

Utilities

See full summary documents for additional detail

Protect Critical Infrastructure.

SL 2023-47 (S58)

S.L. 2023-47 does the following:

- Updates and consolidates statutes that relate to damage to utility property (electric, gas, and telecommunications).
- Increases penalties for acts of damage to energy facilities.
- Increases the penalty for trespass to energy facilities, and adds a specific prohibition on trespass to wastewater treatment facilities.
- Increases the penalty for willful injury to wires and other fixtures of telephone, broadband, broadcast, or cable telecommunications.

This act became effective December 1, 2023, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of the act are not abated or affected by the act, and the statutes that would have been applicable but for the changes made by the act remain applicable to those prosecutions.

Energy Choice/Solar Decommissioning Requirements.

SL 2023-58 (H130)

S.L. 2023-58 does both of the following:

- Prohibits local governments from adopting any ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service.
- Requires owners of utility-scale solar projects to responsibly decommission the projects upon cessation of operations, and to establish financial assurance to cover the decommissioning.²

This act became effective as follows:

- The requirements for decommissioning and registration established under Section 2(a) becomes effective November 1, 2025, and apply to utility scale solar projects constructed prior to or after that date.
- The requirements for submittal of a decommissioning plan and financial assurance established under Section 2(a) become effective November 1, 2025, and apply to:
 - Utility scale solar projects for which applications for certificates of public convenience and necessity are pending or submitted on or after the effective date of the act.

- Utility scale solar projects in operation on the date the act became effective, only if the project is rebuilt or expanded after the effective date of the act.
- The remainder of the act became effective June 26, 2023.

Expedite Water/Wastewater Franchise Transfer.

SL 2023-67 (H455)

S.L. 2023-67 establishes an expedited approval process for the ownership transfer of certain water or wastewater utilities by the Utilities Commission (Commission).

This act became effective June 30, 2023.

Permit Multistate Water/Sewer Authority.

SL 2023-126 (S211)

S.L. 2023-126 authorizes political subdivisions from adjoining states to join a water and sewer authority to be organized by political subdivisions in North Carolina to maintain and operate a water or sewer system.

This act became effective September 29, 2023, and applies to any water and sewer authority created under Article 1 of Chapter 162A of the General Statutes on or after that date.

Collaboratory Study Next-Generation Energy and Research Development – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 8.19

Section 8.19 of S.L. 2023-134 directs the North Carolina Collaboratory to use funds allocated to it for next-generation energy and research development for the purpose of developing academic research partnerships with North Carolina businesses working in the field of next-generation energies and leverage those partnerships to perform research and development on next-generation energy technologies. The Collaboratory must report on its activities to the Joint Legislative Education Oversight Committee by March 15, 2024 and annually thereafter.

This section became effective July 1, 2023.

Employee Classification and Compensation Exemptions for Utilities Commission and Public Staff – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 11.16

Section 11.16 of S.L. 2023-134 exempts the employees of the Utilities Commission and the Commission's Public Staff from various classification and compensation rules established by the

State Human Resources Commission pertaining to hours and days of work, vacation and sick leave, promotion and transfer, and incentive pay programs, among others.

This section became effective July 1, 2023.

Prohibit Cap and Trade Requirements for CO2 Emissions – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 12.5

Section 12.5 of S.L. 2023-134 creates a new statute that prohibits the Governor, and any agency of the State, from requiring that an electric public utility (or persons who operate an electric generating facility the primary purpose of which is for the person's own use and not for the primary purpose of producing electricity for sale to or for the public for compensation) participate in a program that requires the utility or person to obtain allowances to offset their CO2 emissions, commonly characterized as emissions cap-and-trade programs, CO2 budget trading programs, or cap-and-invest initiatives. In addition, the statute expressly prohibits the Governor and the Department of Environmental Quality from entering into any agreement with other states obligating North Carolina's participation in any program requiring acquisition of allowances to offset CO2 emissions by such utilities.

This section became effective October 3, 2023.

