

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 113

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Rulemaking Proceeding to Implement            )     ORDER MODIFYING COMMISSION  
Session Law 2007-397 and Session            )     RULES R8-64, R8-65, R8-66, AND  
Law 2023-138                                        )     R8-67

BY THE COMMISSION: Session Law 2007-397 (Senate Bill 3) was signed into law on August 20, 2007, enacting, among other things, N.C. Gen. Stat. § 62-133.8 establishing a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) for North Carolina. On February 29, 2008, the Commission adopted rules implementing REPS.

On October 10, 2023, the North Carolina General Assembly enacted Session Law 2023-138, Part I of which amends N.C. Gen. Stat. § 62-133.8, expanding REPS to be the Clean Energy and Energy Efficiency Portfolio Standard (CEPS) and making conforming changes to other sections of Chapter 62.

On April 22, 2024, the Commission issued an Order Initiating Rulemaking and Requesting Comments in this docket to consider changes to Commission rules necessitated by the new law and to seek comment on the proposed rule changes from interested persons (Order Initiating Rulemaking). Attached to the Order Initiating Rulemaking as Attachment A were revisions to Commission Rules R8-64, R8-65, R8-66, and R8-67, respectively, that the Commission proposed to adopt to conform its rules to the new law and its definition of clean energy as including both renewable and nuclear energy. The proposed changes consisted primarily of changing “REPS” to “CEPS” and “renewable” to “clean” in the Commission rules, and a few other conforming changes. According to the Order Initiating Rulemaking, interested parties were to file comments on the proposed revisions to the rules on or before May 22, 2024, and reply comments on or before June 6, 2024.

On May 22, 2024, the Public Staff and Dominion Energy North Carolina (DENC) filed letters in lieu of comments in the docket. No party filed reply comments.

In its letter, the Public Staff states that it has reviewed the proposed revisions to Commission Rules R8-64, R8-65, R8-66, R8-67 and believes them to be appropriate conforming changes to align with Session Law 2023-138. The Public Staff also correctly identifies two instances where the term “REPS” should be changed to “CEPS” that were not captured in Attachment A to the Order Initiating Rulemaking.

In its letter, DENC states that it has reviewed the proposed rule revisions and does not have any comments. DENC had reserved its right to file reply comments in the docket but, ultimately, did not do so.

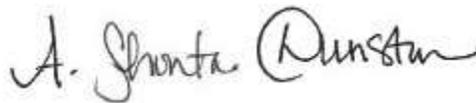
Considering the foregoing, the Commission finds good cause to implement the proposed changes to Commission Rules R8-64, R8-65, R8-66, and R8-67 as detailed in Attachment A to the Order Initiating Rulemaking and as further recommended by the Public Staff. Clean and redline versions of the new rules are attached to this Order for ease of reference.

IT IS, THEREFORE, ORDERED that the Commission Rules and Regulations shall be, and hereby are, amended as set out in Attachments A and B affixed hereto, effective as of the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 21st day of June, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunstan". The signature is written in a cursive style with a large, stylized "D" at the end.

A. Shonta Dunstan, Chief Clerk

**REDLINE VERSION OF RULES**

**Rule R8-64. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY CPRE PROGRAM PARTICIPANT, QUALIFYING COGENERATOR, OR SMALL POWER PRODUCER; PROGRESS REPORTS.**

(a) Scope of Rule.

- (1) This rule applies to applications for a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) filed by any person, other than an electric public utility, who is an owner of a ~~renewable~~ clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by any person who is seeking the benefits of 16 U.S.C. 824a-3 or G.S. 62-156 as a qualifying cogenerator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification by the provisions of G.S. 62-110.1(g).
- (2) For purposes of this rule, the term “person” shall include a municipality as defined in Rules R7-2(c) and R10-2(c), including a county of the State.
- (3) The construction of a facility for the generation of electricity shall include not only the building of a new building, structure or generator, but also the renovation or reworking of an existing building, structure or generator in order to enable it to operate as a generating facility.
- (4) This rule shall apply to any person within its scope who begins construction of an electric generating facility without first obtaining a certificate of public convenience and necessity. In such circumstances, the application shall include an explanation for the applicant’s beginning of construction before the obtaining of the certificate.

(b) The Application. The application shall be comprised of the following five exhibits:

- (1) Exhibit 1 shall contain:
  - (i) The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;
  - (ii) A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business address, business telephone number, and electronic mailing address of an individual duly authorized to act as corporate agent for the purpose of

- the application and, if a foreign corporation, whether domesticated in North Carolina; and
- (iii) The full and correct name of the site owner and, if the owner is other than the applicant, the applicant's interest in the site.
- (2) Exhibit 2 shall contain:
- (i) A color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks, with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system is preferred; and
  - (ii) The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.
- (3) Exhibit 3 shall contain:
- (i) The nature of the generating facility, including the type and source of its power or fuel;
  - (ii) A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation;
  - (iii) The gross and net projected maximum dependable capacity of the facility as well as the facility's nameplate capacity, expressed as megawatts (alternating current);
  - (iv) The projected date on which the facility will come on line;
  - (v) The applicant's general plan for sale of the electricity to be generated, including the utility to which the applicant plans to sell the electricity;
  - (vi) Any provisions for wheeling of the electricity, if applicable;
  - (vii) Arrangements for firm, non-firm or emergency generation, if applicable;
  - (viii) The service life of the project;
  - (ix) The projected annual sales in kilowatt-hours; and
  - (x) Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's renewable clean energy and energy efficiency portfolio standard.
- (4) Exhibit 4 shall contain:
- (i) A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for.

- (ii) A copy of those that have been obtained should be filed with the application; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained.
- (5) Exhibit 5 shall contain the expected cost of the proposed facility.
- (6) An applicant who desires to enter into a contract for 5 years or more for the sale of electricity, whose facility will have a nameplate capacity of 5 megawatts alternating current or more, and whose facility is not a solar photovoltaic facility, shall include the three additional exhibits-as described in R8-64(b)(6)(i), (ii), and (iii) below, except an applicant who desires to enter into a contract of 5 years or more for the sale of electricity from a solar photovoltaic facility of 25 megawatts alternating current or more shall also include the three additional exhibits referenced herein.
  - (i) Exhibit 6 shall contain:
    - a. A statement detailing the experience and expertise of the persons who will develop, design, construct and operate the project to the extent such persons are known at the time of the application;
    - b. Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project; and
    - c. A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs.
  - (ii) Exhibit 7 shall contain:
    - a. The most current available balance sheet of the applicant;
    - b. The most current available income statement of the applicant;
    - c. An economic feasibility study of the project; and
    - d. A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application.
  - (iii) Exhibit 8 shall contain:
    - a. The projected annual hourly production profile for the first full year of operation of the renewable clean energy facility in kilowatt-hours, including an explanation of potential factors influencing the shape of the production profile, including the following, if applicable: fixed tilt or tracking panel arrays, inverter loading ratio, over-paneling, clipped energy, or inverter AC output power limits;
    - b. A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser; and

- c. A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application.
- (7) All applications shall be signed and verified by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the application.
  - (8) Applications filed on behalf of a corporation are not subject to the provision of R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.
  - (9) Falsification of or failure to disclose any required information in the application may be grounds for denying or revoking any certificate.
  - (10) The application shall be in the form adopted by the Commission and accompanied by the filing fee required by G.S. 62-300. The application may be filed electronically or by transmission of an original to the Chief Clerk of the Utilities Commission.
  - (11) If an applicant considers certain of the required information to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.
- (c) Procedure upon receipt of Application. — Upon the filing of an application appearing to meet the requirements set forth above, the Commission will process it as follows:
- (1) The Commission will issue an order requiring the applicant to publish notice of the application once a week for four successive weeks in a newspaper of general circulation in the county where the generating facility is proposed to be constructed and requiring the applicant to mail a copy of the application and the notice, no later than the first date that such notice is published, to the electric utility to which the applicant plans to sell the electricity to be generated. Each electric utility shall provide on its website a mailing address to which the application and notice should be mailed. The applicant shall be responsible for filing with the Commission an affidavit of publication and a signed and verified certificate of service to the effect that the application and notice have been mailed to the electric utility to which the applicant plans to sell the electricity to be generated.

- (2) If the applicant does not file the affidavit of publication and certificate of service within twelve months of the Commission's publication order, the Commission will automatically dismiss the application.
  - (3) The Chief Clerk will provide a copy of the application and the notice to the State Environmental Review Clearinghouse for distribution by the Clearinghouse Coordinator to State agencies having an interest in the application.
  - (4) If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.
  - (5) If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the certificate.
- (d) The Certificate.
- (1) The certificate shall be subject to revocation if any of the other federal or state licenses, permits or exemptions required for construction and operation of the generating facility is not obtained and that fact is brought to the attention of the Commission and the Commission finds that as a result the public convenience and necessity no longer requires, or will require, construction of the facility.
  - (2) The certificate must be renewed by re-compliance with the requirements set forth in this Rule if the applicant does not begin construction within 5 years after issuance of the certificate.
  - (3) Both before the time construction is completed and after, all certificate holders must advise both the Commission and the utility involved of any plans to sell, transfer, or assign the certificate or the generating facility or of any significant changes in the information set forth in subsections (b)(1) thru (b)(5) of this Rule, and the Commission will order such proceedings as it deems appropriate to deal with such plans or changes. The following changes in information are exemplary of changes that require an amendment to the certificate issued for the facility: a transfer of the certificate or the

facility, a change in the facility owner's name, a change in the fuel source, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the certificate: a change in facility owner's contact information, or a change in the upstream ownership of the facility owner.

(e) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of an amendment to the certificate application, or the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of subsection (d) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 07/30/12; NCUC Docket No. E-100, Sub 134, 11/04/14; NCUC Docket No. E-100, Sub 113, 12/31/14; NCUC Docket No. E-100, Sub 134, 3/18/2015, NCUC Docket No. E-100, Sub 134, 5/23/2016; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. E-100, Sub 166, 08/31/2020; NCUC Docket No. M-100, Sub 147, 9/15/2023; NCUC Docket No. M-100, Sub 196, 9/19/2023.)

DOCKET NO. SP-\_\_\_\_\_, SUB \_\_\_\_

Filing Fee Tendered \$ \_\_\_\_\_

**Application for a Certificate of Public Convenience and Necessity – Rule R8-64**

Pursuant to Commission Rule R8-64, this form is required for use in applying for a Certificate of Public Convenience and Necessity (CPCN) by a person, other than an electric public utility, who is an owner of a ~~renewable~~ clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by a person who is seeking the benefits of 16 U.S.C. 624-3 or G.S. 62-156 as a qualifying co-generator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification pursuant to G.S. 62-110.1(g). This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$25.00.

You may file this application electronically; please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at or transmitted to the office of the Chief Clerk. Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service  
Center Raleigh, NC  
27699-4325

<b>Exhibits required by Rule R8-64(b)</b>		<b>Applicant's Response</b>
(1)(i)	Full and correct name of the owner of the facility	
	Facility name	
	Business address	
	E-mail address	
	Telephone number	
(ii)	The owner is (check one)	Individual    Partnership    Corporation

	If a partnership, the name and business address of each general partner	
	If a corporation, the state and date of incorporation	
	If a partnership, the name and address of each general partner (add additional sheets if necessary)	
	Owner's agent for purposes of this application, if applicable:	
	Agent's business address	
	Agent's e-mail address	
	Agent's telephone number	
(iii)	The full and correct name of the site owner and, if the site owner is other than the applicant, the applicant's legal interest in the site	
(2)(i)	Attach a color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system (found at <a href="http://www.gis.ncdcr.gov/hpoweb/">www.gis.ncdcr.gov/hpoweb/</a> ) is preferred.	
(ii)	E911 street address of the proposed facility	
	County in which the proposed facility will be physically located	-
	GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree	

(3)(i)	The nature of the facility, including its technology, and the source of its power and fuel(s)	
(ii)	A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation	
(iii)	The gross and net projected maximum dependable capacity of the facility in megawatts – Alternating Current	
	The facility's nameplate capacity in megawatts – Alternating Current	
(iv)	The projected date on which the facility will come on line	
(v)	The applicant's general plan for sale of the electricity to be generated, including the name of utility to which the applicant plans to sell the electricity	
(vi)	Any provisions for wheeling of the electricity, if applicable	
(vii)	Arrangements for firm, non-firm, or emergency generation, if applicable	
(viii)	The service life of the project	
(ix)	The projected annual sales in kilowatt-hours	
(x)	Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's <del>renewable</del> clean energy and energy efficiency portfolio standard	
	Yes                      No	

(4)(i)	A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for	
(ii)	Attach a copy of those licenses, permits and exemptions that have been obtained; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained	
(5)	The expected cost of the proposed facility	\$
<p>(6) The following applicants shall complete this section with the information as described in R8-64(b)(6): 1) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility will have a projected generating capacity of 5 MW<sub>AC</sub> or greater and is not a solar photovoltaic facility, and 2) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility is a solar photovoltaic facility with a generating capacity of 25 MW<sub>AC</sub> or more.</p>		
(i)a	A statement detailing the experience and expertise of the persons who will develop, design, construct, and operate the project to the extent such persons are known at the time of the application	
b	Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project	
c	A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs	
(ii)a	The most current available balance sheet of the applicant	
b	The most current available income statement of the applicant	
c	An economic feasibility study of the project	
d	A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application	

(iii)a	A detailed explanation of the anticipated kilowatt and kilowatt-hour outputs, on-peak and off-peak, for each month of the year. The explanation shall include a statement of the specific on-peak and off-peak hours underlying the applicant's quantification of anticipated kilowatt and kilowatt-hour outputs
b	A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser
c	A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application

Confidentiality

If an applicant considers certain of the required information above to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.

Please read the "After You File" instructions on the last page of this document.

All applications shall be signed and verified (notarized) by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the application. A blank verification page is attached below:

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner's Representative or Agent Title of Representative or Agent

\_\_\_\_\_  
Typed or Printed Name of Representative or Agent

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public – Typed or Printed

This original verification must be affixed to the original application that is submitted to the Commission.

