (i) facilitate siting of

1 future electric transmission facilities within compact
2 states; and (ii) carry out the electric energy transmission
3 siting responsibilities of those states.

4 (7) A "regional transmission siting agency" established
5 through a compact between three or more contiguous states
6 would have the authority to review, certify and permit the
7 siting of cross-borders electric energy transmission
8 facilities, including such facilities proposed to be located
9 and constructed in a national interest electric transmission
10 corridor, and would provide a "one-stop" licensing process.

11 (8) This compact is entered to enable the party states
12 as signatories to act together to achieve uniformity of
13 regulations to govern the location and construction of cross-
14 borders electric energy transmission facilities in the Mid-
15 Atlantic region and, thereby, facilitate the location and
16 construction of such facilities.

17 (9) The General Assembly of the Commonwealth of
18 Pennsylvania declares and the Legislature of each party state
19 affirms that the compact as herein provided is in the public
20 interest, and that the development of a regional transmission
21 siting council shall be deemed to be an exercise of the
22 police power of the party states for the protection of public
23 safety, health and welfare of the citizens thereof.

24 Article II

25 DEFINITIONS

26 Section 2.1. Definitions.

27 For the purpose of this compact and of any supplemental or
28 concurring legislation enacted pursuant hereto, the following
29 words and phrases shall have the meanings given to them in this
30 section, except as may be otherwise required by the context:

1 "Affected Federal agency." The United States Department of
2 Energy, the Federal Energy Regulatory Commission, and the United
3 States Environmental Protection Agency and any other agency of
4 the United States Government affected by section 1221 of the
5 Energy Policy Act of 2005 (Public Law 109-58, 11 Stat. 594).

6 "Associated facilities." Facilities essential to the
7 transport of electrical power over high-voltage transmission
8 lines, including, but not limited to, insulators, towers,
9 substations and terminals.

10 "Compact." The Mid-Atlantic Area National Corridor Compact
11 established pursuant to this act.

12 "Council." The Mid-Atlantic Area States Council as
13 established in this compact.

14 "Cross-borders electric energy transmission facility." A
15 proposed interstate high-voltage transmission line and any
16 associated facilities.

17 "DOE." The United States Department of Energy.

18 "Eligible state." Any state contiguous to a party state that
19 elects to become a signatory to this compact.

20 "FERC." The Federal Energy Regulatory Commission.

21 "Federal acts." Any applicable requirement of:

22 (1) The National Forest Management Act of 1976 (Public
23 Law 94-588, 16 U.S.C. § 472a et seq.).

24 (2) The Endangered Species Act of 1973 (Public Law 93-
25 205, 16 U.S.C. § 1531 et seq.).

26 (3) The Federal Water Pollution Control Act (62 Stat.
27 1155, 33 U.S.C. § 1251 et seq.).

28 (4) The National Environmental Policy Act of 1969
29 (Public Law 91-190, 42 U.S.C. § 4321 et seq.).

30 (5) The Federal Land Policy and Management Act of 1976

1 (Public Law 94-579, 43 U.S.C. § 1701 et seq.).

2 "High-voltage transmission line." A conductor of electric
3 energy and associated facilities designed for or capable of
4 generating at nominal voltage of 100 kilovolts or more either
5 immediately or without significant modification or which would
6 be under the operational control of a regional transmission
7 organization.

8 "Indian tribe." Any Indian or Alaska Native tribe, band,
9 nation, pueblo, village or community that the Secretary of the
10 United States Department of the Interior acknowledges to exist
11 as an Indian tribe.

12 "Interested party." The term shall include the governmental
13 bodies of any political subdivision of a party state, state
14 agencies of a party state, Indian tribes domiciled within the
15 party states and persons residing or owning property in each
16 such party state through which a transmission corridor or
17 electric energy transmission facility is proposed.

18 "Mid-Atlantic Area National Corridor." The District of
19 Columbia and all or parts of the states of Delaware, Maryland,
20 New Jersey, New York, Ohio, Pennsylvania, Virginia and West
21 Virginia designated as a national interest electric transmission
22 corridor by the Secretary of the United States Department of
23 Energy.

24 "National Interest Electric Transmission Corridor" or
25 "NIETC." Any geographic area of the United States where
26 transmission congestion or constraints adversely affect
27 consumers as designated at the discretion of the Secretary of
28 the United States Department of Energy.

29 "Party state" or "compact state." Any states situated within
30 the mid-Atlantic area national corridor that are signatories of

1 this compact and any eligible state.

2 "Political subdivision." Any county, city, borough,
3 incorporated town, township or any equivalent unit of local
4 government of a party state.

5 "Regional Transmission Organization" or "RTO." An
6 independent entity that controls, manages and operates regional
7 electric transmission grids free of any discriminatory
8 practices.

9 "Secretary." The Secretary of the United States Department
10 of Energy.

11 "Transmission corridor." A geographic area proposed for the
12 location, construction and operation of one or more cross-
13 borders high-voltage transmission lines.

14 Article III

15 MID-ATLANTIC AREA STATES COUNCIL AND
16 COMPACT ADMINISTRATORS

17 Section 3.1. Establishment of council.

18 (1) There is hereby established a council to be known as
19 the Mid-Atlantic Area States Council, which shall be a body
20 politic and corporate, with succession for the duration of
21 this compact, as an agency and instrumentality of the
22 governments of the party states that are signatories of this
23 compact.

24 (2) The council shall consist of the chairman of each
25 party state's public utility commission or public service
26 commission, as the case may be, or the person holding an
27 equivalent position who is engaged in the regulation of
28 electric utilities in each party state, or a designee of the
29 chairman or other person.

