

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 95  
PROPOSED COMMITTEE SUBSTITUTE S95-PCS35075-RI-4

Short Title: Expedite Water/Wastewater Franchise Transfer.

(Public)

Sponsors:

Referred to:

February 14, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPEDITE TRANSFER OF WATER OR WASTEWATER PUBLIC UTILITIES.  
3 The General Assembly of North Carolina enacts:

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

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

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

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



\* S 9 5 - P C S 3 5 0 7 5 - R I - 4 \*

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.