



**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

May 6, 2015

Ms. Sabrina Patterson  
Conservice (on behalf of Breckenridge Group CNC, LLC)  
9950 Scripps Lake Drive, Suite 104  
San Diego, CA 92131

Re: Docket Nos. ER-55, Sub 0, and ER-39, Sub 1 (transfer of Aspen Charlotte)

Dear Ms. Patterson:

This correspondence concerns the electric reseller application filed with the North Carolina Utilities Commission (Commission) in the above-referenced docket on March 13, 2015.

The Public Staff believes that the application is not yet complete for the reasons set forth in the attachment hereto. Under North Carolina law, a completed electric reseller application is deemed approved if no Commission action is taken on it within 60 days of filing. If you desire to pursue the application further, please file all missing information and exhibits or corrections as noted on the attachment. The statutory time for the Commission's review of each application will begin once a completed application is received.

Sincerely,

Electronically submitted  
/s/ Elizabeth A. Denning  
[elizabeth.denning@psncuc.nc.gov](mailto:elizabeth.denning@psncuc.nc.gov)

EAD/bl  
Attachment  
c: Chief Clerk

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May 06 2015

**Deficiencies Regarding Application Filed on March 13, 2015, in  
Docket Nos. ER-55, Sub 0, and ER-39, Sub 1  
Breckenridge Group CNC, LLC (Applicant - Purchaser/Transferee)  
Aspen Charlotte**

**Item numbers refer to the corresponding numbers on the application form filed in this docket.**

Purchaser Information. The application should identify all the members and managers of the applicant LLC and the officers and principal owners, and if all its members are other LLCs, continue back through the chain of ownership, identifying each LLC in the chain, until an LLC that has corporations or individuals among its members is reached. For that LLC, please identify each individual member, and identify the name, controlling shareholder (if any) and officers of each corporate member. If any member of the Applicant is a corporation, please identify its name, controlling shareholder (if any) and officers. Please describe the business relationships among these entities.

In particular, in the present case the type of information noted above should include, but is not limited to, a list of all the members, owners, and partners for Aspen Heights 2014, LP and the entities above it on the diagram provided in the application. (It does not appear that all this information is on pages 5-8 of the PDF version of the transfer application.)

Item 6. The street address for the apartment complex does not match the address provided by Breckenridge Group Charlotte North Carolina, LLC (Seller) in Docket No. ER-39, Sub 0. Please explain this discrepancy.

Item 16.

- (a) Please specify where the tenants may access the records, at what times and days of the week they may access the records, and the per page cost if the tenants wish to have copies of the records.
- (b) Please state whether the records retained include the dates when tenants move in and out. This information is necessary so that tenants or the Public Staff can recalculate bills and verify their accuracy.

Item 28. The billing agreement attached to the application is between the Seller and Conservice. Please provide a billing agreement that has been signed by the Applicant.

Item 29. Pages 28 and 29 of the PDF version of the filed application show the number of buildings to be served and the number of units in each building. Please indicate the number of bedrooms in each unit. Please indicate if any units have only one lessee (e.g., one bedroom units). Note that the Public Staff reads G.S. 62-110(h) as authorizing electric resale only where there are multiple leases within a metered apartment unit, and not for one bedroom apartments. Therefore all one bedroom apartments should be identified on the application and the billing for electric service to those apartments should be directly from the utility company to the tenant.

Item 30.

- (a) The billing statement includes only the name of the apartment complex (Aspen Charlotte). Since Commission rules require that the name of the property owner (Breckenridge Group CNC, LLC) be included on the billing statement, the Applicant should add the full name of the owner to the billing statement, or, in the event that "Aspen Charlotte" is an assumed name of Breckenridge Group CNC, LLC, the Applicant should provide a copy of the certificate of assumed name filed with the Mecklenburg County Register of Deeds.
- (b) The billing statement says: "Pay amount due to the leasing office by date specified. You might have a balance or additional charge through your apartments leasing office that are not listed on this bill. For final amounts due, please check with the office." All charges and amounts due should be billed on a billing statement approved in form by the Commission. That includes late fees and amounts past due with respect to bills for electric service. The Applicant should explain how it plans to bill for and collect late fees and amounts past due. If any party other than Conservice will be billing or collecting from the tenants, that party should be identified and they should submit a form or template billing statement as part of this transfer application.
- (c) The billing statement includes a section entitled "Charge Explanations." There is no mention of late fees or returned check fees (if approved by the Commission). All types of charges that may be charged to the tenants should be listed here.

Item 31. The sample lease attached to the transfer application does not appear to be a complete and final version of the lease that will be used by the Applicant based on the following: the Seller is named as the Landlord; the late fee amount listed in Item 15 of the application is not stated in the lease; the rules and regulations and addenda referred to in the lease were not provided; and the lease did not mention the resale of water and sewer service for which authority has been applied by the Applicant in Docket No. WR-1815, Sub 0. Please provide a complete and final version of the lease.