

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. ER-55, SUBS 0 and 1  
DOCKET NO. ER-79, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NOS. ER-55, SUBS 0 and 1	)	
	)	
In the Matter of	)	
Breckenridge Group CNC, LLC, for Transfer	)	
of Authority to Resell Electric Service	)	
Pursuant to G.S. 62-110(h) at Aspen	)	
Charlotte, 1315 E WT Harris Boulevard,	)	
Charlotte, North Carolina 28213	)	ORDER GRANTING TRANSFER OF
	)	CERTIFICATE OF AUTHORITY
DOCKET NO. ER-79, SUB 0	)	
	)	
In the Matter of	)	
HSRE Aspen Charlotte, LP, for Transfer of	)	
Authority to Resell Electric Service Pursuant	)	
to G.S. 62-110(h) at Aspen Charlotte, 1505	)	
Monument Hill Road, Charlotte, North	)	
Carolina 28213	)	

BY THE COMMISSION: On December 31, 2014, in Docket No. ER-39, Sub 0, the Commission issued an Order Granting Certificate of Authority, pursuant to G.S. 62-110(h) and Commission Rule R22, to Breckenridge Group Charlotte, LLC, to resell electric service at the Aspen Charlotte apartment complex, located at 1315 E WT Harris Boulevard, Charlotte, North Carolina 28213. On November 10, 2016, in Docket Nos. ER-39, Subs 0 and 1, and ER-55, Sub 0, the Commission issued an Order Granting Transfer of Certificate of Authority to Breckenridge Group CNC, LLC, to resell electric service at the Aspen Charlotte apartment complex, located at 1315 E WT Harris Boulevard, Charlotte, North Carolina 28213.<sup>1</sup>

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<sup>1</sup> On May 6, 2015, in Docket Nos. ER-55, Sub 0, and ER-39, Subs 0 and 1, the Public Staff filed with the Commission a deficiency letter requesting, among other things, that the Applicant explain the discrepancy between the address of the utility service area provided in Docket No. ER-39, Sub 0, and the address listed on the application for transfer of authority to Breckenridge Group CNC, LLC. On June 25, 2015, the Applicant responded to the Public Staff's inquiry stating, in part, that the correct address of the Aspen Charlotte apartment complex is 1505 Monument Hill Road, Charlotte, North Carolina 28213, not 1315 E WT Harris Boulevard, Charlotte, North Carolina 28213. Accordingly, the Commission's November 10, 2016 Order Granting Transfer of Certificate of Authority to Breckenridge Group CNC, LLC should have listed the utility service address as 1505 Monument Hill Road, Charlotte, North Carolina 28213.

On September 13, 2017, HSRE Aspen Charlotte, LP (HSRE or Applicant), filed an application with the Commission in Docket Nos. ER-55, Subs 0 and 1, and ER-79, Sub 0, requesting that the Commission transfer the certificate of authority to resell electric service from Breckenridge Group CNC, LLC, to HSRE. In this correspondence, HSRE stated that it elected to file the transfer application before title to the property passes from Breckenridge Group, CNC, LLC, to the Applicant. Accordingly, the Applicant requests that the Commission approve the application on the condition that it not take effect until the deed of sale has been executed, recorded, and filed with the Commission.

On November 9, 2017, the Public Staff of the North Carolina Utilities Commission (Public Staff) filed correspondence to the Applicant outlining the deficiencies in the application, and requesting that the Applicant provide all missing information, needed corrections, and exhibits.

On November 22, 2017, the Applicant filed additional information and exhibits in response to the Public Staff's November 9, 2017 correspondence.

On December 15, 2017, the Public Staff filed a letter with the Commission indicating that in its opinion, the application is complete upon the Applicant's submissions on September 13, 2017 and November 22, 2017, and that the completed application complies with the requirements of G.S. 62-110(h) and Commission Rule R22.

The Commission has reviewed the additional information submitted by the Applicant and finds that HSRE's application is complete, except that the Applicant has not yet submitted a deed of sale transferring ownership from Breckenridge Group CNC, LLC to the HSRE. In addition, the Commission finds that HSRE's application does not fully comply with the requirements of G.S. 62-110(h)(4)f. and Commission Rules R22-5(d) and R12\_9(d), which require that an electric reseller must state clearly on its bill the interest rate or amount that will become due if the tenant fails to pay the bill on or before the past-due date.

Based upon the foregoing and the entire record in these dockets, the Commission finds good cause to transfer the certificate of authority to resell electric service from Breckenridge Group CNC, LLC, and to issue a new certificate of authority to resell electric service to HSRE, on the conditions that it first shall rectify the deficiency noted herein and file with the Commission: (1) proof of the same; and (2) a deed of sale reflecting the transfer of ownership from Breckenridge Group CNC, LLC to HSRE.

IT IS, THEREFORE, ORDERED as follows:

1. That prior to HSRE issuing any bills to tenants for electric service, the Applicant first shall modify its standard bill by adding in a conspicuous manner the interest rate or amount that will become due if the tenant fails to pay the bill on or before the past-due date.

2. That prior to HSRE issuing any bills to tenants for electric service, the

Applicant first shall file with the Commission the executed and recorded deed of sale of the Aspen Charlotte apartment complex from Breckenridge Group CNC, LLC, to HSRE.

3. That prior to HSRE issuing any bills to tenants for the resale of electric service, the Applicant shall file with the Commission its modified standard bill, which shall reflect the change ordered in Paragraph 1 above.

4. That, subject to the Applicant first complying with Paragraphs 1 through 3 above, the application filed by HSRE and Breckenridge Group CNC, LLC, to transfer the Certificate of Authority to Resell Electric Service for Aspen Charlotte, located at 1505 Monument Hill Road, Charlotte, North Carolina 28213, to HSRE Aspen Charlotte, LP, is hereby granted.

5. That the Chief Clerk shall close Docket No. ER-55, Subs 0 and 1.

6. That this Order shall constitute the Certificate of Authority to Resell Electric Service.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of January, 2018.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Linnetta Threatt".

Linnetta Threatt, Deputy Clerk