

NORTH CAROLINA UTILITIES COMMISSION
MINUTES OF REGULAR COMMISSION STAFF CONFERENCE

February 19, 2024

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, February 19, 2024, at 10:00 a.m., with Commissioner Duffley presiding.

The following were present:

COMMISSIONERS:

Commissioner McKissick
Commissioner Kemerait
Commissioner Brawley
Commissioner Tucker

COMMISSION STAFF: Mr. Watson, Ms. Fennell, Ms. Duffy, Ms. Jarvis, Ms. Harrod, Ms. Webb-Shackleford, Ms. Murrell, Ms. Walker, Ms. Hilburn, Ms. Li, Mr. Barber, Mr. McCoy

PUBLIC STAFF: Mr. Ayers, Ms. Edmondson, Ms. Holt, Ms. Jost, Mr. Creech, Mr. Josey, Ms. Keyworth, Ms. Boswell, Ms. Zhang, Ms. Fang, Mr. McLawhorn, Mr. D. Williamson, Mr. Lucas, Ms. Darden, Mr. Houser, Ms. Bhatta

ATTORNEY GENERAL:

COURT REPORTER: Ms. Mitchell

ELECTRIC*CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY***Duke Energy Progress, LLC**

1. Docket No. SP-33890, Sub 1 – Application of Oxbow Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct an 80-MW solar photovoltaic facility in Wayne County, North Carolina (*Lawrence/ Keyworth*)

This Item was withdrawn.

North Carolina Electric Membership Corporation

2. Docket No. SP-44916, Sub 0 – Application of Helena Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct a 40-MW solar photovoltaic facility in Warren County, North Carolina (*D. Williamson/ Keyworth*)

On November 8, 2022, Helena Solar, LLC (Applicant), filed an application in the above-captioned docket seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of a 40-MW_{AC} solar generating facility. The location of the facility will be in two sections. The first section is bordered generally by Sheriff Davis Road, Pete Harris Road, and Lickskillet Road, and the second section is bordered generally by NC Highway 58 between its intersections with Pete Harris Road and Park Town Road, Warrenton, Warren County, North Carolina. The Applicant plans to sell the electricity to North Carolina Electric Membership Corporation (NCEMC).

Contemporaneously with the application, the Applicant filed a registration statement for a new renewable energy facility.

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).

The Public Staff recommended approval of the certificate and registration for the facility.

It was moved and passed that the Public Staff's recommendation be adopted.

*PURCHASED POWER ADJUSTMENT AND RENEWABLE ENERGY RIDER***New River Light and Power**

3. Docket No. E-34, Sub 57 – Application of NRLP for approval of annual PPA and Rider RER adjustments effective for service rendered after March 1, 2024 (*Fang/Lucas/Felling*)

On December 20, 2023, New River Light and Power Company (NRLP or the Company) filed its annual request for an adjustment to its purchased power rates and charges (the Purchased Power Adjustment or PPA), pursuant to the Commission's Order Approving Rate Increase and Annual Procedure issued on December 22, 2010, in Docket No. E-34, Sub 38, its Order Granting Extension of Time and Permanent Change in Effective Date of Purchased Power Adjustments issued January 23, 2019, in Docket No. E-34, Sub 48, and its Order Accepting Stipulation, Granting Partial Rate Increase, and Requiring Public Notice issued on October 16, 2023, in Docket No. E-34, Sub 54.

On February 1, 2024, NRLP filed its revised proposed PPA factor, including an experience modification factor (EMF) based on total actual purchased power revenues and costs for the period January through December 2023.

As part of its February 1, 2024 filing, NRLP also requested an updated adjustment to the collection of the balance owed to NRLP from its customers due to an overpayment of the refund of past coal ash clean-up costs charged to NRLP.

The Public Staff stated that it had reviewed NRLP's calculations for the PPA and the overpayment of refund on the coal ash rider and determined that the revised proposed factors have been appropriately calculated, given the projection of purchased power and final coal ash costs adjustment, and are consistent with previous NRLP PPA factor requests approved by the Commission, as well as the stipulation between NRLP and the Public Staff approved by the Commission in Docket No. E-34, Sub 54. Further, the Public Staff stated that it does not object to NRLP's proposal to true up the Rider RER to an effective Block size of 283 kWh in 2023 or to NRLP's proposal regarding customer notice.