### **After You File**

1. After you file an application for a CPCN, the Utilities Commission will automatically send a copy to the State Clearinghouse for a government agency review and will issue an Order Requiring Publication of Notice.
2. The State Clearinghouse will post the application on its website for a 30-day review by government agencies.
3. You must publish the Commission's Public Notice as required by the Order Requiring Publication of Notice.
4. You must send a copy of the application and the Commission's Public Notice to the interconnecting utility no later than the first date that publication begins in the newspaper. You must also file a notarized letter called a "certificate of service" that states you completed this requirement.
5. After the publication period, the publishing newspaper should send you a notarized affidavit of publication. You must file the affidavit of publication with the Chief Clerk of the Utilities Commission.
6. If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.

If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order issuing the certificate.

**Rule R8-65. REPORT BY PERSONS CONSTRUCTING ELECTRIC GENERATING FACILITIES EXEMPT FROM CERTIFICATION REQUIREMENT.**

(a) All persons exempt from certification under G.S. 62-110.1(g) shall file with the Commission a report of the proposed construction of an electric generating facility before beginning construction of the facility. The report shall be in the form adopted by the Commission, shall include the information prescribed in subsection (g) below, and shall be signed and verified by the owner of the electric generating facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing. The facility owner shall also be required to report to the Commission the completion of each such facility by giving notice of the completion of construction to the Commission in accordance with section (i) of this Rule. Reports of proposed construction and notices of completion of construction shall be for informational purposes only, and shall not require action by the Commission or the Public Staff.

(b) Reports filed on behalf of a corporation are not subject to the provision of Rule R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.

(c) The owner of the electric generating facility shall provide a copy of the report to the electric public utility, electric membership corporation, or municipality to which the generating facility is or will be interconnected. This requirement shall not apply to an offering utility, as defined in G.S. 62-126.3(10), with regard to an electric generating facility that is intended to be a community solar energy facility, as defined in G.S. 62-126.3(3).

(d) The owner of the electric generating facility shall file the report electronically or file an original of the report of proposed construction with the Chief Clerk of the Utilities Commission. The report shall be accompanied by the fee required by G.S. 62-300.

(e) Upon the filing of a report of proposed construction, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(f) The Commission may order a hearing on the report of proposed construction upon its own motion or upon receipt of a complaint specifying the basis thereof. Otherwise, no acknowledgment of receipt of the report of proposed construction will be issued nor will any other further action be taken by the Commission.

(g) The Report.

(1) The report shall be comprised of the following four exhibits:

(i) Exhibit 1 shall contain:

a. The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;

- b. A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business address, business telephone number, and electronic mailing address of an individual duly authorized to act as corporate agent for the purpose of the report and, if a foreign corporation, whether domesticated in North Carolina; and
  - c. The full and correct name of the site owner and, if the owner is other than the facility owner, the facility owner's interest in the site.
- (ii) Exhibit 2 shall contain:
- a. A color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks, except such map or photo shall not be required for solar photovoltaic systems wherein solar panels are mounted on the roof of a residential or commercial building; and
  - b. The E911 street address, county in which the proposed facility will be physically located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.
- (iii) Exhibit 3 shall contain:
- a. The nature of the generating facility, including the type and source of its power or fuel;
  - b. A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation;
  - c. The gross and net generating capacity of each unit and the entire facility in alternating current (AC);
  - d. The projected date on which the facility will come on line;
  - e. The facility owner's general plan for sale of the electricity to be generated, including the utility to which the facility owner plans to sell the electricity;
  - f. the service life of the project;
  - g. the projected annual sales in kilowatt-hours; and
  - h. whether the facility owner intends to earn renewable energy certificates that are eligible for compliance with the State's renewable clean energy and energy efficiency portfolio standard, and, if the facility to be constructed is a community solar energy facility, as defined in G.S. 62-126.3(3), a statement that the renewable energy certificates will be offered to subscribers in a manner consistent with G.S. 62-126.8(e)(8) and the electric public utility's consumer solar energy facility program approved by the Commission.

- (iv) Exhibit 4 shall contain the expected cost of the proposed facility.
  - (2) All reports shall be signed and verified by the facility owner or by an individual duly authorized to act on behalf of the facility owner for the purpose of the report.
  - (3) Falsification of or failure to disclose any required information in the report may be grounds for rejecting the report.
  - (4) Both before the time construction is completed and after, each facility owner shall advise both the Commission and the utility to which the generating facility is or will be interconnected of any plans to sell, transfer, or assign the generating facility or of any significant changes in the information set forth in subsection (g) of this Rule.
- (i) Notice of completion of construction of facility. Within thirty (30) days of the completion of construction of the facility, each facility owner shall notify the Commission that the construction of the facility is complete. This notice shall be made by filing a short, plain statement that construction of the facility is complete and the date on which the construction was completed.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket Nos. E-100, Sub 113, & M-100, Sub 158, 08/26/2020.)

DOCKET NO. \_\_\_\_\_ - \_\_\_\_\_, SUB \_\_\_\_\_

Filing Fee Tendered \$ \_\_\_\_\_

**Report of Proposed Construction (RPC) – Commission Rule R8-65**

Pursuant to G.S. 62-110.1(g), any person who seeks to construct an electric generating facility in North Carolina, and is exempt from the requirement to obtain a certificate of public convenience and necessity, is required to file this form and a notice of completion of the construction of the facility. This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$50.00.

This form may be electronically filed. Please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at or transmitted to the office of the Chief Clerk. Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4300

<b>Exhibits required by Rule R8-64(b)</b>		<b>Applicant's Response</b>
(1)(i)	Full and correct name of the owner of the facility	
	Facility name	
	Business address	
	E-mail address	
	Telephone number	
(ii)	The owner is (check one)	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation
	If a partnership, the name and business address of each general partner	
	If a corporation, the state and date of incorporation	
	If a partnership, the name and address of each general partner (add additional sheets if necessary)	

	Owner's agent for purposes of this report, if applicable:	
	Agent's business address	
	Agent's e-mail address	
	Agent's telephone number	
(iii)	The full and correct name of the site owner and, if the site owner is other than the applicant, the applicant's legal interest in the site	
(2)(i)	Attach a color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system (found at <a href="http://www.gis.ncdcr.gov/hpoweb/">www.gis.ncdcr.gov/hpoweb/</a> ) is preferred. Rooftop solar installations are not required to file a map or photo.	
(ii)	E911 street address of the proposed facility	
	County in which the proposed facility will be physically located	
	GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree	
(3)(i)	The nature of the facility, including its technology, and the source of its power and fuel(s)	
(ii)	A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation	
(iii)	The gross and net projected maximum dependable capacity of the facility in megawatts – Alternating Current	

	The facility's nameplate capacity in megawatts – Alternating Current	
(iv)	The projected date on which the facility will come on line	
(v)	The applicant's general plan for sale of the electricity to be generated, including the name of utility to which the applicant plans to sell the electricity	
(vi)	Any provisions for wheeling of the electricity, if applicable	
(vii)	Arrangements for firm, non-firm, or emergency generation, if applicable	
(viii)	The service life of the project	
(ix)	The projected annual sales in kilowatt-hours	
(x)	Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's <del>renewable</del> clean energy and energy efficiency portfolio standard  <input type="checkbox"/> Yes <input type="checkbox"/> No	
(4)	The expected cost of the proposed facility	\$

### Confidentiality

If an applicant considers certain of the required information above to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.

### Verification

All reports shall be signed and verified (notarized) by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the report. A blank verification page is attached below.

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner's Representative or Agent

\_\_\_\_\_  
Title of Representative or Agent

\_\_\_\_\_  
Typed or Printed Name of Representative or Agent

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing report and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public – Typed or Printed

**Rule R8-66. REGISTRATION OF RENEWABLE CLEAN ENERGY FACILITIES;  
ANNUAL REPORTING REQUIREMENTS.**

(a) The following terms shall be defined as provided in G.S. 62-133.8: “electric power supplier”; “renewable energy certificate”; and “renewable clean energy facility.”

(b) The owner, including an electric power supplier, of each renewable clean energy facility, whether or not required to obtain a certificate of public convenience and necessity pursuant to G.S. 62-110.1, that intends for renewable energy certificates it earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its facility to participate in the Competitive Procurement of Renewable Energy Program, shall register the facility with the Commission. The registration statement shall be in the form adopted by the Commission, may be filed separately or together with an application for a certificate of public convenience and necessity, or with a report of proposed construction by a person exempt from the certification requirement. All relevant renewable clean energy facilities shall be registered prior to their having RECs issued in the North Carolina Renewable Energy Tracking System (NC-RETS) pursuant to Rule R8-67(h). Contracts for power supplied by an agency of the federal government are exempt from the requirement to register and file annually with the Commission if the renewable energy certificates associated with the power are bundled with the power purchased by the electric power supplier.

(1) The owner of each renewable clean energy facility that has not previously done so, including a facility that is located outside of the State of North Carolina, shall include in its registration statement the following information:

(i) The full and correct name, business address, electronic mailing address, and telephone number of the facility owner;

(ii) A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business telephone number, electronic mailing address, and business address, of an individual duly authorized to act as corporate agent for the purpose of the application and, if a foreign corporation, whether domesticated in North Carolina;

(iii) The nature of the renewable clean energy facility, including its technology, the type and source of its power or fuel(s); whether it produces electricity, useful thermal energy, or both; and the facility’s projected dependable capacity in kilowatts AC and/or British thermal units per hour, as well as its maximum nameplate capacity;

(iv) The E911 address of the facility, the county in which the proposed facility will be physically located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree;-

(v) A map, such as a county road map, with the location indicated on the map;

- (vi) The ownership of the site and, if the site owner is other than the facility owner, the facility owner's legal interest in the site;
  - (vii) A complete list of all federal and state (not local) licenses, permits, and exemptions required for construction and operation of the facility, and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be filed with the application. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of such approvals for one such turbine of each type in the facility, but shall attest that approvals for all of the turbines are available for inspection;
  - (viii) The date the facility began operating. If the facility is not yet operating, the owner shall provide the facility's projected in-service date;
  - (ix) If the facility is already operating, the owner shall provide information regarding the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period. Energy production data for a shorter time period is acceptable for facilities that have not yet operated for a full year;
  - (x) The name of the entity that does (or will) read the facility's energy production meter(s) for the purpose of renewable energy certificate issuance;
  - (xi) For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in Btus per hour, that is eligible for REC issuance;
  - (xii) Whether the facility participates in a REC tracking system, and if so, which one. If the facility does not currently participate in a REC tracking system, which tracking system the owner anticipates will be used for the purpose of REC issuance; and
  - (xiii) If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, provide the Commission Docket Number, if available.
- (2) If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:
- (i) A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads;
  - (ii) A description of the parasitic electrical and parasitic thermal loads;
  - (iii) Calculations for the parasitic electrical and parasitic thermal loads and supporting documents;

- (iv) A description of the method of collecting the waste heat from the electrical generating system;
- (v) A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful;
- (vi) Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful; and
- (vii) Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.

(3) If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner shall include in its registration statement the following additional information:

- (i) Example calculations for the energy production associated with each fuel used by the facility as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the ~~renewable~~ clean fuels and how the number of renewable energy certificates is determined;
- (ii) A description of each fuel to be used by the facility; and
- (iii) A description of how the heat content of each fuel was determined.

(4) The owner of each ~~renewable~~ clean energy facility shall certify in its registration statement and annually thereafter that it is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources. If a credible showing is made that the facility is not in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources, the Commission shall refer the matter to the appropriate environmental agency for review. Registration shall not be revoked unless and until the appropriate environmental agency concludes that the facility is out of compliance and the Commission issues an order revoking the registration.

(5) The owner of each ~~renewable~~ clean energy facility shall certify in its registration statement and annually thereafter that the facility satisfies the requirements of G.S. 62-133.8(a)(1) or (4c) ~~(5) or (7)~~ as a ~~renewable~~ clean energy facility or new ~~renewable~~ clean energy facility, that the facility will be operated as a ~~renewable~~ clean energy facility or new ~~renewable~~ clean energy facility, and, if the facility has been placed into service, the date when it was placed into service

- (6) The owner of each ~~renewable~~ clean energy facility shall further certify in its registration statement and annually thereafter that any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another ~~renewable~~ clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.
- (7) The owner of each ~~renewable~~ clean energy facility shall certify in its registration statement and annually thereafter that it consents to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agrees to provide the Public Staff and the Commission access to its books and records, wherever they are located, and to the facility.
- (8) If the facility is already operating, the owner shall attest that the registration information is true and accurate for all years that the facility has earned RECs for compliance with G.S. 62-133.8. Each registration statement shall be signed and verified by the owner of the ~~renewable~~ clean energy facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing.
- (9) ~~Renewable~~ Clean energy facilities and new ~~renewable~~ clean energy facilities that have RECs issued in NC-RETS shall provide their annual certification electronically via NC-RETS. Annual certifications are due April 1 each year.
- (10) Registration statements filed on behalf of a corporation are not subject to the provision of Rule R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.
- (11) The applicant may file the registration statement electronically or by filing an original of the registration statement with the Chief Clerk of the Utilities Commission. The registration statement shall be accompanied by the fee required by G.S. 62-300.
- (c) Each re-seller of renewable energy certificates derived from a ~~renewable~~ clean energy facility, including a facility that is located outside of the State of North Carolina, shall ensure that the owner of the ~~renewable~~ clean energy facility registers with the Commission prior to the sale of the certificates by the re-seller to an electric power supplier to comply with G.S. 62-133.8(b), (c), (d), (e) and (f), except that the filing requirements in subsection (b) of this Rule shall apply only to information for the year(s) corresponding to the year(s) in which the certificates to be sold were earned.

(d) Upon receipt of a registration statement, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(e) No later than twenty (20) business days after the registration statement is filed with the Commission, the Public Staff shall, and any other interested persons may, file with the Commission and serve upon the registrant a recommendation regarding whether the registration statement is complete and identifying any deficiencies. If the Commission determines that the registration statement is not complete, the owner of the ~~renewable~~ clean energy facility will be required to file the missing information. Upon receipt of all required information, the Commission will promptly issue an order accepting the registration, denying the registration, or setting the matter for hearing.

