



State of North Carolina
Department of Justice

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Attorney General

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June 18, 2014

The Hon. Tom Apodaca
North Carolina Senate
16 W. Jones Street, Room 2010
Raleigh, N. C. 27602

Dear Senator Apodaca:

I commend you for working on clean up, disposal and remediation of the coal ash repositories in North Carolina as outlined in Senate Bill 729, Edition 2.

However, I remain concerned that this proposed law will allow the public utility to unfairly charge customers for the cost of these actions. Rather than issuing a moratorium through 2015 to the Utilities Commission, as this bill does, I encourage the Legislature to prohibit the Commission from authorizing utility rate increases related to these costs.

A cost-recovery provision along the lines of the one contained in House Bill 1226, Section 1, would stop the utility from passing along costs to consumers while still directing the appropriate environmental protection. I realize this issue is complicated and that utilities are entitled to reasonable cost recovery in most instances. However, in this situation it is better to come down on the side of the consumer.

Thank you for your attention to this matter. I and members of my staff are available to talk with you or members as you deliberate.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "RC", with a long, sweeping flourish extending to the right.

Roy Cooper

RAC/sm