

Mount, Gail

From: Toni Nelson <tnelson@cleanenergy.org>
Sent: Friday, November 20, 2015 4:13 PM
To: Statements
Subject: Re: Request to add our support to the statement submitted by Sierra Club et al in Docket No. SP-100, Sub 31

NOV 20 2015

Clerk's Office

NC Utilities Commission

Dear Clerk and Commissioners,

As the result of a miscommunication, the Southern Alliance for Clean Energy was not included in the list of organizations signing the statement submitted yesterday (11/19/15) by Sierra Club and other organizations in support of NC Warn's Request for Declaratory Ruling in this docket.

We would be appreciative if you would add our name to the list of stakeholders on that statement.

Thank you,

Toni Nelson
Renewable Energy Manager

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Toni Nelson, Renewable Energy Manager
Southern Alliance for Clean Energy
Phone: [865-637-6055](tel:865-637-6055) ext 37
tnelson@cleanenergy.org
www.cleanenergy.org

Mount, Gail

From: Olmsted Chad <chad.olmsted@volvo.com>
Sent: Friday, November 20, 2015 4:07 PM
To: Statements
Subject: SP-100 SUB 31

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NOV 20 2015

**Clerk's Office
N.C. Utilities Commission**

To Whom it may concern,

My name is Chad Olmsted. I am a resident of Greensboro, NC. I feel very strongly that DUKE Energy has too much power in this state. They are given passes on irresponsible waste management. The penalties for polluting our waterways were far too lenient and will surely be paid for by its customers one way or another. They have ZERO market competition. The hands of current government officials are firmly adhered to the big pockets of Duke Energy. the list goes on and on.

It is time to corral this (out of control) control freak! Duke needs to back off and let free market competition do its thing. That's one of the pillars of the GOP right? Or is it really only a free market for those with the most money to throw at sponging lawyers that come up with ridiculous \$1000 a day fines.

Solar power is the wave of the future and it's about damn time these dinosaur mega conglomerates that force the use of fossil fuels down our throats to either get on board or get the hell out of the way!

STOP THE MONOPOLY!

Thank you for your time.

*Chad Olmsted
309 South Elam Ave.
Greensboro, NC 27403*

Mount, Gail

From: MARTHA W GIROLAMI <mgirolami@mac.com>
Sent: Friday, November 20, 2015 12:57 PM
To: Statements
Subject: 3rd Party sale of Solar

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NOV 20 2015

Clerk's Office
N.C. Utilities Commission

SP 100 SUB 31

Dear Mr. Finley

Duke Energy is on a destructive path in which it blocks solar, wind and other sustainable forms of energy in NC. They are undemocratic and they act as if climate change is trivial. Their monopoly is harming citizens now and our future under their narrow and undemocratic vision for energy resources. We must not build more reliance and infrastructure on oil and gas. North Carolinians must only burn fossil fuels when there is no other choice and all types of energy efficiency projects are in place.

I want Duke Energy's monopoly restricted and/or ended now. I think Duke Energy has lost the public trust in its criminal behavior and management of coal ash.

I want third party sales of solar on every roof top that is feasible.

Yours
Martha Girolami
473 Mount Pisgah Church Rd
Apex, NC 27523

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NOV 20 2015

Mount, Gail

From: Cassie Gavin <cassie.gavin@sierraclub.org>
Sent: Thursday, November 19, 2015 5:17 PM
To: Statements
Subject: Comment Letter in Support of Petition by NC WARN, Docket No. SP-100, SUB 31
Attachments: FINAL ThirdPartySalesPublicCommentlettertoNCUCreNCWARNcase.pdf

Clerk's Office
N.C. Utilities Commission

Dear Ms. Mount,

Please see the attached comment letter from 18 environmental and faith groups in support of the petition by NC WARN Docket No. SP-100, SUB 31.

The attached letter is from Appalachian Voices, Canary Coalition, Clean Air Carolina, Environment North Carolina, Holy Covenant United Church of Christ, SHIFT the Climate, Little Tree Farm & Retreat Ministry, Muslim American Society of Charlotte, NC League of Conservation Voters, Action NC, NC Chapter of the Sierra Club, NC Conservation Network, Being There, Hindu Center of Charlotte, Greenpeace, Food & Water Watch, Universal Institute for Successful Aging of the Carolinas and Environmental Defense Fund.

