



CHAPTER 62  
ARTICLE 5 - REVIEW AND ENFORCEMENT OF ORDERS

N.C.G.S. § 62-94.

Record on appeal; extent of review.

|                                                                                          |                                                                                     |                                           |                                                                                                    |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------|
| SOURCE<br>General Statutes of North<br>Carolina, as published by the<br>General Assembly | LAST AMENDMENT IN THIS<br>TEXT<br>S.L. 2023-54, s. 10 — sixth act<br>in the lineage | RETRIEVED<br>21 September 2026, 02:52 UTC | SOURCE FINGERPRINT<br>910d8878a6717bc080973a34 -<br>facbe93e83eb666da9bdd5fc -<br>ed8e91a2c5b2d70b |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------|

**§ 62-94(a)** On appeal the court shall review the record and the issues raised in accordance with the rules of appellate procedure, and any alleged irregularities in procedures before the Commission, not shown in the record, shall be considered under the rules of appellate procedure.

**§ 62-94(b)** So far as necessary to the decision and where presented, the court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of any Commission action. The court may affirm or reverse the decision of the Commission, declare the decision null and void, or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the appellants have been prejudiced because the Commission's findings, inferences, conclusions, or decisions are any of the following:

- (1) In violation of constitutional provisions.
- (2) In excess of statutory authority or jurisdiction of the Commission.
- (3) Made upon unlawful proceedings.
- (4) Affected by other errors of law.
- (5) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted.
- (6) Arbitrary or capricious.

**§ 62-94(c)** In making these determinations, the court shall review the whole record or the portions of it that are cited by any party, and due account shall be taken of the rule

of prejudicial error. The appellant shall not be permitted to rely upon any grounds for relief on appeal that were not set forth specifically in the appellant's notice of appeal filed with the Commission.

**§ 62-94(d)** The court shall also compel action of the Commission unlawfully withheld or unlawfully or unreasonably delayed.

**§ 62-94(e)** Upon any appeal, the rates fixed or any rule, finding, determination, or order made by the Commission under this Chapter is prima facie just and reasonable.

PRIMA FACIE  
EVIDENCE

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I  
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

|    | 1949                            |                     |  |  | 1986                                   |  |  |  | 2023 |
|----|---------------------------------|---------------------|--|--|----------------------------------------|--|--|--|------|
|    | TICK HEIGHT = ACTS IN THAT YEAR |                     |  |  | DASHED = RECODIFICATION, NOT AMENDMENT |  |  |  |      |
| Nº | YEAR                            | ACT                 |  |  | CHARACTER                              |  |  |  |      |
| 01 | 1949                            | c. 989, s. 1        |  |  | ENACTED                                |  |  |  |      |
| 02 | 1955                            | c. 1207, s. 3       |  |  | AMENDED                                |  |  |  |      |
| 03 | 1963                            | c. 1165, s. 1       |  |  | AMENDED                                |  |  |  |      |
| 04 | 1969                            | c. 614              |  |  | AMENDED                                |  |  |  |      |
| 05 | 1975                            | c. 391, s. 14       |  |  | AMENDED                                |  |  |  |      |
| 06 | 2023                            | S.L. 2023-54, s. 10 |  |  | AMENDED                                |  |  |  |      |

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 62-94 (2023).

PINPOINT

N.C. Gen. Stat. § 62-94(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

## COLOPHON

## Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1949, c. 989, s. 1; 1955, c. 1207, s. 3; 1963, c. 1165, s. 1; 1969, c. 614; 1975, c. 391, s. 14; 2023-54, s. 10.)

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