

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**STAFF CONFERENCE
AGENDA
MARCH 9, 2020**

COMMISSION STAFF

NO AGENDA ITEMS

PUBLIC STAFF

D. ELECTRIC

- P1. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A SOLAR FACILITY

W. WATER

- P1. DOCKET NO. W-1160, SUBS 44, 46, 46, AND 50 – KDHWTP, LLC – NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA Exhibit No. P-1.
- P2. DOCKET NO. W-1160, SUBS 47, 48, 49, AND 51 – KDHWTP, LLC – NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA Exhibit No. P-2

MEMORANDUM

TO: Agenda – Commission Conference – March 9, 2020

FROM: PUBLIC STAFF – North Carolina Utilities Commission

D. ELECTRIC

P1. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A SOLAR FACILITY

EXPLANATION: The following application seeks a certificate of public convenience and necessity for construction of a solar photovoltaic electric generating facility, pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

Duke Energy Carolinas, LLC:

- **Docket No. SP-19877, Sub 0** – Application of Healing Springs Solar, LLC, for a certificate of public convenience and necessity to construct a 55-MW solar photovoltaic facility in Davidson County, North Carolina (no registration statement)

The Public Staff has reviewed the application and determined that it complies with the requirements of N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

The Public Staff inquired with the applicant whether the project was planned for participation in the Competitive Procurement of Renewable Energy (CPRE) Program pursuant to N.C. Gen. Stat. § 62-110.8, and the applicant responded that it plans for the project to be bid into current or future CPRE Program tranches.

RECOMMENDATION: (Lawrence) That the Commission issue an order approving the application and issuing the requested certificate for the facility. A proposed order has been provided to the Commission Staff.

[BACK TO AGENDA](#)

E. WATER

P1. DOCKET NO. W-1160, SUBS 44, 46, 46, AND 50 – KDHWTP, LLC – NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA

EXPLANATION: On September 23, 2019, KDHWTP, LLC (KDH), filed a notification of intention to begin operations in areas contiguous to its present service area in Docket No. W-1160, Sub 50. The present application is intended to consolidate KDH's previously filed notifications for contiguous extensions in Docket No. W-1160, Subs 44, 45, and 46. KDH desires to expand sewer utility service at 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina. The service areas covered are the areas shown on the plans attached as Exhibit B to the notification forms filed in this docket.

KDH's proposed rates are the same as currently approved in its present franchised service area. KDH states that there are no other sewer service providers, either public utility or municipal, in the location which KDH proposes to serve.

KDH has entered into agreements with Ken Kies, OBX Destinations, LLC, and Ocean Estates, LLC, (collectively, the Developers) to sell capacity from its wastewater treatment plant at its Commission approved capacity fee of \$12.98 per gpd. Under the agreements, Kies is allocated 3,720 gpd of capacity for a purchase price of \$48,286 for 503 S. Virginia Dare Trail; and OBX Destinations, LLC is allocated 3,000 gpd of capacity for a purchased price of \$38,940 for 1507 N. Virginia Dare Trail; and Ocean Estates, LLC is allocated 3,360 gpd of capacity for the purchase price of \$43,612.80 for 1505 N. Virginia Dare Trail. Pursuant to the agreements, the Developers will install any required wastewater pump stations as well as necessary piping and equipment to connect to the existing KDH collection system. Upon completion and upon request of KDH, the pump stations and pipes will be conveyed to KDH at no cost. The pump stations will require a permit from the North Carolina Department of Environmental Quality, Division of Water Resources (DWR) prior to connecting to the KDH system.

KDH should be required to obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system along with DWR permits for the pump stations issued in the name of KDH prior to accepting 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail onto the KDH system. In addition, KDH should file with the Commission copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

KDH presently holds a sewer franchise serving approximately 63 customers in Dare County, North Carolina, and its record of service is satisfactory.

Under Permit No. WQ0002829, dated July 14, 2017, the DWR approved modifying the KDH disposal capacity from 500,000 gallons per day (gpd) to 660,000 gpd.

