April 25, 2014

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

Re:  Direct Testimonies of G. Ness and M. Cohen  
NCUC Docket No. E-100, Sub 140

Dear Ms. Mount:

Enclosed herewith please find the direct testimonies of G. Ness and M.Cohen, to be pre-filed in the above-referenced docket on behalf of NCSEA.

Should you have any questions or comments, please do not hesitate to call me. Thank you in advance for your assistance and cooperation.

Kind Regards,

/s Charlotte Mitchell

4815-7961-0906, v. 1
STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 140

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION:

In the Matter of:
Biennial Determination of Avoided
Cost Rates for Electric Utility Purchases
from Qualifying Facilities - 2014

DIRECT TESTIMONY

OF

GREG NESS

ON BEHALF OF

NORTH CAROLINA SUSTAINABLE ENERGY ASSOCIATION

April 25, 2014
Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.

A. My name is Greg Ness. I am the Assistant General Counsel for FLS Energy. My business address is 130 Roberts Street, Asheville, North Carolina 28801.

Q. PLEASE DESCRIBE FLS’ BUSINESS AND CONTRIBUTIONS TO THE STATE OF NORTH CAROLINA.

A. FLS Energy is a full service solar energy provider that owns and operates a portfolio of solar energy assets throughout the United States, concentrated in North Carolina. Our development team takes a project from conception to commissioning and FLS offers complete in-house system design, engineering, construction. FLS finances and owns and maintains our portfolio over the long term.

For the past several years, FLS has made the list of fastest growing companies at the state and national levels. FLS currently has 45 full time employees and plans to add several new employees within the next six months.

Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

A. I am testifying on behalf of the North Carolina Sustainable Energy Association (“NCSEA”). FLS is a long-time member of NCSEA.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND WORK EXPERIENCE.
A. I obtained a B.S. in Biomedical Science, *Cum Laude*, from Auburn University; a M.S. in Cell and Molecular Biology, *Summa Cum Laude*, from Tulane University; a M.S. in Environmental Studies from Vermont Law School and a J.D., also from Vermont Law School.

Prior to joining FLS Energy, I practiced in the environmental and land use group at a large commercial real estate law firm.

Q. WHAT ARE YOUR CURRENT RESPONSIBILITIES AT FLS?

A. I represent the Business Development and Operations teams throughout the project lifecycle. In this role, I provide substantive expertise in all facets of solar energy project development, including negotiation of solar leases, zoning matters, EPC agreements, power purchase agreements, Operation and Maintenance agreements, and Renewable Energy Certificate ("REC") purchase agreements. In addition, I assist FLS’ General Counsel with placement and structuring of equity and debt financing. I have held my current position for two years and have played an integral role in arranging for the financing of approximately 30 megawatts ("MW") of FLS’ currently interconnected and operating solar generation.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to demonstrate why the Commission should require Duke Energy Carolinas, LLC ("DEC"), Duke Energy Progress, Inc. ("DEP") and Virginia Electric and Power Company, d/b/a Dominion North
Carolina Power ("DNCP") to offer long-term levelized capacity payments and energy payments for a 20-year term, in addition to the 5-, 10- and 15-year terms, as a standard option for qualifying facilities ("QFs"). Additionally, the purpose of my testimony is to demonstrate to the Commission why the standard rates and terms approved by the Commission should be extended to QFs up to 10 MW.

Q. WHY ARE LONG-TERM CONTRACTS NECESSARY TO ENCOURAGE THE DEVELOPMENT OF QFS?

A. Long-term contracts or power purchase agreements ("PPAs") enable investors to calculate return on investment with certainty and instill confidence that the borrower will be in a position to repay any loan extended. With increased price certainty for a project, investors typically require a lower return, which, in turn, reduces the cost of financing.

Projects are typically financed through a combination of debt and equity. The degree of uncertainty surrounding the revenue stream of a QF impacts the amount of debt financing it can secure, as well as the cost of that debt financing. The greater the uncertainty, the greater the changes that a project will be able to attract less debt and will require more expensive equity. If the revenue stream of a project cannot cover its cost of capital, the project will not be financed and, therefore, will not be developed.
Q. WHY SHOULD THE COMMISSION REQUIRE THE UTILITIES TO OFFER A 20-YEAR TERM UNDER THE STANDARD PPA?

