

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**STAFF CONFERENCE AGENDA
January 31, 2022**

***IMPORTANT NOTE: STAFF CONFERENCE
WILL BE CONDUCTED VIA WEBEX.
INSTRUCTIONS FOR PARTICIPATION AND A LINK TO VIEW THE
MEETING WILL BE POSTED ON THE COMMISSION'S WEBSITE,
NCUC.NET***

COMMISSION STAFF

NO AGENDA ITEMS

PUBLIC STAFF

D. ELECTRIC

- P1. [DOCKET NO. EMP-112, SUB 1 – OAK SOLAR, LLC – APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 230-KV TRANSMISSION TAP LINE IN NORTHAMPTON AND HALIFAX COUNTIES, NORTH CAROLINA EXHIBIT NO. P-1](#)

- P2. [DOCKET NO. E-2, SUB 927 – DUKE ENERGY PROGRESS, LLC – MODIFICATION OF RESIDENTIAL SERVICE LOAD CONTROL PROGRAM EXHIBIT NO. P-2](#)

- P3. [DOCKET NO. E-2, SUB 1219 – DUKE ENERGY PROGRESS, LLC – MODIFICATION OF SERVICE REGULATIONS EXHIBIT NO. P-3](#)

- P4. [DOCKET NO. E-7, SUB 1032 – DUKE ENERGY CAROLINAS, LLC – MODIFICATION OF POWER MANAGER LOAD CONTROL PROGRAM EXHIBIT NO. P-4](#)

- P5. [DOCKET NO. E-7, SUB 1214 – DUKE ENERGY CAROLINAS, LLC – MODIFICATION OF SERVICE REGULATIONS AND CERTAIN RATE SCHEDULES EXHIBIT NO. P-5](#)

- P6. [DOCKET NO. E-2, SUB 1285 – DUKE ENERGY PROGRESS, LLC – APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY AND MOTION FOR WAIVER OF NOTICE AND HEARING EXHIBIT NO P-6](#)

P7. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT SOLAR FACILITY

TO: Agenda – Commission Conference – January 31, 2022

FROM: PUBLIC STAFF – North Carolina Utilities Commission

D. ELECTRIC

P1. DOCKET NO. EMP-112, SUB 1 – OAK SOLAR, LLC – APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 230-KV TRANSMISSION TAP LINE IN NORTHAMPTON AND HALIFAX COUNTIES, NORTH CAROLINA

EXPLANATION: On October 7, 2021, pursuant to N.C. Gen. Stat. §§62-101 and 62-102, Oak Solar, LLC (Oak Solar), filed with the Commission a letter of intent to file an application for a Certificate of Environmental Compatibility and Public Convenience and Necessity (CEPCN) for a new transmission tap line (Tap Line) and a waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104.

On October 28, 2021, pursuant to Commission Rule R8-62(k), Oak Solar filed an application for a CEPCN to construct the new 230-kV Tap Line in Northampton and Halifax Counties, North Carolina. The Tap Line will connect Oak Solar's new 120-megawatt solar photovoltaic generating facility to the Thelma substation owned by Dominion Energy North Carolina (DENC).

On December 22, 2021, Oak Solar filed more legible exhibits depicting the Tap Line route.

On January 20, 2022, Oak Solar filed a letter explaining the current status of the easement necessary to construct the Tap Line that will require FERC approval.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and either the transmission line is less than one mile long or to connect an existing transmission line to a substation, to another public utility, or to a public utility customer when any of these is in proximity to the existing transmission line. The application states that the total length of the Tap Line is approximately 4,350 feet in length and will be located only on property owned by DENC, which does not object to the waiver. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also supported by an environmental report, which satisfies the requirements of N.C.G.S. § 62-102(a).

The Public Staff believes that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff recommends that the Commission grant the motion for waiver and issue the requested certificate. The Public Staff also recommends that that the

Commission include a condition requiring Oak Solar to acquire all necessary easements before commencing construction of the Tap Line.

EXHIBIT: A copy of the proposed order is attached as [Exhibit No. P-1](#).

RECOMMENDATION: (Lucas/Creech) That the Commission issue the Public Staff's proposed order waiving notice and hearing and issuing the certificate.

