

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 1163

Short Title: No Merger Without MPA Relief. (Public)

Sponsors: Representatives Daughtry and Collins (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE MERGER OF DUKE ENERGY AND PROGRESS ENERGY  
WITHOUT THE PROVISION OF RELIEF TO THE MUNICIPAL POWER AGENCIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 62-111 is amended by adding a new subsection to read:

"(a1) The Commission shall not approve a merger of any public utility that owns an electric generation facility in which a municipal power agency created under Chapter 159B of the General Statutes owns an interest until the earlier of either of the following:

(1) The retirement of the debt incurred by the municipal power agency for the purchase of the interest in the electric generation facility owned by the public utility to be merged.

(2) The sale of the municipal power agency's interest in the electric generation facility owned by the public utility to be merged."

**SECTION 2.** G.S. 62-302 is amended by adding a new subsection to read:

"(b2) Additional Fee for Merged Entities. – An additional fee is imposed for a public utility that merges with another public utility. The fee is imposed for the first two fiscal years following the year the merger was approved by the Commission in accordance with G.S. 62-111. The additional fee is twenty-five percent (25%) of the fee imposed under subsection (a) of this section on the entity created by the merger."

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



\* H 1 1 6 3 - V - 1 \*