

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

STAFF CONFERENCE AGENDA
May 1, 2023
Commission Hearing Room 2115, 10:00 a.m.

ELECTRIC

*CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE
AND NECESSITY*

Duke Energy Progress, LLC

1. Docket No. E-2, Sub 1313 – Application of Duke Energy Progress, LLC for a certificate of environmental compatibility and public convenience and necessity and motion for waiver of notice and hearing requirements (T. Williamson/Creech)

*CERTIFICATE OF AUTHORITY TO ENGAGE IN BUSINESS AS AN ELECTRIC
GENERATOR LESSOR*

Duke Energy Carolinas, LLC & Duke Energy Progress, LLC

2. Docket No. EGL-18, Sub 0 – Application of Patowmack Solar, LLC for a certificate of authority to engage in business as an electric generator lessor (Saillor/Creech)

The Public Staff recommends approval of the preceding agenda items as described above and reflected in proposed orders provided to the Commission Staff.

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1313

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Progress, LLC, for a)
Certificate of Environmental Compatibility and Public) ORDER WAIVING NOTICE
Convenience and Necessity and Motion for Waiver) AND HEARING
of Notice and Hearing Pursuant to N.C. Gen. Stat.) REQUIREMENT AND
§§ 62-100 <i>et seq.</i> to Construct Approximately 550) ISSUING CERTIFICATE
feet of New 230-kV Transmission Line in Granville)
County, North Carolina)

BY THE COMMISSION: On February 1, 2023, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, Duke Energy Progress, LLC (DEP), filed a letter of intent to file for a waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. On that same date, pursuant to Commission Rule R8-62(k), DEP prefiled with the Public Staff an application for a certificate of environmental compatibility and public convenience and necessity to construct a new 230-kilovolt (kV) transmission tap line (Tap Line) approximately 550 feet in length to connect to a new transformer bank in the Oxford South 230-kV substation.

On February 21, 2023, DEP formally filed the application for a certificate and motion for waiver of notice and hearing.

On March 8, 2023, DEP filed a request to delay the ruling on motion for waiver and hearing requirements while it discusses the application with the Public Staff. The request included a copy of the easement agreement.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver, and either the transmission line is less than one mile long or to connect an existing transmission line to a substation, to another public utility, or to a public utility customer when any of these is in proximity to the existing transmission line. The application states that DEP will construct the Tap Line on property that is (a) within the existing 100' right-of-way or (b) within new easement to be acquired from an adjacent property owned by the State of North Carolina and administered by the Department of Agriculture and that the total length of the line is approximately 550 feet. The Council of State has approved granting of the easement. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also supported by a Certificate Application Report. This report satisfies the requirements of N.C.G.S. § 62-102(a).

The Public Staff presented this matter at the Commission's regular Staff Conference on May 1, 2023. The Public Staff stated that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff recommended that the Commission grant the motion for waiver and issue the requested certificate.

Based on the foregoing and the recommendation of the Public Staff, the Commission finds and concludes that the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 should be waived as allowed by N.C.G.S. § 62-101(d)(1) and that a certificate of environmental compatibility and public convenience and necessity should be issued for the proposed construction of a new 230-kV transmission tap line.

IT IS, THEREFORE, ORDERED as follows:

1. That, pursuant to N.C.G.S. § 62-101, the requirement for publication of notice and hearing is waived.

2. That, pursuant to N.C.G.S. § 62-102, a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct approximately 550 feet of new 230-kV transmission line in Granville County, North Carolina, as described in DEP's application is issued, and the same is attached as Appendix A.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of May, 2023

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1313

Know All People by These Presents, That

DUKE ENERGY PROGRESS, LLC

is hereby issued this

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC
CONVENIENCE AND NECESSITY PURSUANT TO N.C. GEN. STAT. § 62-102**

to construct approximately 550 feet of new 230-kV transmission line to connect to a new transformer bank in the Oxford South 230-kV substation in Granville County, North Carolina

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other orders, rules, regulations, and conditions as are now or may hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of May, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EGL-18, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Patowmack Solar, LLC, for a)	ORDER GRANTING
Certificate of Authority to Engage in)	CERTIFICATE OF AUTHORITY
Business as an Electric Generator Lessor)	TO ENGAGE IN BUSINESS AS
)	AN ELECTRIC GENERATOR
)	LESSOR

BY THE COMMISSION: On February 28, 2023, Patowmack Solar, LLC (Patowmack) filed an application for a certificate of authority to engage in business as an electric generator lessor in accordance with the provisions of N.C. Gen. Stat. § 62-126.7 and Commission Rule R8-73 (as supplemented, Application).

