

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**STAFF CONFERENCE AGENDA
NOVEMBER 16, 2020**

***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 CITIZENS TELEPHONE COMPANY

D. ELECTRIC

- P1. APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITIES

E. WATER

- P1. DOCKET NO. W-1049, SUB 26 – A&D WATER SERVICES, INC., APPLICATION FOR TRANSFER OF PUBLIC UTILITY SYSTEM TO OWNER EXEMPT FROM REGULATION **EXHIBIT NO. P-1**

TO: Agenda – Commission Conference – November 16, 2020

FROM: PUBLIC STAFF – North Carolina Utilities Commission

C. COMMUNICATIONS

P1. FILING OF INTERCONNECTION AGREEMENT AND AMENDMENTS BY AT&T NORTH CAROLINA AND CITIZENS TELEPHONE COMPANY

EXPLANATION: The following interconnection agreement and amendments were filed for Commission approval between August 20, and September 18, 2020:

BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina (AT&T)

Docket No. P-55, Sub 1721 & 1922

Amendment filed by AT&T and GC Pivotal, LLC, and GC Pivotal, LLC d/b/a Global Capacity (GC Pivotal, LLC), on August 20, 2020, to the existing interconnection agreement between AT&T and Access Point, Inc. (Access Point), which the Commission approved on September 26, 2016, in Docket No. P-55, Sub 1922. The amendment implements changes resulting from GC Pivotal, LLC, having acquired Access Point, Inc. AT&T's original agreement with GC Pivotal, LLC, approved in Docket No. P-55, Sub 1721, is superseded by the amended interconnection agreement.

The amendment allows GC Pivotal, LLC, to assume the Access Point agreement, reflecting the name change from Access Point, Inc., to GC Pivotal, LLC; updates the Notices section; and assigns Access Point's underlying agreements to GC Pivotal, LLC. GC Pivotal, LLC, will assume Access Point's Access Customer Name Abbreviation (ACNA) and Operating Company Numbers (OCNs), and continue using its existing ACNA and OCNs. In addition, the amendment replaces language in Section 9 of the General Terms and Conditions relating to fraud and prohibited traffic, and modifies certain agreement provisions related to the Data Connection Security Requirement. The amendment also 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-55, Sub 1460

Amendment filed on September 18, 2020, to an interconnection agreement with Matrix Telecom, LLC, approved by the Commission on August 11, 2003. The amendment implements the changes mandated by the FCC UNE and Resale Forbearance Order.

Citizens Telephone Company

Docket No. P-12, Sub 118 – Agreement with Level 3 Communications, LLC, filed on September 11, 2020.

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.

RECOMMENDATION: (Proffitt/Coxton) That orders be issued approving the agreement and amendments effective on the date they were filed. The Public Staff has provided a copies of the proposed orders to the Commission's Legal Staff.

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D. ELECTRIC

P1. APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITIES

EXPLANATION: The following applications seek certificates of public convenience and necessity for construction of solar photovoltaic (PV) electric generating facilities, pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

North Carolina Electric Membership Corporation:

- Docket No. SP-24720, Sub 0 – Application of Solarpack NC1, LLC, for a certificate of public convenience and necessity to construct a 10.78-MW solar PV facility in Brunswick County, North Carolina (no registration statement)
- Docket No. SP-24721, Sub 0 – Application of Solarpack NC2, LLC, for a certificate of public convenience and necessity to construct a 10-MW solar PV facility in Camden County, North Carolina (no registration statement)

Blue Ridge Electric Membership Corporation:

- Docket No. SP-25796, Sub 0 – Application of Oriden LLC, for a certificate of public convenience and necessity to construct an 11-MW solar PV facility in Caldwell County, North Carolina

The Public Staff has reviewed the applications and determined that they comply with the requirements of N.C.G.S. § 62-110.1 and Commission Rule R8-64.

Unless otherwise noted, each applicant has filed a registration statement for a new renewable energy facility. The registration statements include certified attestations, as required by Commission Rule R8-66(b), 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 new 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.G.S. §. 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.

The applicants indicated that they do not plan to bid the projects into current or future CPRE program tranches.

