

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. ER-100, SUB 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Rulemaking to Implement North Carolina)	ORDER AMENDING
Session Law 2017-172 (House Bill 799))	COMMISSION RULES
)	AND FORMS

BY THE COMMISSION: On May 4, 2017, Senate Bill 131 (S.L. 2017-10) was enacted into law. This legislation, entitled “An Act to Provide Further Regulatory Relief to the Citizens of North Carolina,” among other things, modifies G.S. 42-42.1 to remove the statutory requirement that leased premises for which a lessor may charge for the actual cost of providing electric service to lessees must be contiguous. This statutory change became effective on May 4, 2017.

In addition, on July 21, 2017, House Bill 799 (S.L. 2017-172) was enacted into law. This legislation, entitled “An Act to Allow for Landlords to Charge Individual Tenants for Shared Cost of Natural Gas Service Provided to Leased Premises,” among other things, modifies certain terminology used in G.S. 42-42.1, Water, Electricity, and Natural Gas Conservation, modifies G.S. 62-110(h) to allow lessors of single-family dwellings or residential buildings to resell electric service, and removes the statutory requirement that an apartment complex which leases by the bedroom must have a separate lease for each bedroom. These statutory changes became effective on July 21, 2017.

On March 1, 2018, consistent with recently enacted legislative changes, the Commission issued an Order Initiating Rulemaking Proceeding to amend the Rules and Regulations in Chapter 22: Provision of Electric Service by Landlords, and to amend the application and transfer forms associated therewith. In that Order, the Commission adopted, on an interim basis, as amended: (1) the Rules and Regulations in Chapter 22 – Provision of Electric Service by Lessors, (2) Form ER-1: Application for Certificate of Authority to Resell Electric Service, and (3) Form ER-2: Application for Transfer of Authority to Resell Electric Service. That Order also set a schedule for receipt of petitions to intervene, initial comments, and reply comments. Finally, a copy of that Order was served upon all existing providers of electric service pursuant to certificates of authority granted by the Commission, all applicants with pending applications seeking such certificates of authority, and the Public Staff – North Carolina Utilities Commission (Public Staff).

On March 9, 2018, the Commission issued an Order granting the Public Staff’s motion for a two-week extension of time until March 23, 2018 for the filing of initial comments, and until April 6, 2018 for the filing of reply comments.

On March 9, 2018, Conservice, LLC (Conservice) filed comments.¹ On March 23, 2018, Duke Energy Progress, LLC (DEP), Duke Energy Carolinas, LLC (DEC), and Dominion Energy North Carolina (DENC) (collectively, the Companies) jointly filed comments.²

On March 23, 2018, the Public Staff filed initial comments. On April 6, 2018, the Public Staff filed reply comments. No other comments or filings were submitted in this proceeding.

SUMMARY OF COMMENTS

By its statement of position, Conservice requests that the Commission change its rules and forms such that the Commission issue an order within 30 days, instead of 60 days, either approving or disapproving an application for a certificate to resell electric service. Similarly, Conservice requests that the Commission change the time frame for automatic approval of such an application absent Commission action, from 30 to 60 days. In support of this request, Conservice states that “even one change requested by the Public Staff to an application can result in another two month delay in getting a certificate to resell electricity.” It further states that “[a] shorter 30-day period would allow the Public Staff ample time to review resale applications without creating a possibility of a long delay, especially when there are sequential findings of an incomplete application based on minor matters.” In addition, Conservice requests that item 9 on the application for a certificate of authority to resell electric service be amended to refer to “lessees,” on the grounds that use of the word “tenants” could “be confusing for single family homes since each home may have multiple tenants under one lease,” and that the proposed revision would be consistent with the language used in House Bill 799.

Through its joint comments, the Companies take no position on the proposed amendments to the rules and forms governing the resale of electric service. The Companies state that neither House Bill 799, nor the proposed amendments to the rules and forms governing the resale of electric service, “impose any additional obligations on the [Companies].” Accordingly, the Companies “will continue to apply without modification their respective existing procedures as they relate to lessors who are utility customers.”

By its comments, the Public Staff states that it generally agrees with the amendments to the rules and forms governing the resale of electric service. It proposes, however, that one sentence be added to Rule R22-4(b), as follows: “However, if any of the information required by the application differs for different properties, the differences must be clearly explained.” In support of this suggestion, the Public Staff states this

¹ Because Conservice is not a party to the instant proceeding, the Commission will deem Conservice’s filing to carry the weight of an interested person’s statement of position, rather than a party’s comments.

