

04 NCAC 01H .0303 CONSIDERATIONS OF THE CAPACITY RESOURCE USAGE AND DEMAND

The committee will consult with informed authorities, with Issuers, and with legislative lenders. When it appears that the demand for the resource will be so large that the needs of all issuers might not be met, the committee will make allocations on a first-come, first-serve basis. When demand, or potential demand, becomes so large that the resource will prove to be inadequate, the committee would consider, but not limit their consideration of approvals to the following:

- (1) the overall good of the state and the people of North Carolina;
- (2) relative economic need and benefit to the Issuer and the area to be impacted by the following:
 - (a) whether or not alternative structure or mechanisms for the project agreements and the financing documents might resolve or reduce the need for a "private activity bond" capacity allocation;
 - (b) whether or not the Issuer is in competition with another out of state Issuer for the project benefits such as jobs and tax base;
 - (c) whether or not the availability of the allocation is a crucial part of keeping an existing industrial plant open, whereas the alternatives would be for that plant to close.

*History Note: Authority G.S. 143B-429; 143B-430; Ch. 588 (1987 Session Law);
Eff. December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*