The Public Staff recommends that the Commission approve NRLP's amended proposed rider.

It was moved and passed that the Public Staff's recommendation be adopted.

WATER AND WASTEWATER*ORDER GRANTING FRANCHISE AND APPROVING RATES***Carolina Water Service, Inc. of North Carolina**

4. Docket No. W-354, Sub 424 – Application for Certificate of Public Convenience and Necessity to Provide Water and Sewer Utility Service in Winston Pointe Phase 2 in Johnston County, North Carolina (*Houser/Feasel/Bernier*)

On August 8, 2023, Carolina Water Service, Inc. of North Carolina (CWSNC or Applicant) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) and for Approval of Rates (Application) to provide water and sewer utility service in Phase 2 of the Winston Pointe subdivision in Johnston County, North Carolina. CWSNC filed supplements to the Application on September 13 and October 18, 2023.

The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

It was moved and passed that the Public Staff's recommendation be adopted.

5. Docket No. W-354, Sub 425 – Application for Certificate of Public Convenience and Necessity to Provide Water and Sewer Utility Service in Winston Pointe Phase 3A in Johnston County, North Carolina (*Houser/Feasel/Bernier*)

On August 10, 2023, Carolina Water Service, Inc. of North Carolina (CWSNC or Applicant) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) and for Approval of Rates (Application) to provide water and sewer utility service in Phase 3A of the Winston Pointe subdivision in Johnston County, North Carolina. CWSNC filed amendments to the Application on September 13, October 17, and November 17, 2023.

The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

It was moved and passed that the Public Staff's recommendation be adopted.

ORDER SCHEDULING HEARINGS, ESTABLISHING DISCOVERY GUIDELINES, AND REQUIRING CUSTOMER NOTICE

Water Resources, Inc.

6. Docket No. W-1034, Sub 13 – Application for Authority to Adjust and Increase Rates for Water Utility Service in Rocky River in Cabarrus County and River Walk in Mecklenburg County, North Carolina (*Houser/Strickland/Holt*)

On December 29, 2023, Water Resources, Inc. (Applicant or WRI), filed an application with the Commission seeking authority to increase its rates for providing water utility service in the Rocky River Plantation Subdivision (Rocky River) in Cabarrus County and the River Walk Subdivision (River Walk) in Mecklenburg County, North Carolina (Application). The Application states that WRI serves approximately 115 residential customers in the Rocky River service area and approximately 39 residential customers in the River Walk service area. The application was amended on January 3, 2024.

The Public Staff recommended that the matter be scheduled for a customer hearing for the sole purpose of receiving testimony from customers; that the matter should also be scheduled for an expert witness hearing for the sole purpose of receiving expert witness testimony from WRI, the Public Staff, and other intervenors, if any; and that WRI should be required to provide notice to all affected customers of the Application, including the applied for rates and the scheduled hearings.

It was moved and passed that the Public Staff's recommendations be adopted.

ORDER ESTABLISHING GENERAL RATE CASE AND SUSPENDING RATES

HH Water, LLC

7. Docket No. W-1318, Sub 1 – Application for Authority to Adjust and Increase Rates for Water Utility Service in High Hampton Inn and Country Club Service Area in Jackson County, North Carolina (*Bhatta/Cofield/Culpepper/Bernier*)

On January 26, 2024, HH Water, LLC (Applicant), filed an application with the Commission seeking authority to increase its rates for providing water utility service in the High Hampton service area in Jackson County, North Carolina. The Applicant provides water utility service to 276 customers. On February 2, 2024, the Applicant filed an amended application.

The Public Staff recommended that an Order be issued, establishing a general rate case and suspending rates.

It was moved and passed that the Public Staff's recommendation be adopted.

The Minutes of the Regular Commission Staff Conference of February 12, 2024, were approved.

Minutes prepared by Le Anne Ackerman.