

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 236

Short Title: Efficient and Affordable Energy Rates. (Public)

Sponsors: Senators Woodard, Foushee, Smith-Ingram (Primary Sponsors); and Waddell.

Referred to: Rules and Operations of the Senate

March 14, 2017

A BILL TO BE ENTITLED

AN ACT (1) TO REQUIRE THE NORTH CAROLINA UTILITIES COMMISSION TO ESTABLISH TIERED ELECTRICITY RATES FOR RESIDENTIAL, COMMERCIAL, PUBLIC, AND INDUSTRIAL CUSTOMERS TO ENCOURAGE ENERGY CONSERVATION AND ENERGY EFFICIENCY; (2) TO CREATE THE ENERGY EFFICIENCY BANK TO BE USED FOR LOANS TO CUSTOMERS FOR THE COSTS OF CERTAIN ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS; AND (3) TO CREATE AN INCENTIVE FOR CONSUMERS TO PURCHASE ENERGY STAR QUALIFIED HOUSEHOLD PRODUCTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-155.1. Electric power tiered rates established.

The Commission shall develop, for the purpose of promoting energy conservation and energy efficiency, rate structures for residential, commercial, public, and industrial customers of electric power generated by electric public utilities as set forth in this section. The rate structure shall include all of the following elements:

- (1) The rate structure for residential, commercial, and public customers shall have the following characteristics:
 - a. The rate structure shall be inverted. Under the inverted rate structure, the use of larger quantities of electricity shall result in a higher price per kilowatt hour for the customer; lower usage shall result in a lower price.
 - b. The rate structure shall be in the form of tiered blocks. The inverted tiered block rate structure shall allow that, when energy usage within a month or other billing period exceeds one tiered block, the customer shall begin to pay a higher rate for energy use in the next higher tiered block. Electricity used during peak demand periods, as that term is defined by the Commission, shall be charged at a higher tiered rate for the purpose of leveling out peak demand and minimizing the need for excess polluting generating capacity.
 - c. The number of inverted tiered blocks and the cost thresholds the tiered blocks represent shall be developed for the purpose of achieving the goals of promoting energy conservation and energy efficiency as provided in this section.



- 1 (2) In addition to the characteristics set forth in subdivision (1) of this section, the
2 inverted tiered rate structure for residential customers shall have the following
3 additional characteristics:
4 a. The rate structure shall be designed to avoid a negative economic
5 impact on low-income families living in rental units. There will be a
6 system of exemptions from higher tiered rates for families living in
7 rental units who have an annual income of less than one hundred fifty
8 percent (150%) of the federally defined poverty level. Previous year
9 State or federal tax returns, Social Security statements, unemployment
10 insurance statements, or other documents deemed as proof of income by
11 the determining State agency shall be acceptable in granting exemptions
12 from higher tiered rates for low-income families living in rental units.
13 b. The rate structure shall be scaled to achieve a forty percent (40%) to
14 sixty percent (60%) statewide reduction in electricity consumption from
15 2017 levels within 10 years.
16 (3) The inverted tiered block rate structure for industrial customers shall be tailored
17 on a case-by-case basis to maximize the financial benefit of investing in energy
18 efficiency and job creation. Energy use thresholds for each industry shall be
19 determined through the use of a comprehensive, standardized energy-audit form
20 developed by the Commission in order to determine the minimum energy use
21 required to fulfill the industry's needs and the efficiency with which the
22 industry is using energy. Each industrial customer shall be responsible for
23 submitting a completed energy-audit form every three years to the Commission
24 for rate determination. A determination that the industry is operating at ninety
25 percent (90%) or greater of maximum efficiency potential as determined by the
26 Commission will result in lower tier rates for that customer. A determination
27 that the industry is operating at an efficiency lower than ninety percent (90%)
28 will result in higher tier rates for the portion of energy use in excess of usage
29 had the industry operated with energy efficiency greater than ninety percent
30 (90%).
31 (4) All inverted tiered block rate structures shall be designed to guarantee that
32 electric public utilities regulated by the provisions of this Chapter will receive a
33 reasonable rate of return on their capital expenditures as determined by the
34 Commission through a rate-case.
35 (5) The Commission shall require each electric public utility in the State to provide
36 all ratepayers a summary of the changes in the rate structure imposed by this
37 section on each monthly utility bill for one year prior to the implementation of
38 the inverted, tiered-block rate structure. The information provided to customers
39 under this subdivision shall include the following:
40 a. A comparison of rates that ratepayers will pay in the event they
41 consume a similar, greater, or lesser amount of energy in the following
42 year.
43 b. Information on the availability of low-interest loans from the Energy
44 Efficiency Bank for energy efficiency projects, rooftop or stand-alone
45 solar energy systems, residential wind energy systems, micro-hydro
46 energy systems, or co-generation systems.
47 (6) The Commission shall adopt rules to implement this section. The rules shall
48 include a fine of no less than fifty thousand dollars (\$50,000) for any industrial
49 customer submitting a deliberately falsified energy-audit form under
50 subdivision (3) of this section."

1 excise tax is five percent (5%) of the sales price of the energy inefficient product. These taxes are
2 in addition to all other taxes.

3 **"§ 105-187.93. Administration.**

4 The privilege tax this Article imposes on an energy inefficient product retailer is an additional
5 State sales tax, and the excise tax this Article imposes on the storage or use of a new energy
6 inefficient product in this State is an additional State use tax. Except as otherwise provided in this
7 Article, these taxes shall be collected and administered in the same manner as the State sales and
8 use taxes imposed by Article 5 of this Chapter. As under Article 5 of this Chapter, the additional
9 State sales tax paid when an energy inefficient product is sold at retail is a credit against the
10 additional State use tax imposed on the storage or use of the same energy inefficient product.

11 **"§ 105-187.94. Exemptions and refunds.**

12 Except for the exemption for sales a state cannot constitutionally tax, the exemptions and
13 refunds allowed in Article 5 of this Chapter do not apply to the taxes imposed by this Article.

14 **"§ 105-187.95. Use of tax proceeds.**

15 The Secretary must credit the taxes collected under this Article, less the Department of
16 Revenue's allowance for administrative expenses, to the Energy Efficiency Bank Fund created in
17 G.S. 62-155.2. The Secretary may retain the Department's cost of collection, not to exceed four
18 hundred twenty-five thousand dollars (\$425,000) a year, as reimbursement to the Department."

19 **SECTION 4.** Section 3 of this act becomes effective January 1, 2018, and applies to
20 tax years beginning on or after that date. The remainder of this act becomes effective January 1,
21 2018.