

NORTH CAROLINA UTILITIES COMMISSION
MINUTES OF REGULAR COMMISSION STAFF CONFERENCE

December 14, 2020

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, December 14, 2020, at 10:00 a.m., with Chair Mitchell, presiding. The remote meeting was conducted by use of simultaneous communication (via Webex) pursuant to N.C. Gen. Stat. § 166A-19.24, streamed live online, and available to the public.

The following were present during the entirety of the remote meeting:

COMMISSIONERS

Commissioner Brown-Bland
Commissioner Gray
Commissioner Clodfelter
Commissioner Duffley
Commissioner Hughes
Commissioner McKissick

COMMISSION STAFF: Ms. Lowell, Ms. Lazo, Ms. Henderson, Mr. Mertz, Ms. Cooper, Ms. Hicks, Ms. Condie, Ms. Swenson, Ms. Barnes, Ms. Kennedy, Ms. Blue, Ms. Hilburn, Ms. Paschal, Ms. Jayasheela, Ms. Burns, Mr. McCoy, Mr. Hardy

PUBLIC STAFF: Ms. Downey, Ms. Jost, Mr. Little, Mr. Maness, Mr. Henry, Ms. Li, Ms. Perry, Ms. Boswell, Mr. McLawhorn, Mr. Saillor, Mr. Lucas, Mr. T. Williamson, Mr. Lawrence, Ms. Darden, Ms. Proffitt

ATTORNEY GENERAL:

COURT REPORTER: Ms. Mitchell

C. COMMUNICATIONS**P1. FILING OF INTERCONNECTION AGREEMENT AMENDMENTS BY VERIZON SOUTH**

The following interconnection agreement amendments were filed for Commission approval between September 30, 2020 and October 8, 2020:

Verizon South Inc. (Verizon South)**Docket No. P-19, Sub 545**

Amendment filed on September 30, 2020, to an existing interconnection agreement with BullsEye Telecom, Inc., which was approved by the Commission in Docket No. P-19, Sub 455, on February 6, 2003. 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").

Docket No. P-19, Sub 546 – Amendment filed on September 30, 2020, to an existing interconnection agreement with Business Telecom, LLC, formerly Business Telecom, Inc., which was approved by the Commission in Docket No. P-19, Sub 413, on August 22, 2001. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 547 – Amendment filed on September 30, 2020, to an existing interconnection agreement with CenturyLink Communications, LLC, which was approved by the Commission in Docket No. P-19, Sub 346, on December 22, 1999. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 548 – Amendment filed on September 30, 2020, to an existing interconnection agreement with DeltaCom, LLC, formerly ITC^DeltaCom Communications, Inc., which was approved by the Commission on January 11, 2000, in Docket No. P-19, Sub 348. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 551 – Amendment filed on September 30, 2020, to an existing interconnection agreement with Level 3 Communications, LLC, which was approved by the Commission in Docket No. P-19, Sub 399, on April 25, 2001. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 552 – Amendment filed on September 30, 2020, to an existing interconnection agreement with Windstream New Edge, LLC, formerly New Edge Network, Inc., which was approved by the Commission on June 27, 2000, in Docket No. P-19, Sub 366. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 554 – Amendment filed on September 30, 2020, to an existing interconnection agreement with TelCove Operations, LLC, formerly TelCove Operations, Inc., which was approved by the Commission in Docket No. P-19, Sub 374, on July 27, 2000. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 555 – Amendment filed on September 30, 2020, to an existing interconnection agreement with US LEC of North Carolina, LLC, formerly US LEC of North Carolina Inc., which was approved by the Commission in Docket No. P-561, Sub 19. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Docket No. P-19, Sub 544 – Amendment filed on October 8, 2020, to an existing interconnection agreement with Comcast Phone of North Carolina, LLC, which was approved by the Commission on November 14, 2019. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance 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 these filings and recommends Commission approval.

The Public Staff recommended that orders be issued approving the amendments effective on the date they were filed.

It was moved and passed that the Public Staff's recommendation be adopted.