A. I am aware that in prior avoided cost proceedings, the Commission has noted that it must reconsider the availability of long-term levelized rate options as economic circumstances change from one biennial proceeding to the next, and, that, in doing so, it must balance the need to encourage QF development, on the one hand, and the risks of overpayments and stranded costs, on the other. For the reasons discussed below, a 20-year term does not disrupt this balance and is necessary to encourage QF development in the current environment.

As a preliminary matter, in my experience, a 20-year PPA would allow the QF to finance the project over a 20-year period, which reduces the cost to finance the project by approximately 3 – 5%. More specifically, a 20-year PPA will allow us to obtain substantially more permanent debt at favorable rates, rather than supplementing the capital stack with expensive equity.

We are in an environment of declining rates paid to QFs for both output and RECs, as well as increasing uncertainty regarding the financing that can be secured from the tax incentives granted to renewable energy projects.

Finally, notwithstanding rate trends or political climate, many QFs rely on variable resources, and, therefore, have no control over how much energy is produced and, in turn, how much revenue is generated.

For all of the reasons, reducing the cost to develop the QF, such as through a 20-year PPA, increases the possibility that a project will be cost effective and will actually be developed.
In past proceedings, the utilities have expressed concerns regarding the overpayment of the QF in the early years of the contract term and underpayment of the QF in the later years of the term in the context of long-term levelized rates. The utilities take the position that this creates an incentive for a QF to cease to operate as soon as the capital investment has been recovered. This concern reflects a misunderstanding of project finance for a QF. Generally speaking, like most power producing assets, QFs are financed over the life of the asset. Therefore, even under a 20-year term, the QF likely will be obligated to service debt and equity throughout the term of the PPA. Indeed a 20-year term facilitates the longer amortization schedule necessary with the lower revenue generated by current avoided cost and REC rates.

Q. WHAT ARE YOUR OBSERVATIONS WITH RESPECT TO SIZE OF THE QF?

A. When FLS first began developing utility scale solar QFs in North Carolina in 2012, the company developed smaller facilities, primarily 1 MW or less. However, over time, the size of the QF around which our business model revolves has grown. The primary reasons for this trend include decreasing revenue streams—resulting from decreasing rates and decreasing prices paid for RECs—and the need to spread certain fixed costs over increased generation to improve cost effectiveness.

As of the date of this testimony, through a partnership agreement, FLS has five QFs larger than 5 MW under development.
Given the trends noted above, my experience dictates—and is reinforced by the number of projects being proposed that are greater than 5 MW—that cost effectiveness is dictated, in part, by increasing facility size.

Q. WHAT ARE YOUR OBSERVATIONS ON THE PROCESS OF NEGOTIATING A PPA WITH THE UTILITIES?

A. FLS has not yet negotiated a PPA with the utilities. However, FLS’ experience negotiating REC Agreements and my observation of other developers attempting to negotiate PPA’s is that such negotiations can be protracted. Such a protracted process seems an inefficient use of utility time and resources, QF developer time and resources, often Public Staff time and resources, and, on occasion, Commission time and resources. Additionally, such negotiations add significant additional transactional costs to QF project development and the need for certainty by our investors and lenders have influenced FLS’ primary strategy of limiting QF development to less than 5 MW. In the context of QFs greater than 5 MW, to my knowledge since 2010, Duke has entered into PPAs with only six QFs greater than 5 MW, two of which are solar. Since 2010, Progress has entered into PPAs with eight QFs greater than 5 MW, none of which are solar. This is in contrast to the large amount of solar capacity in the interconnection queue.
Q. GIVEN YOUR OBSERVATIONS REGARDING COST EFFECTIVENESS AND THE PPA NEGOTIATION PROCESS, WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?

A. In the interest of encouraging the development of QFs, making the most efficient use of resources and keeping transaction costs to a minimum, the Commission should extend the standard offer to QFs up to 10 MW.

Q. IN YOUR OPINION, WOULD EXTENDING THE STANDARD OFFER TO 10 MW INVITE A SIGNIFICANT INCREASE IN QF DEVELOPMENT?

A. No. Not all capacity that has been proposed will be developed. Most developers do not begin the process of securing financing until the PPA has been executed; therefore, even an executed PPA does not guarantee that a proposed QF will be developed. Rates offered for the purchase of energy and capacity, as well as the terms of the PPA, dictate whether a proposed project is financeable and, ultimately, developable. For this reason, extending the standard offer would not result in an onslaught of development, rather, it will allow those projects that have a realistic chance to be developed, to be developed more efficiently at a lower transaction cost.

