

**NORTH CAROLINA UTILITIES COMMISSION**  
**MINUTES OF REGULAR COMMISSION STAFF CONFERENCE**

**August 21, 2023**

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, August 21, 2023, at 10:00 a.m., with Chair Mitchell presiding.

The following were present:

**COMMISSIONERS:**

Commissioner Brown-Bland  
Commissioner Clodfelter  
Commissioner Duffley  
Commissioner Hughes  
Commissioner McKissick  
Commissioner Kemerait

**COMMISSION STAFF:** Mr. Watson, Mr. Green, Ms. Fennell, Ms. Duffy, Ms. Webb-Shackleford, Ms. Hilburn, Mr. Barber, Ms. Jayasheela, Ms. Winstead

**PUBLIC STAFF:** Ms. Jost, Ms. Coxton, Ms. Keyworth, Mr. Bernier, Ms. Newell, Mr. McLawhorn, Mr. Lucas, Ms. Darden, Ms. Bhatta, Ms. Wade

**ATTORNEY GENERAL:**

**COURT REPORTER:** Ms. Mitchell

**ELECTRIC***CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY***Duke Energy Carolinas, LLC**

1. Docket No. SP-9416, Sub 1 – Amended Application of BioGas Corp, for a Certificate of Public Convenience and Necessity to Construct a 6.2-MW Poultry Biomass Facility in Union County, North Carolina (*Lucas/Keyworth*)

On February 21, 2018, the Commission issued an order granting BioGas Corp. (Applicant) a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1 for construction of a 6.2-MW<sub>AC</sub> poultry biomass generating facility to be located at the intersection of Acme Drive and Ammunition Road, Monroe, Union County, North Carolina.

On July 15, 2023, the Applicant filed an amendment to increase the generating capacity to 7.2 MW.

The Public Staff stated that it had reviewed the amendment 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 recommended that the Commission issue an amended CPCN to the Applicant.

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

**Duke Energy Progress, LLC***ORDER APPROVING TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND ACCEPTING REGISTRATION STATEMENT*

2. Docket Nos. E-2, Sub 1328 and SP-8765, Sub 0 – Joint Request for Approval to Transfer Certificate of Public Convenience and Necessity, for Construction of an 80-MW Solar Photovoltaic Electric Generating Facility, from Gideon Solar, LLC to Duke Energy Progress, LLC (DEP), and Requesting Acceptance of DEP's Registration Statement (*Lucas/Keyworth*)

On August 1, 2023, DEP and Birdseye (on behalf of Gideon Solar) filed a Verified Joint Notice and Request for Approval to Transfer Certificate of Public Convenience and Necessity (Joint Transfer Request) in the above-captioned dockets, notifying the Commission of Birdseye's intent to transfer the CPCN and associated rights and assets of the Solar Facility to DEP and requesting that the Commission: (1) approve the planned transfer of the CPCN and the associated rights and assets of the Solar Facility to DEP; (2) reissue the CPCN issued to Gideon Solar for the Solar Facility to DEP

contingent on the closing of the Asset Purchase Agreement executed on May 11, 2023, by Birdseye and DEP (APA); (3) cancel the registration statement as a new renewable energy facility accepted in Docket No. SP-8765, Sub 0, upon approval of the transfer; and (4) accept the application to register a new renewable facility filed by DEP.

The Public Staff stated that it had reviewed the Joint Transfer Request.

The Public Staff recommended approval.

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

## **WATER AND WASTEWATER**

### *ORDER APPROVING TARIFF REVISION AND REQUIRING CUSTOMER NOTICE*

#### **Lake Junaluska Assembly, Inc.**

3. Docket No. W-1274, Sub 11 – Verified Petition to Amend Its Tariff to Increase Rates for Water and Sewer Utility Service for the Increased Cost of Purchased Water and Sewer Service from the Town of Waynesville in Lake Junaluska Assembly in Haywood County, North Carolina (Darden/Morgan/Bernier/Newell)

On July 27, 2023, Lake Junaluska Assembly, Incorporated (LJA) filed a letter with the North Carolina Utilities Commission (Commission), pursuant to N.C. Gen. Stat. § 62-133.11, requesting authority to amend its tariff for the purpose of passing along to water and sewer customers in its Lake Junaluska Assembly service area in Haywood County an increase in the cost of purchasing bulk water and sewer treatment service from the Town of Waynesville (Waynesville). On August 7, 2023, LJA filed the required verification. Section 62-133.11(a) provides that the Commission shall allow a water or sewer utility to adjust its rates approved pursuant to N.C.G.S. § 62-133 to reflect changes in its costs based solely on changes in the rates imposed by third-party suppliers of purchased water or sewer service.

The Public Staff stated that LJA agrees with the Public Staff's recommended rates. The Public Staff further stated it had reviewed LJA's request.

The Public Staff recommended that the tariff revision be approved.