30 (3) The person serving as the Secretary of Environmental

1 Protection and the person serving as the Secretary of
2 Conservation and Natural Resources or persons holding
3 similarly situated positions in a party state or designees of
4 such secretaries or other persons shall serve as members of
5 the council. If no such persons in similarly situated
6 positions exist in a party state, the Governor of that state
7 shall appoint two individuals with expertise in energy policy
8 as it relates to protection of the environment, conservation
9 and natural resources and land use as that state's
10 representatives on the council, provided, however, that a
11 person so appointed shall not have any pecuniary interest in
12 any corporation, electric utility or other person operating
13 or interested in establishing an electric energy transmission
14 facility in a party state or in any affiliate, intermediary,
15 subsidiary or holding company of such corporation, electric
16 utility or other person.

17 (4) The council shall elect annually from among its
18 members a chairperson, a vice-chairperson and a treasurer
19 whose offices shall rotate annually among the party states,
20 with such powers and duties as the council shall in its
21 bylaws prescribe. At no time shall any such office be held by
22 council members from the same party states.

23 (5) A member of the council may designate a deputy or
24 assistant to act in the place of such member, with full
25 authority to attend meetings of the council and with power to
26 discharge the duties and functions of such member either for
27 the duration of membership of the appointing member or for
28 any lesser time, unless otherwise provided by law of the
29 party state of such member. A designee so appointed shall
30 serve only at the direction and during the term of the

1 appointing member and shall be subject to removal at the
2 pleasure of such appointing member.

3 (6) The council shall appoint an executive director who
4 shall serve at the pleasure of the council and who shall have
5 such powers and duties as the council shall in its bylaws
6 impose. The executive director shall serve as secretary of
7 the council and, together with the treasurer, shall be bonded
8 in such amounts as the council may in its bylaws require. The
9 executive director, on behalf of, as trustee for, and with
10 approval of the council as its bylaws shall require, may
11 borrow, accept or contract for the services of personnel from
12 any party state, any other state government or any political
13 subdivision or agency thereof, from any intergovernmental
14 agency, or from any institution, person, firm or corporation,
15 and may accept for any of the council's purposes and
16 functions under this compact any and all donations, gifts and
17 grants of money, equipment, supplies, materials and services
18 from any party state, any other government or political
19 subdivision or agency thereof, or intergovernmental agency,
20 or from any institution, person, firm or corporation, and may
21 receive and utilize the same.

22 (7) The council may, without regard to the civil service
23 or other laws of any party state relative to public officers
24 and employees, create and abolish offices, employment and
25 positions as it deems necessary for the purposes of the
26 council, affix and provide for the duties, conditions for
27 employment, qualifications, appointment, removal, term,
28 compensation and other rights and benefits of the council's
29 officers and employees. The council shall appoint the
30 principal officers of the council and allocate among them

1 administrative functions, powers and duties necessary to
2 carry out its purposes under this compact.

3 (8) The council may maintain one or more offices for the
4 transaction of its business and shall meet as often as it
5 requires at such time and place as it shall determine. Each
6 council member shall be reimbursed for travel expenses in
7 accordance with the laws, regulations or policies of the
8 council member's party state.

9 (9) The organizational meeting of the council shall be
10 held within six months of the effective date of this compact.

11 Section 3.2. Council bylaws.

12 (1) The council shall adopt bylaws for the conduct of
13 its business by a two-thirds vote and shall have the power by
14 the same vote to amend and rescind its bylaws. The council
15 shall publish its bylaws in convenient form with the
16 Secretary of the Commonwealth or, in the case of other party
17 states, with the appropriate agency or officer of each
18 participating party state. The bylaws shall, among other
19 things, provide for the powers and duties of the executive
20 director of the council and for adequate notice to the
21 council members and the general public of all meetings and
22 hearings, and of the business to be transacted at such
23 meetings and hearings of the council. Adequate notice of all
24 meetings and hearings of the council shall be provided to the
25 public and to other agencies and officers of party states in
26 accordance with the laws and regulations of such states or in
27 accordance with the requirements of this compact.

28 (2) The council shall have a seal.

29 Section 3.3. Voting.

30 (1) Each party state shall be entitled to one vote in

1 the conduct of the business of the council.

2 (2) All actions taken by the council, except for actions
3 to designate a transmission corridor and approve the location
4 and construction of a cross-borders electric energy
5 transmission facility proposed to be sited in a national
6 interest electric transmission corridor, shall be by majority
7 vote of the members present.

8 (3) Any actions of the council to designate a
9 transmission corridor or approve the location and
10 construction of a cross-borders electric energy transmission
11 facility proposed to be sited in a national interest electric
12 transmission corridor shall require a unanimous vote of all
13 members of the council in whose states the transmission
14 corridor is proposed to be designated or a cross-borders
15 electric energy transmission facility is proposed to be
16 located and constructed.

17 (4) Except as provided in paragraph (3), no action of
18 the council shall be binding unless taken at a meeting at
19 which a majority of all party states are represented and
20 unless a majority of the total number of votes are cast in
21 favor thereof.

22 (5) In addition to the powers and duties elsewhere
23 prescribed in this compact, the council shall have the power
24 to make and enforce rules and regulations as it deems
25 necessary to implement the provisions of this compact or to
26 effectuate in any other respect the purposes of this compact.

27 Section 3.4. Compact administrators.

28 (1) The chairman of each party state's public utility
29 commission or public service commission, as the case may be,
30 or the person holding an equivalent position who is

1 responsible for regulating electric utilities in each such
2 party state shall act as compact administrator for that
3 state. The compact administrator shall consult with like
4 officials of the party states, and shall foster cooperation
5 between such states in the designation of transmission
6 corridors and the location and construction of any cross-
7 borders electric energy transmission facilities.