RECOMMENDATION: (Lawrence/Sailor) That the Commission issue orders approving the applications and issuing the requested certificates for the facilities. Proposed orders have been provided to the Commission Staff.

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E. WATER

P1. DOCKET NO. W-1049, SUB 26 – A&D WATER SERVICES, INC., APPLICATION FOR TRANSFER OF PUBLIC UTILITY SYSTEM TO OWNER EXEMPT FROM REGULATION

EXPLANATION: On September 28, 2020, A&D Water Services, Inc. (A&D or Applicant), and the Town of Rosman (Town or Rosman) filed an application with the Commission seeking authority to transfer A&D's water and wastewater utility services for the Sapphire Lakes Subdivision to Rosman, which is exempt from Commission regulation. A&D provides water and wastewater utility services in Transylvania County to approximately 94 residential and 12 commercial customers in the Sapphire Lakes Subdivision and to one commercial customer located along US Highway 64, northwest of Club Drive. A&D also provides water-only service to approximately 220 residential customers in Sapphire Lakes Subdivision.

A&D's water and wastewater utility rates were approved in Docket No. W-1049, Sub 19, by the Commission's Order Approving Tariff Revision and Requiring Customer Notice, dated December 6, 2016. The Town has developed specific rates for the residential and commercial customers of the Sapphire Lakes water and wastewater utility systems. The Town applies the same rates for residential and commercial customers. The Rosman Board of Alderman would have the right to modify or adjust rates in the future.

A&D's Commission-approved water and wastewater rates, and the Town's water and wastewater rates are as follows:

<u>Water Utility Service:</u>	<u>A&D Rates</u>	<u>Town Rates</u>
Monthly Metered Water Rates:		
Base Charge		
Residential, standard meter, zero usage	\$ 10.52	N/A
Residential, first 2,000 gallons	N/A	\$ 25.00
Commercial, 2-inch meter, zero usage	\$ 52.60	N/A
Commercial, first 2,000 gallons	N/A	\$ 25.00
Usage Charge, per 1,000 gallons	\$ 3.34	\$ 5.50
<u>Wastewater Utility Service:</u>		
Monthly Flat Rate for Residential Wastewater Service:	\$ 41.21	N/A

Monthly Metered Wastewater Rates:

Base Charge

Residential, first 2,000 gallons	N/A	\$ 35.00
Commercial, first 2,000 gallons	N/A	\$ 35.00
Commercial, standard meter, zero usage	\$ 30.45	N/A
Commercial, 2-inch meter, zero usage	\$152.26	N/A
Usage Charge, per 1,000 gallons	\$ 6.90	\$ 6.50

Based on 2,800 gallons of usage, the monthly residential water and wastewater bill would increase from \$61.08 to \$69.60. The monthly residential water-only bill would increase from \$19.87 to \$29.40. The monthly commercial water and wastewater bill for a standard meter would decrease from \$111.72 to \$69.60. The monthly commercial water and wastewater bill for a 2-inch meter would decrease from \$233.53 to \$69.60.

A&D entered into an Asset Sale and Purchase Agreement with the Town by which the Town agreed to purchase the Sapphire Lakes water and wastewater utility system assets for \$200,000. The agreement does not obligate the Town to improve the system, but to maintain the system as it presently exists. The transfer closed on July 31, 2020 and the Town has been billing customers since August 1, 2020.

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

RECOMMENDATION: (Franklin/Morgan/Creech) That the Commission issue the proposed Order requiring customer notice, specifying that the matter may be determined without public hearing if no significant protests are received subsequent to customer notice.

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1049, SUB 26

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by A&D Water Services, Inc.,)	
Post Office Box 1407, Pisgah Forest,)	
North Carolina 28768, for Transfer of the)	ORDER REQUIRING
Water and Wastewater Utility Systems)	CUSTOMER NOTICE
Serving Sapphire Lakes Subdivision in)	
Transylvania County, North Carolina to)	
the Town of Rosman, Owner Exempt)	

BY THE COMMISSION: On September 28, 2020, A&D Water Services, Inc. (A&D or Applicant), and the Town of Rosman (Town or Rosman) filed an application with the Commission seeking authority to transfer A&D's water and wastewater utility services for the Sapphire Lakes Subdivision to Rosman, which is exempt from Commission regulation. A&D provides water and wastewater utility services in Transylvania County to approximately 94 residential and 12 commercial customers in the Sapphire Lakes Subdivision and to one commercial customer located along US Highway 64, northwest of Club Drive. A&D also provides water-only service to approximately 220 residential customers in Sapphire Lakes Subdivision.

