

1 Article 3.

2 Powers and Duties of Utilities Commission.

3 **§ 62-30. General powers of Commission.**

4 The Commission shall have and exercise such general power and authority to supervise and
5 control the public utilities of the State as may be necessary to carry out the laws providing for
6 their regulation, and all such other powers and duties as may be necessary or incident to the
7 proper discharge of its duties. (1933, c. 134, s. 2; 1941, c. 97; 1963, c. 1165, s. 1.)
8

9 **§ 62-31. Power to make and enforce rules and regulations for public utilities.**

10 The Commission shall have and exercise full power and authority to administer and enforce
11 the provisions of this Chapter, and to make and enforce reasonable and necessary rules and
12 regulations to that end. (1907, c. 469, s. 1a; 1913, c. 127, s. 2; C.S., s. 1037; 1933, c. 134, s. 8;
13 1941, c. 97; 1947, c. 1008, s. 2; 1949, c. 1132, s. 3; 1963, c. 1165, s. 1.)
14

15 **§ 62-32. Supervisory powers; rates and service.**

16 (a) Under the rules herein prescribed and subject to the limitations hereinafter set forth,
17 the Commission shall have general supervision over the rates charged and service rendered by
18 all public utilities in this State.

19 (b) Except as provided in this Chapter for bus companies, the Commission is hereby
20 vested with all power necessary to require and compel any public utility to provide and furnish
21 to the citizens of this State reasonable service of the kind it undertakes to furnish and fix and
22 regulate the reasonable rates and charges to be made for such service. (1913, c. 127, s. 7; C.S.,
23 s. 1112(b); 1933, c. 134, s. 3; 1937, c. 108, s. 2; 1941, cc. 59, 97; 1959, c. 639, s. 12; 1963, c.
24 1165, s. 1; 1985, c. 676, s. 5.)
25

26 **§ 62-33. Commission to keep informed as to utilities.**

27 The Commission shall at all times keep informed as to the public utilities, their rates and
28 charges for service, and the service supplied and the purposes for which it is supplied. (1933, c.
29 134, s. 16; 1937, c. 165; 1939, c. 365, ss. 1, 2; 1941, c. 97; 1963, c. 1165, s. 1.)
30

31 **§ 62-34. To investigate companies under its control; visitation and inspection.**

32 (a) The Commission shall from time to time visit the places of business and investigate
33 the books and papers of all public utilities to ascertain if all the orders, rules and regulations of
34 the Commission have been complied with, and shall have full power and authority to examine
35 all officers, agents and employees of such public utilities, and all other persons, under oath or
36 otherwise, and to compel the production of papers and the attendance of witnesses to obtain the
37 information necessary for carrying into effect and otherwise enforcing the provisions of this
38 Chapter.

39 (b) Members of the Commission, Commission staff, and public staff may during all
40 reasonable hours enter upon any premises occupied by any public utility, for the purpose of
41 making the examinations and tests and exercising any power provided for in this Article, and
42 may set up and use on such premises any apparatus and appliances necessary therefor. Such
43 public utility shall have the right to be represented at the making of such examinations, tests
44 and inspections. (1899, c. 164, s. 1; Rev., s. 1064; 1913, c. 127, ss. 1, 2, 7; 1917, c. 194; C.S., s.
45 1060; 1933, c. 134, s. 8; c. 307, s. 14; 1941, c. 97; 1963, c. 1165, s. 1; 1977, c. 468, s. 10.)
46

47 **§ 62-35. System of accounts.**

48 (a) The Commission may establish a system of accounts to be kept by the public
49 utilities under its jurisdiction, or may classify said public utilities and establish a system of
50 accounts for each class, and prescribe the manner of keeping such accounts.

1 (b) The Commission may require any public utility under its jurisdiction to keep
2 separate or allocate the revenue from and the cost of doing interstate and intrastate business in
3 North Carolina.

