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**SEP 22 2008**

Clerk's Office  
N.C. Utilities Commission

DOCKET NO. E-100, SUB 121

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Implementing a Tracking System for  
Renewable Energy Certificates  
Pursuant to Session Law 2007-397

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COMMENTS  
OF THE  
PUBLIC STAFF

NOW COMES THE PUBLIC STAFF - North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Robert P. Gruber, pursuant to the Commission's order of September 4, 2008 in this docket, and respectfully submits its comments as follows on the draft Requirements Document attached to the Commission's order:

1. The Requirements Document is extremely thorough and comprehensive, and it is likely to be very helpful in obtaining a high-quality renewable energy certificate (REC) tracking system for North Carolina.

2. The Commission's September 4 order invited interested parties to provide estimates of the number of generators and users that the proposed North Carolina Renewable Energy Certificate Tracking System (NC-RETS) should attempt to accommodate. The Public Staff believes that other parties are better qualified to prepare accurate estimates of the number of generators and users and accordingly will defer to their estimates.

3. Although the Requirements Document provides an excellent foundation for NC-RETS, the Public Staff believes that it needs to be revised in one respect. The document provides that the NC-RETS website will have a public portion and a password-protected portion. The public portion will be accessible to any Internet user, but the information available will be limited. Electric power suppliers, renewable generating facilities, and other entities that maintain REC Accounts will be able to obtain passwords, and password holders will be able to view all information in NC-RETS, enter new data into the system, and conduct system transactions. Because the Public Staff will not maintain a REC Account, the Requirements Document does not appear to allow the Public Staff to obtain a password or view information on the non-public portion of the website.

4. As the representative of the using and consuming public under G.S. 62-15, the Public Staff is likely to play a major role in auditing the compliance of the State's electric public utilities with the Renewable Energy and Energy Efficiency Portfolio Standard (REPS), verifying that the REPS riders proposed by the utilities are not in excess of appropriate levels, and ensuring that there is no double counting of RECs. The Commission has determined, in Commission Rule R8-66(b)(6), that renewable energy facilities registered with the Commission must consent to being audited as necessary by the Public Staff.

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5. In order to carry out these responsibilities, the Public Staff will need more extensive access to NC-RETS than is available to the general public. The Public Staff will need the ability to view the REC Accounts maintained by electric power suppliers and renewable energy facilities. Additionally, when questions arise concerning possible double counting, the Public Staff will need the ability to examine all data on NC-RETS relating to the RECs at issue and the electric energy underlying those RECs.

6. The Public Staff does not need the ability to enter new data into NC-RETS or to conduct transactions on the system. "Read-only" access will be sufficient for the Public Staff's purposes.

7. The Public Staff will maintain the confidentiality of all information it obtains from the password-protected portion of the NC-RETS website, as it now maintains the confidentiality of all information filed with the Commission under seal, and will comply with any rules the Commission may adopt to ensure that such confidentiality is maintained.

WHEREFORE, the Public Staff prays:

1. That the Requirements Document attached to the Commission's order of September 4, 2008 in this docket be modified to allow the Public Staff more extensive access, as discussed hereinabove, to NC-RETS;

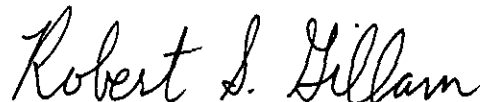
2. That, as so modified, the Requirements Document be approved and adopted;  
and

3. For such other and further relief as the Commission may deem just and proper.

Respectfully submitted this the 22nd day of September, 2008.

PUBLIC STAFF  
Robert P. Gruber  
Executive Director

Antoinette R. Wike  
Chief Counsel



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Staff Attorney

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CERTIFICATE OF SERVICE

I certify that a copy of these Comments has been served on all parties of record or their attorneys, or both, by depositing a copy in the United States Mail, first class postage prepaid, properly addressed.

This the 22nd day of September, 2008.

*Robert S. Gillam*

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Robert S. Gillam