

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1353
Committee Substitute Favorable 6/1/05

Short Title: Muni Electric Service Customers/Lenoir County.

(Local)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION TO HEAR CONTROVERSIES SUBMITTED BY MUNICIPAL ELECTRIC SERVICE CUSTOMERS WHO LIVE OUTSIDE THE MUNICIPALITY'S CORPORATE BOUNDARIES AND IN LENOIR COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-312(b) reads as rewritten:

"(b) ~~A~~ Except as provided in G.S. 160A-327, a city shall have full authority to protect and regulate any public enterprise system belonging to or operated by it by adequate and reasonable rules. The rules shall be adopted by ordinance, shall apply to the public enterprise system both within and outside the corporate limits of the city, and may be enforced with the remedies available under any provision of law."

SECTION 2. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

§ 160A-327. Dispute resolution authority; public staff of Utilities Commission.

(a) Notwithstanding any other provision of law, the public staff provided under G.S. 62-15 shall have the authority to hear and determine disputes submitted by a customer of a municipal electric system who lives outside the corporate limits of the city. As used in this section, the term "dispute" means a disagreement between a customer and a municipal electric system regarding the quality of the service provided or whether rates are applied fairly and evenly between customers. Nothing in this section shall limit a city's authority to set differential rates under G.S. 160A-314(a).

(b) Prior to bringing a dispute to the public staff under this section, a customer must exhaust all administrative remedies provided by the city under G.S. 160A-312(b). If the city has not adopted an administrative remedy, the customer must submit the controversy to the governing body of the city for resolution prior to bringing the controversy to the public staff.

(c) If the dispute is not resolved administratively under subsection (b) of this section, the customer may submit the dispute to a member of the public staff of the

1 North Carolina Utilities Commission who shall have the authority to issue an opinion
2 resolving the dispute that is binding on the parties. If the parties do not agree on the
3 selection of a member of the public staff, the executive director of the public staff shall
4 appoint a member of the public staff to hear the territorial dispute and render an opinion.
5 The opinion resolving the dispute shall be considered in the nature of an arbitrator's
6 award and may be enforced in the same manner as an arbitration award under
7 G.S. 1-569.25."

8 **SECTION 3.** This act applies to Lenoir County only.

9 **SECTION 4.** This act becomes effective October 1, 2005.