8 (2) The compact administrators and other members of the
9 council shall organize to negotiate and establish a regional
10 process to be adopted by the party states for the designation
11 of a transmission corridor or approval, location and
12 construction of cross-borders electric energy transmission
13 facilities in accordance with the requirements of this
14 compact.

15 (3) In negotiating the terms of the compact, the compact
16 administrators shall assure that the compact incorporates
17 procedures to ensure appropriate adjudicative proceedings,
18 mitigate environmental impacts and ensure that the compact is
19 in the public interest of the party states.

20 Article IV

21 POWERS AND DUTIES OF COUNCIL

22 Section 4.1. Powers and duties.

23 (1) The council shall, after notice and public hearings,
24 develop, negotiate and promulgate rules and regulations
25 establishing a regional process to govern the designation of
26 a transmission corridor and approval, location and
27 construction of cross-borders electric energy transmission
28 facilities, including any such facility proposed to be
29 located in a national interest electric transmission corridor
30 as designated by the secretary pursuant to section 1221 of

1 the Energy Policy Act of 2005.

2 (2) To carry out its powers and duties under this
3 compact, it shall be the further duty of the council to:

4 (i) Conduct and prepare, independently or in
5 cooperation with academia, energy economists and other
6 energy experts and analysts or other persons as
7 determined by the council, studies, investigations,
8 research and programs relating to all aspects of the site
9 selection of cross-borders electric energy transmission
10 facilities.

11 (ii) Adopt standards, rules and regulations to
12 perform its functions and enforce the terms of this
13 compact, including standards, rules and regulations to
14 govern the location and construction of cross-borders
15 electric energy transmission facilities.

16 (iii) Exercise any authority consistent with this
17 compact authorized by Congress under Federal law.

18 (iv) Advise, consult and encourage voluntary
19 cooperation from other agencies of the party states and
20 political subdivisions thereof, industries, other states,
21 the Federal Government, interested parties and other
22 persons in furtherance of its duties under this compact.

23 (v) Submit to the Governor of each party state an
24 annual report covering the activities of the council for
25 the preceding calendar year. The report shall be
26 submitted on or before December 31 of each year, shall
27 include such standards, rules, regulations and bylaws as
28 may have been adopted by the council, and shall be
29 transmitted to the Senate and the House of
30 Representatives or State Assembly, as the case may be, of

1 each party state. The council may issue such additional
2 reports as it may deem necessary.

3 (vi) Conduct informational meetings and public
4 hearings to disseminate information, receive comment or
5 take testimony with respect to the designation of a
6 transmission corridor or the location and construction of
7 cross-borders electric energy transmission facilities.

8 (vii) Consider and present recommendations, policies
9 and programs designed to facilitate the location and
10 construction of cross-borders electric energy
11 transmission facilities.

12 (viii) Recommend such changes in, or amendments or
13 additions to, the laws, rules, regulations, policies or
14 guidelines of the party states that, in the judgment of
15 the council, may be appropriate.

16 (ix) Cooperate with the DOE and FERC or any
17 successor agency thereto, any other officer or agency of
18 the United States and the party states and any other
19 governmental unit or agency or officer thereof, and with
20 any other persons, entities or agencies, including
21 regional transmission organizations and energy or power
22 authorities, in matters related to the approval, location
23 and construction of cross-borders electric energy
24 transmission facilities.

25 (x) Advise and assist the Governor and the
26 legislature of each party state with the development and
27 implementation of policies and procedures relating to the
28 designation of transmission corridors and the location
29 and construction of cross-borders electric energy
30 transmission facilities.

1 (xi) Require and receive from any agency of a party
2 state, or any political subdivision thereof, assistance
3 and data.

4 (xii) Compile, publish and distribute, with or
5 without fee, any reports, bulletins, newsletters or other
6 documents as it may deem appropriate.

7 (xiii) Work with stakeholders, affected Federal,
8 state and local agencies, regional transmission
9 organizations, power or energy authorities and the public
10 to study alternatives to cross-borders electric energy
11 transmission facilities and transmission corridors.

12 (xiv) Designate a cross-borders electric energy
13 transmission corridor or corridors on its own motion or
14 by application of a person proposing to construct a
15 cross-borders electric energy transmission facility. The
16 council's designation of a transmission corridor shall
17 serve to identify a feasible corridor where one or more
18 future cross-borders high-voltage electric energy
19 transmission line or lines may be located and constructed
20 that are consistent with the needs of this Commonwealth
21 and the party states.

22 (xv) Develop and adopt, in consultation with
23 appropriate agencies of the party states, regional
24 transmission organizations, energy or power authorities,
25 electric distribution companies, transmission owners and
26 consumers a strategic plan for the Mid-Atlantic region's
27 electric transmission grid. The strategic plan shall
28 identify and recommend activities needed to ensure
29 reliability, relieve congestion and meet future growth in
30 load and generation, including, but not limited to,

1 renewable resources, energy efficiency and other demand
2 reduction measures. In developing the strategic plan, the
3 council shall confer with state agencies and political
4 subdivisions in the party states and Federal agencies to
5 identify appropriate areas within their jurisdictions
6 that may be suitable for a transmission corridor or
7 electric energy transmission facility.

8 (xvi) Coordinate, to the extent feasible, efforts to
9 identify long-term transmission needs of the party states
10 with the land use plans of the party states, political
11 subdivisions thereof and Federal agencies.

12 (xvii) Accept, review and approve or disapprove
13 applications from persons proposing to locate and
14 construct a cross-borders electric energy transmission
15 facility. The application shall be in the form required
16 by the council and shall be accompanied by any supportive
17 data and other information, including, but not limited
18 to, the following:

19 (A) The name of the applicant, address of its
20 principal place of business and state or states in
21 which it is incorporated to do business.

