

1 In an effort to create more energy independence, develop more renewable and cleaner electricity generation resources
2 and capture economic opportunities in developing smart energy technologies member states recognize a critical need to
3 be able to site interstate electricity transmission lines to make the electric grid more robust, reliable, efficient, and to
4 promote economic competitiveness.

5
6 This compact recognizes that states have a vested interest in retaining their sovereignty and that EPACT 2005 authorizes
7 interstate compacts that can forestall federal preemptive acts if states cooperatively develop a transmission siting process.

8
9 The goal of this compact is to balance competing interests of the stakeholders and to provide a mechanism with which to
10 resolve differences, bring interested parties together, and move projects forward. The compact creates a national
11 structure under which states may cooperate on a regional basis, to facilitate siting of interstate power lines.

12
13 Based on these considerations, this interstate compact is intended to:

- 14
15 A. Simplify and standardize the application and filing process.
16 B. Create a transparent and streamlined process for review and decision making.
17 C. Allow states to consider regional benefits.
18 D. Minimize impediments and delays to the siting of interstate transmission lines.
19 E. Promote regional collaborative decision-making on line siting while providing the opportunity for public
20 review and comments regarding the application.
21 F. Avail the member states of the provisions in EPACT 2005 and preserving state sovereignty with respect to
22 interstate transmission line siting.
23 G. Create a forum for federal agencies and tribes to become part of the siting review process simultaneously with
24 states.

25
26 **ARTICLE II**
27 **DEFINITIONS**

- 28
29 A. "Bylaws" means: those bylaws established by the interstate commission pursuant to Article IX for its
30 governance, or for directing or controlling its actions and conduct.
31 B. "Contiguous State" means: the next adjacent state, recognizing shared bodies of water and referring only to
32 member states.
33 C. "Combined Multi-State Siting Authority" (CMSSA) means: the members of the State Project Review Panel
34 (SPRP) of each involved state.
35 D. "Commissioner" means: the voting representative appointed by each member state pursuant to Article IX of
36 this compact.
37 E. "Convening State" means: the member state in which an application is filed.

- 1 F. "Federal Agency" means: any agency of the U.S. government authorized by Congress that administers lands
2 within a proposed transmission line route in member state.
- 3 G. "Interstate Commission" or "Commission" means: the interstate commission created pursuant to Article IX of
4 this compact.
- 5 H. "Involved State" means: a member state through which a proposed transmission line will pass.
- 6 I. "Member State" means: any state that has adopted a transmission line siting compact and has enacted the
7 enabling compact legislation.
- 8 J. "Record" means: all materials and testimonies submitted to the CMSSA during formal proceedings.
- 9 K. "Rule" means: a written statement by the interstate commission promulgated pursuant to Article XII of this
10 compact that is of general applicability, implements, interprets or prescribes a policy or provision of the
11 compact, or an organizational, procedural, or practice requirement of the commission, and has the force and
12 effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing
13 rule.
- 14 L. "State Project Review Panel" (SPRP) means: from each member state, three (3) representatives: one
15 appointed respectively by the governor, the legislature, and the state agency with siting authority or as
16 otherwise prescribed by the adopting state.
- 17 M. "State" means: any state, commonwealth, district, or territory of the United States.
- 18 N. "Tribe" means: any Native American or Alaskan Native tribe or organization federally recognized by the U.S.
19 Department of Interior and the Bureau of Indian Affairs.
20

21 **ARTICLE III**

22 **OVERVIEW OF THE APPLICATION AND REVIEW PROCESS**

23
24 This Compact creates a method for states to site multi-state electric transmission lines. Three levels of organization are
25 provided:

- 26 ● A state project review panel within each member state, consisting of three or more members, to coordinate the
27 views of different agencies and interests within the state;
- 28 ● A combined multi-state siting authority, consisting of the states affected by a particular project proposal,
29 authorized to make siting decisions for that project; and
- 30 ● An Interstate Compact Commission, which provides administrative support and rulemaking capability.
31

32 The CMSSA is hereby given the authority under the compact, as authorized by Congress, to cooperatively site electric
33 transmission lines within the affected states.
34

35 A project sponsor may choose to use the procedures of this Compact or to apply to each affected state under the state
36 procedures otherwise applicable. In member states, federal backstop permitting under section 215 of the Federal Power
37 Act (FPA) may not be requested.

