

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50375-LDxf-50A (3/3)

Short Title: Independent Energy Efficiency Administrator. (Public)

Sponsors: Representatives Blue, Tolson, Glazier, and Harrison (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE NC SAVE\$ ENERGY AS AN INDEPENDENT ENERGY
3 EFFICIENCY ADMINISTRATOR FOR THE STATE TO ADMINISTER ENERGY
4 EFFICIENCY AND ENERGY CONSERVATION PROGRAMS AND PROGRAMS TO
5 PROMOTE THE SUSTAINABLE USE OF ENERGY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 62 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 6B.

10 "Independent Energy Efficiency Administrator.

11 "**§ 62-126. Purpose, findings, legislative intent.**

12 (a) The purpose of this Article is to create an independent energy efficiency
13 administrator for the State, to be known as NC SAVE\$ ENERGY, for the administration and
14 use of moneys to support energy efficiency and conservation programs and services in North
15 Carolina.

16 (b) The General Assembly recognizes that a critical need exists in this State for an
17 investment in an affordable, sustainable, and secure energy future. The General Assembly finds
18 that there remain in North Carolina significant, cost-effective opportunities to acquire energy
19 efficiency savings that can lower customers' energy bills and reduce the environmental impact
20 of energy production, delivery, and use. North Carolina has a significant opportunity to create
21 new markets for energy efficiency measures that will help build jobs in North Carolina,
22 improve our national security, strengthen the local economy, improve energy reliability, reduce
23 home energy bills, and protect North Carolinians from the damaging effects of recurrent energy
24 price spikes.

25 (c) It is the intent of the General Assembly that:

26 (1) A specified percentage of moneys from the NC SAVE\$ ENERGY Fund
27 created under this Article shall be used to help finance projects that address
28 the unmet needs for affordable improvements to homes to reduce energy
29 costs for working families and those on fixed incomes.

30 (2) A specified percentage of moneys from the NC SAVE\$ ENERGY Fund
31 shall also be used for energy efficiency projects for buildings owned or
32 operated by local governments, nonprofit hospitals, and schools.

33 (3) A percentage of moneys from the NC SAVE\$ ENERGY Fund also are used
34 to create "green jobs" in our communities and to train the State's workforce
35 in the skills needed to become employed in new "green jobs" created by the



1 energy efficiency markets, including home energy auditors and conservation
2 consultants, efficiency services loan specialists, installers, and materials
3 manufacturing.

4 **"§ 62-126.1. Definitions.**

5 The definitions in G.S. 62-133.8 shall apply to this Article. The following definitions also
6 shall apply to this Article:

- 7 (1) Contract Administrator. – A person or entity contracted by the NC SAVE\$
8 ENERGY Oversight Board to be assigned the duties and functions of the
9 independent third-party administrator of NC SAVE\$ ENERGY.
- 10 (2) Economically distressed local government unit. – An economically
11 distressed county, as defined in G.S. 143B-437.01, or a local government
12 unit located in that county.
- 13 (3) Energy efficiency. – Conservation, equipment, physical, or program changes
14 that result in less energy consumption. Energy efficiency does not include
15 demand-side management programs that have as their primary purpose the
16 reduction of peak demand through load shifting or curtailment programs.
- 17 (4) Fund. – The NC SAVE\$ ENERGY Fund created under G.S. 62-126.5.
- 18 (5) Institutional buildings. – Buildings owned or operated by local government
19 units, nonprofit hospitals, and schools.
- 20 (6) Local government unit. – A city as defined in G.S. 160A-1, a county, or a
21 consolidated city-county as defined in G.S. 160B-2.

22 **"§ 62-126.2. NC SAVE\$ ENERGY Oversight Board established; membership**
23 **qualifications; vacancies; meetings and meeting facilities.**

24 (a) Oversight Board Established. – The NC SAVE\$ ENERGY Oversight Board is
25 created to oversee energy efficiency and conservation program planning, implementation, and
26 monitoring and to establish and revise the scope of activities of NC SAVE\$ ENERGY and its
27 budget performance targets.