On March 3, 2023, pursuant to the Commission Rule R8-73(f)(2), Patowmack filed a certificate of service of its notice to both Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP), advising of Patowmack's pending Application and intent to engage in business as an electric generator lessor in both DEC and DEP's respective service territories.

On March 24, 2023, Patowmack filed an updated sample lease.

On March 28, 2023, the Public Staff filed the recommendation required by Commission Rule R8-73(f)(4), stating that Patowmack's Application was incomplete and deficient according to the requirements specified in Commission Rule R8-73 and N.C.G.S. §§ 62-126.6 and 126.7.

On March 29, 2023, and April 19, 2023, Patowmack made supplemental filings to cure deficiencies.

The Public Staff presented this matter at the Regular Commission Staff Conference on May 1, 2023, stating that it recommended the approval of Patowmack's Application based upon its review of the Application. Pursuant to Commission Rule R8-73(f)(5), more than 30 days have elapsed since Patowmack filed its certificate of service, and no protests were filed with the Commission. Therefore, it is appropriate for the Commission to proceed in considering and deciding the Application on the basis of information contained in Patowmack's Application, the recommendations of the Public Staff, and the entire record in this proceeding.

Having carefully reviewed the Application, the Public Staff's recommendation, and the entire record in this proceeding, the Commission determines that the Application is complete and compliant with the requirements of Commission Rule R8-73 and N.C.G.S. § 62-126.7. The Commission further finds that the sample lease proposed by Patowmack complies with the requirements of N.C.G.S. §§ 62-126.5 and 62-126.6.

Based upon the foregoing and the entire record in this proceeding, the Commission finds good cause to approve Patowmack's Application for a certificate of authority to engage in business as an electric generator lessor. The Commission further finds that Patowmack has demonstrated that it is fit, willing, and able to conduct business in this State as an electric generator lessor.

IT IS, THEREFORE, ORDERED as follows:

1. That the Application of Patowmack for a certificate of authority to engage in business as an electric generator lessor within the service territories of DEC and DEP shall be, and is hereby, approved;
2. That Patowmack shall register with the Commission each solar energy facility it leases in this State by filing a report of proposed construction, and, if the facility is intended to earn renewable energy certificates eligible for compliance with the North Carolina Renewable Energy and Energy Efficiency Portfolio Standard, register the facility as a new renewable energy facility pursuant to Commission Rule R8-66;
3. That Patowmack shall notify the Commission of any material change to the information it provided to the Commission in this proceeding, including any change to the assigned service territories in which Patowmack operates as an electric generator lessor;
4. That Patowmack shall file with the Commission annually, on or before April 1 of each year, a certification of continued compliance with Article 6B of Chapter 62 and Commission Rule R8-73;
5. That Patowmack shall conduct its business in substantial compliance with all federal and State laws, regulations, and rules for the protection of the environment and conservation of natural resources, the provision of electric service, and the protection of consumers;
6. That Patowmack shall, for the duration of the effectiveness of this Certificate of Authority, maintain general liability insurance coverage with at least \$100,000 minimum limits, and shall provide the name and contact information of the insurance carrier and policy number as part of Patowmack's annual report to the Commission;
7. That this Order shall constitute the Certificate of Authority to Engage in Business as an Electric Generator Lessor, effective as of the date of issuance of this Order and to remain in effect unless terminated, suspended, or revoked by future Order

of the Commission; and

8. That the Chief Clerk shall send a copy of this Order to the NC-RETS Administrator.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of May, 2023

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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