22 (B) A statement of need and general description
23 of the proposed route. The general description shall
24 not be a legal or metes and bounds description but
25 shall include the proposed route of the cross-borders
26 electric energy transmission facility, including the
27 number of route miles, the right-of-way width and the
28 location of such facility within each political
29 subdivision traversed.

30 (C) Supporting exhibits, such as maps, including

1 topographic maps; a system map depicting in
2 sufficient detail the location and voltage of
3 existing transmission facilities of the applicant and
4 the location and voltage of the proposed electric
5 energy transmission facilities, aerial photographs
6 and other engineering materials as the council shall
7 by regulation prescribe.

8 (D) The names and addresses of known persons,
9 Indian tribes, corporations, small businesses and
10 other entities of record owning property within the
11 proposed right-of-way, together with an indication of
12 the rights-of-way acquired or the rights-of-way
13 needed to be acquired by the applicant.

14 (E) A statement of the safety considerations,
15 including public health and safety, that will be
16 incorporated into the design, construction and
17 maintenance of the proposed electric energy
18 transmission facility.

19 (F) A description of any studies, including any
20 third-party studies, that have been made or will be
21 made concerning the projected environmental impact of
22 the proposed cross-borders electric energy
23 transmission facility and of the efforts that have
24 been or will be made to minimize the impact of the
25 proposed electric energy transmission facility on the
26 environment, historic areas, preserved land,
27 farmland, land subject to agricultural conservation
28 easements and other conservation easements, scenic
29 rivers and waterways, including, but not limited to,
30 impacts, where applicable, on land use, soil and

1 sedimentation, plant and wildlife habitats, terrain,
2 hydrology and landscape.

3 (G) A description of the efforts of the
4 applicant to locate and identify archaeological,
5 geologic, historic, scenic and wilderness areas of
6 significance within two miles of the proposed right-
7 of-way and the location and identity of areas
8 discovered by the applicant.

9 (H) The location and identity of airports within
10 two miles of the nearest limit of the right-of-way of
11 the proposed electric energy transmission facility.

12 (I) A general description of reasonable
13 alternative routes, including a description of the
14 transmission corridor planning, methodology, a
15 comparison of the merits and detriments of each
16 route, and a statement of the reasons for selecting
17 the proposed route.

18 (J) A list of local, state and Federal agencies
19 that have requirements which must be satisfied in
20 connection with the construction, maintenance and
21 operation of the proposed cross-borders electric
22 energy transmission facility, and a list of all
23 required documents which have been or will be filed
24 with a local, state or Federal agency in connection
25 with the location, construction and operation of the
26 proposed cross-borders electric energy transmission
27 facility.

28 (K) The estimated cost of construction of the
29 proposed cross-borders electric energy transmission
30 facility and the projected date of completion.

1 (xviii) Upon receipt of an application or upon its
2 own motion for the designation of a transmission corridor
3 or upon receipt of an application for the location and
4 construction of a cross-borders electric energy
5 transmission facility, arrange for the publication of a
6 summary of the application in two newspapers of general
7 circulation in each county where the proposed
8 transmission corridor or cross-borders electric energy
9 transmission facility is proposed to be located and
10 constructed and notify all property owners within, or
11 adjacent to, the proposed transmission corridor or cross-
12 borders electric energy transmission facility. The
13 council shall transmit a copy of the application for
14 designation of a transmission corridor or for the
15 location and construction of a cross-borders electric
16 energy transmission facility to all political
17 subdivisions, and state and Federal agencies having an
18 interest in the proposed transmission corridor or cross-
19 borders electric energy transmission facility.

20 (xix) Publish applications for designation of a
21 transmission corridor or location and construction of a
22 cross-borders electric energy transmission facility on
23 its Internet website, and provide for public notification
24 of the availability of the application on the council's
25 Internet website through appropriate media outlets.

26 (xx) Notify appropriate agencies of party states,
27 and political subdivisions thereof, Federal agencies and
28 Indian tribes in whose jurisdiction the proposed
29 transmission corridor or cross-borders electric energy
30 transmission facility will be located regarding the

1 application to designate a transmission corridor or
2 locate and construct a cross-borders electric energy
3 transmission facility. Such notice shall solicit
4 information from, and the council shall confer with, all
5 affected political subdivisions of party states, Indian
6 tribes and affected state and Federal agencies regarding
7 their land use plans, existing land uses and other
8 factors in which they have expertise or interest with
9 respect to the proposed transmission corridor or proposed
10 cross-borders electric energy transmission facility. The
11 council shall provide any affected political subdivision,
12 state or Federal agency, Indian tribe and any property
13 owner within or adjacent to the proposed transmission
14 corridor or cross-borders electric energy transmission
15 facility and other interested parties ample opportunity
16 to participate in the council's review of a proposed
17 transmission corridor or cross-borders electric energy
18 transmission facility.

19 (xxi) Permit agencies of party states and affected
20 political subdivisions thereof, Federal agencies,
21 regional transmission organizations, Indian tribes and
22 members of the public, including any property owner
23 within or adjacent to the proposed transmission corridor
24 or proposed cross-borders electric energy transmission
25 facility, to provide comment on the need and suitability
26 of the proposed transmission corridor or proposed cross-
27 borders electric energy transmission facility with
28 respect to environmental, public health and safety, land
29 use, economic and transmission grid impacts or other
30 factors on which they may have expertise or desire to

1 comment.

2 (xxii) Adopt standards for the construction and
3 operation of cross-borders high voltage transmission
4 lines.