A&D's water and wastewater utility rates were approved in Docket No. W-1049, Sub 19, by the Commission's Order Approving Tariff Revision and Requiring Customer Notice, dated December 6, 2016, and became effective on January 1, 2017. The Town has developed specific rates for the residential and commercial customers of the Sapphire Lakes water and wastewater utility systems. The Town applies the same rates for residential and commercial customers. The Rosman Board of Alderman would have the right to modify or adjust rates in the future.

A&D's Commission-approved water and wastewater rates, and the Town's water and wastewater rates are as follows:

<u>A&D</u> <u>Water Utility Service:</u>	<u>Town</u> <u>Rates</u>	<u>Rates</u>
Monthly Metered Water Rates:		
Base Charge		
Residential, standard meter, zero usage	\$ 10.52	N/A
Residential, first 2,000 gallons	N/A	\$ 25.00
Commercial, 2-inch meter, zero usage	\$ 52.60	N/A
Commercial, first 2,000 gallons	N/A	\$ 25.00
Usage Charge, per 1,000 gallons	\$ 3.34	\$ 5.50
<u>Wastewater Utility Service:</u>		
Monthly Flat Rate for Residential Wastewater Service:	\$ 41.21	N/A
Monthly Metered Wastewater Rates:		
Base Charge		
Residential, first 2,000 gallons	N/A	\$ 35.00
Commercial, first 2,000 gallons	N/A	\$ 35.00
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Commercial, 2-inch meter, zero usage	\$152.26	N/A
Usage Charge, per 1,000 gallons	\$ 6.90	\$ 6.50

Based on 2,800 gallons of usage, the monthly residential water and wastewater bill would increase from \$61.08 to \$69.60. The monthly residential water-only bill would increase from \$19.87 to \$29.40. The monthly commercial water and wastewater bill for a standard meter would decrease from \$111.72 to \$69.60. The monthly commercial water and wastewater bill for a 2-inch meter would decrease from \$233.53 to \$69.60.

A&D entered into an Asset Sale and Purchase Agreement on July __, 2020,¹ with the Town by which the Town agreed to purchase the Sapphire Lakes water and wastewater utility system assets for \$200,000. The agreement does not obligate the Town to improve the system, but to maintain the system as it presently exists. The transfer closed on July 31, 2020 and the Town has been billing customers since August 1, 2020.

¹ The specific date of the Asset Sale and Purchase Agreement was not indicated.

This matter was presented at the Commission's Staff Conference on November 16, 2020. The Public Staff recommends that the matter may be determined without scheduling a hearing if no significant protests are received from customers on or before Monday, December 28, 2020.

Based on the foregoing, the Commission concludes that customer notice should be provided and that the matter may be determined without public hearing, unless significant protests are received subsequent to customer notice.

IT IS, THEREFORE, ORDERED as follows:

1. That the Notice to Customers, attached hereto as Appendix A, shall be mailed with sufficient postage or hand delivered by the Applicant to all customers affected by the transfer and new rates and that the Notice to Customers shall be mailed or hand delivered no later than ten days after the date of this Order; and

2. That the Applicant shall submit to the Commission the attached Certificate of Service, properly signed and notarized, not later 15 days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**NOTICE TO CUSTOMERS
DOCKET NO. W-1049, SUB 26
BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

Notice is hereby given that on September 28, 2020, A&D Water Services, Inc. (A&D), Post Office Box 1407, Pisgah Forest, North Carolina 28768, filed an application with the North Carolina Utilities Commission seeking authority to transfer A&D’s water and wastewater utility services for the Sapphire Lakes Subdivision to the Town of Rosman (Rosman), North Carolina, which is exempt from Commission regulation. A&D provides water and wastewater utility services in Transylvania County to approximately 94 residential and 12 commercial customers in the Sapphire Lakes Subdivision and to one commercial customer located along US Highway 64, northwest of Club Drive. A&D also provides water-only service to approximately 220 residential customers in Sapphire Lakes Subdivision.

