

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 266

AMENDMENT NO. A1

(to be filled in by  
Principal Clerk)

S266-ARI-65 [v.2]

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Amends Title [NO]  
Fourth Edition

Date \_\_\_\_\_, 2025

Representative Arp

1 moves to amend the bill on page 7, lines 5 through 21,  
2 by rewriting those lines to read:

3  
4 "(a3) Notwithstanding subsections (a1) and (a2) of this section, for an electric public utility  
5 that has fewer than 150,000 North Carolina retail jurisdictional customers as of December 31,  
6 2006, the costs identified in subdivisions (1), (2), (4), and (6a) ~~(6), (7), and (10)~~ of subsection  
7 (a1) of this section ~~and the fuel cost component, as may be modified by the Commission, of~~  
8 ~~electric power purchases identified in subdivision (4) of subsection (a1) of this section shall be~~  
9 ~~recovered through the increment or decrement rider approved by the Commission pursuant to~~  
10 ~~this section. For those costs that involve power purchase agreements from renewable generating~~  
11 ~~facilities (including qualifying cogeneration facilities and qualifying small power production~~  
12 ~~facilities, as defined in 16 U.S.C. § 796, costs related to G.S. 62-133.8(h) or any other costs~~  
13 ~~required to comply with any federal mandate that is similar to the requirements of subsections~~  
14 ~~(b), (c), (d), (e), and (f) of G.S. 62-133.8), the costs identified in subdivisions (6) and (10) of~~  
15 ~~subsection (a1) of this section that are incurred on or after January 1, 2008, the annual increase~~  
16 ~~in the amount of these costs shall not exceed one percent (1%) of the electric public utility's total~~  
17 ~~North Carolina retail jurisdictional gross revenues for the preceding calendar year. These costs~~  
18 ~~described in subdivisions (6) and (10) of subsection (a1) of this section shall be recoverable from~~  
19 ~~each class of customers as a separate component of the rider. For the costs described in~~  
20 ~~subdivisions (6) and (10) subdivision (4) of subsection (a1) of this section, the specific component~~  
21 ~~for each class of customers shall be determined by allocating these costs among customer classes~~  
22 ~~based on the electric public utility's North Carolina peak demand for the prior year, as determined~~  
23 ~~by the Commission, until the Commission determines how these costs shall be allocated in a~~  
24 ~~general rate case for the electric public utility commenced on or after January 1, 2008.";~~

25  
26 and on page 8, line 48, through page 9, line 11,  
27 by rewriting those lines to read:

28  
29 "(d2) Within 45 days of the end of every quarter of the applicable 12 month recovery-period  
30 approved by the Commission, each electric public utility shall file a report detailing its actual  
31 over- and under-recovered amounts through such quarter and an updated projection of the  
32 cumulative over- or under-recovered amounts at the end of such 12 month recovery-period based



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1 on the most recently available fuel forecast. If the updated projection of the cumulative over- or  
2 under-recovered amounts at the end of such 12 month recovery-period, inclusive of the actual  
3 amounts, is greater than ten percent (10%) of the total revenue requirement approved by the  
4 Commission in the most recent fuel proceeding, then the electric public utility shall identify the  
5 adjustment needed to the increment or decrement rider to address such over- or under-recovery  
6 over the twelve month period following the effective date of such adjustment, or such other time  
7 period that the Commission deems reasonable, and file an updated tariff to reflect such  
8 adjustment as part of such quarterly report.

9 (1) The identified adjustment to the increment or decrement rider shall go into  
10 effect at the start of the month that is approximately 45 days after the quarterly  
11 update filing made under this subsection and such adjustment shall remain in  
12 effect for the twelve month period following the effective date of such  
13 adjustment, or such other time period that the Commission deems  
14 reasonable.";

15  
16 and on page 14, line 31,  
17 by rewriting that line to read:

18  
19 "(4) Code. – The Uniform Commercial Code, Chapter 25 of the General Statutes.";  
20

21 and on page 15, line 47,  
22 by rewriting that line to read:  
23 "this subsection, or coal plant retirement costs, as defined in subdivision";  
24

25 and on page 16, line 1, by deleting the word "recovery" and substituting the word "retirement";  
26

27 and on page 29, lines 48 and 49, by deleting the word "section" each time it occurs and  
28 substituting the word "act".  
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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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