

**RESOLUTION OF THE ORGANIZATION OF MISO STATES
BOARD OF DIRECTORS**

Approved December 8, 2005

WHEREAS the United States Congress passed and President George W. Bush signed into law The Energy Policy Act of 2005 (The Act); and The Act, among other things, encourages investment in the modernization and reliability of our electric transmission grid and provides for last-resort federal siting authority for transmission lines deemed to be in the national interest.

And

WHEREAS, on July 16, 2005, Governor Tom Vilsack of Iowa announced the signing of the "Protocol Among the Midwestern Governors Regarding the Permitting and Siting of Interstate Electric Transmission Lines in the Midwestern United States and Manitoba, Canada" (The Protocol); the Governors of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin signed The Protocol; Premier Gary Doer of Manitoba, Canada signed a memorandum in support of the underlying principles and objectives of The Protocol; The Protocol supports a regional, cooperative approach to solving problems associated with improvement of the Midwestern electric transmission grid; The Protocol supports additional investment in the electric transmission grid when such investment is needed and in the public interest; The Protocol states the Governors will support improved coordination and cooperation by the states on handling applications for interstate and international transmission lines to the extent possible under their respective state laws and considering the rights of all potential parties to electric transmission line proceedings; and The Protocol states the Governors will support legislation to give state permitting and siting authorities explicit authority: a) to effectively coordinate and cooperate with other governmental permitting and siting authorities on permitting and siting activities regarding proposed electric transmission lines that cross state and national boundaries, and b) to consider both state and regional needs and planning when evaluating whether a proposed electric transmission line should be approved.

And

WHEREAS the National Conference of State Legislatures has offered states sample legislation entitled the "Regional Coordination in Planning and Siting of Electric Transmission Lines Act" (NCSL Act); and the stated purposes of the NCSL Act are to give state agencies with jurisdiction over the siting of electric transmission lines the authority to effectively coordinate and cooperate with agencies of similar jurisdiction in other states on siting activities regarding proposed electric transmission lines that cross state and national boundaries, and to give such agencies the authority to consider both state and regional needs

and planning when evaluating whether a proposed electric transmission line should be approved.

THEREFORE the Organization of MISO States Board of Directors adopts this resolution encouraging each of its members:

- 1) to examine its own state statutes to determine whether:
 - a) it has sufficient authority to effectively coordinate and cooperate with agencies of similar jurisdiction in other states on permitting and siting activities regarding proposed electric transmission lines that cross state and national boundaries; and
 - b) it has the authority to consider both state and regional needs and planning when evaluating whether a proposed electric transmission line should be approved;

and
- 2) if it does not have such sufficient authority, that it work with its Governor and state legislature to determine if legislation is needed to give it the explicit authority to do so.