

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 267

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

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

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Energy and Public Utilities, if favorable, Finance

March 8, 2017

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 <b>Calendar Year</b>	15 <b>REPS Requirement</b>
16 2012	3% of 2011 North Carolina retail sales
17 2015	6% of 2014 North Carolina retail sales
18 2018 <u>and thereafter</u>	10% <del>8%</del> of 2017 North Carolina retail sales
19 <del>2021 and thereafter</del>	<del>12.5% of 2020 North Carolina retail sales</del>

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 <b>Calendar Year</b>	27 <b>REPS Requirement</b>
28 2012	3% of 2011 North Carolina retail sales
29 2015	6% of 2014 North Carolina retail sales
30 2018 and thereafter	10% <del>8%</del> of 2017 North Carolina retail sales

31 ...."

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

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.