² Because DEC, DEP, and DENC are not parties to the instant proceeding, the Commission will deem the Companies’ joint filing to carry the weight of an interested person’s statement of position, rather than a party’s comments.

change is necessary “so that it can be discerned if all the properties listed in the application comply with the rules and regulations.”

By its reply comments, the Public Staff does not object to the comments submitted by the Companies. The Public Staff disagrees, however, with Conservice’s proposal that the Commission should be allowed only 30 days, as opposed to 60 days, to review an application for a certificate to resell electric service, primarily on the grounds that it would “be very difficult, if not impossible, for the Public Staff to review, and the Commission to rule on, all applications for resale of electric service within 30 days.” As additional support of its opposition to Conservice’s suggested amendment to the deadlines for application processing and decision, the Public Staff states that “[b]oth the Commission and the Public Staff have heavy workloads involving matters of great importance, such as the recent general rate cases filed by the State’s two largest electric utilities.” Finally, the Public Staff contends that “many of the applications filed by businesses seeking authority to resell electric service contain numerous provisions inconsistent with the North Carolina statutes governing electric resale, and it often takes a considerable amount of time for the Public Staff to prepare and file its response.”

DISCUSSION AND CONCLUSIONS

After initiating this rulemaking proceeding, issuing on an interim basis the amended Rules and Regulations of Chapter 22, Form ER-1, and Form ER-2 and receiving comments from the Public Staff and statements of position from interested persons, the Commission finds good cause to issue this Order amending Commission rules and forms. In so doing, the Commission endeavored to give full effect to the intent of the Legislature as evidenced through the plain language of House Bill 799 and Senate Bill 131. The Commission also attempted, where possible, to ensure consistency between the regulatory processes and language contained within the rules and forms governing the resale of electric service and the resale of natural gas service. The Commission carefully considered the few comments received in this proceeding and responds accordingly below.

As an initial matter, the Commission agrees with the Companies’ assessment that neither House Bill 799, nor the amendments to the Rules and Regulations of Chapter 22, impose new or additional obligations on the Companies, and that the reselling of electric service pursuant to G.S. 62-110(h) is merely a flow-through billing mechanism to allow lessors of single-family dwellings, residential buildings, and apartment complexes that have individually metered units for electric service in the lessor’s name to resell electric service at the actual cost of providing such service to each lessee.

Issues Raised by Conservice

In its comments, Conservice suggests changing the deadline from 60 days to 30 days for the Commission to either approve or disapprove an application, and similarly for the application to be deemed approved if no action is taken by the Commission after the expiration of the 30-day time frame. In its reply comments, the Public Staff objects to this suggestion on the grounds that both the Commission and the Public Staff have heavy

workloads such that the expedited deadline proposed by Conservice would be difficult, if not impossible, for the Public Staff and the Commission to adhere. The Commission agrees with the Public Staff that a 30-day deadline for the processing of electric reseller applications certainly would be difficult to manage, particularly given the other statutory deadlines and priorities imposed throughout Chapter 62 of the North Carolina General Statutes. However, the Commission declines to adopt Conservice's request to change the deadline for Commission review and decision on electric service reseller applications for a different reason; namely, that G.S. 62-110(h)(6) prescribes the 60-day deadline for both Commission decision and automatic approval in the absence of a timely decision. Accordingly, the change sought by Conservice is inconsistent with applicable law and, therefore, it would be improper for the Commission to make such an amendment absent a change in controlling law.

Conservice raises a second, less substantive, issue in its request to change in the application form a reference to "tenants," and instead use the term "lessees." Because House Bill 799, among other things, updated certain definitions used throughout utility reseller provisions, to include a reference to "lessors" instead of "landlords," and "lessees" instead of "tenants," the Commission agrees with Conservice and concludes that replacing the term "tenants" in favor of the term "lessees" throughout the application forms is consistent with the intent of House Bill 799. The Commission, therefore, adopts Conservice's recommendation as to this second point regarding terminology, as reflected in the final rules and forms attached to this Order as Appendices A through C.

Issue Raised by the Public Staff

By its comments, the Public Staff suggests an amendment to Rule 22-4(b) as follows:

(b) An applicant may submit for authority to charge for electric service for more than one property in a single application. Information relating to all properties covered by the application need only be provided once in the application. However, if any of the information required by the application differs for different properties, the differences must be clearly explained.

The Public Staff recommends this modification "so that it can be discerned if all the properties listed in the application comply with the rules and regulations." Because the electric reseller rules provide for the option to submit a single application for more than one property, the Commission concludes that the Public Staff's recommendation is both reasonable and necessary to ensure that applicants who take advantage of such option also provide the necessary information to allow both the Public Staff and the Commission to review the application and supporting materials and make a determination as to compliance with applicable statutes and Commission rules. Therefore, the Commission finds good cause to modify substantively Rule 22-4(b), as reflected in the final Rules attached as Appendix A to this Order, consistent with the Public Staff's recommendation.