D. ELECTRIC**P1. DOCKET NO. E-2, SUB 1265 – DUKE ENERGY PROGRESS, LLC – APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY AND MOTION FOR WAIVER OF NOTICE AND HEARING**

On November 6, 2020, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, and Commission Rule R8-62(k), Duke Energy Progress, LLC (DEP or the Company), prefiled with the Commission an application for a certificate of environmental compatibility and public convenience and necessity to relocate a transmission line near Wilson's Mills, North Carolina to avoid a conflict with the proposed US Highway 70 Corridor Improvement Project, as requested by the North Carolina Department of Transportation (NCDOT). The prefiled application stated that the relocation would affect 2,300 feet of the Lee Sub – Milburnie 230-kV line (Line).

Included in the prefiled application was a letter indicating the Company's intent to file a motion for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 and Commission Rule R8-62(e), as provided for in N.C.G.S. § 62-101(d)(1).

On December 1, 2020, DEP formally filed the application for a certificate and motion for waiver of notice and hearing.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and the transmission line is for the purpose of relocating an existing transmission line segment to resolve a highway or other public project conflict. The application states that the Company will relocate the Line on property for which it has acquired an easement from the property owner whose land will be crossed by the Line, and the property owners do not object to the waiver of notice or hearing. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also supported by a Certificate Application Report. This report satisfies the requirements of N.C.G.S. § 62-102(a)(4).

Based on its review, the Public Staff has determined that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff, therefore, recommends that the Commission grant the motion for waiver and issue the requested certificate.

The Public Staff recommended that the Commission issue an order waiving the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 and issue the requested certificate for the proposed relocation of the Line for the purpose of avoiding a conflict with a NCDOT highway project.

It was moved and passed that the Public Staff's recommendation be adopted.

P2. DOCKET NO. E-22, SUBS 476 AND 477 – DOMINION ENERGY NORTH CAROLINA – PETITIONS FOR APPROVAL OF A REVISED SERVICES AGREEMENT, REVISED AFFILIATE SERVICES AGREEMENTS, AND A REVISED FORM AFFILIATES SERVICES AGREEMENT.

On October 6, 2020, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC or the Company), filed two petitions requesting approval on or before December 31, 2020, of a revised services agreement with Dominion Energy Services, Inc. (DES), (Revised DES Services Agreement) and four revised affiliate services agreements (Revised Affiliate Services Agreements) in the above-captioned dockets (Petitions). DENC also requests approval of a revised form affiliates services agreement under which other affiliates not identified in the Company's petition (Future Affiliates) would be permitted to provide limited services to the Company subject to certain cost caps (Revised Form Affiliates Services Agreement). In the alternative, the Company requests interim authority to operate under the proposed revised agreements beginning January 1, 2021, until the Commission acts on the Petitions.

On December 8, 2020, the Company filed an Amended Revised DES Services Agreement, Amended Revised Affiliate Services Agreements, and an Amended Form Affiliates Services Agreement, which the Company indicates should supersede and replace the versions of the Agreements filed with the Petitions on October 6, 2020.

The Commission approved the currently operative agreements in its Order Accepting Affiliate Agreements for Filing and Allowing Payment of Compensation issued on January 18, 2019 (2019 Order). In its 2019 Order, the Commission approved the agreements subject to 24 enumerated regulatory conditions, including that the agreements were accepted and payment thereunder was authorized for two years, through December 31, 2020, and that the Company was not permitted to make changes to any of the agreements without prior filing with the Commission.

N.C. Gen. Stat. § 62-153(a) requires all public utilities to file copies of various types of contracts with affiliates, which the Commission may disapprove if after hearing the Commission finds the contract to be unjust or unreasonable and made for the purpose or with the effect of concealing, transferring or dissipating the earnings of the public utility. Under N.C.G.S. § 62-153(b), a public utility is required to obtain the Commission's approval to pay any fees, commissions, or compensation of any description whatsoever to any affiliated company for services rendered or to be rendered.

REVISED DES SERVICES AGREEMENT (SUB 476)

The currently operative Revised DES Services Agreement was approved by the Commission in its 2019 Order. The Commission accepted the agreement effective January 1, 2019, for a period of two years, or through December 31, 2020.

