

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. SP-100, SUB 31

In the Matter of:)
Request by NC WARN for a)
Determination that its Proposed) **PETITION TO INTERVENE**
Activities would not Cause it to be)
Regarded as a Public Utility Pursuant to)
N.C. Gen. Stat. § 62-3(23))

PURSUANT TO Commission Rule R1-19, North Carolina Interfaith Power & Light (“NCIPL”), through counsel, files this petition to intervene in the above-captioned docket, and provides the following information in support of its petition:

1. Rooftop and on-site solar energy is an increasingly popular way for individuals and organizations to take advantage of clean, low-cost renewable energy and reduce their electricity bills. In other jurisdictions, these rooftop solar installations are often financed through power purchase agreements (“PPAs”). PPAs are arrangements for spreading out the cost of a solar photovoltaic (“PV”) system installed on the property of the purchaser. This contractual arrangement allows those—like churches, nonprofits, and low-income residents—who could not otherwise afford the up-front costs of purchasing a PV system outright to still take advantage of clean, renewable energy. Under a typical PPA, the solar installer owns the photovoltaic system and the on-site host customer purchases the PV system’s power from the installer for a negotiated period of time. Electricity is not sold to the public on the open market.

2. In this proceeding, the North Carolina Waste Awareness and Reduction Network (“NC WARN”) has asked the Commission to declare that a PPA arrangement it

entered into with the Faith Community Church, in which NC WARN installed a rooftop solar PV system on the church's roof and entered into a PPA to sell the system's electricity output to the church, does not violate the Public Utilities Act or subject NCWARN to regulation as a public utility.

3. NCIPL is a project of the North Carolina Council of Churches, a nonprofit organized to facilitate its members in the North Carolina faith community to impact the state on issues such as economic justice and development, human well-being, equality, compassion, and peace. The Council of Churches is made up of 25 distinct judicatories from 17 church denominations. Across the state, there are over 6,200 congregations with about 1.5 million congregants within the Council of Churches network. NCIPL's mission is to connect the faith voices of North Carolina around climate change, encouraging mitigation of its effects, promoting resilient communities through its programs, and engaging in the public policy process by advocating with compassion. The principal address of NCIPL is: 27 Horne Street, Raleigh, NC 27607. The electronic mail address is: info@ncipl.org.

4. NCIPL and its affiliated congregations have a direct and substantial interest in this proceeding. NCIPL and its participating faith congregations recognize a moral responsibility, as stewards of Creation, to expand access to clean, renewable solar power. Many of NCIPL's affiliated congregations want to install solar PV systems on their houses of worship, but face significant financial barriers to doing so. A declaratory ruling from the Commission that the Public Utilities Act does not prohibit a power purchase agreement between a non-utility solar installer and a utility customer would help to eliminate those barriers. Allowing an installer to place solar panels on a

congregation's roof and enter into a PPA would allow greater access to affordable, clean energy. Absent action from the Commission clarifying that PPAs are available, NCIPL has had to advise congregations that want to install solar PV systems to either rely on generous donors or establish a limited liability company ("LLC") that could recruit willing investors, enter into a lease agreement with the congregation for roof space, develop the solar project on the congregation's property, and enter into an interconnection agreement with the incumbent utility. This complex LLC arrangement involves high transaction fees, the presence of investors who are willing to wait several years for a return on capital, and requires the faith community to wait for those investors to recoup their costs before it can benefit from the cheaper solar energy generated by the PV system. It is not a viable solution for most congregations or cash-strapped nonprofits.

5. NCIPL seeks to intervene in this proceeding in order to ensure that its congregations' interests in promoting and adopting solar energy are represented. Though NCIPL supports the PPA entered into between NCWARN and Faith Community Church that initiated this proceeding, most congregations would not have access to such an arrangement. NCIPL seeks to intervene to ensure that the Commission's ruling would also apply to PPAs between private solar companies and faith congregations and other nonprofits, allowing a broader array of organizations to meet their energy needs with sources that do not emit pollutants that jeopardize human health.

6. NCIPL seeks a ruling from the Commission that entering into a rooftop solar PPA as a method of supplying clean, renewable energy for faith congregations and other nonprofits does not trigger regulation of the solar electricity seller as a public utility

under N.C. Gen. Stat. § 62-3(23) and that such PPAs do not impinge on the incumbent public utility's exclusive franchise.

7. The attorneys for NCIPL to whom all correspondence and filings in this docket should be addressed are:

David Neal and Lauren Bowen
Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516

Service by electronic mail pursuant to NCUC Rule R1-39 is acceptable and should be addressed to dneal@selcnc.org and lbowen@selcnc.org.

WHEREFORE, NCIPL requests that it be allowed to intervene in this docket.

Respectfully submitted this 15th day of October, 2015.

s/ David Neal
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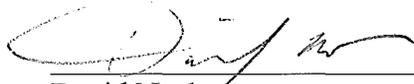
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Attorneys for North Carolina Interfaith Power & Light

VERIFICATION

I, David Neal, 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 North Carolina Interfaith Power & Light.



David Neal

Date: 10/14/2015

Orange County, North Carolina

Sworn to and subscribed before me this day by David Neal.

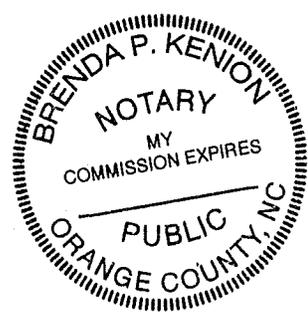
This the 14th day of October, 2015



Signature

Brenda P. Kenion, Notary Public

My commission expires: 4-19-16



VERIFICATION

I, Lauren Bowen, 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 North Carolina Interfaith Power & Light.

Lauren Bowen
Lauren Bowen

Date: 10/13/15

Orange County, North Carolina

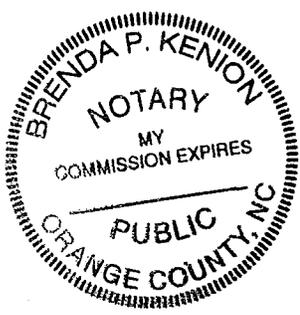
Sworn to and subscribed before me this day by Lauren Bowen.

This the 13th day of October, 2015

Brenda P. Kenion
Signature

Brenda P. Kenion, Notary Public

My commission expires: 4-19-16



CERTIFICATE OF SERVICE

I certify that the persons on the service list have been served with the foregoing Petition to Intervene either by electronic mail or by deposit in the U.S. Mail, postage prepaid.

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This the 15th day of Oct., 2015.

s/ Pat Dunlop
Pat Dunlop