**South Carolina General Assembly**

120th Session, 2013-2014

**S. 344**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Ford

Document Path: l:\council\bills\ggs\22529zw13.docx

Introduced in the Senate on February 6, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Budget and Control Board and Public Service Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/6/2013 Senate Introduced and read first time ([Senate Journal‑page 14](file:///h:\SJ%20Archive\2013\02-06-13.docx))

2/6/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 14](file:///h:\SJ%20Archive\2013\02-06-13.docx))

**VERSIONS OF THIS BILL**

[2/6/2013](file:///p:\pprever\2013-14\344_20130206.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE THAT ON OR BEFORE JULY 1, 2013, THE STATE BUDGET AND CONTROL BOARD AND THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION SHALL INITIATE A JOINT FEASIBILITY STUDY INTO THE ADVANTAGES OF CONVEYING THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO DUKE ENERGY OR TO ANOTHER SUITABLE ELECTRICAL UTILITY, TO STIPULATE MANDATORY CRITERIA OF A REQUEST FOR PROPOSALS TO BE CONSIDERED IN THE STUDY; AND TO REQUIRE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION TO CONDUCT AND PUBLISH A COMPREHENSIVE STUDY THAT EXAMINES AND FORECASTS SOUTH CAROLINA’S RESIDENTIAL AND COMMERCIAL ELECTRIC ENERGY CONSUMPTION AND HOW IT WILL RELATE TO THE STATE’S ELECTRIC POWER PRODUCTION AND DISTRIBUTION CAPACITIES FOR THE NEXT TEN, TWENTY‑FIVE, AND FIFTY YEARS.

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

SECTION 1. (A) On or before July 1, 2013, the State Budget and Control Board and the South Carolina Public Service Commission shall initiate a joint feasibility study into the advantages of conveying the Public Service Authority to Duke Energy or to another suitable electrical utility. This study shall take into account that a request for proposals must include, but is not limited to, the following:

(1) All bids must be for the full and complete purchase of the Public Service Authority including all assets and liabilities and all generation, transmission, and distribution facilities.

(2) All bids must provide for the full payment by the bidder or the assumption without recourse by the bidder, or a combination thereof, of all liabilities of the Public Service Authority including revenue bonds and other indebtedness issued by it to date of the bid.

(3) All bids must include a full and complete release of the State of South Carolina, and its agents, employees, or entities including the Public Service Authority from any and all liability present or contingent which may arise from the operation or decommissioning of any nuclear generation plants owned or operated by the Public Service Authority.

(4) Existing contracts for the providing of electricity, water, fuel, or other services or products must be honored by any bidder but are renegotiable at the option of the parties if both agree.

(5) Supervision of the waters of Lakes Moultrie and Marion and any other recreational waters of the Santee Cooper Hydroelectric and Navigation Project, including jurisdiction for purposes of civil and criminal process, must be vested in the Department of Natural Resources with the general public retaining the same rights to use these waters for recreational purposes as is now provided.

(6) An acceptable minimum bid is deemed to be the full payment of all liabilities and bonded indebtedness of the Public Service Authority or the assumption of such liabilities and bonded indebtedness without recourse, or a combination thereof, plus seven hundred fifty million dollars.

(7) All bids must be sealed and submitted together with a performance bond as may be required by the State Budget and Control Board.

(B) The Public Service Authority and its officers and employees designated by the authority shall cooperate with the State Budget and Control Board and the South Carolina Public Service Commission in the conduct of the joint feasibility study. The Public Service Authority for this purpose shall certify its assets and liabilities, its income statements for the last five years, and its balance sheet to the State Budget and Control Board by June 1, 2013. A court of competent jurisdiction may issue a writ of mandamus requiring the authority or its designated officers and employees to perform the requirements imposed upon it or them by the provisions of this section and citing the authority or its designated officers and employees for civil contempt for failure to perform.

(C) The State Budget and Control Board and the South Carolina Public Service Commission shall provide a copy of their joint report to the General Assembly by January 31, 2014.

SECTION 2. The South Carolina Public Service Commission shall conduct and publish a comprehensive study that examines and forecasts South Carolina’s residential and commercial electric energy consumption and how it will relate to the state’s electric power production and distribution capacities for the next ten, twenty‑five, and fifty years. The South Carolina Public Service Commission shall provide a copy of its report to the General Assembly by January 31, 2014.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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