

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**SENATE BILL 716**

Short Title: Study Energy Generation/Transmission. (Public)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to: Commerce.

May 20, 2015

A BILL TO BE ENTITLED

1 AN ACT TO: (1) DIRECT THE NORTH CAROLINA UTILITIES COMMISSION TO  
2 RENDER AN EXPEDITED DECISION, UNDER CERTAIN CONDITIONS, ON AN  
3 APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
4 NECESSITY FOR AN APPLICANT TO CONSTRUCT A GENERATING FACILITY  
5 THAT USES NATURAL GAS AS THE PRIMARY FUEL AND (2) MODIFY CERTAIN  
6 REQUIREMENTS UNDER THE COAL ASH MANAGEMENT ACT OF 2014 FOR  
7 COAL ASH SURFACE IMPOUNDMENTS LOCATED ON SITES AT WHICH ALL  
8 COAL-FIRED GENERATING UNITS PRESENT ON THOSE SITES WILL  
9 PERMANENTLY CEASE OPERATIONS BY JANUARY 31, 2020.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Notwithstanding G.S. 62-110.1, the Commission shall provide an  
12 expedited decision on an application for a certificate to construct a generating facility that uses  
13 natural gas as the primary fuel if the application meets the requirements of this section. When  
14 the public utility applies for a certificate as provided in this section, it shall submit to the  
15 Commission an estimate of the costs of construction of the gas-fired generating unit in such  
16 detail as the Commission may require. G.S. 62-110.1(e) and G.S. 62-82(a) shall not apply to a  
17 certificate applied for under this section. The Commission shall render its decision on an  
18 application for a certificate, including any related transmission line located on the site of the  
19 new generation facility, within 45 days of the date the application is filed if all of the following  
20 apply:  
21

- 22 (1) The application for a certificate is for a generating facility to be constructed  
23 at the site of the Asheville Steam Electric Generating Plant located in  
24 Buncombe County.
- 25 (2) The public utility will permanently cease operations of all coal-fired  
26 generating units at the site on or before the commercial operation of the  
27 generating unit that is the subject of the certificate application.
- 28 (3) The new natural gas-fired generating facility has no more than twice the  
29 generation capacity as the coal-fired generating units to be retired.

30 **SECTION 2.(a)** Section 3(b) of S.L. 2014-122 reads as rewritten:

31 **"SECTION 3.(b)** Notwithstanding G.S. 130A-309.211 or G.S. 130A-309.212, as enacted  
32 by Section 3(a) of this act, and except as otherwise preempted by the requirements of federal  
33 law, the following coal combustion residuals surface impoundments shall be deemed  
34 high-priority ~~and, as soon as practicable, but no later than August 1, 2019, and~~ shall be closed  
35 in conformance with Section 3(c) of this ~~act~~act as follows:



- 1 (1) Coal combustion residuals surface impoundments located at the Dan River  
2 Steam Station, owned and operated by Duke Energy Progress, and located in  
3 Rockingham ~~County~~-County, as soon as practicable, but no later than August  
4 1, 2019.
- 5 (2) Coal combustion residuals surface impoundments located at the Riverbend  
6 Steam Station, owned and operated by Duke Energy Carolinas, and located  
7 in Gaston ~~County~~-County, as soon as practicable, but no later than August 1,  
8 2019.
- 9 (3) Coal combustion residuals surface impoundments located at the Asheville  
10 Steam Electric Generating Plant, owned and operated by Duke Energy  
11 Progress, and located in Buncombe ~~County~~-County, as soon as practicable,  
12 but no later than August 1, 2022.
- 13 (4) Coal combustion residuals surface impoundments located at the Sutton  
14 Plant, owned and operated by Duke Energy Progress, and located in New  
15 Hanover ~~County~~-County, as soon as practicable, but no later than August 1,  
16 2019."

17 **SECTION 2.(b)** The requirements of subsections (c) through (f) of  
18 G.S. 130A-309.210 shall not apply to coal combustion residuals surface impoundments and  
19 electric generating facilities located at the Asheville Steam Electric Generating Plant located in  
20 Buncombe County.

21 **SECTION 2.(c)** This section becomes effective August 1, 2016, if, on or before  
22 that date, the North Carolina Utilities Commission has issued a certificate of public  
23 convenience and necessity to Duke Energy Progress for a new natural gas-fired generating  
24 facility, pursuant to Section 1 of this act, based upon written notice submitted to the  
25 Commission from Duke Energy Progress that it will permanently cease operations of all  
26 coal-fired generating units at the Asheville Steam Electric Generating Plant located in  
27 Buncombe County no later than January 31, 2020.

28 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
29 law.