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P2. DOCKET NO. E-2, SUB 927 – DUKE ENERGY PROGRESS, LLC –
MODIFICATION OF RESIDENTIAL SERVICE LOAD CONTROL PROGRAM

EXPLANATION: On December 29, 2021, Duke Energy Progress, LLC (DEP), filed a request for approval to modify its Residential Service Load Control Program (Program). The proposed modification would remove the limits on availability of the Program and open it to all residential customers. No other modifications are proposed.

The Program was originally approved October 14, 2008, as a demand-side management (DSM) program pursuant to N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-68. The current Program is designed to allow DEP to control various equipment related to the participant's HVAC system. While the current Program still employs some summer-oriented load control, the present focus is intended to reduce winter peak demands.

The present tariff limits availability to residential customers served under Schedules RES, R-TOUD, and R-TOU. The modification would eliminate this limitation and allow all customers on any residential rate schedule to participate, including the recently approved Schedule R-TOU-CPP (Docket No. E-2, Sub 1280).

The Public Staff has reviewed the request and did not discover any information that would suggest the proposed modification would adversely impact the cost effectiveness or savings from the Program.

EXHIBIT: The Public Staff's proposed order is attached as [Exhibit No. P-2](#).

RECOMMENDATION: (Floyd) That the Commission issue the Public Staff's proposed order approving DEP's proposed modification to its Residential Service Load Control Program as filed.

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P3. DOCKET NO. E-2, SUB 1219 – DUKE ENERGY PROGRESS, LLC –
MODIFICATION OF SERVICE REGULATIONS

EXPLANATION: On December 16, 2021, Duke Energy Progress, LLC (DEP), filed a request to modify its Service Regulations to eliminate the minimum bill provision related to contract demand. The modification would clarify that new customers and customers modifying their contract demands would not be billed on the basis of contract demand in the first twelve months of service following the initiation or modification of service loads. No other modifications are proposed.

DEP states that with the implementation of the Customer Connect billing system, it found that new customers or customers amending their contract demands could immediately be charged a minimum bill based on their contract demands, rather than their actual billing demands. The modification would allow these customers to receive bills for the first 12 months of service based on their actual billing demands rather than contract demands.

This proposed modification would allow non-residential customers time to ramp-up loads to their new contract demands without being adversely impacted during the initial 12-month ramp-up period. In other words, the proposed modifications provide a 12-month grace period for customer loads to grow into the contract demand before the contract demand provisions of the minimum bill apply.

The Public Staff also makes the following observations about the proposed modification:

1. During investigation in the Sub 1219 rate case, data indicated that approximately 800 non-residential customers were impacted by the provisions of minimum bill. While the record from the rate case did not distinguish between minimum bill impacts on new customers versus existing customers, the Public Staff believes that the proposed modification would have minimal impact on the non-residential customer classes and revenues.
2. In Docket No. E-7, Sub 1214, Duke Energy Carolinas, LLC (DEC), made a similar filing to modify its rate schedules to allow a similar ramp-up over four months. The Public Staff asked why DEC and DEP were requesting differing ramp-up period lengths and DEP indicated that due to the differing structures of the non-residential rate schedules for each Company, it was not necessary to align these minimum bill ramp-up periods. As currently structured, DEC's non-residential schedules reflect changes in customer loads and load factors sooner than DEP's non-residential schedules. In other words, the minimum bill provisions impact DEP's customers sooner, thus necessitating a modification to allow a longer ramp-up period. The next general rate cases for each Company will provide an opportunity for further alignment of their respective ramp-up periods.

DEP's tariffs invoke the minimum bill provision based on a minimum peak demand of 25 kW or 75% of contract demand, whichever is greater, while DEC's tariffs generally base the minimum bill on a peak demand of 30 kW or 50% of the

contract demand, whichever is greater. DEC's Schedule OPT is similar but also includes an "economy demand" charge that is the difference between the on-peak billing demand and the greater of the maximum 15-minute demand or 50% of the contract demand.

Based upon its review, the Public Staff believes the modification is reasonable. The Public Staff also believes that a general rate case is the most appropriate venue to make more substantive structural changes in each Company's rate schedules.

EXHIBIT: The Public Staff's proposed order is attached as [Exhibit No. P-3](#).