28 (b) Membership. – The Oversight Board shall be composed of 11 members as follows:

- 29 (1) A person with experience and expertise in energy efficiency technologies
30 and methods, to be appointed by the Chairman of the North Carolina
31 Utilities Commission.
- 32 (2) A person with experience and expertise in providing financial services to
33 low-income families and persons with fixed incomes, to be appointed by the
34 Chairman of the North Carolina Utilities Commission.
- 35 (3) A person with experience and expertise in identifying, developing,
36 administering, and implementing energy efficiency programs, to be
37 appointed by the Chairman of the North Carolina Utilities Commission.
- 38 (4) A person with experience and expertise in providing social services to
39 low-income families and persons with fixed incomes, to be appointed by the
40 Chairman of the North Carolina Utilities Commission.
- 41 (5) A person with experience and expertise in providing housing services to
42 low-income families and persons with fixed incomes, to be appointed by the
43 Chairman of the North Carolina Utilities Commission.
- 44 (6) A person with experience and expertise in community development
45 corporations, to be appointed by the Speaker of the House of
46 Representatives.
- 47 (7) A person with experience and expertise in home construction or renovation,
48 to be appointed by the Speaker of the House of Representatives.
- 49 (8) A person with experience and expertise in nonprofit corporations that
50 provide services to communities across North Carolina, to be appointed by
51 the President Pro Tempore of the Senate.

1 (9) A person with experience and expertise in local government units, to be
2 appointed by the President Pro Tempore of the Senate.

3 (10) A person with experience and expertise in community colleges or vocational
4 training and certification programs, to be appointed by the Governor.

5 (11) A person with experience and expertise in establishing or managing small
6 businesses, to be appointed by the Governor.

7 (c) Additional Criteria for Membership. – At least three of the members appointed by
8 the Chairman of the Utilities Commission shall be women or members of a minority
9 population. All appointees shall maximize geographic, gender, and racial diversity to the extent
10 possible.

11 (d) Nominations. – Any interested person may nominate himself or herself or another
12 person for appointment to the Oversight Board. The Oversight Board shall provide notice of the
13 opportunity for nomination to the Oversight Board through notice in the North Carolina
14 Register and its Internet Web site. The Oversight Board shall keep a list of interested persons
15 and notify them of the opportunity for nominations.

16 (e) Concurrent Office. – Any member of the Oversight Board may serve as a member
17 and concurrently hold any other executive or appointive office, under the authority of Article
18 VI, Section 9 of the North Carolina Constitution.

19 (f) Terms. – The initial appointments by the Chairman of the North Carolina Utilities
20 Commission shall be for four-year terms, and the initial appointments by the Speaker of the
21 House of Representatives, the President Pro Tempore of the Senate, and the Governor shall be
22 for two years. As the initial terms expire, the terms for each board member shall be for four
23 years. No member of the Oversight Board may serve more than two terms consecutively,
24 except that initial members who were appointed to two-year terms may serve three terms but no
25 longer than 10 years.

26 (g) Restrictions on Members. – An employee, agent, or attorney of a public utility
27 regulated by the Utilities Commission or provider of energy shall not be eligible to serve as a
28 member of the Oversight Board. No member of the Oversight Board shall have been an
29 employee, agent, or attorney of a public utility within two years of being appointed as a
30 member of the Oversight Board. No member of the Oversight Board shall become an
31 employee, agent, or attorney of a public utility within two years of serving as a member of the
32 Oversight Board.

33 (h) Oath of Office. – Each member of the Oversight Board shall take the oath of office
34 in G.S. 62-11, except the phrase "utility commissioner" shall be replaced with "member of the
35 NC SAVE\$ ENERGY Oversight Board."

36 (i) Financial Disclosures. – The members of the Oversight Board shall comply with the
37 public disclosure of economic and other provisions of the State Government Ethics Act,
38 Chapter 138A of the General Statutes. All members of the Oversight Board shall disclose any
39 actual or potential conflicts of interest, including, but not limited to, investments in any energy
40 provider company or public utility.

