

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 331
Committee Substitute Favorable 3/26/19

Short Title: Small Hydro Amends.

(Public)

Sponsors:

Referred to:

March 12, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SMALL HYDROELECTRIC POWER FACILITIES CERTAIN
3 TREATMENT SIMILAR TO THAT GIVEN TO SMALL POWER PRODUCERS THAT
4 PRODUCE ENERGY FROM SWINE AND POULTRY WASTE.

5 The General Assembly of North Carolina enacts:

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

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

11 ...
12 (3) Availability and Reliability of Power. – The rates to be paid by electric public
13 utilities for capacity purchased from a small power producer shall be
14 established with consideration of the reliability and availability of the power.
15 A future capacity need shall only be avoided in a year where the utility's most
16 recent biennial integrated resource plan filed with the Commission pursuant
17 to G.S. 62-110.1(c) has identified a projected capacity need to serve system
18 load and the identified need can be met by the type of small power producer
19 resource based upon its availability and reliability of power, other ~~than~~ than
20 for: (i) swine or poultry waste for which a need is established consistent with
21 G.S. 62-133.8(e) and ~~(f)~~-(f) and (ii) hydropower small power producers with
22 power purchase agreements with an electric public utility in effect as of July
23 27, 2017, and the renewal of such a power purchase agreement, if the
24 hydroelectric small power producer's facility total capacity is equal to or less
25 than five megawatts (MW)."

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



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