In its October 6, 2020 filing, DENC requests approval to implement new Revised DES Services Agreement for a three-year term with an effective date of January 1, 2021. The Revised DES Services Agreement is attached as Attachment A to the Petition, with a blacklined version attached as Attachment B, which reflects limited, non-substantive revisions. Attachment C is a report from Patrick L. Baryenbruch, an outside consultant engaged by DENC to study the reasonableness of DES and other affiliate charges to the Company during 2019. Exhibit I to Attachment A of the Revised DES Services Agreement provides descriptions of services offered by DES. Exhibit II to Attachment A contains a list of services DENC agrees to receive from DES. Exhibit III to Attachment A describes the cost allocation method DES will utilize. Exhibit IV is an Agreement to Adhere and Protect CSOI (Confidential Systems Operation Information) and a list of CSOI.¹

The Company proposes only limited changes to the currently operative DES Services Agreement as follows: (1) to reflect a new three-year term with an effective date of January 1, 2021, and (2) to revise the description of certain categories of services the Company is to receive in order to be more explicit and specific.

In its December 8, 2020 filing, the Company indicates that it had determined after filing its Petition on October 6, 2020, that it will not require “dispatch, gas control, storage, drilling, integrity management and measurement” services as part of the Operations services provided by DES under the Revised DES Services Agreement, or “testing” services as part of the Corporate Planning services provided by DES under the Revised DES Services Agreement. The Company included clean and blacklined Amended Revised DES Services Agreement reflecting these changes.

REVISED AFFILIATE SERVICES AGREEMENTS AND REVISED FORM AFFILIATES SERVICES AGREEMENT (SUB 477)

In its 2019 Order, the Commission also accepted separate affiliate services agreements between DENC and each of six affiliates and a form services agreement for affiliates not listed in the petition, effective January 1, 2019, for a period of two years, or through December 31, 2020. The six affiliates are Dominion Generation, Inc. (DGI), Dominion Energy Kewaunee, Inc., Dominion Nuclear Connecticut, Inc. (Dominion Energy Nuclear Connecticut), Dominion Energy Technical Solutions, Inc. (Dominion Energy Technical Solutions), Dominion Energy Transmission, Inc., and Dominion Energy Fuel Services, Inc. (Dominion Energy Fuel Services).

¹ In response to a Public Staff Data Request, DENC indicated that both the Agreement to Adhere and Protect CSOI and the list of CSOI were mistakenly labeled “Exhibit IV” and that the list of CSOI would be correctly labeled “Exhibit V” when the Company files executed copies of the accepted agreements.

In its October 6, 2020 filing, DENC requests approval to implement new Revised Affiliate Services Agreements between DENC and the following four affiliates: DGI, Dominion Energy Nuclear Connecticut, Dominion Energy Technical Solutions, and Dominion Energy Fuel Services (collectively, Affiliates). Clean and blacklined versions of the Revised Affiliate Services Agreement with each of the four Affiliates were provided as Attachments A through H to the Petition. Similarly, clean and a blacklined versions of a Revised Form Affiliates Services Agreement for use with Future Affiliates were provided as Attachments I and J, respectively, to the Petition. Exhibit I to the Revised Affiliate Services Agreements and Revised Form Affiliates Services Agreement provides descriptions of 14 centralized services offered by the Affiliates and to be offered by Future Affiliates to DENC. Exhibit II to the Revised Affiliate Services Agreements shows the services DENC agrees to receive from the Affiliates. Exhibit III to the Revised Affiliate Services Agreements and Revised Form Affiliates Services Agreement describes the rules and methods for determining the costs of rendering services of Affiliates and Future Affiliates, respectively. Exhibit IV to the Revised Affiliate Services Agreements and Revised Form Affiliates Services Agreement is an Agreement to Adhere and Protect CSOI, and Exhibit V to the Revised Affiliate Services Agreements and Revised Form Affiliates Services Agreement is a list of CSOI.

The Company is not proposing substantive changes to the current Revised Affiliate Services Agreements. The limited proposed changes reflect a three-year term with an effective date of January 1, 2021, and revise the descriptions of certain categories of services the Company is receiving that are consistent with the companion filing for approval of its Revised DES Services Agreement. With regard to Future Affiliates that would annually bill less than \$500,000 for any one service and less than \$2 million in total services per year to the Company, the Company requests the Commission grant continuation of the same future exemptions granted in Condition (17) of the 2019 Order. The Company states that it believes approval of the Revised Affiliate Services Agreements and the Revised Form Affiliates Services Agreement is in the public interest because no subsidization of affiliates will occur.

