



2. In its April 10 Order, the Commission in Ordering Paragraph Nos. 11 through 14 directed NCEMC and DEP to complete the following requirements to provide notice to their customers of the Application:

11. That DEP and NCEMC shall, at their own expense, publish in newspapers having general coverage in its service area, the Public Notice, attached as Appendix A, once a week for four consecutive weeks, at least 30 days in advance of the first hearing scheduled herein;

12. That DEP and NCEMC shall mail to each of their customers a copy of the Public Notice no later than 30 days in advance of the first hearing set herein;

13. That DEP and NCEMC shall make a copy of the Public Notice prominently available on their websites, and provide an email with an electronic link to the Public Notice for all customers receiving bills electronically; and

14. That DEP and NCEMC shall file no later than the date of the first public hearing an affidavit of publication and certificate of service showing that they provided notice as required herein.

3. Upon issuance of the April 10 Order, NCEMC and DEP promptly began making efforts to comply with the Commission's directives to the greatest extent possible. NCEMC and DEP are in the process of jointly scheduling publication of the Public Notice in *newspapers having general coverage in their respective service areas*, consistent with Ordering Paragraph No. 11. NCEMC notes that subsection (a) of N.C. Gen. Stat. § 62-82 (Special Procedure on Application for Certificate of Generating Facility; Appeal From Award Order) authorizes the Commission to require a CPCN applicant to "publish a notice thereof once a week for four successive weeks in a *newspaper of general circulation in the county where such facility is proposed to be constructed* and thereafter the Commission upon complaint shall, or upon its own initiative may, upon reasonable notice, enter upon a hearing to determine whether such certificate shall be awarded." (Emphasis added). Despite the applicable statute only requiring publication of notice in a newspaper of general

circulation in the county where the proposed facility is proposed to be located, NCEMC and DEP both recognize and acknowledge the Commission's discretion to require additional public notice requirements pursuant to Commission Rule R1-21(b), and have taken steps to seek to comply with the Commission's directive that publication of notice is completed in newspapers of general coverage across their service area, as well as in newspapers of general circulation in Person County, the county in which the facility is proposed to be located. NCEMC and DEP currently plan to provide publication of notice in the following newspapers: The Person County Courier-Times, the Raleigh News & Observer, the Greensboro Daily Record, the Charlotte Observer, and the Virginian Pilot (Norfolk, Virginia). Upon completion of the four consecutive weeks of publication, NCEMC and DEP will file the respective affidavits of publication consistent with Ordering Paragraph No. 14.<sup>1</sup>

4. NCEMC and Duke have each already taken measures to make a copy of the Public Notice prominently available on their websites, pursuant to Ordering Paragraph No. 13. The postings can be viewed at <https://www.duke-energy.com/info/unindexed/person> and <https://www.ncelectriccooperatives.com/energy/our-power/>.

5. NCEMC is aware that DEP is seeking to comply with the directive in Ordering Paragraph No. 12 requiring NCEMC and DEP to "mail to each of their customers a copy of the Public Notice no later than 30 days in advance of the first hearing" using a bill insert or mailer. As a regulated utility that is subject to the tariff filing requirements in

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<sup>1</sup> NCEMC notes that in order to complete the publication requirement no later than 30 days prior to the first public hearing on Wednesday, June 12, 2024, the fourth consecutive week of publication must be completed on or before Monday, May 13, 2024. NCEMC and DEP have made efforts to commence the publication as promptly as possible, but make no representations at this time whether they will be able to fully complete the four weeks of publication prior to Monday, May 13, 2024.

Commission Rule R8-49(a), which requires each regulated electric utility to provide a bill insert or other notification to its customers of tariff changes, DEP on multiple occasions each year provides this type of customer notice and it is NCEMC's understanding that DEP anticipates being in a position to comply with this requirement in a timely and cost-effective fashion.

6. Neither NCEMC's rates nor the rates of its member distribution cooperatives are regulated by the Commission, and NCEMC is not aware of any requirement in N.C.G.S. § 62-110.1 or in Commission rules requiring the additional direct mailing of customer notice associated with a CPCN application. As a point of reference, in the CPCN proceedings for NCEMC's Anson and Hamlet combustion turbine units, NCEMC was required to publish notice in newspapers of general circulation in the counties where the facilities were proposed to be located consistent with N.C.G.S. 62-82(a), but was not required to provide broader public notice or make direct notice to its consumer-members using mailers or bill inserts.<sup>2</sup>

7. In addition, as a generation and transmission cooperative whose membership consists of 25 distribution cooperatives that each have separate rates, billing systems, and records of their consumer-members, NCEMC is not similarly situated to DEP in its ability to rapidly provide notice through mailers or bill inserts to all of its customers. For NCEMC to coordinate mailing of copies of the Public Notice as a separate mailer or a bill insert to all the consumer-members served by NCEMC's member distribution

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<sup>2</sup> See Petition for Certificate to Construct a Dual-Fueled, Combustion Turbine Generator Plant-Anson County in Docket No. EC-67, Sub 17 (October 6, 2004); and Application for Certificate of Public Necessity to Additional Dual-Fueled, Combustion Turbine Generator Plant in Richmond County in Docket No. EC-67, Sub 27 (June 1, 2010).

cooperatives, additional time, coordination, and costs would be required. Based on quotations received from bulk mailing service providers, NCEMC estimates that printing and postage fees alone would cost over \$750,000 to comply with the Commission's directive. In addition, it is not likely at this time that delivery of the notice would be completed to all of the consumer-members in advance of the 30-day notice period called for by the Commission in its April 10 Order.

