

GENERAL ASSEMBLY OF NORTH CAROLINA
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Short Title: Ratepayer Protection Act.

(Public)

Sponsors:

Referred to:

March 26, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH REQUIREMENTS FOR SITING AND OPERATION OF DATA
3 CENTERS AND TO MAKE VARIOUS CHANGES TO STATE ENERGY AND
4 UTILITIES POLICY.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. REQUIREMENTS FOR DATA CENTERS**

8
9 **REQUIREMENTS FOR LOCAL DEVELOPMENT APPROVAL PROCESS**

10 **SECTION 1.(a)** Article 9 of Chapter 160D of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 160D-974. Site assessment required for data centers; other requirements.**

13 (a) Prior to any approval of a rezoning application, special exception, conditional or
14 special use permit, or building permit for the siting of a new data center, a local government shall
15 require that an applicant:

16 (1) Perform and submit a site assessment to examine the sound profile of the data
17 center on residential units and schools located within 500 feet of the data
18 center property boundary. A locality may also require that a site assessment
19 examine the effect of the proposed facility on the community with regard to
20 (i) ground and surface water resources, (ii) air quality, (iii) thermal plumes,
21 (iv) agricultural resources, (v) parks, (vi) registered historic sites, and (vii)
22 forestland on the data center site or immediately contiguous land.

23 (2) Submit an attestation that the data center will employ a closed-loop water or
24 a liquid cooling system that will result in minimization of water consumption
25 for cooling systems to the maximum extent possible, in compliance with
26 G.S. 143-355.5A.

27 (b) The site assessment submitted to a local government pursuant to subdivision (1) of
28 subsection (a) of this section shall be used by the local government to assess consistency with
29 the policies of the local government's comprehensive plan, if any, and compliance with the local
30 government's adopted noise ordinances, zoning ordinance provisions, and other applicable laws
31 and regulations, if any.

32 (c) This section shall not apply to a site with an existing legislative, quasi-judicial, or
33 administrative approval where an applicant is seeking an expansion or modification of an already



1 existing or approved facility and such expansion does not exceed an additional monthly electrical
2 demand of 100 megawatts or more.

3 (d) For purposes of this section, the term "data center" means a facility, campus of
4 facilities, or array of interconnected facilities used by an entity or other business enterprise for
5 the primary purpose of storing, retrieving, managing, and processing digital data, which has a
6 peak monthly electricity demand of 100 megawatts or greater. The term "data center" does not
7 include a facility or portion of a facility containing electronic equipment that is incidental to and
8 used in support of a business whose primary business activity is not the storing, retrieving,
9 managing, and processing of digital data.

10 (e) Nothing in this section shall be construed to prohibit, limit, or otherwise supersede
11 existing local zoning authority."

12 **SECTION 1.(b)** This section is effective when it becomes law and applies to
13 applications for rezoning, special exceptions, conditional or special use permits, or building
14 permits submitted on or after that date.

15 **WATER USE STANDARDS FOR DATA CENTERS**

16 **SECTION 2.(a)** Article 38 of Chapter 143 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 143-355.5A. Water use standards for data centers.**

19 (a) The Department shall adopt rules establishing water use standards for data centers to
20 ensure the protection of surface water and groundwater resources.

21 (b) The water use standards adopted by the Department: (i) may require data centers to
22 employ closed-loop or reclaimed water systems as necessary to avoid impacts to areas with water
23 availability concerns; and (ii) shall not permit a data center to use an evaporative cooling system.
24 For purposes of this subsection, an "evaporative cooling system" means any cooling system that
25 consumes water through evaporation as a primary method of heat rejection.

26 (c) For purposes of this section, the term "data center" means a facility, campus of
27 facilities, or array of interconnected facilities used by an entity or other business enterprise for
28 the primary purpose of storing, retrieving, managing, and processing digital data, which has a
29 peak monthly electricity demand of 100 megawatts or greater. The term "data center" does not
30 include a facility or portion of a facility containing electronic equipment that is incidental to and
31 used in support of a business whose primary business activity is not the storing, retrieving,
32 managing, and processing of digital data."

33 **SECTION 2.(b)** The Department of Environmental Quality shall adopt permanent
34 rules to implement the requirements of this section no later than September 1, 2026. The rules
35 adopted shall apply only to data centers for which no local development approvals or State
36 permits, certifications, or authorizations have been issued for siting of the data center on or before
37 the date the rules become effective.