Issues Not Raised by Parties to the Instant Proceeding

The Commission notes that the Public Staff, in Docket No. WR-100, Sub 10, suggested in its comments to include in the rules governing the resale of water and/or sewer service appropriate language to ensure that lessees do not have to travel unreasonable distances to examine the records pertaining to their accounts. In that proceeding, the Public Staff opined that an organization in the business of leasing single-family dwellings on a nationwide basis may have only a single business office in North Carolina; nonetheless, a lessee renting a residence in Murphy should not be required to travel to the lessor's business office in Raleigh or Charlotte to view his or her water and/or sewer service account records. Though the Public Staff did not request such change in the instant proceeding, the Commission finds that the Public Staff's concern expressed in Docket No. WR-100, Sub 10 is similarly applicable to the instant proceeding. Therefore, the Commission finds good cause to modify substantively Rule 22-6(b), as reflected in the final Rules attached to this Order, consistent with the changes recently adopted in Rule R18-5(a).³

While in the process of reviewing and modifying the amendments to Chapter 22 adopted by the Commission on an interim basis, the Commission notes that a number of formatting, typographical, and other minor corrections are necessary to ensure that accurate information about the resale of electric service is provided to both lessors and lessees. For example, the Commission corrected the telephone number information located in Rule 22-7(g)(3) to reflect that the Public Staff's Consumer Services Division's toll-free number may be utilized by both out-of-state and in-state callers. The Commission, therefore, finds good cause to make these and other such changes, as reflected in the final Rules and Forms adopted by this Order.

Finally, while in the process of adopting rules governing natural gas resellers, the Commission notes that a number of changes to electric service reseller rules are needed to ensure consistency, where possible, between the rules and forms governing natural gas resellers and those governing electric service resellers. The Commission, therefore, finds good cause to make such revisions, as reflected in the final Rules and Forms attached to this Order.

Based upon the foregoing and the entire record in this proceeding, the Commission amends, consistent with this Order, the Rules and Regulations of Chapter 22, as set forth in Appendix A to this Order; Form ER-1, as set forth in Appendix B to this Order; and Form ER-2, as set forth in Appendix C to this Order.

³ See Order Adopting Final Rules and Forms, Docket No. WR-100, Sub 10 (April 4, 2018).

IT IS, THEREFORE, ORDERED as follows:

1. That the Rules and Regulations of Chapter 22 – Provision of Electric Service by Lessors, attached to this Order as Appendix A; Form ER-1: Application for Certificate of Authority to Resell Electric Service, attached to this Order as Appendix B; and Form ER-2: Application for Transfer of Authority to Resell Electric Service, attached to this Order as Appendix C, are hereby promulgated and supersede the existing Interim Rules and Forms adopted by the Commission in its March 1, 2018 Order; and

2. That the Chief Clerk shall serve a copy of this Order on all providers charging for electric service pursuant to certificates of authority granted by the Commission pursuant to G.S. 62-110(h) and Chapter 22 of the Commission's Rules and Regulations, all applicants with pending applications seeking such certificates of authority, the Public Staff, and the Attorney General's Office.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of April, 2018.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Janice H. Fulmore". The signature is written in a cursive style with a large initial "J" and "F".

Janice H. Fulmore, Deputy Clerk

**CHAPTER 22.
PROVISION OF ELECTRIC SERVICE BY LESSORS.**

Rule R22-1. Application.

Rule R22-2. Definitions.

Rule R22-3. Utility Status; Certificate.

Rule R22-4. Application for Authority.

Rule R22-5. Bills of the Provider.

Rule R22-6. Records, Reports and Fees.

Rule R22-7. Disconnection; Billing Procedure.

Chapter 22 Appendix.

Rule R22-1. APPLICATION.

Pursuant to G.S. 62-110(h), this Chapter governs the resale of electricity by a lessor of a single-family dwelling, residential building, or multiunit apartment complex that has individually metered units for electric service in the lessor's name, where the lessor charges the actual costs of providing electric service to each lessee.

Rule R22-2. DEFINITIONS.

