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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

STAFF CONFERENCE AGENDA
March 13, 2023
Commission Hearing Room 2115, 10:00 a.m.

COMMUNICATIONS

ORDER INCREASING THE TELECOMMUNICATIONS RELAY SERVICE SURCHARGE

North Carolina Department of Health and Human Services (DHHS)

1. Docket No. P-100, Sub 110 – Petition requesting that the Commission approve an increase in the monthly Telecommunications Relay Service (TRS) surcharge pursuant to N.C. Gen. Stat. §§ 62-157(b) and (c) *(Lentz/Coxton)*

INTERCONNECTION AGREEMENT AMENDMENT

BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina (AT&T)

2. Docket No. P-55, Sub 1586 – Amendment to the interconnection agreement with Metropolitan Telecommunications of North Carolina, Inc., approved November 28, 2005 *(Proffitt/Coxton)*

ELECTRIC

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITY

Duke Energy Carolinas, LLC

3. Docket No. SP-26335, Sub 0 – Application of Quaker Creek Farm Solar, LLC, for an amended certificate of public convenience and necessity to construct a 35-MW solar photovoltaic facility in Alamance County, North Carolina *(T. Williamson/Keyworth)*

WATER AND WASTEWATER

ORDER ACCEPTING AND APPROVING BOND, GRANTING FRANCHISE, APPROVING RATES, AND REQUIRING CUSTOMER NOTICE

USEF HGC Fenton LLC

4. Docket No. W-1339, Sub 0 – Application for a Certificate of Public Convenience and Necessity to provide water and sewer utility services to Fenton Development in Cary, Wake County, North Carolina and Approval of Bond and Rates *(Bhatta/Coxton)*

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

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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 110

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Telecommunications Relay Service (TRS), Relay North Carolina	)))	ORDER INCREASING THE TELECOMMUNICATIONS RELAY SERVICE SURCHARGE

BY THE COMMISSION: On October 13, 2022, the North Carolina Department of Health and Human Services (DHHS) filed a petition requesting that the Commission approve an increase in the monthly Telecommunications Relay Service (TRS) surcharge, pursuant to N.C. Gen. Stat. §§ 62-157(b) and (c), from the current rate of $0.08 per line[1] to $0.16 per line. TRS enables an individual with a hearing or speech disability to communicate by telephone with a person without such a disability. N.C.G.S. §§ 62-157(b) and (c) direct the Commission to require local service providers to impose a monthly surcharge (set by the Commission) on qualified access lines to, among other things: (1) fund implementation and operation of a statewide telecommunications relay service and an equipment distribution program; and (2) establish and maintain a reasonable margin for reserve.[2] N.C.G.S. § 62-157(i) requires wireless providers to impose the same monthly surcharge on each wireless connection. TRS and the equipment distribution service comprise the Telecommunications Resources Program (TRP), which is administered by the Division of Services for the Deaf and Hard of Hearing (DSDHH), a division of DHHS. N.C.G.S. § 62-157 makes funds from the surcharge on access lines available to DHHS to operate and promote the TRP.

DHHS stated in its petition that the reserve margin, as of July 1, 2022, is approximately $554,000 below the $6.5 million reserve margin the Commission set on July 7, 2010, because actual expenditures are exceeding actual revenues. DHHS projects an increase in TRP-related expenditures because of inflationary factors and the need to strengthen the capacity of the DSDHH to efficiently and effectively meet the needs of a rapidly growing population of deaf, hard of hearing, and deafblind individuals in North Carolina. DHHS requested that the current surcharge be increased to an amount that meets critical operational requirements and gradually restores the required $6.5 million reserve. DHHS requested an $0.08 per line increase in the monthly rate to accomplish those objectives.

The Public Staff presented this matter at the Commission's Regular Staff Conference on March 13, 2023. The Public Staff stated that it: (1) has reviewed the

[1] The current surcharge of $0.08 per line, per month was set by the Commission on May 1, 2018.

[2] The current reserve margin of $6.5 million was approved by the Commission on July 7, 2010.

petition; (2) has analyzed current and projected expenditures and projected access line and wireless line growth; and (3) recommends that the Commission grant DHHS's requested surcharge increase. According to the Public Staff, the requested increase is in the public interest because the increase will better position DHHS to operate the DSDHH, including the TRP and the Regional Resource Centers, and gradually restore the reserve to the $6.5 million set by the Commission in July 2010.

