

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 220  
Mar 3, 2021  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40138-RI-6

Short Title: Assuring Choice of Energy Service.

(Public)

Sponsors: Representative Arp.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT CITIES AND COUNTIES FROM PROHIBITING CONSUMER CHOICE  
3 OF ENERGY SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY TO BE  
4 DELIVERED.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Article 8 of Chapter 160A of the General Statutes is amended by  
7 adding a new section to read:

8 "§ 10A-205.4. Limitations on regulation of energy choice.

9 (a) A city shall not adopt an ordinance that prohibits, or has the effect of prohibiting, the  
10 connection, reconnection, modification, or expansion of an energy service based upon the type  
11 or source of energy to be delivered to an individual or any other person as the end-user of the  
12 energy service.

13 (b) As used in this section, "energy service" means the provision of natural or  
14 manufactured gas, liquefied petroleum gas or renewable liquefied petroleum gas, heating oil, or  
15 electricity by a person legally authorized to provide such service.

16 (c) Nothing in this section shall be construed to (i) limit the ability of a city to choose the  
17 energy service for property owned by the city, (ii) prohibit a city from recovering reasonable  
18 costs associated with reviewing and issuing a permit, (iii) affect the authority of a city to manage  
19 or operate a city-owned utility, including a city's authority to require persons residing within their  
20 jurisdictions to obtain energy service from a city-owned utility or a joint municipal power agency  
21 of which they are a member, or (iv) impair a contract executed pursuant to G.S. 160A-322 prior  
22 to the effective date of this section for the supply of electric service."

23 SECTION 1.(b) Article 6 of Chapter 153A of the General Statutes is amended by  
24 adding a new section to read:

25 "§ 153A-145.8. Limitations on regulation of energy choice.

26 (a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,  
27 the connection, reconnection, modification, or expansion of an energy service based upon the  
28 type or source of energy to be delivered to an individual or any other person as the end-user of  
29 the energy service.

30 (b) As used in this section, "energy service" means the provision of natural or  
31 manufactured gas, liquefied petroleum gas or renewable liquefied petroleum gas, heating oil, or  
32 electricity by a person legally authorized to provide such service.

33 (c) Nothing in this section shall be construed to (i) limit the ability of a county to choose  
34 the energy service for property owned by the county, (ii) prohibit a county from recovering  
35 reasonable costs associated with reviewing and issuing a permit, (iii) affect the authority of a  
36 county to manage or operate a county-owned utility, or (iv) affect the authority of a county to



1 manage or operate a county-owned utility, including a county's authority to require persons  
2 residing within their jurisdictions to obtain energy service from a county-owned utility."

3 **SECTION 2.** This act is effective when it becomes law.