

January 10, 2023

Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-432

Womble Bond Dickinson (US) LLP

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**Re: Application of Terreva Catawba RNG, LLC
NCUC Docket No. G-9, Sub 698**

Hayes Jernigan Finley
Associate
Direct Dial: 919-755-2132
E-mail: Hayes.Finley@wbd-us.com

Dear Ms. Dunston:

On behalf of Terreva Catawba RNG, LLC, enclosed for filing is the Application of Terreva Catawba RNG, LLC to participate in the Pilot Program in Docket No. G-9, Sub 698.

If you have any questions regarding this filing, please do not hesitate to contact me.

Sincerely,

Womble Bond Dickinson (US) LLP

/s/Hayes Jernigan Finley
Hayes Jernigan Finley
Associate

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. G-9, Sub 698

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Application of Piedmont Natural Gas)	
Company, Inc., for Approval of)	PETITION OF TERREVA CATAWBA
Appendix F to its North Carolina)	RNG, LLC
Service Regulations)	

Pursuant to the North Carolina Utilities Commission (“Commission”) Rule R1-5, the Commission's Order Approving Appendix F And Establishing Pilot Program issued in this docket on June 19, 2018 (the “Pilot Program Order”), and the Order Extending Renewable Gas Pilot Programs issued on September 8, 2021, Terreva Catawba RNG, LLC (“TC RNG” or the “Applicant”) submits this Application to participate in the pilot program of Piedmont Natural Gas Company, Inc. (“Piedmont”). TC RNG respectfully requests that the Commission expeditiously approve TC RNG’s participation in the Pilot Program.

In support of its Application, TC RNG shows the Commission the following:

PARTIES

1. TC RNG is a Delaware limited liability company registered and authorized to transact business in the State of North Carolina. TC RNG is a subsidiary of Terreva Renewables, LLC, a Delaware limited liability company (“Terreva”), a landfill gas (“LFG”) project developer, owner, and operator. Terreva’s leadership team are experienced developers and operators of LFG facilities that process LFG into renewable natural gas (“RNG”).

2. Correspondence and filings in connection with this Application should be sent to the following:

Terreva Catawba RNG, LLC
3340 Peachtree Road NE
Suite 170
Atlanta, Georgia 30326
Attn: Richard Crowther
Email: rcrowther@terrevarenewables.com

With a copy to Counsel for the Applicant:

G. Alan Howard, Esq.
Milam Howard Nicandri & Gillam, P.A.
14 E. Bay Street
Jacksonville, Florida 32202
ahoward@milamhoward.com

and

Hayes Jernigan Finley
Scott Bowers, Esq.
Womble Bond Dickinson (US) LLP
555 Fayetteville Street, Suite 1100
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scott.bowers@wbd-us.com

The Applicant and Counsel agree to electronic service.

3. LFG is a renewable natural gas that is a natural byproduct of the decomposition of organic landfill contents. TC RNG's facility for extracting and processing LFG to pipeline standards (the "TC RNG Facility") will be located at the Catawba County Landfill. Assuming timely Commission approval of TC RNG's request to participate in the Pilot Program, and the completion of construction of the interconnect facilities within 18 months, TC RNG expects to be able to place the TC RNG Facility in service by December 31, 2024. Once completed, the TC RNG Facility plans to interconnect with Piedmont's natural gas pipeline facilities to transport approximately 650 dekatherms per day (dth/day)

of RNG to purchasers. TC RNG and Piedmont have agreed upon the proposed interconnection location.

4. TC RNG plans to sell its RNG to one or more counterparties with experience in the transportation, storage, and utilization of RNG receiving service from Piedmont (“Purchasers”). TC RNG and Piedmont are currently in discussions on entering into a Receipt Interconnect Agreement (“RIA Agreement”) whereby Piedmont would accept RNG from the Applicant.

5. TC RNG is committed to meeting the Commission’s standards for the Pilot Program set forth in the Orders and any subsequent Commission Order.

6. TC RNG has informed Piedmont of its intent to file this Application and has been informed that Piedmont has no objection to this filing.