41 (j) Chair. – The members of the Oversight Board shall select one of its members to
42 serve as Chair of the Oversight Board.

43 (k) Treasurer. – The members of the Oversight Board shall select one of its members to
44 serve as Treasurer of the Oversight Board. The Treasurer shall assist the Oversight Board with
45 the financial management of NC SAVE\$ ENERGY. The Treasurer may designate NC SAVE\$
46 ENERGY staff members or Contract Administrators as assistant treasurers. The primary
47 responsibilities of the Treasurer are:

48 (1) Receive funds for NC SAVE\$ ENERGY from the NC SAVE\$ ENERGY
49 Fund and other funding sources, disburse these funds under direction of the
50 Oversight Board, and keep accurate records of these transactions.

51 (2) Communicate with revenue authorities.

1 (3) Pay NC SAVE\$ ENERGY invoices.

2 (l) Vacancies. – An appointment to fill a vacancy on the Oversight Board created by
3 the resignation, removal, disability, or death of a member shall be for the balance of the
4 unexpired term.

5 (m) Frequency of Meetings. – The Oversight Board shall meet at least once every
6 quarter each year and may hold special meetings at the call of the Chair or a majority of the
7 members.

8 (n) Quorum. – A majority of the membership of the Oversight Board at a regularly
9 called meeting constitutes a quorum for the transaction of business.

10 (o) Per Diem and Expenses. – No member of the Oversight Board shall receive
11 financial gain from service on the Oversight Board. Members of the Oversight Board shall
12 serve without compensation, except each member of the Oversight Board may receive per diem
13 and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.
14 **"§ 62-126.3. NC SAVE\$ ENERGY established as independent energy efficiency**

15 **administrator.**

16 (a) The NC SAVE\$ ENERGY shall be established under North Carolina law as an
17 independent nonprofit organization that manages the planning, implementation, delivery, and
18 administration of programs to reduce the electricity and natural gas consumed in our State and
19 to promote the sustainable use of energy in North Carolina. NC SAVE\$ ENERGY, through its
20 NC SAVE\$ ENERGY Oversight Board, shall design and deliver comprehensive energy
21 efficiency and conservation programs and services for North Carolina's residential customers
22 and State entities. NC SAVE\$ ENERGY shall be unaffiliated with any of the State's electric or
23 gas utilities, public or private.

24 (b) The NC SAVE\$ ENERGY Oversight Board may contract for administrative and
25 technical services with a Contract Administrator to be assigned the functions and duties of NC
26 SAVE\$ ENERGY under this Article. The institutional structure, with ultimate responsibility
27 for oversight residing with the Oversight Board, is intended to protect not only NC SAVE\$
28 ENERGY's independence, but also to ensure that its performance is continuously and closely
29 monitored and that it has strong incentives to operate in the public interest and as cost
30 effectively as possible.

31 (c) In addition to contracting with a Contract Administrator under subsection (b) of this
32 section, the Oversight Board may, in accordance with G.S. 62-126.6, contract competitively
33 with other entities to act as administrators to implement, operate, and manage specific
34 programs established under this section.

35 (d) The Oversight Board shall have the following additional duties:

36 (1) Review and approve Requests for Proposals (RFPs) for the contracts for the
37 Contract Administrator. The Oversight Board shall provide notice of the
38 RFPs in the North Carolina Register, on its Internet Web site and through
39 other mechanisms chosen by the Oversight Board.

40 (2) Review and approve the annual performance targets of NC SAVE\$
41 ENERGY.

42 (3) Review and approve any proposed modifications to performance targets or
43 programs.

44 (4) Contract with an independent professional agency to monitor and verify
45 results reported by NC SAVE\$ ENERGY in annual and contract term
46 reports.

47 (5) Review and approve RFPs to solicit bid proposals for energy efficiency and
48 energy conservation programs and programs that promote the sustainable
49 use of energy.

