**South Carolina General Assembly**

121st Session, 2015-2016

**S. 173**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Kimpson

Document Path: l:\s-res\mek\007util.ls.mek.docx

Introduced in the Senate on January 13, 2015

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

Summary: Electric utilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2014 Senate Prefiled

12/3/2014 Senate Referred to Committee on **Judiciary**

1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 115](file:///h:\SJ%20Archive\2015\01-13-15.docx))

1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 115](file:///h:\SJ%20Archive\2015\01-13-15.docx))

3/20/2015 Senate Referred to Subcommittee: Rankin (ch), Hutto, Turner

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=173&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2014](file:///p:\pprever\2015-16\173_20141203.docx)

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 27, TITLE 58 OF THE 1976 CODE, CONCERNING GENERAL PROVISIONS RELATED TO ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES, TO PROVIDE THAT NOTICE MUST BE GIVEN TO RESIDENTS IN IDENTIFIABLE COMMUNITIES OR NEIGHBORHOODS PRIOR TO A UTILITY COMPANY UNDERTAKING, AND TO PROVIDE FOR THE CONTENTS OF THE NOTICE, TO PROVIDE FOR A PUBLIC MEETING RELATED TO THE MAINTENANCE PLAN, TO PROVIDE THAT UTILITY COMPANIES CONSIDER COMMUNITY AND NEIGHBORHOOD CONCERNS WHEN FINALIZING THESE MAINTENANCE PLANS, TO PROVIDE THAT UTILITY COMPANIES MUST USE BEST EFFORTS TO ENSURE THAT MAINTENANCE PLANS DO NOT DEGRADE THE CHARACTER AND VALUE OF THE AFFECTED AREAS, TO PROVIDE FOR AN EXEMPTION IN THE CASE OF A NATURAL DISASTER OR OTHER EMERGENCY, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 1, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58‑27‑260. (A) For the purposes of this section, ‘utility company’ means any electric and lighting company who has to acquire fee simple title or an easement in land by condemnation action pursuant to Section 58‑27‑130.

(B) For the purposes of this section, ‘equipment’ shall include but is not limited to, light poles, electrical wires, transformers, switch boxes, or any other items or fixtures put in place by a utility company for the purpose of providing a utility to a community.

(C) For the purposes of this section, ‘maintenance plan’ or ‘maintenance activities’ includes, but is not limited to, any tree modifications, installation of new equipment, and replacement of existing equipment.

(D) Prior to undertaking a maintenance plan or replacement of equipment on any property, the utility company must send written notice to the owner of any property concerning the scope of work and details of the maintenance plan. The written notice to property owners impacted by maintenance plans must be sent by US Mail in a separate envelope and must be mailed at least fifteen days prior to any maintenance activity. The written notice shall describe the easement at issue, the proposed modification to the equipment or tree modifications, and provide the property owner with a point of contact to resolve any concerns about the proposed activity. If the utility company is offering any monetary consideration for the inconvenience caused by the equipment change or maintenance plan, the amount of consideration shall be listed in bold in the notice. Prior to undertaking a maintenance plan or equipment change that will impact multiple premises with electric service within an identifiable community or neighborhood, the utility company must provide written notice of the planned maintenance activities to all residents of the identifiable community or neighborhood if such plans will result in a substantial alteration to the character and value of the community or neighborhood. The notice shall contain a description of the proposed maintenance activities, including where and to what extent the utility company’s plans include affecting the character and value of the community or neighborhood. In addition, the written notice shall provide interested members of the community with a point of contact to address any concerns regarding the proposed activity.

(E) Upon the request of at least ten community or neighborhood residents, the utility company must hold a public meeting to discuss the proposed maintenance plan or maintenance activities. The utility company must give due consideration to the input of the community and make best efforts to incorporate that input into their maintenance plan. Should two‑thirds of the residents in the affected community or neighborhood attend the public meeting to oppose the proposed maintenance plan or maintenance activities, the proposed maintenance activities must be approved via majority vote by the governmental entity that governs jurisdiction of the affected site of the maintenance plan or maintenance activities.

(F) In all circumstances a utility company must make best efforts to ensure that any maintenance activities do not degrade the character and value of the community or neighborhood.

(G) Any maintenance plan or maintenance activities involving a community park, playground, or historic site that will involve a utility company adding equipment visible to the average observer, removing natural fixtures such as trees or other landscaping formations, or any other alterations to general aesthetics of such location that will result in a substantial alteration to the character and value of the site of the proposed maintenance plan or maintenance activities must be approved via majority vote by the governmental entity that governs jurisdiction of the affected site of the maintenance plan or maintenance activities.

(H) The provisions of this section do not apply when a utility company is attempting to restore power to one or more residents of the community or neighborhood following a natural disaster or other emergency situation.”

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

‑‑‑‑XX‑‑‑‑