

## Session 125 - (2023-2024)

### S 0909 General Bill, By Davis

#### Similar (S 0779)

#### Summary: Energy Reform

A BILL TO AMEND THE SOUTH CAROLINA CAROLINA CODE OF LAWS BY AMENDING SECTION 58-3-20 RELATING TO THE MEMBERSHIP OF THE PUBLIC SERVICE COMMISSION, SO AS TO REDUCE THE NUMBER OF COMMISSIONERS FROM 7 TO 5 AND TO PROVIDE FOR QUALIFICATIONS, ELECTIONS, AND TERMS OF SERVICE OF THE COMMISSIONERS; TO AMEND SECTION 58-3-250 RELATING TO THE PUBLIC SERVICE COMMISSION'S ORDERS AND DECISIONS, SO AS TO PROVIDE REQUIREMENTS FOR VERBAL DIRECTIVES MADE DURING A COMMISSION BUSINESS MEETING AND SERVICE OF ALL FINAL ORDERS AND DECISIONS FOLLOWING A VERBAL DIRECTIVE; TO AMEND SECTION 58-4-10(B) RELATING TO THE OFFICE OF REGULATORY STAFF'S REPRESENTATION OF "PUBLIC INTEREST" BEFORE THE COMMISSION, SO AS TO AMEND "PUBLIC INTEREST"; TO AMEND SECTION 58-4-40(C) RELATING TO CONFLICTS OF INTEREST, SO AS TO PROHIBIT AN EMPLOYEE OF THE OFFICE OF REGULATORY STAFF FROM BEING INVOLVED IN A MATTER BEFORE THE COMMISSION FOR FIVE YEARS IF THE MATTER INVOLVES THE BUSINESS WITH WHICH THE EMPLOYEE WAS FORMERLY EMPLOYED; TO AMEND SECTION 58-27-2100 RELATING TO FINDINGS AND ORDERS OF THE COMMISSION, SO AS TO PROVIDE REQUIREMENTS FOR VERBAL DIRECTIVES MADE AT A COMMISSION BUSINESS MEETING AND SERVICE OF THE FINAL WRITTEN ORDER FOLLOWING A VERBAL DIRECTIVE; TO REQUIRE THE PUBLIC UTILITIES REVIEW COMMITTEE TO RETAIN AN INDEPENDENT EXPERT TO CONDUCT A COMPREHENSIVE STUDY OF ANY STATE OR FEDERAL OFFICIAL BOARD OR COMMISSION WITH SIMILAR ROLES TO THE PUBLIC SERVICE COMMISSION OR THE OFFICE OF REGULATORY STAFF, TO PROVIDE FOR THE SCOPE OF STUDY, AND TO REQUIRE A REPORT TO BE ISSUED TO THE GENERAL ASSEMBLY BY JANUARY 1, 2025; TO ADD ARTICLE 24, CHAPTER 27, TITLE 58 TO ESTABLISH AN ENERGY IMBALANCE MARKET, AND TO PROVIDE FOR THAT MARKET'S REQUIREMENTS AND PROCESSES AND TO MAKE RELATED FINDINGS; TO ADD SECTION 58-37-45 SO AS TO ESTABLISH FINDINGS BY THE GENERAL ASSEMBLY RELATING TO ECONOMIC DEVELOPMENT, FUTURE ENERGY RESOURCES, TRANSITION FROM COAL-FIRED ELECTRICITY GENERATION, AND CONSIDERATIONS FOR THE PUBLIC SERVICE COMMISSION TO TAKE INTO ACCOUNT WHEN EVALUATING INTEGRATED RESOURCE PLANS; TO ADD SECTION 58-31-205 SO AS TO PERMIT THE PUBLIC SERVICE AUTHORITY TO JOINTLY OWN ELECTRIC GENERATION AND TRANSMISSION