Based on the foregoing and the recommendation of the Public Staff, the Commission concludes that it is appropriate to increase the surcharge to $0.16 per line, per month as requested by DHHS effective April 1, 2023, and that notice should be given to customers of this increase.

IT IS, THEREFORE, ORDERED as follows:

1. That the monthly TRS surcharge shall be increased from $0.08 to $0.16 per access line effective April 1, 2023, and the increase shall be reflected on all customer bills issued on or after April 1, 2023;

2. That the bill message or insert as set forth in Appendix A shall appear on all customer bills issued in the billing cycle immediately prior to the April 1, 2023, increase; and

3. That DHHS shall revise the TRS surcharge remittance form to reflect the increase in the surcharge and shall post the revised form on the TRP website to make it available for downloading.

ISSUED BY ORDER OF THE COMMISSION.

This the ___ day of March, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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APPENDIX A

NOTICE OF TELECOMMUNICATIONS RELAY SERVICE (TRS) SURCHARGE INCREASE

Effective April 1, 2023, the Telecommunications Relay Service (TRS) surcharge is $0.16 per access line, per month. On March ___, 2023, the North Carolina Utilities Commission authorized an increase in the monthly TRS surcharge amount from $0.08 per access line, per month to $0.16 per access line, per month in order to maintain adequate funding for Division of Services for the Deaf and Hard of Hearing (DSDHH), including the Telecommunications Resource Program (TRP) and the Regional Resource Centers within DSDHH. TRP is a program within the North Carolina Department of Health and Human Services consisting of a telecommunications relay service that enables persons with hearing, speech, and vision impairments to communicate with others by telephone and an equipment distribution program. Regional Resource Centers provide a wide spectrum of services, including: (1) advocacy, consultation, workshops and training on a wide variety of topics pertaining to hearing loss; (2) communication support; (3) information and referral services; (4) assistance with selection, application for, and set-up of equipment; (5) training and technical assistance related to the equipment distribution service; and (6) outreach regarding available resources.

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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-55, SUB 1586

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Interconnection Agreement between BellSouth	)	
Telecommunications, LLC, d/b/a AT&T North	)	ORDER APPROVING
Carolina, and Metropolitan	)	AMENDMENT
Telecommunications of North Carolina, Inc.	)	

BY THE COMMISSION: On December 28, 2022, BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and Metropolitan Telecommunications of North Carolina, Inc., formerly Metropolitan Telecommunications, Inc. (collectively, the Parties), filed, for Commission approval, an amendment to an existing interconnection agreement approved by the Commission on November 28, 2005.

The amendment implements the changes mandated by the Federal Communications Commission (FCC) in WC Docket No. 18-141, by FCC 19-66 and FCC 19-72 (FCC UNE and Resale Forbearance Orders), and WC Docket No. 19-308, by FCC 20-152 (FCC UNE Relief Order).

The filing was made in compliance with Commission Rule R17-4(d) and Sections 252(e) and 252(i) of the Telecommunications Act of 1996. The Commission considered the amendment at its Regular Staff Conference on March 13, 2023. The Public Staff recommended that the amendment be approved, and the Commission approved the recommendation.

IT IS, THEREFORE, ORDERED that the amendment, filed on December 28, 2022, to the existing agreement between the Parties is hereby approved effective on the date the amendment was filed.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of March, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. SP-26335, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Quaker Creek Farm Solar,	)	
LLC, for a Certificate of Public Convenience	)	ORDER ISSUING AMENDED
and Necessity to Construct a 35-MW Solar	)	CERTIFICATE
Facility in Alamance County, North Carolina	)	

BY THE COMMISSION: On February 10, 2022, the Commission issued an order granting Quaker Creek Farm Solar, LLC (Applicant) a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of a 35-MW_{AC} solar photovoltaic generating facility to be located at 2480 Dickey Mill Road, Burlington, Alamance County, North Carolina. The Commission previously accepted registration of the facility as a new renewable energy facility.

On November 3, 2022, the Applicant filed an amended application stating that the footprint of the facility had changed.

On January 11, 2023, the Commission issued an Order Requiring Publication of Notice and Clearinghouse review.

On February 7, 2023, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to Duke Energy Carolinas, LLC on January 13, 2023.

On February 20, 2023, the State Clearinghouse filed comments. Because of the nature of the comments, the cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On February 22, 2023, the Applicant filed an affidavit of publication from The Alamance News (Graham, North Carolina) stating that the publication of notice was completed on February 9, 2023. No complaints have been received.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on March 13, 2023. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule

R8-66(b). Therefore, the Public Staff recommended that the Commission issue an amended CPCN to the Applicant.

