

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 331

Short Title: Small Hydro Amends. (Public)

Sponsors: Representatives Szoka and Arp (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SMALL HYDROELECTRIC POWER FACILITIES CERTAIN TREATMENT SIMILAR TO THAT GIVEN TO SMALL POWER PRODUCERS THAT PRODUCE ENERGY FROM SWINE AND POULTRY WASTE.

The General Assembly of North Carolina enacts:

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

"(b) At least every two years, the Commission shall determine the standard contract avoided cost rates to be included within the tariffs of each electric public utility and paid by electric public utilities for power purchased from small power producers, according to the following standards:

...

(3) Availability and Reliability of Power. – The rates to be paid by electric public utilities for capacity purchased from a small power producer shall be established with consideration of the reliability and availability of the power. A future capacity need shall only be avoided in a year where the utility's most recent biennial integrated resource plan filed with the Commission pursuant to G.S. 62-110.1(c) has identified a projected capacity need to serve system load and the identified need can be met by the type of small power producer resource based upon its availability and reliability of power, other than hydropower, if the hydroelectric power facility total capacity is equal to or less than five megawatts (MW), or swine or poultry waste for which a need is established consistent with G.S. 62-133.8(e) and (f)."

**SECTION 1.(b)** G.S. 62-133.8(i)(4) reads as rewritten:

"(i) Adoption of Rules. – The Commission shall adopt rules to implement the provisions of this section. In developing rules, the Commission shall:

...

(4) Establish standards for interconnection of renewable energy facilities and other nonutility-owned generation with a generation capacity of 10 megawatts or less to an electric public utility's distribution system; provided, however, that the Commission shall adopt, if appropriate, federal interconnection standards. The standards adopted pursuant to this subdivision shall include an expedited review process for hydroelectric power projects of two megawatts (MW) or less, and swine and poultry waste to energy projects of two



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1                            megawatts (MW) or less and other measures necessary and appropriate to  
2                            achieve the objectives of subsections (e) and (f) of this section."  
3                            **SECTION 2.** This act is effective when it becomes law.