RECOMMENDATION: (Floyd) That the Commission issue the Public Staff's proposed order approving DEP's proposed modification to its Service Regulations as filed.

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P4. DOCKET NO. E-7, SUB 1032 – DUKE ENERGY CAROLINAS, LLC –
MODIFICATION OF POWER MANAGER LOAD CONTROL PROGRAM

EXPLANATION: On December 29, 2021, Duke Energy Carolinas, LLC (DEC), filed a request for approval to modify its Power Manager Load Control Program (Program). The proposed modification would remove the limits on availability of the Program and open it to all residential customers. No other modifications are proposed.

The Program was originally approved on February 26, 2009, in Docket No. E-7, Sub 831, as a demand side management (DSM) program pursuant to N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-68. The current Program is designed to allow DEC to control various equipment related to the participant's HVAC system. While the current Program still employs some summer-oriented load control, the present focus is intended to reduce winter peak demands.

The present tariff limits availability to residential customers served under Schedules RS, RE, RT, and ES. The modification would eliminate this limitation and allow all customers on any residential rate schedule to participate, including Schedules RSTC and RETC (Docket No. E-7, Sub 1253).

The Public Staff has reviewed the request and did not discover any information that would suggest the proposed modification would adversely impact the cost effectiveness or savings from the Program.

EXHIBIT: The Public Staff's proposed order is attached as [Exhibit No. P-4](#).

RECOMMENDATION: (Floyd) That the Commission issue the Public Staff's proposed order approving DEC's proposed modification to its Power Manager Load Control Program as filed.

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P5. DOCKET NO. E-7, SUB 1214 – DUKE ENERGY CAROLINAS, LLC –
MODIFICATION OF SERVICE REGULATIONS AND CERTAIN RATE
SCHEDULES

EXPLANATION: On December 16, 2021, Duke Energy Carolinas, LLC (DEC), filed a request to: (1) modify certain residential rate schedules to remove the eligibility requirement that residential dwellings be constructed on permanent foundations; and (2) eliminate the minimum bill provision related to contract demand in its Service Regulations.

The first modification would modify the Service Regulations to allow certain residential dwellings to be eligible for service under the residential rate schedules. The modification would extend eligibility for the rate schedules to heretofore non-qualifying dwellings, like “tiny homes,” that are not built on a permanent foundation.

The second modification would clarify that new customers and customers modifying their contract demands would not be billed on the basis of contract demand in the first four months of service following the initiation or modification of service loads.

DEC states that with the implementation of the Customer Connect billing system, it found that new customers or customers amending their contract demands could immediately be charged a minimum bill based their contract demands, rather than their actual billing demands. The modification would allow these customers to receive bills for the first four months of service based on their actual billing demands rather than contract demands.

The modification to allow certain residential dwellings to be eligible under residential rate schedules, would align DEC’s requirements for residential service qualification with similar requirements already in effect for Duke Energy Progress, LLC (DEP). The proposed minimum bill modification would allow non-residential customers time to ramp-up loads to their new contract demands without being adversely impacted during the initial four-month ramp-up period. In other words, the proposed modifications provide a four-month grace period for customer loads to grow into the contract demand before the contract demand provisions of the minimum bill apply.

The Public Staff also makes the following observations about the proposed minimum bill modification:

1. During investigation into the Sub 1214 rate case, data indicated that approximately 245 non-residential customers were impacted by the provisions of minimum bill. While the record from the rate case did not distinguish between minimum bill impacts on new customers versus existing customers, the Public Staff believes that the proposed modification would have minimal impact on the non-residential customer classes and revenues.
2. In Docket No. E-2 Sub 1219, DEP made a similar filing to modify its service regulations to allow a similar ramp-up over 12 months. The Public Staff asked why DEC and DEP were requesting differing ramp-up period lengths, and DEC

indicated that due to the differing structures of the non-residential rate schedules for DEC and DEP, it was not necessary to align these minimum bill ramp-up periods. As currently structured, DEC's non-residential schedules reflect changes in customer loads and load factors sooner than do DEP's non-residential schedules. In other words, the minimum bill provisions impact DEP's customers sooner, thus necessitating a modification to allow a longer ramp-up period. The next general rate case for each Company will provide an opportunity for further alignment of their respective ramp-up periods.