Q. WHY SHOULD THE COMMISSION ENCOURAGE THE DEVELOPMENT OF LARGER QFS?
A. As the purpose of PURPA is to encourage QF development, in an environment of declining revenue streams, larger QFs are more cost effective and, therefore, have a better chance at actually being developed. Therefore, in the interest of encouraging QF development as is required by PURPA, the Commission should facilitate the development of larger QFs.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.
In the Matter of:
Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities - 2014

DIRECT TESTIMONY

OF

MICHAEL COHEN

ON BEHALF OF

NORTH CAROLINA SUSTAINABLE ENERGY ASSOCIATION

April 25, 2014
Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.

A. My name is Michael Cohen. I am the Vice President of Business Development of Strata Solar, LLC (“Strata” or “Company”). My business address for the record is 50101 Governors Drive, Suite 280, Chapel Hill, North Carolina 27517.

Q. PLEASE DESCRIBE STRATA’S BUSINESS AND CONTRIBUTIONS TO THE STATE OF NORTH CAROLINA.

A. Strata is a solar development and construction company headquartered in Chapel Hill, North Carolina. Strata is one of the leading end-to-end utility scale solar developers in the country. From 2011 through December 31, 2013, Strata developed, constructed and placed in service 45 solar projects in North Carolina consisting of a cumulative total of 211 MW capacity of renewable energy. These projects are located in 22 counties in the state and Strata estimates that its property tax payments for 2013 will total more than $800,000. Strata projects that its solar development activities will continue to be robust in North Carolina during 2014.

In addition, Strata has been a leading creator of jobs in North Carolina in recent years. Strata works closely with employment and economic development offices to educate and train its workforce. In addition, Strata develops its solar projects in regional clusters so that the development teams move from one job to the next, creating sustainable, long-term job growth. Strata currently has approximately 110 employees, 80 of whom work in the Company’s corporate offices in Chapel Hill while the remainder work in the field in construction and
O&M activities. In addition, during 2013, Strata put to work a total of approximately 1200 installers in North Carolina as follows: 400 staff in Southeastern cluster (Robeson, Bladen, Columbus); 300 staff in Western cluster (Catawba, Cleveland, Davie); 300 staff in Northern cluster (Warren, Rockingham, Person) and 200 staff in Eastern cluster (Nash, Wilson). The number of installers doing work for Strata increased from 250 in 2011 to 800 in 2012 (an increase of 220 percent) and from 800 in 2012 to 1200 in 2013 (a 50 percent increase). Thus, the number of installers doing work for Strata increased by 380 percent between 2011 and 2013. Strata is proud of the positive economic impact that its operations have brought to North Carolina.

Strata is also a major producer of reliable, green solar power in North Carolina and the Company is fully committed to the endeavor of developing renewable solar energy. During 2012, Strata produced more than 17,000 MWh of electricity. In 2013, Strata’s generation increased by more than 900 percent to a total of almost 172,000 MWh (or 172,000,000 kWh) of electricity which was placed on the grid to serve electric consumers in this state. During the first three months of 2014, Strata generated almost 75,000 MWh of solar power for use by North Carolina consumers.

Q. **ON WHOSE BEHALF ARE YOU TESTIFYING?**

A. I am testifying on behalf of the North Carolina Sustainable Energy Association (“NCSEA”). Strata is a member of NCSEA.
Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND WORK EXPERIENCE.

A. My resume is attached as Exhibit 1.

Q. WHAT ARE YOUR CURRENT RESPONSIBILITIES AT STRATA?

A. As Vice President of Business Development, I am responsible for arranging and placing project financing for Strata’s development portfolio, which involves obtaining investments from banks, insurance companies, corporate and other institutional investors. I have held my current position since 2011 and have played an integral role in arranging for the financing of a majority of Strata’s currently interconnected and operating solar generation.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My testimony has two purposes: first, to demonstrate why the Commission should require Duke Energy Carolinas, LLC (“DEC”), Duke Energy Progress, Inc. (“DEP”) and Virginia Electric and Power Company, d/b/a Dominion North Carolina Power (“DNSCP”) to offer long-term levelized capacity payments and energy payments for five-year, ten-year, 15-year and 20-year terms as standard options to eligible qualifying facilities (“QFs”); and second, to demonstrate to the Commission why the standard rates and terms approved by the Commission in the biennial proceedings should be extended from the present limit of 5 MW up to 10 MW. These proposed changes are reasonable and important to the continued development and vitality of the QF and solar industry in North...
Carolina. The Commission should reject any attempt to reduce either the term
of PPAs from 15 years or the 5 MW size limit and should, instead, approve the
proposed changes discussed in my testimony. The QF industry will be
significantly, if not irreparably, harmed by any retrenchment from current
Commission policy regarding the term and size parameters of current PPAs.

