

Session 126 - (2025-2026)

H'3309 (Rat #0060, Act #0041 of 2025) General Bill, By G.M. Smith, Gatch, Herbkersman, Pope, B. Newton, Wooten, Robbins, C. Mitchell, Chapman, W. Newton, Taylor, Forrest, Hewitt, Kirby, Schuessler, Yow, Long, M.M. Smith, Hardee, Montgomery, Atkinson, Hixon, Ligon, Anderson, Weeks, Willis, Govan and Williams

Summary: Electrical Utilities

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA ENERGY SECURITY ACT" BY AMENDING SECTION 58-3-140, RELATING TO THE PUBLIC SERVICE COMMISSION'S POWERS TO REGULATE PUBLIC UTILITIES, SO AS TO ESTABLISH A SCHEDULE FOR CERTAIN TESTIMONY AND DISCOVERY IN CONTESTED PROCEEDINGS, TO PERMIT ELECTRICAL UTILITY CUSTOMERS TO ADDRESS THE COMMISSION AS PUBLIC WITNESSES, AND TO ESTABLISH REQUIREMENTS FOR AN INDEPENDENT THIRD-PARTY CONSULTANT HIRED BY THE COMMISSION; BY AMENDING SECTION 58-3-250, RELATING TO SERVICE OF ORDERS AND DECISIONS ON PARTIES, SO AS TO MAKE A TECHNICAL CHANGE; BY AMENDING SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS REPRESENTATION OF PUBLIC INTEREST BEFORE THE COMMISSION, SO AS TO ESTABLISH ITS CONSIDERATIONS FOR PUBLIC INTEREST; BY ADDING SECTION 58-4-150 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO PREPARE A COMPREHENSIVE STATE ENERGY ASSESSMENT AND ACTION PLAN AND TO ESTABLISH REQUIREMENTS FOR THIS PLAN; BY ADDING SECTION 58-33-195 SO AS TO ENCOURAGE DOMINION ENERGY, THE PUBLIC SERVICE AUTHORITY, DUKE ENERGY CAROLINAS, AND DUKE ENERGY PROGRESS TO EVALUATE CERTAIN ELECTRICAL GENERATION FACILITIES AND PROVIDE FOR CONSIDERATIONS RELATED TO THESE FACILITIES; BY ADDING SECTION 58-31-205 SO AS TO PERMIT THE PUBLIC SERVICE AUTHORITY TO JOINTLY OWN ONE OR MORE NATURAL GAS-FIRED GENERATION FACILITIES AND RELATED TRANSMISSION FACILITIES WITH DOMINION ENERGY SOUTH CAROLINA IN COLLETON COUNTY, AND TO PROVIDE REQUIREMENTS FOR JOINT OWNERSHIP; BY ADDING SECTION 6-29-1220 SO AS TO ESTABLISH REQUIREMENTS FOR SOLAR ENERGY SYSTEM PLANS IF A COUNTY DOES NOT HAVE RELATED RURAL ZONING OR ORDINANCES FOR THE DEVELOPMENT AND OPERATION OF SOLAR ENERGY SYSTEMS REQUIRING MORE THAN THIRTEEN ACRES OF LAND; BY AMENDING ARTICLE 9 OF CHAPTER 7, TITLE 13, RELATING TO THE GOVERNOR'S NUCLEAR ADVISORY COUNCIL, SO AS TO ESTABLISH THE COUNCIL IN THE SC NEXUS FOR ADVANCED RESILIENT ENERGY AT THE DEPARTMENT OF COMMERCE, TO PROVIDE FOR ITS DUTIES AND MEMBERSHIP, AND TO PROVIDE FOR THE COUNCIL'S DIRECTOR; BY ADDING ARTICLE 24 TO CHAPTER 27, TITLE 58 SO AS TO ALLOW ELECTRIC UTILITIES TO REQUEST THE PUBLIC SERVICE COMMISSION ADJUST THEIR RATES ANNUALLY, ADJUST UTILITY RATES, ESTABLISH THE BASELINE RATE ORDER AND REQUIREMENTS FOR ADJUSTMENTS IN RATES, TO PROVIDE PROTECTIONS FOR CUSTOMERS, AND TO AUTHORIZE ADDITIONAL POSITIONS FOR THE OFFICE OF REGULATORY STAFF; BY ADDING SECTION 58-33-196 SO AS TO ENCOURAGE CONSIDERATION OF DEPLOYMENT OF FUSION ENERGY AND ADVANCED NUCLEAR FACILITIES AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 58-37-70 SO AS TO PERMIT THE EVALUATION OF SMALL MODULAR NUCLEAR FACILITIES IN THIS STATE AND TO ESTABLISH REQUIREMENTS; BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 58 SO AS TO PROVIDE FOR STATE AGENCY REVIEW OF ENERGY INFRASTRUCTURE PROJECT APPLICATIONS, TO ESTABLISH REQUIREMENTS, TO PROVIDE A SUNSET PROVISION, AND TO DESIGNATE ALL SECTIONS CURRENTLY IN CHAPTER 37 AS ARTICLE 1, ENTITLED "PLANNING FOR ENERGY SUPPLY"; BY AMENDING SECTION 58-40-10, RELATING TO THE DEFINITION OF "CUSTOMER-GENERATOR," SO AS TO ESTABLISH CHARACTERISTICS FOR A "CUSTOMER-GENERATOR"; BY AMENDING SECTION 58-41-30, RELATING TO VOLUNTARY RENEWABLE ENERGY PROGRAMS, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS AND CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-41-10, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION OF "ENERGY STORAGE FACILITIES"; BY AMENDING SECTION 58-41-20, RELATING TO THE REVIEW OF AND APPROVAL PROCEEDINGS FOR ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, SO AS TO REITERATE THE SECTION; BY ADDING CHAPTER 42 TO TITLE 58 SO AS TO ESTABLISH COMPETITIVE PROCUREMENT PROGRAM STANDARDS FOR RENEWABLE ENERGY AND ENERGY STORAGE, AND TO REQUIRE THE PUBLIC SERVICE COMMISSION TO OPEN A DOCKET TO ESTABLISH A COMPETITIVE PROCUREMENT PROGRAM FOR ENERGY STORAGE FACILITIES; BY AMENDING SECTION 58-33-20, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION "LIKE FACILITY" AND AMEND THE DEFINITION OF "MAJOR UTILITY FACILITY," SO AS TO REITERATE THE DEFINITION; BY AMENDING ARTICLE 3 OF CHAPTER 33, TITLE 58, RELATING TO CERTIFICATION OF MAJOR UTILITY FACILITIES, SO AS TO PROVIDE FOR A LIKE FACILITY, TO ESTABLISH REQUIREMENTS AND CONSIDERATIONS FOR PROPOSED FACILITIES, TO PROVIDE WHAT ACTIONS MAY BE TAKEN WITHOUT