(f) Any of the following actions may result in revocation of registration by the Commission:

(1) Falsification of or failure to disclose any required information in the registration statement or annual filing;

(2) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources;

(3) Remarketing or reselling any renewable energy certificate (whether or not bundled with electric power) after it has been sold to an electric power supplier or any other person for compliance with G.S. 62-133.8 or for any other purpose, including another ~~renewable~~ clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina or any other state or country, or offering or selling the electric power associated with the certificates with any representation that the power is bundled with renewable energy certificates;

(4) Failure to allow the Commission or the Public Staff access to its books and records necessary to audit ~~REPS~~ CEPS compliance; or

(5) Failure to provide the annual certifications required by Rule R8-66(b).

(g) NC-RETS shall maintain on its website a list of all registration statement revocations.

(h) An owner of a ~~renewable~~ clean energy facility that has registered with the Commission shall notify the Commission and the tracking system that issues the facility's RECs within fifteen (15) days of any change in the information contained in the registration statement, including ownership change, fuel change, or permit issuance or revocation. If there is a change in ownership of the facility, the Commission shall be notified, the registration of the facility in the name of that facility owner shall be cancelled, and the new owner may file a registration statement pursuant to this Rule. The following changes in information are exemplary of changes that require an amendment to the registration of the facility: a change in the facility owner's name, a change in the fuel source, a change in the multi-fuel calculations, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the registration: a change in the facility owner's contact information, or a change in the upstream ownership of the facility owner.

(i) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of section (h) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. M-100, Sub 147, 9/15/2023.)

DOCKET NO. \_\_\_\_\_, SUB \_\_\_\_\_

Filing Fee Tendered \$ \_\_\_\_\_

**Registration Statement for the Registration of a Renewable Clean Energy Facility or New Renewable Clean Energy Facility – Commission Rule R8-66**

Pursuant to G.S. 62-133.8 and Commission Rule R8-66, this form is required for use by the owner of a renewable clean energy facility that intends for the renewable energy certificates the facility earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its renewable clean energy facility to participate in the Competitive Procurement of Renewable Energy Program. This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$250.00.

This form may be electronically filed. Please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at the office of the Chief Clerk, or transmitted by the United States Postal Service or a designated delivery service authorized pursuant to 26 U.S. 7502(f)(2). Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4325

Required Statements	Response
Facility name:	
Full and correct name of the owner of the facility:	
Business address:	
Electronic mailing address:	
Telephone number:	

APPENDIX D

Agent's business address:	
Agent's electronic mailing address:	
Agent's telephone number:	
The owner is:	Individual          Partnership          Corporation/LLC
If a corporation, provide the state and date of incorporation:	State _____ Date _____
If a corporation that is incorporated outside of North Carolina, is it domesticated in North Carolina?	Yes                  No
If a partnership, the name and business address of each general partner. (Add additional sheets if necessary.)	
Nature of the renewable clean energy facility:	
1. Describe the facility, including its technology, and the source of its power and fuel(s). Thermal facilities should describe how its host uses the facility's thermal energy output. (Add additional sheets if necessary.)	
2. Whether it produces electricity, useful thermal energy, or both.	
3. Nameplate capacity in kW/MW (AC) and/or maximum Btu per hour for thermal facilities.	

APPENDIX D

4. The facility's projected dependable capacity in kW AC or Btu/hour.	
5. The E911 address of the facility.	
6. The county where the facility will be located.	
7. GPS coordinates of the approximate center of the facility site to the nearest second or one thousandth of a degree.	
8. The location of the facility set forth in terms of local highways, streets, rivers, streams, or other generally known local landmarks. Attach a map, such as a county road map, with the location indicated on the map.	
Site ownership:	
1. Is the site owner other than the facility owner? If yes, who is the site owner?	
2. What is the facility owner's legal interest in the site?	
<p>Federal and State licenses, permits, and exemptions.</p> <p>Note: Responses in this section should provide all federal and state (not local) licenses, permits, and/or exemptions required for construction and operation of the facility and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be attached to this registration statements. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of approvals for one such turbine, but shall add an attestation that approvals for all of the turbines are available for inspection.</p>	

APPENDIX D

1. Federal permits and licenses:	
2. State permits and licenses:	
3. Exemptions required for construction and operation of the facility:	
4. Statement of whether each has been obtained or applied for (attach copy of those that have been obtained with this application):	
<b> </b>	
1. If the facility has been placed into service, on what date did the facility begin operating?	
2. If the facility is not yet operating, on what date is the facility projected to be placed into service?	
<b> </b>	
1. If the facility is already operating, what is the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period? Energy production data for a shorter time period is acceptable for facilities that have not yet	
2. What entity does (or will) read the facility's energy production meter(s) for the purpose of issuing renewable energy certificates?	

APPENDIX D

<p>3. For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in BTUs, that is eligible for REC issuance.</p>	
<p>4. Does the facility participate</p>	
<p>in a REC tracking system and if so, which one? If not, which tracking system will the facility participate in for the purpose of REC issuance?</p>	
<p>5. If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, please provide the Commission Docket Number, if available.</p>	



If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:

<p>1. A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads.</p>	
<p>2. A description of the parasitic electrical and parasitic thermal loads.</p>	
<p>3. Calculations for the parasitic electrical and parasitic thermal loads and supporting documents.</p>	
<p>4. A description of the method of collecting the waste heat from the electrical generating system.</p>	
<p>5. A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful.</p>	
<p>6. Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful.</p>	
<p>7. Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.</p>	



APPENDIX D

If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner should include in its registration statement the following additional information:	
1. Example calculations for the energy production associated with each fuel used by the facility as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the renewable clean fuels and how the number of renewable energy certificates is determined.	
2. A description of each fuel to be used by the facility.	
3. A description of how the heat content of each fuel was determined.	

The owner of the renewable clean energy facility shall provide the following attestations, signed and notarized:

1.  Yes  No I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.

2.  Yes  No I certify that the facility satisfies the requirements of G.S. 62-133.8(a)(5) or (7) as a:

renewable clean energy facility, or

new renewable clean energy facility,

and that the facility will be operated as a:

renewable clean energy facility, or

new renewable clean energy facility.

3.  Yes  No I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and

2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another renewable clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.

APPENDIX D

4.  Yes  No

I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.

5.  Yes  No

I certify that the information provided is true and correct for all years that the facility has earned RECs for compliance with G.S. 62-133.8.

6.  Yes  No

I certify that I am the owner of the ~~renewable~~ clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name - Printed or Typed)

\_\_\_\_\_  
(Date)

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public – Typed or Printed

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

APPENDIX E

**Annual Certification of Compliance with the Requirements of  
Commission Rule R8-66 for the Continuation of the Registration of a  
Renewable Clean Energy Facility or New Renewable Clean Energy Facility.**

Docket No. \_\_\_\_\_

Facility Owner: \_\_\_\_\_

<input type="checkbox"/> YES <input type="checkbox"/> NO	I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.
<input type="checkbox"/> YES <input type="checkbox"/> NO	I certify that the facility satisfies the requirements of G.S. 62-133.8(a) (1) or (4c) (5) or (7) as a (select one): <del>Renewable</del> Clean Energy Facility or New Clean Energy Facility and that the facility will be operated as a (select one):  <del>Renewable Clean Energy Facility</del> or New Clean Energy Facility  To determine whether your facility meets either of these definitions, you should check your registration order or consult your legal counsel.
<input type="checkbox"/> YES <input type="checkbox"/> NO	I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and 2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another <del>renewable</del> clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or
<input type="checkbox"/> YES <input type="checkbox"/> NO	I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.
<input type="checkbox"/> YES <input type="checkbox"/> NO	I certify that I am the owner of the <del>renewable clean</del> energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name – Printed or Typed)

\_\_\_\_\_  
(Date)

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public – Typed or Printed

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

**Rule R8-67. RENEWABLE CLEAN ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS CEPS).**

(a) Definitions.

- (1) The following terms shall be defined as provided in G.S. 62-133.8: “Combined heat and power system”; “demand-side management”; “electric power supplier”; “new renewable energy facility”; “renewable energy certificate”; “renewable energy facility”; “renewable energy resource”; and “incremental costs”; “clean energy facility”; “clean energy resource”; and “new clean energy facility”.
- (2) For purposes of determining an electric power supplier’s avoided costs, “avoided cost rates” mean an electric power supplier’s most recently approved or established avoided cost rates in this state, as of the date the contract is executed, for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978. If the Commission has approved an avoided cost rate for the electric power supplier for the year when the contract is executed, applicable to contracts of the same nature and duration as the contract between the electric power supplier and the seller, that rate shall be used as the avoided cost. Therefore, for example, for a contract by an electric public utility with a term of 15 years, the avoided cost rate applicable to that contract would be the comparable, Commission-approved, 15-year, long-term, levelized rate in effect at the time the contract was executed. In all other cases, the avoided cost shall be a good faith estimate of the electric power supplier’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, taking into consideration the avoided cost rates then in effect as established by the Commission. In any event, when found by the Commission to be appropriate and in the public interest, a good faith estimate of an electric public utility’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, may be used in a particular REPS CEPS cost recovery proceeding. Determinations of avoided costs, including estimates thereof, shall be subject to continuing Commission oversight and, if necessary, modification should circumstances so require.
- (3) “Energy efficiency measure” means an equipment, physical, or program change that when implemented results in less use of energy to perform the same function or provide the same level of service. “Energy efficiency measure” does not include demand-side management. It includes energy produced from a combined heat and power system that uses non-renewable resources to the extent the system:
  - (i) Uses waste heat to produce electricity or useful, measurable thermal or mechanical energy at a retail electric customer’s facility; and

- (ii) Results in less energy used to perform the same function or provide the same level of service at a retail electric customer's facility.
  - (4) "Year-end number of customer accounts" means the number of accounts within each customer class as of December 31 for a given calendar year determined in a manner approved by the Commission pursuant to subsection (c)(4) or determined in the same manner as that information is reported to the Energy Information Administration, United States Department of Energy, for annual electric sales and revenue reporting.
  - (5) "Utility compliance aggregator" is an organization that assists an electric power supplier in demonstrating its compliance with ~~REPS~~ CEPS. Such demonstration may include, among other things, filing REPS compliance plans or reports and participating in NC-RETS on behalf of the electric power supplier or a group of electric power suppliers.
- (b) ~~REPS~~ CEPS compliance plan.
- (1) Each year, beginning in 2008, each electric power supplier or its designated utility compliance aggregator shall file with the Commission the electric power supplier's plan for complying with G.S. 62-133.8(b), (c), (d), (e) and (f). The plan shall cover the calendar year in which the plan is filed and the immediately subsequent two calendar years. At a minimum, the plan shall include the following information:
    - (i) a specific description of the electric power supplier's planned actions to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) for each year;
    - (ii) a list of executed contracts to purchase renewable energy certificates (whether or not bundled with electric power), including type of ~~renewable~~ clean energy resource, expected MWh, and contract duration;
    - (iii) a list of those planned or implemented energy efficiency and demand side management measures that the electric power supplier plans to use toward ~~REPS~~ CEPS compliance, including a brief description of each measure, its projected impacts, and a measurement and verification plan if such plan has not otherwise been filed with the Commission;
    - (iv) the projected North Carolina retail sales and year-end number of customer accounts by customer class for each year;
    - (v) the current and projected avoided cost rates for each year;
    - (vi) the projected total and incremental costs anticipated to implement the compliance plan for each year;
    - (vii) a comparison of projected costs to the annual cost caps for each year;
    - (viii) for electric public utilities, an estimate of the amount of the ~~REPS~~ CEPS rider and the impact on the cost of fuel and fuel-related costs rider necessary to fully recover the projected costs; and
    - (ix) to the extent not already filed with the Commission, the electric power supplier shall, on or before September 1 of each year, file a ~~renewable~~ clean energy facility registration statement pursuant to Rule R8-66 for any facility it owns and upon which it is relying as a source of power or RECs in its ~~REPS~~ CEPS compliance plan.

- (2) Each electric power supplier shall file in a docket to be established by the Commission, its ~~REPS~~ CEPS compliance plan on or before September 1 of each year.
  - (3) Approval of the ~~REPS~~ CEPS compliance plan shall not constitute an approval of the recovery of costs associated with ~~REPS~~ CEPS compliance or a determination that the electric power supplier has complied with G.S. 62-133.8(b), (c), (d), (e), and (f).
  - (4) A ~~REPS~~ CEPS compliance plan filed by an electric power supplier not subject to Rule R8-60 or Rule R8-60A shall be for information only.
- (c) ~~REPS~~ CEPS compliance report.
- (1) Each year, beginning in 2009, each electric power supplier or its designated utility compliance aggregator shall file with the Commission a report describing the electric power supplier's compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f) during the previous calendar year. The report shall include all of the following information, including supporting documentation:
    - (i) the sources, amounts, and costs of renewable energy certificates, by source, used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f). Renewable energy certificates for energy efficiency may be based on estimates of reduced energy consumption through the implementation of energy efficiency measures, to the extent approved by the Commission;
    - (ii) the actual North Carolina retail sales and year-end number of customer accounts by customer class;
    - (iii) the current avoided cost rates and the avoided cost rates applicable to energy received pursuant to long-term power purchase agreements;
    - (iv) the actual total and incremental costs incurred during the calendar year to comply with G.S. 62-133.8(b), (c), (d), (e) and (f);
    - (v) a comparison of the actual incremental costs incurred during the calendar year to the per-account annual charges (in G.S. 62-133.8(g)(4)) applied to its total number of customer accounts as of December 31 of the previous calendar year;
    - (vi) the status of compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f);
    - (vii) the identification of any renewable energy certificates or energy savings to be carried forward pursuant to G.S. 62-133.8(b)(2)f or (c)(2)f;
    - (viii) the dates and amounts of all payments made for renewable energy certificates; and

- (ix) for electric membership corporations and municipal electric suppliers, reduced energy consumption achieved in each year after January 1, 2008, through the implementation of energy efficiency or demand-side management programs, along with the results of each program's measurement and verification plan, or other documentation supporting an estimate of the program's energy reductions achieved in the previous year pending implementation of a measurement and verification plan. Supporting documentation shall be retained and made available for audit.
- (2) Each electric public utility shall file its annual ~~REPS~~ CEPS compliance report , together with direct testimony and exhibits of expert witnesses, on the same date that it files (1) its cost recovery request under Rule R8-67(e), and (2) the information required by Rule R8-55. The Commission shall consider each electric public utility's ~~REPS~~ CEPS compliance report at the hearing provided for in subsection (e) of this rule and shall determine whether the electric public utility has complied with G.S. 62-133.8(b), (d), (e) and (f). Public notice and deadlines for intervention and filing of additional direct and rebuttal testimony and exhibits shall be as provided for in subsection (e) of this rule.
- (3) Each electric membership corporation and municipal electric supplier or their designated utility compliance aggregator shall file a verified ~~REPS~~ CEPS compliance report on or before September 1 of each year. The Commission may issue an order scheduling a hearing to consider the ~~REPS~~ CEPS compliance report filed by each electric membership corporation or municipal electric supplier, requiring public notice, and establishing deadlines for intervention and the filing of direct and rebuttal testimony and exhibits.
- (4) In each electric power supplier's initial ~~REPS~~ CEPS compliance report, the electric power supplier shall propose a methodology for determining its cap on incremental costs incurred to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) and fund research as provided in G.S. 62-133.8(h)(1), including a determination of year-end number of customer accounts. The proposed methodology may be specific to each electric power supplier, shall be based upon a fair and reasonable allocation of costs, and shall be consistent with G.S. 62-133.8(h). The electric power supplier may propose a different methodology that meets the above requirements in a subsequent ~~REPS~~ CEPS compliance report filing. For electric public utilities, this methodology shall also be used for assessing the per-account charges pursuant to G.S. 62-133.8(h)(5).
- (5) In any year, an electric power supplier or other interested party may petition the Commission to modify or delay the provisions of G.S. 62-133.8(b), (c), (d), (e) and (f), in whole or in part. The Commission may grant such petition upon a finding that it is in the public interest to do so. If an electric power supplier is the petitioner, it shall demonstrate that it has made a reasonable effort to meet the requirements of such provisions. Retroactive modification or delay of the provisions of G.S. 62-133.8(b), (c), (d), (e) or (f) shall not be

permitted. The Commission shall allow a modification or delay only with respect to the electric power supplier or group of electric power suppliers for which a need for a modification or delay has been demonstrated.