I. EXTENDING TERM OF STANDARD POWER PURCHASE
AGREEMENT

Q. WHY ARE LONG-TERM CONTRACTS NECESSARY TO
ENCOURAGE THE DEVELOPMENT OF QFS?
A. Long-term contracts or power purchase agreements (“PPAs”) enable investors
to calculate the return on the investment with certainty and instill confidence
that the borrower will be in a position to repay any loan extended.

With increased price certainty for a project, investors typically require a
lower return, which in turn reduces the cost of financing. This reduces the
overall cost of the project, making it more likely to be developed.

Q. WHY SHOULD THE COMMISSION REQUIRE THE UTILITIES TO
OFFER A 20-YEAR TERM UNDER THE STANDARD PPA?
A. I am aware that in prior avoided cost proceedings, the Commission has noted
that it must reconsider the availability of long-term levelized rate options as
economic circumstances change from one biennial proceeding to the next, and,
that, in doing so, it must balance the need to encourage QF development, on the one hand, and the risks of overpayments and stranded costs, on the other. For the reasons discussed below, a 20-year term does not disrupt this balance and is necessary to encourage QF development in the current environment.

As a preliminary matter, in my experience, a 20-year PPA would allow the QF to finance the project over a 20-year period and would reduce the cost to finance the project. In addition, the service life of the solar equipment installed by Strata is expected to be a minimum of twenty years. Thus, a 20-year PPA will better match the avoided cost revenue stream to the useful life of the equipment.

The revenue QFs earn from the sale of electricity and Renewable Energy Certificates (“RECs”) has declined dramatically over the past four years, putting the solar industry in North Carolina under considerable cost pressure. In 2010 the price of a REC was around $200 per MWh. Today that price is close to $5 per MWh. More recently, the standard rates for the output generated at Strata’s newer farms was reduced by more than 20% as a result of the 2012 biennial proceeding. Looking forward, the North Carolina Renewable Energy Investment Tax Credit (“ITC”) is due to expire at the end of 2015, and the federal ITC will be reduced at the end of 2016.

For all of these reasons, reducing the cost to develop the QF, such as through a 20-year PPA, increases the possibility that a project will be cost effective and will actually be developed, particularly in an environment of decreasing revenue streams and increasing difficulty in securing certain types of financing.
In past proceedings, the utilities have expressed concerns regarding the overpayment of the QF in the early years of the contract term and underpayment of the QF in the later years of the term in the context of long-term levelized rates. The utilities take the position that this creates an incentive for a QF to cease to operate as soon as the capital investment has been recovered. This concern reflects a misunderstanding of project finance for a QF. Generally speaking, like most power producing assets, QFs are financed over the life of the asset. Therefore, even under a 20-year term, the QF will be obligated to service debt and equity throughout the term of the PPA for equipment with an expected minimum life of at least 20 years.

Q. ARE YOU AWARE OF ANY UTILITY THAT PROVIDES A STANDARD OFFER WITH A PPA TERM OF TWENTY YEARS?

A. Yes. The Tennessee Valley Authority ("TVA") offers a Renewable Standard Offer Contract with a term of twenty (20) years. Strata is developing a solar QF that sells output to the TVA through a Renewable Standard Offer Contract. The 20-year term enabled Strata to finance the project over twenty (20) years, which, in turn, reduced overall cost of the project relative to overall cost of projects developed in North Carolina that sell power to Duke, Progress or DNCP.

II. EXTENDING STANDARD OFFER TO 10 MW QUALIFYING FACILITIES
Q. WHAT ARE YOUR OBSERVATIONS WITH RESPECT TO SIZE OF
THE QF?