PERMISSION FROM THE COMMISSION, AND TO MAKE TECHNICAL CHANGES; BY AMENDING SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO ADD CONSIDERATION OF A UTILITY'S TRANSMISSION REPORT, TO ESTABLISH PROCEDURAL REQUIREMENTS AND EVALUATION BY THE COMMISSION, AND REQUIRE PARTIES TO BEAR THEIR OWN COSTS; BY AMENDING SECTION 58-3-260, RELATING TO COMMUNICATIONS BETWEEN THE COMMISSION AND PARTIES, SO AS TO MODIFY REQUIREMENTS FOR ALLOWABLE EX PARTE COMMUNICATIONS AND BRIEFINGS, AND TO PERMIT COMMISSION TOURS OF UTILITY PLANTS OR OTHER FACILITIES UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 58-3-270, RELATING TO EX PARTE COMMUNICATION COMPLAINT PROCEEDINGS AT THE ADMINISTRATIVE LAW COURT, SO AS TO PERMIT AN ORDER TOLLING ANY DEADLINES ON A PROCEEDING SUBJECT TO A COMPLAINT IF TRUE TO THE EXTENT THE PROCEEDING WAS PREJUDICED SO THAT THE COMMISSION COULD NOT CONSIDER THE MATTER IMPARTIALLY; BY AMENDING SECTION 58-33-310, RELATING TO AN APPEAL FROM A FINAL ORDER OR DECISION OF THE COMMISSION ISSUED PURSUANT TO CHAPTER 33, TITLE 58, SO AS TO ESTABLISH A TIMELINE FOR A PETITION FOR REHEARING OR RECONSIDERATION, AND TO REQUIRE A FINAL ORDER BE IMMEDIATELY APPEALABLE TO THE SOUTH CAROLINA SUPREME COURT; BY AMENDING SECTION 58-33-320, RELATING TO JUDICIAL JURISDICTION, SO AS TO REITERATE THE SECTION; BY ADDING SECTION 58-4-160 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO CONDUCT A STUDY TO EVALUATE VARIOUS THIRD-PARTY ADMINISTRATOR MODELS FOR ENERGY EFFICIENCY AND DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO ADD A REFERENCE TO "DEMAND-SIDE MANAGEMENT PROGRAM" AND PROVIDE DEFINITIONS FOR "COST-EFFECTIVE" AND "DEMAND-SIDE MANAGEMENT PILOT PROGRAM"; BY AMENDING SECTION 58-37-20, RELATING TO COMMISSION PROCEDURES ENCOURAGING ENERGY EFFICIENCY PROGRAMS, SO AS TO EXPAND COMMISSION CONSIDERATIONS FOR COST-EFFECTIVE, DEMAND-SIDE MANAGEMENT AND ENERGY EFFICIENCY PROGRAMS, REQUIRE EACH INVESTOR-OWNED ELECTRICAL UTILITY TO SUBMIT AN ANNUAL REPORT TO THE COMMISSION REGARDING ITS DEMAND-SIDE MANAGEMENT PROGRAMS, AND TO REQUIRE THE COMMISSION TO REVIEW THESE PORTFOLIOS ON AT LEAST A TRIENNIAL BASIS; BY AMENDING SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES, SO AS TO MAKE TECHNICAL AND CONFORMING CHANGES; BY ADDING SECTION 58-37-35 SO AS TO PERMIT PROGRAMS AND CUSTOMER INCENTIVES TO ENCOURAGE OR PROMOTE DEMAND-SIDE MANAGEMENT