The Public Staff recommends that the Commission require posting of a bond in the amount of \$25,000. On March 3, 2020, KDH filed a \$50,000 bond and a letter of credit surety for Docket No. W-1160, Subs 50 and Sub 51.

KDH has requested waiver of filing the five year projected income and cash flow statements as only three customers are being added using 9,720 gpd of capacity, which will not have a significant impact on KDH's revenues and expenses. The Public Staff supports this request.

The Public Staff is of the opinion that KDH has the technical, managerial, and financial capacity to provide sewer utility service in this contiguous area.

EXHIBIT: A copy of the proposed order is attached as Exhibit No. P-1.

RECOMMENDATION: (Casselberry/Henry/Grantmyre) That the Commission issue the Public Staff's proposed order recognizing the contiguous extension.

[BACK TO AGENDA](#)

P2. DOCKET NO. W-1160, SUBS 47, 48, 49, AND 51 – KDHWTP, LLC – NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA

EXPLANATION: On September 23, 2019, KDHWTP, LLC (KDH), filed a notification of intention to begin operations in areas contiguous to its present service area in Docket No. W-1160, Sub 51. The present application is intended to consolidate KDH's previously filed notifications for contiguous extensions in Docket No. W-1160, Subs 47, 48, and 49. KDH desires to expand sewer utility service at 1207, 1209, and 1213 South Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina. The service areas covered are the areas shown on the plans attached as Exhibit B to the notification forms filed in this docket.

KDH's proposed rates are the same as currently approved in its present franchised service area. KDH states that there are no other sewer service providers, either public utility or municipal, in the location which KDH proposes to serve.

KDH has entered into agreements with SAGA Construction (SAGA) to sell capacity from its wastewater treatment plant at its Commission approved capacity fee of \$12.98 per gpd. Under the agreements, SAGA is allocated 3,960 gpd of capacity for a purchase price of \$51,401 for 1213 S. Virginia Dare Trail; 3,240 gpd of capacity for a purchased price of \$42,055 for 1207 S. Virginia Dare Trail; and 3240 of capacity for a purchase price of \$42,055 for 1209 S. Virginia Dare Trail. Pursuant to the agreements, SAGA will install any required wastewater pump stations as well as necessary piping and equipment to connect to the existing KDH collection system. Upon completion and upon request of KDH, the pump stations and pipes will be conveyed to KDH at no cost. The pump stations will require a North Carolina Department of Environmental Quality, Division of Water Resources (DWR) Permit prior to connecting to KDH system.

KDH should be required to obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system along with DWR permits for the pump stations issued in the name of KDH prior to accepting 1207, 1209, and 1213 S. Virginia Dare Trail onto the KDH system. In addition, KDH should file with the Commission copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

KDH presently holds a sewer franchise serving approximately 63 customers in Dare County, North Carolina, and its record of service is satisfactory.

Under Permit No. WQ0002829, dated July 14, 2017, the DWR approved modifying the KDH disposal capacity from 500,000 gallons per day (gpd) to 660,000 gpd.

The Public Staff recommends that the Commission require posting of bond in the amount of \$25,000. KDH on March 3, 2020, filed a \$50,000 bond and letter of credit surety for Docket No. W-1160, Subs 50 and Sub 51.

KDH has requested waiver of filing the five year projected income and cash flow statements as only three customers are being added using 10,440 gpd of capacity, which will not have a significant impact on KDH's revenues and expenses. The Public Staff supports this request.

The Public Staff is of the opinion that KDH has the technical, managerial, and financial capacity to provide sewer utility service in this contiguous area.

EXHIBIT: A copy of the proposed order is attached as Exhibit No. P-2.

RECOMMENDATION: (Casselberry/Henry/Grantmyre) That the Commission issue the Public Staff's proposed order recognizing the contiguous extension.