5 (xxiii) Prescribe the form and content of
6 applications for the designation of transmission
7 corridors and the location and construction of electric
8 energy transmission facilities; conduct public hearings
9 and take other actions to secure adequate evaluation of
10 applications; and formally act to approve, disapprove or
11 modify applications, including specifying conditions
12 under which approval of a transmission corridor or cross-
13 borders electric energy transmission facility will be
14 permitted.

15 (xxiv) Issue permits for the location and
16 construction of cross-borders electric energy
17 transmission facilities.

18 (xxv) Present state concerns and interests to party
19 states, other states, regional transmission
20 organizations, and the Federal Government on any proposed
21 transmission corridor which is designated as such by the
22 DOE and the location and construction of any electric
23 energy transmission facility which may affect the
24 environment, health or safety of the citizens of the
25 Commonwealth of Pennsylvania and other party states.

26 (xxvi) Establish, maintain and manage a data
27 collection system for obtaining and storing information
28 necessary to perform its functions under this compact.

29 (xxvii) Adopt rules and regulations, or take any
30 action, it deems reasonable and necessary to:

1 (A) ensure the free and open participation of
2 the public and interested parties; and
3 (B) protect the confidentiality of information
4 it may receive in performing its function under this
5 compact.

6 Section 4.2. Advisory committees.

7 The council may establish such advisory, technical or
8 regional committees as it may deem necessary to carry out its
9 duties under this compact. The membership of such advisory
10 committees shall include, but not be limited to, private
11 citizens; representatives of Indian tribes; expert and lay
12 personnel; representatives of industry, labor, commerce,
13 agriculture, civic organizations, environmental organizations,
14 health professions, voluntary health agencies and academia; and
15 officials of local, state and Federal government. The council
16 may cooperate with and use the assistance and services of any
17 such committees and the organizations they represent in
18 furthering any of its activities or carrying out its functions
19 and duties under this compact.

20 Section 4.3. Rules and regulations.

21 (1) The council shall, after public notice and public
22 hearing, promulgate, adopt and enforce such rules and
23 regulations as may be necessary and appropriate for the
24 implementation and enforcement of this compact. Such rules
25 and regulations shall, among other things, provide for the
26 following:

27 (i) Cooperation and consultation between the party
28 states and affected Federal agencies of the United States
29 Government.

30 (ii) Processes and procedures for developing a

1 comprehensive inventory of all existing and planned
2 electric energy generating and transmission facilities in
3 each party state, including all electric energy
4 generating and transmission facilities under
5 construction. Notwithstanding any other provision of law
6 or regulation, all providers of electric transmission and
7 distribution services, regional transmission
8 organizations and all power or energy authorities or
9 successors to such providers, regional transmission
10 organizations and power or energy authorities in each
11 party state shall cooperate with the council in
12 developing the inventory of existing and planned electric
13 energy transmission facilities.

14 (iii) Processes and procedures to receive assistance
15 and data from any agency of a party state or political
16 subdivisions thereof.

17 (iv) Adoption of an annual budget.

18 (v) Standards for the review and approval of
19 applications to locate and construct electric energy
20 transmission facilities. Such standards may address, but
21 need not be limited to, the following:

22 (A) The financial ability and qualifications of
23 the applicant.

24 (B) The organizational, managerial and technical
25 expertise of the applicant to construct and operate
26 the proposed cross-borders electric energy
27 transmission facility.

28 (C) Areas designated for protection or
29 conservation by a party state or an agency of the
30 Federal Government, including, but not limited to,

1 agricultural land, monuments, historic sites,
2 wilderness areas, scenic rivers and waterways,
3 wildlife refuges and similar areas.

4 (D) Effect of the proposed cross-borders
5 electric energy transmission facility, taking into
6 account mitigation on fish and wildlife, including
7 threatened and endangered fish, wildlife or plant
8 species.

9 (E) Impact of the proposed cross-borders
10 electric energy transmission facility on historic,
11 cultural or archaeological resources listed on or
12 determined pursuant to historic preservation or land
13 conservation laws of the party states or the Federal
14 Government, to be eligible for listing on the
15 National Register of Historic Places or any similar
16 laws of the party states concerned with the
17 protection, preservation and conservation of historic
18 places in such party states.

19 (F) Protection of public health and safety,
20 including necessary safety devices and procedures.

21 (G) Potential impact of the proposed cross-
22 borders electric energy transmission facility on
23 recreation, scenic and aesthetic values.

24 (H) Soil protection.

25 (I) The need for the proposed transmission
26 corridor or proposed cross-borders electric energy
27 transmission facility.

28 (J) Impact of the proposed cross-borders
29 electric energy transmission facility on the
30 environment.

1 (K) Any other conditions, requirements or
2 standards the council may prescribe by rule or
3 regulation.

4 (vi) The form and content of applications for
5 designation of a transmission corridor or an electric
6 energy transmission facility.

7 (vii) Confidentiality of data and information
8 received by the council and maintained in its data
9 collection system, including security measures to ensure
10 that data or information it has designated as
11 confidential or received with a confidential designation
12 from a governmental agency, regional transmission
13 organization or other person is protected against
14 disclosure. The council may, by regulation, designate
15 certain categories of data and information as
16 confidential. Any confidential information pertinent to
17 the functions of the council under this compact that is
18 obtained by another state agency, regional transmission
19 organization or other person shall be available to the
20 council and shall be treated as confidential.

21 Confidential information shall be aggregated or masked to
22 the extent necessary to assure confidentiality if public
23 disclosure of the specific information would result in
24 unfair competitive disadvantage to the person supplying
25 the information.

26 (viii) Procedures to govern cost-sharing between the
27 party states.

