

# STYERS, KEMERAIT & MITCHELL

attorneys+counselors@law

1101 Haynes Street, Suite 101  
Raleigh, North Carolina 27604  
919.600.6270

StyersKemerait.com

cmitchell@StyersKemerait.com  
919.600.6277

AG   
7 Comm  
Watson  
Green  
Conrad  
Duffley  
Hoover  
Kite  
Hilburn  
Sessions  
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Hodge  
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3 PS Elec  
3 PS Legal  
2 PS Ec/Res

September 27, 2013

## VIA HAND DELIVERY

Ms. Gail Mount  
Chief Clerk  
North Carolina Utilities Commission  
Fifth Floor, Room 5063  
430 N. Salisbury Street  
Raleigh, NC 27603

**Re: Affidavit of Erik Stuebe**

**In the Matter of Biennial Determination of Avoided Cost Rates for  
Electric Utility Purchases from Qualifying Facilities-2012  
Docket E-100, Sub 136**

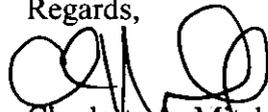
Dear Ms. Mount:

Enclosed for filing in the above-referenced docket, in accordance with North Carolina General Statute § 62-68, is an original and thirty-one (31) copies of the Affidavit of Erik Stuebe on behalf of the Renewable Energy Group. Erik Stuebe's address is 650 Townsend Street, Suite 310, San Francisco, California 94103. As set forth in the statute, Erik Stuebe will not be called to testify orally and will not be subject to cross-examination unless the opposing parties or the Commission demand the right of cross-examination by notice mailed or delivered to Erik Stuebe through counsel, at least five days prior to the hearing.

Please stamp the extra copy as "Filed" and return to me via our courier. 

Thank you for your assistance with regard to this matter. If you have any questions concerning this submission, please do not hesitate to contact me.

Regards,

  
Charlotte A. Mitchell

Enclosures

# OFFICIAL COPY

**FILED**  
**SEP 27 2013**  
Clerk's Office  
N.C. Utilities Commission

M. Gray Styers, Jr.  
Karen M. Kemerait  
Charlotte A. Mitchell

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

**FILED**

SEP 27 2013

Clerk's Office  
N.C. Utilities Commission

DOCKET NO. E-100, SUB 136

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION:

**OFFICIAL COPY**

In the Matter of: )  
)  
Biennial Determination of Avoided )  
Cost Rates for Electric Utility Purchases )  
from Qualifying Facilities - 2012 )

**AFFIDAVIT OF ERIK STUEBE**

The undersigned, Erik Stuebe, having been duly sworn, says as follows:

1. I am a resident of the State of California. I am over the age of 21 and competent to make this Affidavit.
2. I am the founder and President of Ecoplexus Inc., a California corporation. Ecoplexus is a leader in development, design, engineering, construction, and financing of solar power systems, typically in the range of 500 kW to 5 MW in capacity.
3. Ecoplexus has developed forty solar generation systems in the United States—in California, Colorado and Georgia.
4. In my role as President, I oversee Ecoplexus' project finance activities. To date, Ecoplexus has successfully financed solar generation systems with a combination of debt and equity financing.
5. Ecoplexus currently has multiple 5 MW solar qualifying facility ("QFs") under development in Dominion North Carolina Power ("DNCP") service territory (the "Ecoplexus NC Projects"). I have been involved in attempting to secure financing for these projects.

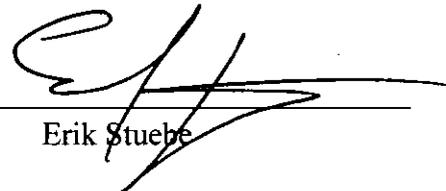
6. Ecoplexus has sought financing for the Ecoplexus NC Projects from two lenders, both of which have financed more than \$100 million of solar generation projects. One of the lenders has previously financed Ecoplexus solar generation projects in other states.

7. Both lenders have declined to finance Ecoplexus NC Projects because of Article 6, in DNCP's Agreement for the Sale of Electrical Output to Virginia Electric and Power Company, Schedule 19-FP, which requires a QF to accept payments that are reset at new rate levels or to repay certain sums to DNCP in the event a regulatory body with jurisdiction, such as the Commission or FERC, issues an order that: 1) disallows payments of energy or capacity to non-utility generators; 2) prohibits DNCP from recovering through rates any sums previously paid to non-utility generators; or 3) requires DNCP to repay to ratepayers sums already paid to non-utility generators.

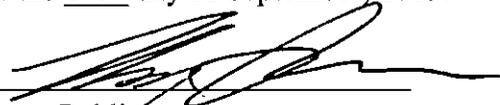
8. Based on my experience in attempting to develop solar QFs in DNCP's service territory, this provision constitutes a barrier to finance.

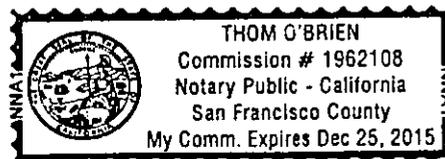
\* \* \* \* \*

IN WITNESS WHEREOF, Affiant has executed this Affidavit under seal this 25<sup>th</sup> day of September, 2013.

  
Erik Stuebe

Sworn to and subscribed before me  
this the 25<sup>th</sup> day of September, 2013.

  
Notary Public



My commission expires: 12-25-2015