- (a) *Lessee.* A person who purchases electric service from a provider.
- (b) *Lessor.* A person, entity, corporation, or agency who owns a residential building, single-family dwelling, or multiunit apartment complex which is available for lease.
- (c) *Multiunit apartment complex.* Premises where one or more buildings containing multiple residential dwelling units under common ownership are available for rent to lessees. One or more multiunit apartment complexes may be known as the leased premises.
- (d) *Provider.* A lessor who purchases electric service from a supplier and charges for the costs of providing the service to lessees. A provider must be the owner of the premises served.
- (e) *Residential building.* A townhouse, row house, condominium, mobile home, building, or other structure used for residential purposes. One or more residential buildings may be known as the leased premises.
- (f) *Single-family dwelling.* An individual, freestanding, unattached dwelling unit, typically built on a lot larger than the structure itself, resulting in an area surrounding the house known as a yard, which is rented or available for rental as a residence. One or more single-family dwellings may be known as the leased premises.
- (g) *Supplier.* A public utility or an agency or organization exempted from regulation from which a provider purchases electric service.

(h) *Supplier's Unit Electric Service Bill.* The actual amount charged by the supplier for the unit as a whole less any amount charged by the supplier that is not recoverable from the lessees, such as connection or disconnection charges, provider late fees, or amounts attributed to excess usage as provided in Rule R22-7(f).

(i) *Common Area.* The parts of the rental property that are not otherwise leased to lessees and that are available to or otherwise accessible to all lessees.

Rule R22-3. UTILITY STATUS; CERTIFICATE.

(a) Every provider is a public utility as defined by G.S. 62-3(23)a.1. and shall comply with and be subject to all applicable provisions of the Public Utilities Act and all applicable rules and regulations of the Commission, except as hereinafter provided.

(b) A provider who charges for electric service under this Rule:

- (1) is solely responsible for the prompt payment of all bills rendered by the supplier and is the retail customer of the supplier subject to all rules, regulations, tariffs, riders, and service regulations associated with the provision of residential electric service to retail customers of the supplier;
- (2) is not considered a wholesale customer of the supplier; and
- (3) is not subject to the requirements of G.S. 62-133.8, 62-133.9, or Rules R8-67 through R8-69.

(c) No provider shall begin charging for the costs of providing electric service prior to applying for and receiving a certificate of authority from the Commission.

Rule R22-4. APPLICATION FOR AUTHORITY.

(a) Every application for authority to charge for the costs of providing electric service shall be in such form and detail as the Commission may prescribe and shall include:

- (1) a description of the lessor, who is the applicant, including legal name and type of business entity, and a description of the property to be served, including business or marketing name, if any, street address, and number of units;
- (2) a description of the proposed billing method and billing statements;
- (3) the proposed method of allocating the supplier's charges to the lessees;
- (4) the administrative fee per lessee, returned check charge, and late payment charge, if any, proposed to be charged by the applicant, and the number of days after the bill is mailed or otherwise delivered when the late payment fee would begin to be applied;
- (5) the applicant's plans for retention and availability of records;
- (6) the name of and contact information for the applicant and its agents, including mailing address, email address, and telephone number;

- (7) the name of and contact information for the supplier of electric service to the applicant's rental property;
- (8) the current schedule of charges from the supplier;
- (9) a copy of the lease forms to be used by the applicant for lessees who are billed for electric service pursuant to this Chapter;
- (10) a statement indicating the particular provisions of the lease forms pertaining to billing for electric service;
- (11) the verified signature of the applicant or applicant's authorized representative;
- (12) the required filing fee;
- (13) one (1) original and seven (7) collated copies of the application; and
- (14) any additional information that the Commission may require.

(b) An applicant may submit for authority to charge for electric service for more than one property in a single application. Information relating to all properties covered by the application need only be provided once in the application. However, if any of the information required by the application differs for different properties, the differences must be clearly explained.

(c) The Commission shall approve or disapprove an application within 60 days of the filing of a completed application with the Commission. If the Commission has not issued an Order disapproving a completed application within 60 days, the application shall be deemed approved; provided, however, no person or entity may charge for electric service in a manner inconsistent with Chapter 62 of the North Carolina General Statutes.

(d) An approved certificate of authority from the Commission to charge for the costs of providing electric service under these rules shall be delivered to the supplier from which the provider purchases electric service and include information in Rule R22-4(a)(1) and (6).

Rule R22-5. BILLS OF THE PROVIDER.

