

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 220  
Committee Substitute Favorable 3/16/21  
Committee Substitute #2 Favorable 3/30/21

Short Title: Assuring Choice of Energy Service.

(Public)

Sponsors:

Referred to:

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 "**§ 160A-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 power that a consumer may choose  
14 to use to heat or cool buildings, produce hot water, operate equipment, operate appliances, or any  
15 other similar activities, where the power is derived from one or more of a variety of sources such  
16 as natural gas, renewable gas, hydrogen, liquefied petroleum gas, renewable liquefied petroleum  
17 gas, or other liquid petroleum products and that is delivered to the consumer by an entity legally  
18 authorized to provide such service or electricity that is derived from one or more sources of  
19 electric generation and is delivered to the consumer by an entity legally authorized to provide  
20 such service and the distribution of the electricity occurs according to the territorial rights  
21 established by G.S. 160A-332 and G.S. 62-110.2. For purposes of this section, the terms  
22 "renewable gas" and "renewable liquified petroleum gas" shall mean gas derived from a  
23 renewable energy resource, as that term is defined by G.S. 62-133.8(a)(8).

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

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

33 "**§ 153A-145.8. Limitations on regulation of energy choice.**

34 (a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,  
35 the connection, reconnection, modification, or expansion of an energy service based upon the



1 type or source of energy to be delivered to an individual or any other person as the end-user of  
2 the energy service.

3 (b) As used in this section, "energy service" means the power that a consumer may choose  
4 to use to heat or cool buildings, produce hot water, operate equipment, operate appliances, or any  
5 other similar activities, where the power is derived from one or more of a variety of sources such  
6 as natural gas, renewable gas, hydrogen, liquefied petroleum gas, renewable liquefied petroleum  
7 gas, or other liquid petroleum products and that is delivered to the consumer by an entity legally  
8 authorized to provide such service or electricity that is derived from one or more sources of  
9 electric generation and is delivered to the consumer by an entity legally authorized to provide  
10 such service and the distribution of the electricity occurs according to the territorial rights  
11 established by G.S. 160A-332 and G.S. 62-110.2. For purposes of this section, the terms  
12 "renewable gas" and "renewable liquified petroleum gas" shall mean gas derived from a  
13 renewable energy resource, as that term is defined by G.S. 62-133.8(a)(8).

14 (c) Nothing in this section shall be construed to (i) limit the ability of a county to choose  
15 the energy service for property owned by the county, (ii) prohibit a county from recovering  
16 reasonable costs associated with reviewing and issuing a permit, or (iii) affect the authority of a  
17 county to manage or operate a county-owned utility, including a county's authority to require  
18 persons residing within their jurisdictions to obtain energy service from a county-owned utility."

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