In its December 8, 2020 filing, the Company indicates that it had determined after filing its Petition on October 6, 2020, that it will not require “dispatch, gas control, storage, drilling, integrity management and measurement” services as part of the Operations services provided under the Revised Affiliate Services Agreements and Revised Form Affiliates Agreement, or “testing” services as part of the Corporate Planning services provided under the Revised Affiliate Services Agreements and Revised Form Affiliates Agreement. The Company included clean and blacklined versions of the Amended Revised Affiliate Services Agreements and of the Amended Revised Form Affiliates Agreement reflecting these changes.

The Public Staff is in the process of investigating and reviewing the Petitions to verify the Company’s assertions and is also awaiting receipt of the final order of the Virginia State Corporation Commission in this matter. However, based on its initial review, the Public Staff does not object to allowing the Company to operate under the proposed Amended Revised DES Services Agreement, Amended Revised Affiliate Services Agreements, and

Amended Revised Form Affiliates Service Agreement on an interim basis. Once its review is complete, the Public Staff will present its final recommendations to the Commission through a filing or by presenting them at a future Regular Staff Conference. In the meantime, the Public Staff recommends that the Commission accept the Amended Revised DES Services Agreement, Amended Revised Affiliate Services Agreements, and Amended Revised Form Affiliates Service Agreement for filing and authorize the Company to operate under those Agreements as set forth in its Petitions on an interim basis. The Public Staff further recommends that the Commission's Order state that, for ratemaking purposes, the Commission's action does not constitute approval of the amount of compensation paid pursuant to the Agreements, and that the authority granted by the Order is without prejudice to the right of any party to take issue with any provision of the Agreements in a future proceeding.

The Public Staff recommended that the Commission (1) issue the proposed order accepting for filing the Amended Revised DES Services Agreement, Amended Revised Affiliate Services Agreements and Amended Revised Form Affiliates Service Agreement; (2) allow DENC to pay affiliates pursuant to those agreements on an interim basis, and; (3) state that, for ratemaking purposes, the Commission's action does not constitute approval of the amount of compensation paid pursuant to the Agreements, and that the authority granted by the Order is without prejudice to the right of any party to take issue with any provision of the Agreements in a future proceeding.

It was moved and passed that the Public Staff's recommendations be adopted.

P3. DOCKET NO. SP-25199, SUB 0 – MEMBER EMC SOLAR FIVE, LLC – APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 500-kW SOLAR FACILITY IN SAMPSON COUNTY, NORTH CAROLINA

On July 27, 2020, Member EMC Solar Five, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61 for the construction of a 500-kW_{AC} solar photovoltaic (PV) electric generating facility with an AC-coupled battery energy storage system to be located at 2000 Leroy Autry Road, Autryville, Sampson County, North Carolina. The Applicant plans to sell the electricity produced by the facility to the North Carolina Electric Membership Corporation (NCEMC). In its cover letter, the Applicant opined that there was no need for additional information in order for the Public Staff or Commission Staff to evaluate the project, and therefore requested that the Commission waive the prefiled testimony requirement of Commission Rule R8-61(b).

Contemporaneously with the application, the Applicant filed a registration statement for a renewable energy facility or new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy

certificates sold to an electric power supplier to comply with N.C. Gen. Stat. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On July 29, 2020, the Commission issued an Order Requiring Publication of Notice. On July 30, 2020, the Commission issued an Errata Order to correct the docket number in the previously issued Public Notice.

On September 3, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On September 22, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to NCEMC on July 30, 2020.

Also on September 22, 2020, the Applicant filed an affidavit of publication from The Sampson Independent (Clinton, North Carolina) and The Sampson Weekly (Clinton, North Carolina), stating that the publication of notice was completed on September 5, 2020. No complaints have been received.

The Public Staff does not object to the waiver of prefiled testimony. The Public Staff has reviewed the application and determined it to be in compliance with the requirements of N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61.

The registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff also recommends approval of the registration statement for the facility.

The Public Staff recommended that the Commission issue the Public Staff's proposed order granting a waiver of the testimony requirement of Commission Rule R8-61(b), approving the application, issuing the requested certificate, and accepting the registration statement for this facility.

It was moved and passed that the Public Staff's recommendation be adopted.