(a) Bills for electric service sent by the provider to the lessee shall contain all of the following information:

- (1) the Supplier's Unit Electric Service Bill for the unit as a whole and the amount of charges allocated to the lessee during the billing period;
- (2) the name of the supplier;
- (3) the beginning and ending dates for the usage period and, if provided by the supplier, the date the meter for the unit was read for that usage period;
- (4) the past-due date, which shall not be less than 25 days after the bill is mailed or otherwise delivered to the lessee;

- (5) the name of the provider and a local or toll-free telephone number and address of the provider that the lessees can use to obtain more information about the bill;
 - (6) the amount of administrative fee, returned check charge, and the late payment charge approved by the Commission and included in the bill, if any; and
 - (7) a statement of the lessee's right to address questions about the bill to the provider and the lessee's right to file a complaint with, or otherwise seek recourse from, the Commission if the lessee cannot resolve an electric service billing dispute with the provider.
- (b) The provider or the provider's billing agent shall equally divide the actual amount of the Supplier's Unit Electric Service Bill for a unit among all the lessees in the unit and shall send one bill to each lessee.
- (c) The amount charged shall be prorated when a lessee has not leased the unit for the same number of days as the other lessees in the unit during the billing period.
- (d) Each bill may include an administrative fee no greater than the amount authorized in Rule R18-6 for water service and, when applicable, a late payment charge no greater than the amount authorized in Rule R12-9(d) and a returned check charge no greater than the amount authorized in G.S. 25-3-506.
- (e) A late payment charge may be applied to the balance in arrears after the past-due date.
- (f) The provider may impose a returned check charge, not to exceed the maximum authorized by G.S. 25-3-506, for a check on which payment has been refused by the payor bank because of insufficient funds or because the lessee did not have an account at that bank.
- (g) The provider shall not charge the cost of electric from any other unit or common area in a lessee's bill.
- (h) No provider shall charge or collect any greater compensation for the costs of providing electric service than the rates approved by the Commission.
- (i) The provider may, at the provider's option, pay any portion of any bill sent to a lessee, in accordance with the provisions of the lease; provided, however, that (1) the provider must still send each lessee bills in accordance with the other provisions in Rule R22-5; (2) the provider must credit lessee bills or otherwise refund to lessees the amount, if any, by which the amount specified in the lease exceeds the amount actually owed by the lessee for electric usage in the immediately preceding month; and (3) the provider must comply with G.S. 62-140 regarding non-discrimination in billing for utility service.

Rule R22-6. RECORDS, REPORTS AND FEES.

(a) The provider shall maintain for a minimum of 36 months records that demonstrate how each lessee's allocated costs were calculated for electric service, as well as any other electric service-related fees charged to each lessee.

(b) All records required to be maintained by the provider pursuant to section (a) shall be kept at the onsite management office or office(s) of the provider in North Carolina, or shall be made available at its onsite management office in North Carolina upon request, and shall be available during regular business hours for examination by the Commission or Public Staff or their duly authorized representatives. Within three business days after a written request to the provider, a lessee may examine the records pertaining to the lessee's account during regular business hours and may obtain a copy of those records at a reasonable cost, which shall not exceed 25¢ per page. However, if a provider does not have an onsite management office at the multi-unit complex or in close proximity to the leased single-family dwelling, then the provider shall in good faith, upon written request, establish with the lessee a mutually-acceptable arrangement for the lessee to examine the records pertaining to the electric service for the leased dwelling unit occupied or previously occupied by the lessee. In the event that a provider and lessee are unable to reach agreement within 10 business days, the lessee may contact the Public Staff – North Carolina Utilities Commission, Consumer Service Division, at (866) 380-9816 (toll-free) or (919) 733-9277, or may write to the Public Staff – North Carolina Utilities Commission, Consumer Services Division, at 4326 Mail Service Center, Raleigh, North Carolina 27699-4300 for assistance in resolving the dispute. If the Public Staff determines that it cannot reasonably resolve the disagreement, the matter shall be referred to the Commission.

(c) Providers shall not be required to file an annual report to the Commission as required by Rule R1-32.

(d) Providers shall pay a regulatory fee and file a regulatory fee report as required by Rule R15-1.

(e) Special reports shall also be made concerning any particular matter upon request by the Commission.

Rule R22-7. DISCONNECTION; BILLING PROCEDURE.

(a) Any payment to the provider shall be applied first to the rent owed and then to charges for electric service, unless otherwise designated by the lessee.

(b) No charge for connection or disconnection or late fee or deposit paid by the provider to the supplier shall be allowed, and no provider may terminate a lease for nonpayment of electric service.