4 (c) The Commission may ascertain, determine, and prescribe what are proper and
5 adequate charges for depreciation of the several classes of property for each public utility. The
6 Commission may prescribe such changes in such charges for depreciation as it finds necessary.
7 (Ex. Sess. 1913, c. 20, s. 14; C.S., s. 1088; 1931, c. 455; 1933, c. 134, s. 8; c. 307, s. 13; 1941,
8 c. 97; 1963, c. 1165, s. 1.)
9

10 **§ 62-36. Reports by utilities; canceling certificates for failure to file.**

11 The Commission may require any public utility to file annual reports in such form and of
12 such content as the Commission may require and special reports concerning any matter about
13 which the Commission is authorized to inquire or to keep informed, or which it is required to
14 enforce. All reports shall be under oath when required by the Commission. The Commission
15 may issue an order, without notice or hearing, canceling or suspending any certificate of
16 convenience and necessity or any certificate of authority 30 days after the date of service of the
17 order for failing to file the required annual report at the time it was due. In the event the report
18 is filed during the 30-day period, the order of cancellation or suspension shall be null and void.
19 (1931, c. 455; 1933, c. 134, s. 8; c. 307, s. 15; 1941, c. 97; 1959, c. 639, ss. 7, 8; 1963, c. 1165,
20 s. 1; 1985, c. 676, s. 6.)
21

22 **§ 62-36A. Natural gas planning.**

23 (a) The Commission shall require each franchised natural gas local distribution
24 company to file reports with the Commission detailing its plans for providing natural gas
25 service in areas of its franchise territory in which natural gas service is not available.
26 Commission rules shall require that each local distribution company shall update its report at
27 least every two years.

28 (b) The Commission shall develop rules to carry out the intent of subsection (a) of this
29 section, and to produce an orderly system for reviewing current levels of natural gas service
30 and planning the orderly expansion of natural gas service to areas not served. These rules shall
31 provide for expansion of service by each franchised natural gas local distribution company to
32 all areas of its franchise territory by July 1, 1998 or within three years of the time the franchise
33 territory is awarded, whichever is later, and shall provide that any local distribution company
34 that the Commission determines is not providing adequate service to at least some portion of
35 each county within its franchise territory by July 1, 1998 or within three years of the time the
36 franchise territory is awarded, whichever is later, shall forfeit its exclusive franchise rights to
37 that portion of its territory not being served.

38 (b1) The Commission shall issue a certificate of public convenience and necessity in
39 accordance with the provisions of Article 6 of this Chapter for natural gas service for all areas
40 of the State for which certificates have not been issued. Issuance of certificates shall be
41 completed by January 1, 1997, and shall be made after a hearing process in which any person
42 capable of providing natural gas service to an area of the State for which no certificate has been
43 issued or for which no application has been made by July 1, 1995, may apply to the
44 Commission to be considered for the issuance of a certificate under the provisions of this
45 subsection. In issuing a certificate for any unfranchised area of the State, the Commission shall
46 consider the timeliness with which each applicant could begin providing adequate, reliable, and
47 economical service to that area, as well as any other criteria the Commission finds to be
48 relevant, and the Commission may issue a certificate covering less than the total area applied
49 for by an applicant. If the Commission issues a certificate covering less than the total area
50 applied for by the applicant, the applicant may refuse the certificate. In the event that the
51 Commission receives no application for issuance of a certificate for service to a particular area

1 of the State, or in the event a certificate for service to a particular area is not awarded for any
2 reason, the Commission shall issue a certificate for that area to a person or persons to whom a
3 certificate has already been issued.

4 (c) Within 180 days after all local distribution companies have filed their initial or
5 biennial update reports, the Commission and the Public Staff shall independently provide
6 analyses and summaries of those reports, together with status reports of natural gas service in
7 the State, to the Joint Legislative Commission on Governmental Operations. (1989, c. 338, s.
8 1; 1993 (Reg. Sess., 1994), c. 560, s. 1; 1995, c. 216, s. 1; c. 271, s. 1; 2011-291, s. 2.10.)
9

