

January 15, 2021

Chief Clerk

North Carolina Utilities Commission

4325 Mail Service Center

Raleigh, NC 27699-45300

E-2 Sub 1167

E-7 Sub 1166

Dear Sir/Madam –

2. My name is Richard Jacobs. My address is 440 Kyfields Drive, Weaverville, NC 28787. My phone number is 828.775.4478. My email address rjacobs@ncappraisal.com.

3. I have no representing attorney.

4. Duke Energy Corporation, 550 South Tryon Street, Charlotte, NC 328202.

5. Duke Energy set up a program to provide rebates to its customers in North Carolina who installed solar panels. Customers who wished to apply for these rebates were told to apply online on the Duke website on January 6, 2021 at 9 AM and fill out the online form and submit it. I had previously had Sugar Hollow Solar install during November 2020 a 6.24 kW DC roof-mounted solar panel system on my house in Weaverville, NC. Based on what Duke said, this installation would qualify me for a rebate of \$4,560. This solar rebate offer was a major incentive to me to have solar panels installed as the solar rebate made the expensive solar panel installation affordable.

At 9 AM on January 6 I attempted using the recommended Chrome browser to fill out and apply for the promised Duke Energy solar rebate for my new solar panel installation, but the online application would not allow me to “submit” after filling out the forms and checking all the boxes and the “I’m not a Robot” box. I tried again using Internet Explorer and that attempt also failed with a greyed out Submit button. Lastly, I tried using a different computer and that too failed. I finally called Duke around 10 AM and the person to whom I spoke submitted my application successfully. My Project ID is 128082. It is my understanding that many others trying to apply for the solar energy credit also were blocked from doing so by the malfunctioning Duke website application.

I have today received a letter from Duke saying my application for the solar rebate is “waitlisted”, meaning I did not get the applied for solar energy rebate and am now on the waiting list for Duke’s next round of rebates in July. I had previously notified Duke of the problems I encountered with their online application process that included copies of my browser history showing online access to Duke’s solar rebate website at 9 AM and a screenshot of the final application page with the “submit” button greyed out and non-functional.

I feel that Duke Energy has “bait and switched” me with the solar rebate program and its defective online application process and that I am entitled to receive the \$4,560 solar rebate promised by Duke Energy.

Thanks for your assistance.

A handwritten signature in black ink that reads "Richard Jacobs". The signature is written in a cursive style with a long horizontal line extending to the right.

Richard Jacobs

NCUC Formal Complaint Process

If you are unable to resolve your complaint with a regulated public utility after speaking with the utility and the Consumer Services Division of the Public Staff, you may file a formal complaint with the North Carolina Utilities Commission.

Residential customers may file formal complaints without an attorney if they so choose. (If a business or other organization wants to file a formal complaint, that complaint must be filed by an attorney who is licensed to practice in the State of North Carolina.)

Please provide the following information in your complaint letter:

1. Address your complaint to:

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

2. State your full name, mailing address, telephone number during regular business hours, and electronic mailing address.
3. Provide the name, mailing address, and electronic mailing address of the attorney representing you, if you have one.
4. Provide the name, mailing address, and, if available, the electronic mailing address, of the utility company against which the complaint is being made.
5. Provide a clear, concise statement of the acts or things that the utility did (or failed to do) that form the basis of your complaint. If possible, you should specify the law, rule, or regulation that you believe the utility has violated. If a utility bill or specific item on a utility bill is in dispute, please explain why you think the charge is wrong or unreasonable.
6. State the particular relief desired. In other words, what action would you like the Commission to take to resolve your complaint, and why do you think that action is reasonable? (The Commission can only order refunds of utility charges; it has no authority to award monetary damages in complaint proceedings.)
7. State whether you are at risk of having your utility service disconnected, and whether you would like the Commission to order the utility to refrain from disconnecting your service until the Commission can rule on your complaint. Similarly, state whether connection of your service is being delayed due to the dispute, and whether you would like the Commission to require the utility to connect your service while the Commission considers your complaint.
8. Take care not to include personal identifying information, such as social security numbers or birthdates, because your letter will be posted on the Commission's website and available to the general public.

How to Prepare Your Complaint Letter:

1. Use black ink on white paper, type the complaint, or print the complaint from a computer so that it is legible and capable of being copied. The document should be double-spaced, if possible. Number each paragraph. Be sure to sign the complaint with ink and date it.
2. The complaint should also be verified by yourself, if an individual, or by an officer or attorney, if filed by a business or other organization. That is, it should be signed by an appropriate person stating that he or she has read the complaint and knows the contents to be true to the best of his or her belief, and then notarized.
3. Send the original signed document and 15 copies to the Commission. The Commission cannot accept complaints that are emailed or faxed.
4. For more information, the specific formatting requirements and procedures can be found in Commission Rules R1-5 and R1-9.

What Happens After the Commission Receives Your Formal Complaint?

1. When the Commission receives a formal complaint letter, a clerk assigns it a docket number and posts the complaint on the Commission's website.
2. A Commission attorney reviews the complaint letter to make sure it contains all of the required information and that it relates to a utility matter over which the Commission has authority. If it does not, a member of the Commission staff will contact you.
3. The Commission sends a copy of the complaint to the utility named in the complaint and requires that the utility file an answer addressing the complaint in no less than 10 days.
4. If the utility desires to satisfy the complaint by providing you with the resolution you requested (or taking some other action), the utility must submit to the Commission a statement of the relief that it is willing to give. The Commission will forward a copy of the utility's "satisfaction offer" to you. You will have no less than 10 days in which to notify the Commission as to whether you accept the utility's offer. On your acceptance of such an offer and with the approval of the Commission, the complaint is resolved and the proceeding is closed.
5. If the respondent utility disagrees with the complaint, the utility must file an answer in which it must admit or deny each material allegation in the complaint, or state that it does not have enough information to admit or deny the allegation. The utility must state any new matter relied upon as a defense and fully advise you and the Commission of the specific grounds of its defense. When the utility files an answer, it is not admitting that the complaint is sufficient, and the utility retains its right to file a motion to dismiss your complaint for failure to state why you are entitled to relief. The Commission will send the utility's answer to you, and ask whether the utility's response resolves your complaint. You will have no less than 10 days to respond.
6. If the Commission does not have enough information to resolve the complaint, it may schedule the matter for hearing. At a hearing, you will be required to provide testimony under oath and present evidence to support your complaint. The utility will also be required to attend and present its evidence. Each party will be able to cross-examine witnesses and review the other's evidence. The utility's attorney and the Commissioners or staff hearing the case will likely ask you questions. You should bring 15 copies of any documents that you wish to submit into the record as evidence. The burden of proving that the utility has done, or failed to do, anything wrong rests upon you, the complainant. (See North Carolina General Statute 62-75). Businesses, associations, and organizations must be represented by an attorney at the hearing. A court reporter will record the hearing, create a transcript, and post it on the Commission's website.
7. After the hearing, the Commission will issue a written order resolving the complaint. The Commission will mail the order to you and the utility and post it on the Commission's website. If you or the utility disagree with the Commission's decision, either may appeal that decision. The specific appeals process varies depending on whether the order was issued by the full Commission, a panel of Commissioners, or a hearing examiner. You may contact the Commission's Legal Division at 919-733-3969 for more information.

Contact Information

430 North Salisbury Street
Dobbs Building
5th Floor
Raleigh, NC 27603-5918

Mailing Address:
4325 Mail Service Center
Raleigh, NC 27699-4300

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