38 **PROHIBIT CERTAIN FOREIGN OWNERSHIP OF DATA CENTERS AND LAND** 39 **UPON WHICH DATA CENTERS ARE SITED**

40 **SECTION 3.(a)** Chapter 64 of the General Statutes is amended by adding a new
41 Article to read:

42 "Article 5.

43 "Prohibit Adversarial Foreign Government Ownership of Data Centers and Land on which Data
44 Centers are Located.

45 **"§ 64-64. Definitions.**

46 As used in this Article, the following definitions apply:

47 (1) Adversarial nation. – One of the following:

48 a. China.

49 b. Iran.

- 1 c. North Korea.
2 d. Russia.
3 (2) Data center. – A facility, campus of facilities, or array of interconnected
4 facilities used by an entity or other business enterprise for the primary purpose
5 of storing, retrieving, managing, and processing digital data, which has a peak
6 monthly electricity demand of 100 megawatts or greater. The term "data
7 center" does not include a facility or portion of a facility containing electronic
8 equipment that is incidental to and used in support of a business whose
9 primary business activity is not the storing, retrieving, managing, and
10 processing of digital data.
11 (3) De minimis direct interest. – Any ownership of land or a data center resulting
12 from ownership of registered equities in a publicly traded company owning
13 the land or data center and if the ownership interest in the company is either
14 of the following:
15 a. Less than five percent (5%) of any class of registered equities.
16 Ownership of registered equities is determined by processes
17 established under federal law.
18 b. Less than five percent (5%) interest in an entity controlled by a
19 company that is both registered with the United States Securities and
20 Exchange Commission as an investment adviser under the Investment
21 Advisers Act of 1940, as amended, and is not a foreign entity.
22 (4) Foreign government. – Any government other than the federal government or
23 the government of a state or a political subdivision of a state.
24 (5) Interest. – Any estate, remainder, or reversion, or any portion of the estate,
25 remainder, or reversion, or an option pursuant to which one party has a right
26 to cause the transfer of legal or equitable title to land described in
27 G.S. 64-65(a), including, without limitation, a lease of land described in
28 G.S. 64-65(a) (i) for a term of one year or longer or (ii) renewable by option
29 for terms which, if the options were all exercised, would total one year or
30 longer.
31 (6) Party. – Any individual, corporation, company, association, firm, partnership,
32 society, joint-stock company, trust, estate, or any other legal entity.
33 (7) Prohibited foreign party. – Any of the following:
34 a. A citizen or resident of an adversarial nation.
35 b. A foreign government formed within an adversarial nation.
36 c. A party other than an individual or government that is created or
37 organized under the laws of a foreign government within an
38 adversarial nation.
39 d. A party other than an individual or a government that meets all of the
40 following criteria:
41 1. Is created or organized under the laws of any state.
42 2. A significant interest or substantial control is directly or
43 indirectly held or is capable of being exercised by one or more
44 of the following:
45 I. An individual referred to in sub-subdivision a. of this
46 subdivision.
47 II. A foreign government referred to in sub-subdivision b.
48 of this subdivision.
49 III. A party referred to in sub-subdivision c. of this
50 subdivision.

- 1 IV. A combination of the individuals, parties, or
2 governments referred to in this sub-sub-subdivision.
3 e. An agent, trustee, or other fiduciary of a person or entity enumerated
4 in this subdivision.
5 f. This definition does not apply to an entity that meets any of the
6 following criteria:
7 1. The entity has received a determination from the Committee of
8 Foreign Investment in the United States (CFIUS) that there are
9 no unresolved national security concerns with respect to the
10 entity in connection to a matter submitted to CFIUS and which
11 CFIUS concluded all action pursuant to section 721 of the
12 Defense Production Act of 1950, as amended.
13 2. The entity has a national security agreement with CFIUS and
14 maintains the validity of such national security agreement.
15 3. A United States domiciled subsidiary of an entity that meets
16 the criteria of sub-sub-subdivisions 1. or 2. of this
17 sub-subdivision.
18 (8) Residence. – A person's principal dwelling place where that person intends to
19 remain permanently for an indefinite period of time.
20 (9) Resident alien. – A person who is not a citizen of the United States and is a
21 resident of one of the following:
22 a. A state of the United States.
23 b. A territory of the United States.
24 c. A trusteeship of the United States.
25 d. A protectorate of the United States.
26 (10) Significant interest or substantial control. – Any interest, other than a de
27 minimis direct interest, held by one or more of the following:
28 a. An individual referred to in sub-subdivision (7)a. of this section.
29 b. A single government referred to in sub-subdivision (7)b. of this
30 section.
31 c. A party referred to in sub-subdivision (7)c. of this section.
32 d. A party referred to in sub-subdivision (7)d. of this section.