DEP's tariffs invoke the minimum bill provision based on a minimum peak demand of 25 kW or 75% of contract demand, whichever is greater, while DEC's tariffs generally base the minimum bill on a peak demand of 30 kW or 50% of the contract demand, whichever is greater. DEC's Schedule OPT is similar but also includes an "economy demand" charge that is the difference between the on-peak billing demand and the greater of the maximum 15-minute demand or 50% of the contract demand.

Based upon its review the Public Staff believes both of the requested changes are reasonable. The Public Staff also believes that a general rate case is the most appropriate venue to make more substantive structural changes in each Company's rate schedules.

EXHIBIT: The Public Staff's proposed order is attached as [Exhibit No. P-5](#).

RECOMMENDATION: (Floyd) That the Commission issue the Public Staff's proposed order approving DEC's proposed modification to its Service Regulations as filed.

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P6. DOCKET NO. E-2, SUB 1285 – DUKE ENERGY PROGRESS, LLC –
APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC CONVENIENCE AND NECESSITY AND MOTION FOR WAIVER
OF NOTICE AND HEARING

EXPLANATION: On December 1, 2021, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, Duke Energy Progress, LLC (DEP or the Company), filed with the Commission a letter of intent to file for a waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. On the same date, pursuant to Commission Rule R8-62(k), DEP prefiled with the Public Staff an application for a certificate of environmental compatibility and public convenience and necessity to construct a new 230-kV transmission tap line (Tap Line) approximately 1,300 feet in length to support the load needs of a new aircraft manufacturing customer in Asheville, North Carolina. The prefiled application stated that the proposed Tap Line will connect the existing Asheville Plant-Enka 230-kV transmission line to a new 230-kV/24-kV industrial substation. As detailed in DEP's prefiled application, the Company will construct the Tap Line on all new right-of-way on the customer's property or within the existing 170-foot-wide DEP easement.

On December 28, 2021, DEP formally filed the application for a certificate and motion for waiver of notice and hearing. On January 21, 2022, DEP submitted the easement documentation referenced in its application.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and either the transmission line is less than one mile long or connects an existing transmission line to a substation, to another public utility, or to a public utility customer when any of these are in proximity to the existing transmission line. DEP's application states that the Company will construct the Tap Line on all new right-of-way on the customer's property or within the existing 170-foot-wide DEP easement and that the total length of the line is approximately 1,300 feet. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also supported by a Certificate Application Report. This report satisfies the requirements of N.C.G.S. § 62-102(a).

Based on its review, the Public Staff has determined that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff, therefore, recommends that the Commission grant the motion for waiver and issue the requested certificate.

EXHIBIT: A proposed order is attached as [Exhibit No. P6](#).

RECOMMENDATION: (T. Williamson/Creech) That the Commission issue an order waiving the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 and issue the requested certificate for the construction of the Tap Line. [Back to Agenda](#)

**P7. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT SOLAR FACILITY**

EXPLANATION: The following application regards a certificate of public convenience and necessity for construction of a solar photovoltaic generating facility, pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

Duke Energy Progress, LLC:

- Docket No. SP-8753, Sub 0 – Application of Marley Solar, LLC, for renewal of a certificate of public convenience and necessity to construct a 75-MW solar photovoltaic facility in Lenoir County, North Carolina (registration statement accepted previously).

The Public Staff has reviewed the application and determined that it complies with the requirements of N.C.G.S. § 62-110.1 and Commission Rule R8-64.

RECOMMENDATION: (Lawrence) That the Commission issue an order approving the application and issuing the requested certificate. The Public Staff has provided a proposed order to the Commission Staff.

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-112, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Oak Solar, LLC, for a Certificate of)	
Environmental Compatibility and Public Convenience	)	ORDER WAIVING NOTICE
and Necessity and Motion for Waiver of Notice and	)	AND HEARING
Hearing Pursuant to N.C. Gen. Stat. §§ 62-100 <u>et</u>	)	REQUIREMENT AND
<u>seq.</u> to construct approximately 4,350 feet of New	)	ISSUING CERTIFICATE
230 kV Transmission Line in Northampton and)	
Halifax Counties, North Carolina)	

BY THE COMMISSION: On October 7, 2021, pursuant to N.C. Gen. Stat. §§62-101 and 62-102, Oak Solar, LLC (Oak Solar), filed with the Commission a letter of intent to file an application for a Certificate of Environmental Compatibility and Public Convenience and Necessity (CECPCN) for a new transmission tap line (Tap Line) and a waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104.

