

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 1353

Short Title: Municipal Electric Service Customers. (Public)

---

Sponsors: Representative LaRoque.

---

Referred to: Rules, Calendar, and Operations of the House.

---

April 21, 2005

1                                   A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO  
3 HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE  
4 CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE  
5 BOUNDARIES.

6 The General Assembly of North Carolina enacts:

7                   **SECTION 1.** G.S. 160A-312 reads as rewritten:

8 "**§ 160A-312. Authority to operate public enterprises.**

9        ...

10       (b) A city shall have full authority to protect and regulate any public enterprise  
11 system belonging to or operated by it by adequate and reasonable rules. The rules shall  
12 be adopted by ordinance, shall apply to the public enterprise system both within and  
13 outside the corporate limits of the city, and may be enforced with the remedies available  
14 under any provision of law. Notwithstanding the provisions of this section, the North  
15 Carolina Utilities Commission shall have the authority to hear and determine  
16 controversies submitted by customers of a municipal electric service supplier who live  
17 outside the corporate limits of the city.

18        ...."

19                   **SECTION 2.** G.S. 62-40 reads as rewritten:

20 "**§ 62-40. To hear and determine controversies submitted.**

21       (a) When a public utility embraced in this Chapter has a controversy with another  
22 person and all the parties to such controversy agree in writing to submit such  
23 controversy to the Commission as arbitrator, the Commission shall act as such, and after  
24 due notice to all parties interested shall proceed to hear the same, and its award shall be  
25 final. Such award in cases where land or an interest in land is concerned shall  
26 immediately be certified to the clerk of the superior court of the county or counties in  
27 which said land, or any part thereof, is situated, and shall by such clerk be docketed in  
28 the judgment docket for such county, and from such docketing shall have the same

1 effect as a judgment of the superior court for such county. Parties may appear in person  
2 or by attorney before such arbitrator.

3 (b) The Commission shall act as arbitrator when a customer of a municipal  
4 electric service supplier who lives outside the corporate limits of the city has a  
5 controversy with the municipal electric service supplier. The parties to the controversy  
6 do not have to agree to submit the controversy to the Commission, but the Commission  
7 shall provide due notice to all parties as provided in subsection (a) of this section and  
8 the Commissions' decision shall be final."

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