33 **"§ 64-65. Prohibited foreign party ownership of data centers and land on which a data**
34 **center is located.**

35 (a) Notwithstanding any provision of law to the contrary, no adversarial nation shall
36 either:

- 37 (1) Purchase, acquire, lease, or hold any interest in land on which a data center is
38 located.
39 (2) Have any significant interest in or substantial control of a data center.

40 (b) Except as provided in this section, a prohibited foreign party shall not acquire by
41 grant, purchase, devise, descent, or otherwise any interest, other than a de minimis direct interest,
42 in land described in subsection (a) of this section or a data center in this State. A party may not
43 knowingly hold land, or a significant interest in or substantial control of a data center, as an agent,
44 trustee, or other fiduciary for a prohibited foreign party in violation of this section. A prohibited
45 foreign party that acquires land, or holds a significant interest in or substantial control of a data
46 center, in violation of this section remains in violation as long as the prohibited foreign party
47 holds an interest in the land, or the significant interest in or substantial control of a data center.
48 A prohibited foreign party who is a resident alien of the United States shall have the right to
49 acquire and hold land described in subsection (a) of this section, or a significant interest in or
50 substantial control of a data center, in the State upon the same terms as a citizen of the United
51 States during the continuance of the party's residence in this State.

1 (c) A prohibited foreign party that has acquired any interest in land described in
2 subsection (a) of this section, or a significant interest in or substantial control of a data center, in
3 this State prior to the effective date of this section may continue to own or hold that interest but
4 may not acquire by grant, purchase, devise, descent, or otherwise any additional interest in land
5 described in subsection (a) of this section, or a significant interest in or substantial control of a
6 data center, in this State and must register with the Secretary of State and the Attorney General.
7 The Secretary of State and the Attorney General shall maintain one joint database of those foreign
8 parties that have registered, and the database shall be accessible and searchable by the public on
9 each agency's website. The Secretary of State and the Attorney General shall establish a
10 registration form for the purposes of this subsection, and the form shall include at least the
11 following information:

- 12 (1) The name of the owner of the land or the owner of the interest in the land, or
13 the owner of the data center, as applicable.
- 14 (2) The address of the land, the parcel identification number, and the property's
15 legal description, or the address of the data center, as applicable.
- 16 (3) The number of acres of the land on which the data center is located.
- 17 (4) The mailing address of the owner of the land or the data center, as applicable.
- 18 (5) Country of citizenship and residency status or country of incorporation of the
19 owner of the land or the owner of the interest in the land, or the owner of the
20 data center, as applicable.

21 (d) A prohibited foreign party that fails to timely file a registration with the Secretary of
22 State and the Attorney General pursuant to subsection (c) of this section is subject to a civil
23 penalty of not less than one thousand dollars (\$1,000) for each day that the registration is late,
24 the clear proceeds of which shall be remitted to the Civil Penalty and Forfeiture Fund, in
25 accordance with G.S. 115C-457.2. The unpaid balance of any penalties assessed under this
26 subsection shall constitute a lien against the land if a lien, denoted as a Notice of Foreign
27 Ownership Violation Lien, has been recorded by the Attorney General in the office of the register
28 of deeds in the county where the property is located, and the lien shall have priority from the date
29 and time of recordation and shall be enforced by the Attorney General.

30 (e) A prohibited foreign party that acquires land described in subsection (a) of this
31 section, or a significant interest in or substantial control of a data center, on or after the effective
32 date of this section, by devise or descent, through the enforcement of security interests, or through
33 the collection of debts, other than a de minimis direct interest, shall sell, transfer, or otherwise
34 divest itself of the land within three years after acquiring the land, or the significant interest in or
35 substantial control of the data center.

