

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS45306-NJ-72B

Short Title: Community Solar Program Changes. (Public)

Sponsors: Senators Salvador, Woodard, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE SCOPE OF THE COMMUNITY SOLAR PROGRAM AND TO  
3 INCREASE THE NAMEPLATE CAPACITY OF COMMUNITY SOLAR ENERGY  
4 FACILITIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 62-126.3 reads as rewritten:

7 "§ 62-126.3. Definitions.

8 For purposes of this Article, the following definitions apply:

9 ...

10 (1a) Affordable housing unit. – All housing units developed for households earning  
11 less than eighty percent (80%) of the Area Median Income, as set annually by  
12 the U.S. Department of Housing and Urban Development.

13 ...

14 (3a) Critical infrastructure. – Buildings designated by the State, county, or  
15 municipality as critical, including hospitals, urgent care facilities, emergency  
16 shelters, fire stations, and police stations.

17 ...

18 (16) Tier 1, 2, or 3 counties. – North Carolina counties annually ranked by the  
19 Department of Commerce based upon the counties' economic well-being and  
20 assigned a Tier designation. The 40 most distressed counties are designated as  
21 Tier 1, the next 40 as Tier 2, and the 20 least distressed as Tier 3."

22 SECTION 2. G.S. 62-126.8 reads as rewritten:

23 "§ 62-126.8. Community solar energy facilities.

24 (a) Each offering utility shall file a plan with the Commission ~~to~~ and offer a community  
25 solar energy facility program for participation by its retail ~~customers.~~ customers in counties  
26 designated as Tier 1 or Tier 2, as annually determined by the North Carolina Department of  
27 Commerce, and affordable housing units in Tier 3 counties. So long as participating retail  
28 customers meet one such designation in the initial program year, they need not be recertified for  
29 subsequent program years. The community solar energy facility program shall be designed so  
30 that each community solar energy facility offsets the energy use of not less than five subscribers  
31 and no single subscriber has more than a forty percent (40%) ~~interest.~~ interest, except for  
32 community solar energy facilities that are connected to buildings designated as critical  
33 infrastructure and with the capability to support such buildings in the event of grid failure.  
34 Buildings designated as critical infrastructure may have up to a seventy-five percent (75%)  
35 interest in a community solar energy facility. The offering utility shall make its community solar



1 energy facility program available on a first-come, first-served ~~basis until the total nameplate~~  
2 ~~generating capacity of those facilities equals 20 megawatts (MW).~~basis.

3 (b) A community solar energy facility ~~shall have a nameplate capacity of no more than~~  
4 ~~five megawatts (MW).~~ must be interconnected to the offering utility's distribution system. Each  
5 subscription shall be sized to represent at least 200 watts (W) of the community solar energy  
6 facility's generating capacity and to supply no more than one hundred percent (100%) of the  
7 maximum annual peak demand of electricity of each subscriber at the subscriber's premises.

8 (c) A community solar energy facility must be located in the service territory of the  
9 offering utility filing the plan. Subscribers shall be located in the State of North Carolina and ~~the~~  
10 ~~same county or a county contiguous to where the facility is located.~~ The electric public utility  
11 may file a request for Commission approval for an exemption from the location requirement of  
12 this subsection and the Commission may approve the request for a facility located up to 75 miles  
13 from the county of the subscribers, if the Commission deems the exemption to be in the public  
14 interest within the service territory of the offering utility.

15 (d) The offering utility shall credit the subscribers to its community solar energy facility  
16 for all subscribed shares of energy generated by the facility at ~~the avoided cost rate.~~ a just and  
17 reasonable rate as determined by the Commission.

18 (e) The Commission may approve, disapprove, or modify a community solar energy  
19 facility program. The program shall meet all of the following requirements:

20 ...

21 (4) Include a program implementation ~~schedule.~~ schedule to fully subscribe to the  
22 program as soon as practicable.

23 ...

24 (7) ~~Hold harmless customers of the electric public utility who do not subscribe to~~  
25 ~~a community solar energy facility.~~

26 (8) Allow subscribers to have the option to own the renewable energy certificates  
27 produced by the community solar energy facility.

28 (f) Existing community solar energy facilities may participate in the community solar  
29 energy facility program."

30 **SECTION 3.** This act becomes effective October 1, 2023.