50 (e) The Oversight Board shall develop criteria for awarding contracts under
51 G.S. 62-126.6. The criteria developed shall include consideration of all of the following:

- 1 (1) The reduction of electricity and natural gas usage and demand.
- 2 (2) Economic benefits to low- and moderate-income persons.
- 3 (3) Increases in comfort levels and protection against weather extremes for
4 vulnerable populations.
- 5 (4) Cost effectiveness.
- 6 (5) The reduction of utility bills.
- 7 (6) The training of employees and creation of employment in furtherance with
8 the program goals.
- 9 (7) Measurement and verification of energy savings and program effectiveness.
- 10 (8) Geographical distribution.

11 (f) The Oversight Board may develop guidelines in addition to the contract criteria
12 under subsection (e) of this section consistent with and as necessary to implement this Article.

13 **"§ 62-126.4. Staff of NC SAVE\$ ENERGY Oversight Board.**

14 (a) Staff. – The NC SAVE\$ ENERGY Oversight Board, as soon as practicable after its
15 establishment, shall select and hire an Executive Director and other staff as may be deemed
16 necessary by the Oversight Board.

17 (b) Duties of the Executive Director. – The Executive Director shall manage the
18 day-to-day functions and duties of NC SAVE\$ ENERGY, including overseeing any contract
19 with any Contract Administrator. The Executive Director's primary duties shall be to conduct
20 program research and design, administer the contracts entered into under G.S. 62-126.6, and
21 oversee the programs funded by the NC SAVE\$ ENERGY Fund to ensure that the programs
22 meet appropriate performance and budgetary targets. The duties of the Executive Director,
23 other NC SAVE\$ ENERGY staff, and any Contract Administrator shall be established by the
24 Oversight Board and shall include:

- 25 (1) Identifying, developing, administering, promoting, implementing, and
26 evaluating programs, methods, and technologies that support energy
27 efficiency and energy conservation programs and programs to promote the
28 sustainable use of energy for residential and institutional consumers.
- 29 (2) Researching, promoting, and assisting in the continuance or improvement of
30 the production, delivery, and use of energy efficiency programs and energy
31 conservation programs and programs to promote the sustainable use of
32 energy for residential and institutional consumers.
- 33 (3) Using the energy efficiency expertise and capabilities that exist or may
34 develop in the State and consulting with State agency experts.
- 35 (4) Promoting program initiatives, incentives, and market strategies that address
36 the needs of persons and demographic groups facing the most significant
37 barriers to participation in energy efficiency programs and services.
- 38 (5) Promoting coordinated program and service delivery, including coordination
39 with low-income weatherization programs, such as the Weatherization
40 Assistance Program, and with electric and gas public utilities regarding the
41 delivery of low-income home energy assistance, other energy efficiency
42 programs, or utility programs.
- 43 (6) Promoting training programs for potential employees and certification
44 programs for employers and contractors.
- 45 (7) Coordinating loan programs with financial institutions to provide
46 low-interest loans to homeowners and owners of rental properties for energy
47 efficiency measures, appliances, and heating and air conditioning systems.
- 48 (8) Submitting to the Oversight Board for review and approval a multi-year
49 proposed plan for the budget and future programs that promotes program
50 improvement, program stability, and the maturation of existing programs.

51 **"§ 62-126.5. NC SAVE\$ ENERGY Fund; public benefits fee.**

1 (a) The NC SAVE\$ ENERGY Fund is established as a special revenue fund. The State
2 Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts.
3 Investment earnings shall be credited to the Fund. Disbursements from the Fund shall be
4 administered by the NC SAVE\$ ENERGY Oversight Board. Any balance remaining in the
5 Fund at the end of the fiscal year shall be carried forward in the Fund. The Fund shall consist of
6 moneys from the following sources:

7 (1) The public benefits fee consisting of a surcharge imposed on electric and gas
8 utility ratepayers under subsection (b) of this section.

9 (2) Appropriations and other State grants, including bond receipts.

10 (3) Any other grants, including federal grants or block grants.

11 (4) Any contributions or donations.