- (6) A group of electric power suppliers may aggregate their ~~REPS~~ CEPS obligations and compliance efforts provided that all suppliers in the group are subject to the same ~~REPS~~ CEPS obligations and compliance methods as stated in either G.S. 133.8(b) or (c). If such a group of electric power suppliers fails to meet its ~~REPS~~ CEPS obligations, the Commission shall find and conclude that each supplier in the group, individually, has failed to meet its ~~REPS~~ CEPS obligations.
- (d) Renewable energy certificates.
- (1) Renewable energy certificates (whether or not bundled with electric power) claimed by an electric power supplier to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) must have been earned after January 1, 2008; must have been purchased by the electric power supplier within three years of the date they were earned; shall be retired when used for compliance; and shall not be used for any other purpose. A renewable energy certificate may be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) in the year in which it is acquired or obtained by an electric power supplier or in any subsequent year; provided, however, that an electric public utility must use a renewable energy certificate to comply with G.S. 62-133.8(b), (d), (e) and (f) within seven years of cost recovery pursuant to subsection (e)(10) of this Rule.
  - (2) For any facility that uses both ~~renewable~~ clean energy resources and ~~nonrenewable~~ clean energy resources to produce energy, the facility shall earn renewable energy certificates based only upon the energy derived from ~~renewable~~ clean energy resources in proportion to the relative energy content of the fuels used.
  - (3) Renewable energy certificates earned by a ~~renewable~~ clean energy facility after the date the facility's registration is revoked by the Commission shall not be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f).
  - (4) Renewable energy certificates must be issued by, or imported into, the renewable energy certificate tracking system established in Rule R8-67(h) in order to be eligible RECs under G.S. 62-133.8.
- (e) Cost recovery.
- (1) For each electric public utility, the Commission shall schedule an annual public hearing pursuant to G.S. 62-133.8(h) to review the costs incurred by the electric public utility to comply with G.S. 62-133.8(b), (d), (e) and (f). The annual rider hearing for each electric public utility will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55.

- (2) The Commission shall permit each electric public utility to charge an increment or decrement as a rider to its rates to recover in a timely manner the reasonable incremental costs prudently incurred to comply with G.S. 62-133.8(b), (d), (e) and (f). The cost of an unbundled renewable energy certificate, to the extent that it is reasonable and prudently incurred, is an incremental cost and has no avoided cost component.
- (3) Unless otherwise ordered by the Commission, the test period for each electric public utility shall be the same as its test period for purposes of Rule R8-55.
- (4) Rates set pursuant to this section shall be recovered during a fixed cost recovery period that shall coincide, to the extent practical, with the recovery period for the cost of fuel and fuel-related cost rider established pursuant to Rule R8-55.
- (5) The incremental costs will be further modified through the use of a ~~REPS~~ CEPS experience modification factor (~~REPS~~ CEPS EMF) rider. The ~~REPS~~ CEPS EMF rider will reflect the difference between reasonable and prudently incurred incremental costs and the revenues that were actually realized during the test period under the ~~REPS~~ CEPS rider then in effect. Upon request of the electric public utility, the Commission shall also incorporate in this determination the experienced over-recovery or under-recovery of the incremental costs up to thirty (30) days prior to the date of the hearing, provided that the reasonableness and prudence of these costs shall be subject to review in the utility's next annual ~~REPS~~ CEPS cost recovery hearing.
- (6) The ~~REPS~~ CEPS EMF rider will remain in effect for a fixed 12-month period following establishment and will carry through as a rider to rates established in any intervening general rate case proceedings.
- (7) Pursuant to G.S. 62-130(e), any over-collection of reasonable and prudently incurred incremental costs to be refunded to a utility's customers through operation of the ~~REPS~~ CEPS EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate.
- (8) Each electric public utility shall follow deferred accounting with respect to the difference between actual reasonable and prudently-incurred incremental costs and related revenues realized under rates in effect.
- (9) The incremental costs to be recovered by an electric public utility in any cost recovery period from its North Carolina retail customers to comply with G.S. 62-133.8(b), (d), (e), and (f) shall not exceed the per-account charges set forth in G.S. 62-133.8(h)(4) applied to the electric public utility's year-end number of customer accounts determined as of December 31 of the previous calendar year. These annual charges shall be collected through fixed monthly charges. Each electric public utility shall ensure that the incremental costs recovered under the ~~REPS~~ CEPS rider and ~~REPS~~ CEPS EMF rider during the cost recovery period, inclusive of gross receipts tax and the regulatory fee, from any given customer account do not exceed the applicable per-account charges set forth in G.S. 62-133.8(h)(4).

- (10) Incremental costs incurred during a calendar year toward a current or future year's REPS-CEPS obligation may be recovered by an electric public utility in any 12-month recovery period up to and including the 12-month recovery period in which the RECs associated with any incremental costs are retired toward the prior year's REPS CEPS obligation, as long as the electric public utility's charges to customers do not exceed, in any 12-month period, the per-account annual charges provided in G.S. 62-133.8(h)(4). A renewable energy certificate must be used for compliance and retired within seven years of the year in which the electric public utility recovers the related costs from customers. An electric public utility shall refund to customers with interest the costs for renewable energy certificates that are not used for compliance within seven years.
  - (11) Each electric public utility, at a minimum, shall submit to the Commission for purposes of investigation and hearing the information required for the REPS CEPS compliance report for the 12-month test period established in subsection (3) normalized, as appropriate, consistent with Rule R8-55, accompanied by supporting workpapers and direct testimony and exhibits of expert witnesses, and any change in rates proposed by the electric public utility at the same time that it files the information required by Rule R8-55.
  - (12) The electric public utility shall publish a notice of the annual hearing for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.8(h) and setting forth the time and place of the hearing.
  - (13) Persons having an interest in said hearing may file a petition to intervene setting forth such interest at least 15 days prior to the date of the hearing. Petitions to intervene filed less than 15 days prior to the date of the hearing may be allowed in the discretion of the Commission for good cause shown.
  - (14) The Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses at least 15 days prior to the hearing date. If a petition to intervene is filed less than 15 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.
  - (15) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 5 days prior to the hearing date.
  - (16) The burden of proof as to whether the costs were reasonable and prudently incurred shall be on the electric public utility.
- (f) Contracts with owners of ~~renewable~~ clean energy facilities.
- (1) The terms of any contract entered into between an electric power supplier and a new solar electric facility or new metered solar thermal energy facility shall be of sufficient length to stimulate development of solar energy.
  - (2) Each electric power supplier shall include appropriate language in all agreements for the purchase of renewable energy certificates (whether or not bundled with electric power) prohibiting the seller from remarketing the

renewable energy certificates being purchased by the electric power supplier.

- (g) Metering of ~~renewable~~ clean energy facilities.
- (1) Except as provided below, for the purpose of receiving renewable energy certificate issuance in NC-RETS, the electric power generated by a ~~renewable~~ clean energy facility shall be measured by an electric meter supplied by and read by an electric power supplier. Facilities whose renewable energy certificates are issued in a tracking system other than NC-RETS shall be subject to the requirements of the applicable state commission and/or tracking system.
  - (2) The electric power generated by an inverter-based solar photovoltaic (PV) system with a nameplate capacity of 10 kW or less may be estimated using generally accepted analytical tools.
  - (3) The electric power generated by a ~~renewable~~ clean energy facility interconnected on the customer's side of the utility meter at a customer's location may be measured by (1) an ANSI-certified electric meter not provided by an electric power supplier provided that the owner of the meter complies with the meter testing requirements of Rule R8-13, or (2) another industry-accepted, auditable and accurate metering, controls, and verification system. The data provided by such meter or system may be read and self-reported by the owner of the ~~renewable~~ clean energy facility, subject to audit by the Public Staff. The owner of the meter shall retain for audit for 10 years the energy output data.
  - (4) Thermal energy produced by a combined heat and power system or solar thermal energy facility shall be the thermal energy recovered and used for useful purposes other than electric power production. The useful thermal energy may be measured by meter, or if that is not practicable, by other industry-accepted means that show what measurable amount of useful thermal energy the system or facility is designed and operated to produce and use. Renewable energy certificates shall be earned based on one certificate for every 3,412,000 British thermal units (Btu) of useful thermal energy produced. Meter devices, if used, shall be located so as to measure the actual thermal energy consumed by the load served by the facility. Thermal energy output that is used as station power or to process the facility's fuel is not eligible for RECs. Thermal energy production data, whether metered or estimated, shall be retained for audit for 10 years.
- (h) North Carolina Renewable Energy Certificate Tracking System (NC-RETS)
- (1) Definitions
    - (i) "Balancing area operator" means an electric power supplier that has the responsibility to act as the balancing authority for a portion of the regional transmission grid, including maintaining the load-to-generation balance, accounting for energy delivered into and exported out of the area, and supporting interconnection frequency in real time.

- (ii) “Multi-fuel facility” means a ~~renewable~~ clean energy facility that produces energy using more than one fuel type, potentially relying on a fuel that does not qualify for REC issuance in North Carolina.
  - (iii) “Participant” means a person or organization that opens an account in NC-RETS.
  - (iv) “Qualifying thermal energy output” is the useful thermal energy:
    - (1) that is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water);
    - (2) that is used in a heating application (e.g., space heating, domestic hot water heating); or
    - (3) that is used in a space cooling application (i.e., thermal energy used by an absorption chiller).
- (2) A renewable energy certificate (REC) tracking system, to be known as NC-RETS, is established by the Commission. NC-RETS shall issue, track, transfer and retire RECs. It shall calculate each electric power supplier’s ~~REPS~~ CEPS obligation and report each electric power supplier’s ~~REPS~~ CEPS accomplishments, consistent with the compliance report filed under Rule R8-67(c). NC-RETS shall be administered by a third-party vendor selected by the Commission. Only RECs issued by or imported into NC-RETS are qualifying RECs under G.S. 62-133.8.
- (3) Each electric power supplier shall be a participant in NC-RETS and shall provide data to NC-RETS to calculate its ~~REPS~~ CEPS obligation and to demonstrate its compliance with G.S. 62-133.8. An electric power supplier may select a utility compliance aggregator to participate in NC-RETS on its behalf and file ~~REPS~~ CEPS compliance plans and compliance reports, but the supplier shall nonetheless remain responsible for its own compliance. For reporting purposes, an electric power supplier or its utility compliance aggregator may aggregate the supplier’s compliance obligations and accomplishments with those of other suppliers that are subject to the same obligations under G.S. 62-133.8.
- (4) Each ~~renewable~~ clean energy facility or new ~~renewable~~ clean energy facility registered by the Commission under Rule R8-66 shall participate in NC-RETS in order to have RECs issued, or in another REC tracking system in order to have RECs issued and transferred into NC-RETS, but no facility’s meter data for the same time period shall be used for simultaneous REC issuance in two such systems. Beginning June 1, 2011, ~~renewable~~ clean energy facilities registered in NC-RETS may only enter historic energy production data for REC issuance that goes back up to two years from the current date. Facilities that produce energy using one or more ~~renewable~~ clean energy resource(s) and another resource that does not qualify toward ~~REPS~~ CEPS compliance under G.S. 62-133.8 shall calculate on a monthly basis and provide to NC-RETS the percentage of energy output attributable to each fuel source. NC-RETS will issue RECs only for energy emanating from sources that qualify under G.S. 62-133.8.
- (5) Each balancing area operator shall provide monthly electric generation production data to NC-RETS for ~~renewable~~ clean and new ~~renewable~~

- clean energy facilities that are interconnected to the operator's electric transmission system. Such balancing area operator shall retain documentation verifying the production data for audit by the Public Staff.
- (6) Each electric power supplier that has registered ~~renewable~~ clean energy facilities or new ~~renewable~~ clean energy facilities interconnected with its electric distribution system and that reads the electric generation production meters for those facilities shall provide monthly the facilities' energy output to NC-RETS, and shall retain for audit for 10 years that energy output data. Municipalities and electric membership corporations may elect to have the facilities' production data reported to NC-RETS and retained for audit by a utility compliance aggregator.
  - (7) A ~~renewable~~ clean energy facility or new ~~renewable~~ clean energy facility that produces thermal energy that qualifies for RECs shall report the facility's qualifying thermal energy output to NC-RETS at least every 12 months. A ~~renewable~~ clean energy facility or new ~~renewable~~ clean energy facility that reports its data pursuant to Rule R8-67(g)(3) shall report its energy output to NC-RETS at least every 12 months.
  - (8) The owner of an inverter-based solar photovoltaic system with a nameplate capacity of 10 kW or less may estimate its energy output using generally accepted analytical tools pursuant to Rule R8-67(g)(2). Such an owner, or its agent, of this kind of facility shall report the facility's energy output to NC-RETS at least every 12 months.
  - (9) All energy output and fuel data for multi-fuel facilities, including underlying documentation, calculations, and estimates, shall be retained for audit for at least ten years immediately following the provision of the output data to NC-RETS or another tracking system, as appropriate.
  - (10) Each electric power supplier that complies with G.S. 62-133.8 by implementing energy efficiency or demand-side management programs shall use NC-RETS to report the energy savings of those programs. Municipal power suppliers and electric membership corporations may elect to have their energy savings from their energy efficiency and demand-side management programs reported to NC-RETS by a utility compliance aggregator, and to have their reported savings consolidated with the reported savings from other municipal power suppliers or electric membership corporations if and as necessary to permit aggregate reporting through their utility compliance aggregator. Records regarding which electric power supplier achieved the energy efficiency and demand-side management, the programs that were used, and the year in which it was achieved, shall be retained for audit.
  - (11) All Commission-approved costs of developing and operating NC-RETS shall be allocated among all electric power suppliers based upon their respective share of the total megawatt-hours of retail electricity sales in North Carolina in the previous calendar year. Each electric power supplier, or its utility compliance aggregator, shall, within 60 days of NC-RETS beginning operations, and by June 1 of each subsequent year, enter its previous year's retail electricity sales into NC-RETS, which sales will be

used by NC-RETS to calculate each electric power supplier's ~~REPS~~ CEPS obligations and NC-RETS charges. NC-RETS shall update its billings beginning each July based on retail sales data for the previous calendar year. Such NC-RETS charges shall be deemed to be costs that are reasonable, prudent, incremental, and eligible for recovery through each electric public utility's annual rider established pursuant to G.S. 62-133.8(h).

