

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 760

AMENDMENT NO. A5  
(to be filled in by  
Principal Clerk)

H760-ATD-45 [v.1]

Page 1 of 2

Amends Title [NO]  
A1 to Second Edition

Date \_\_\_\_\_, 2015

Representatives Hager and Jeter

1 moves to amend Amendment #1, on page 2, lines 15-19 of the amendment, by deleting those  
2 lines;

3  
4 and on page 3, lines 7-8 of the amendment, by inserting between the lines:

5 **"STANDARD CONTRACT FOR SMALL POWER PRODUCERS**

6 **SECTION 3B.5.1.(a)** G.S. 62-3(27a) reads as rewritten:

7 "(27a) "Small power producer" means a person or corporation owning or operating  
8 an electrical power production facility with a power production capacity  
9 which, together with any other facilities located at the same site, does not  
10 exceed 80 megawatts of electricity and which depends upon renewable  
11 resources for its primary source of energy. For the purposes of this section,  
12 renewable resources shall mean: hydroelectric power, solar electric,  
13 solar thermal, wind, geothermal, ocean current, wave energy resources, and  
14 biomass derived from agricultural waste, animal waste, wood waste, spent  
15 pulping liquors, combustible residues, liquids, or gases not derived from  
16 fossil fuel, energy crops, or landfill methane. A small power producer shall  
17 not include persons primarily engaged in the generation or sale of electricity  
18 from other than small power production facilities."

19 **SECTION 3B.5.1.(b)** G.S. 62-156(b)(1) reads as rewritten:

20 "(1) Term of Contract. – Long-term contracts for the purchase of electricity by  
21 the utility from small power producers shall be encouraged in order to  
22 enhance the economic feasibility of small power production. The  
23 Commission shall require electric utilities to provide standard contracts to  
24 small power facilities that generate electricity from swine or poultry waste  
25 with a capacity of no greater than 5 megawatts. For small power producers  
26 that generate electricity from all other renewable energy resources the  
27 Commission shall require electric public utilities to provide standard  
28 contracts for facilities with a capacity of no greater than 100 kilowatts of  
29 capacity."

30 **SECTION 3B.5.1.(c)** G.S. 62-156(b) is amended by adding a new subdivision to

31 read:



\* H 7 6 0 - A T D - 4 5 - V - 1 \*

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Page 2 of 2

1            "(4) Avoided Cost of Capacity. – The Commission approved standard contract  
2            shall not require payment for capacity during the years in which the electric  
3            utility lacks a capacity need, as demonstrated through the electric public  
4            utility's most recent integrated resource plan approved by the Commission  
5            under G.S. 62-110.1(c)."  
6            **SECTION 3B.5.1(d)** This section is effective January 1, 2017, and applies to  
7 facilities for which a certificate of public convenience and necessity has been applied for on or  
8 after that date."  
9  
10

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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