

**NORTH CAROLINA UTILITIES COMMISSION**  
**MINUTES OF REGULAR COMMISSION STAFF CONFERENCE**

**November 16, 2020**

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, November 16, 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 Hughes  
Commissioner McKissick

**COMMISSION STAFF:** Ms. Lowell, Ms. Lazo, Ms. Henderson, Ms. Jarvis, Ms. Fennell, Ms. Cooper, Ms. Hicks, Ms. Condie, Ms. Barnes, Ms. Kennedy, Ms. Paschal, Ms. Hilburn, Ms. Zhang, Ms. Jayasheela, Ms. Burns, Ms. Needham, Mr. Hardy

**PUBLIC STAFF:** Ms. Downey, Mr. Creech, Mr. Josey, Ms. Coxton, Mr. Henry, Ms. Boswell, Mr. Saillor, Mr. Lawrence, Mr. Furr, Ms. Proffitt, Mr. Franklin

**ATTORNEY GENERAL:**

**COURT REPORTER:** Ms. Mitchell

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

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acquired Access Point, Inc. AT&T's original agreement with GC Pivotal, LLC, approved in Docket No. P-55, Sub 1721, is superseded by the amended interconnection agreement.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.

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

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

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

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.

The Public Staff recommended that the Commission issue orders approving the applications and issuing the requested certificates for the facilities.

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

**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**

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&amp;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.

The Public Staff recommended 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.

Aubrey Deaver answered questions and addressed concerns from the Commission.

This item was taken to Executive Conference for further discussion and consideration.

Minutes of the Regular Commission Staff Conference for November 9, 2020, were approved.

Kendrick Fentress, Larry Hatcher, Lesley Quick, and Jared Lawrence spoke on behalf of Duke Energy Carolina, LLC, and Duke Energy Progress, LLC, answering questions from the Commission and addressing issues of customer billing and payment during this COVID-19 pandemic.

Minutes prepared by Portia Barnes.