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1160, SUB 44
DOCKET NO. W-1160, SUB 45
DOCKET NO. W-1160, SUB 46
DOCKET NO. W-1160, SUB 50

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Notification by KDHWTP, LLC, Post Office)
Box 3629, Kill Devil Hills, North Carolina)
27948, of Intention to Begin Operations in an) ORDER RECOGNIZING
Area Contiguous to a Present Service Area to) CONTIGUOUS EXTENSION
Provide Sewer Utility Service at 503 S. Virginia)
Dare Trail, 1507 N, Virginia Dare Trail, and)
1505 N. Virginia Dare Trail, Kill Devil Hills,)
Dare County, North Carolina)

BY THE COMMISSION: On July 19, 2019, KDHWTP, LLC (KDH), filed notices of intention to provide additional sewer utility service to customers outside its franchised service area in Docket No. W-1160, Subs 44, 45, and 46, consistent with the authority granted by the Commission's May 31, 2005, *Order Granting Partial Rate Increase* in Docket No. W-1160, Sub 3. On August 16, 2019, the Public Staff filed a notice requesting that KDH file a single notification of contiguous extension for the three properties in question. On September 23, 2019, KDH filed a notification of intention to begin operations in areas contiguous to its present service area in Docket No. W-1160, Sub 50 to consolidate KDH's notifications for contiguous extensions in Docket No. W-1160, Subs 44, 45, and 46. KDH desires to expand sewer utility service at 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina. The service areas covered are the areas shown on the plans attached as Exhibit B to the notification forms filed in this docket.

The Public Staff presented this matter at the Commission's Staff Conference on March 9, 2020.

Based upon the verified notification and the entire record in this matter, the Commission makes the following:

FINDINGS OF FACT

1. KDH presently holds a sewer franchise serving approximately 63 customers in Dare County, North Carolina, and its record of service is satisfactory.

2. KDH has an unusual certificate of public convenience and necessity because the service area was defined as customers being served rather than a geographical area.¹ 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail are located close to the existing customers and along an existing KDH main. KDH states that there are no other sewer service providers, either public utility or municipal, in the location that KDH proposes to serve. In the unusual circumstance of a service area defined by customers rather than geography, and especially given the unusual history of this franchise, and without creating a precedent for other cases, the Commission will treat the matter as a contiguous extension.

3. Under Permit No. WQ0002829, dated July 14, 2017, the North Carolina Department of Environmental Quality, Division of Water Resources (DWR) approved modifying the KDH disposal capacity from 500,000 gallons per day (gpd) to 660,000 gpd.

4. KDH has entered into agreements with Ken Kies, OBX Destinations, LLC and Ocean Estates, LLC (collectively, the Developers) to sell capacity from its wastewater treatment plant at its Commission approved capacity fee of \$12.98 per gpd. Under the agreements, Kies is allocated 3,720 gpd of capacity for a purchase price of \$48,285.60 for 503 S. Virginia Dare Trail; OBX Destinations, LLC is allocated 3,000 gpd of capacity for a purchased price of \$38,940 for 1507 B, Virginia Dare Trail; and Ocean Estates, LLC is allocated 3,360 gpd of capacity for the purchase price of \$43,612.80 for 1505 N. Virginia Dare Trail. Pursuant to the agreements, the Developers will install any required wastewater pump stations as well as necessary piping and equipment to connect to the existing KDH collection system. Upon completion, and upon request of KDH, the pump stations and pipes will be conveyed to KDH at no cost. The pump stations will require a DWR Water Quality Permit prior to connecting to KDH system.

5. KDH should be required to obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system along with a DWR permit for the pump stations issued in the name of KDH prior to accepting 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail onto the KDH system. In addition, KDH should file with the Commission copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

6. KDH has requested waiver of filing the five-year projected income and cash flow statements as only three customers are being added using 9,720 gpd of capacity, which will not have a significant impact on KDH's revenues and expenses. The

¹ See Docket No. W-1160, Sub 0.

Public Staff supported this request, and the Commission finds the request reasonable under the circumstances.

