

# SPP LGIA Task Force Status Report

November 3, 2005

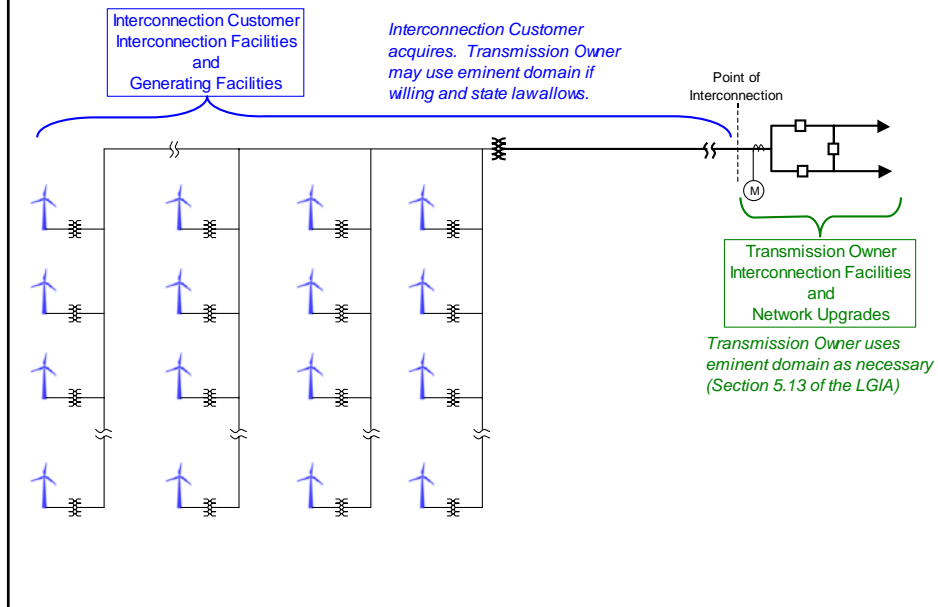
## Can Transmission Owners be Compelled to use Eminent Domain Authority for Interconnection Customer Facilities?

- Viewed as a “state law” issue, not an SPP procedural issue.
- Many similarities to the Kelo vs. New London supreme court case.
- States are acting to restrict use of eminent domain for private development in response to Kelo vs. New London.

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

- LGIA Sec 5.13 – Transmission Owner (TO) shall use eminent domain authority for TO Interconnection Facilities and Network Upgrades (i.e. facilities it will own).
- LGIA Sec 4.4 - All work shall be done in compliance with applicable laws and regulations.
- To the extent a TO is willing and state law allows, a TO can use eminent domain authority for Interconnection Customer Interconnection Facilities, but is not compelled to do so.

### Example



## LGIA Definitions

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

## Cost Allocation Recommendation

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