BACKGROUND

7. On December 6, 2016, Piedmont filed a petition with the Commission in this docket requesting approval of its proposed Appendix F to its Tariff, which proposed to establish guidelines for receiving and transporting what Piedmont described as “Alternative Gas” on Piedmont's system.¹ Piedmont also filed for Commission approval of two (2) certain receipt interconnect agreements under which Piedmont would receive Alternative Gas at points on the Piedmont system for redelivery to an existing customer.

8. On June 19, 2018, the Commission issued the Pilot Program Order, which conditionally approved certain guidelines for to Piedmont's acceptance of RNG into Piedmont’s system and created the Pilot Program for a three-year period. During such time, Piedmont is to report to the Commission “regarding the impact of Alternative Gas on

¹ The terms “renewable natural gas,” RNG and “Alternative Gas” are used interchangeably in this Application.

its system operations and, ultimately its customers.” Order, p. 5. The Commission approved the initial two (2) applications to supply Alternative Gas and ordered that additional Alternative Gas Suppliers shall be allowed to participate in the pilot program upon a showing to the Commission that any such project will aid in the information and data sought to be gathered through the pilot program.” Order, p. 17. The Commission provided the following guidance for applications to participate in the pilot program, “Piedmont and/or other Alternative Gas suppliers may apply to the Commission to participate in the pilot program; however, it must be demonstrated to the Commission that such additions will be useful in gathering information and data sought by Commission.”

9. Thereafter, the Commission approved a pilot program for Public Service Company of North Carolina, Inc. (“PSNC” together with Piedmont, the “LDCs”), by Order issued September 24, 2019, in Docket G-5, Sub 606. The pilot programs approved in this docket and in PSNC Docket G-5, Sub 606 are referred to hereinafter as “the pilot programs.”

10. By Order issued April 5, 2021, the Commission requested comments regarding the pilot programs. That Order specifically requested comment as to the following:

- (1) the adequacy of the information that has been gained thus far from the pilot programs about the safety and quality of renewable gas;
- (2) the need, if any, for specific additional information about the safety and quality, or other aspects, of renewable gas;
- (3) recommendations for modifications to the renewable gas standards; and

(4) recommendations as to whether the pilot programs should be extended, or whether the renewable gas standards should be finalized.

11. On September 8, 2021, the Commission issued its Order Extending Renewable Gas Pilot Programs, Amending Regulations and Requiring Report in the pilot program dockets. That Order, among other things, extended the Pilot Program for an additional three years.

12. As of the date of this Application, the Commission has approved participation in the Appendix F pilot program for eleven RNG suppliers, including: C2e Renewables NC, in Docket No. G-9, Sub 699; Optima KV, LLC, in Docket No. G-9, Sub 701; Optima TH, LLC, in Docket No. G-9, Sub 726; GESS International North Carolina, Inc., in Docket No. G-9, Sub 728; Catawba Biogas, LLC, in Docket No. G-9, Sub 735; Foothills Renewables, LLC, in Docket No. G-9, Sub 739; Align RNG North Carolina, LLC, d/b/a Align Renewable Natural Gas, in Docket No. G-9, Sub 764; Montauk AG Renewables, LLC, in Docket No. G-9, Sub 799; Anson Gas Producers, LLC, in Sub 698; INGENCO Wholesale Power, LLC, in Sub 698; and Cardinal Bio Energy, LLC, in Docket No. G-9, Sub 810.

REQUEST FOR APPROVAL TO ENTER THE PILOT PROGRAM

13. Pursuant to the Order Extending Renewable Gas Pilot Programs, additional quantity and variety of RNG data is needed for the Pilot Program before final standards can be adopted. As the Commission stated: “The larger the number of participants the more the diversity of feedstocks and the greater the confirmation of data.” Order Extending Renewable Gas Pilot Programs, at 12. The TC RNG project will not harm Piedmont’s

customers and will be “useful in gathering information and data sought by the Commission.”

14. TC RNG's project, which will involve delivery of RNG sourced from LFG, is different from the majority of the approved Alternative Gas pilot programs most of which are sourced from swine, poultry and agricultural feed stock. Of the eleven approved projects into the Pilot Program, as of the Commission's Order Extending Renewable Gas Pilot Program only two operating projects are currently delivering RNG to Piedmont or PSNC and both are derived from swine and animal/food processing waste. While three of the approved projects are sourced from LFG, none are in Catawba County.