- (c) No provider may disconnect or request the supplier to disconnect electric service for the lessee's nonpayment of a bill.
- (d) Bills shall be rendered at least monthly.
- (e) The date after which a bill for electric service is due (the past-due date) shall be disclosed on the bill and shall not be less than twenty-five (25) days after the bill is mailed or otherwise delivered to the lessee.
- (f) A provider shall not bill for or attempt to collect for excess usage resulting from a meter malfunction or other electric condition in appliances such as water heaters, HVAC systems, or ranges furnished by the provider to the lessee, when the malfunction is not known to the lessee or when the malfunction has been reported to the provider.
- (g) Every provider shall provide to each lessee at the time the lease agreement is signed, and shall maintain in its business office, in public view, near the place where payments are received, the following:
 - (1) A copy of the rates, rules, and regulations of the provider applicable to the premises served from that office, with respect to electric service;
 - (2) A copy of these rules and regulations (Chapter 22); and
 - (3) A statement advising lessees that they should first contact the provider's office with any questions they may have regarding bills or complaints about service, and that in cases of dispute, they may contact the Commission either by calling the Public Staff - North Carolina Utilities Commission, Consumer Services Division, at (866) 380-9816 (toll-free) or (919) 733-9277, or by appearing in person or writing to the Public Staff - North Carolina Utilities Commission, Consumer Services Division, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.
- (h) Each provider shall adopt a means of informing its lessees initially and on an annual basis as to the provider's method of allocating bills to the individual lessees and its administrative fee, returned check charge, and late fee, if any. A copy of the supplier's current schedule of charges shall also be included in these disclosures.
- (i) Every provider shall promptly notify the Commission in writing of any change in the information required in Rule R22-4(a), except for changes in the rates and charges of the supplier (Rule R22-4(a)(8)).
- (j) If a provider anticipates that it will not pay a supplier's bill on time, or if the provider receives notice from the supplier of pending disconnection, whichever comes first, the provider must within 24 hours provide written notice to the Commission and all of the provider's affected lessees of the anticipated nonpayment or disconnection notice. A provider may not abandon or cease providing electric service to its lessees without advance permission from the Commission.

CHAPTER 22.
APPENDIX.

DOCKET NO. ER-_____, SUB _____

FILING FEE RECEIVED _____

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

APPLICATION FOR CERTIFICATE OF AUTHORITY TO RESELL ELECTRIC SERVICE IN ACCORDANCE WITH
G.S. 62-110(h) and NORTH CAROLINA UTILITIES COMMISSION CHAPTER 22

INSTRUCTIONS

If additional space is needed, supplementary sheets may be attached. If any section does not apply, write "not applicable."

Utility laws, the Commission's Rules, and other information may be accessed at <http://www.ncuc.net/index.htm>

APPLICANT

1. Name of owner: _____
(Individual name if the owner is a sole proprietor or business name if not a sole proprietor.)
2. Type of Business Entity: _____
3. Business mailing address of owner: _____
City and state: _____ Zip code: _____
4. Business telephone number: _____ Business fax number: _____
5. Business email address: _____
6. Person to Contact Concerning this Application (Name, Telephone, and Email):

PROPOSED UTILITY SERVICE AREA
(Attach additional sheets if more than one property)

7. Name of Single-Family Dwelling, Residential Building, or Apartment Complex (hereinafter leased premises): _____

8. Street Address of leased premises: _____
9. County: _____
10. Name, address and telephone number of the supplier of electricity: _____

11. Number of lessees that can be served at this leased premises: _____

RESALE PROVISIONS

12. Describe the method Applicant proposes to use to allocate the supplier's individual electric bill for a unit among all the lessees in the unit (NCUC Rule R22-5): (Note: if it is a single-family dwelling or residential building, there may be no allocation method): _____

13. Monthly administrative fee per bill: _____
(Pursuant to NCUC Rule R22-5(d), no more than \$3.75 per month, the maximum amount authorized for water resellers by NCUC Rule R18-6, may be added as an administrative fee to the cost of electric service. The amount of the administrative fee, up to the maximum amount, should be justified by Applicant's actual costs.)
14. Bills will be past due _____ days after they are mailed or otherwise delivered to lessees. (NCUC Rule R22-7(e) specifies that bills shall not be past due less than twenty-five (25) days after mailing or other delivery to lessees.)
15. Late fee amount: _____ (Pursuant to NCUC Rule 22-5(d) and (e), a late fee of no more than 1% per month of the balance in arrears may be assessed.)
16. Returned check charge: _____ (Pursuant to NCUC Rule 22-5(f) and G.S. 25-3-506, a returned check fee of no more than \$25.00 may be assessed.)
17. Statement of Applicant's plans for retention and availability of records (see NCUC Rule R22-6(a) and (b)): _____

PERSONS TO CONTACT

- | | <u>NAME</u> | <u>ADDRESS</u> | <u>TELEPHONE</u> |
|---|--------------------|-----------------------|-------------------------|
| 18. Management: | _____ | _____ | _____ |
| | | _____ | |
| | | Email _____ | |
| 19. Complaints or Billing: | _____ | _____ | _____ |
| | | _____ | |
| | | Email _____ | |
| 20. Emergency Service: | _____ | _____ | _____ |
| | | _____ | |
| | | Email _____ | |
| 21. Filing and Payment of
Regulatory Fees to NCUC: | _____ | _____ | _____ |
| | | _____ | |
| | | Email _____ | |

OTHER PROVISIONS

22. Applicant must notify the Commission in writing within 30 days following the change of any information supplied on this form.
23. Applicant must also file quarterly Regulatory Fee Reports and make regulatory fee payments. Details are set out in NCUC Rule R15-1.