7. KDH has the technical, managerial, and financial capacity to provide sewer utility service for the proposed service connection.

8. The Public Staff recommended a bond in the amount of \$25,000. KDH on March 3, 2020, filed a \$50,000 bond and a letter of credit surety for Docket No. W-1160, Subs 50 and 51.

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission is of the opinion that the bond should be accepted; that prior to accepting 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail onto the KDH system, KDH shall obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system and DWR permits issued in the name of KDH; that KDH should file written notification with the Commission, including copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after such requirements have been met; and that the notification to provide sewer service at 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina should be recognized.

IT IS, THEREFORE, ORDERED as follows:

1. That the \$50,000 bond and letter of credit surety filed on March 3, 2020, to cover the service expansion in this notification and also Docket No. W-1160, Sub 51, is hereby accepted and approved.

2. That the contiguous extension of sewer utility service from KDH's existing service area to 503 S. Virginia Dare Trail, 1507 N. Virginia Dare Trail, and 1505 N. Virginia Dare Trail in Kill Devil Hills, Dare County, North Carolina, is hereby recognized.

3. That Appendix A constitutes the Certificate of Public Convenience and Necessity.

4. That the Schedule of Rates previously approved for KDH (see Docket Nos. W-1160, Sub 24 and M-100, Sub 138 *Order Approving Tariff Revision and Requiring Customer Notice* dated December 7, 2016) are recognized as being applicable for service to a commercial customer. These are the same rates approved by the Commission for KDH's other franchised areas.

5. That prior to accepting each customer, KDH shall obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system and DWR permits issued in the name of KDH. Further, KDH shall file a written notification with the Commission, including copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1160, SUB 50

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

KDHWWT, LLC

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide sewer utility service

for

503 SOUTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS
1507 NORTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS
1505 NORTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS

Dare County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1160, SUB 47
DOCKET NO. W-1160, SUB 48
DOCKET NO. W-1160, SUB 49
DOCKET NO. W-1160, SUB 51

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Notification by KDHWTP, LLC, Post Office)
Box 3629, Kill Devil Hills, North Carolina)
27948, of Intention to Begin Operations in an) ORDER RECOGNIZING
Area Contiguous to a Present Service Area to) CONTIGUOUS EXTENSION
Provide Sewer Utility Service at 1207, 1209,)
and 1213 South Virginia Dare Trail, Kill Devil)
Hills, Dare County, North Carolina)
)

BY THE COMMISSION: On August 30, 2019, KDHWTP, LLC (KDH), filed notices of intention to provide additional sewer utility service to customers outside its franchised service area in Docket No. W-1160, Subs 47, 48, and 49, consistent with the authority granted by the Commission's May 31, 2005, *Order Granting Partial Rate Increase* in Docket No. W-1160, Sub 3. On September 23, 2019, KDH filed a notification of intention to begin operations in areas contiguous to its present service area in Docket No. W-1160, Sub 51. The present application is intended to consolidate KDH's notifications for contiguous extensions in Docket No. W-1160, Subs 47, 48, and 49. KDH desires to expand sewer utility service at 1207, 1209, and 1213 South Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina. The service areas covered are the areas shown on the plans attached as Exhibit B to the notification forms filed in this docket.

The Public Staff presented this matter at the Commission's Staff Conference on March 9, 2020.

Based upon the verified notification and the entire record in this matter, the Commission makes the following

FINDINGS OF FACT

1. KDH presently holds a sewer franchise serving approximately 63 customers in Dare County, North Carolina and its record of service is satisfactory.

2. KDH has an unusual certificate of public convenience and necessity because the service area was defined as customers being served rather than a geographical area.¹ 1207, 1209, and 1213 South Virginia Dare Trail are located close to the existing customers and along an existing KDH main. KDH states that there are no other sewer service providers, either public utility or municipal, in the location that KDH proposes to serve. In the unusual circumstance of a service area defined by customers rather than geography, and especially given the unusual history of this franchise, and without creating a precedent for other cases, the Commission will treat the matter as a contiguous extension.