1
2 A request for siting authority under this Compact is initiated by filing an application in any one of the states in which the
3 project would be sited. That state will convene a CMSSA, composed of each interested state's SPRP. The CMSSA will
4 make an early determination to accept or reject the application. It will set a procedural schedule for a hearing on the
5 merits of the project.
6

7 A. The application shall include:

- 8 1. In states that have not declared a critical need for energy infrastructure the showing of need shall be
9 established by the following:
10 a. determined by each state statute;
11 b. other procedures as shall be acceptable to the committee; and
12 c. including regional and/or national energy and environmental requirements, while taking into
13 consideration the rules and statutes of each involved member state;
14 2. All relevant information regarding cost recovery of project costs, or other appropriate organizations;
15 Project costs recovery will be addressed under FERC, individual state regulatory commissions, private
16 contracts, or other mechanisms as specified by the applicant;
17 3. How the application is consistent with any FERC-sanctioned regional transmission plans;
18 4. Environmental studies normally required by the federal highway administration;
19 5. The proposed route plan, including an alternatives analysis; and
20 6. Corporate identity of the primary applicant and any additional partners. This shall be based on existing
21 FERC requirements.

22 B. Public notification of the application and the proposed line shall be provided to each involved state by the
23 convening state.

24 C. During the review process, the CMSSA will hold two public hearings: the first hearing will evaluate whether
25 the application is complete, and the second hearing will assess the merits of the application, including, but not
26 limited to the economic justification and environmental impacts of the proposed line.

27 D. Once a route is certified by the combined state application review board, eminent domain shall be based on
28 each state's existing authority.

29 E. For the purposes of this compact judicial appeal shall be based on the appellate process established in 16USC
30 8251, section 313 of the Power Act Federal Power Act.

31 Such other information as to meet the substantial interests of the involved state requirements for intrastate transmission
32 lines based upon pre-application conferences with stakeholders and involved states.
33

34 **ARTICLE IV**
35 **APPLICATION FILING PROCESS**
36

37 The application process begins with the filing of an application and is subject to the following conditions:

- 1
- 2 A. Siting a line across multiple states requires only one application and that application will be filed
- 3 electronically (to the extent possible) in one state with a state siting authority.
- 4 B. The applicant may file in any eligible member state, which shall also serve as the convening state and shall
- 5 ensure that copies of the filing are forwarded to the other involved member states. Once the application is
- 6 filed, that state will convene involved member states to form a CMSSA in the state of filing as defined in
- 7 Article II, Letter C.
- 8 C. An amount equal to the total expenses incurred for the cost of reviewing the last application in the convening
- 9 state. This shall be based on reasonable filing fees and is intended to cover only the application's costs, not
- 10 the cost of the project itself.
- 11 D. The applicant will be responsible for all reasonable costs associated with the review of the application by the
- 12 involved member states, thus ensuring that costs are covered independent of state funds.
- 13 E. Each member state shall form a State Project Review Panel. While each member state may individually
- 14 determine which agencies should be part of the SPRP, the Panel shall include the following 3 representatives:
- 15 one appointed respectively by the governor, the legislature, and the state agency with siting authority or as
- 16 otherwise prescribed by the adopting state, one of whom shall be designated as chair.
- 17 F. Affected federal agencies and tribes shall be notified and the CMSSA shall include one advisory
- 18 representative for federal agencies (if federal land is involved) and one representative for all federally
- 19 recognized tribes (if tribal land is involved) who shall serve in an ex-officio capacity.
- 20

21 **ARTICLE V**

22 **REVIEW OF SUFFICIENCY OF APPLICATION**

- 23
- 24 A. The initial application review process shall be completed within 90 days of filing.
- 25
- 26 1. During that period, the convening state will assemble the CMSSA comprised of the SPRP members of
- 27 each involved member state to meet and review the application. Meetings may be held face to face or
- 28 convened by electronic means as determined by the CMSSA.
- 29 2. The Panel will review the application for completeness and accept or reject the application before
- 30 proceeding with the formal hearing and approval process. If the application is rejected for
- 31 incompleteness the information deemed to be missing or inadequate shall be clearly specified by the
- 32 Panel.
- 33 3. The CMSSA triggered hereunder shall establish the procedural policies for implementation including
- 34 public notice of filings and hearings.
- 35

36 **ARTICLE VI**

37 **PROPOSAL REVIEW AND TIMELINE**

- 1
- 2 A. The first CMSSA hearing shall occur within 90 days of the initial filing and is intended to assess the
- 3 completeness of the application. A second CMSSA meeting will occur no more than 30 days after the initial
- 4 decision. The second meeting will assess the merits of the application, including, but not limited to the
- 5 proposed route, regional and national energy needs, and costs.
- 6 B. The CMSSA at their initial meeting shall establish procedures by which interveners may participate in
- 7 developing the formal record for the application review.
- 8 C. The CMSSA shall hold at least one public comment hearing in each of the involved member states. These
- 9 public comment hearings must be completed within 120 days after the initial application filing.
- 10 D. At CMSSA and SPRP meetings all transcripts and other exhibits will be recorded, and all meetings will be
- 11 open to the public unless a majority of CMSSA or SPRP members vote to close the meeting under the laws of
- 12 the convening or member state in which the meeting is being held. These documents will be included in the
- 13 official record.