10 **§ 62-36B. Regulation of natural gas service agreements.**

11 Whenever the Commission, after notice and hearing, finds that additional natural gas
12 service agreements (including "backhaul" agreements) with interstate or intrastate pipelines
13 will provide increased competition in North Carolina's natural gas industry and (i) will likely
14 result in lower costs to consumers without substantially increasing the risks of service
15 interruptions to customers, or (ii) will substantially reduce the risks of service interruptions
16 without unduly increasing costs to consumers, the Commission may enter and serve an order
17 directing the franchised natural gas local distribution company to negotiate in good faith to
18 enter into such service agreements within a reasonable time. In considering costs to consumers
19 under this section, the Commission may consider both short-term and long-term costs. (1989
20 (Reg. Sess., 1990), c. 962, s. 5.)
21

22 **§ 62-37. Investigations.**

23 (a) The Commission may, on its own motion and whenever it may be necessary in the
24 performance of its duties, investigate and examine the condition and management of public
25 utilities or of any particular public utility. In conducting such investigation the Commission
26 may proceed either with or without a hearing as it may deem best, but shall make no order
27 without affording the parties affected thereby notice and hearing.

28 (b) If after such an investigation, or investigation and hearing, the Commission, in its
29 discretion, is of the opinion that the public interest shall be served by an appraisal of any
30 properties in question, the investigation of any particular construction, the audit of any accounts
31 or books, the investigation of any contracts, or the practices, contracts or other relations
32 between the public utility in question and any holding or finance agency with which such
33 public utility may be affiliated, it shall be the duty of the Commission to report its findings and
34 recommendation to the Governor and Council of State with request for an allotment from the
35 Contingency and Emergency Fund to defray the expense thereof, which may be granted as
36 provided by law for expenditures from such fund or may be denied. Provided, however, that the
37 Commission is authorized to order any such appraisal, investigations, or audit to be undertaken
38 by a competent, qualified, and independent firm selected by the Commission, the cost of such
39 appraisal, investigation or audit to be borne by the public utility in question. Notwithstanding
40 any other provisions of this Chapter, the Commission is authorized to initiate a full and
41 complete management audit of any public utility company once every five years, by a
42 competent, qualified, and independent firm, such audit to thoroughly examine the efficiency
43 and effectiveness of management decisions among other factors as directed by the
44 Commission. The cost of such audit is to be borne by the particular public utility subject to the
45 audit; provided, however, that carriers subject to regulation by and auditing of the Interstate
46 Commerce Commission shall not be required to bear the expense of additional audit of
47 accounts or management audit required hereunder. (1931, c. 455; 1933, c. 134, s. 8; c. 307, s.
48 16; 1941, c. 97; 1963, c. 1165, s. 1; 1975, c. 867, s. 4.)
49

50 **§ 62-38. Power to regulate public utilities in municipalities.**

1 The Commission shall have the same power and authority to regulate the operation of
2 privately owned public utilities within municipalities as it has to regulate such public utilities
3 operating outside of municipalities, with the exception of the rights of such municipalities to
4 grant franchises for such operation under G.S. 160A-319, and such public utilities shall be
5 subject to the provisions of this Chapter in the same manner as public utilities operating outside
6 municipalities. (1917, c. 136, subch. 3, s. 3; C.S., ss. 2783, 2784, 2785; 1933, c. 134, s. 8; 1941,
7 c. 97; 1963, c. 1165, s. 1; 1989, c. 770, s. 11.)
8

9 **§ 62-39. To regulate crossings of telephone, telegraph, electric power lines and pipelines**
10 **and rights-of-way of railroads and other utilities by another utility.**

11 (a) The Commission, upon its own motion or upon petition of any public utility or upon
12 petition of the North Carolina Rural Electrification Authority on behalf of any electric
13 membership corporation, shall have the power and authority, after notice and hearing, to order
14 that the lines and right-of-way of any public utility or electric membership corporation may be
15 crossed by any other public utility or electric membership corporation. The Commission, in all
16 such cases, may require any such crossings to be constructed and maintained in a safe manner
17 and in accord with accepted and approved standards of safety and may prescribe the manner in
18 which such construction shall be done.

19 (b) The Commission shall also have the power and authority to discontinue and prohibit
20 such crossings where they are unnecessary and can reasonably be avoided and to order changes
21 in existing crossings when deemed necessary.