12 (b) The Utilities Commission shall collect as a public benefits fee a surcharge for
13 electric and gas utilities that is imposed on their respective ratepayers and transferred and
14 credited to the Fund. The surcharge shall be equal to \$.0017 per kilowatt hour on residential
15 electric customers and \$.02 per therm for residential natural gas customers.

16 (c) The NC SAVE\$ ENERGY Fund shall be used to support energy efficiency and
17 conservation programs, including services provided under such programs, subject to the review
18 and approval of the Oversight Board and in accordance with the provisions of this Article. The
19 Oversight Board shall give priority funding to energy efficiency programs that reduce
20 residential electric and natural gas usage and that have as a purpose one or more of the
21 following:

22 (1) To target existing housing, including rental buildings, owned or occupied by
23 low- and moderate-income residents.

24 (2) To target reducing energy consumption of appliances, heating and cooling
25 systems, and hot water heaters.

26 (3) Subject to subsection (d) of this section, to target institutional buildings in
27 order to maximize energy efficiency.

28 (4) To create new jobs to carry out program activities.

29 (5) To train or certify potential workers in efficiency measures and
30 implementation contractors.

31 (6) To implement innovative financial programs, including pilot projects, to
32 provide low-interest or no-interest loans and other financing programs.

33 (7) To match federal grants or block grants, other government contributions,
34 contributions from nonprofit corporations and foundation grants, including
35 in-kind contributions.

36 (d) No more than ten percent (10%) of the annual balance of the NC SAVE\$ ENERGY
37 Fund on July 1 of each year, or a smaller amount to be determined by the Utilities Commission
38 under subsection (g) of this section, may be used each fiscal year for administrative and
39 operating expenses of the Oversight Board, its staff, and any Contract Administrator. No more
40 than ten percent (10%) of the annual balance of the NC SAVE\$ ENERGY Fund on July 1 of
41 each year may be used each fiscal year to fund programs that provide energy efficiency
42 improvements for institutional buildings under subdivision (3) of subsection (c) of this section,
43 except that funds that are raised specifically for that purpose through grants, appropriations,
44 and federal funding are not to be included in this ten-percent (10%) limitation. Higher priority
45 under subdivision (3) of subsection (c) of this section shall be given to programs that benefit
46 buildings owned by State or local government.

47 (e) Payments from the NC SAVE\$ ENERGY Fund shall be made on the approval of
48 the Chair of the Oversight Board.

49 (f) Residential customers shall be exempt from the surcharge under subsection (b) of
50 this section if they demonstrate that they are participating in any of the State or federal subsidy
51 programs designated by the Oversight Board for exemption. All gas and electric utility

1 providers shall notify ratepayers on monthly statements no less than twice each year of the
2 exemptions that apply under this subsection.

3 (g) The Utilities Commission shall review the NC SAVE\$ ENERGY Fund annually
4 and determine whether the surcharge under subsection (b) of this section should be increased
5 for residential customers in order to carry out the purpose of this Article and to meet utility
6 integrated resource planning requirements pursuant to G.S. 62-110.1. Under no circumstances
7 shall the surcharge be less than the surcharge under subsection (b) of this section. As part of its
8 annual review, the Utilities Commission may also determine whether a surcharge should be
9 imposed upon other classes of customers and credited to the Fund for the purposes of providing
10 similar services and, if so, establish such a surcharge for those classes. As part of its annual
11 review, the Utilities Commission may consider the advisability of establishing a tiered rate
12 system for any surcharge imposed under this section so that those who use greater amounts of
13 electricity or natural gas pay a higher rate. As part of its annual review, the Commission may
14 establish a lower surcharge for persons with low incomes and those on fixed incomes who do
15 not otherwise receive an exemption under subsection (f) of this section.

16 (h) The NC SAVE\$ ENERGY Fund shall not be available to meet any current or past
17 general obligations of the State, provided that the State may participate in any energy efficiency
18 programs or services on the same basis as any other electric or gas customer.

