

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 936

Short Title: Renewable Energy Paperwork Reduction.

(Public)

Sponsors: Senator Cowell.

Referred to: Agriculture/Environment/Natural Resources.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT EXEMPTING APPLICANTS FOR CERTIFICATES FOR RENEWABLE ENERGY FACILITIES FROM CERTAIN NOTICE REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-82(a) reads as rewritten:

"(a) Notice of Application for Certificate for Generating Facility; Hearing; Briefs and Oral Arguments. – Whenever there is filed with the Commission an application for a certificate of public convenience and necessity for the construction of a facility for the generation of electricity under G.S. 62-110.1, the Commission shall require the applicant to publish a notice thereof once a week for four successive weeks in a daily newspaper of general circulation in the county where such facility is proposed to be constructed and thereafter the Commission upon complaint shall, or upon its own initiative may, upon reasonable notice, enter upon a hearing to determine whether such certificate shall be awarded. Any such hearing must be commenced by the Commission not later than three months after the filing of such application, and the procedure for rendering decisions therein shall be given priority over all other cases on the Commission's calendar of hearings and decisions, except rate proceedings referred to in G.S. 62-81. Such applications shall be heard as provided in G.S. 62-60.1, and the Commission shall furnish a transcript of evidence and testimony submitted by the end of the second business day after the taking of each day of testimony. The Commission or panel shall require that briefs and oral arguments in such cases be submitted within 30 days after the conclusion of the hearing, and the Commission or panel shall render its decision in such cases within 60 days after submission of such briefs and arguments. If the Commission or panel does not, upon its own initiative, order a hearing and does not receive a complaint within 10 days after the last day of publication of the notice, the Commission or panel shall enter an order awarding the certificate. Notwithstanding this section, applicants for a certificate for solar photovoltaic renewable energy facilities of 40-100 kilowatts or less are exempt from the requirement to publish public notice in newspapers. For purposes of this section, renewable energy facilities means a facility

1 that generates electricity with equipment that uses renewable biomass resources, as
2 defined in Section 105.129.15 of the North Carolina Administrative Code, solar energy,
3 wind energy, or hydroelectric generators, as defined in Section 105.129.15 of the North
4 Carolina Administrative Code, located at existing dams or in free-flowing waterways."

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