

October 30, 2015

Ms. Gail Mount, Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, North Carolina 27603-5918

Via Electronic Filing

Re: NCUC Docket No. SP-100, Sub 31
**PETITION TO INTERVENE of the ENERGY FREEDOM COALITION
OF AMERICA, LLC.**

Dear Ms. Mount,

Please find enclosed for filing in the above-referenced docket the *Petition to Intervene* on behalf of the Energy Freedom Coalition of America, LLC. Please do not hesitate to contact me if you have any questions. Thank you for your assistance with this matter.

With best regards,

/s/ Thadeus B. Culley

Thadeus B. Culley
Keyes, Fox & Wiedman, LLP
401 Harrison Oaks Boulevard
Suite 100
Cary, NC 27513
(510) 314-8205
tculley@kfwlaw.com

*Attorney for Energy Freedom Coalition
of America, LLC*

Enclosure
cc: Service List for Docket No. SP-100, Sub 31

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. SP-100, Sub 31

In the Matter of Petition by North)	
Carolina Waste Awareness and)	The Petition to Intervene of the Energy
Reduction Network for a Declaratory)	Freedom Coalition of America, LLC
Ruling Regarding Solar Facility)	
Financing Arrangement and Status As a)	
Public Utility)	

The Energy Freedom Coalition of America, LLC (“EFCA”), through its undersigned counsel, files this Petition to Intervene in the above-referenced proceeding. In support of this petition, EFCA states the following:

1. EFCA, a limited liability company incorporated in Delaware, is an organization that seeks to promote public awareness of the benefits of solar and alternative energy through public advocacy. EFCA’s membership includes SolarCity Corporation, Silevo Solar, and Zep Solar.

2. EFCA’s member companies include those engaged in the financing and installation of residential and commercial rooftop solar facilities, including the offering of solar leasing, solar power purchase agreements (“PPAs”), and direct loans to consumers.

3. None of EFCA’s member companies currently offer solar leasing or solar PPA services to customers in North Carolina, as the Commission has not clarified whether third-party owners of rooftop solar facilities may engage in contractual transactions with customers in this state to own and operate rooftop solar generating facilities on behalf of such customers.

4. The principal business address for EFCA is:

101 Constitution Avenue NW

Suite 525 East

Washington, D.C. 20001

5. NC Warn filed a petition for declaratory order on June 17, 2015 to determine whether its transaction with the Faith Community Church would cause it to become a public utility as defined by North Carolina General Statutes § 62-3(23).

6. NC WARN avers that the “key issue to be resolved... is whether state law prohibits third-parties, such as NC WARN, from installing solar panels and selling the power to a client, OR does only a public utility, such as Duke Energy, have the ability to do so.” *NC Warn Request at p. 5.*

7. NC WARN’s specific request narrowly seeks to determine whether a third-party owner of a rooftop solar generation facility, that is a non-profit entity, may engage in a PPA with another non-profit entity, where the ultimate price of the PPA is subsidized by NC WARN and where any proceeds from sales of electricity would be reinvested into a fund to provide additional subsidized rooftop solar PPAs to other non-profit entities in the state.

8. On September 30, 2015, the Commission issued a notice requesting comments from interested parties on the broader question of the Commission’s general authority to allow sales from third-party owners of rooftop solar facilities, as well as comments on the specific circumstances described in the NC Warn petition.

9. EFCA has a direct interest in the clarification of the Commission’s jurisdiction over third-party owners of rooftop solar facilities, as the current regulatory uncertainty

surrounding this issue in North Carolina functions as a barrier to entry for its member companies who offer solar leases and solar PPAs in other jurisdictions.

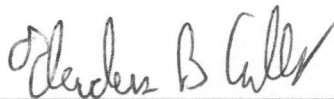
10. EFCA consents to electronic service and requests that the Commission and all parties serve all communications, notifications, and pleadings to its counsel in this proceeding:

Thadeus B. Culley (NC Bar No. 47001)
KEYES, FOX & WIEDMAN LLP
401 Harrison Oaks Blvd., Suite 100
Cary NC, 27513
Tele: 510-314-8205
Email: tculley@kfwlaw.com

Wherefore, EFCA respectfully requests that it be granted intervenor status to participate as a party in this proceeding.

Dated October 30, 2015

Respectfully submitted,

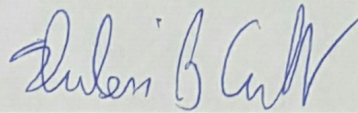


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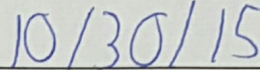
**ATTORNEY FOR ENERGY FREEDOM
COALITION OF AMERICA**

VERIFICATION

I, Thadeus B. Culley, verify that the contents of the foregoing *Petition to Intervene* are true to the best of my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I am authorized to sign this verification on behalf of the Energy Freedom Coalition of America, LLC.



Thadeus B. Culley

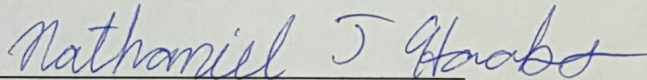


Date

Wake County, North Carolina

Sworn to and subscribed before me this day by Thadeus B. Culley.

This the 30 day of October, 2015.



Signature



My Commission expires: 10/13/20

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

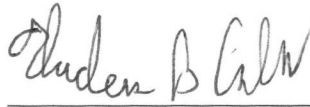
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served via facsimile, electronic mail or first-class mail to all parties of record in this proceeding on this 30th day of October, 2015.



Thadeus B. Culley