**South Carolina General Assembly**

124th Session, 2021-2022

**S. 439**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

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Introduced in the Senate on January 12, 2021

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

Summary: Public Service Authority

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 312](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 312](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[1/12/2021](file:///p:\pprever\2021-22\439_20210112.docx)

**A** **BILL**

TO PROVIDE THAT THE PUBLIC SERVICE AUTHORITY MUST DIVEST ITSELF OF ALL ELECTRIC GENERATION ASSETS BY JANUARY 1, 2025 AND TRANSFER OPERATIONAL CONTROL OF ALL TRANSMISSION ASSETS TO A REGIONAL TRANSMISSION ORGANIZATION, TO PROVIDE FOR AN EXTENSION IF NECESSARY, AND TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION IS RESPONSIBLE FOR ADMINISTERING THE DIVESTMENT PROCESS; TO AMEND CHAPTER 31, TITLE 58 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE AUTHORITY, BY ADDING ARTICLE 7, TO PROVIDE FOR RENEWABLE ENERGY; AND TO AMEND ARTICLE 3, CHAPTER 31, TITLE 58 OF THE 1976 CODE, BY ADDING SECTION 58-31-470, TO PROVIDE THAT EACH RETAIL CUSTOMER OF THE PUBLIC SERVICE AUTHORITY SHALL HAVE THE CHOICE TO PURCHASE POWER FROM THE PUBLIC SERVICE AUTHORITY.

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

SECTION 1. (A) By January 1, 2025, the Public Service Authority shall divest itself of ownership of all electric generation assets. If a regional transmission organization (RTO) is in development as provided in subsection (B)(2), then the deadline may be extended by one year.

(B)(1) By January 1, 2025, the Public Service Authority shall transfer operational control of all transmission assets to an RTO that has received the approval of the Federal Energy Regulatory Commission as of January 1, 2025, pursuant to 16 U.S.C. § 824d and 18 CFR § 35.34 as current and if amended or renumbered.

(2) If an RTO is in development, but has not yet received Federal Energy Regulatory Commission approval as of January 1, 2025, and if the proposed RTO best serves the public interest to operate the Public Service Authority, then a one-year extension may be used.

(3) The Public Service Authority is responsible for any costs incurred pursuant to this subsection.

(C) The Department of Administration shall administer the process by which the Public Service Authority divests itself from ownership of all electric generation assets and enters into an RTO. The Department of Administration shall retain independent consultants in law and finance, and as otherwise needed, to ensure that all debt obligations owed by the Public Service Authority are met and that no bond or other covenants are breached.

SECTION 2. Chapter 31, Title 58 of the 1976 Code is amended by adding:

“ARTICLE 7

Renewable Energy

Section 58-31-700. The Public Service Commission shall be responsible for ensuring compliance with this article.

Section 58-31-710. (A) Renewable energy facilities as defined by Section 58‑41‑10(12), renewable energy suppliers as defined by Section 58‑41‑10(13), and small power producers as defined by Section 58‑41‑10(14) shall have open access to the transmission and distribution infrastructure of the Public Service Authority in a manner consistent with applicable federal law and Federal Energy Regulatory Commission rules and regulations.

(B) The Public Service Commission shall have jurisdiction over the interconnection process of renewable energy facilities, renewable energy suppliers, and small power producers onto the distribution infrastructure operated by the Public Service Authority.”

SECTION 3. A. Article 3, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-470. Each retail customer of the Public Service Authority shall have the choice to purchase power from the Public Service Authority. The Public Service Authority shall continue to serve a retail customer until the retail customer chooses service from a different retail electric provider, an electric cooperative offering customer choice, or a municipally owned utility offering customer choice.”

B. The provisions of Section 58-31-470, as added by this act, are effective January 1, 2025.

SECTION 4. Any law that conflicts with the provisions of this act at the time at which a provision is effective is repealed.

SECTION 5. Unless otherwise provided, this act takes effect upon approval by the Governor.

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