36 (f) At the time of purchase, a buyer of any interest in land described in subsection (a) of
37 this section shall provide an affidavit signed under penalty of perjury attesting that the buyer is
38 (i) not a prohibited foreign party and (ii) in compliance with the requirements of this section. The
39 affidavit is not required to be notarized and shall be attached as an exhibit to the deed or other
40 document that conveys an ownership interest in the land. The failure to obtain or maintain the
41 affidavit shall not affect the title or insurability of the title for the land, and shall not result in civil
42 or criminal liability to any person or entity, unless the person or entity is in violation of subsection
43 (k) of this section herein, or subject any nonparty to the purchase to civil or criminal liability,
44 unless a nonparty to the purchase has actual knowledge that the transaction will result in a
45 violation of this section. The Real Estate Commission shall establish the form for the affidavit
46 required under this subsection.

47 (g) Upon receipt of information that leads the Attorney General to believe that a
48 prohibited foreign party has not divested itself of the land described in subsection (a) of this
49 section, or a significant interest in or substantial control of a data center, as required under
50 subsection (e) of this section, the Attorney General shall enforce a violation of this section by
51 commencing a receivership proceeding in the county where the property or data center is situated

1 under Article 38A of Chapter 1 of the General Statutes seeking the appointment of a general
2 receiver pursuant to G.S. 1-507.24(e1). Any interest in real property acquired or held in violation
3 of this section shall be subject to divestiture pursuant to G.S. 64-66.

4 (h) A violation of this section by an adversarial nation may, at the discretion of the
5 noteholder, be deemed a default under a loan, mortgage, or deed of trust and shall provide the
6 lender the automatic right to trigger default on the loan, mortgage, or deed of trust.

7 (i) The responsibility for determining whether an individual or other entity is subject to
8 this Article, pursuant to either civil or criminal law, rests solely with the State of North Carolina
9 and no other individual or entity.

10 (j) Title to land described in subsection (a) of this section is not invalid or subject to
11 divestiture due to a violation of this section by any former owner or any other person holding or
12 owning a former interest in the land described in subsection (a) of this section.

13 (k) A party who knowingly sells an interest in land described in subsection (a) of this
14 section in violation of this section or who has actual knowledge that the transaction will result in
15 a violation of this section but aids and abets a party in knowingly selling an interest in land
16 described in subsection (a) of this section shall be guilty of a Class 2 misdemeanor. It is an
17 affirmative defense to prosecution under this subsection that a prohibited foreign party is a
18 resident alien of this State.

19 (l) An individual or other entity who is not a prohibited foreign party shall bear no civil
20 or criminal liability for failing to determine or make inquiry of whether an individual or other
21 entity is a prohibited foreign party.

22 (m) This Article does not create or authorize a private right of action to enforce the
23 provisions of this Article.

24 **"§ 64-66. Divestiture procedure.**

25 (a) Upon receipt of information that leads the Attorney General to believe that a violation
26 of G.S. 64-65 may have occurred, the Attorney General shall investigate the alleged violation
27 and may issue subpoenas requiring any of the following:

- 28 (1) Appearances of witnesses.
- 29 (2) Production of relevant records.
- 30 (3) Giving of relevant testimony.

31 (b) The Attorney General shall enforce a violation of G.S. 64-65 by commencing a
32 receivership proceeding under Article 38A of Chapter 1 of the General Statutes seeking the
33 appointment of a general receiver pursuant to G.S. 1-507.24(e1). The following apply to a
34 receivership proceeding initiated pursuant to this section:

- 35 (1) Proceeds of the sale shall be paid as follows:
 - 36 a. The costs of the receivership and sale.
 - 37 b. To secured parties, in their order of priority, except for liens which
38 under the terms of the sale are to remain on the property.
 - 39 c. No proceeds shall be distributed from the receivership sale to the
40 prohibited foreign party. Any excess proceeds are forfeited and shall
41 be remitted to the Civil Penalty and Forfeiture Fund in accordance with
42 G.S. 115C-457.2.
- 43 (2) At the receivership sale, any secured party shall be able to place a bid in an
44 amount that is not more than the amount owed plus any costs incurred to the
45 secured party as of the date of the sale, as established in the court order for the
46 sale of the property.
- 47 (3) Upon commencement of an action under this section, the Attorney General
48 shall file a notice of lis pendens as soon as practicable with the register of
49 deeds of the county or counties in which the real property is situated. Upon
50 the entry of an order for the sale of the property under this section, the
51 Attorney General shall record a copy of the order as soon as practicable in the

1 office of the register of deeds of the county or counties where the real property
2 is situated.