14

15 **ARTICLE VII**

16 **APPROVAL PROCESS**

17

- 18 A. The CMSSA shall conduct an evidentiary hearing.
- 19 B. The CMSSA will issue conditional or final approval based on the record within 270 days of the filing of the
- 20 application unless the applicant and the CMSSA agree to a different timeline. The CMSSA shall outline the
- 21 required actions in instances where conditional approval is granted.
- 22 C. All decisions of the CMSSA will be based on majority vote, with each involved state having one vote as
- 23 determined by a majority vote of each State Project Review Panel.
- 24 D. A state, based upon the rules of the involved states, may alter the route for the transmission line within its
- 25 boundaries by assuming incremental costs.
- 26

27 **ARTICLE VIII**

28 **ADMINISTRATIVE AND JUDICIAL REVIEW**

29

- 30 A. Any Person aggrieved by any action taken by the Combined Multi-State Siting Authority ('CMSSA'), pursuant
- 31 to the provisions of the compact or authorized rules promulgated hereunder shall be entitled to a hearing
- 32 before the Interstate Commission according to the procedures provided in the compact bylaws and rules.
- 33 After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial
- 34 review of a final action by the Commission before a three judge panel of the United States District Courts for
- 35 the District of Columbia or the District Court in which the interstate commission (Interstate Commission on
- 36 Electric Transmission Line Siting 'ICCC') created hereunder maintains offices, provided such action is
- 37 commenced within 90 days.

- 1 B. The Commission may initiate actions to compel compliance with the provisions of this Compact, and the
2 bylaws and rules promulgated hereunder. Jurisdiction over such actions is granted to the United States
3 District Courts for the District of Columbia and the District Court in which the Commission maintains offices.
4 The remedies available to any such court shall include, but not be limited to, equitable relief and civil
5 penalties.
- 6 C. Each Involved State may issue orders within its respective jurisdiction and may initiate actions to compel
7 compliance with the provisions of its respective statutes and regulations adopted to implement the authorities
8 contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's
9 jurisdiction.
- 10 D. Any aggrieved Person, Involved State or the Commission may commence a civil action in the relevant courts
11 and administrative systems to compel any Person or Involved State to comply with this Compact should any
12 such Person, or Involved State without approval having been given, undertake a siting of multi-state electric
13 transmission lines which is prohibited by or subject to approval pursuant to this Compact.
- 14 1. No action under this subsection may be commenced if:
15 a. CMSSA approval for the multi-state electric transmission siting has been granted; or
16 b. The CMSSA has found that the proposed siting is not subject to approval pursuant to this Compact.
- 17 2. No action under this subsection may be commenced unless:
18 a. A Person commencing such action has first given 60 days prior notice to the Commission, Person or
19 Involved State alleged to be in noncompliance; and
20 b. Neither the Commission, Person, or Involved State has commenced and is diligently prosecuting
21 appropriate enforcement actions to compel compliance with this Compact.
- 22 3. The available remedies shall include equitable relief, and the prevailing or substantially prevailing party
23 may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the
24 court determines that such an award is appropriate.
- 25 E. Each of the Involved States may adopt provisions providing additional enforcement mechanisms and remedies
26 including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of
27 this Compact.
- 28

29 ARTICLE IX

30 THE INTERSTATE COORDINATING COMPACT COMMISSION

31
32 The member states hereby create the "Interstate Commission on Electric Transmission Line Siting" for the purpose of the
33 administration of the Interstate Compact, which is a discretionary state function. The Interstate Commission shall:

- 34 A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and
35 duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent
36 action of the respective legislatures of the member states in accordance with the terms of this compact.

1. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner. Each member state shall appoint a compact commissioner and alternates by gubernatorial appointment or as otherwise determined by law. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.
 2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.
 3. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
- B. May include ex-officio, non-voting representatives who are members of interested organizations including but not be limited to, tribes, regional transmission organizations, and federal agencies.
 - C. Meet at least once each calendar year via telecommunications or in-person meetings. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.
 - D. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission, the CMSSA, and the SPRP shall make information and official records available to the public for inspection or copying as required by the "Government and Sunshine Act and Open Records Act."
 - E. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission shall certify that the meeting may be closed upon a vote of at least 2/3 majority and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.
 - F. After eight states join the compact, an executive committee may be established, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- A. To provide for dispute resolution among member states.