- (12) Each account holder in NC-RETS shall pay the NC-RETS administrator for service according to the following fee schedule:
  - (i) \$0.01 for each REC export to an account residing in a different REC tracking system.
  - (ii) \$0.01 for each REC retired for reasons other than compliance with G.S. 62-133.8.
- (13) The Commission shall adopt NC-RETS Operating Procedures. The Commission shall establish an NC-RETS Stakeholder Group that shall meet from time to time and which may recommend changes to the NC-RETS Operating Procedures and NC-RETS.
- (14) All data retention requirements of this Rule R8-67(h) may be accomplished via retention of electronic documents.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. E-43, Sub 6, E-100, Sub 113, EC-33, Sub 58, EC-83, Sub 1, 5/14/2012; NCUC Docket No. E-100, Sub 191; 11/21/2023.)

**CLEAN VERSION OF RULES**

**Rule R8-64. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY CPRE PROGRAM PARTICIPANT, QUALIFYING COGENERATOR, OR SMALL POWER PRODUCER; PROGRESS REPORTS.**

(a) Scope of Rule.

- (1) This rule applies to applications for a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) filed by any person, other than an electric public utility, who is an owner of a clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by any person who is seeking the benefits of 16 U.S.C. 824a-3 or G.S. 62-156 as a qualifying cogenerator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification by the provisions of G.S. 62-110.1(g).
- (2) For purposes of this rule, the term “person” shall include a municipality as defined in Rules R7-2(c) and R10-2(c), including a county of the State.
- (3) The construction of a facility for the generation of electricity shall include not only the building of a new building, structure or generator, but also the renovation or reworking of an existing building, structure or generator in order to enable it to operate as a generating facility.
- (4) This rule shall apply to any person within its scope who begins construction of an electric generating facility without first obtaining a certificate of public convenience and necessity. In such circumstances, the application shall include an explanation for the applicant’s beginning of construction before the obtaining of the certificate.

(b) The Application. The application shall be comprised of the following five exhibits:

- (1) Exhibit 1 shall contain:
  - (i) The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;
  - (ii) A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business address, business telephone number, and electronic mailing address of an individual duly authorized to act as corporate agent for the purpose of the application and, if a foreign corporation, whether domesticated in North Carolina; and

- (iii) The full and correct name of the site owner and, if the owner is other than the applicant, the applicant's interest in the site.
- (2) Exhibit 2 shall contain:
- (i) A color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks, with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system is preferred; and
  - (ii) The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.
- (3) Exhibit 3 shall contain:
- (i) The nature of the generating facility, including the type and source of its power or fuel;
  - (ii) A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation;
  - (iii) The gross and net projected maximum dependable capacity of the facility as well as the facility's nameplate capacity, expressed as megawatts (alternating current);
  - (iv) The projected date on which the facility will come on line;
  - (v) The applicant's general plan for sale of the electricity to be generated, including the utility to which the applicant plans to sell the electricity;
  - (vi) Any provisions for wheeling of the electricity, if applicable;
  - (vii) Arrangements for firm, non-firm or emergency generation, if applicable;
  - (viii) The service life of the project;
  - (ix) The projected annual sales in kilowatt-hours; and
  - (x) Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's clean energy and energy efficiency portfolio standard.
- (4) Exhibit 4 shall contain:
- (i) A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for.
  - (ii) A copy of those that have been obtained should be filed with the application; a copy of those that have not been obtained at the time

of the application should be filed with the Commission as soon as they are obtained.

- (5) Exhibit 5 shall contain the expected cost of the proposed facility.
- (6) An applicant who desires to enter into a contract for 5 years or more for the sale of electricity, whose facility will have a nameplate capacity of 5 megawatts alternating current or more, and whose facility is not a solar photovoltaic facility, shall include the three additional exhibits-as described in R8-64(b)(6)(i), (ii), and (iii) below, except an applicant who desires to enter into a contract of 5 years or more for the sale of electricity from a solar photovoltaic facility of 25 megawatts alternating current or more shall also include the three additional exhibits referenced herein.
  - (i) Exhibit 6 shall contain:
    - a. A statement detailing the experience and expertise of the persons who will develop, design, construct and operate the project to the extent such persons are known at the time of the application;
    - b. Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project; and
    - c. A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs.
  - (ii) Exhibit 7 shall contain:
    - a. The most current available balance sheet of the applicant;
    - b. The most current available income statement of the applicant;
    - c. An economic feasibility study of the project; and
    - d. A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application.
  - (iii) Exhibit 8 shall contain:
    - a. The projected annual hourly production profile for the first full year of operation of the clean energy facility in kilowatt-hours, including an explanation of potential factors influencing the shape of the production profile, including the following, if applicable: fixed tilt or tracking panel arrays, inverter loading ratio, over-paneling, clipped energy, or inverter AC output power limits;
    - b. A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser; and
    - c. A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application.

- (7) All applications shall be signed and verified by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the application.
  - (8) Applications filed on behalf of a corporation are not subject to the provision of R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.
  - (9) Falsification of or failure to disclose any required information in the application may be grounds for denying or revoking any certificate.
  - (10) The application shall be in the form adopted by the Commission and accompanied by the filing fee required by G.S. 62-300. The application may be filed electronically or by transmission of an original to the Chief Clerk of the Utilities Commission.
  - (11) If an applicant considers certain of the required information to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.
- (c) Procedure upon receipt of Application. — Upon the filing of an application appearing to meet the requirements set forth above, the Commission will process it as follows:
- (1) The Commission will issue an order requiring the applicant to publish notice of the application once a week for four successive weeks in a newspaper of general circulation in the county where the generating facility is proposed to be constructed and requiring the applicant to mail a copy of the application and the notice, no later than the first date that such notice is published, to the electric utility to which the applicant plans to sell the electricity to be generated. Each electric utility shall provide on its website a mailing address to which the application and notice should be mailed. The applicant shall be responsible for filing with the Commission an affidavit of publication and a signed and verified certificate of service to the effect that the application and notice have been mailed to the electric utility to which the applicant plans to sell the electricity to be generated.
  - (2) If the applicant does not file the affidavit of publication and certificate of service within twelve months of the Commission's publication order, the Commission will automatically dismiss the application.

- (3) The Chief Clerk will provide a copy of the application and the notice to the State Environmental Review Clearinghouse for distribution by the Clearinghouse Coordinator to State agencies having an interest in the application.
  - (4) If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.
  - (5) If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the certificate.
- (d) The Certificate.
- (1) The certificate shall be subject to revocation if any of the other federal or state licenses, permits or exemptions required for construction and operation of the generating facility is not obtained and that fact is brought to the attention of the Commission and the Commission finds that as a result the public convenience and necessity no longer requires, or will require, construction of the facility.
  - (2) The certificate must be renewed by re-compliance with the requirements set forth in this Rule if the applicant does not begin construction within 5 years after issuance of the certificate.
  - (3) Both before the time construction is completed and after, all certificate holders must advise both the Commission and the utility involved of any plans to sell, transfer, or assign the certificate or the generating facility or of any significant changes in the information set forth in subsections (b)(1) thru (b)(5) of this Rule, and the Commission will order such proceedings as it deems appropriate to deal with such plans or changes. The following changes in information are exemplary of changes that require an amendment to the certificate issued for the facility: a transfer of the certificate or the facility, a change in the facility owner's name, a change in the fuel source, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the

certificate: a change in facility owner's contact information, or a change in the upstream ownership of the facility owner.

(e) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of an amendment to the certificate application, or the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of subsection (d) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 07/30/12; NCUC Docket No. E-100, Sub 134, 11/04/14; NCUC Docket No. E-100, Sub 113, 12/31/14; NCUC Docket No. E-100, Sub 134, 3/18/2015, NCUC Docket No. E-100, Sub 134, 5/23/2016; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. E-100, Sub 166, 08/31/2020; NCUC Docket No. M-100, Sub 147, 9/15/2023; NCUC Docket No. M-100, Sub 196, 9/19/2023.)

DOCKET NO. SP-\_\_\_\_\_, SUB \_\_\_\_

Filing Fee Tendered \$\_\_\_\_\_

**Application for a Certificate of Public Convenience and Necessity – Rule R8-64**

Pursuant to Commission Rule R8-64, this form is required for use in applying for a Certificate of Public Convenience and Necessity (CPCN) by a person, other than an electric public utility, who is an owner of a clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by a person who is seeking the benefits of 16 U.S.C. 624-3 or G.S. 62-156 as a qualifying co-generator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification pursuant to G.S. 62-110.1(g). This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$25.00.

You may file this application electronically; please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at or transmitted to the office of the Chief Clerk. Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service  
Center Raleigh, NC  
27699-4325

<b>Exhibits required by Rule R8-64(b)</b>		<b>Applicant's Response</b>
(1)(i)	Full and correct name of the owner of the facility	
	Facility name	
	Business address	
	E-mail address	
	Telephone number	
(ii)	The owner is (check one)	Individual      Partnership      Corporation

	If a partnership, the name and business address of each general partner	
	If a corporation, the state and date of incorporation	
	If a partnership, the name and address of each general partner (add additional sheets if necessary)	
	Owner's agent for purposes of this application, if applicable:	
	Agent's business address	
	Agent's e-mail address	
	Agent's telephone number	
(iii)	The full and correct name of the site owner and, if the site owner is other than the applicant, the applicant's legal interest in the site	
(2)(i)	Attach a color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system (found at <a href="http://www.gis.ncdcr.gov/hpoweb/">www.gis.ncdcr.gov/hpoweb/</a> ) is preferred.	
(ii)	E911 street address of the proposed facility	
	County in which the proposed facility will be physically located	-
	GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree	

(3)(i)	The nature of the facility, including its technology, and the source of its power and fuel(s)	
(ii)	A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation	
(iii)	The gross and net projected maximum dependable capacity of the facility in megawatts – Alternating Current	
	The facility's nameplate capacity in megawatts – Alternating Current	
(iv)	The projected date on which the facility will come on line	
(v)	The applicant's general plan for sale of the electricity to be generated, including the name of utility to which the applicant plans to sell the electricity	
(vi)	Any provisions for wheeling of the electricity, if applicable	
(vii)	Arrangements for firm, non-firm, or emergency generation, if applicable	
(viii)	The service life of the project	
(ix)	The projected annual sales in kilowatt-hours	
(x)	Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's clean energy and energy efficiency portfolio standard	
	Yes                      No	

(4)(i)	A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for	
(ii)	Attach a copy of those licenses, permits and exemptions that have been obtained; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained	
(5)	The expected cost of the proposed facility	\$
<p>(6) The following applicants shall complete this section with the information as described in R8-64(b)(6): 1) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility will have a projected generating capacity of 5 MW<sub>AC</sub> or greater and is not a solar photovoltaic facility, and 2) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility is a solar photovoltaic facility with a generating capacity of 25 MW<sub>AC</sub> or more.</p>		
(i)a	A statement detailing the experience and expertise of the persons who will develop, design, construct, and operate the project to the extent such persons are known at the time of the application	
b	Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project	
c	A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs	
(ii)a	The most current available balance sheet of the applicant	
b	The most current available income statement of the applicant	
c	An economic feasibility study of the project	
d	A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application	

(iii)a	A detailed explanation of the anticipated kilowatt and kilowatt-hour outputs, on-peak and off-peak, for each month of the year. The explanation shall include a statement of the specific on-peak and off-peak hours underlying the applicant's quantification of anticipated kilowatt and kilowatt-hour outputs
b	A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser
c	A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application

Confidentiality

If an applicant considers certain of the required information above to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.

Please read the "After You File" instructions on the last page of this document.

All applications shall be signed and verified (notarized) by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the application. A blank verification page is attached below:

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner's Representative or Agent

\_\_\_\_\_  
Title of Representative or Agent

~~Typed or Printed Name of Representative or Agent~~

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

My Commission Expires: \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

~~Name of Notary Public — Typed or Printed~~

This original verification must be affixed to the original application that is submitted to the Commission.

### **After You File**

1. After you file an application for a CPCN, the Utilities Commission will automatically send a copy to the State Clearinghouse for a government agency review and will issue an Order Requiring Publication of Notice.
2. The State Clearinghouse will post the application on its website for a 30-day review by government agencies.
3. You must publish the Commission's Public Notice as required by the Order Requiring Publication of Notice.
4. You must send a copy of the application and the Commission's Public Notice to the interconnecting utility no later than the first date that publication begins in the newspaper. You must also file a notarized letter called a "certificate of service" that states you completed this requirement.
5. After the publication period, the publishing newspaper should send you a notarized affidavit of publication. You must file the affidavit of publication with the Chief Clerk of the Utilities Commission.
6. If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.

