

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**S**

**D**

**SENATE BILL 716  
Commerce Committee Substitute Adopted 5/21/15  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S716-PCS45379-TD-36**

Short Title: Mountain Energy Act of 2015.

(Public)

---

Sponsors:

---

Referred to:

---

May 20, 2015

A BILL TO BE ENTITLED

1 AN ACT TO: (1) DIRECT THE NORTH CAROLINA UTILITIES COMMISSION TO  
2 RENDER AN EXPEDITED DECISION, UNDER CERTAIN CONDITIONS, ON AN  
3 APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
4 NECESSITY FOR AN APPLICANT TO CONSTRUCT A GENERATING FACILITY  
5 THAT USES NATURAL GAS AS THE PRIMARY FUEL AND (2) MODIFY CERTAIN  
6 REQUIREMENTS UNDER THE COAL ASH MANAGEMENT ACT OF 2014 FOR  
7 COAL ASH SURFACE IMPOUNDMENTS LOCATED ON SITES AT WHICH ALL  
8 COAL-FIRED GENERATING UNITS PRESENT ON THOSE SITES WILL  
9 PERMANENTLY CEASE OPERATIONS BY JANUARY 31, 2020.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Notwithstanding G.S. 62-110.1, the Commission shall provide an  
12 expedited decision on an application for a certificate to construct a generating facility that uses  
13 natural gas as the primary fuel if the application meets the requirements of this section. A  
14 public utility shall provide written notice to the Commission of the date the utility intends to  
15 file an application under this section no less than 30 days prior to the submission of the  
16 application. When the public utility applies for a certificate as provided in this section, it shall  
17 submit to the Commission an estimate of the costs of construction of the gas-fired generating  
18 unit in such detail as the Commission may require. G.S. 62-110.1(e) and G.S. 62-82(a) shall not  
19 apply to a certificate applied for under this section. The Commission shall hold a single public  
20 hearing on the application applied for under this section and require the applicant to publish a  
21 single notice of the public hearing in a newspaper of general circulation in Buncombe County.  
22 The Commission shall render its decision on an application for a certificate, including any  
23 related transmission line located on the site of the new generation facility, within 45 days of the  
24 date the application is filed if all of the following apply:

- 25 (1) The application for a certificate is for a generating facility to be constructed  
26 at the site of the Asheville Steam Electric Generating Plant located in  
27 Buncombe County.  
28 (2) The public utility will permanently cease operations of all coal-fired  
29 generating units at the site on or before the commercial operation of the  
30 generating unit that is the subject of the certificate application.  
31 (3) The new natural gas-fired generating facility has no more than twice the  
32 generation capacity as the coal-fired generating units to be retired.

33 **SECTION 2.(a)** Section 3(b) of S.L. 2014-122 reads as rewritten:  
34



\* S 7 1 6 - P C S 4 5 3 7 9 - T D - 3 6 \*

1 "SECTION 3.(b) Notwithstanding G.S. 130A-309.211 or G.S. 130A-309.212, as enacted  
2 by Section 3(a) of this act, and except as otherwise preempted by the requirements of federal  
3 law, the following coal combustion residuals surface impoundments shall be deemed  
4 high-priority ~~and, as soon as practicable, but no later than August 1, 2019,~~ and shall be closed  
5 in conformance with Section 3(c) of this ~~act~~ act as follows:

- 6 (1) Coal combustion residuals surface impoundments located at the Dan River  
7 Steam Station, owned and operated by Duke Energy Progress, and located in  
8 Rockingham ~~County~~ County, as soon as practicable, but no later than August  
9 1, 2019.
- 10 (2) Coal combustion residuals surface impoundments located at the Riverbend  
11 Steam Station, owned and operated by Duke Energy Carolinas, and located  
12 in Gaston ~~County~~ County, as soon as practicable, but no later than August 1,  
13 2019.
- 14 (3) Coal combustion residuals surface impoundments located at the Asheville  
15 Steam Electric Generating Plant, owned and operated by Duke Energy  
16 Progress, and located in Buncombe ~~County~~ County, as soon as practicable,  
17 but no later than August 1, 2022.
- 18 (4) Coal combustion residuals surface impoundments located at the Sutton  
19 Plant, owned and operated by Duke Energy Progress, and located in New  
20 Hanover ~~County~~ County, as soon as practicable, but no later than August 1,  
21 2019."

22 SECTION 2.(b) The requirements of subsections (c) through (f) of  
23 G.S. 130A-309.210 shall not apply to coal combustion residuals surface impoundments and  
24 electric generating facilities located at the Asheville Steam Electric Generating Plant in  
25 Buncombe County.

26 SECTION 2.(c) This section becomes effective August 1, 2016, if, on or before  
27 that date, the North Carolina Utilities Commission has issued a certificate of public  
28 convenience and necessity to Duke Energy Progress for a new natural gas-fired generating  
29 facility, pursuant to Section 1 of this act, based upon written notice submitted to the  
30 Commission from Duke Energy Progress that it will permanently cease operations of all  
31 coal-fired generating units at the Asheville Steam Electric Generating Plant located in  
32 Buncombe County no later than January 31, 2020.

33 SECTION 3. Except as otherwise provided, this act is effective when it becomes  
34 law.