- 1 B. To promulgate rules, which shall be binding to the extent and in the manner provided for in this compact.
- 2 C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the
- 3 interstate compact, its bylaws, rules and actions.
- 4 D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and
- 5 the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
- 6 E. To purchase and maintain insurance and bonds.
- 7 F. To borrow, accept, hire or contract for services of personnel.
- 8 G. To establish and appoint committees including, but not limited to, an executive committee as required by
- 9 Article IX, Section F which shall have the power to act on behalf of the Interstate Commission in carrying out
- 10 its powers and duties hereunder.
- 11 H. To elect or appoint such officers and appoint attorneys, employees, agents, or consultants, and to fix their
- 12 compensation, define their duties and determine their qualifications; and to establish the Interstate
- 13 Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and
- 14 qualifications of personnel.
- 15 I. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to
- 16 receive, utilize, and dispose of it.
- 17 J. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any
- 18 property, real, personal, or mixed.
- 19 K. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real,
- 20 personal or mixed.
- 21 L. To establish a budget and make expenditures.
- 22 M. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.
- 23 N. To report annually to the legislatures and governors of the member states concerning the activities of the
- 24 Interstate Commission during the preceding year. Such reports shall also include any recommendations that
- 25 may have been adopted by the Interstate Commission.
- 26 O. To coordinate education, training and public awareness regarding the compact, its implementation and
- 27 operation for officials involved in such activity.
- 28 P. To maintain corporate books and records in accordance with the bylaws.
- 29 Q. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- 30

31 **ARTICLE XI**

32 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

33

- 34 A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the
- 35 first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to
- 36 carry out the purposes of the compact.

1 B. The Interstate Commission shall, by a majority of the members, elect or appoint annually from among its
2 members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties
3 as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-
4 chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve
5 without compensation or remuneration from the Interstate Commission; provided that, subject to the
6 availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses
7 incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

8 C. The Interstate Commission's officers and its employees shall be immune from suit and liability, either
9 personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other
10 civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or
11 that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission
12 employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability
13 for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such
14 person.

15 1. The liability of the Interstate Commission's executive director and employees or Interstate Commission
16 representatives, acting within the scope of such person's employment or duties for acts, errors, or
17 omissions occurring within such person's state may not exceed the limits of liability set forth under the
18 Constitution and laws of that state for state officials, employees, and agents. The Interstate
19 Commission is considered to be an instrumentality of the states for the purposes of any such action.
20 Nothing in this subsection shall be construed to protect such person from suit or liability for damage,
21 loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

22 2. The Interstate Commission shall defend the officers and its employees and, subject to the approval of
23 the Attorney General or other appropriate legal counsel of the member state represented by an Interstate
24 Commission representative, shall defend such Interstate Commission representative in any civil action
25 seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within
26 the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a
27 reasonable basis for believing occurred within the scope of Interstate Commission employment, duties,
28 or responsibilities, provided that the actual or alleged act, error, or omission did not result from
29 intentional or willful and wanton misconduct on the part of such person.

30 3. To the extent not covered by the state involved, member state, or the Interstate Commission, the
31 representatives or employees of the Interstate Commission shall be held harmless in the amount of a
32 settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of
33 an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission
34 employment, duties, or responsibilities, or that such persons had a reasonable basis for believing
35 occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided
36 that the actual or alleged act, error, or omission did not result from intentional or willful and wanton
37 misconduct on the part of such persons.

1
2 **ARTICLE XII**

3 **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**
4

- 5 A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable rules pertaining to the
6 administration of the interstate compact commission on electric transmission line siting, in order to effectively
7 and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the
8 Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes
9 of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid
10 and have no force or effect.
- 11 B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process that substantially conforms to
12 the federal "Administrative Procedure Act," as amended, as may be appropriate to the operations of the
13 Interstate Commission.
- 14 C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review in
15 the U.S. District Court where the commission has its offices or the District of Columbia; provided, that the
16 filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court
17 finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of
18 the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule
19 represents a reasonable exercise of the Interstate Commission's authority.
20

21 **ARTICLE XIII**

22 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**
23

- 24 A. Oversight
- 25 1. The executive, legislative and judicial branches of state government in each member state shall enforce
26 this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes
27 and intent including enforcement of any orders of the regional panels hereunder. The provisions of this
28 compact and the rules promulgated hereunder shall have the force and effect of law.
 - 29 2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative
30 proceeding in a member state pertaining to the subject matter of this compact which may affect the
31 powers, responsibilities or actions of the Interstate Commission or panels.
 - 32 3. The Interstate Commission or panels shall be entitled to receive all service of process in any such
33 proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide
34 service of process to the Interstate Commission shall render a judgment or order void as to the
35 Interstate Commission, this compact or promulgated rules.