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

*ORDER APPROVING TARIFF REVISION AND REQUIRING CUSTOMER NOTICE***Chatham Utilities, Inc.**

4. Docket No. W-1240 Sub 17 – Verified Petition to Amend Its Tariff to Increase Rates for Water and Sewer Utility Service for the Increased Cost of Purchased Water and Sewer Service from the Town of Cary in Chatham Estates Manufactured Housing Community in Wake County, North Carolina (Bhatta/Feasel/Bernier/Newell)

On July 24, 2023, Chatham Utilities, Inc. (Chatham) filed a verified petition with the North Carolina Utilities Commission's (Commission) pursuant to N.C. Gen. Stat. § 62-133.11, requesting authority to amend its tariff for the purpose of passing along to its customers in Chatham Estates Manufactured Housing Community in Wake County, North Carolina, the increases in costs of purchasing water and sewer services from the Town of Cary.

The Public Staff stated that it had reviewed Chatham's request.

The Public Staff recommended that the Commission approve the tariff revision at the proposed rates and require customer notice.

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

*ORDER APPROVING TARIFF REVISION AND REQUIRING CUSTOMER NOTICE***Aqua North Carolina, Inc.**

5. Docket No. W-218 Sub 599 – Verified Petition to Amend Its Tariff to Increase Rates for Water Utility Service for the Increased Cost of Purchased Water from the Town of Pittsboro in Chapel Ridge, Laurel Ridge and The Parks at Meadowview in Chatham County, North Carolina (Bhatta/Feasel/Jost)

On June 23, 2023, Aqua North Carolina, Inc. (Aqua or Company) filed a verified request with the North Carolina Utilities Commission (Commission) pursuant to N.C. Gen. Stat. § 62-133.11, requesting authority to amend its tariff for the purpose of passing along to its metered water customers in Chapel Ridge, Laurel Ridge, and The Parks at Meadowview service areas in Chatham County an increase in the cost of purchasing bulk water service from the Town of Pittsboro (Pittsboro). N.C.G.S. § 62-133.11(a) provides that the Commission shall allow a water or sewer utility to adjust its rates approved pursuant to N.C.G.S. § 62-133 to reflect changes in its costs based solely on changes in the rates imposed by third-party suppliers of purchased water or sewer service.

The Public Staff stated that it had reviewed Pittsboro's rates and the Company's request.

David Drooz, counsel for Aqua, appeared before the Commission and withdrew the item, citing a merger between the Town of Pittsboro and the City of Sanford that will change the water rate. Aqua will file a petition in the future that will reflect the new rate.

## **COMMUNICATIONS**

### *INTERCONNECTION AGREEMENT AMENDMENTS*

#### **Brightspeed of North Carolina, LLC**

6. Docket No. P-10, Sub 893 – Amendment to the interconnection agreement with Time Warner Cable Information Services (North Carolina), LLC, approved by the Commission on September 26, 2016 (Wade/Coxton)

On June 12, 2023, Brightspeed of North Carolina, LLC, formerly Central Telephone Company d/b/a CenturyLink, and Time Warner Cable Information Services (North Carolina), LLC (collectively, the Parties), filed, for Commission approval, an amendment to their existing interconnection agreement approved by the Commission on September 26, 2016, while Brightspeed of North Carolina, LLC, was operating as Central Telephone Company d/b/a CenturyLink.

The Public Staff recommended that the amendment be approved.

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

#### **Brightspeed of Central North Carolina, LLC**

7. Docket No. P-35, Sub 136 – Amendment to the interconnection agreement with Time Warner Cable Information Services (North Carolina), LLC, approved by the Commission on September 26, 2016 (Wade/Coxton)

On June 1, 2023, Brightspeed of Central North Carolina, LLC, formerly Mebtel, Inc. d/b/a CenturyLink, and Time Warner Cable Information Services (North Carolina), LLC (collectively, the Parties), filed, for Commission approval, an amendment to their existing interconnection agreement approved by the Commission on September 26, 2016, while Brightspeed of Central North Carolina, LLC, was operating as Mebtel, Inc. d/b/a CenturyLink.

The Public Staff recommended that the amendment be approved.

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

8. Docket No. P-35, Sub 144 – Amendment to the interconnection agreement with Charter Fiberlink NC-CCO, LLC, approved by the Commission on February 21, 2018 (Wade/Coxton)

On June 1, 2023, Brightspeed of Central North Carolina, LLC, formerly Mebtel, Inc. d/b/a CenturyLink, and Charter Fiberlink NC-CCO, LLC (collectively, the Parties), filed, for Commission approval, an amendment to their existing interconnection agreement approved by the Commission on February 21, 2018, while Brightspeed of Central North Carolina, LLC, was operating as Mebtel, Inc. d/b/a CenturyLink.

The Public Staff recommended that the amendment be approved.

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

The Minutes of the Regular Commission Staff Conference of August 7, 2023, were approved.

Minutes prepared by Le Anne Ackerman.