A&D’s water and wastewater utility rates were approved in Docket No. W-1049, Sub 19, by Commission Order Approving Tariff Revision and Requiring Customer Notice, dated December 6, 2016, and became effective January 1, 2017. The Town has developed specific rates for the residential and commercial customers of the Sapphire Lakes water and wastewater utility systems. The Town applies the same rates for residential and commercial customers. The Rosman Board of Alderman would have the right to modify or adjust rates in the future.

A&D’s Commission-approved water and wastewater rates, and the Town’s water and wastewater rates are as follows:

<u>Water Utility Service:</u>	<u>Rates</u>	A&D Rosman <u>Rates</u>
Monthly Metered Water Rates:		
Base Charge		
Residential, standard meter, zero usage	\$ 10.52	N/A
Residential, first 2,000 gallons	N/A	\$ 25.00
Commercial, 2-inch meter, zero usage	\$ 52.60	N/A
Commercial, first 2,000 gallons	N/A	\$ 25.00

Usage Charge, per 1,000 gallons	\$ 3.34	\$ 5.50
<u>Wastewater Utility Service:</u>		
Monthly Flat Rate for Residential Wastewater Service:	\$ 41.21	N/A
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Commercial, 2-inch meter, zero usage	\$152.26	N/A
Usage Charge, per 1,000 gallons	\$ 6.90	\$ 6.50

A&D entered into an Asset Sale and Purchase Agreement on July __, 2020,² with the Town by which the Town agreed to purchase the Sapphire Lakes water and wastewater utility system assets for \$200,000. The agreement does not obligate the Town to improve the system, but to maintain the system as it presently exists. The transfer closed on July 31, 2020 and the Town has been billing customers since August 1, 2020.

Effect of Rates

Based on 2,800 gallons of usage, the monthly residential water and wastewater bill would increase from \$61.08 to \$69.60. The monthly residential water-only bill would increase from \$19.87 to \$29.40. The monthly commercial water and wastewater bill for a standard meter would decrease from \$111.72 to \$69.60. The monthly commercial water and wastewater bill for a 2-inch meter would decrease from \$233.53 to \$69.60.

Public Hearing

At this point no public hearing has been scheduled. The Commission may decide this matter without a public hearing if no significant protests are received from consumers on or before Monday, December 28, 2020. Based on the current state of uncertainty

² The specific date of the Asset Sale and Purchase Agreement was not indicated.

regarding future requirements to assist in preventing the spread of COVID-19, if a public hearing is held, the Commission will decide at a later date whether the public hearing will be held in person at a location near your community or remotely via Webex. Correspondence concerning the transfer or the need for a public hearing should be directed to the Public Staff – North Carolina Utilities Commission (Public Staff).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include the name of the subdivision, contact information, and any information that 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, 4326 Mail Service Center, Raleigh, North Carolina, 27699-4300. Written statements can also be faxed to (919) 715-6704 or e-mailed to mike.franklin@psncuc.nc.gov.

The Attorney General is also authorized by statute to represent the consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001.

Written statements are not evidence unless those persons submitting the statements appear at a public hearing and testify concerning the information contained in their written statements.

Persons desiring to present testimony concerning their opinion on this application, or any service problems they may be experiencing, may appear at the public hearing, if such hearing is scheduled by further order of the Commission, and give such testimony.

Persons desiring to intervene in the matter as formal parties of record should file a motion under North Carolina Utilities Commission Rules R1-6, R1-7, and R1-19 no later than Monday, December 28, 2020. Any such motion should be filed with the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300.

The details of the application have been filed with the North Carolina Utilities Commission and can be accessed from the Commission's website at www.ncuc.net under the docket number of this proceeding (i.e., W-1049 Sub 26).

EXHIBIT NO. P-1
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APPENDIX A
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This the ____ day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers the attached Notice to Customers issued by the North Carolina Utilities Commission in Docket No. W-1049, Sub 26, and the Notice was mailed or hand delivered by the date specified in the Order.

This the ____ day of _____ 2020.

By: _____
Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-1049, Sub 26.

Witness my hand and notarial seal, this the ____ day of _____ 2020.

Notary Public

Address

Date

(SEAL) My Commission Expires:

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