3 (4) The receiver shall honor and give priority to any default that has been
4 triggered on a loan, mortgage, or deed of trust prior to the commencement of
5 a receivership under this section."

6 **SECTION 3.(b)** Article 2 of Chapter 161 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 161-14.04. Citizenship and residential status of parties to a deed or conveyance.**

9 When recording a deed or other document that conveys an ownership interest in land
10 described by G.S. 64-65(a), the register of deeds shall attach the affidavit as an exhibit to the
11 deed or other document that conveys an ownership interest in land as required by G.S. 64-65(f)
12 according to the requirements of G.S. 161-22."

13 **SECTION 3.(c)** G.S. 1-507.24 is amended by adding a new subsection to read:

14 "(e1) Receiver for Sale of Real Property Owned by Prohibited Foreign Party. – A general
15 receiver may be appointed for the purpose of conducting a sale of real property in accordance
16 with G.S. 64-66 upon a finding by the court that an interest in the real property is held by a
17 prohibited foreign party in violation of G.S. 64-65(a)."

18 **SECTION 3.(d)** This section becomes effective December 1, 2026. Subsection (a)
19 of this section applies to offenses committed on or after that date.

20 **REQUIREMENTS FOR UTILITY SERVICE CONTRACTS WITH DATA CENTERS**

21 **SECTION 4.(a)** Article 7 of Chapter 62 of the General Statutes is amended by adding
22 a new section to read:

23 **"§ 62-142.1. Contracts with data centers.**

24 (a) Each data center located in North Carolina is required to enter into an electric service
25 contract with the electric public utility providing service to the data center. Each contract between
26 an electric public utility and a data center for the provision of electric service shall include terms
27 and conditions designed to (i) protect residential, other retail, and wholesale electricity customers
28 from costs incurred or reasonably anticipated to be incurred by the electric public utility to
29 provide electric service to the data center and (ii) prevent, to the maximum extent reasonably
30 feasible, other retail customers from subsidizing the cost of the data center's electric service. Such
31 contracts shall include all of the following:

32 (1) Minimum billing requirements designed to recover incremental costs
33 associated with serving or preparing to serve a data center.

34 (2) A contract term that is sufficient to recover all of the electric public utility's
35 incremental costs and which may exceed the length of the applicable service
36 tariff.

37 (3) Performance and credit provisions designed to protect retail customers in the
38 event of contract default.

39 (4) Termination provisions designed to protect retail customers in the event of
40 termination of the contract for electric service.

41 (b) Each contract between an electric public utility and a data center for the provision of
42 electric service shall be filed with the Commission as soon as practicable but in no event later
43 than 30 days from the date of contract execution by both parties. Either the utility or the data
44 center, or both, may designate all or any portion of a contract as confidential information as
45 defined in G.S. 132-1.2, or sensitive public security information as defined in G.S. 132-1.7.
46 Information shall be considered confidential only to the extent provided by law. Any dispute
47 about whether information has been properly designated as confidential shall be determined by
48 the Commission upon motion and response of interested parties. Subject to the requirements of
49 G.S. 62-34(c), the Public Staff shall have the right to examine confidential information, as well
50

1 as sensitive public security information, in exercising any power or performing any duty
2 authorized by this Chapter.

3 (c) As part of the report required on the long-range needs for the expansion of facilities
4 for the generation of electricity pursuant to G.S. 62-110.1(c), the electric public utility shall
5 include details on contracted demand versus actual demand for each data center for the previous
6 three years.

7 (d) As used in this section, the term "data center" means a facility, campus of facilities,
8 or array of interconnected facilities used by an entity or other business enterprise for the primary
9 purpose of storing, retrieving, managing, and processing digital data, which has a peak monthly
10 electricity demand of 100 megawatts or greater. The term "data center" does not include a facility
11 or portion of a facility containing electronic equipment that is incidental to and used in support
12 of a business whose primary business activity is not the storing, retrieving, managing, and
13 processing of digital data.

14 (e) The Commission may adopt rules to implement the requirements of this section.
15 Nothing in this section shall be construed to limit the authority of the Commission to adopt such
16 additional rules as are in the public interest to protect retail customers from costs incurred by
17 electric public utilities to provide electric service to data centers."

18 **SECTION 4.(b)** This section is effective when it becomes law and applies to
19 agreements between an electric public utility and a data center entered into on or after that date.

