

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 220

Short Title: Assuring Choice of Energy Service. (Public)

Sponsors: Representatives Arp, Miller, Saine, and Szoka (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, Commerce, if favorable, Rules, Calendar,
and Operations of the House

March 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT CITIES AND COUNTIES FROM PROHIBITING CONSUMER CHOICE
3 OF ENERGY SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY TO BE
4 DELIVERED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Article 8 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 10A-205.4. Limitations on regulation of energy choice.**

9 (a) A city shall not adopt an ordinance that prohibits, or has the effect of prohibiting, the
10 connection, reconnection, modification, or expansion of an energy service based upon the type
11 or source of energy to be delivered to an individual or any other person as the end-user of the
12 energy service.

13 (b) As used in this section, "energy service" means the provision of natural or
14 manufactured gas, liquefied petroleum gas or renewable liquefied petroleum gas, heating oil, or
15 electricity by a person legally authorized to provide such service.

16 (c) Nothing in this section shall be construed to (i) limit the ability of a city to choose the
17 energy service for property owned by the city, (ii) prohibit a city from recovering reasonable
18 costs associated with reviewing and issuing a permit, (iii) affect the authority of a city to manage
19 or operate a city-owned utility, including a city's authority to require persons residing within their
20 jurisdictions to obtain energy service from a city-owned utility or a joint municipal power agency
21 of which they are a member, or (iv) impair a contract executed pursuant to G.S. 160A-322 prior
22 to the effective date of this section for the supply of electric service."

23 **SECTION 1.(b)** Article 6 of Chapter 153A of the General Statutes is amended by
24 adding a new section to read:

25 "**§ 153A-145.8. Limitations on regulation of energy choice.**

26 (a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,
27 the connection, reconnection, modification, or expansion of an energy service based upon the
28 type or source of energy to be delivered to an individual or any other person as the end-user of
29 the energy service.

30 (b) As used in this section, "energy service" means the provision of natural or
31 manufactured gas, liquefied petroleum gas or renewable liquefied petroleum gas, heating oil, or
32 electricity by a person legally authorized to provide such service.

33 (c) Nothing in this section shall be construed to (i) limit the ability of a county to choose
34 the energy service for property owned by the county, (ii) prohibit a county from recovering



1 reasonable costs associated with reviewing and issuing a permit, (iii) affect the authority of a
2 county to manage or operate a county-owned utility, or (iv) affect the authority of a county to
3 manage or operate a county-owned utility, including a county's authority to require persons
4 residing within their jurisdictions to obtain energy service from a county-owned utility."

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