

# BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. SP-13695, SUB 1

In the Matter of:	)	ACCION GROUP, LLC's, THE CPRE
	)	INDEPENDENT ADMINISTRATOR,
Orion Renewable Resources LLC	)	RESPONSE TO AN ADDITIONAL
	)	REPLY BY ORION RENEWABLE
	)	RESOURCES LLC

NOW COMES, Accion Group, LLC, the Independent Administrator for the Competitive Procurement of Renewable Energy Program ("CPRE" or "Program") (hereinafter "IA" or "Accion") for the purpose of addressing claims by Orion Renewable Resources, LLC ("Orion") to the North Carolina Utilities Commission (hereinafter, "NCUC" or "Commission").

In the latest submission Orion seeks to undermine the essence of the CPRE program, which is to have independent evaluation of Proposals and not permit bilateral negotiations of Purchase Power Agreements. The IA urges the Commission to preserve the trust that the market has in the current CPRE process and not endorse direct negotiations between Duke and Orion, as requested.

Orion continues to misrepresent the actions of the IA and attempts to justify waiting eight (8) months to challenge the CPRE Tranche 1 process.<sup>1</sup> The IA addressed these claims in prior submissions and will not repeat what was previously presented as the Commission already has all of the facts in prior submissions. As presented in the IA's April 9, 2020 Response, the IA believes the dispute should be reduced to two questions:

1. Should the value of CPRE Proposals, and in turn the eligibility for a Power Purchase Agreement ("PPA"), be based on the IA's robust and detailed evaluation of the 8760 hourly impacts of each year of the 20-year analysis which determines the net benefit to customers, or on whether Proposals are at or below Duke's levelized avoided energy and capacity rates utilizing the methodology most recently approved by the Commission?

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<sup>1</sup> Orion fails to note that the CPRE rules do not require the IA to provide any de-brief or post-selection information to unsuccessful participants, but the IA did so as a courtesy to the market and in an attempt to assist Market Participants in being prepared for subsequent tranches of CPRE.

2. Whether a challenge to the final determinations in a CPRE Tranche must be made before final PPAs are awarded, or whether the Commission will accept as timely challenges submitted eight (8) months after-the-fact.

However, the IA believes it appropriate to highlight that the May 26, 2020 reply by Orion seeks relief that would undermine the very essence of the CPRE program.

A fair competitive solicitation process is based on all participants being treated the same way, including in the evaluation process, and that all participants have access to the same information at the same time. Duke, the Public Staff, and the IA created the process for CPRE that met those goals, including the separation of Duke personnel from the selection process and from direct interaction with Market Participants (“MPs”). The IA notes that none of the other 22 MPs that submitted Proposals in Tranche 1 have challenged the legitimacy of the CPRE evaluation process.

Orion seeks to circumvent the transparency of CPRE by engaging in unilateral discussions with the Duke T&D Evaluation Team and other Duke personnel, and to exclude the IA. Reply at 8. This would provide Orion with extraordinary access to the evaluation process employed by the Duke T&D Evaluation Team: access unavailable to all other participants. Unilateral discussions between a bidder and Duke is, in the understanding of the IA, exactly what CPRE was intended to avoid. In the opinion of the IA, if North Carolina is going to have a robust, transparent and fair competitive process, all MPs are to be treated in the same manner. Providing extraordinary access to the evaluation process and evaluation personnel and to perfect a unilateral result is contrary to the basic tenants of a competitive market.

Finally, the IA notes that we are weeks away from final selections in Tranche 2 and a year after Orion was informed that the Proposal was non-competitive. The IA again, respectfully, requests guidance from the Commission on when final decisions in each CPRE are, in fact, final.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that a copy of Accion Group, LLC's, The CPRE Independent Administrator, Response To Verified Petition For Relief By Orion Renewable Resources LLC in Docket No. SP-13695, SUB 1, has been served by electronic mail, hand delivery, or by depositing a copy in the United States mail, postage prepaid, properly addressed to parties of record.

This the 12th day of June, 2020.



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