If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order issuing the certificate.

**Rule R8-65. REPORT BY PERSONS CONSTRUCTING ELECTRIC GENERATING FACILITIES EXEMPT FROM CERTIFICATION REQUIREMENT.**

(a) All persons exempt from certification under G.S. 62-110.1(g) shall file with the Commission a report of the proposed construction of an electric generating facility before beginning construction of the facility. The report shall be in the form adopted by the Commission, shall include the information prescribed in subsection (g) below, and shall be signed and verified by the owner of the electric generating facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing. The facility owner shall also be required to report to the Commission the completion of each such facility by giving notice of the completion of construction to the Commission in accordance with section (i) of this Rule. Reports of proposed construction and notices of completion of construction shall be for informational purposes only, and shall not require action by the Commission or the Public Staff.

(b) Reports filed on behalf of a corporation are not subject to the provision of Rule R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.

(c) The owner of the electric generating facility shall provide a copy of the report to the electric public utility, electric membership corporation, or municipality to which the generating facility is or will be interconnected. This requirement shall not apply to an offering utility, as defined in G.S. 62-126.3(10), with regard to an electric generating facility that is intended to be a community solar energy facility, as defined in G.S. 62-126.3(3).

(d) The owner of the electric generating facility shall file the report electronically or file an original of the report of proposed construction with the Chief Clerk of the Utilities Commission. The report shall be accompanied by the fee required by G.S. 62-300.

(e) Upon the filing of a report of proposed construction, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(f) The Commission may order a hearing on the report of proposed construction upon its own motion or upon receipt of a complaint specifying the basis thereof. Otherwise, no acknowledgment of receipt of the report of proposed construction will be issued nor will any other further action be taken by the Commission.

(g) The Report.

(1) The report shall be comprised of the following four exhibits:

(i) Exhibit 1 shall contain:

a. The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;

- b. A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business address, business telephone number, and electronic mailing address of an individual duly authorized to act as corporate agent for the purpose of the report and, if a foreign corporation, whether domesticated in North Carolina; and
  - c. The full and correct name of the site owner and, if the owner is other than the facility owner, the facility owner's interest in the site.
- (ii) Exhibit 2 shall contain:
- a. A color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks, except such map or photo shall not be required for solar photovoltaic systems wherein solar panels are mounted on the roof of a residential or commercial building; and
  - b. The E911 street address, county in which the proposed facility will be physically located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.
- (iii) Exhibit 3 shall contain:
- a. The nature of the generating facility, including the type and source of its power or fuel;
  - b. A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation;
  - c. The gross and net generating capacity of each unit and the entire facility in alternating current (AC);
  - d. The projected date on which the facility will come on line;
  - e. The facility owner's general plan for sale of the electricity to be generated, including the utility to which the facility owner plans to sell the electricity;
  - f. the service life of the project;
  - g. the projected annual sales in kilowatt-hours; and
  - h. whether the facility owner intends to earn renewable energy certificates that are eligible for compliance with the State's clean energy and energy efficiency portfolio standard, and, if the facility to be constructed is a community solar energy facility, as defined in G.S. 62-126.3(3), a statement that the renewable energy certificates will be offered to subscribers in a manner consistent with G.S. 62-126.8(e)(8) and the electric public utility's consumer solar energy facility program approved by the Commission.

- (iv) Exhibit 4 shall contain the expected cost of the proposed facility.
  - (2) All reports shall be signed and verified by the facility owner or by an individual duly authorized to act on behalf of the facility owner for the purpose of the report.
  - (3) Falsification of or failure to disclose any required information in the report may be grounds for rejecting the report.
  - (4) Both before the time construction is completed and after, each facility owner shall advise both the Commission and the utility to which the generating facility is or will be interconnected of any plans to sell, transfer, or assign the generating facility or of any significant changes in the information set forth in subsection (g) of this Rule.
- (i) Notice of completion of construction of facility. Within thirty (30) days of the completion of construction of the facility, each facility owner shall notify the Commission that the construction of the facility is complete. This notice shall be made by filing a short, plain statement that construction of the facility is complete and the date on which the construction was completed.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket Nos. E-100, Sub 113, & M-100, Sub 158, 08/26/2020.)

DOCKET NO. \_\_\_\_\_ - \_\_\_\_\_, SUB \_\_\_\_\_

Filing Fee Tendered \$ \_\_\_\_\_

**Report of Proposed Construction (RPC) – Commission Rule R8-65**

Pursuant to G.S. 62-110.1(g), any person who seeks to construct an electric generating facility in North Carolina, and is exempt from the requirement to obtain a certificate of public convenience and necessity, is required to file this form and a notice of completion of the construction of the facility. This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$50.00.

This form may be electronically filed. Please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at or transmitted to the office of the Chief Clerk. Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4300

<b>Exhibits required by Rule R8-64(b)</b>		<b>Applicant's Response</b>
(1)(i)	Full and correct name of the owner of the facility	
	Facility name	
	Business address	
	E-mail address	
	Telephone number	
(ii)	The owner is (check one)	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation
	If a partnership, the name and business address of each general partner	
	If a corporation, the state and date of incorporation	
	If a partnership, the name and address of each general partner (add additional sheets if necessary)	

	Owner's agent for purposes of this report, if applicable:	
	Agent's business address	
	Agent's e-mail address	
	Agent's telephone number	
(iii)	The full and correct name of the site owner and, if the site owner is other than the applicant, the applicant's legal interest in the site	
(2)(i)	Attach a color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system (found at <a href="http://www.gis.ncdcr.gov/hpoweb/">www.gis.ncdcr.gov/hpoweb/</a> ) is preferred. Rooftop solar installations are not required to file a map or photo.	
(ii)	E911 street address of the proposed facility	
	County in which the proposed facility will be physically located	
	GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree	
(3)(i)	The nature of the facility, including its technology, and the source of its power and fuel(s)	
(ii)	A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation	
(iii)	The gross and net projected maximum dependable capacity of the facility in megawatts – Alternating Current	

	The facility's nameplate capacity in megawatts – Alternating Current	
(iv)	The projected date on which the facility will come on line	
(v)	The applicant's general plan for sale of the electricity to be generated, including the name of utility to which the applicant plans to sell the electricity	
(vi)	Any provisions for wheeling of the electricity, if applicable	
(vii)	Arrangements for firm, non-firm, or emergency generation, if applicable	
(viii)	The service life of the project	
(ix)	The projected annual sales in kilowatt-hours	
(x)	Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's clean energy and energy efficiency portfolio standard  <input type="checkbox"/> Yes <input type="checkbox"/> No	
(4)	The expected cost of the proposed facility	\$

**Confidentiality**

If an applicant considers certain of the required information above to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.

**Verification**

All reports shall be signed and verified (notarized) by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the report. A blank verification page is attached below.

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner's Representative or Agent

\_\_\_\_\_  
Title of Representative or Agent

\_\_\_\_\_  
Typed or Printed Name of Representative or Agent

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing report and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public – Typed or Printed

**Rule R8-66. REGISTRATION OF CLEAN ENERGY FACILITIES; ANNUAL REPORTING REQUIREMENTS.**

(a) The following terms shall be defined as provided in G.S. 62-133.8: “electric power supplier”; “renewable energy certificate”; and “clean energy facility.”

(b) The owner, including an electric power supplier, of each clean energy facility, whether or not required to obtain a certificate of public convenience and necessity pursuant to G.S. 62-110.1, that intends for renewable energy certificates it earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its facility to participate in the Competitive Procurement of Renewable Energy Program, shall register the facility with the Commission. The registration statement shall be in the form adopted by the Commission, may be filed separately or together with an application for a certificate of public convenience and necessity, or with a report of proposed construction by a person exempt from the certification requirement. All relevant clean energy facilities shall be registered prior to their having RECs issued in the North Carolina Renewable Energy Tracking System (NC-RETS) pursuant to Rule R8-67(h). Contracts for power supplied by an agency of the federal government are exempt from the requirement to register and file annually with the Commission if the renewable energy certificates associated with the power are bundled with the power purchased by the electric power supplier.

(1) The owner of each clean energy facility that has not previously done so, including a facility that is located outside of the State of North Carolina, shall include in its registration statement the following information:

(i) The full and correct name, business address, electronic mailing address, and telephone number of the facility owner;

(ii) A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business telephone number, electronic mailing address, and business address, of an individual duly authorized to act as corporate agent for the purpose of the application and, if a foreign corporation, whether domesticated in North Carolina;

(iii) The nature of the clean energy facility, including its technology, the type and source of its power or fuel(s); whether it produces electricity, useful thermal energy, or both; and the facility’s projected dependable capacity in kilowatts AC and/or British thermal units per hour, as well as its maximum nameplate capacity;

(iv) The E911 address of the facility, the county in which the proposed facility will be physically located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree;-

(v) A map, such as a county road map, with the location indicated on the map;

(vi) The ownership of the site and, if the site owner is other than the facility owner, the facility owner’s legal interest in the site;

- (vii) A complete list of all federal and state (not local) licenses, permits, and exemptions required for construction and operation of the facility, and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be filed with the application. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of such approvals for one such turbine of each type in the facility, but shall attest that approvals for all of the turbines are available for inspection;
  - (viii) The date the facility began operating. If the facility is not yet operating, the owner shall provide the facility's projected in-service date;
  - (ix) If the facility is already operating, the owner shall provide information regarding the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period. Energy production data for a shorter time period is acceptable for facilities that have not yet operated for a full year;
  - (x) The name of the entity that does (or will) read the facility's energy production meter(s) for the purpose of renewable energy certificate issuance;
  - (xi) For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in Btus per hour, that is eligible for REC issuance;
  - (xii) Whether the facility participates in a REC tracking system, and if so, which one. If the facility does not currently participate in a REC tracking system, which tracking system the owner anticipates will be used for the purpose of REC issuance; and
  - (xiii) If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, provide the Commission Docket Number, if available.
- (2) If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:
- (i) A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads;
  - (ii) A description of the parasitic electrical and parasitic thermal loads;
  - (iii) Calculations for the parasitic electrical and parasitic thermal loads and supporting documents;
  - (iv) A description of the method of collecting the waste heat from the electrical generating system;
  - (v) A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful;
  - (vi) Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful; and

- (vii) Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.
- (3) If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner shall include in its registration statement the following additional information:
- (i) Example calculations for the energy production associated with each fuel used by the facility as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the clean fuels and how the number of renewable energy certificates is determined;
  - (ii) A description of each fuel to be used by the facility; and
  - (iii) A description of how the heat content of each fuel was determined.
- (4) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that it is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources. If a credible showing is made that the facility is not in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources, the Commission shall refer the matter to the appropriate environmental agency for review. Registration shall not be revoked unless and until the appropriate environmental agency concludes that the facility is out of compliance and the Commission issues an order revoking the registration.
- (5) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that the facility satisfies the requirements of G.S. 62-133.8(a)(1) or (4c) ~~(5) or (7)~~ as a clean energy facility or new clean energy facility, that the facility will be operated as a clean energy facility or new clean energy facility, and, if the facility has been placed into service, the date when it was placed into service
- (6) The owner of each clean energy facility shall further certify in its registration statement and annually thereafter that any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.
- (7) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that it consents to the auditing of its books and

records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agrees to provide the Public Staff and the Commission access to its books and records, wherever they are located, and to the facility.

(8) If the facility is already operating, the owner shall attest that the registration information is true and accurate for all years that the facility has earned RECs for compliance with G.S. 62-133.8. Each registration statement shall be signed and verified by the owner of the clean energy facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing.

(9) Clean energy facilities and new clean energy facilities that have RECs issued in NC-RETS shall provide their annual certification electronically via NC-RETS. Annual certifications are due April 1 each year.

(10) Registration statements filed on behalf of a corporation are not subject to the provision of Rule R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.

(11) The applicant may file the registration statement electronically or by filing an original of the registration statement with the Chief Clerk of the Utilities Commission. The registration statement shall be accompanied by the fee required by G.S. 62-300.

(c) Each re-seller of renewable energy certificates derived from a clean energy facility, including a facility that is located outside of the State of North Carolina, shall ensure that the owner of the clean energy facility registers with the Commission prior to the sale of the certificates by the re-seller to an electric power supplier to comply with G.S. 62-133.8(b), (c), (d), (e) and (f), except that the filing requirements in subsection (b) of this Rule shall apply only to information for the year(s) corresponding to the year(s) in which the certificates to be sold were earned.

(d) Upon receipt of a registration statement, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(e) No later than twenty (20) business days after the registration statement is filed with the Commission, the Public Staff shall, and any other interested persons may, file with the Commission and serve upon the registrant a recommendation regarding whether the registration statement is complete and identifying any deficiencies. If the Commission determines that the registration statement is not complete, the owner of the clean energy facility will be required to file the missing information. Upon receipt of all required information, the Commission will promptly issue an order accepting the registration, denying the registration, or setting the matter for hearing.

(f) Any of the following actions may result in revocation of registration by the Commission:

- (1) Falsification of or failure to disclose any required information in the registration statement or annual filing;
  - (2) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources;
  - (3) Remarketing or reselling any renewable energy certificate (whether or not bundled with electric power) after it has been sold to an electric power supplier or any other person for compliance with G.S. 62-133.8 or for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina or any other state or country, or offering or selling the electric power associated with the certificates with any representation that the power is bundled with renewable energy certificates;
  - (4) Failure to allow the Commission or the Public Staff access to its books and records necessary to audit CEPS compliance; or
  - (5) Failure to provide the annual certifications required by Rule R8-66(b).
- (g) NC-RETS shall maintain on its website a list of all registration statement revocations.
- (h) An owner of a clean energy facility that has registered with the Commission shall notify the Commission and the tracking system that issues the facility's RECs within fifteen (15) days of any change in the information contained in the registration statement, including ownership change, fuel change, or permit issuance or revocation. If there is a change in ownership of the facility, the Commission shall be notified, the registration of the facility in the name of that facility owner shall be cancelled, and the new owner may file a registration statement pursuant to this Rule. The following changes in information are exemplary of changes that require an amendment to the registration of the facility: a change in the facility owner's name, a change in the fuel source, a change in the multi-fuel calculations, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the registration: a change in the facility owner's contact information, or a change in the upstream ownership of the facility owner.
- (i) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of section (h) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136,

6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. M-100, Sub 147, 9/15/2023.)

