

Utilities

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H44 - Local Government Regulatory Reform 2015, Sec. 9: Leases of Property by Local Governments for Communication Towers (SL 2015-246)

Counties and cities are authorized by G.S. 160A-272 to lease property owned by counties and cities for up to 10 years. Leases for terms of more than 10 years are treated as a sale of real property. G.S. 160A-272(c) authorizes the lease of property for the siting and operation of a renewable energy facility for up to 25 years. This section amends the statute to do both of the following:

- Increases the public notice of a proposed lease from 10 days to 30 days.
- Allows leases of property owned by the county or city for the siting and operation of a tower for a term of up to 25 years. A "tower" is any new or existing structure that is designed to support or is capable of supporting equipment used in the transmission or receipt of television broadcast signals, radio wave signals, or electromagnetic radio signals used in the provision of wireless communication service.

This section became effective September 23, 2015.

H97 - 2015 Appropriations Act, Sec. 29.18: Report/Use of Coal Combustion Residuals (SL 2015-241)

Sec. 29.18 of S.L. 2015-241 directs the Utilities Commission to submit a report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Transportation Oversight Committee, and the Environmental Review Commission, on the incremental cost incentives related to coal combustion residuals surface impoundments for investor-owned public utilities. The Utilities Commission must submit the report by January 15, 2016.

This section became effective July 1, 2015.

H356 - North Carolina Utilities Commission Regulatory Fee Changes (SL 2015-134)

S.L. 2015-134 increases the amount of funding reserves the Utilities Commission and the Public Staff may maintain, sets the utility regulatory fee in statute, partially increases the fee for the 2015 fiscal year, and authorizes the Commission to raise and lower the fee based on operating expenses.

The provision of this act related to the increase in the reserve became effective June 30, 2015. Setting the rate for the utility regulatory fee in statute, increasing the fee for noncompetitive jurisdictional revenues, and authorizing the Commission to raise or lower the fee based on operating expenses became effective July 1, 2015.

H512 - Amend/Clarify Back-Up Public Safety Answering Points (PSAP) Requirements (SL 2015-219)

S.L. 2015-219 allows time extensions for implementation of back-up PSAP requirements to July 1, 2017, under certain circumstances; and requires the 911 Board to investigate alternatives for facilitation of uniform procurement and pricing of 911 eligible expenses through bulk purchasing and other means.

This act became effective August 18, 2015.

H730 - Next Generation 911 (SL 2015-261)

S.L. 2015-261 authorizes the 911 Board to create a reserve fund for the implementation of next generation 911 service, and makes other conforming changes to the statutes governing the 911 Fund to allow for the implementation of next generation 911 service. The act also amends the limitation of liability provision for 911 service to provide it applies to next generation 911 technology, and amends the standard of proof required in a civil action arising out of an act or omission for an individual with assigned job duties as a 911 or public safety telecommunicator or dispatcher.

[Section 2 of the act includes a technical change to a provision in S.L. 2015-259 clarifying the sales tax treatment of certain motorsports equipment. A summary of this provision is available in the FINANCE chapter.]

The changes in the act related to 911 service became effective January 1, 2016.

H765 - Regulatory Reform Act of 2015, Sec. 4.21: Study Exempting Linear Utility Projects from Certain Environmental Regulations (SL 2015-286)

Sec. 4.21 of S.L. 2015-286 directs the Department of Environment and Natural Resources (DENR) to study whether and to what extent activities related to the construction, maintenance, or removal of linear utility projects should be exempt from certain environmental regulations. DENR will report the results of the study to the Environmental Review Commission by March 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 3.12: Amend Underground Damage Prevention Review Board, Enforcement, and Civil Penalties (SL 2015-286)

Sec. 3.12 of S.L. 2015-286 amends the statute establishing the Underground Damage Prevention Review Board (Board). The Board is charged with reviewing reports of alleged violations of the Underground Utility Safety Act (Act) and recommending penalties for violation of the Act. This section makes a number of clarifying changes to the Board's statute, including provisions for length of Board member terms, how vacancies are filled and members are removed, what constitutes a quorum, how the Chair of

the Board is appointed, and the process for how the Board recommends actions or penalties when violations of the Act occur.

This section became effective October 22, 2015.

S88 - Pole Attachment Disputes (SL 2015-119)

S.L. 2015-119 moves the adjudication of pole attachment compensation disputes to the Utilities Commission from the Business Court.

This act became effective June 25, 2015, and applies to actions filed on or after that date.

S119 - GSC Technical Corrections 2015, Sec. 46: Amend Experience for Membership on the 911 Board (SL 2015-264)

Sec. 46 of S.L. 2015-264 amends the experience requirement for the member of the 911 Board that is appointed to represent fire chiefs.

This section became effective October 1, 2015.

S305 - NCEMPA Asset Sale (SL 2015-3)

S.L. 2015-3 enacts legislative changes needed to effectuate the sale of the ownership interest in electric generation facilities of a municipal power agency to an investor-owned utility. The first part of the act provides cost recovery for a public utility that purchases generation assets from a municipal power agency. The second part of the act authorizes the municipal power agency to issue bonds to pay the difference in price paid for the assets and any outstanding amount owed on the assets. The second part of the act also makes other statutory changes necessary to allow the power agencies to enter into power purchase agreements to replace the electricity that had been provided through the ownership interest in the electric generation facilities.

This act became effective April 2, 2015.

S716 - Mountain Energy Act of 2015, Sec. 2: Modifications to Certain Requirements for Coal Ash Management at the Asheville Steam Electric Generating Plant (SL 2015-110)

Sec. 2 of S.L. 2015-110 modifies certain requirements under the Coal Ash Management Act of 2014 for coal combustion residuals surface impoundments and electric generating facilities located at the Asheville Steam Electric Generating Plant located in Buncombe County, if certain criteria concerning construction of a gas-fired generating facility and cessation of coal-fired facilities at the site are met.

This section would become effective August 1, 2016, if, on or before that date, the North Carolina Utilities Commission has issued a certificate of public convenience and necessity to Duke Energy Progress for a new natural gas-fired generating facility, based upon written notice submitted to the Commission from Duke Energy Progress that it will permanently cease operations of all coal-fired generating units at the Asheville Steam Electric Generating Plant located in Buncombe County no later than January 31, 2020.

S716 - Mountain Energy Act of 2015, Sec. 1: Expedited Certificate of Public Convenience and Necessity (SL 2015-110)

Sec. 1 of S.L. 2015-110 directs the North Carolina Utilities Commission to render an expedited decision, under certain conditions, on an application for a certificate of public convenience and necessity for an applicant to construct a generating facility that uses natural gas as the primary fuel.

This section became effective June 24, 2015.