



NC SUSTAINABLE
ENERGY ASSOCIATION

31 March 2014

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Clerk's Office
N.C. Utilities Commission

To: Chief Clerk
The North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

From: The North Carolina Sustainable Energy Association
P.O. Box 6465
Raleigh, NC 27628

Re: Pantego Wind Energy LLC's Motion to Renew Certificate of Public Convenience
and Necessity
(Commission Docket No. EMP-61, Sub 0)

Honorable Clerk and Commissioners:

I serve as counsel and regulatory advisor to the North Carolina Sustainable Energy Association ("NCSEA"). NCSEA is a 501(c)3 nonprofit organization whose members are individuals, businesses, governments and non-profits interested in North Carolina's sustainable energy future. For 35 years, NCSEA has helped shape North Carolina's commitment to renewable energy, energy efficiency, high-performance building, and a robust clean energy economy in communities all across our state.

On 26 March 2014, Pantego Wind Energy LLC ("Applicant") filed a motion to renew a certificate of public convenience and necessity ("CPCN") issued to it in this docket on 8 March 2012.

In CPCN hearings, "public convenience and necessity . . . [is] the standard to be applied by the Utilities Commission to proposed facilities." *State ex rel. Utilities Com. v. High Rock Lake Asso.*, 37 N.C. App. 138, 140, 245 S.E.2d 787, 790 (1978), *cert. denied*, 248 S.E.2d 257 (N.C. 1978). The standard "is based on an 'element of public need for the proposed service'" and was designed simply "to prevent costly overbuilding," *id.* at 140-41, 245 S.E.2d at 790; it was not designed to address all concerns that might arise in connection with a proposed facility.

The "public need" inquiry should lie at the heart of the Commission's decision to issue or renew a CPCN. In the wind context, this Commission has found that

the General Assembly [in Senate Bill 3] declared it to be the public policy of the State to promote the development of renewable energy through the implementation of a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) and to encourage private investment in renewable energy. Wind-powered electric generation facilities, such as those

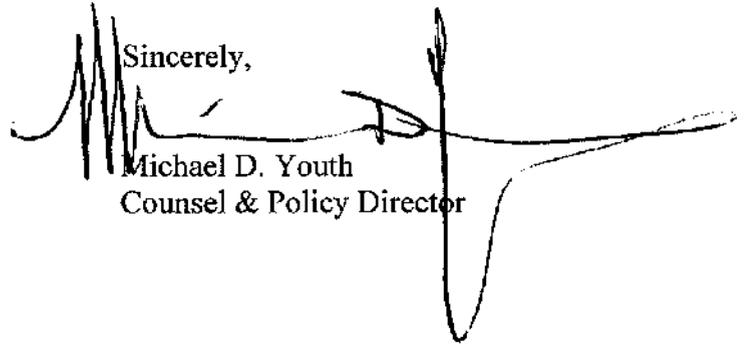
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proposed by the Applicant, are *needed* if the policy goals of the State regarding utilization of renewable energy resources are to be realized.

Order Granting Certificate of Public Convenience and Necessity With Conditions, Commission Docket No. SP-231, Sub 0 (24 April 2008) (Finding of Fact No. 5) (emphasis added). No utility-scale wind facilities have been constructed in North Carolina. Wind-powered electric generation facilities, like the Applicant's, are therefore still needed.

For the reasons stated above, and based on the assumption that Applicant will construct and operate the generating facility in accordance with the conditions set out in the 8 March 2012 CPCN and with all other applicable laws and permits, NCSEA believes the project continues to be in the public's interest and justified by the public convenience and necessity. Consequently, NCSEA urges the Commission to renew Applicant's CPCN.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Youth", is written over the typed name and title. The signature is stylized with a long horizontal stroke and a large loop at the end.

Michael D. Youth
Counsel & Policy Director