20 **NO CONDEMNATION FOR DATA CENTERS**

21 **SECTION 5.** Article 1 of Chapter 40A of the General Statutes is amended by adding
22 a new section to read:

23 **"§ 40A-14. No condemnation to facilitate siting of data center.**

24 Notwithstanding any authority granted under this Chapter, no condemnor shall exercise the
25 power of eminent domain for the purpose of acquiring land for a data center to be sited upon."
26

27 **NO LOCAL GOVERNMENT INCENTIVES FOR DATA CENTERS**

28 **SECTION 6.(a)** G.S. 158-7.1 is amended by adding a new subsection to read:

29 (i) Notwithstanding subsection (a), (b), or (d) of this section, local governments are
30 prohibited from providing any economic development incentives for siting of a data center within
31 their jurisdiction. For purposes of this section, the term "data center" means a facility, campus of
32 facilities, or array of interconnected facilities used by an entity or other business enterprise for
33 the primary purpose of storing, retrieving, managing, and processing digital data, which has a
34 peak monthly electricity demand of 100 megawatts or greater. The term "data center" does not
35 include a facility or portion of a facility containing electronic equipment that is incidental to and
36 used in support of a business whose primary business activity is not the storing, retrieving,
37 managing, and processing of digital data."
38

39 **SECTION 6.(b)** This section is effective when it becomes law and applies to data
40 centers for which no local development approvals or State permits, certifications, or
41 authorizations have been issued for siting of the data center on or before that date. This section
42 shall not be construed to impair agreements for incentives executed on or before that date.
43

44 **PART II. ENERGY POLICY PROVISIONS**

45 **UTILITIES COMMISSION TO DELAY COMPLIANCE WITH CEPS REQUIREMENT** 46 **THROUGH USE OF SWINE WASTE RESOURCES FOR ELECTRIC MEMBERSHIP** 47 **CO-OPERATIVES AND MUNICIPAL ELECTRIC PROVIDERS**

48 **SECTION 7.** The Utilities Commission shall delay the required compliance with
49 G.S. 62-133.8(e) by the Electric Membership Co-operatives and Municipal Electric Providers
50 (the Systems) until January 1, 2029, unless the systems request the ability to execute a contract
51

1 for this purpose at an earlier date. No later than January 1, 2029, the Commission shall initiate a
2 process to review the reasonableness of the proposed costs of the associated renewable energy
3 credits, and the costs to be passed on to the ratepayers, prior to the execution of a contract between
4 the systems and a swine waste generator. Reasonableness of the costs being proposed should
5 include the costs of other renewable energy credits. The systems shall not pass along any costs
6 to the ratepayers deemed by the Commission to be unreasonable.
7

8 **RFP FOR STUDY OF UTILITY POLICIES TO INCREASE AFFORDABILITY OF** 9 **ELECTRIC RATES**

10 **SECTION 8.** Recognizing the rising costs of utility service, the General Assembly
11 finds that an examination of various utility policies should be conducted to ensure these policies
12 are not exacerbating affordability issues for citizens of the State, including the 2050 goal for a
13 reduction in carbon dioxide (CO₂) emitted in the State from electric generating facilities that
14 results in carbon neutrality, pursuant to G.S. 62-110.9. In addition to examining these existing
15 utility policies, the General Assembly finds that expert analysis should be performed to determine
16 the most effective approach to ensuring that costs of utility service to large load customers is not
17 borne by other residential, commercial, and industrial customers in North Carolina, including
18 appropriate terms for a large load tariff. The North Carolina Collaboratory (Collaboratory) shall
19 issue a request for proposals for a study to be conducted by an entity with nationally recognized
20 expertise in research and analysis of utility policy and rates to (i) ascertain the current impacts,
21 and projected impacts over the next 25 years, to residential, commercial, and industrial customer
22 bills from the 2050 carbon neutrality goal, and whether any changes to this policy or other
23 policies are advisable to enhance customer affordability and (ii) provide recommendations for
24 effective policies to prevent rate impacts from large load customers on other customer classes,
25 including requirements that large load customers generate a portion of their own power, as well
26 as curtailment policies for large load customers. The study shall adhere to the following time
27 line:

- 28 (1) The request for proposals (RFP) shall be issued on or before August 1, 2026.
- 29 (2) A contract to award the RFP shall be executed on or before November 1, 2026.
- 30 (3) The study shall be completed and submitted to the Joint Legislative
31 Commission on Energy Policy on or before May 1, 2027, in order to inform
32 the development of utility policy during the 2027 Regular Session.