19 (i) Nothing in this Article shall create or be construed to cause the public benefits fee
20 under this section and any other funding source of the NC SAVE\$ ENERGY Fund to be
21 considered State or public moneys subject to appropriation by the General Assembly or be
22 required to be deposited into the State Treasury.

23 **"§ 62-126.6. Implementation of specific energy efficiency or energy conservation**
24 **programs and programs to promote the sustainable use of energy.**

25 (a) The NC SAVE\$ ENERGY Oversight Board may contract with any of the following
26 entities for the purpose of implementing an energy efficiency or energy conservation program
27 or a program that promotes sustainable energy use in North Carolina:

28 (1) A State agency.

29 (2) A local government unit.

30 (3) An owner or operator of an institutional building.

31 (4) A commercial business that provides energy efficiency and conservation
32 services.

33 (5) A utility regulated by the Utilities Commission.

34 (6) A bank, credit union, or other financial institution.

35 (7) A nonprofit corporation.

36 (b) Nothing in this section limits two or more of the eligible applicants under subsection
37 (a) of this section from jointly proposing a program eligible for funding from the NC SAVE\$
38 ENERGY Fund and jointly contracting with the NC SAVE\$ ENERGY Oversight Board.

39 (c) Each entity, except governmental bodies, that contracts with the Oversight Board
40 under this section shall be required by the Oversight Board to have an annual audit.

41 (d) A contract may be awarded under this section only for a program that satisfies the
42 criteria and furthers the purposes of this Article.

43 **"§ 62-126.7. Existing energy efficiency programs operated by the utilities.**

44 Upon motion by any utility currently operating any energy efficiency program, or by any
45 other interested person, or on its own motion, the Utilities Commission may authorize the
46 utility to transfer an energy efficiency program to NC SAVE\$ ENERGY if the Commission
47 determines that it is in the public interest to do so. Reasons why a transfer is in the public
48 interest are to eliminate duplication, reduce either rates or customer bills, or to provide for a
49 more effective program. As part of the transfer, the Commission may require the utility to
50 provide the operating funds for the program to NC SAVE\$ ENERGY for up to five years.

51 **"§ 62-126.8. Affordable energy.**

1 NC SAVE\$ ENERGY shall assess strategies and funding mechanisms to weatherize
2 residential units in addition to those households currently served with Weatherization
3 Assistance Program funding. NC SAVE\$ ENERGY may target services to households living in
4 single-family owner-occupied units and mobile homes, single-family rental units, rental
5 buildings with five units or fewer, and large multifamily buildings with more than five units.
6 To meet this specific mandate, NC SAVE\$ ENERGY shall target homes and rental units within
7 economically distressed local government units.

8 **"§ 62-126.9. Reporting requirements.**

9 (a) No later than October 1 of each year, the Chair of the NC SAVE\$ ENERGY
10 Oversight Board shall report to the Joint Legislative Utility Review Commission and the Fiscal
11 Research Division of the General Assembly regarding the implementation of this Article. The
12 report shall include a list of the programs awarded grants from the NC SAVE\$ ENERGY Fund
13 for the previous 12-month period. The list shall include for each program a description of the
14 program, the amount of the contract awarded for the program, and the total cost of the program,
15 including the cost of providing any services that are included in such program. The report shall
16 also include findings regarding the impact of the initial surcharge structure on low- and
17 moderate-income electric and natural gas customers and compare this structure to projected
18 impacts of a flat fee structure or tiered fee structure to achieve the same surcharge revenues for
19 the NC SAVE\$ ENERGY Fund.

20 (b) In addition to the report under subsection (a) of this section, the Chair of the
21 Oversight Board shall no later than July 1 of each year report to the Utilities Commission the
22 results of the monitoring and verification of energy savings, decreases in demand, and load
23 forecasts to be included by the utilities in their annual integrated resource plan filings pursuant
24 to G.S. 62-110.1. The Utilities Commission may adopt rules to establish a procedure for filing
25 and describe the required contents of the annual report under this subsection.