REQUIRED EXHIBITS

24. If Applicant is a corporation, LLC, LP, or other legal business entity, enclose a copy of the certification from the North Carolina Department of the Secretary of State (Articles of Incorporation or Application for Certificate of Authority for Limited Liability Company, etc.). **(Must match name on Line 1 of application.)**
25. If Applicant is a partnership, enclose a copy of the partnership agreement. **(Must match name on Line 1 of application.)**

4/2018

- 26. Enclose a copy of a Warranty Deed showing that the Applicant has ownership of all the property necessary to operate the utility. **(Must match name on Line 1 of application.)**
- 27. Enclose a vicinity map showing the location of the leased premises in sufficient detail for someone not familiar with the county to locate the leased premises. (A county roadmap with the leased premises outlined is suggested.)
- 28. Enclose a copy of the supplier's schedule of rates that will be charged to the Applicant for electric service.
- 29. Enclose a copy of any agreements or contracts that Applicant has entered into covering the provision of billing and collections services to the leased premises.
- 30. Indicate the number of apartment buildings, residential buildings, or single-family dwellings to be served, the number of units in each apartment building or residential building, and the number of bedrooms in each unit.
- 31. Enclose a copy of the template or form used for billing statements.
- 32. Enclose a copy of all forms used for the lease to lessees, including a statement of which parts of the lease relate to billing for electric service.

FILING INSTRUCTIONS

- 33. Electronic filing is available at www.ncuc.net for application submittal, or mail one (1) original application with required exhibits and original **notarized signature**, plus three (3) additional collated copies to:

USPS Address:
 Chief Clerk's Office
 North Carolina Utilities Commission
 4325 Mail Service Center
 Raleigh, North Carolina 27699-4300

OR

Overnight Delivery at Street Address:
 Chief Clerk's Office
 North Carolina Utilities Commission
 430 North Salisbury Street
 Raleigh, NC 27603-5918

- 34. Enclose a filing fee as required by G.S. 62-300. A Class A utility (annual electricity revenues of \$1,000,000 or more) requires a \$250 filing fee. A Class B utility (annual electricity revenues between \$200,000 and \$1,000,000) requires a \$100 filing fee. A Class C utility (annual electricity revenues less than \$200,000) requires a \$25 filing fee. **MAKE CHECK PAYABLE TO N.C. DEPARTMENT OF COMMERCE/UTILITIES COMMISSION.**

SIGNATURE

- 35. Application shall be signed and verified by an authorized representative of Applicant.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

- 36. (Typed or Printed Named) _____, personally appearing before me and, being first duly sworn, says that the information contained in this application and in the exhibits attached hereto is true to the best of his/her knowledge and belief.

This the _____ day of _____, 20____.

Signature of Notary Public

Name of Notary Public – Typed or Printed

My Commission Expires: _____
Date

(NOTARY SEAL)

SELLER DOCKET NO.	ER-_____
PURCHASER DOCKET NO.	ER-_____
FILING FEE RECEIVED	_____

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

APPLICATION FOR TRANSFER OF AUTHORITY TO RESELL ELECTRIC SERVICE FOR LEASED PREMISES

INSTRUCTIONS

If additional space is needed, supplementary sheets may be attached. If any section does not apply, write "not applicable".

SELLER

1. Name of current certified owner: _____
2. Mailing address: _____
3. Business telephone number: _____

PURCHASER ("Applicant")

4. Name of purchaser: _____
5. Business mailing address of purchaser: _____
City and state: _____ Zip code: _____
6. Business telephone number: _____ Business fax number: _____
7. Business email address: _____

UTILITY SERVICE AREA

8. Street Address of Leased Premises: _____
9. Name of Leased Premises: _____
10. County (or counties): _____
11. Supplier of electric service: _____

RESALE PROVISIONS

12. Describe the method Applicant proposes to use to allocate the supplier's individual electric bill for a unit among all the lessees in the unit (NCUC Rule R22-5): _____
13. Monthly administrative fee per bill: _____
(Pursuant to NCUC R22-5(d), no more than \$3.75 per month, the maximum amount authorized for water resellers by Commission Rule R18-6, may be added as an administrative fee to the cost of electric service. The amount of the administrative fee, up to the maximum amount, should be justified by Applicant's actual costs.)
14. Bills will be past due _____ days after they are mailed or otherwise delivered to lessees. (NCUC Rule R22-7(e) specifies that bills shall not be past due less than twenty-five (25) days after mailing or other delivery to lessees.)
15. Late fee amount: _____
(Pursuant to NCUC Rule R22-5(d) and (e), no more than 1% per month on the balance in arrears may be assessed.)