22 (c) In all cases in which the Commission orders such crossings to be made or changed
23 and when the parties affected cannot agree upon the cost of the construction of such crossings
24 or the damages to be paid to one of the parties for the privilege of crossing the lines of such
25 party, it shall be the duty of the Commission to apportion the cost of such construction and to
26 fix the damage, if any, to be paid and to apportion the damages, if any, among the parties in
27 such manner as may be just and equitable.

28 (d) This section shall not be construed to limit the right of eminent domain conferred
29 upon public utilities and electric membership corporations by the laws of this State or to limit
30 the right and duty conferred by law with respect to crossing of railroads and highways or
31 railroads crossing railroads, but the duty imposed and the remedy given by this section shall be
32 in addition to other duties and remedies now prescribed by law. Any party shall have the right
33 of appeal from any final order or decision or determination of the Commission as provided by
34 law for appeals from orders or decisions or final determinations of the Commission. (1913, c.
35 130, s. 1; C.S., s. 1052; 1933, c. 134, s. 8; 1941, c. 97; 1949, c. 1029, s. 1; 1963, c. 1165, s. 1.)
36

37 **§ 62-40. To hear and determine controversies submitted.**

38 When a public utility embraced in this Chapter has a controversy with another person and
39 all the parties to such controversy agree in writing to submit such controversy to the
40 Commission as arbitrator, the Commission shall act as such, and after due notice to all parties
41 interested shall proceed to hear the same, and its award shall be final. Such award in cases
42 where land or an interest in land is concerned shall immediately be certified to the clerk of the
43 superior court of the county or counties in which said land, or any part thereof, is situated, and
44 shall by such clerk be docketed in the judgment docket for such county, and from such
45 docketing shall have the same effect as a judgment of the superior court for such county.
46 Parties may appear in person or by attorney before such arbitrator. (1899, c. 164, s. 25; Rev., s.
47 1073; C.S., s. 1059; 1933, c. 134, s. 8; 1941, c. 97; 1963, c. 1165, s. 1.)
48

49 **§ 62-41. To investigate accidents involving public utilities; to promote general safety**
50 **program.**

1 The Commission may conduct a program of accident prevention and public safety covering
2 all public utilities with special emphasis on highway safety and transport safety and may
3 investigate the causes of any accident on a highway involving a public utility. Any information
4 obtained upon such investigation shall be reduced to writing and a report thereof filed in the
5 office of the Commission, which shall be subject to public inspection but such report shall not
6 be admissible in evidence in any civil or criminal proceeding arising from such accident. The
7 Commission may adopt reasonable rules and regulations for the safety of the public as affected
8 by public utilities and the safety of public utility employees. The Commission shall cooperate
9 with and coordinate its activities for public utilities with similar programs of the Division of
10 Motor Vehicles, the Insurance Department, the Industrial Commission and other organizations
11 engaged in the promotion of highway safety and employee safety. (1899, c. 164, s. 24; Rev., s.
12 1065; C.S., s. 1061; 1933, c. 134, s. 8; 1941, c. 97; 1963, c. 1165, s. 1; 1975, c. 716, s. 5; 1995
13 (Reg. Sess., 1996), c. 673, s. 2.)
14

15 **§ 62-42. Compelling efficient service, extensions of services and facilities, additions and**
16 **improvements.**

17 (a) Except as otherwise limited in this Chapter, whenever the Commission, after notice
18 and hearing had upon its own motion or upon complaint, finds:

- 19 (1) That the service of any public utility is inadequate, insufficient or
20 unreasonably discriminatory, or
- 21 (2) That persons are not served who may reasonably be served, or
- 22 (3) That additions, extensions, repairs or improvements to, or changes in, the
23 existing plant, equipment, apparatus, facilities or other physical property of
24 any public utility, of any two or more public utilities ought reasonably to be
25 made, or
- 26 (4) That it is reasonable and proper that new structures should be erected to
27 promote the security or convenience or safety of its patrons, employees and
28 the public, or
- 29 (5) That any other act is necessary to secure reasonably adequate service or
30 facilities and reasonably and adequately to serve the public convenience and
31 necessity,

32 the Commission shall enter and serve an order directing that such additions, extensions, repairs,
33 improvements, or additional services or changes shall be made or affected within a reasonable
34 time prescribed in the order. This section shall not apply to terminal or terminal facilities of
35 motor carriers of property.