A. As is the case in many industries, achieving scale is critical to success. Since 2010 when Strata launched its first utility scale solar farm, the Company has moved to a standard 5 MW design in order to maximize the scale possible under the existing standard contract. That size pales in comparison to the 100 MW to 300 MW solar projects built in the southwest. Strata, however, uses repetition to achieve the scale other solar companies achieve through sheer size of project. Each of Strata’s projects, however, still incurs fixed costs for construction mobilization and demobilization, as well as legal and financial transaction costs which push up the overall costs.

Moving to a 10 MW upper limit for the standard contract will allow solar developers to spread those fixed costs over a larger project size, thereby reducing the overall per MW cost of a project.

Q. IS THERE ANY OTHER EVIDENCE, PARTICULARLY IN THE
CONTEXT OF SOLAR PV, THAT COST EFFECTIVENESS DICTATES
A LARGER FACILITY?

A. Over the past several years, an increasing number of solar QFs greater than 5 MW has been proposed. In fact, my understanding is that, since 2010, Duke has received interconnection requests for 20 solar QFs greater than 5 MW and that Progress has received 43 such interconnection requests. In addition, in the 2012 Biennial Determination of Avoided Cost Rates, a utility witness testified that
roughly half of the thousands of megawatts of proposed capacity in the interconnection queue at that time was not eligible for standard rates because the projects were greater than 5 MW.

It is also worth noting that in the request for proposals for power and renewable energy certificates output purchase from solar PV facilities and solar asset purchase (the “RFP”) issued by Duke Energy on February 13, 2014, the utilities expressed a preference for 20 MW facilities.

Therefore, my experience in developing solar facilities, my observations of the facilities being developed in North Carolina, and the parameters of the RFP support the fact that cost effectiveness supports a larger facility.

Q. HOW MANY QFS GREATER THAN 5 MW IN NAMEPLATE CAPACITY HAVE ENTERED INTO POWER PURCHASE AGREEMENTS WITH UTILITIES IN NORTH CAROLINA?

A. My understanding is that since 2010, Duke has entered into PPAs with only six QFs greater than 5 MW, two of which are solar. Since 2010, Progress has entered into PPAs with eight QFs greater than 5 MW, none of which are solar.

Q. WHAT ARE YOUR OBSERVATIONS ON THE PROCESS OF NEGOTIATING A PPA WITH THE UTILITIES?

A. The negotiation process can be protracted. I am aware of PPA negotiations for Strata projects that have been on-going for many months, and which to date are still unsuccessful. I am aware of other developers that have had similar
experience in attempting to negotiate a PPA. Such a protracted process is an
unnecessary waste of utility time and resources, QF developer time and
resources, often Public Staff time and resources, and, on occasion, Commission
time and resources. Moving to a 10 MW upper limit for the standard contract
will further streamline the process and partially mitigate the difficulties QFs
currently face as they attempt to negotiate PPAs for facilities greater than 5 MW
in size.

Q. GIVEN YOUR OBSERVATIONS REGARDING COST
EFFECTIVENESS AND WILLINGNESS OF UTILITIES TO
NEGOTIATE PPAS, WHAT IS YOUR RECOMMENDATION TO THE
COMMISSION?

A. In the interest of streamlining the negotiating process, encouraging the
development of QFs, making the most efficient use of resources and keeping
transaction costs to a minimum, the Commission should extend the standard
offer to QFs up to 10 MW.

Q. IN YOUR OPINION, WOULD EXTENDING THE STANDARD OFFER
TO 10 MW INVITE AN ONSLAUGHT OF QF DEVELOPMENT?

A. No. As we have already seen, not all proposed capacity will be developed. In
fact, over the past year, I have noticed that a number of CPCNs for proposed
QFs have been withdrawn. Most developers do not begin the process of
securing financing until the PPA has been executed; therefore, even an executed
PPA does not guarantee that a proposed QF will be developed. Rates offered
for the purchase of energy and capacity, as well as the terms of the PPA, dictate
whether a proposed project is financeable and, ultimately, developable. For this
reason, extending the standard offer would not result in an onslaught of
development, rather, it will allow those projects that have a realistic chance to
be developed, to be developed more efficiently at a lower transaction cost.

Q. ARE YOU AWARE OF ANY UTILITY THAT PROVIDES A
STANDARD OFFER FOR QFS GREATER THAN 5 MW?
A. Yes. The TVA offers a Renewable Standard Offer Contract that is available to
QFs up to 20 MW. In addition, at least two states in the Pacific Northwest
require electric utilities to offer standard rates and terms for QFs greater than 5
MW. Specifically, I am aware that electric utilities in Oregon offer standard
contracts to QFs up to 10 MW. Electric utilities in California offer standard
PPAs for QFs up to 20 MW.

