

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 1163
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HOUSE PRINCIPAL CLERK

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HOUSE DRH11326-TDf-20 (05/16)

Short Title: No Merger Without MPA Relief. (Public)

Sponsors: Representative Daughtry.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE MERGER OF DUKE ENERGY AND PROGRESS ENERGY
3 WITHOUT THE PROVISION OF RELIEF TO THE MUNICIPAL POWER AGENCIES.

4 The General Assembly of North Carolina enacts:

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

6 "(a1) The Commission shall not approve a merger of any public utility that owns an
7 electric generation facility in which a municipal power agency created under Chapter 159B of
8 the General Statutes owns an interest until the earlier of either of the following:

9 (1) The retirement of the debt incurred by the municipal power agency for the
10 purchase of the interest in the electric generation facility owned by the
11 public utility to be merged.

12 (2) The sale of the municipal power agency's interest in the electric generation
13 facility owned by the public utility to be merged."

14 **SECTION 2.** G.S. 62-302 is amended by adding a new subsection to read:

15 "(b2) Additional Fee for Merged Entities. – An additional fee is imposed for a public
16 utility that merges with another public utility. The fee is imposed for the first two fiscal years
17 following the year the merger was approved by the Commission in accordance with
18 G.S. 62-111. The additional fee is twenty-five percent (25%) of the fee imposed under
19 subsection (a) of this section on the entity created by the merger."

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

