

April 11, 2007

H 1395. ELECTRIC CO-OP/ELECTRICITIES ASSIGNMENT. Filed 4/11/07. *TO AUTHORIZE THE UTILITIES COMMISSION TO REASSIGN TERRITORIES OF ELECTRIC MEMBERSHIP CORPORATIONS TO MUNICIPAL ELECTRIC SUPPLIERS IN THE ABSENCE OF APPROVED TERRITORIAL AGREEMENTS.*

Amends GS 160A-331.2 to allow an electric membership corporation, or a city that owns and maintains its own electric distribution lines to petition the North Carolina Utilities Commission to provide for electric service in an area that is not already in the scope of a service area. The commission has the authority to reassign some or all of the previously assigned territory of the electric membership corporation, territory to be served only by the city, or territory to be designated as unassigned territory and subject to customer choice. Sets out the factors to be considered in making an assignment or reassignment. Provides that if negotiations fail to result in an agreement to establish service areas that have been submitted to the commission by May 31, 2007, then the electric membership corporation or city may petition the commission.

Intro. by Cole, Brubaker.

GS 160A

July 18, 2007

H 1395. ELECTRIC SUPPLIERS/ELECTRICITIES ASSIGNMENT (NEW). Filed 4/11/07. House committee substitute makes the following changes to 1st edition. Modifies proposed amendments to GS 160A-331.2 to allow electric suppliers (was, electric membership corporations) that as of January 1, 2008, have less than 150,000 retail customers in North Carolina to petition the NC Utilities Commission (commission) concerning the provision of electric service in any area not covered by a service area agreement. Allows an electric supplier or city to provide electric services to any consumer at a location receiving services from another supplier or a location that could be served by another if the affected supplier or city agrees. Gives the commission authority, after notice and any requested hearing, to order an electric supplier or city to provide service to a customer who is receiving service from another, or is in an area that could be served by another provider, after finding that the current provider's service is or will be inadequate or that the rates or conditions of the service are discriminatory. Makes technical changes. Repeals GS 117-10.3 and GS 160A-331.1 (construction of lines between June 1, 2005, and May 31, 2007) and makes a conforming change to GS 117-10.2. Repeals GS 7A-38.3C (prelitigation mediation of territorial disputes) and provides that any territorial disputes submitted to the Public Staff of the NC Utilities Commission are vacated without prejudice to submit the same dispute to the NC Utilities Commission under GS 160A-331.3(c). Provides that the new provisions in GS 160A-331.2 are effective January 1, 2008. Makes a conforming title change.

July 31, 2007

H 1395. ELECTRIC SUPPLIERS/ELECTRICITIES ASSIGNMENT. Filed 4/11/07. House committee substitute makes the following changes to 2nd edition. Modifies proposed amendments to GS 160A-331.2 to provide that if negotiations have not resulted in an agreement between a negotiating electric membership corporation and a negotiating city by May 31, 2007, jurisdiction to resolve issues related to the negotiations lies with the NC Utilities Commission (was, any electric supplier subject to the Commission's territorial assignment jurisdiction that has less than 150,000 retail customers in the state as of January 1, 2008, may petition the Commission at any time concerning the provision of electric services within any area not covered by a service area agreement approved by the Commission). Authorizes either party to petition the Commission to exercise jurisdiction by filing a petition and paying a \$500 filing fee. Requires the Commission to consider public convenience and necessity in reaching its decision and prohibits the consideration of rate differentials. Makes conforming changes. Removes the provision stating that assignments or reassignments made or approved by the Commission survive annexation of part of the affected territories. Transfers any (was, territorial) dispute submitted to the Commission's Public Staff under GS 7A-38.3C(i) to the Commission (was, are vacated without prejudice to any party to submit the same dispute to the Commission). Changes the effective date to provide that the entire act is effective when it becomes law. Conforms the title.

August 27, 2007

SL 2007-419 (H 1395). ELECTRIC SUPPLIERS/ELECTRICITIES ASSIGNMENT. AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150. Summarized in *Daily Bulletin* 4/11/07, 7/18/07, and 7/31/07. Enacted August 21, 2007. Effective August 21, 2007.