16. Returned check charge: _____
(Pursuant to NCUC Rule R22-5 and G.S. 25-3-506, no more than \$25.00.)
17. Statement of Applicant's plans for retention and availability of records (see NCUC Rule R22-6(a) and (b)):

PERSONS TO CONTACT

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
18. Management:	_____	_____	_____

		Email _____	
19. Complaints or Billing:	_____	_____	_____

		Email _____	
20. Emergency Service:	_____	_____	_____

		Email _____	
21. Filing and Payment of Regulatory Fees to NCUC:	_____	_____	_____

		Email _____	

OTHER PROVISIONS

22. Applicant must notify the Commission in writing within 30 days following the change of any information supplied on this form.
23. Applicant must also file quarterly Regulatory Fee Reports and make regulatory fee payments. Details are set out in NCUC Rule R15-1.

REQUIRED EXHIBITS

24. If the Purchaser is a corporation, LLC, LP, etc., enclose a copy of the certification from the North Carolina Secretary of State (Articles of Incorporation or Application for Certificate of Authority for Limited Liability Company, etc.). **(Must match name on Line 4 of application.)**
25. If the Purchaser is a partnership, enclose a copy of the partnership agreement. **(Must match name on Line 4 of application.)**
26. Enclose a copy of a Warranty Deed showing that the Purchaser has ownership of all the property necessary to operate the utility. **(Must match name on Line 4 of application.)**
27. Enclose a vicinity map showing the location of the leased premises in sufficient detail for someone not familiar with the county to locate the leased premises. (A county roadmap with the leased premises outlined is suggested.)
28. Enclose a copy of the supplier's schedule of rates that will be charged to the Applicant for electric.
29. Enclose a copy of any agreements or contracts that the Applicant has entered into covering the provision of billing and collections services to the leased premises.
30. Indicate the number of apartment buildings, residential buildings, or single-family dwellings to be served, the number of units in each apartment building or residential building and the number of bedrooms in each unit.
31. Enclose a copy of the template or form used for billing statements.

32. Enclose a copy of all forms used for the lease to lessees, including a statement of which parts of the lease relate to billing for electric service.

FILING INSTRUCTIONS

33. Electronic filing is available at www.ncuc.net for application submittal or mail one (1) original application with required exhibits and original **notarized signature**, plus three (3) additional collated copies to:
- | | | |
|-------------------------------------|----|--|
| <u>USPS Address:</u> | OR | <u>Overnight Delivery at Street Address:</u> |
| Chief Clerk's Office | | Chief Clerk's Office |
| North Carolina Utilities Commission | | North Carolina Utilities Commission |
| 4325 Mail Service Center | | 430 North Salisbury Street |
| Raleigh, North Carolina 27699-4300 | | Raleigh, NC 27603-5918 |
34. Enclose a filing fee as required by G.S. 62-300. A Class A utility (annual electric service revenues of \$1,000,000 or more) requires a \$250 filing fee. A Class B utility (annual electric service revenues between \$200,000 and \$1,000,000) requires a \$100 filing fee. A Class C utility (annual electric service revenues less than \$200,000) requires a \$25 filing fee. **MAKE CHECK PAYABLE TO N.C. DEPT. OF COMMERCE/UTILITIES COMMISSION.**
35. This application may be filed before title to the property passes to the new purchaser. In that event, the deed required in Item 26 above shall be filed with the Commission as a follow-up to the initial transfer application once the deed has been executed and recorded with the Register of Deeds. The Commission may approve the transfer application on the condition that it is not effective until the deed is executed, recorded, and has been filed with the Commission.

SIGNATURES

36. Application shall be signed by an authorized representative of the seller.
- Signature: _____
Printed Name: _____
Title: _____
Date: _____
37. Application shall be signed and verified by an authorized representative of the purchaser.
- Signature: _____
Printed Name: _____
Title: _____
Date: _____
38. (Typed or printed name of the purchaser's representative) _____, personally appearing before me and, being first duly sworn, says that the information contained in this application and in the exhibits attached hereto is true to the best of his/her knowledge and belief.

This the _____ day of _____, 20____

Signature of Notary Public

Name of Notary public – Typed or printed

My Commission Expires: _____

Date

(NOTARY SEAL)