

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 526
HOUSE BILL 493

AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REGARDING
APPEAL OF UTILITIES COMMISSION ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-29 is amended by adding after the words "Utilities Commission" the words "not governed by subsection (b)", and is further amended by designating the current section, as amended, as subsection (a) and adding a new subsection (b) to read as follows:

"(b) From any final order or decision of the Utilities Commission in a general rate case, appeal as of right lies directly to the Supreme Court."

Sec. 2. G.S. 7A-30 is rewritten to read as follows:

"Except as provided in G.S. 7A-28, an appeal lies of right to the Supreme Court from any decision of the Court of Appeals rendered in a case:

- (1) Which directly involves a substantial question arising under the Constitution of the United States or of this State, or
- (2) In which there is a dissent."

Sec. 3. G.S. 7A-31(a) is amended by deleting from the first sentence of that subsection the words and punctuation "the North Carolina Utilities Commission,".

Sec. 4. The first sentence of G.S. 62-90(d) is rewritten to read as follows:

"The appeal shall lie to the Appellate Division of the General Court of Justice as provided in G.S. 7A-29."

Sec. 5. Subsection (g) of G.S. 62-90 is repealed.

Sec. 6. G.S. 62-91 is amended by deleting the last sentence of that subsection.

Sec. 7. G.S. 62-92 is amended by deleting the words "Court of Appeals" and inserting in their place the words "Appellate Division of the General Court of Justice".

Sec. 8. The second sentence of G.S. 62-95 is amended by deleting the words "Court of Appeals" and inserting in their place the words "appellate court with jurisdiction over the case on appeal".

Sec. 9. G.S. 62-96 is rewritten to read and provide as follows:

"Appeals of final orders of the Utilities Commission to the Supreme Court are governed by Article 5 of General Statutes Chapter 7A. In all appeals filed in the Court of Appeals, any party may file a motion for discretionary review in the Supreme Court pursuant to G.S. 7A-31. If the Commission is the appealing party, it is not required to give any undertaking or make any deposit to assure payment of the cost of the appeal, and the court may advance the cause on its docket."

Sec. 10. This act shall become effective July 1, 1983, and applies to final orders of the Utilities Commission entered on or after that date.

In the General Assembly read three times and ratified, this the 15th day of June, 1983.