

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 267
Mar 7, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40153-TS-4 (01/17)

Short Title: Utilities/Amend REPS Requirements. (Public)

Sponsors: Representatives Dixon and J. Bell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE RENEWABLE ENERGY PORTFOLIO STANDARD.
3 The General Assembly of North Carolina enacts:

4
5 **AMEND RENEWABLE ENERGY PORTFOLIO STANDARD REQUIREMENTS**

6 **SECTION 1.(a)** G.S. 62-133.8 reads as rewritten:
7 **"§ 62-133.8. Renewable Energy and Energy Efficiency Portfolio Standard (REPS).**

8 ...
9 (b) Renewable Energy and Energy Efficiency Standards (REPS) for Electric Public
10 Utilities. –

11 (1) Each electric public utility in the State shall be subject to a Renewable Energy
12 and Energy Efficiency Portfolio Standard (REPS) according to the following
13 schedule:

14 Calendar Year	14 REPS Requirement
15 2012	3% of 2011 North Carolina retail sales
16 2015	6% of 2014 North Carolina retail sales
17 2018 and thereafter	40%8% of 2017 North Carolina retail sales
18 2021 and thereafter	12.5% of 2020 North Carolina retail sales

19 ...
20 (c) Renewable Energy and Energy Efficiency Standards (REPS) for Electric Membership
21 Corporations and Municipalities. –

22 (1) Each electric membership corporation or municipality that sells electric power
23 to retail electric power customers in the State shall be subject to a Renewable
24 Energy and Energy Efficiency Portfolio Standard (REPS) according to the
25 following schedule:

26 Calendar Year	26 REPS Requirement
27 2012	3% of 2011 North Carolina retail sales
28 2015	6% of 2014 North Carolina retail sales
29 2018 and thereafter	40%8% of 2017 North Carolina retail sales

30"
31 **SECTION 1.(b)** This section becomes effective July 1, 2017, and applies to cost
32 recovery proceedings that occur on or after that date.

33
34 **ENERGY EFFICIENCY FOR REPS COMPLIANCE**

35 **SECTION 2.(a)** G.S. 62-133.8(b)(2)c. reads as rewritten:



1 "c. Reduce energy consumption through the implementation of an energy
2 efficiency measure; provided, however, an electric public utility subject
3 to the provisions of this subsection may meet up to twenty-five percent
4 (25%) of the requirements of this section through savings due to
5 implementation of energy efficiency measures. Beginning in calendar
6 year ~~2021~~2018 and each year thereafter, an electric public utility may
7 meet up to forty percent (40%) of the requirements of this section
8 through savings due to implementation of energy efficiency measures."

9 **SECTION 2.(b)** This section becomes effective July 1, 2017.

10 11 **COST RECOVERY AND HOLD HARMLESS**

12 **SECTION 3.** Incremental costs incurred by an electric power supplier prior to July 1,
13 2017, to comply with any requirement repealed or amended by this act may be recovered as
14 provided in G.S. 62-133.8(h). For the purposes of cost recovery under this act, costs incurred prior
15 to July 1, 2017, include all of the following:

- 16 (1) Costs under purchase contracts for renewable energy entered into prior to July
17 1, 2017, for the purpose of complying with REPS requirements repealed or
18 amended by this act.
- 19 (2) The costs of renewable energy facilities built by a public utility for which a
20 certificate of public convenience and necessity has been issued by the
21 Commission prior to July 1, 2017, for the purpose of complying with REPS
22 requirements repealed or amended by this act.
- 23 (3) Other costs the Utilities Commission determines are reasonable and prudent
24 costs incurred prior to July 1, 2017, to comply with the REPS requirements
25 repealed or amended by this act.

26 27 **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

28 **SECTION 4.(a)** If any section or provision of this act is declared unconstitutional or
29 invalid by the courts, it does not affect the validity of this act as a whole or any part other than the
30 part declared to be unconstitutional or invalid.

31 **SECTION 4.(b)** Except as otherwise provided, this act is effective when it becomes
32 law.