

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

2

HOUSE BILL 220
Committee Substitute Favorable 3/16/21

Short Title: Assuring Choice of Energy Service.

(Public)

Sponsors:

Referred to:

March 4, 2021

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-205.4. 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 provision of natural gas;
14 renewable gas; hydrogen; liquefied petroleum gas, renewable liquefied petroleum gas, or other
15 liquid petroleum products; or electricity by a person legally authorized to provide such service.
16 For purposes of this section, the terms "renewable gas" and "renewable liquefied petroleum gas"
17 shall mean gas derived from a renewable energy resource, as that term is defined by
18 G.S. 62-133.8(a)(8).

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

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

28 "**§ 153A-145.8. Limitations on regulation of energy choice.**

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

33 (b) As used in this section, "energy service" means the provision of natural gas;
34 renewable gas; hydrogen; liquefied petroleum gas, renewable liquefied petroleum gas, or other
35 liquid petroleum products; or electricity by a person legally authorized to provide such service.
36 For purposes of this section, the terms "renewable gas" and "renewable liquefied petroleum gas"



1 shall mean gas derived from a renewable energy resource, as that term is defined by
2 G.S. 62-133.8(a)(8).

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

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