33 The Utilities Commission and the Public Staff shall assist the (i) Collaboratory, as
34 needed, in the development of the RFP and the selection of a contractor and (ii) selected
35 contractor, in every permissible manner within the constraints of their respective authority, in the
36 conduct of the study.
37

38 **EXPRESS PERMIT REVIEW FOR ENERGY PROJECTS**

39 **SECTION 9.(a)** G.S. 143B-279.13 reads as rewritten:

40 **"§ 143B-279.13. Express permit and certification reviews.**

41 (a) The Department of Environmental Quality shall develop an express review program
42 to provide express permit and certification reviews in all of its regional offices. Participation in
43 the express review program is voluntary, and the program shall be supported by the fees
44 determined pursuant to subsection (b) of this section. The Department of Environmental Quality
45 shall determine the project applications to review under the express review program from those
46 who request to participate in the program. The express review program may be applied to any
47 one or all of the permits, approvals, or certifications in the following programs: the erosion and
48 sedimentation control program, the coastal management program, and the water quality
49 programs, including water quality certifications and stormwater management. The express
50 review program shall focus on the following permits or certifications:

- 1 (1) Stormwater permits under Part 1 of Article 21 of Chapter 143 of the General
2 Statutes.
- 3 (2) Stream origination certifications under Article 21 of Chapter 143 of the
4 General Statutes.
- 5 (3) Water quality certification under Article 21 of Chapter 143 of the General
6 Statutes.
- 7 (4) Erosion and sedimentation control permits under Article 4 of Chapter 113A
8 of the General Statutes.
- 9 (5) Permits under the Coastal Area Management Act (CAMA), Part 4 of Article
10 7 of Chapter 113A of the General Statutes.

11 (a1) The Department of Environmental Quality shall have the authority to create express
12 permitting options for programs in addition to those listed in subsection (a) of this section where
13 it deems there to be a need or where it determines an express permitting option would create
14 greater efficiencies for the permitting process.

15 (a2) The Department of Environmental Quality shall create an express review program for
16 all permits, authorizations, and certifications required from the Department for projects involving
17 the generation, distribution, or transmission of energy or fuel, including natural gas, diesel,
18 petroleum, or electricity. Participation in the express review program is voluntary.

19 (b) The Department of Environmental Quality shall set the fees for express application
20 review under the express review program at a level sufficient to cover all program expenses.
21 Notwithstanding G.S. 143-215.3D, the maximum permit application fee to be charged under
22 subsection (a) of this section for the express review of a project application requiring all of the
23 permits under subdivisions (1) through (5) of subsection (a) of this section shall not exceed five
24 thousand eight hundred eight dollars (\$5,808). Notwithstanding G.S. 143-215.3D, the maximum
25 permit application fee to be charged for the express review of a project application requiring all
26 of the permits under subdivisions (1) through (4) of subsection (a) of this section shall not exceed
27 four thousand seven hundred fifty-two dollars (\$4,752). Notwithstanding G.S. 143-215.3D, the
28 maximum permit application fee charged for the express review of a project application for any
29 other combination of permits under subdivisions (1) through (5) of subsection (a) of this section
30 shall not exceed four thousand two hundred twenty-four dollars (\$4,224). As set forth in
31 subsection (a1) of this section, express review of a project application involving additional
32 permits or certifications issued by the Department of Environmental Quality other than those
33 under subdivisions (1) through (5) of subsection (a) of this section may be allowed by the
34 Department, and, notwithstanding G.S. 143-215.3D or any other statute or rule that sets a permit
35 fee, the maximum permit application fee charged for the express review of a project application
36 that includes a permit, approval, or certification designated for express review under subsection
37 (a1) of this section shall not exceed four thousand two hundred twenty-four dollars (\$4,224), plus
38 one hundred fifty percent (150%) of the fee that would otherwise apply by statute or rule for that
39 particular permit, approval, or certification. Additional fees, not to exceed fifty percent (50%) of
40 the original permit application fee under this section, may be charged for subsequent reviews due
41 to the insufficiency of the permit applications. The Department of Environmental Quality may
42 establish the procedure by which the amount of the fees under this subsection is determined, and
43 the fees and procedures are not rules under G.S. 150B-2(8a) for the express review program
44 under this section."