36 (b) If such order is directed to two or more public utilities, the utilities so designated
37 shall be given such reasonable time as the Commission may grant within which to agree upon
38 the portion or division of the cost of such additions, extensions, repairs, improvements or
39 changes which each shall bear. If at the expiration of the time limited in the order of the
40 Commission, the utility or utilities named in the order shall fail to file with the Commission a
41 statement that an agreement has been made for division or apportionment of the cost or
42 expense, the Commission shall have the authority, after further hearing in the same proceeding,
43 to make an order fixing the portion of such cost or expense to be borne by each public utility
44 affected and the manner in which the same shall be paid or secured.

45 (c) For the purpose of this section, "public utility" shall include any electric
46 membership corporation operating within this State. (1933, c. 307, s. 10; 1949, c. 1029, s. 2;
47 1963, c. 1165, s. 1; 1965, c. 287, s. 6; 1985, c. 676, s. 7.)
48

49 **§ 62-43. Fixing standards, classifications, etc.; testing service.**

50 (a) The Commission may, after notice and hearing, had upon its own motion or upon
51 complaint, ascertain and fix just and reasonable standards, classifications, regulations,

1 practices, or service to be furnished, imposed, observed or followed by any or all public
2 utilities; ascertain and fix adequate and reasonable standards for the measurement of quantity,
3 quality, pressure, initial voltage or other condition pertaining to the supply of the product,
4 commodity or service furnished or rendered by any and all public utilities; prescribe reasonable
5 regulations for the examination and testing of such product, commodity or service and for the
6 measurement thereof; establish or approve reasonable rules, regulations, specifications and
7 standards to secure the accuracy of all meters and appliances for measurement; and provide for
8 the examination and testing of any and all appliances used for the measurement of any product,
9 commodity or service of any public utility.

10 (b) The Commission shall fix, establish and promulgate standards of quality and safety
11 for gas furnished by a public utility and prescribe rules and regulations for the enforcement of
12 and obedience to the same. (1919, c. 32; C.S., s. 1055; 1933, c. 134, s. 8; c. 307, s. 11; 1941, c.
13 97; 1963, c. 1165, s. 1.)

14
15 **§ 62-44. Commission may require continuous telephone lines.**

16 The Commission may, upon its own motion or upon written complaint by any person, after
17 notice and hearing, require any two or more telephone or telegraph utilities to establish and
18 maintain through lines within the State between two or more localities, which cannot be
19 communicated with or reached by the lines of either utility alone, where the lines or wires of
20 such utilities form a continuous line of communication, or could be made to do so by the
21 construction and maintenance of suitable connections or the joint use of equipment, or the
22 transfer of messages at common points. The rate for such service shall be just and reasonable
23 and the Commission shall have power to establish the same, and declare the portion thereof to
24 which each utility affected thereby is entitled and the manner in which the same must be
25 secured and paid. All necessary construction, maintenance and equipment in order to establish
26 such service shall be constructed and maintained in such manner and under such rules, with
27 such divisions of expense and labor, as may be required by the Commission. (1933, c. 307, s. 9;
28 1963, c. 1165, s. 1.)

29
30 **§ 62-45. Determination of cost and value of utility property.**

31 The Commission, after notice and hearing, may ascertain and fix the cost or value, or both,
32 of the whole or any part of the property of any public utility insofar as the same is material to
33 the exercise of the jurisdiction of the Commission, make revaluations from time to time, and
34 ascertain the cost of all new construction, extensions and additions to the property of every
35 public utility. (1933, c. 307, s. 12; 1963, c. 1165, s. 1.)

36
37 **§ 62-46. Water gauging stations.**

38 The Commission may require the location, establishment, maintenance and operation of
39 any water gauging station which it finds is needed in the State over and above those required by
40 federal agencies, and the Commission may cooperate with federal and other State agencies as
41 to the location, construction and reports and the results of operation of such station. (1933, c.
42 307, s. 33; 1963, c. 1165, s. 1.)

