

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 130

Short Title: Preserving Choices for Consumers. (Public)

Sponsors: Representatives Arp, Saine, Wray, and Miller (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, Rules, Calendar, and Operations of the House

February 16, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT CITIES AND COUNTIES FROM PROHIBITING CONSUMER CHOICE
3 OF ENERGY SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY TO BE
4 DELIVERED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Article 8 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 160A-203.3. Limitations on regulation of energy choice.**

9 (a) A city shall not adopt an ordinance that prohibits, or has the effect of prohibiting, the
10 connection, reconnection, modification, or expansion of an energy service based upon the type
11 or source of energy to be delivered to an individual or any other person as the end-user of the
12 energy service.

13 (b) As used in this section, "energy service" means the energy source that a consumer
14 may choose to use to illuminate, heat, or cool buildings; produce hot water; operate equipment;
15 operate appliances; or any other similar activities, where the energy source is derived from one
16 or more of a variety of sources such as natural gas, renewable gas, hydrogen, liquified petroleum
17 gas, renewable liquified petroleum gas, or other liquid petroleum products and that is delivered
18 to the consumer by an entity legally authorized to provide such service or electricity that is
19 derived from one or more sources of electric generation and is delivered to the consumer by an
20 entity legally authorized to provide such service and the distribution of the electricity occurs
21 according to the territorial rights established by G.S. 62-110.2, 160A-331.2, or 160A-332. For
22 purposes of this section, the terms "renewable gas" and "renewable liquified petroleum gas" shall
23 mean gas derived from a renewable energy resource, as that term is defined by
24 G.S. 62-133.8(a)(8).

25 (c) Nothing in this section shall be construed to (i) limit the ability of a city to choose the
26 energy service for property owned by the city, (ii) prohibit a city from recovering reasonable
27 costs associated with reviewing and issuing a permit, (iii) affect the authority of a city to manage
28 or operate a city-owned utility, including a city's authority to require persons residing within their
29 jurisdictions to obtain energy service from a city-owned utility or a joint municipal power agency
30 of which they are a member, or (iv) impair a contract executed pursuant to G.S. 160A-322 prior
31 to the effective date of this section for the supply of electric service."

32 **SECTION 1.(b)** Article 6 of Chapter 153A of the General Statutes is amended by
33 adding a new section to read:

34 "**§ 153A-145.11. Limitations on regulation of energy choice.**



1 (a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,
2 the connection, reconnection, modification, or expansion of an energy service based upon the
3 type or source of energy to be delivered to an individual or any other person as the end-user of
4 the energy service.

5 (b) As used in this section, "energy service" means the energy source that a consumer
6 may choose to use to illuminate, heat, or cool buildings; produce hot water; operate equipment;
7 operate appliances; or any other similar activities, where the energy source is derived from one
8 or more of a variety of sources such as natural gas, renewable gas, hydrogen, liquified petroleum
9 gas, renewable liquified petroleum gas, or other liquid petroleum products and that is delivered
10 to the consumer by an entity legally authorized to provide such service or electricity that is
11 derived from one or more sources of electric generation and is delivered to the consumer by an
12 entity legally authorized to provide such service and the distribution of the electricity occurs
13 according to the territorial rights established by G.S. 62-110.2, 160A-331.2, or 160A-332. For
14 purposes of this section, the terms "renewable gas" and "renewable liquified petroleum gas" shall
15 mean gas derived from a renewable energy resource, as that term is defined by
16 G.S. 62-133.8(a)(8).

17 (c) Nothing in this section shall be construed to (i) limit the ability of a county to choose
18 the energy service for property owned by the county, (ii) prohibit a county from recovering
19 reasonable costs associated with reviewing and issuing a permit, or (iii) affect the authority of a
20 county to manage or operate a county-owned utility, including a county's authority to require
21 persons residing within their jurisdictions to obtain energy service from a county-owned utility."

22 **SECTION 2.** This act is effective when it becomes law.