

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 936
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/28/05

Short Title: Amend Public Notif. Reqs./Small Renewable Sys. (Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PUBLIC NOTIFICATION REQUIREMENTS
PERTAINING TO AN APPLICATION FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR A SMALL SOLAR PHOTOVOLTAIC
OR BIOMASS FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-3 reads as rewritten:

"§ 62-3. **Definitions.**

As used in this Chapter, unless the context otherwise requires, the term:

...

(24a) 'Renewable biomass resources' means organic matter produced by terrestrial and aquatic plants and animals, such as standing vegetation, aquatic crops, forestry and agricultural residues, landfill wastes, and animal wastes.

...

(27b) 'Solar photovoltaic facility' means a facility that uses solar radiation to generate electricity from incident sunlight by means of the photovoltaic effect, including all related devices necessary to collect, store, exchange, condition, or convert solar energy to electricity.

...."

SECTION 2. G.S. 62-82(a) reads as rewritten:

"(a) Notice of Application for Certificate for Generating Facility; Hearing; Briefs and Oral Arguments. – Whenever there is filed with the Commission an application for a certificate of public convenience and necessity for the construction of a facility for the generation of electricity under G.S. 62-110.1, the Commission shall require the applicant to publish a notice thereof once a week for four successive weeks in a daily newspaper of general circulation in the county where such facility is proposed to be constructed and thereafter the Commission upon complaint shall, or upon its own

1 initiative may, upon reasonable notice, enter upon a hearing to determine whether such
2 certificate shall be awarded. Any such hearing must be commenced by the Commission
3 not later than three months after the filing of such application, and the procedure for
4 rendering decisions therein shall be given priority over all other cases on the
5 Commission's calendar of hearings and decisions, except rate proceedings referred to in
6 G.S. 62-81. Such applications shall be heard as provided in G.S. 62-60.1, and the
7 Commission shall furnish a transcript of evidence and testimony submitted by the end
8 of the second business day after the taking of each day of testimony. The Commission
9 or panel shall require that briefs and oral arguments in such cases be submitted within
10 30 days after the conclusion of the hearing, and the Commission or panel shall render its
11 decision in such cases within 60 days after submission of such briefs and arguments. If
12 the Commission or panel does not, upon its own initiative, order a hearing and does not
13 receive a complaint within 10 days after the last day of publication of the notice, the
14 Commission or panel shall enter an order awarding the certificate. Notwithstanding this
15 section, an applicant for a certificate for a solar photovoltaic facility or a biomass
16 facility of 100 kilowatts or less that is to be located in an industrial or commercial area
17 is exempt from the requirement to publish notice in a newspaper. Notwithstanding this
18 section, ~~applicants~~ an applicant for a certificate for ~~a solar photovoltaic facilities~~ facility
19 or a biomass facility of 10-20 kilowatts or less are that is to be located in a residential
20 area is exempt from the requirement to publish public notice in newspapers.
21 a
22 newspaper."

SECTION 3. This act is effective when it becomes law.