45 **SECTION 9.(b)** G.S. 143B-279.20 reads as rewritten:

46 **"§ 143B-279.20. Report on Department activity to process applications for permits**
47 **required for natural gas pipelines and gas-fired electric generation facilities.**

48 The Department of Environmental Quality shall report on any applications received for
49 permits-permits, authorizations, or certifications required for siting or operation of natural gas
50 pipelines and gas-fired electric generation facilities within the State, and activities of the
51 Department to process such applications, including tracking of processing times. The report shall

1 also include information on all activities under the express review program required pursuant to
2 G.S. 143B-279.13(a2). The processing time tracked shall include (i) the total processing time
3 from when an initial permit application is received to issuance or denial of the permit and (ii) the
4 processing time from when a complete permit application is received to issuance or denial of the
5 permit. The Department shall report quarterly to the Joint Legislative Commission on Energy
6 Policy pursuant to this section."

7 **SECTION 9.(c)** Within 30 days of the date this section becomes law, the Department
8 shall notify applicants for all entities with pending applications for permits, authorizations, and
9 certifications required from the Department for projects involving the generation, distribution, or
10 transmission of energy or fuel, including natural gas, diesel, petroleum, or electricity, of the
11 express review program enacted by subsection (b) of this section, and shall inform the applicants
12 of the ability to process pending applications through the program upon payment of the applicable
13 fee pursuant to G.S. 143B-279.13(b).

14 **SECTION 9.(d)** This section is effective when it becomes law and applies to
15 applications for permits, authorizations, and certifications pending on or submitted after that date.
16

17 **REQUIRE DEVELOPMENT OF NUCLEAR RESOURCES PRIOR TO RETIREMENT** 18 **OF BASELOAD FACILITIES OR FACILITIES WITH DISPATCHABLE ELECTRIC** 19 **GENERATION ABOVE 100 MW TO ENSURE ADEQUACY OF GRID**

20 **SECTION 10.** G.S. 62-110.9(4) reads as rewritten:

21 "(4) Retain discretion to determine optimal timing and generation and
22 resource-mix to achieve the least cost path to compliance with the authorized
23 carbon reduction goal, including discretion in achieving the authorized carbon
24 reduction goal by the date specified in order to allow for implementation of
25 solutions that would have a more significant and material impact on carbon
26 reduction; provided, however, the Commission shall not exceed the date
27 specified to achieve the authorized carbon reduction goal by more than two
28 years, except in the event the Commission authorizes construction of a nuclear
29 facility or wind energy facility that would require additional time for
30 completion due to technical, legal, logistical, or other factors beyond the
31 control of the electric public utility, or in the event necessary to maintain the
32 adequacy and reliability of the existing grid. In making such determinations,
33 the Utilities Commission shall receive and consider stakeholder input. The
34 Commission shall not authorize retirement of baseload facilities or facilities
35 with dispatchable electric generation above 100 MW until such time as a
36 certificate of public convenience and necessity has been issued to an electric
37 public utility for construction of one nuclear facility with a generating capacity
38 of at least 1,000 MW to ensure the adequacy of baseload and dispatchable
39 generation from a clean energy resource."
40

41 **PART III. MISCELLANEOUS**

42 **COOLING-OFF PERIOD FOR UTILITIES COMMISSIONERS AND STAFF**

43 **SECTION 11.(a)** Article 15 of Chapter 62 of the General Statutes is amended by
44 adding a new section to read:

45 **"§ 62-327A. Post-employment restrictions on members and employees of Commission.**

46 (a) Cooling-Off Period. – It shall be unlawful for any former commissioner or employee
47 of the Commission to make, with the intent to influence on behalf of an employer or client, any
48 communication to or appearance before the Commission within a period of six months following
49 the termination of his or her service or employment with the Commission.
50

51 (b) Penalty. – A violation of this section is a Class 3 misdemeanor."

1 **SECTION 11.(b)** This section becomes effective December 1, 2026, and applies to
2 offenses committed on or after that date.

3

4 **SEVERABILITY/EFFECTIVE DATE**

5 **SECTION 12.** If any section or provision of this act is declared unconstitutional or
6 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
7 the part so declared to be unconstitutional or invalid.

8 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
9 law.