PROGRAMS FOR CUSTOMER-SITED DISTRIBUTED ENERGY RESOURCES, AND TO PROVIDE CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-37-50, RELATING TO AGREEMENTS FOR ENERGY EFFICIENCY AND CONSERVATION MEASURES, SO AS TO ESTABLISH CERTAIN TERMS AND RATE RECOVERY FOR AGREEMENTS FOR FINANCING AND INSTALLING ENERGY EFFICIENCY AND CONSERVATION MEASURES, AND FOR APPLICATION TO A RESIDENCE OCCUPIED BEFORE THE MEASURES ARE TAKEN; BY AMENDING SECTION 58-3-70, RELATING TO COMPENSATION OF PUBLIC SERVICE COMMISSION MEMBERS, SO AS TO ESTABLISH SALARIES IN AMOUNTS EQUAL TO NINETY PERCENT OF SUPREME COURT ASSOCIATE JUSTICES; BY ADDING SECTION 58-41-50 SO AS TO PROVIDE REQUIREMENTS AND CONSIDERATION FOR CO-LOCATED RESOURCES BETWEEN AN ELECTRICAL UTILITY AND ITS CUSTOMER UNDER CERTAIN CIRCUMSTANCES; TO ENCOURAGE DEVELOPMENT OF A DIVERSE MIX OF LONG-LEAD, CLEAN GENERATION RESOURCES, AND TO PERMIT THE PUBLIC SERVICE COMMISSION TO FIND CERTAIN ACTIONS IN THE PUBLIC INTEREST TO PERMIT AN ELECTRICAL UTILITY TO CAPTURE AVAILABLE INCENTIVES FOR RATEPAYERS; TO PERMIT DEFERRAL OF CERTAIN REASONABLE AND PRUDENT COSTS FOR CONSIDERATION BY THE PUBLIC SERVICE COMMISSION; BY AMENDING SECTION 58-40-10, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE"; BY ADDING CHAPTER 43 TO TITLE 58, SO AS TO ESTABLISH CONSIDERATIONS FOR ELECTRICITY RATE AND CONDITIONS FOR CERTAIN ECONOMIC DEVELOPMENT PROJECTS; BY ADDING SECTION 58-37-135 SO AS TO TRANSFER A PENDING APPEAL REGARDING ENERGY INFRASTRUCTURE PERMITS TO THE SOUTH CAROLINA SUPREME COURT; BY AMENDING SECTION 58-3-530, RELATING TO THE PUBLIC UTILITIES REVIEW COMMITTEE'S DUTIES, SO AS TO REQUIRE AN ANNUAL REVIEW OF THE DIVISION OF CONSUMER ADVOCACY RELATED TO ITS REPRESENTATION OF CONSUMERS IN UTILITY MATTERS; BY ADDING SECTION 58-3-65 SO AS TO ESTABLISH THE PUBLIC SERVICE COMMISSION'S CHIEF CLERK'S SALARY BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION; BY ADDING SECTION 58-33-200 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO RETAIN AN INDEPENDENT CONSTRUCTION ANALYST FOR ANY CONSTRUCTION PROJECT BUDGET OF AT LEAST FIVE HUNDRED MILLION DOLLARS; TO REQUIRE A REPORT BY THE OFFICE OF REGULATORY STAFF REGARDING THE IMPLEMENTATION OF ARTICLE 24, CHAPTER 27, TITLE 58; TO REQUIRE DOMINION ENERGY TO EVALUATE CONVERTING THE WATeree GENERATION STATION TO BIOMASS-FIRED GENERATION, AND TO PROVIDE A REPORT TO THE

