

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 101

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Petition for Approval of Revisions to) ORDER GRANTING PETITION
Generator Interconnection Standards) FOR LIMITED WAIVERS

BY THE COMMISSION: On September 3, 2020, Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress LLC (DEP, and together with DEC, Duke); Birdseye Renewable Energy, LLC (Birdseye); Carolina Solar Energy LLC (Carolina Solar); Cypress Creek Renewables, LLC (CCR); Pine Gate Renewables, LLC (Pine Gate); Southern Current LLC (Southern Current); National Renewable Energy Corporation (NARENCO); Strata Solar, LLC, and Strata Solar Development, LLC (collectively and individually, Strata); DEPCOM Power, Inc. (DEPCOM); and Ecoplexus, Inc. (Ecoplexus) (collectively, Settlement Parties), filed a Joint Notice of Interconnection Settlement and Petition for Limited Waiver (Joint Notice and Petition) which provides notice of a settlement agreement between the Settlement Parties and petitions the Commission for approval of three limited waivers from the North Carolina Interconnection Procedures (NCIP) in order to implement the settlement agreement.

The Joint Notice and Petition describes the settlement agreement as accomplishing two major objectives of the Settlement Parties:

- (1) Resolves actual and potential disputes of over 100 Final Accounting Reports for distribution-level solar Interconnection Requests that completed construction in the period of 2018-2020.

- (2) Provides a path to resolve certain legacy pending distribution-level Interconnection Requests.

The Joint Notice and Petition notes that the Settlement Parties are filing the settlement agreement for informational purposes and are not requesting Commission approval of the settlement agreement. However, the Joint Notice and Petition requests limited waivers of the NCIP in terms of its “Interdependency Construct,” its serial study requirement, and its Material Modification Indicia.

The Commission notes that the settlement agreement provides additional time for Interconnection Customers to sign on to the settlement agreement after the Commission grants the Petition for Waivers. Specifically, Subsection (m) of Part 6 of the settlement agreement provides that on or before the 30th calendar date after the Final Effective Date (as defined in the settlement agreement) of the settlement agreement, additional

Interconnection Customers that satisfy the criteria stated in that subsection may elect to become a party to the agreement. Subsection (a) of Part 6 of the settlement agreement defines the Final Effective Date of the Agreement. This provision, in combination with others, ensures that the settlement agreement does not discriminate against other Interconnection Customers.

The Commission further notes that subsection (j) of Part 1 and subsection (e) of Part 4 of the settlement agreement provides that the Company will not seek reimbursement or cost recovery from Duke's retail or wholesale customers for costs related to True-Up Settlement Interconnection Customers or Cost-Capped Interconnection Customers, as those terms are defined in the settlement agreement. In addition, in its September 25, 2020 comments, the Public Staff stated that, based on its communications with Duke, "to the extent Duke was required to compensate an Interconnection Customer for exceeding the allowable Transmission Contingency Violation Curtailment limits [established pursuant to the Settlement], Duke would not seek recovery of those costs from its retail or wholesale customers."

After careful consideration, the Commission finds good cause to grant the request of the Settlement Parties, thereby allowing the limited waivers of the NCIP in order to implement the settlement agreement, conditioned on the commitment of Duke not to seek reimbursement or cost recovery from Duke's retail or wholesale customers for costs related to the settlement agreement. The Commission acknowledges that the settlement agreement represents considerable give and take among the Settlement Parties and commends the Settlement Parties for their efforts to reach consensus.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of October, 2020.

NORTH CAROLINA UTILITIES COMMISSION

Handwritten signature of Kimberley A. Campbell in black ink.

Kimberley A. Campbell, Chief Clerk