8. In lieu of a bill insert or separate mailer, NCEMC requests that the Commission authorize NCEMC to comply with the requirement by including a copy of the Public Notice in the next issue of Carolina Country, a monthly magazine produced by the North Carolina Association of Electric Cooperatives that is delivered by mail in hard copy format to the majority of cooperative consumer-members in the State, and is also available online in a digital format.<sup>3</sup> NCEMC notes that the May issue of Carolina Country has already been sent for printing, but believes that the Public Notice can be incorporated into the June issue, which would be post-marked no later than May 24, 2024. While this timeline does not meet the 30-day notice window requested by the Commission, the inclusion in the hard-copy magazine and its companion digital format would provide approximately 20-days' notice in multiple formats to help reach the greatest portion of our membership

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<sup>3</sup> Carolina Country's website is <https://www.carolinacountry.com/>. NCEMC notes that Carolina Country has a hard-copy circulation of around 750,000, reaching members of all cooperatives in North Carolina with the exception to consumer-members of Jones-Onslow EMC (a participating member in the DEP-East Balancing Authority Area that NCEMC anticipates would receive power from the proposed facility), as well as a portion of EnergyUnited's member-consumers (an independent member located primarily in the DEC Balancing Authority Area that would not be expected to receive power from the proposed facility under its contractual arrangements with NCEMC). If the Commission agrees to this alternative proposal, NCEMC would include the Public Notice in the hard-copy circulation of the June issue of the magazine, to be delivered to consumer-members of NCEMC's participating member cooperatives. To ensure that the Public Notice reaches all consumer-members who may receive power from the proposed facility, NCEMC will also partner with Jones-Onslow EMC to provide a copy of the June issue containing the Public Notice to its consumer-members.

possible. This timeline is consistent with the relief granted by the Commission to Duke Energy Carolinas, LLC in Docket No. E-7, Sub 1297, in which the Commission amended the mailing requirement to allow Duke to mail a copy of the public notice to customers no later than 15 days in advance of the first hearing date.<sup>4</sup> In addition, this alternative can be accomplished in a timely manner and at a much lower cost than direct mailings or bill inserts. Upon completion of the mailing of the Public Notice in Carolina Country, NCEMC will submit an affidavit of publication from Carolina Country demonstrating that notice was provided as approved herein.

9. NCEMC discussed this motion for relief with counsel for DEP and the Public Staff, and DEP authorized NCEMC to indicate it had no objection to NCEMC's alternative proposal to allow a copy of the Public Notice to be delivered to cooperative consumer-members within the June 2024 issue of Carolina Country. The Public Staff took no position on the motion for relief.

10. NCEMC appreciates the Commission's efforts to ensure that customers and the public are provided notice, and believes that through the measures described in this motion for relief – inclusion of the Public Notice in Carolina Country, enhanced newspaper publication of notice across NCEMC's and DEP's service areas, and posting of the Public Notice on their respective websites – reasonable public notice to customers and consumer-members will be provided in an effective manner while at the same time managing the costs and administrative burdens associated with providing public notice.

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<sup>4</sup> See *Order Amending Public Notice Mailing Date* in Docket No. E-7, Sub 1297 (April 15, 2024).

**WHEREFORE**, NCEMC respectfully requests that the Commission grants NCEMC's motion and provide the relief requested.

Respectfully submitted this the 16th day of April 2024.

**NORTH CAROLINA ELECTRIC  
MEMBERSHIP CORPORATION**

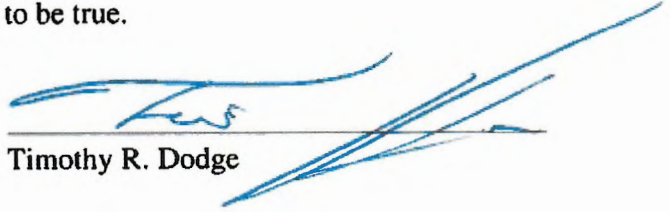
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**STATE OF NORTH CAROLINA**

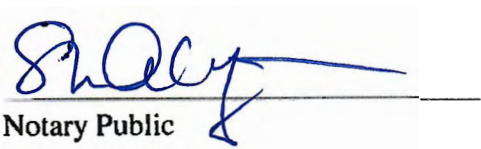
**COUNTY OF WAKE**

Timothy R. Dodge swears and says under penalty of perjury:

- 1. He is Regulatory Counsel for North Carolina Electric Membership Corporation.
- 2. He has read the foregoing *Motion for Relief* and knows its contents.
- 3. The matters stated in this instrument are true of his knowledge, except as to those matters that are stated to be on information and belief, and, as to those matters, he believes them to be true.

  
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Timothy R. Dodge

Sworn to and subscribed before me  
this the 16th day of April 2024.

  
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Notary Public  
Sharon A. Craft

My Commission Expires: 03/24/2025





**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing document has been served upon all parties of record by electronic mail, or depositing the same in the United States mail, postage prepaid.

This the 16<sup>th</sup> day of April 2024.

/s/ Timothy R. Dodge

Timothy R. Dodge