

#B. 679

#Dixie Power and Water Regulatory Reform Act of 2020

IN THE ASSEMBLY

October 21st, 2020 Mr. /u/ItsNotBrandon introduced the following legislation.

#A BILL

*Be it enacted by the Assembly of the State of Dixie, *

#SECTION I. SHORT TITLE

(1) This legislation shall be known as the “D.P.A.W. Act of 2020”.

#SECTION II. RESTRUCTURING OF THE OFFICE OF FINANCE.

(1) The Public Service Commission is hereby renamed to the Dixie Power and Water Agency. The Dixie Power and Water Agency shall inherit any previous regulatory power from the Public Service Commission.

(2) The Dixie Power and Water Agency shall act as a department under the supervision of the Chief Financial Officer.

(3) The current funding appropriated to the Public Service Commission shall transfer to the Dixie Power and Water Agency.

#SECTION III. EXTENDING THE REGULATORY POWER

(1) Dixie Power and Water Agency shall be tasked with the following:

> (a) Develop electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for electric utilities.

> (b) Conduct the competitive procurement processes identified in this Act.

- > (c) Develop electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Division of Bond Finance.
- > (d) Supply electricity from the Agency's facilities at cost to one or more of the following: municipal electric systems, governmental aggregators, or rural electric cooperatives in Dixie.
- > (e) Ensure that the process of power procurement is conducted in an ethical and transparent fashion, immune from improper influence.
- > (f) Implement renewable energy procurement and training programs throughout the State to diversify Dixie's electricity supply, improve reliability, avoid and reduce pollution, reduce peak demand, and enhance public health and well-being of Dixie's residents, including low-income residents.

(2) The Agency has all of the powers necessary or convenient to carry out the purposes and provisions of this Act, including without limitation, each of the following:

- > (a) To negotiate and enter into loan agreements and other agreements with the Division of Bond Finance.
- > (b) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the Agency under this Act, including contracts with any person, including personal service contracts, or with any local government, State agency, or other entity; and all State agencies and all local governments are authorized to enter into and do all things necessary to perform any such agreement, contract, or other instrument with the Agency. No such agreement, contract, or other instrument shall exceed 40 years.
- > (c) To procure insurance against any loss in connection with its properties or operations in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor.
- > (d) To enter into management agreements for the operation of any of the property or facilities owned by the Agency.
- > (e) To adopt, revise, amend, and repeal rules with respect to its operations, properties, and facilities as may be necessary or convenient to carry out the purposes of this Act.
- > (f) The Agency may take and acquire possession by eminent domain of any property or interest in property that the Agency is authorized to acquire under this Act for the construction,

maintenance, or operation of a facility with the consent in writing of the Governor, to acquire by private purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain.. The power of condemnation shall be exercised, however, solely for the purposes of one or more of the following: siting, rights of way, and easements appurtenant. The Agency shall not exercise its powers of condemnation until it has used reasonable good faith efforts to acquire the property before filing a petition for condemnation and may thereafter use those powers when it determines that the condemnation of the property rights is necessary to avoid unreasonable delay or economic hardship to the progress of activities carried out in the exercise of powers granted under this Act. Before use of the power of condemnation for projects, the Agency shall hold a public hearing to receive comments on the exercise of the power of condemnation. The Agency shall use the information received at the hearing in making its final decision on the exercise of the power of condemnation. The hearing shall be held in a location reasonably accessible to the public interested in the decision. The Agency shall promulgate guidelines for the conduct of the hearing. The Agency shall conduct a feasibility study showing that the taking is necessary to accomplish the purposes of this Act and that is adequate to meet the environmental standards set forth by the State and the federal governments.

> (g) The Agency shall be authorized to conduct a grant program to form Public-Private partnerships in order to accelerate the building and/or planning of new renewable and/or non-renewable power generation facilities.

> (h) The Agency shall be the sole power procurer for the State of Dixie, the Agency shall setup a competitive power procurement program to ensure lower income citizens receive the best price possible.

#SECTION IV. ENACTMENT

(1) This legislation shall come into effect immediately upon its successful passage.

(2) This legislation shall take precedence over all previous pieces of legislation that might contradict it.

(3) Should any part of this bill be struck down due to being unconstitutional, the rest shall remain law.