

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 167

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Biennial Determination of Avoided Cost	)	ORDER CONFIRMING PUBLIC
Rates for Electric Utility Purchases from	)	HEARING TO BE HELD REMOTELY
Qualifying Facilities – 2020	)	AND REQUIRING PUBLIC NOTICE

BY THE CHAIR: On August 13, 2020, the Commission issued an Order Establishing Biennial Proceeding, Requiring Data, and Scheduling Public Hearing, which in part scheduled a public hearing solely for the purpose of taking nonexpert public witness testimony to begin on Tuesday, February 16, 2021, at 9:30 a.m. The Order further stated that the Commission would issue an order in November 2020 setting forth the manner in which the hearing would be conducted and requiring the utilities to publish notice of the hearing.

In March through November 2020, Governor Roy Cooper issued a progression of Executive Orders that declared a State of Emergency in North Carolina to coordinate response and protective actions to prevent the spread of coronavirus (COVID-19). The Executive Orders place restrictions on business operations and mass gatherings including limiting face-to-face meetings to no more than ten people and requiring social distancing between individuals of at least six feet. On November 13, 2020, Governor Cooper issued Executive Order No. 176 that declared these restrictions would remain in effect until December 4, 2020, unless repealed or modified by a subsequent Executive Order.

Based on the record and the current state of uncertainty regarding future requirements to assist in preventing the spread of COVID-19, the Chair finds good cause to confirm the hearing currently scheduled in this docket for February 16, 2021, at 9:30 a.m. for the purpose of receiving nonexpert public witness testimony shall be held remotely via Webex.

IT IS, THEREFORE, ORDERED as follows:

1. That the public hearing scheduled to begin on Tuesday, February 16, 2021, at 9:30 a.m. solely for the purpose of taking nonexpert public witness testimony shall be held remotely via Webex. A link to view the hearing will be posted on the Commission's website, [www.ncuc.net](http://www.ncuc.net);
2. That the remote public hearing shall be subject to the following conditions:

- (1) On or before Tuesday, February 2, 2021, all parties shall file a statement consenting to holding the public witness hearing by remote means, or a statement objecting to same;
- (2) On or before Tuesday, February 2, 2021, all parties shall send the name, phone number, and email address of each attorney that will participate in the hearing on the party's behalf directly to the Commission via email at [ncucwebex@ncuc.net](mailto:ncucwebex@ncuc.net);
- (3) Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Tuesday, February 9, 2021, by contacting the Public Staff via email at [AvoidedCostPublicHearing@psncuc.nc.gov](mailto:AvoidedCostPublicHearing@psncuc.nc.gov) or by calling 866-380-9816. When registering, provide your name, docket number (E-100, Sub 167), telephone number, and the topic of your testimony. Only individuals registered with the Public Staff by 5:00 p.m. on Tuesday, February 9, 2021, will be allowed to testify at the public witness hearing; and

3. That Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP, and together with DEC, Duke), Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), Western Carolina University (WCU), and Appalachian State University, d/b/a New River Light and Power Company (New River) shall publish, at their own expense, in newspapers having general circulation in their respective North Carolina service areas, the "Notice of Public Hearing" attached hereto as Appendix A once a week for two successive weeks, beginning with the week of January 6, 2021, and shall submit Affidavits of Publication to the Commission no later than the date of the hearing.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Joann R. Snyder, Deputy Clerk

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 167

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Biennial Determination of Avoided Cost        )  
Rates for Electric Utility Purchases from        )     NOTICE OF PUBLIC HEARING  
Qualifying Facilities – 2020                        )

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission (Commission) has scheduled a public hearing in this docket which will commence on Tuesday, February 16, 2021, at 9:30 a.m., to be held remotely via Webex for the purpose of taking nonexpert public witness testimony as a part of its 2020 biennial determination of avoided cost rates for purchases of electricity by the electric utilities who are parties to this docket from qualifying facilities. The electric utilities who are parties to this docket are Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP), Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), Western Carolina University (WCU), and Appalachian State University, d/b/a New River Light and Power Company (New River).

The Public Utility Regulatory Policies Act of 1978 (PURPA) requires electric utilities to offer to purchase electric energy from facilities which obtain qualifying facility status under PURPA. The rates for such purchases shall be set by the state regulatory authority, shall be just and reasonable to the ratepayers of the electric utility and in the public interest, shall not discriminate against qualifying facilities, and shall not exceed the incremental cost to the electric utility of acquiring alternative electric energy. As a part of its responsibility in these matters, the Commission determines on a biennial basis the avoided cost rates and conditions for the purchase of electricity by electric utilities from qualifying facilities in North Carolina.

In addition to the requirements of PURPA, N.C. Gen. Stat. § 62-156 requires the Commission to determine the rates and contract terms to be observed by electric utilities in purchasing power from small power producers as defined in N.C.G.S. § 62-3(27a). The rates established pursuant to N.C.G.S. § 62-156 shall not exceed, over the term of the purchase power contract, the incremental cost to the electric utility of the electric energy which, but for the purchase from a small power producer, the utility would generate or purchase from another source.

The purpose of the hearing cited in this Notice is to consider revision of the avoided cost rates and contract terms previously set by the Commission for the purchase of electricity by the electric utilities who are parties to this proceeding from qualifying facilities in North Carolina.

Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Tuesday, February 9, 2021, by contacting the Public Staff via email at [AvoidedCostPublicHearing@psncuc.nc.gov](mailto:AvoidedCostPublicHearing@psncuc.nc.gov) or by calling 866-380-9816. When registering, provide your name, docket number (E-100, Sub 167), telephone number, and the topic of your testimony.

**Only individuals registered with the Public Staff by 5:00 p.m. on Tuesday, February 9, 2021, will be allowed to testify at the public witness hearing.**

The Public Staff is required by statute to represent the using and consuming public in proceedings before the Commission. Written statements to the Public Staff should include any information which the writer wishes to be considered by the Public Staff in its investigation of the matter, and such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff — North Carolina Utilities Commission, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General of North Carolina, c/o Utilities Section, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. Written statements may also be e-mailed to [utilityAGO@ncdoj.gov](mailto:utilityAGO@ncdoj.gov).

Written statements will be considered by the Commission in reaching its decision but do not receive the same consideration as testimony provided by public witnesses at a hearing.

Any person desiring to intervene in this matter as a formal party of record should file a motion under Commission Rules R1-5 and R1-19 no later than Monday, January 11, 2021. All such motions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The comments and exhibits to be presented in this proceeding by formal parties other than DEC, DEP, DENC, WCU, and New River related solely to proposed changes in the methodologies used to calculate or determine the avoided cost rates, as well as the data inputs and assumptions used in applying those methodologies must be filed with the Commission no later than Monday, January 11, 2021. Deadlines for parties' filing of

comments and exhibits related to additional issues in this proceeding will be established by further order of the Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk

NOTE TO PRINTER: Cost of Advertising will be paid by the Applicant. It is required that an Affidavit of Publication be submitted to the Commission by the Applicant.