Broadband Changes – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 38.8

Section 38.8 of S.L. 2023-134 makes various changes to the laws that relate to broadband deployment and the Department of Information Technology (DIT), which include:

- Broadening the stated purpose of the Broadband Stop Gap Solutions grant program to include expanding broadband service to unserved and underserved businesses, State facilities, and community anchor institutions.
- Revising provisions related to the amount of federal funds received under the Broadband Equity, Access, and Deployment (BEAD) Program from the Infrastructure Investment and Jobs Act (P.L. 117-58) that DIT can use for administrative and planning purposes.
- Allowing the Information Technology Strategy Board to elect the chair from among its membership for one-year terms.
- Directing DIT to develop a formal challenge process for broadband grant programs it administers, and to report to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division on the challenge process no later than December 1, 2023.

This section became effective July 1, 2023.

Capital Improvement and Repairs and Renovations Appropriations – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 40.1.(v)

Section 40.1.(v) of S.L. 2023-134 directs North Carolina State University to use funds appropriated to conduct a feasibility study concerning establishment of an advanced nuclear research reactor at the University. The study may include the following:

- Assessment of site selection for a reactor.
- Study and analysis of potential environmental impacts.
- Analysis of licensing requirements for a reactor.
- Engineering and construction evaluation of a reactor and associated laboratories, including cost estimates.
- Utilization analysis, including capability development for advanced nuclear power generation in the State.
- Vendor and contractor evaluation.
- Identification of the potential for collaboration with industry, other academic institutions, and State and federal entities.

This section became effective July 1, 2023.

Utilities Commission Authority to Allow Owners' Associations to Charge for the Costs of Providing Water and Sewer Service – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 23

Section 23 of S.L. 2023-137 authorizes the Utilities Commission to adopt procedures to allow an owners' association to charge for the costs of providing water or sewer service to persons who occupy townhomes within a planned community, and a unit owners' association to charge for the costs of providing water or sewer service to persons who occupy a condominium.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Increase Minimum Bond Required Before a Franchise can be Granted to a Water or Sewer Utility Company – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 24

Section 24 of S.L. 2023-137 increases the minimum bond required to receive a water or sewer franchise from \$10,000 to \$25,000 and provides that the bond would be forfeited if the Utilities Commission (Commission) appoints an emergency operator pursuant to the existing statutory procedure for the issuance of temporary or emergency authority by the Commission.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Clarify Reservation of Water and Sewer Capacity for Proposed Charter School Facilities – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 40

Section 40 clarifies that charter schools' eligibility for reservation of sewer capacity is identical to public schools' eligibility for reservation of sewer capacity established in 2021.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Commercial Mobile Radio Service Changes – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 49

Section 49 of S.L. 2023-137 eliminates an alternative criteria triggering a requirement that commercial mobile radio service providers receive prior approval from the 911 Board for invoices for reimbursement, and makes some technical changes.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The technical changes will become effective July 1, 2024.

Clean Energy/Other Changes.

SL 2023-138 (S678)

S.L. 2023-138 does all of the following:

- Changes the State's "Renewable Energy Portfolio Standard" to a "Clean Energy Portfolio Standard," and establishes a definition of "clean energy" to include renewable, nuclear, and fusion energy.
- Modifies a provision governing issuance of certificates of public convenience and necessity (CPCN) for electric generating facilities to:
- Eliminate a heightened Utilities Commission (Commission) analysis for coal or nuclear facilities to be constructed, including whether energy efficiency measures; demand side management; renewable energy resource generation; combined heat and power generation; or any combination thereof, would not establish or maintain a more cost effective and reliable generation system.
- Establish a requirement that a generating facility to be constructed by an electric public utility must, in addition to being in the public interest: (i) be part of the least cost path to achieve compliance with authorized carbon reduction goals enacted in 2021; and (ii) maintain or improve upon the adequacy and reliability of the existing grid.

- Extends closure deadlines for certain coal combustion residuals surface impoundments.
- Increases application fees for dam construction, repair, alteration, or removal under the Dam Safety Act.
- Requires approval by the Local Government Commission for local governments to enter into agreements to cede or transfer control over a public enterprise to a non-governmental entity.
- Prohibits local governments from entering non-disclosure agreements in order to restrict access to public records subject to disclosure under the Public Records Act.
- Establishes employee classification and compensation exemptions for the Commission and the Commission's Public Staff.

This bill was vetoed by the Governor on October 2, 2023, and the veto was overridden by the General Assembly on October 10, 2023. Except as otherwise provided, this act became effective October 10, 2023.