43
44 **§ 62-47. Reports from municipalities operating own utilities.**

45 Every municipality furnishing gas, electricity or telephone service shall make an annual
46 report to the Commission, verified by the oath of the general manager or superintendent
47 thereof, on the same forms as provided for reports of public utilities, giving the same
48 information as required of public utilities. (1933, c. 307, s. 34; 1963, c. 1165, s. 1.)

49
50 **§ 62-48. Appearance before courts and agencies.**

1 (a) The Commission is authorized and empowered to initiate or appear in such
2 proceedings before federal and State courts and agencies as in its opinion may be necessary to
3 secure for the users of public utility service in this State just and reasonable rates and service;
4 provided, however, that the Commission shall not appear in any State appellate court in support
5 of any order or decision of the Commission entered in a proceeding in which a public utility
6 had the burden of proof.

7 (b) The Commission may, when appearing before federal courts and agencies on behalf
8 of the using and consuming public in matters relating to the wholesale rates and supply of
9 natural gas, employ, subject to the approval of the Governor, private legal counsel and be
10 reimbursed for any resulting legal fees and costs from past and future refunds received by the
11 North Carolina natural gas distribution companies, and may establish procedures for those
12 natural gas distribution companies to set aside reasonable amounts of those refunds for this
13 purpose. The Commission is also authorized to establish procedures whereby the State may be
14 reimbursed from past and future refunds received by the North Carolina natural gas distribution
15 companies for travel expenses incurred by staff members of the Commission and Public Staff
16 designated to provide assistance to the Commission's private legal counsel in natural gas
17 matters before federal courts and agencies. (1899, c. 164, s. 14; Rev., s. 1110; 1907, c. 469, s.
18 5; C.S., s. 1075; 1929, c. 235; 1933, c. 134, s. 8; 1941, c. 97; 1963, c. 1165, s. 1; 1977, c. 468,
19 s. 11; 1985, c. 312, s. 1; 1985 (Reg. Sess., 1986), c. 1014, s. 233.)
20

21 **§ 62-49. Publication of utilities laws.**

22 The Commission is authorized and directed to secure publication of all North Carolina laws
23 affecting public utilities, together with the Commission rules and regulations, in an annotated
24 edition, and the Commission may adopt rules for distribution of said publication, and shall
25 publish biennial supplements to said utilities laws containing all amendments and additions
26 thereto, and may republish said laws at such times as may be reasonable and necessary. (1963,
27 c. 1165, s. 1; 1967, c. 1133.)
28

29 **§ 62-50. Safety standards for gas pipeline facilities.**

30 (a) The Commission may promulgate and adopt safety standards for the operation of
31 natural gas pipeline facilities in North Carolina. These safety standards shall apply to the
32 pipeline facilities of gas utilities and pipeline carriers under franchise from the Utilities
33 Commission and to pipeline facilities of other gas operators, as defined in subsection (g) of this
34 section. The Commission shall require that all gas operators file with the Commission reports
35 of all accidents occurring in connection with the operation of their gas pipeline facilities located
36 in North Carolina. The Commission may require that all gas operators file with the
37 Commission copies of their construction, operation, and maintenance standards and procedures,
38 and any amendments thereto, and such other information as may be necessary to show
39 compliance with the safety standards promulgated by the Commission. Where the Commission
40 has reason to believe that any gas operator is not in compliance with the Commission's safety
41 standards, the Commission may, after notice and hearing, order that gas operator to take such
42 measures as may be necessary to comply with the standards. The Commission may require all
43 gas operators to furnish engineering reports showing that their pipeline facilities are in safe
44 operating condition and are being operated in conformity with the Commission's safety
45 standards.