GENERAL ASSEMBLY AND THE PUBLIC SERVICE COMMISSION; AND BY AMENDING SECTION 58-4-50, RELATING TO OFFICE OF REGULATORY STAFF DUTIES, SO AS TO INCLUDE CONSIDERATION OF PUBLIC SERVICE COMMISSION REQUIREMENTS FOR SETTLEMENT NEGOTIATIONS. - RATIFIED TITLE

12/05/24 House Prefiled
12/05/24 House Referred to Committee on Labor, Commerce and Industry
01/14/25 House Introduced and read first time (House Journal-page 161)
01/14/25 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 161)
01/15/25 House Member(s) request name added as sponsor: Schuessler
01/16/25 House Member(s) request name added as sponsor: Yow
02/04/25 House Member(s) request name added as sponsor: M.M.Smith
02/06/25 House Member(s) request name added as sponsor: Hardee, Montgomery
02/06/25 House Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 6)
02/11/25 House Member(s) request name added as sponsor: Atkinson, Hixon, Ligon
02/12/25 House Member(s) request name added as sponsor: Anderson, Weeks
02/12/25 House Requests for debate-Rep(s). Herbkersman, B Newton, McDaniel, Lawson, Hixon, Hewitt, Taylor, Oremus, Harris, Vromer, BL Cox, Holman, MM Smith, Martin, Robbins, Gatch, Gilliard, Anderson, Rivers, King, Bamberg, JL Johnson, Hager, Henderson-Myers, JA Moore, Williams, Govan, Grant, Spann-Wilder, Crawford, Guest, T Moore, McGinnis, Jones, Huff, White (House Journal-page 42)
02/12/25 House Member(s) request name added as sponsor: Willis, Govan, Williams
02/12/25 House Amended (House Journal-page 48)
02/12/25 House Read second time (House Journal-page 48)
02/12/25 House Roll call Yeas-94 Nays-11 (House Journal-page 80)
02/13/25 House Read third time and sent to Senate (House Journal-page 64)
02/18/25 Senate Introduced and read first time (Senate Journal-page 8)
02/18/25 Senate Referred to Committee on Judiciary (Senate Journal-page 8)
02/18/25 Senate Referred to Subcommittee: Rankin (ch), Campsen, Massey, Adams, Devine, Elliott, Ott
03/26/25 Senate Committee report: Favorable with amendment Judiciary (Senate Journal-page 17)
03/27/25 Senate Special order, set for March 27, 2025 (Senate Journal-page 31)
04/01/25 Senate Committee Amendment Adopted (Senate Journal-page 40)
04/01/25 Senate Amended (Senate Journal-page 40)
04/02/25 Senate Amended (Senate Journal-page 18)
04/02/25 Senate Read second time (Senate Journal-page 18)
04/02/25 Senate Roll call Ayes-41 Nays-3 (Senate Journal-page 18)
04/03/25 Senate Amended (Senate Journal-page 18)
04/03/25 Senate Read third time and returned to House with amendments (Senate Journal-page 18)
04/03/25 Senate Roll call Ayes-38 Nays-3 (Senate Journal-page 18)
04/04/25 Senate Scrivener's error corrected
04/23/25 House Debate adjourned until Thur., 4-24-25 (House Journal-page 20)
04/24/25 House Debate adjourned (House Journal-page 3309)
04/30/25 House Debate adjourned until Thur., 5-1-25 (House Journal-page 94)
05/01/25 House Senate amendment amended (House Journal-page 176)
05/01/25 House Roll call Yeas-88 Nays-13 (House Journal-page 184)
05/01/25 House Returned to Senate with amendments (House Journal-page 176)
05/07/25 Senate Concurred in House amendment and enrolled (Senate Journal-page 2)
05/07/25 Senate Roll call Ayes-35 Nays-11 (Senate Journal-page 2)
05/08/25 Ratified R 60
05/12/25 Signed By Governor
05/19/25 Effective date 05/12/25
05/19/25 Act No. 41