

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-34, SUB 46

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Appalachian State University,)	ORDER MODIFYING AND
d/b/a New River Light and Power Company)	APPROVING NON-STANDARD
for an Adjustment of Rates and Charges for)	METER RIDER SCHEDULE
Electric Service in North Carolina)	

BY THE COMMISSION: On March 29, 2018, in the above-captioned proceeding, the Commission issued an Order Accepting Stipulation and Granting Increase in Rates, approving the Stipulation entered into between Appalachian State University, d/b/a, New River Light and Power Company (NRLP) and the Public Staff, and authorizing NRLP to adjust its rates and charges for retail electric service in North Carolina. That Order also approved an agreement reached between NRLP and the Public Staff that NRLP should develop an internal opt-out policy for NRLP customers who seek to exclude themselves from NRLP's planned installation of its advanced metering infrastructure (AMI) metering system, and to seek Commission approval of that opt-out policy within 30 days of the issuance of that Order.

On April 30, 2018, the Commission issued an Order granting NRLP an extension of time to file its proposed AMI opt-out policy, allowing NRLP until May 7, 2018 to file its proposed policy.

On May 7, 2018, NRLP filed a letter requesting Commission approval of its proposed AMI opt-out policy, which is attached to the letter as a proposed Non-Standard Meter Rider Schedule "NSMR" (Schedule NSMR). In its letter, NRLP notes that in Docket No. E-7, Sub 1115, Duke Energy Carolinas, LLC (DEC), has a pending request for approval of its own AMI opt-out policy (DEC's AMI Opt-out Policy). NRLP then states that, similar to the Public Staff's recommendations made in the proceeding on DEC's AMI Opt-out Policy, the Public Staff has recommended that NRLP be required to revisit the rate calculation in its proposed Schedule NSMR in its next general rate case and that NRLP be required to file periodic reports on the number of customers who have availed themselves of the option to opt out of the installation of an AMI metering system at their premises. NRLP further states that it has no objection to these recommendations, and, additionally, that it agrees to update its website to provide its customers with information on the availability of the opt-out tariff. Finally, NRLP states that revisions to NRLP's

proposed Schedule NSMR might be appropriate after the Commission issues a final order in the proceeding on DEC's AMI Opt-out Policy.

Through its proposed Schedule NSMR, NRLP proposes that its customers be allowed to request a manually-read, non-communicating meter in lieu of an AMI meter. NRLP proposes that a customer who requests to opt out of the installation of an AMI meter be charged an initial setup fee of \$60.22 and a monthly surcharge of \$12.20. NRLP's proposed Schedule NSMR does not distinguish between customers who seek to opt out of AMI installation based on the advice of a medical physician.

On June 22, 2018, in Docket No. E-7, Sub 1115, the Commission issued an Order that approved DEC's AMI Opt-out Policy with modifications. In summary, the Commission concluded that all of DEC's customers should be able to opt out of the installation of an AMI metering system at their premises and that DEC's proposed charges designed to recover the incremental costs of accommodating a customer who elects to opt out of the installation of an AMI metering system were reasonable, except as to those customers who provide a notarized statement from a medical physician licensed by the North Carolina Medical Board that the customer must avoid exposure to RF emissions to the extent possible to protect their health. The Commission directed DEC to waive the charges under DEC's AMI Opt-out Policy for those customers who submit such a statement to DEC.

The Commission has carefully reviewed NRLP's proposed Schedule NSMR in light of the decision reached in the proceeding on DEC's AMI Opt-out Policy. Based upon that review, and the entire record in this proceeding, the Commission finds that the policy issues raised in these two proceedings are identical. As in the proceeding on DEC's AMI Opt-out Policy, the Public Staff has reviewed and approved NRLP's proposed Schedule NSMR, including the charges proposed therein, and like DEC's AMI Opt-out Policy, NRLP's proposed Schedule NSMR does not provide for exemption based on medical necessity. The Commission first concludes that no compelling reasons have been brought to the Commission's attention that would justify approving a different opt-out policy for NRLP than DEC (aside from the cost-based charges that would naturally be different across utilities). For the reasons explained in the Commission's order in the proceeding on DEC's AMI Opt-out Policy, the Commission also concludes that it is inappropriate to require NRLP's customers who maintain, based on the advice of a licensed medical physician, that they need to avoid exposures to RF emissions to the extent possible to protect their health, to pay the charges under Schedule NSMR. Therefore, the Commission will require NRLP to modify its proposed Schedule NSMR to remove the customer charges for those customers who provide NRLP with a notarized statement from a medical physician licensed by the North Carolina Medical Board that the customer must avoid exposure to RF emissions to the extent possible to protect their health. Upon receipt of such statement, NRLP shall waive both the initial setup fee and the monthly surcharge under Schedule NSMR. The Commission further directs NRLP to handle and process such medical statements in a secure and confidential manner to protect customer privacy. Finally, the Commission directs NRLP and the Public Staff to monitor the Commission's rulemaking proceeding in Docket No. E-100, Sub 153 and to

alert the Commission if developments in that proceeding justify further consideration of NRLP's metering policies, including its Schedule NSMR.

IT IS, THEREFORE, ORDERED as follows:

1. That NRLP shall file a revised Schedule NSMR consistent with the Commission's conclusions reached in this order on or before August 1, 2018;

2. That NRLP shall update its website to reflect the modifications to Schedule NSMR;

3. That NRLP shall annually report to the Commission on the number of customers who have opted out of receiving an AMI meter; and

4. That NRLP and the Public Staff shall monitor the proceedings in Docket No. E-100, Sub 153 and alert the Commission by an appropriate filing if developments in that proceeding justify further consideration of NRLP's metering policies, including NRLP's Schedule NSMR.

ISSUED BY ORDER OF THE COMMISSION.

This the 25th day of June, 2018.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "M. Lynn Jarvis". The signature is written in a cursive, flowing style.

M. Lynn Jarvis, Chief Clerk

Commissioner Charlotte A. Mitchell did not participate in this decision.