46 (b) The Commission is hereby authorized to enter into agreements with the United
47 States department of Transportation and other federal agencies and with other states or public
48 utilities commissions of other states for the regulation of natural gas pipelines located within
49 the State of North Carolina and upon the execution of such cooperative agreements, the
50 Commission is authorized to utilize Commission personnel for inspection, investigation, and
51 regulation of safety standards for interstate and intrastate natural gas pipelines in North

1 Carolina, and to share in the cost of such regulation with other agencies having duties with
2 respect to the regulation of said natural gas pipelines, and to receive funds from the United
3 States Department of Transportation for such regulation. The Commission may use
4 Commission personnel to inspect and investigate all gas incidents, facilities, and records kept
5 pursuant to the provision of 49 Code of Federal Regulations, Parts 191, 192, and 193, and to
6 cooperate with other state and federal agencies in determining the probable cause or cause or
7 causes of gas incidents. Any information obtained during an investigation of a gas incident
8 shall be reduced to writing and a report containing that information shall be filed with the Chief
9 Clerk of the Commission and the report shall be subject to public inspection but the report shall
10 not be admissible in evidence in any civil or criminal proceeding arising from the incident.

11 (c) The Utilities Commission is hereby authorized to enter into cooperative agreements
12 for inspection of all natural gas pipelines of North Carolina to the end that the Utilities
13 Commission may enter into agreements with the United States Department of Transportation or
14 other federal or state agencies to regulate and inspect the safety standards for all natural gas
15 pipelines in the State of North Carolina, including interstate natural gas pipelines.

16 (d) Any person who violates any provision of this section, or any regulation of the
17 Utilities Commission issued thereunder, shall be subject to a civil penalty for each violation for
18 each day that the violation continues. The maximum penalty for each day of a violation and for
19 all the days of a continuing violation may not exceed the maximum penalties that would apply
20 if the penalties had been imposed under 49 U.S.C. Appx. § 1679a(a) by the Secretary of the
21 United States Department of Transportation. Penalties assessed under this subsection shall be
22 credited to the General Fund as nontax revenue.

23 (e) Any action for civil penalty or any claim for said penalty may be compromised by
24 the Utilities Commission and settled for an agreed amount. In determining the amount of the
25 penalty imposed in civil action, or the amount agreed upon in compromise, the amount of the
26 penalty shall be considered in relation to the size of the business of the person charged, the
27 gravity of the violation, and the good faith of the person charged in attempting to achieve
28 compliance, after any prior notification of a violation. The amount of the penalty, when finally
29 determined in a civil action, or the amount agreed upon in compromise, may be deducted from
30 any sums owing by the State to the person charged, or may be collected as in the case of any
31 judgment in a civil action in the State courts.

32 (f) The General Court of Justice of North Carolina is authorized to issue court orders,
33 restraining orders, injunctions and other processes of the court in actions by the Utilities
34 Commission to enforce the provisions of this Chapter relating to gas pipeline safety, and the
35 Commission is authorized to bring actions in said court, including actions for mandatory
36 injunctions, restraining orders, temporary restraining orders, penalties, damages and such other
37 relief as may be necessary to secure compliance with the provisions of this section and
38 regulations of the Commission duly enacted and adopted hereunder relating to gas pipeline
39 safety. This provision is in addition to other powers of the Commission and the courts in
40 relation to the enforcement of provisions of this Chapter in the courts, and shall not limit the
41 present powers of the Commission in bringing actions in the courts for enforcement of other
42 provisions of this Chapter.

43 (g) For the purpose of this section, "gas operators" include gas utilities and gas pipeline
44 carriers operating under a franchise from the Utilities Commission, municipal corporations
45 operating municipally owned gas distribution systems, regional natural gas districts organized
46 and operated pursuant to Article 28 of Chapter 160A of the General Statutes, and public
47 housing authorities and any person operating apartment complexes or mobile home parks that
48 distribute or submeter natural gas to their tenants. This section does not confer any other
49 jurisdiction over municipally owned gas distribution systems, regional natural gas districts,
50 public housing authorities or persons operating apartment complexes or mobile home parks.