Thank you for considering these comments,

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Cassie Gavin, Director of Government Relations
Sierra Club - NC Chapter
cassie.gavin@sierraclub.org
19 W. Hargett Street, Suite 210
Raleigh, NC 27601
919.833.8467 x 104

November 19, 2015

VIA ELECTRONIC FILING

Gail L. Mount, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Public Comments by Appalachian Voices, Canary Coalition, Clean Air Carolina, Environment North Carolina, Holy Covenant United Church of Christ, SHIFT the Climate, Little Tree Farm & Retreat Ministry, Muslim American Society of Charlotte, NC League of Conservation Voters, Action NC, NC Chapter of the Sierra Club, NC Conservation Network, Being There, Hindu Center of Charlotte, Greenpeace, Food & Water Watch, Universal Institute for Successful Aging of the Carolinas and Environmental Defense Fund in Support of the Petition by NC Waste Awareness and Reduction Network for a Declaratory Ruling Regarding Solar Facility Financing Arrangements and Status as a Public Utility, Docket No. SP-100, SUB 31

Dear Ms. Mount:

Pursuant to the Commission's September 30, 2015 Order Requesting Comments, the eighteen groups and churches listed above submit the following comments in support of NC WARN's Request for Declaratory Ruling. Our organizations support improved public access to clean energy options for all North Carolinians, including the financing of solar photovoltaic ("PV") systems by a third-party owner.

As discussed in more detail below, third-party owners of PV panels are not public utilities because they do not sell electric services to the public. Instead, the power purchase agreement ("PPA") by which the system owner sells power to the end user is a mechanism for financing the system. Moreover, the availability of such financing options for small solar PV systems will allow for an increase in solar power generation and will benefit the state through reduced fuel costs, less wear and tear on the grid, avoided transmission loss, and environmental benefits. Therefore, we respectfully request that the Commission make clear that such third-party owners of solar power generation systems are not subject to regulation as public utilities.

NC WARN and other similarly situated third-party owners of solar PV systems are not public utilities.

As aptly explained in the Initial Comments of NC Interfaith Power and Light, submitted in this docket on October 30, 2015 and incorporated by reference, an individual or organization that installs, owns, and operates a solar PV system on the property of another individual or organization and sells the electricity generated thereby back to the property owner – as NC WARN has done – is not a public utility. North Carolina law defines “public utility” as a person who produces or delivers electricity “to or for the public,” N.C. Gen. Stat. § 62-3(23)a.1, and the North Carolina Supreme Court has explained that a person offers a service “to the public” only when that person is willing to serve all who apply, *State ex rel. Util. Comm’n v. Simpson*, 295 N.C. 519, 520 (1978). Here, NC WARN has not produced electricity for the public nor has it delivered electricity to the public. Instead, it has agreed to provide a limited amount of electricity to a single private party on whose property the generation equipment is located.

Moreover, the PPA entered into between NC WARN and the Faith Community Church of Greensboro in no way contemplates the offering of electricity sales to the public at large. The agreement is a private contract between a nonutility owner of renewable energy facilities and the beneficiary of those facilities. This very arrangement is expressly contemplated by the Public Utilities Law exemption of “nonutility-owned generating facilit[ies] fueled by renewable energy resources under two megawatts in capacity” from certificate of public convenience and necessity requirements. N.C. Gen. Stat. § 62-110.1(g). Subsection (g) exempts both renewable energy facilities for self-generation purposes *as well as* facilities that are not owned by a public utility nor by the person on whose property they are located and that provide clean energy to an end user – i.e., facilities such as the solar panels installed on the Faith Community Church.

Third-party financing of distributed solar generation benefits North Carolina.

From a public policy perspective, the funding of distributed solar generation through PPAs will enable nonprofit organizations and individual consumers who would not otherwise be financially able to do so to participate in the solar market. All North Carolinians deserve equal access to clean energy sources, even if they do not have the means to finance a solar installation upfront. A ruling by the Commission clarifying that third-party sales are lawful would help accelerate a shift to a cleaner, cheaper, more equitable energy future for our state.

Our members and supporters have an interest in expanding the use of solar power in the state. There are many environmental and public health benefits to bringing more clean energy into our energy mix. Solar energy requires essentially no water to operate and does not pollute water resources or strain water supply by competing with agriculture, drinking water systems, or other important water needs. Renewable energy is cleaner than traditional fuels, eliminating environmental risks associated with mountaintop removal, fracking, leaking pipelines, nuclear

waste, water and air pollution. And, solar investments reduce harmful, polluting emissions from traditional power plants – these public health benefits are especially important for our children, seniors and low-income communities who are most at risk from exposure to fossil fuel pollution.