After careful consideration, the Commission finds good cause to approve the application and issue the attached amended certificate for the solar photovoltaic generating facility.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Quaker Creek Farm Solar, LLC for an amended certificate of public convenience and necessity shall be, and is hereby, approved.

2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Quaker Creek Farm Solar, LLC for the 35-MW_{AC} solar photovoltaic generating facility located at 2480 Dickey Mill Road, Burlington, Alamance County, North Carolina.

3. That the amended certificate of public convenience and necessity shall expire five years following the date of the issuance of the original or renewal order, if construction has not begun, unless it is revoked pursuant to Commission Rule R8-64(d)(1).

ISSUED BY ORDER OF THE COMMISSION.

This the ___ day of March, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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APPENDIX A

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. SP-26335, SUB 0

Quaker Creek Farm Solar, LLC
130 Roberts Street
Asheville, North Carolina 28801

is hereby issued this

AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. Gen. Stat. § 62-110.1

for a 35-MW_{AC} solar photovoltaic generating facility

located at

2480 Dicky Mill Road, Burlington, Alamance County, North Carolina,

subject to all 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 March, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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STATE OF NORTH CAROLINA
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DOCKET NO. W-1339, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by USEF HCG Fenton LLC, 201 Fenton Gateway Drive, Suite 10, Cary, North Carolina 27511, for a Certificate of Public Convenience and Necessity to Provide Water and Sewer Utility Services in Fenton Development, Phase 1 in Wake County, North Carolina, and for Approval of Rates	)	ORDER ACCEPTING AND APPROVING BOND, GRANTING FRANCHISE, APPROVING RATES AND REQUIRING CUSTOMER NOTICE

BY THE COMMISSION: On April 1, 2022, USEF HCG Fenton LLC (Applicant), filed an Application for Certificate of Public Convenience and Necessity (Application) to provide water and sewer utility services in Fenton Development in Wake County, North Carolina (Fenton or the Development), and for approval of rates. On November 15, 2022, the Applicant filed a response to the Public Staff's Notice of Deficiencies and a revised Application.

The Public Staff presented this matter at the Commission's Staff Conference on March 13, 2023. The Public Staff recommended that the Commission issue an order accepting and approving the $50,000 bond, granting the franchise, approving the proposed rates, and requiring customer notice.

FINDINGS OF FACT

1. This is the first franchise sought by the Applicant. The Applicant is presently serving 31 commercial tenants (such as retail shops, restaurants, and salons) and expects to serve a total of 41 commercial tenants and one multi-family apartment complex.

2. The Development has three 4-inch master meters and seven 2-inch master meters that connect to the Town of Cary water system. The Development also has 45 submeters of various sizes (1, 1.5, 2, 3-inch). One of the submeters serves 357 residential units and is the subject of a separate water reseller docket, Docket No. WR-4156, Sub 0. One 2-inch and two 3-inch submeter sizes were assumed for the spaces that Applicant uses as offices because there are no submeters on those services and the base facility charge is divided evenly between the served retail spaces.

3. The Town of Cary Development Services Department has approved the water mains within the Development under water system extension permit numbers: WP19053 dated December 12, 2019; WP20011 dated April 6, 2020; and WP21056 dated September 22, 2021. The Town of Cary Development Services Department has approved the sewer mains within the Development under gravity sewers, pump stations, and force mains application permit numbers: SP19014 dated December 12, 2019; SP20002 dated April 6, 2020; and SP20013 dated October 9, 2020.

4. The Applicant has the technical, managerial, and financial capacity to provide water and sewer utility services for the Development in Wake County, North Carolina.

5. The Applicant has filed all exhibits required with the Application.

6. The Public Staff recommended that the Applicant be required to post a $50,000 bond for the Development. On February 17, 2023, the Applicant posted a bond in the form of a surety bond in the amount of $50,000.