DOCKET NO. \_\_\_\_\_, SUB \_\_\_\_\_

Filing Fee Tendered \$\_\_\_\_\_

**Registration Statement for the Registration of a Clean Energy Facility or New Clean Energy Facility – Commission Rule R8-66**

**Pursuant to G.S. 62-133.8 and Commission Rule R8-66, this form is required for use by the owner of a clean energy facility that intends for the renewable energy certificates the facility earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its clean energy facility to participate in the Competitive Procurement of Renewable Energy Program. This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$250.00.**

This form may be electronically filed. Please see [www.ncuc.net](http://www.ncuc.net) for instructions.

If this form is filed by hard copy, the original must be presented at the office of the Chief Clerk, or transmitted by the United States Postal Service or a designated delivery service authorized pursuant to 26 U.S. 7502(f)(2). Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk  
NC Utilities Commission  
4325 Mail Service  
Center Raleigh, NC  
27699-4325

<b>Required Statements</b>	<b>Response</b>
Facility name:	
Full and correct name of the owner of the facility:	
Business address:	
Electronic mailing address:	
Telephone number:	

APPENDIX D

Agent's business address:	
Agent's electronic mailing address:	
Agent's telephone number:	
The owner is:	Individual          Partnership          Corporation/LLC
If a corporation, provide the state and date of incorporation:	State _____ Date _____
If a corporation that is incorporated outside of North Carolina, is it domesticated in North Carolina?	Yes                      No
If a partnership, the name and business address of each general partner. (Add additional sheets if necessary.)	
Nature of the clean energy facility:	
1. Describe the facility, including its technology, and the source of its power and fuel(s). Thermal facilities should describe how their host uses the facility's thermal energy output. (Add additional sheets if necessary.)	
2. Whether it produces electricity, useful thermal energy, or both.	
3. Nameplate capacity in kW/MW (AC) and/or maximum Btu per hour for thermal facilities.	

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4. The facility's projected dependable capacity in kW AC or Btu/hour.	
5. The E911 address of the facility.	
6. The county where the facility will be located.	
7. GPS coordinates of the approximate center of the facility site to the nearest second or one thousandth of a degree.	
8. The location of the facility set forth in terms of local highways, streets, rivers, streams, or other generally known local landmarks. Attach a map, such as a county road map, with the location indicated on the map.	
Site ownership:	
1. Is the site owner other than the facility owner? If yes, who is the site owner?	
2. What is the facility owner's legal interest in the site?	
<p>Federal and State licenses, permits, and exemptions.</p> <p>Note: Responses in this section should provide all federal and state (not local) licenses, permits, and/or exemptions required for construction and operation of the facility and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be attached to this registration statement. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of approvals for one such turbine, but shall add an attestation that approvals for all of the turbines are available for inspection.</p>	

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1. Federal permits and licenses:	
2. State permits and licenses:	
3. Exemptions required for construction and operation of the facility:	
4. Statement of whether each has been obtained or applied for (attach copy of those that have been obtained with this application):	
1. If the facility has been placed into service, on what date did the facility begin operating?	
2. If the facility is not yet operating, on what date is the facility projected to be placed into service?	
1. If the facility is already operating, what is the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period? Energy production data for a shorter time period is acceptable for facilities that have not yet	
2. What entity does (or will) read the facility's energy production meter(s) for the purpose of issuing renewable energy certificates?	

APPENDIX D

3. For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in BTUs, that is eligible for REC issuance.	
4. Does the facility participate	
in a REC tracking system and if so, which one? If not, which tracking system will the facility participate in for the purpose of REC issuance?	
5. If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, please provide the Commission Docket Number, if available.	

If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:

If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:	
1. A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads.	
2. A description of the parasitic electrical and parasitic thermal loads.	
3. Calculations for the parasitic electrical and parasitic thermal loads and supporting documents.	
4. A description of the method of collecting the waste heat from the electrical generating system.	
5. A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful.	
6. Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful.	
7. Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.	

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If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner should include in its registration statement the following additional information:	
1. Example calculations for the energy production associated with each fuel used by the facility as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the clean fuels and how the number of renewable energy certificates is determined.	
2. A description of each fuel to be used by the facility.	
3. A description of how the heat content of each fuel was determined.	

The owner of the clean energy facility shall provide the following attestations, signed and notarized:

1.  Yes  No I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.
2.  Yes  No I certify that the facility satisfies the requirements of G.S. 62-133.8(a)(5) or (7) as a:
- clean energy facility, or
- new clean energy facility,
- and that the facility will be operated as a:
- clean energy facility, or
- new clean energy facility.
3.  Yes  No I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and

2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.

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4.  Yes  No

I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.

5.  Yes  No

I certify that the information provided is true and correct for all years that the facility has earned RECs for compliance with G.S. 62-133.8.

6.  Yes  No

I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name - Printed or Typed)

\_\_\_\_\_  
(Date)

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

Name of Notary Public – Typed or Printed

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

APPENDIX E

**Annual Certification of Compliance with the Requirements of  
Commission Rule R8-66 for the Continuation of the Registration of a  
Clean Energy Facility or New Clean Energy Facility.**

**Docket No.** \_\_\_\_\_

**Facility Owner:** \_\_\_\_\_

<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p>I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.</p>
<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p>I certify that the facility satisfies the requirements of G.S. 62-133.8(a) (1) or (4c) (5) or (7) as a (select one): Clean Energy Facility or New Clean Energy Facility and that the facility will be operated as a (select one):</p> <p>Clean Energy Facility or New Clean Energy Facility</p> <p>To determine whether your facility meets either of these definitions, you should check your registration order or consult your legal counsel.</p>
<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p>I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and 2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and</p>
<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p>I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.</p>
<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>	<p>I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.</p>

\_\_\_\_\_  
*(Signature)*

*(Title)*

\_\_\_\_\_  
*(Name – Printed or Typed)*

*(Date)*

**VERIFICATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

Name of Notary Public – Typed or Printed

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

**Rule R8-67. CLEAN ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (CEPS).**

(a) Definitions.

- (1) The following terms shall be defined as provided in G.S. 62-133.8: “Combined heat and power system”; “demand-side management”; “electric power supplier”; “new renewable energy facility”; “renewable energy certificate”; “renewable energy facility”; “renewable energy resource”; “incremental costs”; “clean energy facility”; “clean energy resource”; and “new clean energy facility”.
- (2) For purposes of determining an electric power supplier’s avoided costs, “avoided cost rates” mean an electric power supplier’s most recently approved or established avoided cost rates in this state, as of the date the contract is executed, for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978. If the Commission has approved an avoided cost rate for the electric power supplier for the year when the contract is executed, applicable to contracts of the same nature and duration as the contract between the electric power supplier and the seller, that rate shall be used as the avoided cost. Therefore, for example, for a contract by an electric public utility with a term of 15 years, the avoided cost rate applicable to that contract would be the comparable, Commission-approved, 15-year, long-term, levelized rate in effect at the time the contract was executed. In all other cases, the avoided cost shall be a good faith estimate of the electric power supplier’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, taking into consideration the avoided cost rates then in effect as established by the Commission. In any event, when found by the Commission to be appropriate and in the public interest, a good faith estimate of an electric public utility’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, may be used in a particular CEPS cost recovery proceeding. Determinations of avoided costs, including estimates thereof, shall be subject to continuing Commission oversight and, if necessary, modification should circumstances so require.
- (3) “Energy efficiency measure” means an equipment, physical, or program change that when implemented results in less use of energy to perform the same function or provide the same level of service. “Energy efficiency measure” does not include demand-side management. It includes energy produced from a combined heat and power system that uses non-clean resources to the extent the system:
  - (i) Uses waste heat to produce electricity or useful, measurable thermal or mechanical energy at a retail electric customer’s facility; and

- (ii) Results in less energy used to perform the same function or provide the same level of service at a retail electric customer's facility.
  - (4) "Year-end number of customer accounts" means the number of accounts within each customer class as of December 31 for a given calendar year determined in a manner approved by the Commission pursuant to subsection (c)(4) or determined in the same manner as that information is reported to the Energy Information Administration, United States Department of Energy, for annual electric sales and revenue reporting.
  - (5) "Utility compliance aggregator" is an organization that assists an electric power supplier in demonstrating its compliance with CEPS. Such demonstration may include, among other things, filing REPS compliance plans or reports and participating in NC-RETS on behalf of the electric power supplier or a group of electric power suppliers.
- (b) CEPS compliance plan.
- (1) Each year, beginning in 2008, each electric power supplier or its designated utility compliance aggregator shall file with the Commission the electric power supplier's plan for complying with G.S. 62-133.8(b), (c), (d), (e) and (f). The plan shall cover the calendar year in which the plan is filed and the immediately subsequent two calendar years. At a minimum, the plan shall include the following information:
    - (i) a specific description of the electric power supplier's planned actions to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) for each year;
    - (ii) a list of executed contracts to purchase renewable energy certificates (whether or not bundled with electric power), including type of clean energy resource, expected MWh, and contract duration;
    - (iii) a list of those planned or implemented energy efficiency and demand side management measures that the electric power supplier plans to use toward CEPS compliance, including a brief description of each measure, its projected impacts, and a measurement and verification plan if such plan has not otherwise been filed with the Commission;
    - (iv) the projected North Carolina retail sales and year-end number of customer accounts by customer class for each year;
    - (v) the current and projected avoided cost rates for each year;
    - (vi) the projected total and incremental costs anticipated to implement the compliance plan for each year;
    - (vii) a comparison of projected costs to the annual cost caps for each year;
    - (viii) for electric public utilities, an estimate of the amount of the CEPS rider and the impact on the cost of fuel and fuel-related costs rider necessary to fully recover the projected costs; and
    - (ix) to the extent not already filed with the Commission, the electric power supplier shall, on or before September 1 of each year, file a clean energy facility registration statement pursuant to Rule R8-66 for any facility it owns and upon which it is relying as a source of power or RECs in its CEPS compliance plan.

- (2) Each electric power supplier shall file in a docket to be established by the Commission, its CEPS compliance plan on or before September 1 of each year.
  - (3) Approval of the CEPS compliance plan shall not constitute an approval of the recovery of costs associated with CEPS compliance or a determination that the electric power supplier has complied with G.S. 62-133.8(b), (c), (d), (e), and (f).
  - (4) A CEPS compliance plan filed by an electric power supplier not subject to Rule R8-60 or Rule R8-60A shall be for information only.
- (c) CEPS compliance report.
- (1) Each year, beginning in 2009, each electric power supplier or its designated utility compliance aggregator shall file with the Commission a report describing the electric power supplier's compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f) during the previous calendar year. The report shall include all of the following information, including supporting documentation:
    - (i) the sources, amounts, and costs of renewable energy certificates, by source, used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f). Renewable energy certificates for energy efficiency may be based on estimates of reduced energy consumption through the implementation of energy efficiency measures, to the extent approved by the Commission;
    - (ii) the actual North Carolina retail sales and year-end number of customer accounts by customer class;
    - (iii) the current avoided cost rates and the avoided cost rates applicable to energy received pursuant to long-term power purchase agreements;
    - (iv) the actual total and incremental costs incurred during the calendar year to comply with G.S. 62-133.8(b), (c), (d), (e) and (f);
    - (v) a comparison of the actual incremental costs incurred during the calendar year to the per-account annual charges (in G.S. 62-133.8(g)(4)) applied to its total number of customer accounts as of December 31 of the previous calendar year;
    - (vi) the status of compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f);
    - (vii) the identification of any renewable energy certificates or energy savings to be carried forward pursuant to G.S. 62-133.8(b)(2)f or (c)(2)f;
    - (viii) the dates and amounts of all payments made for renewable energy certificates; and

- (ix) for electric membership corporations and municipal electric suppliers, reduced energy consumption achieved in each year after January 1, 2008, through the implementation of energy efficiency or demand-side management programs, along with the results of each program's measurement and verification plan, or other documentation supporting an estimate of the program's energy reductions achieved in the previous year pending implementation of a measurement and verification plan. Supporting documentation shall be retained and made available for audit.
- (2) Each electric public utility shall file its annual CEPS compliance report, together with direct testimony and exhibits of expert witnesses, on the same date that it files (1) its cost recovery request under Rule R8-67(e), and (2) the information required by Rule R8-55. The Commission shall consider each electric public utility's CEPS compliance report at the hearing provided for in subsection (e) of this rule and shall determine whether the electric public utility has complied with G.S. 62-133.8(b), (d), (e) and (f). Public notice and deadlines for intervention and filing of additional direct and rebuttal testimony and exhibits shall be as provided for in subsection (e) of this rule.
- (3) Each electric membership corporation and municipal electric supplier or their designated utility compliance aggregator shall file a verified CEPS compliance report on or before September 1 of each year. The Commission may issue an order scheduling a hearing to consider the CEPS compliance report filed by each electric membership corporation or municipal electric supplier, requiring public notice, and establishing deadlines for intervention and the filing of direct and rebuttal testimony and exhibits.
- (4) In each electric power supplier's initial CEPS compliance report, the electric power supplier shall propose a methodology for determining its cap on incremental costs incurred to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) and fund research as provided in G.S. 62-133.8(h)(1), including a determination of year-end number of customer accounts. The proposed methodology may be specific to each electric power supplier, shall be based upon a fair and reasonable allocation of costs, and shall be consistent with G.S. 62-133.8(h). The electric power supplier may propose a different methodology that meets the above requirements in a subsequent CEPS compliance report filing. For electric public utilities, this methodology shall also be used for assessing the per-account charges pursuant to G.S. 62-133.8(h)(5).
- (5) In any year, an electric power supplier or other interested party may petition the Commission to modify or delay the provisions of G.S. 62-133.8(b), (c), (d), (e) and (f), in whole or in part. The Commission may grant such petition upon a finding that it is in the public interest to do so. If an electric power supplier is the petitioner, it shall demonstrate that it has made a reasonable effort to meet the requirements of such provisions. Retroactive modification or delay of the provisions of G.S. 62-133.8(b), (c), (d), (e) or (f) shall not be permitted. The Commission shall allow a modification or delay only with

respect to the electric power supplier or group of electric power suppliers for which a need for a modification or delay has been demonstrated.