1 B. Default, Technical Assistance, Suspension and Termination - If the Interstate Commission determines that a
2 member state has defaulted in the performance of its obligations or responsibilities under this compact, or the
3 bylaws or promulgated rules, the Interstate Commission shall:

- 4 1. Provide written notice to the defaulting state and other member states, of the nature of the default, the
5 means of curing the default and any action taken by the Interstate Commission. The Interstate
6 Commission shall specify the conditions by which the defaulting state must cure its default.
- 7 2. Provide remedial training and specific technical assistance regarding the default.
- 8 3. The Interstate Commission, may, by a majority vote of the members, assess fines, fees, and costs in
9 such amounts as are deemed to be reasonable as fixed by the Interstate Commission.
- 10 4. The procedural schedule will continue even without the defaulting state's participation.
- 11 5. The state which has been suspended or terminated is responsible for all assessments, obligations and
12 liabilities incurred through the effective date of suspension or termination including obligations, the
13 performance of which extends beyond the effective date of suspension or termination.
- 14 6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in
15 default or which has been suspended or terminated from the compact, unless otherwise mutually agreed
16 upon in writing between the Interstate Commission and the defaulting state.
- 17 7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District
18 Court for the District of Columbia or the federal district where the Interstate Commission has its
19 principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable
20 attorney's fees.
- 21 8. If a state defaults as a result of a filing by a transmission operator or the decision by the CMSSA, the
22 CMSAA shall intervene as a Friend of the Court on behalf of a transmission applicant who follows the
23 Electric Transmission Siting Compact rules.

24 C. Dispute Resolution

- 25 1. The Interstate Commission shall attempt, upon the request of a member state or a panel, to resolve
26 disputes which are subject to the compact and which may arise among member states and between
27 member and non-member states, and between member states and transmission applicants.
- 28 2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute
29 resolution for disputes as appropriate.

30 D. Enforcement

- 31 1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and
32 rules of this compact.

- 1 A. Any state is eligible to become a member state.
- 2 B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less
3 than 3 of the states. Thereafter it shall become effective and binding as to any other member state upon
4 enactment of the compact into law by that state. The governors of non-member states or their designees shall
5 be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption
6 of the compact by all states.
- 7 C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No
8 amendment shall become effective and binding upon the Interstate Commission and the member states unless
9 and until it is enacted into law by unanimous consent of the member states.

10
11 **ARTICLE XVI**
12 **WITHDRAWAL AND DISSOLUTION**

13
14 A. **Withdrawal**

- 15 1. Once effective, the compact shall continue in force and remain binding upon each and every member
16 state; provided that a member state may withdraw from the compact specifically repealing the statute,
17 which enacted the compact into law.
- 18 2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not
19 take effect until the later of either the final determination of a pending application involving that state
20 or one (1) year after the effective date of such statute and until written notice of the withdrawal has
21 been given by the withdrawing state to the Governor of each other member jurisdiction.
- 22 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing
23 upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate
24 Commission shall notify the other member states of the withdrawing state's intent to withdraw within
25 sixty (60) days of its receipt thereof.
- 26 4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the
27 effective date of withdrawal, including obligations, the performance of which extend beyond the
28 effective date of withdrawal.
- 29 5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state
30 reenacting the compact or upon such later date as determined by the Interstate Commission.

31 B. **Dissolution of Compact**

- 32 1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state
33 which reduces the membership in the compact to one (1) member state.
- 34 2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further
35 force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus
36 funds shall be distributed in accordance with the bylaws.
- 37

1 **ARTICLE XVII**

2 **SEVERABILITY AND CONSTRUCTION**

- 3
- 4 A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed
5 unenforceable, the remaining provisions of the compact shall be enforceable.
- 6 B. The provisions of this compact shall be liberally construed to effectuate its purposes.
- 7 C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which
8 the states are members.
- 9

10 **ARTICLE XVIII**

11 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

- 12
- 13 A. Other Laws
- 14 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent
15 with this compact.
- 16 2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.
- 17 B. Binding Effect of the Compact
- 18 1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the
19 Interstate Commission, are binding upon the member states.
- 20 2. All agreements between the Interstate Commission and the member states are binding in accordance
21 with their terms.
- 22 3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature
23 of any member state, such provision shall be ineffective to the extent of the conflict with the
24 constitutional provision in question in that member state.

25 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
26 chapter in Title 80 RCW.

--- END ---