3. Under Permit No. WQ0002829, dated July 14, 2017, the North Carolina Department of Environmental Quality, Division of Water Resources (DWR) approved modifying the KDH disposal capacity from 500,000 gallons per day (gpd) to 660,000 gpd.

4. KDH has entered into agreements with SAGA Construction (SAGA) to sell capacity from its wastewater treatment plant at its Commission approved capacity fee of \$12.98 per gpd. Under the agreements, SAGA is allocated 3,960 gpd of capacity for a purchase price of \$51,401 for 1213 S. Virginia Dare Trail; 3,240 gpd of capacity for a purchased price of \$42,055 for 1207 S. Virginia Dare Trail; and 3,240 gpd of capacity for a purchase price of \$42,055 for 1209 S. Virginia Dare Trail each. Pursuant to the agreements, SAGA will install any required wastewater pump stations as well as necessary piping and equipment to connect to the existing KDH collection system. Upon completion, and upon request of KDH, the pump stations and pipes will be conveyed to KDH at no cost. The pump stations will require a DWR Water Quality Permit prior to connecting to KDH system.

5. KDH should be required to obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system along with a DWR permit for the pump stations issued in the name of KDH prior to accepting 1207, 1209, and 1213 South Virginia Dare Trail onto the KDH system. In addition, KDH should file with the Commission copies of the pump station bill of sales, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

6. KDH has requested waiver of filing the five-year projected income and cash flow statements as only three customers are being added using 10,440 gpd of capacity, which will not have a significant impact on KDH's revenues and expenses. The Public Staff supported this request and the Commission finds the request reasonable under the circumstances.

7. KDH has the technical, managerial, and financial capacity to provide sewer utility service for the proposed service connection.

¹ See Docket No. W-1160, Sub 0.

8. The Public Staff recommended a bond in the amount of \$25,000. KDH on March 3, 2020, filed a \$50,000 bond and a letter of credit surety for Docket No. W-1160, Subs 50 and 51.

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission is of the opinion that the bond should be accepted; that prior to accepting 1207, 1209 and 1213 South Virginia Dare Trail onto the KDH system; KDH shall obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system and DWR permits issued in the name of KDH; that KDH should file written notification with the Commission, including copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after such requirements have been met; and that the notification to provide sewer service at 1207, 1209 and 1213 South Virginia Dare Trail, Kill Devil Hills, Dare County, North Carolina should be recognized.

IT IS, THEREFORE, ORDERED as follows:

1. That the \$50,000 bond and letter of credit surety filed on March 3, 2020, to cover the service expansion in this notification and also Docket No. W-1160, Sub 50, and is hereby accepted and approved.
2. That the contiguous extension of sewer utility service from KDH's existing service area to 1207, 1209, and 1213 South Virginia Dare Trail in Kill Devil Hills, Dare County, North Carolina, is hereby recognized.
3. That Appendix A constitutes the Certificate of Public Convenience and Necessity.
4. That the Schedule of Rates previously approved for KDH (see Docket Nos. W-1160, Sub 24 and M-100, Sub 138 *Order Approving Tariff Revision and Requiring Customer Notice* dated December 7, 2016) are recognized as being applicable for service to a commercial customer. These are the same rates approved by the Commission for KDH's other franchised areas.

5. That prior to accepting each customer, KDH shall obtain ownership and operational responsibility for the pump stations and lines from the pump stations to the KDH collection system and DWR permits issued in the name of KDH. Further, KDH shall file a written notification with the Commission, including copies of the pump station bills of sale, the recorded deeds or easements, and the DWR permits, within 20 days after these requirements have been met.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1160, SUB 51

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

KDHWWT, LLC

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide sewer utility service

for

1207 SOUTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS
1209 SOUTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS
1213 SOUTH VIRGINIA DARE TRAIL, KILL DEVIL HILLS

Dare County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

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