FACILITIES WITH INVESTOR-OWNED ELECTRIC UTILITIES AND TO PROVIDE CERTAIN CONDITIONS FOR OWNERSHIP; TO ADD SECTION 58-33-20(10) SO AS TO DEFINE "LIKE FACILITY"; TO AMEND ARTICLE 3, CHAPTER 33, TITLE 58 RELATING TO CERTIFICATION OF MAJOR UTILITY FACILITIES, SO AS TO PROVIDE FOR ADDITIONAL CONSIDERATIONS FOR A CERTIFICATE, PROVIDE WHAT ACTIVITIES MAY OCCUR PENDING CONSIDERATION OF AN APPLICATION, AND PROVIDE FOR PROCESSES AND PROCEDURES FOR AN APPLICATION AND RELATED PUBLIC HEARING; TO ADD SECTION 55-33-175, SO AS TO ESTABLISH THAT THE GRANT OF A CERTIFICATE FOR A GENERATION FACILITY OR DETERMINATION IT CONSTITUTES A LIKE FACILITY REPLACEMENT CONSTITUTES A CONCLUSIVE DETERMINATION THAT A PUBLIC PURPOSE EXISTS FOR SUPPORTING THE CONDEMNATION OF PROPERTY REASONABLY DETERMINED TO BE NECESSARY OR CONVENIENT FOR THE RELATED FACILITY; TO ADD 55-33-195 SO TO PROVIDE THE GENERAL ASSEMBLY'S ENCOURAGEMENT OF DOMINION ENERGY AND THE PUBLIC SERVICE AUTHORITY TO PREPARE TO CONSTRUCT ONE OR MORE NATURAL GAS-FIRED COMBINED CYCLE GENERATION FACILITIES AND FOR RELATED TRANSMISSION FACILITIES, DUKE ENERGY CAROLINAS TO MAKE NECESSARY DETERMINATION RELATED TO CONSTRUCTING A SECOND POWERHOUSE AT BAD CREEK PUMPED HYDRO STATION, AND TO ENCOURAGE DUKE ENERGY CAROLINAS AND DUKE ENERGY PROGRESS TO MAKE DETERMINATIONS RELATED TO CONSTRUCTING HYDROGEN CAPABLE NATURAL GAS GENERATION, AND TO MAKE CERTAIN FINDINGS AND INSTRUCTIONS RELATED TO THESE PROJECTS; TO ADD SECTION 58-33-196, SO AS TO ENCOURAGE STUDIES RELATED TO SMALL MODULAR NUCLEAR FACILITIES, REQUIRE ANNUAL PROJECT REPORTS TO THE PUBLIC SERVICE COMMISSION BY ANY UTILITY PURSUING DEPLOYMENT OF THESE NUCLEAR FACILITIES, AND PERMIT ELECTRICAL UTILITIES TO APPLY FOR A STATE GRANT TO PAY FOR RELATED STUDIES; TO ADD SECTION 58-33-440 SO AS TO ESTABLISH THE "POWERSC INNOVATION FUND" FOR THE PURPOSE OF ESTABLISHING A SOUTH CAROLINA ENERGY INNOVATION HUB AND AWARDED GRANTS ON A COMPETITIVE BASIS, AND TO PROVIDE FOR CERTAIN REQUIREMENTS RELATED TO THE FUND; TO AMEND SECTIONS 58-33-310 AND 320, RELATED TO JUDICIAL REVIEW OF MATTERS FROM THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE THAT A FINAL ORDER ISSUED BY THE COMMISSION PURSUANT TO CHAPTER 33, TITLE 58, IS IMMEDIATELY APPEALABLE TO THE SOUTH CAROLINA SUPREME COURT, TO PROVIDE FOR AN EXPEDITED

