

FILED

AUG 30 2011

DOCKET NO. E-100, SUB 128

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Clerk's Office
N.C. Utilities Commission

In the Matter of

2009 REPS Compliance Report filed by)
GreenCo Solutions, Inc., and the 2008 and)
2009 REPS Compliance Reports filed by)
EnergyUnited Electric Membership Corporation)

COMMENTS OF THE
PUBLIC STAFF

NOW COMES THE PUBLIC STAFF - North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Robert P. Gruber, pursuant to the Commission's order of June 22, 2011, in this docket, and respectfully submits its comments as follows on the 2009 Renewable Energy and Energy Efficiency Portfolio Standard (REPS) Compliance Report filed on September 1, 2010, by GreenCo Solutions, Inc. (GreenCo) and the 2008 and 2009 REPS Compliance Reports filed on August 27, 2010, by EnergyUnited Electric Membership Corporation (EnergyUnited):

1. GreenCo is a corporation organized by the North Carolina Electric Membership Corporation and including as its constituent members many, but not all, of the State's electric membership corporations (EMCs). GreenCo provides for the REPS compliance requirements of any North Carolina EMC that chooses to become a member.¹ EnergyUnited has chosen not to be a member of GreenCo.

2. On August 6, 2010, the Commission issued an order in Docket No. EC-82, Sub 12, directing EnergyUnited to file an amended Compliance Report for 2008, together with its 2009 Compliance Report, on or before September 1, 2010. EnergyUnited filed these reports on August 27, 2010.

3. The Public Staff has reviewed the Compliance Reports of GreenCo and EnergyUnited to determine whether they were in compliance with the Commission rules in effect when the reports were filed.²

¹ GreenCo filed a consolidated 2009 REPS Compliance Report on behalf of Albemarle EMC, Blue Ridge EMC, Broad River Electric Cooperative, Brunswick EMC, Cape Hatteras EMC, Craven-Carteret EMC, Central EMC, Edgecombe-Martin County EMC, Four County EMC, French Broad EMC, Haywood EMC, Jones-Onslow EMC, Lumbee River EMC, Mecklenburg Electric Cooperative, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, Roanoke EMC, South River EMC, Surry-Yadkin EMC, Tideland EMC, Tri-County EMC, Union EMC, and Wake EMC.

² The Commission made revisions to R8-67(c) and other REPS rules on January 31, 2011. In the revisions, the Commission eliminated the requirement to provide details on renewable energy facilities that the electric power suppliers used for REPS compliance and eliminated the requirement to provide an affidavit from the facility owner stating that energy associated with its Renewable Energy Certificates (RECs) was from a renewable energy resource. Almost no electric suppliers have ever complied with these two requirements, and the Commission has not taken steps to enforce them. The Public Staff will not address these requirements, since they are no longer in effect.

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4. In 2009, GreenCo obtained renewable energy certificates (RECs) from solar facilities, wind facilities, and allocations from the Southeastern Power Administration (SEPA). GreenCo also claims 40,828 energy efficiency (EE) RECs from 11 pilot EE programs.

5. In 2008, EnergyUnited obtained RECs from two landfill gas fueled facilities and allocations from SEPA. In 2009, EnergyUnited obtained RECs from these same sources as well as an out-of-state wind facility and EE programs.

6. Both GreenCo and EnergyUnited have claimed specified numbers of RECs earned through EE programs, but they have not provided measurement and verification (M&V) information supporting their quantification of the energy saved through these programs. The Public Staff can accept their quantification of their potential EE RECs as a temporary placeholder, subject to reconsideration after they provide M&V data for the Commission's review, supporting their estimates of reduced energy consumption.

7. G.S. 62-133.8(h)(4) limits the monthly per-account charges that electric power suppliers may recover from their customers for REPS compliance. The combined total of the maximum monthly charges for all of the supplier's customers constitutes an annual cap on the incremental REPS compliance costs it is permitted to recover. In its 2009 REPS Compliance Report, GreenCo estimated a total cost cap of \$9,253,620 and had compliance costs of \$2,814,955 or 30 percent of the cap. In its 2008 REPS Compliance Report, EnergyUnited estimated its cost cap at \$1,846,680 and reported compliance costs of \$267,404 or 14 percent of the cap. Similarly, in its 2009 Report, EnergyUnited estimated its cost cap at \$1,858,850 and had compliance costs of \$633,317 or 34 percent of the cap. Thus both suppliers fell well short of reaching the cost cap.

8. The Public Staff finds no violation of the REPS statute or of the Commission's rules in GreenCo's 2009 REPS Compliance Report, in EnergyUnited's 2008 or 2009 reports, or in the REPS compliance efforts summarized in the reports. Accordingly, the Public Staff recommends that the Commission approve the reports.

WHEREFORE, the Public Staff prays that the Commission take these comments into consideration in reaching its decision in this proceeding.

Respectfully submitted this the 30th day of August, 2011.

PUBLIC STAFF
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CERTIFICATE OF SERVICE

I certify that a copy of these Comments has been served on all parties of record or their attorneys, or both, by depositing a copy in the United States Mail, first class postage prepaid, properly addressed.

This the 30th day of August, 2011.



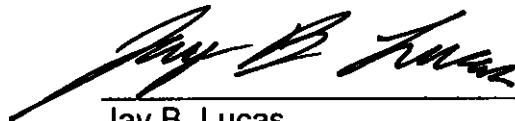
Robert S. Gillam

VERIFICATION

State of North Carolina
County of Wake

Jay B. Lucas personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing comments are true as he believes.

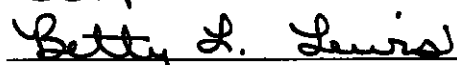
WITNESS my hand and notarial seal, this 30th day of August, 2011.



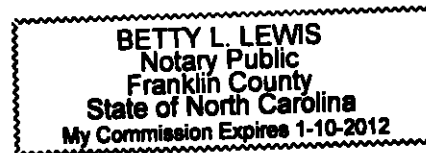
Jay B. Lucas

Sworn to and subscribed before me

This 30th of August, 2011.

Betty L. Lewis


Notary Public



My Commission Expires: 1-10-2012