

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2023**

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**SENATE BILL 95**  
**Agriculture, Energy, and Environment Committee Substitute Adopted 2/28/23**

Short Title: Expedite Water/Wastewater Franchise Transfer. (Public)

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Sponsors:

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Referred to:

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February 14, 2023

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE TRANSFER OF WATER OR WASTEWATER PUBLIC UTILITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 62-111 is amended by adding a new subsection to read:

"(f) Within 30 days of the filing of an application for the transfer of a water or wastewater franchise under this section, or for a certificate of public convenience and necessity to acquire control of or operate a water or wastewater system pursuant to G.S. 62-110, the Commission shall (i) determine whether or not the application is complete and notify the applicant accordingly and (ii) if the Commission determines an application is incomplete, specify all such deficiencies in the notice to the applicant. The applicant may file an amended application or supplemental information to cure the deficiencies identified by the Commission for the Commission's review. If the Commission fails to issue a notice as to whether or not the application is complete within the requisite 30-day period, the application shall be deemed complete. Within 210 days of the filing of a completed application, the Commission shall issue an order approving the application upon finding that the proposed transfer, including adoption of the transferring utility's currently approved rates, or the requested certificate of convenience and necessity, as applicable, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or certificate of public convenience and necessity has the technical, managerial, and financial capabilities necessary to provide public utility service to the public. The requirements of this subsection shall only apply to water or wastewater systems with an unresolved notice of violation issued by the Department of Environmental Quality."

**SECTION 1.(b)** For applications for transfer or certificates of public convenience and necessity for the transfer of a water or wastewater franchise under G.S. 62-111, or for a certificate of public convenience and necessity to acquire control of or operate a water or wastewater system pursuant to G.S. 62-110, pending on the date this act becomes law, the Commission shall issue an order approving the application no later than 180 days after that date, if the following conditions are satisfied:

- (1) The Commission finds that the proposed transfer, including adoption of the transferring utility's currently approved rates, or the requested certificate of convenience and necessity, as applicable, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or certificate of public convenience and necessity has the technical, managerial, and financial capabilities necessary to provide public utility service to the public.
- (2) The water or wastewater system has an unresolved notice of violation issued by the Department of Environmental Quality.



1           **SECTION 2.** This act is effective when it becomes law. G.S. 62-111(f), as enacted  
2 by Section 1(a) of this act, applies to applications for transfer or certificates of public convenience  
3 and necessity filed on or after that date.