

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 848

Short Title: Municipal Electric Amendments.

(Public)

Sponsors: Senators Dalton; Albertson, Allran, Ballance, Forrester, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Lucas, Miller, Phillips, Rand, Reeves, Weinstein, and Wellons.

Referred to: Commerce.

April 15, 1997

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE
MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY
WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL
CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-332(a) reads as rewritten:

"(a) The suppliers of electric service inside the corporate limits of any city in which a secondary supplier was furnishing electric service on the determination date (as defined in G.S. 160A-331(1)) shall have rights and be subject to restrictions as follows:

(1) The secondary supplier shall have the right to serve all premises being served by it, or to which any of its facilities are attached, on the determination date.

(2) The secondary supplier shall have the right, subject to subdivision (3) of this section, to serve all premises initially requiring electric service after the determination date which are located wholly within 300 feet of its lines and located wholly more than 300 feet from the lines of the

1 primary supplier, as such suppliers' lines existed on the determination
2 date.

3 (3) Any premises initially requiring electric service after the determination
4 date which are located wholly within 300 feet of a secondary supplier's
5 lines and wholly within 300 feet of another secondary supplier's lines,
6 but wholly more than 300 feet from the primary supplier's lines, as the
7 lines of all suppliers existed on the determination date, may be served
8 by the secondary supplier which the consumer chooses, and no other
9 supplier shall thereafter furnish electric service to such premises, except
10 with the written consent of the supplier then serving the premises.

11 (4) A primary supplier shall not furnish electric service to any premises
12 which a secondary supplier has the right to serve as set forth in
13 subdivisions (1), (2), and (3) of this section, except with the written
14 consent of the secondary supplier.

15 (5) Any premises initially requiring electric service after the determination
16 date which are located wholly or partially within 300 feet of the primary
17 supplier's lines and are located wholly or partially within 300 feet of the
18 secondary supplier's lines, as such suppliers' lines existed on the
19 determination date, may be served by either the secondary supplier or
20 the primary supplier, whichever the consumer chooses, and no other
21 supplier shall thereafter furnish service to such premises, except with
22 the written consent of the supplier then serving the premises.

23 (6) Any premises initially requiring electric service after the determination
24 date, which are located only partially within 300 feet of the secondary
25 supplier's lines and are located wholly more than 300 feet from the
26 primary supplier's lines, as such supplier's lines existed on the
27 determination date, may be served either by the secondary supplier or
28 the primary supplier, whichever the consumer chooses, and no other
29 supplier shall thereafter furnish service to such premises, except with
30 the written consent of the supplier then serving the premises.

31 (7) Except as provided in subdivisions (1), (2), (3), (5), and (6) of this
32 section, a secondary supplier shall not furnish electric service within the
33 corporate limits of any city unless it first obtains the written consent of
34 the city and the primary supplier. ~~city.~~"

35 Section 2. G.S. 117-10.1 reads as rewritten:

36 "**§ 117-10.1. Municipal franchises.**

37 An electric membership corporation shall be eligible to receive a franchise pursuant to
38 ~~G.S. 160-2(6)~~ G.S. 160A-319 from any city or ~~town~~ town.

39 ~~(1) In which such electric membership corporation is on April 20, 1965~~
40 ~~furnishing electric service at retail to a majority of the electric meters; or~~

41 ~~(2) To which such electric membership corporation is on April 20, 1965~~
42 ~~furnishing the entire supply of electricity at wholesale; or~~

1 (3) ~~Which is newly incorporated subsequent to April 20, 1965, and in~~
2 ~~which on the effective date of such incorporation the electric~~
3 ~~membership corporation is furnishing electric service at retail to a~~
4 ~~majority of the meters."~~

5 Section 3. G.S. 117-10.2 reads as rewritten:

6 **"§ 117-10.2. Restriction on municipal service.**

7 No electric membership corporation shall furnish electric service to, or within the
8 limits of, any incorporated city or town, except pursuant to a franchise that may be
9 granted under the provisions of ~~G.S. 117-10.1, G.S. 160A-319,~~ or as permitted under ~~G.S.~~
10 ~~160-511, 160-512, and 160-513; G.S. 160A-331, 160A-332, and 160A-333.~~ ~~provided, that~~
11 ~~an electric membership corporation may furnish electric service to, or within the limits of, any~~
12 ~~incorporated city or town if the city or town and all electric suppliers, including public utilities,~~
13 ~~other electric membership corporations and other cities or towns, then furnishing electric service~~
14 ~~to or within such city or town consent thereto in writing."~~

15 Section 4. This act is effective when it becomes law.