

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-232
SENATE BILL 635**

AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A
NEW ELECTRICITY TRANSMISSION LINE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-100 reads as rewritten:

"§ 62-100. Definitions.

As used in this Article:

- (1) The term "begin to construct" includes any clearing of land, excavation, or other action that would adversely affect the natural environment of the route of a transmission line; but that term does not include land surveys, boring to ascertain geological conditions, or similar preliminary work undertaken to determine the suitability of proposed routes for a transmission line that results in temporary changes to the ~~land;~~ land.
- (2) The word "county" means any one of the counties listed in ~~G.S. 153A-10;~~ G.S. 153A-10.
- (3) The word "land" means any real estate or any estate or interest in real estate, including water and riparian rights, regardless of the use to which it is ~~devoted;~~ devoted.
- (4) The word "lines" means distribution lines and transmission lines ~~collectively;~~ collectively.
- (5) The word "municipality" means any incorporated community, whether designated as a city, town, or village and any area over which it exercises any of the powers granted by Article 19 of Chapter 160A of the General ~~Statutes;~~ Statutes.
- (6) The term "public utility" means any of the following:
 - a. A public utility, as defined in G.S. 62-3(23).
 - b. An electric membership corporation.
 - c. A joint municipal power agency.
 - d. A city or county that is a person, whether organized under the laws of this State or under the laws of any other state or country, engaged in producing, generating, transmitting, delivering, or furnishing electricity for private or public use. ~~use, including counties, municipalities, joint municipal power agencies, electric membership corporations, and public and private corporations; and~~
- (7) The term "transmission line" means an electric line designed with a capacity of at least 161 kilovolts."

SECTION 2. G.S. 62-101(a) reads as rewritten:

"(a) No public utility or any other person may begin to construct a new transmission line without first obtaining from the Commission a certificate of environmental compatibility and public convenience and necessity. Only a public utility as defined in this Article may obtain a certificate to construct a new transmission line, except an entity may obtain a certificate to construct a new transmission line solely for the purpose of providing interconnection of an electric generation facility."



SECTION 3. This act is effective when it becomes law and applies to certificates of environmental compatibility and public convenience and necessity issued on or after that date.

In the General Assembly read three times and ratified this the 27th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 10:32 a.m. this 3rd day of July, 2013