

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**STAFF CONFERENCE AGENDA  
June 14, 2021**

***IMPORTANT NOTE: STAFF CONFERENCE  
WILL BE CONDUCTED VIA WEBEX.  
INSTRUCTIONS FOR PARTICIPATION AND A LINK TO VIEW  
THE MEETING WILL BE POSTED ON THE COMMISSION'S  
WEBSITE, NCUC.NET***

**COMMISSION STAFF**

NO AGENDA ITEMS

**PUBLIC STAFF**

**C. COMMUNICATIONS**

- P1. [FILING OF INTERCONNECTION AGREEMENT AND AMENDMENTS BY AT&T  
NORTH CAROLINA AND VERIZON SOUTH](#)

**D. ELECTRIC**

- P1. [APPLICATION FOR A CERTIFICATE TO ENGAGE IN BUSINESS AS AN  
ELECTRIC GENERATOR LESSOR EXHIBIT NO. P-1](#)

TO: Agenda – Commission Conference – June 14, 2021

FROM: PUBLIC STAFF – North Carolina Utilities Commission

## **C. COMMUNICATIONS**

### **P1. FILING OF INTERCONNECTION AGREEMENT AND AMENDMENTS BY AT&T NORTH CAROLINA AND VERIZON SOUTH**

EXPLANATION: The following interconnection agreement and amendments were filed for Commission approval between April 2, 2021, and April 16, 2021:

#### **BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina**

*Docket No. P-55, Sub 1160* – Agreement with Windstream Concord Telephone, LLC, Windstream North Carolina, LLC, and Windstream Lexcom Communications, LLC, filed on April 2, 2021. This agreement supersedes the existing agreement between AT&T North Carolina and Windstream Concord Telephone, LLC, approved on October 26, 1999.

*Docket No. P-55, Sub 1911* – Amendment filed on April 2, 2021, to an existing interconnection agreement with Big River Telephone Company, LLC, which the Commission approved on February 24, 2016. The amendment implements the changes mandated by the Federal Communications Commission (FCC) in two orders issued in WC Docket No. 18-141, specifically: FCC 19-66, released on July 12, 2019, and FCC 19-72, released on August 2, 2019 (collectively, “FCC UNE and Resale Forbearance Order”). The amendment adds Attachment 16b to the agreement to provide terms and conditions for resale services outlined in Section 251(b)(1) of the Telecommunications Act of 1996 (Section 251(b)(1) resale services).

*Docket No. P-55, Sub 1670* – Amendment filed on April 15, 2021, to an existing interconnection agreement with YMax Communications Corp., which the Commission approved on December 21, 2006. The amendment does all the following: (i) implements the changes mandated by the FCC UNE and Resale Forbearance Order, (ii) adds Attachment 16b to provide terms and conditions for Section 251(b)(1) resale services, (iii) implements the changes mandated by the FCC in its Report and Order released October 28, 2020, in FCC 20-152, in WC Docket No. 19-308, Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services (“FCC UNE Relief Order”). Subject to certain conditions and multiyear transition periods, the FCC UNE Relief Order eliminates legacy unbundling of certain network elements and resale rules if they stifle technology transitions and broadband deployment. Exhibit B of the amendment provides analog loop element descriptions and codes that are subject to the FCC UNE and Resale Forbearance Order.

**Verizon South Inc. (Verizon South)**

Docket No. P-19, Sub 533 – Amendment filed on April 14, 2021, to an existing interconnection agreement with Entelegent Solutions, Inc., which the Commission approved on October 14, 2009. The amendment implements changes mandated by the FCC in the FCC UNE Relief Order. Verizon South refers to interconnection agreement amendments implementing these FCC mandates as the “FCC 2020 UNE Order.”

Docket No. P-19, Sub 512 – Amendment filed on April 16, 2021, to an existing interconnection agreement with YMax Communications Corp., which the Commission approved on November 15, 2006. The amendment implements the changes mandated by the FCC 2020 UNE Order.

Docket No. P-19, Sub 532 – Amendment filed on April 16, 2021, to an existing interconnection agreement with New Horizons Communications Corp. d/b/a NHC Communications Inc., which the Commission approved on October 14, 2009. The amendment implements the changes mandated by the FCC 2020 UNE Order.

These filings were made in compliance with Commission Rule R17-4(d) and Sections 252(e) and 252(i) of the Telecommunications Act of 1996. The Act provides for the filing of such agreements and amendments with the state commission and approval or rejection by the state commission within 90 days after filing. On June 18, 1996, the Commission issued an Order in Docket No. P-100, Sub 133, allowing interim operation under negotiated agreements filed as public records prior to Commission approval of the agreements.

The Public Staff has reviewed the filings and recommends Commission approval.

RECOMMENDATION: (Proffitt/Coxton) That orders be issued approving the agreements and amendments effective on the date they were filed. The Public Staff has provided proposed orders to the Commission Staff.