7. The Applicant purchases water and wastewater treatment from the Town of Cary and is proposing to pass these costs to its tenants by submetering and billing in a manner similar to the methodology prescribed by Commission Rule R18-6 for the provision of water and sewer utility service by landlords. Additionally, the rates take into account the effect of the 0.14% regulatory fee. The Applicant's proposed rates are as follows:

Water and Sewer Rates (Non-residential and multi-unit dwellings):

Base Facility Charge (water and sewer, based on the size of the submeters):

Meter (sub-meter) Size (Total number of each submeters)	
1-inch or smaller (16)	$ 2.15
1 ½-inch (2)	$ 4.31
2-inch (23)	$ 6.89
3-inch (3)	$ 12.92

Water Usage Charge: $ 5.56 per 1,000 gallons

Sewer Usage Charge: $ 10.60 per 1,000 gallons

Monthly Administrative Fee: $ 3.75

Monthly Cellular System Fee: $ 3.50

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New Account Fee: $ 50.00
Finance Charge for Late Payment: in accordance with NCUC Rule 12-9, not more than 1% per month, 25 days after billing date

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission concludes that a $50,000 bond should be assigned to Fenton Development in Wake County, North Carolina; that the new franchise should be granted; and that the requested rates should be approved requiring customer notice.

IT IS, THEREFORE, ORDERED as follows:

1. That the bond filed in this proceeding in the amount of $50,000 is accepted and approved;

2. That USEF HCG Fenton LLC is granted a certificate of public convenience and necessity to provide water and sewer utility services in Fenton Development, Phase 1 in Wake County, North Carolina;

3. That Appendix A, attached hereto, constitutes the Certificate of Public Convenience and Necessity;

4. That the Schedule of Rates, attached as Appendix B, is approved and deemed to be filed with the Commission pursuant to N.C. Gen. Stat. § 62-138. This Schedule of Rates is authorized to become effective for service rendered on and after the date of this Order;

5. That the Notice to Customers, attached hereto as Appendix C, shall be mailed with sufficient postage or hand delivered by the Applicant to all customers affected by the rates as part of the first water and sewer billing;

6. That USEF HCG Fenton LLC submit the attached certificate of service, properly signed and notarized, to the Commission, not later than 60 days from the date of this Order; and

7. That the Applicant maintain its books and records in such manner that all the applicable items of information required in the Applicant's prescribed annual report to the Commission can be readily identified from the annual report.

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ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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APPENDIX A

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1339, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

USEF HCG Fenton LLC

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide water and sewer utility services

at

FENTON DEVELOPMENT, PHASE 1

Wake County, North Carolina

subject to any orders, rules, regulations
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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APPENDIX B

SCHEDULE OF RATES

for

USEF HCG Fenton LLC

for providing water and sewer utility services

in

FENTON DEVELOPMENT, PHASE 1

Wake County, North Carolina

Non-Residential and Multi-Unit Dwellings

Base Facility Charge (Zero Usage for Each Water or Sewer Service):

Meter (submeter) Size	
1-inch or smaller	$ 2.15
1 ½-inch	$ 4.31
2-inch	$ 6.89
3-inch	$ 12.92

Water Usage Charge: $ 5.56 per 1,000 gallons

Sewer Usage Charge: $ 10.60 per 1,000 gallons

Monthly Administrative Fee: $ 3.75

Monthly Cellular System Fee: $ 3.50

New Account Fee: $ 50.00

Finance Charge for Late Payment: in accordance with NCUC Rule 12-9, not more than 1.0% per month, 25 days after billing date.

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APPENDIX C

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

NOTICE TO CUSTOMERS
DOCKET NO. W-1339, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Notice is hereby given that USEF HCG Fenton LLC, filed with the North Carolina Utilities Commission (Commission) an Application for a Certificate of Public Convenience and Necessity for Providing Water and Sewer Utility Services for Fenton Development, Phase 1, in Wake County, North Carolina. The Commission has approved the following rates, effective for service rendered on and after the date of this Order:

Non-Residential and Multi-Unit Dwellings

Base Facility Charge (Zero Usage for Each Water or Sewer Service):

Meter (submeter) Size	
1-inch or smaller	$ 2.15
1 ½-inch	$ 4.31
2-inch	$ 6.89
3-inch	$ 12.92

Water Usage Charge: $ 5.56 per 1,000 gallons

Sewer Usage Charge: $ 10.60 per 1,000 gallons

Monthly Administrative Fee: $ 3.75

Monthly Cellular System Fee: $ 3.50

New Account Fee: $ 50.00

Finance Charge for Late Payment: in accordance with NCUC Rule 12-9, not more than 1% per month, 25 days after billing date.

This the ___ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers the attached Notice to Customers issued by the North Carolina Utilities Commission in Docket No. W-1339, Sub 0, and the Notice was mailed or hand delivered by the date specified in the Order.

This the _____ day of _____, 2023.

By: _____
Signature

_____
Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-1339, Sub 0.

Witness my hand and notarial seal, this the ____ day of _____, 2023.

_____
Notary Public

_____
Printed Name

(SEAL) My Commission Expires: _____
Date

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