28 Section 4.4. Duties of party states.

29 It shall be the duty of the Public Utility Commission or
30 similar situated agency of each party state to establish an

1 electric energy transmission facility siting council and take
2 such measures as shall be necessary and appropriate to
3 promulgate and adopt the regional process for the location and
4 construction of electric energy transmission facilities
5 established by this compact. Each party state's electric energy
6 transmission facility siting council is hereby designated as the
7 state authority for the purpose of siting electric energy
8 transmission facilities under the Energy Policy Act of 2005, and
9 shall work with the council to carry out the intent and purpose
10 of this compact. Each such council's authority regarding
11 transmission facilities shall be limited to those transmission
12 facilities that are subject to section 1221 of the Energy Policy
13 Act of 2005 and this compact.

14 Article V

15 PUBLIC HEARINGS, MEETINGS AND RECORDS OF COUNCIL

16 Section 5.1. Informational meetings.

17 (1) The council may conduct informational meetings in
18 the counties where the transmission corridor is proposed to
19 be designated or where an electric energy transmission
20 facility is proposed to be located and constructed. Such
21 informational meetings shall be convened as soon as
22 practicable but not later than 60 days after a vote of the
23 council to designate a transmission corridor and not later
24 than 60 days after receipt of an application for the
25 designation of a transmission corridor. The purpose of the
26 informational hearings shall be to:

27 (i) Provide information about the proposed
28 transmission corridor or electric energy transmission
29 facility to ensure that the public and interested parties
30 have a clear understanding of the proposal.

1 (ii) Receive initial comments about the proposed
2 transmission corridor or electric energy transmission
3 facility.

4 (iii) Explain the relationship of the proposed
5 transmission corridor or electric energy transmission
6 facility to any strategic plan for the Mid-Atlantic
7 area's transmission grid.

8 (iv) Solicit suggestions and information on
9 reasonable alternatives to the proposed transmission
10 corridor or electric energy transmission facility.

11 (2) Informational meetings shall be convened in each
12 party state, and the place or places of such meetings shall
13 be as close as possible to the proposed route of the
14 transmission corridor or electric energy transmission
15 facility.

16 Section 5.2. Public hearings.

17 (1) Subsequent to the informational meetings, the
18 council shall convene public hearings to determine whether
19 the proposed location of the transmission corridor or
20 electric energy transmission facility is consistent and in
21 compliance with land use plans and zoning ordinances of
22 affected political subdivisions and regional planning
23 authorities. If it is determined that the proposed location
24 conforms with existing land use plans or zoning ordinances in
25 effect as of the date of the application, the affected
26 political subdivision or regional planning authority shall
27 not thereafter change or modify such land use plans or zoning
28 ordinances so as to affect the proposed location.

29 (2) Additional public hearings shall be held as deemed
30 necessary and appropriate by the council in the exercise of

1 its functions under this compact, and to ensure participation
2 by landowners and other individuals who may be impacted by
3 the location and construction of an electric energy
4 transmission facility.

5 Section 5.3. Public participation.

6 (1) All meetings and public hearings convened by the
7 council shall be open to the public, except with respect to
8 meetings concerned with personnel issues, with at least 30
9 days' advance notice. The chairman may convene an emergency
10 meeting with less advance notice.

11 (2) The council shall ensure public accessibility to all
12 documents, exhibits or other materials related to the
13 designation of a transmission corridor or the location and
14 construction of an electric energy transmission facility.

15 (3) All meetings of the council shall be conducted in a
16 manner that substantially conforms to the Administrative
17 Procedure Act (5 U.S.C. Ch.5, Subch.II, and Ch.7).

18 (4) The council may, by two-thirds vote of the members
19 present, hold an executive session closed to the public for
20 the purpose of discussing legally privileged or proprietary
21 information; to consider dismissal, disciplining of or
22 hearing complaints or charges brought against an employee or
23 other public official unless such person requests a public
24 hearing; or to consult with its attorney regarding
25 information or strategy in connection with specific
26 litigation. The reason requiring an executive session shall
27 be announced at least 14 days prior to the executive session,
28 except that the chairman may convene an emergency executive
29 session with less advance notice, provided that the reason
30 for the emergency executive session is announced at the

1 public meeting immediately subsequent to the executive
2 session. All actions of the council taken in violation of the
3 requirements of this section shall be null and void.

4 Section 5.4. Tribal participation.

5 (1) In addition to all other opportunities to comment
6 and participate in proceedings of the council under this
7 compact, the council shall consult with and ensure
8 participation by federally recognized Indian tribes in its
9 proceedings.

10 (2) All federally recognized Indian tribes within a
11 party state shall receive reasonable notice informing the
12 tribe that they may participate in the proceeding before the
13 council. The notice and subsequent notices shall inform the
14 tribe of any informational or public hearing to be convened
15 by the council and of the tribe's right to submit written
16 comments or otherwise participate in such meeting and
17 hearings. The council shall consider the comments submitted
18 by an Indian tribe before approving, approving with
19 modification or disapproving any proposal subject to review,
20 approval or disapproval by the council.

21 (3) The council shall consult with federally recognized
22 Indian tribes for the establishment of a mutually agreed upon
23 mechanism or process for the purpose of facilitating dialogue
24 with and participation by such tribes in its proceedings. The
25 council may include tribal participation on advisory
26 committees authorized under this compact or such other
27 mutually agreed to processes.

28 Section 5.5. Minutes.

29 Detailed written minutes shall be kept of all meetings and
30 hearings of the council. All decisions, files, records and data

1 of the council, except for information privileged against
2 introduction in judicial proceedings, including proprietary
3 information, personnel records and minutes of a properly
4 convened executive session, shall be open to public inspection
5 subject to a procedure that substantially conforms to the
6 Freedom of Information Act (Public Law 89-554, 5 U.S.C. § 552)
7 and applicable Pennsylvania law or laws of other party states,
8 and may be copied upon request and payment of a fee as
9 established by regulation of the council and which shall be no
10 higher than necessary to recover copying costs.