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## **D. ELECTRIC**

### **P1. APPLICATION FOR A CERTIFICATE TO ENGAGE IN BUSINESS AS AN ELECTRIC GENERATOR LESSOR**

EXPLANATION: The following application is for a certificate to engage in business as an Electric Generator Lessor pursuant to N.C. Gen. Stat. § 62-126.7 and Commission Rule R8-73.

#### **Above Grid LLC:**

- Docket No. EGL-10, Sub 0 – Application of Above Grid LLC for a Certificate of Authority to Engage in Business as an Electric Generator Lessor.

The Public Staff has reviewed the application and determined that it complies with the requirements of N.C.G.S. §§ 62-126.5, 62-126.6, and 62-126.7, and Commission Rule R8-73. The Applicant filed its certificate of service on May 13, 2021.

EXHIBIT: A proposed order is attached as [Exhibit No. P-1](#).

RECOMMENDATION: (Saillor) That the Commission issue the proposed order approving the application and issuing the requested certificate.

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**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EGL-10, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Above Grid LLC for a	)	ORDER GRANTING CERTIFICATE
Certificate of Authority to Engage in	)	OF AUTHORITY TO ENGAGE IN
Business as an Electric Generator	)	BUSINESS AS AN ELECTRIC
Lessor	)	GENERATOR LESSOR

BY THE COMMISSION: On October 20, 2020, Above Grid LLC (Above Grid) filed an application for a certificate of authority to engage in business as an electric generator lessor in accordance with the provisions of N.C. Gen. Stat. § 62-126.7 and Commission Rule R8-73 (Application). Portions of the Application were filed under seal.

On October 30, 2020, pursuant to Commission Rule R8-73(f)(2), the Commission issued an Order requiring Above Grid to mail notice of its pending Application to each electric service provider in whose service territory Above Grid proposes to operate. On May 13, 2021, pursuant to the Commission's October 30, 2020 Order, Above Grid filed a certificate of service of its notice to both Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP), advising of Above Grid's pending Application and intent to engage in business as an electric generator lessor in both DEC and DEP's respective service territories.

On December 17, 2020, the Public Staff filed the recommendation required by Commission Rule R8-73(f)(4), stating that Above Grid's Application was incomplete and deficient according to the requirements specified in Commission Rule R8-73 and N.C.G.S. §§ 62-126.6 and 126.7.

Above Grid made supplemental filings to its Application on November 18, 2020, and May 18, 2021.

The Public Staff presented this matter at the Commission's Staff Conference on June 14, 2021, stating that it recommended the approval of Above Grid's Application based upon its review of the Application and supplemental filings of Above Grid. Pursuant to Commission Rule R8-73(f)(5), more than 30 days have elapsed since Above Grid filed its certificate of service, and no protests were filed with the Commission. Therefore, it is appropriate for the Commission to proceed in considering and deciding the Application on the basis of information contained in Above Grid's Application and supplemental filings, the recommendations of the Public Staff, and the entire record in this proceeding.

Having carefully reviewed Above Grid's Application and supplemental filings, the Public Staff's recommendation, and the entire record in this proceeding, the Commission determines that the Application is complete and compliant with the requirements of Commission Rule R8-73 and N.C.G.S. § 62-126.7. The Commission further finds that the sample lease proposed by Above Grid complies with the requirements of N.C.G.S. §§ 62-126.5 and 62-126.6.

Based upon the foregoing and the entire record in this proceeding, the Commission finds good cause to approve Above Grid's Application for a certificate of authority to engage in business as an electric generator lessor. The Commission further finds that Above Grid has demonstrated that it is fit, willing, and able to conduct business in this state as an electric generator lessor. The Commission, therefore, issues to Above Grid a certificate of authority to engage in business as an electric generator lessor.

IT IS, THEREFORE, ORDERED as follows:

1. That the Application of Above Grid for a certificate of authority to engage in business as an electric generator lessor within the service territories of DEC and DEP shall be, and is hereby, approved;
2. That Above Grid shall register with the Commission each solar energy facility it leases in this state by filing a report of proposed construction, and, if the facility is intended to earn renewable energy certificates eligible for compliance with the North Carolina Renewable Energy and Energy Efficiency Portfolio Standard, register the facility as a new renewable energy facility pursuant to Commission Rule R8-66;
3. That Above Grid shall notify the Commission of any material change to the information it provided to the Commission in this proceeding, including any change to the assigned service territories in which Above Grid operates as an electric generator lessor;
4. That Above Grid shall file with the Commission annually, on or before April 1 of each year, a certification of continued compliance with Article 6B of Chapter 62 and Commission Rule R8-73;
5. That Above Grid shall conduct its business in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources, the provision of electric service, and the protection of consumers;
6. That Above Grid shall, for the duration of the effectiveness of this Certificate of Authority, maintain general liability insurance coverage with at least \$100,000 minimum limits, and shall provide the name and contact information of the insurance carrier and policy number as part of Above Grid's annual report to the Commission; and

7. That this Order shall constitute the Certificate of Authority to Engage in Business as an Electric Generator Lessor, effective as of the date of issuance of this Order and to remain in effect unless terminated, suspended, or revoked by future Order of the Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the \_\_\_\_ day of June, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

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