

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1167  
DOCKET NO. E-7, SUB 1166

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Duke Energy Progress, LLC, ) and Duke Energy Carolinas, LLC, for ) Approval of Solar Rebate Program ) Pursuant to N.C. Gen. Stat. § 62-155(f) )	ORDER ALLOWING OCTOBER 6 AND 7, 2020 INSTALLATIONS TO APPLY TO SOLAR REBATE PROGRAM BEGINNING ON JANUARY 6, 2021
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BY THE COMMISSION: On November 6, 2020, the Commission issued an Order Modifying the Fourth Year of Solar Rebate Program and Requesting Additional Comments (Order) in Docket Nos. E-2, Sub 1167 and E-7, Sub 1166. In pertinent part, the Commission ordered that the first application period of 2021 shall open on Wednesday, January 6, 2021. The Commission also ordered Duke to continue the 90-day eligibility window for systems installed prior to submitting an application for a rebate, meaning that projects completed within 90 days of the start of the enrollment period are eligible to apply for a rebate.

On November 13, 2020, Duke Energy Progress, LLC, and Duke Energy Carolinas, LLC (collectively, Duke or the Companies), filed a Motion for Clarification or Reconsideration (Motion). The Motion states that:

1. Pursuant to the Order, the 90-day eligibility period began on October 8, 2020;
2. Prior to the Order, the 2021 application period was scheduled to open on the first business day of January 2021 (January 4, 2021), which would have resulted in the 90-day eligibility period beginning on October 6, 2020;
3. On October 6, 2020 and October 7, 2020, at least sixty-three customers had systems installed, presumably in anticipation of applying within the 90-day eligibility period for a solar rebate on January 4, 2021;
4. Without further Commission action, customers who installed systems on October 6, 2020 and October 7, 2020 will be ineligible to apply for a solar rebate on January 6, 2021; and
5. The Companies agree with the Commission that a mid-week date for the launch is appropriate because it provides two business days to help customers before and after the opening of the application window.

However, the Companies do not think customers who installed systems on October 6, 2020 and October 7, 2020 in anticipation of applying for a rebate on January 4, 2021 should be disadvantaged by the change in schedule.

Duke requests that “the Commission allow the Companies to accept customers' applications for solar rebates who installed systems on October 6, 2020 and October 7, 2020 that would otherwise be eligible for a solar rebate had the opening window not been moved forward two days from January 4, 2021 to January 6, 2021.” No party has objected to Duke's request.

## **DISCUSSION AND CONCLUSIONS**

Pursuant to N.C. Gen. Stat. § 62-80:

The Commission may at any time upon notice to the public utility and to the other parties of record affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as herein provided for original orders or decisions.

The Commission's decision to rescind, alter, or amend an order upon reconsideration under N.C.G.S. § 62-80 is within the Commission's discretion. *State ex rel. Utils. Comm'n v. MCI Telecomms. Corp.*, 132 N.C. App. 625, 630, 514 S.E.2d 276, 280 (1999). However, the Commission cannot arbitrarily or capriciously rescind, alter, or amend a prior order. Rather, there must be some change in circumstances or a misapprehension or disregard of a fact that provides a basis for the Commission to rescind, alter, or amend a prior order. *State ex rel. Utils. Comm'n v. N.C. Gas Serv.*, 128 N.C. App. 288, 293-94, 494 S.E.2d 621, 626, rev. denied, 348 N.C. 78, 505 S.E.2d 886 (1998).

The Commission agrees with Duke's calculations of the various scenarios of the enrollment window opening and the corresponding impact on the start date of the 90-day eligibility period. The Commission notes that had the Commission accepted Duke's proposal to open the enrollment period on Friday, January 8, 2021, that installations occurring on October 6, 2020, and October 7, 2020, would have also been similarly ineligible for a rebate as they are now pursuant to the Order. Further, the Commission is cognizant that enrollment for residential and commercial rebates is highly competitive and has considered that adding an additional two days of installations may further contribute to the overdemand the Order attempted to mitigate by adding the second annual enrollment window. However, the Commission continues to give weight to the commentary that, at the time it issued the Order, customers were making decisions based on the structure of 2020 program. While the people and businesses who installed on October 6, 2020, and October 7, 2020, did so without the guarantee of a rebate, they did so with the expectation of having an opportunity to apply. Based upon the foregoing and the entire record herein, the Commission is persuaded by Duke's motion and agrees that customers who installed systems on October 6, 2020, and October 7, 2020, in anticipation of applying for a rebate on January 4, 2021, should not be disadvantaged by the

Commission's decision to modify the January 2021 enrollment opening date. Therefore, the Commission finds good cause to modify its prior decision.

IT IS, THEREFORE, ORDERED as follows:

1. That customers who installed systems on October 6, 2020, and October 7, 2020, shall be eligible to enroll in the solar rebate program commencing on Wednesday, January 6, 2021;
2. That nothing herein shall be construed to otherwise alter the 90-day eligibility window approved for the remaining enrollment periods; and
3. That Duke shall file revised compliance tariffs consistent with the provisions of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 25th day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Janice H. Fulmore".

Janice H. Fulmore, Deputy Clerk