- (6) A group of electric power suppliers may aggregate their CEPS obligations and compliance efforts provided that all suppliers in the group are subject to the same CEPS obligations and compliance methods as stated in either G.S. 133.8(b) or (c). If such a group of electric power suppliers fails to meet its CEPS obligations, the Commission shall find and conclude that each supplier in the group, individually, has failed to meet its CEPS obligations.
- (d) Renewable energy certificates.
- (1) Renewable energy certificates (whether or not bundled with electric power) claimed by an electric power supplier to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) must have been earned after January 1, 2008; must have been purchased by the electric power supplier within three years of the date they were earned; shall be retired when used for compliance; and shall not be used for any other purpose. A renewable energy certificate may be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) in the year in which it is acquired or obtained by an electric power supplier or in any subsequent year; provided, however, that an electric public utility must use a renewable energy certificate to comply with G.S. 62-133.8(b), (d), (e) and (f) within seven years of cost recovery pursuant to subsection (e)(10) of this Rule.
  - (2) For any facility that uses both clean energy resources and non-clean energy resources to produce energy, the facility shall earn renewable energy certificates based only upon the energy derived from clean energy resources in proportion to the relative energy content of the fuels used.
  - (3) Renewable energy certificates earned by a clean energy facility after the date the facility's registration is revoked by the Commission shall not be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f).
  - (4) Renewable energy certificates must be issued by, or imported into, the renewable energy certificate tracking system established in Rule R8-67(h) in order to be eligible RECs under G.S. 62-133.8.
- (e) Cost recovery.
- (1) For each electric public utility, the Commission shall schedule an annual public hearing pursuant to G.S. 62-133.8(h) to review the costs incurred by the electric public utility to comply with G.S. 62-133.8(b), (d), (e) and (f). The annual rider hearing for each electric public utility will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55.
  - (2) The Commission shall permit each electric public utility to charge an increment or decrement as a rider to its rates to recover in a timely manner the reasonable incremental costs prudently incurred to comply with G.S. 62-133.8(b), (d), (e) and (f). The cost of an unbundled renewable energy certificate, to the extent that it is reasonable and prudently incurred, is an incremental cost and has no avoided cost component.
  - (3) Unless otherwise ordered by the Commission, the test period for each electric public utility shall be the same as its test period for purposes of Rule R8-55.

- (4) Rates set pursuant to this section shall be recovered during a fixed cost recovery period that shall coincide, to the extent practical, with the recovery period for the cost of fuel and fuel-related cost rider established pursuant to Rule R8-55.
- (5) The incremental costs will be further modified through the use of a CEPS experience modification factor (CEPS EMF) rider. The CEPS EMF rider will reflect the difference between reasonable and prudently incurred incremental costs and the revenues that were actually realized during the test period under the CEPS rider then in effect. Upon request of the electric public utility, the Commission shall also incorporate in this determination the experienced over-recovery or under-recovery of the incremental costs up to thirty (30) days prior to the date of the hearing, provided that the reasonableness and prudence of these costs shall be subject to review in the utility's next annual CEPS cost recovery hearing.
- (6) The CEPS EMF rider will remain in effect for a fixed 12-month period following establishment and will carry through as a rider to rates established in any intervening general rate case proceedings.
- (7) Pursuant to G.S. 62-130(e), any over-collection of reasonable and prudently incurred incremental costs to be refunded to a utility's customers through operation of the CEPS EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate.
- (8) Each electric public utility shall follow deferred accounting with respect to the difference between actual reasonable and prudently-incurred incremental costs and related revenues realized under rates in effect.
- (9) The incremental costs to be recovered by an electric public utility in any cost recovery period from its North Carolina retail customers to comply with G.S. 62-133.8(b), (d), (e), and (f) shall not exceed the per-account charges set forth in G.S. 62-133.8(h)(4) applied to the electric public utility's year-end number of customer accounts determined as of December 31 of the previous calendar year. These annual charges shall be collected through fixed monthly charges. Each electric public utility shall ensure that the incremental costs recovered under the CEPS rider and CEPS EMF rider during the cost recovery period, inclusive of gross receipts tax and the regulatory fee, from any given customer account do not exceed the applicable per-account charges set forth in G.S. 62-133.8(h)(4).
- (10) Incremental costs incurred during a calendar year toward a current or future year's CEPS obligation may be recovered by an electric public utility in any 12-month recovery period up to and including the 12-month recovery period in which the RECs associated with any incremental costs are retired toward the prior year's CEPS obligation, as long as the electric public utility's charges to customers do not exceed, in any 12-month period, the per-account annual charges provided in G.S. 62-133.8(h)(4). A renewable energy certificate must be used for compliance and retired within seven years of the year in which the electric public utility recovers the related costs from customers. An electric public utility shall refund to customers with

- interest the costs for renewable energy certificates that are not used for compliance within seven years.
- (11) Each electric public utility, at a minimum, shall submit to the Commission for purposes of investigation and hearing the information required for the CEPS compliance report for the 12-month test period established in subsection (3) normalized, as appropriate, consistent with Rule R8-55, accompanied by supporting workpapers and direct testimony and exhibits of expert witnesses, and any change in rates proposed by the electric public utility at the same time that it files the information required by Rule R8-55.
  - (12) The electric public utility shall publish a notice of the annual hearing for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.8(h) and setting forth the time and place of the hearing.
  - (13) Persons having an interest in said hearing may file a petition to intervene setting forth such interest at least 15 days prior to the date of the hearing. Petitions to intervene filed less than 15 days prior to the date of the hearing may be allowed in the discretion of the Commission for good cause shown.
  - (14) The Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses at least 15 days prior to the hearing date. If a petition to intervene is filed less than 15 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.
  - (15) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 5 days prior to the hearing date.
  - (16) The burden of proof as to whether the costs were reasonable and prudently incurred shall be on the electric public utility.
- (f) Contracts with owners of clean energy facilities.
- (1) The terms of any contract entered into between an electric power supplier and a new solar electric facility or new metered solar thermal energy facility shall be of sufficient length to stimulate development of solar energy.
  - (2) Each electric power supplier shall include appropriate language in all agreements for the purchase of renewable energy certificates (whether or not bundled with electric power) prohibiting the seller from remarketing the renewable energy certificates being purchased by the electric power supplier.
- (g) Metering of clean energy facilities.
- (1) Except as provided below, for the purpose of receiving renewable energy certificate issuance in NC-RETS, the electric power generated by a clean energy facility shall be measured by an electric meter supplied by and read by an electric power supplier. Facilities whose renewable energy certificates are issued in a tracking system other than NC-RETS shall be subject to the requirements of the applicable state commission and/or tracking system.

- (2) The electric power generated by an inverter-based solar photovoltaic (PV) system with a nameplate capacity of 10 kW or less may be estimated using generally accepted analytical tools.
  - (3) The electric power generated by a clean energy facility interconnected on the customer's side of the utility meter at a customer's location may be measured by (1) an ANSI-certified electric meter not provided by an electric power supplier provided that the owner of the meter complies with the meter testing requirements of Rule R8-13, or (2) another industry-accepted, auditable and accurate metering, controls, and verification system. The data provided by such meter or system may be read and self-reported by the owner of the clean energy facility, subject to audit by the Public Staff. The owner of the meter shall retain for audit for 10 years the energy output data.
  - (4) Thermal energy produced by a combined heat and power system or solar thermal energy facility shall be the thermal energy recovered and used for useful purposes other than electric power production. The useful thermal energy may be measured by meter, or if that is not practicable, by other industry-accepted means that show what measurable amount of useful thermal energy the system or facility is designed and operated to produce and use. Renewable energy certificates shall be earned based on one certificate for every 3,412,000 British thermal units (Btu) of useful thermal energy produced. Meter devices, if used, shall be located so as to measure the actual thermal energy consumed by the load served by the facility. Thermal energy output that is used as station power or to process the facility's fuel is not eligible for RECs. Thermal energy production data, whether metered or estimated, shall be retained for audit for 10 years.
- (h) North Carolina Renewable Energy Certificate Tracking System (NC-RETS)
- (1) Definitions
    - (i) "Balancing area operator" means an electric power supplier that has the responsibility to act as the balancing authority for a portion of the regional transmission grid, including maintaining the load-to-generation balance, accounting for energy delivered into and exported out of the area, and supporting interconnection frequency in real time.
    - (ii) "Multi-fuel facility" means a clean energy facility that produces energy using more than one fuel type, potentially relying on a fuel that does not qualify for REC issuance in North Carolina.
    - (iii) "Participant" means a person or organization that opens an account in NC-RETS.
    - (iv) "Qualifying thermal energy output" is the useful thermal energy:
      - (1) that is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water);
      - (2) that is used in a heating application (e.g., space heating, domestic hot water heating); or
      - (3) that is used in a space cooling application (i.e., thermal energy used by an absorption chiller).
  - (2) A renewable energy certificate (REC) tracking system, to be known as NC-RETS, is established by the Commission. NC-RETS shall issue, track, transfer and retire RECs. It shall calculate each electric power supplier's

CEPS obligation and report each electric power supplier's CEPS accomplishments, consistent with the compliance report filed under Rule R8-67(c). NC-RETS shall be administered by a third-party vendor selected by the Commission. Only RECs issued by or imported into NC-RETS are qualifying RECs under G.S. 62-133.8.

- (3) Each electric power supplier shall be a participant in NC-RETS and shall provide data to NC-RETS to calculate its CEPS obligation and to demonstrate its compliance with G.S. 62-133.8. An electric power supplier may select a utility compliance aggregator to participate in NC-RETS on its behalf and file CEPS compliance plans and compliance reports, but the supplier shall nonetheless remain responsible for its own compliance. For reporting purposes, an electric power supplier or its utility compliance aggregator may aggregate the supplier's compliance obligations and accomplishments with those of other suppliers that are subject to the same obligations under G.S. 62-133.8.
- (4) Each clean energy facility or new clean energy facility registered by the Commission under Rule R8-66 shall participate in NC-RETS in order to have RECs issued, or in another REC tracking system in order to have RECs issued and transferred into NC-RETS, but no facility's meter data for the same time period shall be used for simultaneous REC issuance in two such systems. Beginning June 1, 2011, clean energy facilities registered in NC-RETS may only enter historic energy production data for REC issuance that goes back up to two years from the current date. Facilities that produce energy using one or more clean energy resource(s) and another resource that does not qualify toward CEPS compliance under G.S. 62-133.8 shall calculate on a monthly basis and provide to NC-RETS the percentage of energy output attributable to each fuel source. NC-RETS will issue RECs only for energy emanating from sources that qualify under G.S. 62-133.8.
- (5) Each balancing area operator shall provide monthly electric generation production data to NC-RETS for clean and new clean energy facilities that are interconnected to the operator's electric transmission system. Such balancing area operator shall retain documentation verifying the production data for audit by the Public Staff.
- (6) Each electric power supplier that has registered clean energy facilities or new clean energy facilities interconnected with its electric distribution system and that reads the electric generation production meters for those facilities shall provide monthly the facilities' energy output to NC-RETS and shall retain for audit for 10 years that energy output data. Municipalities and electric membership corporations may elect to have the facilities' production data reported to NC-RETS and retained for audit by a utility compliance aggregator.
- (7) A clean energy facility or new clean energy facility that produces thermal energy that qualifies for RECs shall report the facility's qualifying thermal energy output to NC-RETS at least every 12 months. A clean energy facility or new clean energy facility that reports its data pursuant to Rule R8-67(g)(3) shall report its energy output to NC-RETS at least every 12 months.
- (8) The owner of an inverter-based solar photovoltaic system with a nameplate

capacity of 10 kW or less may estimate its energy output using generally accepted analytical tools pursuant to Rule R8-67(g)(2). Such an owner, or its agent, of this kind of facility shall report the facility's energy output to NC-RETS at least every 12 months.

- (9) All energy output and fuel data for multi-fuel facilities, including underlying documentation, calculations, and estimates, shall be retained for audit for at least ten years immediately following the provision of the output data to NC-RETS or another tracking system, as appropriate.
- (10) Each electric power supplier that complies with G.S. 62-133.8 by implementing energy efficiency or demand-side management programs shall use NC-RETS to report the energy savings of those programs. Municipal power suppliers and electric membership corporations may elect to have their energy savings from their energy efficiency and demand-side management programs reported to NC-RETS by a utility compliance aggregator, and to have their reported savings consolidated with the reported savings from other municipal power suppliers or electric membership corporations if and as necessary to permit aggregate reporting through their utility compliance aggregator. Records regarding which electric power supplier achieved the energy efficiency and demand-side management, the programs that were used, and the year in which it was achieved, shall be retained for audit.
- (11) All Commission-approved costs of developing and operating NC-RETS shall be allocated among all electric power suppliers based upon their respective share of the total megawatt-hours of retail electricity sales in North Carolina in the previous calendar year. Each electric power supplier, or its utility compliance aggregator, shall, within 60 days of NC-RETS beginning operations, and by June 1 of each subsequent year, enter its previous year's retail electricity sales into NC-RETS, which sales will be used by NC-RETS to calculate each electric power supplier's CEPS obligations and NC-RETS charges. NC-RETS shall update its billings beginning each July based on retail sales data for the previous calendar year. Such NC-RETS charges shall be deemed to be costs that are reasonable, prudent, incremental, and eligible for recovery through each electric public utility's annual rider established pursuant to G.S. 62-133.8(h).
- (12) Each account holder in NC-RETS shall pay the NC-RETS administrator for service according to the following fee schedule:
  - (i) \$0.01 for each REC export to an account residing in a different REC tracking system.
  - (ii) \$0.01 for each REC retired for reasons other than compliance with G.S. 62-133.8.
- (13) The Commission shall adopt NC-RETS Operating Procedures. The Commission shall establish an NC-RETS Stakeholder Group that shall meet from time to time and which may recommend changes to the NC-RETS Operating Procedures and NC-RETS.
- (14) All data retention requirements of this Rule R8-67(h) may be accomplished via retention of electronic documents.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. E-43, Sub 6, E-100, Sub 113, EC-33, Sub 58, EC-83, Sub 1, 5/14/2012; NCUC Docket No. E-100, Sub 191; 11/21/2023.)