Thank you for considering our comments,

Rory McIlmoil, Energy Policy Director, Appalachian Voices

Avram Friedman, Executive Director, Canary Coalition

Terry Lansdell, Program Director, Clean Air Carolina

Dave Rogers, Director, Environment North Carolina

Reverend Nancy Allison, Holy Covenant United Church of Christ

Kate Fulbright, SHIFT the Climate

Jason Williams, Little Tree Farm & Retreat Ministry

Osama Idlibi, President, Muslim American Society of Charlotte

Priest Swaminath Sastrigal & Nimish Bhatt, Hindu Center of Charlotte

Carrie Clark, Executive Director, NC League of Conservation Voters

Pat McCoy, Executive Director, Action NC

Saad Haq, Founder, Being There

Molly Diggins, State Director, NC Chapter of the Sierra Club

Brian Buzby, Executive Director, NC Conservation Network

Monica Embrey, Climate and Energy Campaigner, Greenpeace

Tatjana Vujic, Southeast Clean Energy Director, Environmental Defense Fund

Jorge Aguilar, Southern Region Director, Food & Water Watch

Nimish Bhatt, Universal Institute for Successful Aging of the Carolinas

NOV 20 2015

Mount, Gail

Clerk's Office
N.C. Utilities Commission

From: William McNeil <mcneilplanning@gmail.com>
Sent: Friday, November 20, 2015 9:31 AM
To: Statements
Cc: lesley Barker; Vance Archer iii; Susannah Tuttle; taft.wireback@greensboro.com
Subject: Statement of ESG Position re Docket Number SP-100, Sub 31
Attachments: 2015-11-20 ESG to NCUC.pdf

Dear NC Utilities Commission staff:

Environmental Stewardship Greensboro is submitting its comments regarding the request of NC WARN for a determination concerning its solar power purchase agreement with Faith Community Church.(Docket No. SP-100 Sub 31).

Please let me know that you have received this and when the request may be heard.

thank you,
Bill McNeil
(919) 622-3303

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NUMBER SP-100, SUB 31

IN THE MATTER OF:

Request by NC WARN for a
Determination that its proposed
Activities would not cause it to be
Regarded as a Public Utility
Pursuant to NC G.S. 62-3(23)

Comments Submitted by ENVIRONMENTAL STEWARDSHIP GREENSBORO
November 19, 2015

Responding to the NC Utilities Commission's September 30, 2015 order requesting comments on the docket referenced above, Environmental Stewardship Greensboro (ESG) submits the following comments in support of a determination that the use of Power Purchase Agreements ("PPAs") as a method of financing installation of solar systems on the property of Faith Community Church, any other faith community, or any member of a faith community does not require the third-party owner of such a system to be treated and regulated as a public utility.

ESG is a faith-based organization with members belonging to over 25 different religious congregations, drawn together by a common belief that care for the earth, air, water, all species of flora and fauna, all humans and indeed all Creation, is a sacred requirement. ESG further sees increasing the use of solar and other renewable energy systems as a moral imperative offering alternatives to coal-fired methods of generating electricity. With all creation, all creatures and indeed all humanity facing the real and serious threats posed by rapidly accelerating climate change, we as ESG members call for individuals, congregations, local and state governing bodies and commissions and the federal government to take affirmative steps to reduce our collective dependence on and use of carbon-intense energy sources.


ESG stands in support of Faith Community Church and other faith congregations in their efforts to use solar systems to provide a portion of their electricity needs. Financing such systems is costly, especially for congregations with few wealthy members, serving middle and lower-income neighborhoods. Some congregations in Greensboro and elsewhere in North Carolina have financed solar systems through contributions from members, some using limited liability corporations to take advantage of tax credit incentives for investing in renewable energy. But these financing methods are not easily available to smaller

congregations with less wealthy members and less access to accounting and financial expertise.

Installing and paying for solar energy systems is complicated and difficult for most congregations. It will become more difficult when North Carolina's renewable energy tax credits expire on December 31, 2015. ESG supports the use of PPAs, as Faith Community Church has with NC WARN, as a valid and reasonable way for small congregations to use renewable sources of energy to reduce their power bills. We understand from local media that Duke Energy has filed comments in opposition to NC WARN's request, arguing that NC WARN should be treated like a public utility. Faith Community Church's arrangement with NC WARN seems to be just the type of innovative method of financing that small congregations need to tap into the enduring power of the sun. Members of ESG who have already installed solar panels and Faith Community Church remain customers of Duke Energy. While not currently before the Commission, we encourage Duke Energy to consider financing PPAs and other Community-based solar power arrangements to diversify their services to their customers.

In summary, ESG supports the freedom of faith congregations and community members to finance renewable energy systems using innovative financing techniques such as PPAs or leasing. ESG urges the Commission to approve this particular PPA, which will enable others to fulfill their calling to be good stewards for the environment for this and future generations.

William A. McNeil, Convener



Vance Archer



Lesley Barker
