AMENDED

April 3, 2018

**H. 4304**

Introduced by Reps. Duckworth, Loftis, Finlay, Henderson, Stavrinakis, Clary, McCoy, Taylor, Cogswell, Hewitt, Erickson, Crawford, Johnson, Jordan, Atwater, Spires, Fry, Clemmons, Putnam, McCravy, Huggins, Davis, Kirby, Arrington, Bennett, Collins, Felder, Ballentine, Bannister, Bedingfield, Blackwell, Cole, Forrest, Gagnon, Hardee, Herbkersman, Hiott, Hixon, Lowe, Lucas, V.S. Moss, Pope, S. Rivers, Simrill, G.R. Smith, Thayer, Wheeler, Willis, Murphy, Brown, Elliott, Ott, Norrell, McGinnis, Caskey, Mace, Trantham, Ridgeway and B. Newton

S. Printed 4/3/18--H.

Read the first time May 9, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑37‑60 SO AS TO PROVIDE THAT “OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES” MEANS INITIATIVES UNDERTAKEN BY AN ELECTRICAL UTILITY FOR THE LONG‑TERM ADVANCEMENT OF ECONOMIC DEVELOPMENT AND CLEAN ENERGY BENEFITS RESULTING FROM OFFSHORE WIND, TO PROVIDE THAT THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION MAY ADOPT PROCEDURES THAT ENCOURAGE ELECTRICAL UTILITIES SUBJECT TO THE JURISDICTION OF THE COMMISSION TO INVEST IN OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES THAT PROVIDE COST RECOVERY FOR ENERGY SUPPLIERS AND DISTRIBUTORS WHO INVEST IN OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES THAT ARE REASONABLY EXPECTED TO RESULT IN ECONOMIC DEVELOPMENT FROM THE MANUFACTURING AND DEPLOYMENT OF OFFSHORE WIND.

Amend Title To Conform

Whereas, South Carolina is well suited to meet the workforce and infrastructure needs related to offshore wind‑energy development along the East Coast and this development would create long‑term, well‑paying jobs for the community; and

Whereas, the thirty‑three wind energy manufacturing facilities currently operating in South Carolina employ over 1,100 people, generate $530 million of output annually in the State, and support 1,797 indirect and induced jobs statewide; and

Whereas, Clemson University’s Wind‑Turbine Drivetrain Testing Facility in North Charleston is one of a kind and the largest in the world and is well positioned to serve a central role in the further development of a wind‑energy industry hub for South Carolina, attracting manufacturers; and

Whereas, South Carolina’s shallow‑water offshore wind resource is the second largest of the East Coast states and represents a long‑term economic investment opportunity, as well as a long‑term opportunity for in‑state energy production; and

Whereas, Santee Cooper has demonstrated leadership in offshore wind assessment through buoy and SODAR projects collecting wind data in partnership with Coastal Carolina University, and through designing an offshore meteorological platform for further data collection; and

Whereas, offshore wind energy is a domestic source of energy shielded from hostile foreign interests; and

Whereas, the South Carolina coastline is also the location of 52,000 square miles comprising the Regional Military Operating Area bordering coastal Florida, Georgia and South Carolina (“Military Operating Areas”) which provide critical flight training areas to support the mission of military aviation forces in the southeastern United States; and

Whereas, it is recognized that the military use of the Military Operating Areas must not be impaired by the installation of wind turbines in areas incompatible with their continued use for vital military training purposes. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 37, Title 58 of the 1976 Code is amended by adding:

“Section 58‑37‑60. (A) For purposes of this section:

(1) ‘offshore wind-resource development activities’ means initiatives undertaken by an electrical utility for the long‑term advancement of economic development and clean‑energy benefits resulting from offshore wind;

(2) ‘used and useful’ means an electric utility facility has commenced commercial operations and is presently providing actual electric utility service to customers; and

(3) ‘prudent’ or ‘prudence’ means and requires a high standard of care in making decisions and taking actions in order to protect the public interest.

(B) The South Carolina Public Service Commission may adopt procedures that encourage electrical utilities subject to the jurisdiction of the commission to invest in offshore wind-resource development activities if the commission determines that adopting these procedures would be in the best interest of South Carolina ratepayers.

(C) In considering an application under this act, the commission must not approve an application without making findings that approval of the application is reasonably expected to result in the development of energy resources that benefit South Carolina and are in ratepayers’ best interest considering:

(1) reduced electric rates;

(2) economic development benefits for residents within the State; and

(2) environmental impacts.

(D) Offshore wind resource development activities undertaken by an electrical utility may include only:

(1) offshore wind-potential studies;

(2) a demonstration project developed in collaboration with regional electrical utility partners or other electrical utility partners of this State;

(3) utility transmission and distribution system improvements associated with a demonstration wind project;

(4) regional initiatives that include out‑of‑state partnerships for data gathering activities related to future offshore wind deployment; and

(5) partnership initiatives with colleges and universities.

(E) Nothing in this section is meant to require an electrical utility subject to the jurisdiction of the commission to invest in offshore wind-resource development activities.

(F) In considering an application for approval under this act of any offshore wind-resource development activities in areas that comprise a portion of the Military Training Areas bordering South Carolina or Georgia, the commission must not approve an application without the prior written concurrence of the applicable federal, state and local authority.

(G) A structure installed to accomplish the purposes of this chapter must not be visible by the human eye from land.”

SECTION 2. This act takes effect upon approval by the Governor.

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