11 Article VI

12 FINANCES

13 Section 6.1. Annual budget.

14 (1) The council shall annually adopt and submit a budget
15 of its estimated expenditures for administration and
16 operation to the principal budget officer of each party state
17 at such time and in such manner as may be required by the
18 laws of the party states for presentation to the legislatures
19 thereof. Each such budget shall contain specific
20 recommendations of the amount or amounts to be appropriated
21 by each party state. The council shall not pledge the credit
22 of any party state. The council may meet any of its
23 obligations in whole or in part with funds available to it
24 under Article III of this compact, provided that the council
25 take specific action to set aside such funds prior to the
26 incurring of any obligations to be met in whole or in part by
27 the use of such funds. Except where the council makes use of
28 funds available to it under Article III hereof, the council
29 shall not incur any obligations prior to the allocation of
30 funds by the party states sufficient to meet such

1 obligations.

2 (2) In calculating its annual budget, the council shall
3 balance total expenses against the council's estimate of
4 revenues from all sources, either previously appropriated by
5 a party state or receivable from any person, political
6 subdivision or governmental agency.

7 (3) The chairman of the council shall certify to the
8 respective party states and may, if applicable, submit to
9 persons in other governmental agencies statements of the
10 amounts requested from them in accordance with any existing
11 cost-sharing agreement established by the party states
12 pursuant to this compact.

13 Section 6.2. Apportionment of cost.

14 The amount required for the council's current budget shall be
15 apportioned equally among the party states unless a different
16 apportionment is agreed to by unanimous vote of the council.

17 Section 6.4. Accounts of council.

18 (1) The council shall keep accurate accounts of all
19 receipts and disbursements. The receipts and disbursements of
20 the council shall be subject to the audit and accounting
21 procedures established by the council under its bylaws,
22 except that all receipts and disbursements of funds handled
23 by the council shall be audited annually by a qualified
24 public accountant and the report of the audit shall be
25 included in and become a part of the annual report of the
26 council.

27 (2) The accounts of the council shall be open at any
28 reasonable time for inspection by such agency, representative
29 or representatives of the party states as may be duly
30 constituted for that purpose and by others who may be

1 authorized by the council.

2 Article VII

3 ENFORCEMENT

4 Section 7.1. Power to enforce.

5 (1) The council shall have the power to implement and
6 enforce the provisions of this compact.

7 (2) Any person aggrieved by an action or decision of the
8 council shall:

9 (i) Be entitled to an administrative hearing before
10 the council.

11 (ii) Have the right to judicial review of a council
12 decision or action in the United States District Court
13 for the District of Columbia or in such district court
14 that has jurisdiction in the state or states where the
15 council maintain offices, provided that a petition for
16 judicial review is filed within 90 days after all
17 administrative remedies have been exhausted.

18 Section 7.2. Actions to compel compliance.

19 The council may by majority vote initiate actions to compel
20 compliance with this compact and the rules and regulations
21 adopted and promulgated pursuant to this compact. The United
22 States District Court for the District of Columbia or the United
23 States District Court that has jurisdiction in the state or
24 states where the council maintains offices shall have
25 jurisdiction over any actions filed by the council.

26 Section 7.3. Liability.

27 Liabilities of the council shall not be deemed liabilities of
28 the party states. Members of the council shall not be personally
29 liable for actions taken in their official capacity.

30 Article VIII

1 ELIGIBILITY, ENTRY INTO EFFECT, AMENDMENTS AND WITHDRAWAL

2 Section 8.1. Eligibility.

3 Any or all of the states of Delaware, Maryland, New Jersey,
4 New York, Ohio, Pennsylvania, Virginia, West Virginia and the
5 District of Columbia shall be eligible to become a party state,
6 and any state contiguous to a party state if affirmed by
7 unanimous vote of the council shall be eligible to become a
8 party to this compact.

9 Section 8.2. Entry into effect.

10 (1) This compact shall become operative and effective
11 between the Commonwealth of Pennsylvania and such other party
12 states when the following occur:

13 (i) The Governor executes the Mid-Atlantic Area
14 National Corridor Compact on behalf of the Commonwealth
15 of Pennsylvania and files a verified copy of this compact
16 with the Secretary of the Commonwealth.

17 (ii) The compact is ratified through the enactment
18 of concurring legislation by two or more of the party
19 states.

20 (iii) The Congress of the United States confers its
21 consent or approval to this compact.

22 (2) The Governor is hereby authorized and directed to
23 take such action as may be necessary to complete the exchange
24 of official documents between the Commonwealth of
25 Pennsylvania and any other state ratifying this compact.

26 (3) The Secretary of the Commonwealth shall publish a
27 notice in the Pennsylvania Bulletin when the conditions set
28 forth in paragraph (1) of this section are satisfied. The
29 notice shall include the date on which the Mid-Atlantic Area
30 National Corridor Compact became effective and operative

1 between this Commonwealth and any other state in accordance
2 with this act.

3 Section 8.3. Filing.

4 This compact shall be signed and sealed in as many original
5 copies as necessary by the respective Governors of the party
6 states. One such copy shall be filed with the Secretary of State
7 of each party state in accordance with the laws or regulations
8 of each such state in which the filing is effectuated, and one
9 copy shall be filed and retained in the archives of the council
10 upon its organization. The signatures shall be affixed and
11 attested in a form similar to the following:

12 In witness whereof, and in evidence of the adoption and
13 enactment into law of this compact by the legislatures of
14 the party states and consent by the Congress of the
15 United States, the respective Governors do hereby, in
16 accordance with the authority conferred by law, sign this
17 compact in six duplicate original copies, attested by the
18 respective Secretaries of State of each party state, and
19 have caused the seals of the respective party states to
20 be hereunto affixed this day of (month),
21 (year).