HEARING, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO DEFINE "COST-EFFECTIVE" AND "DEMAND-SIDE MANAGEMENT PILOT PROGRAM"; TO AMEND SECTION 58-37-20, RELATING TO THE ADOPTION OF PROCEDURES ENCOURAGING ENERGY EFFICIENCY AND CONSERVATION, SO AS TO PROVIDE FOR FINDINGS BY THE GENERAL ASSEMBLY TO EXPAND DEMAND-SIDE MANAGEMENT PROGRAMS, AND TO REQUIRED ELECTRICAL UTILITIES TO PROVIDE AN ANNUAL REPORT TO THE PUBLIC SERVICE COMMISSION REGARDING DEMAND-SIDE MANAGEMENT PROGRAMS; TO AMEND SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES OF GAS AND ELECTRIC UTILITIES, SO AS TO MAKE TECHNICAL CHANGES; TO ADD SECTION 58-37-35, SO AS TO PERMIT AN ELECTRICAL UTILITY TO PROPOSE PROGRAMS AND INCENTIVES TO ENCOURAGE DEMAND-SIDE MANAGEMENT PROGRAMS WHERE A CUSTOMER USES A CUSTOMER-SITED DISTRIBUTION ENERGY RESOURCE OR COMBINATION OF RESOURCES TO REDUCE ELECTRIC CONSUMPTION OR THE CUSTOMER'S CONTRIBUTION TO THE ELECTRICAL UTILITY'S SYSTEM OR LOCAL COINCIDENTAL PEAK DEMAND; TO AMEND SECTION 58-37-40(B), RELATED TO INTEGRATED RESOURCE PLANS, SO AS TO ESTABLISH REQUIREMENTS, PROCESSES AND PROCEDURES FOR A UTILITY'S TRANSMISSION AND DISTRIBUTION RESOURCE PLAN; TO AMEND SECTION 58-40-10, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "CUSTOMER-GENERATOR" AND TO ADD THE DEFINITIONS OF "REMOTE NET METERING", "REMOTE NET METERING CUSTOMER", AND "REMOTE NET METERING CREDIT"; TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO PROVIDE CERTAIN ENTITIES THE OPPORTUNITY TO OFFSET ALL OR PART OF THEIR ELECTRICITY NEEDS THROUGH RENEWABLE ENERGY RESOURCES, AND TO REQUIRE THE COMMISSION TO OPEN A DOCKET TO ESTABLISH A REMOTE NET METERING PROGRAM FOR EACH ELECTRICAL UTILITY BY JANUARY 1, 2025, AND TO PROVIDE REQUIREMENTS AND PROCEDURES FOR THESE PROGRAMS; TO AMEND SECTION 58-41-10, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION OF "ENERGY STORAGE FACILITY"; TO ADD CHAPTER 43, TITLE 58 SO AS TO ESTABLISH FINDINGS AND REQUIREMENTS FOR PROGRAMS RELATING TO RESILIENT ENERGY RESOURCES AND RENEWABLE ENERGY MICROGRIDS; TO REQUIRE THE OFFICE OF REGULATORY STAFF TO CONDUCT A STUDY TO EVALUATE THE POTENTIAL COSTS AND BENEFITS OF ESTABLISHING A NONPROFIT ENTITY TO SERVE AS A THIRD-PARTY ADMINISTRATOR FOR ENERGY EFFICIENCY PROGRAMS AND OTHER DEMAND-SIDE MANAGEMENT PROGRAMS AND TO ESTABLISH THE SCOPE OF THE STUDY; TO AMEND SECTION 58-31-227, RELATED TO RENEWABLE ENERGY FACILITIES AND RESOURCES FOR THE PUBLIC SERVICE AUTHORITY, SO AS TO PROVIDE FOR COMPETITIVE PROCUREMENT OF ANCILLARY SERVICES, ENERGY STORAGE FACILITIES, AND OTHER ENERGY SOURCES, AND TO PROVIDE FOR ADDITIONAL REQUIREMENTS; TO ADD CHAPTER 42 TO TITLE 58 TO ESTABLISH REQUIREMENTS, PROCESSES AND PROCEDURES FOR ELECTIRCAL UTILITIES TO OBTAIN RENEWABLE ENERGY AND ENERGY STORAGE RESOURCES THROUGH COMPETITIVE PROCUREMENT AND TO ESTABLISH REQUIREMENTS FOR ELECTRICAL UTILITIES TO OBTAIN VARIABLE FUEL-COST GENERATION FACILITIES, NON-VARIABLE FUEL-COST GENERATION FACILITIES AND DEMAND-SIDE RESOURCES THROUGH COMPETITIVE PROCUREMENT; TO ADD SECTIONS 58-27-861, SO AS TO PROVIDE FOR DEFINITIONS AND CERTAIN RATE TERMS FOR QUALIFYING CUSTOMERS; TO ADD SECTION 58-27-862, SO AS TO PROVIDE FOR DEFINITIONS AND CERTAIN TERMS OF SERVICE AND RATES FOR AN ELIGIBLE ELECTRIC CUSTOMER; TO AMEND SECTION 48-1-100, RELATED TO PERMITS FOR DISCHARGE OF WASTES OR AIR CONTAMINANTS, SO AS TO ESTABLISH PROCESSES AND PROCEDURES FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REVIEW AN APPLICATION FOR CERTIFICATION PURSUANT TO SECTION 401 OF THE CLEAN WATER ACT, AND TO FURTHER PROVIDE FOR APPLICATION MODIFICATIONS AND PERMITTED ACTIVITIES BY THE APPLICANT PENDING REVIEW OF AN APPLICATION FOR CERTIFICATION OR A PERMIT; TO ADD SECTION 48-1-105, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH PROCESSES AND PROCEDURES FOR EXPRESS PERMIT AND CERTIFICATION REVIEWS FOR CERTAIN WATER RELATED PERMITS, APPROVALS, OR CERTIFICATIONS.

**01/09/24 Senate Introduced and read first time (Senate Journal-page 79)**

**01/09/24 Senate Referred to Committee on Judiciary (Senate Journal-page 79)**

**01/10/24 Scrivener's error corrected**

**01/16/24 Scrivener's error corrected**

**01/16/24 Senate Referred to Subcommittee: Rankin (ch), Hutto, Campsen, Adams, Devine**