P4. DOCKET NO. SP-25199, SUB 1 – MEMBER EMC SOLAR FIVE, LLC – APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 500-kW SOLAR FACILITY IN RICHMOND COUNTY, NORTH CAROLINA

On July 27, 2020, Member EMC Solar Five, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61 for the construction of a 500-kW_{AC} solar photovoltaic (PV) electric generating facility with an AC-coupled battery energy storage

system to be located at 162 Cooperative Way, Hamlet, Richmond County, North Carolina. The Applicant plans to sell the electricity produced by the facility to the North Carolina Electric Membership Corporation (NCEMC). In its cover letter, the Applicant opined that there was no need for additional information in order for the Public Staff or Commission Staff to evaluate the project, and therefore requested that the Commission waive the prefiled testimony requirement of Commission Rule R8-61(b).

Contemporaneously with the application, the Applicant filed a registration statement for a renewable energy facility or new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C. Gen. Stat. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On July 29, 2020, the Commission issued an Order Requiring Publication of Notice. On July 30, 2020, the Commission issued an Errata Order to correct the docket number in the previously issued Public Notice.

On September 3, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On September 22, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to NCEMC on July 30, 2020.

Also on September 22, 2020, the Applicant filed an affidavit of publication from The Richmond County Daily Journal (Rockingham, North Carolina), stating that the publication of notice was completed on September 5, 2020. No complaints have been received.

The Public Staff does not object to the waiver of prefiled testimony. The Public Staff has reviewed the application and determined it to be in compliance with the requirements of N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61.

The registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff also recommends approval of the registration statement for the facility.

The Public Staff recommended that the Commission issue the Public Staff's proposed order granting a waiver of the testimony requirement of Commission Rule R8-61(b), approving the application, issuing the requested certificate, and accepting the registration statement for this facility.

It was moved and passed that the Public Staff's recommendation be adopted.

P5. DOCKET NO. SP-25199, SUB 2 – MEMBER EMC SOLAR FIVE, LLC – APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 5-MW SOLAR FACILITY IN GREENE COUNTY, NORTH CAROLINA

On July 27, 2020, Member EMC Solar Five, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61 for the construction of a 5-MW_{AC} solar photovoltaic (PV) electric generating facility with an AC-coupled battery energy storage system to be located at 3700 NC Highway 903, Snow Hill, Greene County, North Carolina. The Applicant plans to sell the electricity produced by the facility to the North Carolina Electric Membership Corporation (NCEMC). In its cover letter, the Applicant opined that there was no need for additional information in order for the Public Staff or Commission Staff to evaluate the project, and therefore requested that the Commission waive the prefiled testimony requirement of Commission Rule R8-61(b).

Contemporaneously with the application, the Applicant filed a registration statement for a renewable energy facility or new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C. Gen. Stat. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On July 29, 2020, the Commission issued an Order Requiring Publication of Notice.

On September 3, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On September 22, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to NCEMC on July 30, 2020.

Also on September 22, 2020, the Applicant filed an affidavit of publication from The Standard (Snow Hill, North Carolina), stating that the publication of notice was completed on September 3, 2020. No complaints have been received.

The Public Staff does not object to the waiver of prefiled testimony. The Public Staff has reviewed the application and determined it to be in compliance with the requirements of N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61.

The registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff also recommends approval of the registration statement for the facility.

The Public Staff recommended that the Commission issue the Public Staff's proposed order granting a waiver of the testimony requirement of Commission Rule R8-61(b), approving the application, issuing the requested certificate, and accepting the registration statement for this facility.

It was moved and passed that the Public Staff's recommendation be adopted.

P6. DOCKET NO. SP-25199, SUB 3 – MEMBER EMC SOLAR FIVE, LLC – APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 500-kW SOLAR FACILITY IN WAKE COUNTY, NORTH CAROLINA

On July 27, 2020, Member EMC Solar Five, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61 for the construction of a 500-kW_{AC} solar photovoltaic (PV) electric generating facility with an AC-coupled battery energy storage system to be located at 7101 Zebulon Road, Wake Forest, Wake County, North Carolina. The Applicant plans to sell the electricity produced by the facility to the North Carolina Electric Membership Corporation (NCEMC). In its cover letter, the Applicant opined that there was no need for additional information in order for the Public Staff or Commission Staff to evaluate the project, and therefore requested that the Commission waive the prefiled testimony requirement of Commission Rule R8-61(b).

Contemporaneously with the application, the Applicant filed a registration statement for a renewable energy facility or new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C. Gen. Stat. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On July 29, 2020, the Commission issued an Order Requiring Publication of Notice.