15. LFG has different characteristics than Alternative Gas derived from feedstocks, but is substantially similar, particularly after processing and treating to meet pipeline specifications. Given that there are many landfills in this State, the LDCs will benefit from developing information and data about LFG, as little to no such data is currently being captured and it will be beneficial to develop data allowing for comparison among sources of Alternative Gas.

16. It is anticipated that the RNG Agreement will be finalized shortly. An injection point for the Alternative Gas has been selected at a location in Catawba County, and Piedmont has completed engineering studies and has confirmed that the receipt of the volume of gas to be produced by TC RNG is technically feasible at this location. Piedmont

has already confirmed this segment of its distribution system as being technically feasible for such injection. The advanced status of this project means the Commission and Piedmont are likely to have a landfill gas project that is operational and that will be able to gather information within the next 24 months, thereby providing a more comprehensive set of data in support of the Pilot Program.

PUBLIC POLICY CONSIDERATIONS

17. In addition to the usefulness of the TC RNG project providing information and data sought by the Commission, there are several public policy reasons to approve TC RNG's participation in the Pilot Program.

18. The EPA Renewable Fuels Standard and the stated public policy of the State of North Carolina encourages the productive use of renewable energy resources located in State. In addition, the North Carolina Renewable Energy and Energy Efficiency Portfolio Standard (“REPS”), N.C. Gen. Stat. § 62-133.8, creates a need for Alternative Gas as a component of potential Purchasers' renewable energy portfolio.

19. Second, the TC RNG project will invest approximately \$25,000,000 in Catawba County, a Tier 2 County in need of economic development to increase the local tax base, provide jobs, and support the local service industry. There are no other projects approved under the Pilot Program in Catawba County. TC RNG will invest in

improvements to infrastructure and is not seeking any relief from local taxes. The TC RNG project has the support of and will have a positive effect on Catawba County.

20. Finally, TC RNG has invested considerable time, energy and resources in the project in anticipation of construction. Further delay of this project would not only inure to the financial detriment of TC RNG, but to subcontractors, vendors and other businesses in North Carolina. As the Commission stated in its May 4, 2017 Order in this docket and restated in the PSNC Order, if use of the natural gas distribution system “can be done while holding natural gas customers harmless, then every effort should be made to accommodate interconnections with Alternative Gas providers.”²

CONCLUSION

For all of the foregoing reasons, Terreva Catawba RNG, LLC, respectfully requests that the Commission expeditiously approve its participation in the Pilot Program.

Respectfully submitted, this the 10th day of January, 2023.

WOMBLE BOND DICKINSON (US) LLP

/s/Hayes Jernigan Finley
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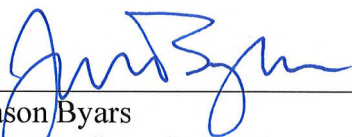
² Order Approving Appendix F And Establishing Pilot Program p. 15.

VERIFICATION

GEORGIA
FULTON COUNTY

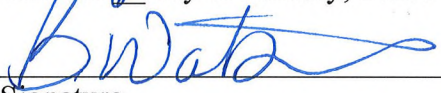
Jason Byars, being first duly sworn, deposes and say that as an Authorized Officer of Terreva Catawba RNG, LLC, he has read the foregoing Application, knows the contents thereof, and that the same are true of his own knowledge.

This 6th day of January, 2023.

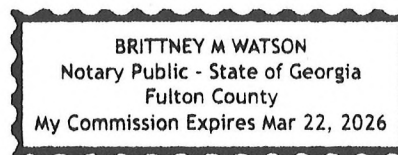


Jason Byars
Terreva Catawba RNG, LLC

Sworn to and subscribed before me
This the 6th day of January, 2023.



Signature
My Commission expires: 3/22/26



CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was duly served upon counsel of record for all parties to this docket by either depositing the same in a deposit of the United States Postal Service, first class postage prepaid, addressed as shown below, or by electronic delivery.

This the 10th day of January, 2023.

WOMBLE BOND DICKINSON (US) LLP

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