22 Section 8.4. Amendments to compact.

23 This compact shall not be amended or modified except with the
24 concurrence of the General Assembly of the Commonwealth of
25 Pennsylvania and the legislatures of the party states.
26 Amendments shall not become effective until adopted in the same
27 manner as the original compact.

28 Section 8.5. Withdrawal.

29 Any party state may withdraw from this compact by enacting a
30 statute repealing the same, but no such withdrawal shall become

1 effective until one year after the Governor of the withdrawing
2 party state forwards formal notice in writing to the Governor of
3 each other party state informing said Governors of the action of
4 the legislature in repealing the compact and declaring the
5 intention to withdraw, provided, however, that the withdrawal of
6 a party state shall not affect any liability already incurred by
7 or chargeable to a party state prior to the time of such
8 withdrawal.

9 Article XI

10 SEVERABILITY AND CONSTRUCTION

11 Section 9.1. Construction.

12 (1) Nothing in this compact shall be construed to:

13 (i) Limit, repeal or supersede any law, rule or
14 regulation of any party state.

15 (ii) Displace existing laws or regulations of the
16 party states that govern the location and construction of
17 intrastate electric energy transmission facilities
18 proposed to be located and constructed within the
19 geographic borders of any such states.

20 (iii) Permit or require any person or other entity
21 to avoid or refuse to comply with any law, rule,
22 regulation, order or ordinance of a party state, or
23 political subdivision thereof, now or hereafter made,
24 enacted or in force.

25 (iv) Limit, diminish or otherwise impair
26 jurisdiction exercised by the DOE or any successor
27 agency, or any other Federal department, agency or
28 officer pursuant to and in conformity with any valid and
29 operative act of Congress.

30 (v) Alter the relations between and respective

1 internal responsibilities of the government of a party
2 state and its political subdivisions.

3 (vi) Abrogate or derogate the rights held by any
4 federally recognized Indian tribe.

5 (2) This compact shall be construed liberally in order
6 to achieve the purposes and intent enunciated herein. It is
7 the intent of this compact to establish a basic structure by
8 which the council may achieve such purposes through the
9 development and adoption of uniform policies, rules and
10 regulations and strategic plans to facilitate the designation
11 of transmission corridors and the location and construction
12 of cross-border electric energy transmission facilities.

13 Section 9.2. Severability.

14 The provisions of this compact are severable. If any
15 provision of this compact or its application to any person or
16 circumstance is held invalid, the invalidity shall not affect
17 other provisions or applications of this compact which can be
18 given effect without the invalid provision or applications.

19 Section 3. Policy of Commonwealth and effect on laws and
20 regulations generally are as follows:

21 (1) It is hereby declared to be the policy of the
22 Commonwealth to perform and carry out this compact and to
23 accomplish the purposes thereof. All officers and agencies of
24 this Commonwealth are hereby authorized and directed to do
25 all things falling within their respective jurisdictions
26 necessary or incidental to the carrying out of this compact
27 in every particular. All officers, employees, departments,
28 bureaus, boards, commissions, authorities and other such
29 agencies of the Commonwealth are hereby authorized and
30 directed at reasonable times and upon request of the council

1 to furnish the council with information and data possessed by
2 them or any of them and to aid the council by loan of
3 personnel or other means lying within their legal powers
4 respectively.

5 (2) If any provision of this compact conflicts with any
6 other provision, limitation or restriction which is now in
7 effect under any other law of this Commonwealth or any rule,
8 regulation, order or policy promulgated thereunder, this act
9 shall govern and control any such other law or rule,
10 regulation, order or policy promulgated thereunder shall be
11 deemed superseded for the purposes of this act.

12 Section 4. Submission of council budgets.

13 The budget of the estimated expenditures of the council shall
14 be submitted to the Governor for such period and in such form as
15 shall be requested by the Governor.

16 Section 5. Appropriation.

17 The sum of \$2,000,000, or as much thereof as may be
18 necessary, is hereby specifically appropriated to the council as
19 the Commonwealth of Pennsylvania's pro rata share of the
20 expenses of the council for the fiscal year beginning July 1,
21 2008, to June 30, 2009, provided, however, that no such
22 appropriation shall be allocated until the compact becomes
23 operative and effective in accordance with section 8.2(1).

24 Section 7. Expiration.

25 (a) Publication of failure to consent.--If the Congress of
26 the United States fails to confer its consent to and approval of
27 this compact as authorized under this act by June 30, 2010, the
28 Secretary of the Commonwealth shall publish a notice in the
29 Pennsylvania Bulletin within 30 days of June 30, 2010, declaring
30 such failure of the Congress to consent to the compact.

1 (b) Effect of publication.--This act shall expire
2 immediately upon publication of the notice under subsection (a).

3 (c) Effect of repeal.--If the President of the United States
4 would sign a subsequent act of Congress providing for the repeal
5 of section 1221 of the Energy Policy Act of 2005, this act shall
6 expire immediately upon the effective date of such act of
7 Congress.

8 (d) Dissolution.--In the event that this act is terminated
9 by the operation of subsection (b) or (c), the council shall be
10 dissolved, its assets and liabilities transferred and its
11 affairs suspended in accordance with the unanimous agreement of
12 the party states or, failing unanimous agreement, in such manner
13 that the assets and liabilities of the council shall be shared
14 by the respective party states.

15 Section 8. Effective date.

16 This act shall take effect immediately.