On September 3, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On September 22, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to NCEMC on July 30, 2020.

Also on September 22, 2020, the Applicant filed an affidavit of publication from The News and Observer (Raleigh, North Carolina) and The Franklin Times (Louisburg, North Carolina), stating that the publication of notice was completed on September 4, 2020. No complaints have been received.

The Public Staff does not object to the waiver of prefiled testimony. The Public Staff has reviewed the application and determined it to be in compliance with the requirements of N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61.

The registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff also recommends approval of the registration statement for the facility.

The Public Staff recommended that the Commission issue the Public Staff's proposed order granting a waiver of the testimony requirement of Commission Rule R8-61(b), approving the application, issuing the requested certificate, and accepting the registration statement for this facility.

It was moved and passed that the Public Staff's recommendation be adopted.

P7. DOCKET NO. SP-25199, SUB 4 – MEMBER EMC SOLAR FIVE, LLC – APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 2-MW SOLAR FACILITY IN HYDE COUNTY, NORTH CAROLINA

On July 27, 2020, Member EMC Solar Five, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61 for the construction of a 2-MW_{AC} solar photovoltaic (PV) electric generating facility with an AC-coupled battery energy storage system to be located at 1560 Hyde Park Canal, Pantego, Hyde County, North Carolina. The Applicant plans to sell the electricity produced by the facility to the North Carolina Electric Membership Corporation (NCEMC). In its cover letter, the Applicant opined that there was no need for additional information in order for the Public Staff or Commission Staff to evaluate the project, and therefore requested that the Commission waive the prefiled testimony requirement of Commission Rule R8-61(b).

Contemporaneously with the application, the Applicant filed a registration statement for a renewable energy facility or new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C. Gen. Stat. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On July 29, 2020, the Commission issued an Order Requiring Publication of Notice.

On September 3, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On September 22, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to NCEMC on July 30, 2020.

Also on September 22, 2020, the Applicant filed an affidavit of publication from The Washington Daily News (Washington, North Carolina), stating that the publication of notice was completed on September 4, 2020. No complaints have been received.

The Public Staff does not object to the waiver of prefiled testimony. The Public Staff has reviewed the application and determined it to be in compliance with the requirements of N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-61.

The registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff also recommends approval of the registration statement for the facility.

The Public Staff recommended that the Commission issue the Public Staff's proposed order granting a waiver of the testimony requirement of Commission Rule R8-61(b), approving the application, issuing the requested certificate, and accepting the registration statement for this facility.

It was moved and passed that the Public Staff's recommendation be adopted.

E. WATER**P1. DOCKET NO. W-354, SUB 381 – CAROLINA WATER SERVICE, INC. OF NORTH CAROLINA – REQUEST FOR TARIFF REVISION**

On November 24, 2020, Carolina Water Service, Inc. of North Carolina (CWSNC or Company), filed a letter with the Commission pursuant to N.C. Gen. Stat. § 62-133.11, requesting authority to amend its tariff for the purpose of passing along to water customers in its Whispering Pines service area in Moore County an increase in the cost of purchasing water service from the Town of Southern Pines. N.C.G.S. § 62-133.11(a) provides that the Commission shall allow a water or sewer utility to adjust its rates approved pursuant to N.C.G.S. § 62-133 to reflect changes in its costs based solely on changes in the rates imposed by third-party suppliers of purchased water or sewer service.

CWSNC states that effective January 1, 2021, the Town of Southern Pines will be increasing its usage charge for water service by \$0.10 per 1,000 gallons, increasing the rate from \$3.28 to \$3.38 per 1,000 gallons.

The Public Staff – North Carolina Utilities Commission (Public Staff) has reviewed the Town of Southern Pines' current rates and recommends that CWSNC's request for a tariff revision be approved.

The new rate would increase the average residential monthly bill from \$44.27 to \$44.74, based on an average usage of 4,680 gallons as found in Exhibits 4 and 6 of the Testimony of Gina Y. Casselberry filed on November 4, 2019, in Docket No. W-354, Sub 364.

The Public Staff recommended that its proposed order be issued approving the recommended tariff revision.

It was moved and passed that the Public Staff's recommendation be adopted.

Minutes of the Regular Commission Staff Conference for December 7, 2020, were approved.

Minutes prepared by Portia Barnes.