26 **"§ 62-126.10. Advisory Council.**

27 (a) There is established the NC SAVE\$ ENERGY Advisory Council. The Advisory
28 Council shall advise the NC SAVE\$ ENERGY Oversight Board with regard to allocations
29 made from the NC SAVE\$ ENERGY Fund on energy efficiency programs and with regard to
30 other issues as requested by the Oversight Board.

31 (b) The Oversight Board shall select any members of the Advisory Council under
32 subdivision (17) and subdivisions (4) through (9) of subsection (c) of this section and shall
33 establish the terms of service of these members.

34 (c) The Council shall consist of the following members:

- 35 (1) The Director of the State Energy Office, Department of Administration, or
36 the Director's designee.
- 37 (2) The State Treasurer or the Treasurer's designee.
- 38 (3) The Executive Director of the public staff of the North Carolina Utilities
39 Commission or the Executive Director's designee.
- 40 (4) A representative from Progress Energy, Inc.
- 41 (5) A representative from Duke Energy Carolinas, LLC.
- 42 (6) A representative from Piedmont Natural Gas Company, Inc.
- 43 (7) A representative from Public Service Company of North Carolina,
44 Incorporated.
- 45 (8) A representative from North Carolina Electric Membership Corporation.
- 46 (9) A representative from Electricities of North Carolina, Inc.
- 47 (10) The Executive Director of the North Carolina Advanced Energy Corporation
48 or the Executive Director's designee.
- 49 (11) The Executive Director of North Carolina Housing Coalition, Inc., or the
50 Executive Director's designee.

- 1 (12) The Executive Director of the North Carolina Chapter of the Association for
2 the Advancement of Colored People or the Executive Director's designee.
3 (13) The Executive Director of the North Carolina Chapter of AARP or the
4 Executive Director's designee.
5 (14) The Executive Director of Clean Water for North Carolina, Inc., or the
6 Executive Director's designee.
7 (15) The Executive Director of the North Carolina Association of County
8 Commissioners or the Executive Director's designee.
9 (16) The Executive Director of the North Carolina League of Municipalities or
10 the Executive Director's designee.
11 (17) Up to six other members who have experience and expertise that the
12 Oversight Board determines would be of benefit to the Advisory Council.
13 (d) All appointees to the Advisory Council shall maximize geographic, gender, and
14 racial diversity to the extent possible."

15 **SECTION 2.** The initial report due under G.S. 162-126(a), as enacted by Section 1
16 of this act, is to be submitted no later than October 1, 2011, and the initial report due under
17 G.S. 162-126(b), as enacted by Section 1 of this act, is to be submitted no later than July 1,
18 2011.

19 **SECTION 3.** Nominations for initial appointments to the NC SAVE\$ ENERGY
20 Oversight Board, established under G.S. 62-126.2, as enacted by Section 1 of this act, may be
21 made within 90 days of the effective date of this act, and the North Carolina Utilities
22 Commission shall, notwithstanding G.S. 62-126.2(d), as enacted in Section 1 of this act,
23 provide notice of the opportunity for nomination to the NC SAVE\$ ENERGY Oversight Board
24 through notice provided in the North Carolina Register and its Internet Web site and shall
25 oversee the nomination and selection process in compliance with Article 63 of Chapter 62 of
26 the General Statutes, as enacted by section 1 of this act, notwithstanding G.S. 62-126.2(d). Any
27 interested person may nominate himself, herself, or another person for an initial appointment to
28 the NC SAVE\$ ENERGY Oversight Board. Notwithstanding G.S. 62-126.2(d), the North
29 Carolina Utilities Commission shall keep a list of interested persons and notify them of the
30 opportunity for nominations under this section. Within 120 days of the effective date of this act,
31 the members of the NC SAVE\$ ENERGY Oversight Board shall be appointed, and the NC
32 SAVE\$ ENERGY Oversight Board shall hold its first meeting.

33 **SECTION 4.** This act is effective when it becomes law, and collection of the
34 public benefits fee imposed under G.S. 62-126.5, as enacted by Section 1 of this act, shall
35 commence within 90 days of this effective date.