



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

September 10, 2015

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

Re: Docket No. E-100, Sub 140

Dear Ms. Mount:

On August 7, 2015, the Public Staff filed its Reply Comments in Phase II of the 2014 Avoided Cost proceeding in Docket No. E-100, Sub 140. In these comments, the Public Staff indicated that it had been working with several other parties to resolve or narrow differences regarding the development of a form that would establish that a qualified facility had made a commitment to sell its output to a utility, the second prong of the Commission's test for establishment of a legally enforceable obligation (LEO).

Subsequently, Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP), Dominion North Carolina Power (DNCP), the North Carolina Sustainable Energy Association, and the Public Staff (Parties) held discussions regarding the contents of a Notice of Commitment, and reviewed the form filed by DNCP as Exhibit E to its August 7, 2015 Reply Comments. The Parties were in agreement as to the contents of the first four sections of DNCP's form and believe they can be adapted for use by DEC and DEP. The Parties did not agree as to the contents of either the fifth section of DNCP's form, which includes several acknowledgements regarding the date a LEO is established, or the sixth section, which sets out circumstances under which the Notice of

Executive Director 733-2435	Communications 733-2810	Economic Research 733-2902	Legal 733-6110	Transportation 733-7766
Accounting 733-4279	Consumer Services 733-9277	Electric 733-2267	Natural Gas 733-4326	Water 733-5610

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Commitment will terminate. The Parties will address these unresolved issues in their proposed orders for Phase II of this proceeding.

By copy of this letter, I am forwarding a copy to all parties of record.

Sincerely yours,

/s/ Lucy E. Edmondson
Staff Attorney
lucy.edmondson@psncuc.nc.gov