Q. WHY SHOULD THE COMMISSION ENCOURAGE THE
DEVELOPMENT OF LARGER QFS?
A. In other states, solar generation has become a least cost option for new
generation. We can hasten that day as well here in North Carolina. Facilitating
the deployment of solar in the most cost effective manner will continue to drive
down installation costs and allow solar PV in North Carolina to reach this point more quickly, ultimately to the benefit of ratepayers.

Compared to conventional generation technologies which are mature and have few remaining options for reducing costs further, solar is still a young technology at a point on the learning curve where every doubling of installed capacity results in significant reductions in cost. This trend has been quite evident over the past few years, and with further technological refinements from solar manufacturers, as well as the ongoing design improvements and productivity gains by installers, that trend will continue.

The ultimate beneficiaries of the expansion of solar are the utility ratepayers for whom a diverse generation portfolio helps buffer against the cost increases stemming from an aging and mature existing mix of generation.

In addition, as the purpose of PURPA is to encourage QF development, in an environment of declining revenue streams, larger QFs are more cost effective and, therefore, have a better chance at actually being developed. Accordingly, in the interest of encouraging QF development as is required by PURPA, the Commission should facilitate the development of larger QFs.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?
A. Yes.
EXPERIENCE:
Strata Solar, LLC, Chapel Hill, N.C.
Vice President -- Business Development:
- Manage development of Strata Solar's Southeast project pipeline
- Develop and obtain project financing for Strata Solar's portfolio of solar assets

Kirkland & Ellis, LLP, Washington, D.C.
Mergers & Acquisitions Associate -- Energy Group:
- Advised clients with mergers and acquisitions, divestitures, financing, and equity investments in the oil, gas, wind, solar and clean tech industries. Specific examples include:
  - Sale of a 4000 MW wind farm development portfolio.
  - Purchase of a 101 MW wind farm.
  - Regulatory filings and acquisition strategy for largest PV facility in California.
  - Develop structure and negotiate joint venture agreement among solar manufacturer, developer and tax investor for a series of 1.5 MW distributed generation solar facilities in the southwest.
  - Acquisition of a combined-cycle natural gas facility for $525 million.
  - Acquisition of a retail electricity business for $288 million.
  - $335 million sale of pipeline assets.
  - Divestiture of multiple oil and chemical products terminals to strategic buyers.
  - Private-equity investment in solar facilities with an innovative financing model.
- Negotiated with federal agencies on behalf on clients for funding under Department of Energy grant, loan guarantee, and technology partnership programs.
- Advised clients on current federal and state support for renewable energy and clean tech, including tax incentives, grants, partnerships and potential federal climate change legislation.
- Advised on a potential restructuring and eventual $4.5 billion sale in the nuclear industry.
- Advised clients on entering and maintaining international joint ventures for the production of electric vehicles and for the production of advanced biofuels.
- Negotiated architectural and engineering agreement and related design agreements for a national monument to be located in Washington, D.C.

Criterion Economics, LLC, Washington, D.C (now part of Navigant Economics).
Economics Consultant: Drafted expert reports and economic analyses for use in legislative, regulatory, and judiciary proceedings.
- Analyzed economic impact of current and proposed legislation and policies, specializing in Internet, advanced telecommunications, and interstate wine importation issues.

EDUCATION:
Georgetown University Law Center, Washington, D.C.
Juris Doctor, cum laude

University of Florida, Gainesville, FL
Masters and Bachelors in Accounting
CERTIFICATE OF SERVICE

The undersigned certifies that she has served a copy of the foregoing DIRECT TESTIMONIES OF G. NESS AND M. COHEN upon the parties of record in this proceeding, or their attorneys, by hand delivery, electronically, facsimile, or by depositing a copy of the same in the United States Mail, postage prepaid and properly addressed.

This 25th day of April, 2014.

LAW OFFICE OF CHARLOTTE MITCHELL, PLLC

/s Charlotte A. Mitchell
Law Office of Charlotte Mitchell, PLLC
PO Box 26212
Raleigh, North Carolina 27611
Telephone: (919) 260-9901
E-mail: cmitchell@lawofficem.com

4836-0795-0362, v. 1