1 (1967, c. 1134, s. 1; 1969, c. 646; 1971, cc. 549, 1145; 1979, c. 269, s. 1; 1989, c. 481, ss. 1, 2;
2 1993, c. 189, s. 1; 1997-426, s. 9.)
3

4 **§ 62-51. To inspect books and records of corporations affiliated with public utilities.**

5 Members of the Commission, Commission staff, and public staff are hereby authorized to
6 inspect the books and records of corporations affiliated with public utilities regulated by the
7 Utilities Commission under the provisions of this Chapter, including parent corporations and
8 subsidiaries of parent corporations. This authorization shall extend to all reasonably necessary
9 inspection of all books and records of account and agreements and transactions between public
10 utilities doing business in North Carolina and their affiliated corporations where such records
11 relate either directly or indirectly to the provision of intrastate service by the utility. The right
12 to inspect such books and records shall apply both to books and records in the State of North
13 Carolina and such books and records located outside of the State of North Carolina. If any such
14 affiliated corporation shall refuse to permit such inspection of its books and records and its
15 transactions with public utilities doing business in North Carolina, the Utilities Commission is
16 empowered to order the public utility regulated in North Carolina to show cause why it should
17 not secure from its affiliated corporation such books and records for inspection in North
18 Carolina or why their franchise to operate as a public utility in North Carolina should not be
19 cancelled. (1969, c. 764, s. 1; 1977, c. 468, s. 12.)
20

21 **§ 62-52. Interruption of service.**

22 The Utilities Commission may adopt appropriate rules and regulations which would allow
23 public utilities to temporarily interrupt service when a structure is moved by the owner of such
24 structure (or by a licensed mover authorized and acting on behalf of the owner) over or along
25 public roads or streets and there are public utility facilities in place which would impede the
26 movement of such structure. Such rules and regulations shall require:

- 27 (1) The owner to demonstrate that the public health and safety of the utility's
28 customers and that of the general public will not be affected by the
29 interruption of such service,
- 30 (2) That the inconvenience to said customers and the general public can be fully
31 anticipated and reduced to a minimum,
- 32 (3) The utility cooperate with the owner in furnishing information relative to (1)
33 and (2), and
- 34 (4) An initial application fee be paid the utility toward its cost to be incurred in
35 investigating and planning.

36 Should the owner and the public utility be unable to agree on a practical procedure and/or
37 the direction to follow in overcoming the impeding facilities in order that the public health and
38 safety of the utility's customers and that of the general public will not be affected, then and in
39 such event the owner may petition the Utilities Commission to require the utility to temporarily
40 interrupt its service to its customers by disconnecting the impeding facilities, provided the
41 owner can demonstrate to the satisfaction of the Commission that the public health and safety
42 of the utility's customers and that of the general public will not be affected by such interruption
43 of service and that the public utility was unreasonable in the procedure, direction and cost
44 proposed to the owner to overcome the impeding facility.

45 In any event, the owner of said structure shall reimburse the utility its full cost involved in
46 such disconnection and reconnection including but not limited to planning, engineering,
47 notification and administrative costs, labor, material and equipment. Should the impeding
48 facility be overcome other than by disconnection, the owner shall nevertheless reimburse the
49 utility its full cost related thereto. (1981 (Reg. Sess., 1982), c. 1186, s. 1.)
50

51 **§ 62-53. Electric membership corporation subsidiaries.**

1 In addition to any other authority granted to the Commission in this Chapter, the
2 Commission shall have the authority to regulate electric membership corporations as provided
3 in G.S. 117-18.1. (1999-180, s. 4.)
4

5 **§ 62-54. Notification of opportunity to object to telephone solicitation.**

6 The Commission shall require each local exchange company and each competing local
7 provider certified to do business in North Carolina to notify all telephone subscribers who
8 subscribe to residential service from that company of the provisions of Article 4 of Chapter 75
9 of the General Statutes and of the federal laws and regulations allowing consumers to object to
10 receiving telephone solicitations. The notification shall be drafted pursuant to G.S. 75-102(m),
11 shall be distributed at least annually, and shall be distributed by one of the following methods:
12 bill insert or bill message, direct mail, or e-mail when the subscriber has affirmatively selected
13 e-mail as a means of notification. The Commission shall also ensure that this information is
14 printed in a clear, conspicuous manner in the consumer information pages of each telephone
15 directory distributed to residential customers. (2000-161, s. 3; 2003-411, s. 5; 2009-122, s. 2.)
16

17 **§§ 62-55 through 62-59. Reserved for future codification purposes.**