

NORTH CAROLINA UTILITIES COMMISSION
MINUTES OF REGULAR COMMISSION STAFF CONFERENCE

January 16, 2024

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, January 16, 2024, at 10:00 a.m., with Commissioner Kemerait presiding.

The following were present:

COMMISSIONERS:

Commissioner Duffley
Commissioner Hughes
Commissioner Brawley
Commissioner Tucker

COMMISSION STAFF: Ms. Fennell, Ms. Duffy, Ms. Hilburn, Mr. Barber, Mr. Barley; Mr. Keshar; Mr. McCoy

PUBLIC STAFF: Mr. Ayers, Ms. Edmondson, Ms. Holt, Mr. Creech, Ms. Coxton, Mr. Josey, Ms. Keyworth, Mr. McLawhorn, Mr. D. Williamson, Mr. Lucas, Mr. Lawrence, Mr. Junis, Mr. Houser

ATTORNEY GENERAL:

COURT REPORTER: Ms. Mitchell

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

1. Docket No. SP-43132, Sub 0 – Application of Carolina Poultry Power RG3, LLC for a CPCN to construct a 3.0 MW bioenergy electric generating facility fueled by poultry litter in Lenoir County, North Carolina (*Lawrence/Keyworth*)

On October 10, 2023, the Applicant filed an application in this docket seeking a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of a 3 MW_{AC} poultry waste-to-energy electric generating facility to be located at 5455 Brothers Road, LaGrange, Lenoir County, North Carolina. (After the Applicant filed the ROPC with the address of 700 West King Street, an E911 street address of 5455 Brothers Road was assigned and used for the CPCN filing. The location of facility has not changed despite the different street addresses.) The Applicant explained that its CPCN application is the result of several design changes in the facility following the Applicant's submission of the ROPC, including an increase in capacity from 1.5 MW_{AC} to 3 MW_{AC}. The Applicant further stated that it plans to sell the electricity to the North Carolina Eastern Municipal Power Agency (NCEMPA).

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 recommended that the Commission issue the requested CPCN to the Applicant.

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

*TARIFF REVISIONS***Duke Energy Progress, LLC, and Duke Energy Carolinas, LLC**

2. Docket Nos. E-2, Sub 1333 and E-7, Sub 1300 – Application of DEP and DEC for approval of tariff revisions to serve prospective new large load nonresidential customers (*D. Williamson/Josey*)

On December 10, 2023, Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC ((DEP) and together with DEC, the "Companies") filed a request for revisions to certain tariffs in order to serve new nonresidential customers with load projections in excess of 100 megawatts (MW) (large load customers) and to be able to establish credit and performance requirements to ensure adequate protections for non-participating customers and the Companies for the transmission and distribution infrastructure buildout that may be required to serve new large load customers.

The Public Staff stated that it had reviewed the request and believes it is appropriate to uniformly expand tariff offerings to large load customers in both DEC and DEP's service territories and to include in the tariffs provisions that would protect non-participating customers and the Companies.

The Public Staff recommended that the Commission approve the Companies' request for approval of tariff revisions.

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

WATER AND WASTEWATER

ORDER RECOGNIZING CONTIGUOUS EXTENSION AND APPROVING RATES

Aqua North Carolina, Inc.

3. Docket No. W-218, Sub 547 - Notification of Intention to Begin Operations in an Area Contiguous to a Present Service Area to Provide Water and Wastewater Utility Service in Hasentree Phase 15F in Wake County (*Houser/Feasel/Coxton*)

On February 25, 2021, Aqua North Carolina, Inc. (Aqua), filed a Notification of Intention to Begin Operations in Area Contiguous to Present Service Area (Notification) to provide water and wastewater utility services in Phase 15F of the Hasentree subdivision in Wake County, North Carolina. Hasentree Phase 15F is contiguous to Aqua's Hasentree Phase 15C and 15D service areas recognized in Docket No. W-218, Sub 541. Aqua filed supplements and amendments to the Notification on August 26, 2022, May 2, 2023, May 5, 2023, May 19, 2023, and June 7, 2023. Aqua proposes to charge the statewide, uniform water and wastewater rates currently approved for its other franchised service areas.

The Public Staff stated that it had reviewed the Notification (including the filings made on August 26, 2022, May 2, 2023, May 5, 2023, May 19, 2023, and June 7, 2023).

The Public Staff recommends that the Commission issue an order recognizing the contiguous extension and approving the requested rates.

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

4. Docket No. W-218, Sub 556 – Notification of Intention to Begin Operations in an Area Contiguous to a Present Service Area to Provide Water Utility Service in Beau's View in Alleghany County (*Houser/Akpom/Coxton*)

On November 30, 2022, Aqua North Carolina, Inc. (Aqua) filed a Notification of Intention to Begin Operations in Area Contiguous to Present Service Area (Notification) to provide water utility service in Beau's View in Alleghany County, North Carolina. Beau's View is contiguous to Aqua's Olde Beau service area recognized in Docket No. W-218, Sub 239. Aqua filed supplements or amendments to the Notification on December 2, 2022; May 5,

2023; May 19, 2023; June 6, 2023; and December 14, 2023. Aqua previously filed the Water Utility System Agreement with Beau's View, LLC (Developer) on June 18, 2021. Aqua proposes to charge the statewide, uniform water rates currently approved for its other franchised service areas.

The Public Staff stated that it had reviewed the Notification (including the filings made on June 18, 2021; November 30, 2022; December 2, 2022; May 5, 2023; May 19, 2023; June 6, 2023; and December 14, 2023).

The Public Staff recommends that the Commission issue an order recognizing the contiguous extension and approving the requested rates.

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

The Minutes of the Regular Commission Staff Conference of January 8, 2024, were approved.

Minutes prepared by Le Anne Ackerman.