On October 28, 2021, pursuant to Commission Rule R8-62(k), Oak Solar filed an application for a CECPCN to construct the new 230-kV Tap Line in Northampton and Halifax Counties, North Carolina. The Tap Line will connect Oak Solar's new 120-megawatt solar photovoltaic generating facility to the Thelma substation owned by Dominion Energy North Carolina (DENC).

On December 22, 2021, Oak Solar filed more legible exhibits depicting the Tap Line route.

On January 20, 2022, Oak Solar filed a letter explaining the current status of the easement necessary to construct the Tap Line that will require FERC approval.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and either the transmission line is less than one mile long or to connect an existing transmission line to a substation, to another public utility, or to a public utility customer when any of these is in proximity to the existing transmission line. The application states that the total length of the Tap Line is approximately 4,350 feet in length and will be located only on property owned by DENC, which does not object to the waiver. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also

supported by an environmental report, which satisfies the requirements of N.C.G.S. § 62-102(a).

The Public Staff presented this matter at the Commission's regular Staff Conference on January 31, 2022. The Public Staff stated that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff recommended that the Commission grant the motion for waiver and issue the requested certificate. The Public Staff also recommended that the Commission include a condition requiring Oak Solar to acquire all necessary easements before commencing construction of the Tap Line.

Based on the foregoing and the recommendation of the Public Staff, the Commission finds and concludes that the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 should be waived as allowed by N.C.G.S. § 62-101(d)(1) and that a Certificate of Environmental Compatibility and Public Convenience and Necessity should be issued for the proposed construction of the new 230-kV transmission tap line.

IT IS, THEREFORE, ORDERED as follows:

1. That, pursuant to N.C.G.S. § 62-101, the requirement for publication of notice and hearing is waived;

2. That, pursuant to N.C.G.S. § 62-102, a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct approximately 4,350 feet of new 230-kV transmission line in Northampton and Halifax Counties, North Carolina, as described in Oak Solar's application, is issued, and the same is attached as Appendix A; and

3. That Oak Solar shall not begin construction of the transmission tap line until it has acquired all necessary easements.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

EXHIBIT NO. P-1
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APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-112, SUB 1

Know All People by These Presents, That

Oak Solar, LLC

is hereby issued this

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC
CONVENIENCE AND NECESSITY PURSUANT TO N.C. GEN. STAT. § 62-102**

to construct approximately 4,350 feet of new 230-kV transmission tap line to connect Oak Solar, LLC's solar photovoltaic generating facility to the existing Thelma substation in Halifax County, North Carolina

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other orders, rules, regulations, and conditions as are now or may hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 927

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Petition by Duke Energy Progress,	)	ORDER APPROVING
LLC, for Approval of Modifications to	)	PROGRAM
Residential Service Load Control Rider	)	MODIFICATION

BY THE COMMISSION: On December 29, 2021, Duke Energy Progress, LLC (DEP), filed a request for approval to modify its Residential Service Load Control Program (Program). The proposed modification would remove the limits on availability of the Program and open it to all residential customers. No other modifications are proposed.

The Program was originally approved October 14, 2008, as a demand-side management (DSM) program pursuant to N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-68. The current Program is designed to allow DEP to control various equipment related to the participant's HVAC system. While the current Program still employs some summer-oriented load control, the present focus is intended to reduce winter peak demands.

The present tariff limits availability to residential customers served under Schedules RES, R-TOUD, and R-TOU. The modification would eliminate this limitation and allow all customers on any residential rate schedule to participate, including the recently approved Schedules R-TOU-CPP (Docket No. E-2, Sub 1280).

The Public Staff presented this matter to the Commission at its Regular Staff Conference on January 31, 2022. The Public Staff stated that it had reviewed the request and did not discover any information that would suggest the proposed modification would adversely impact the cost effectiveness or savings from the Program. The Public Staff recommended that the Commission approve DEP's request as filed.

Based on the foregoing, the Commission is of the opinion that DEP's request to modify the Residential Service Load Control Program should be approved as filed.

IT IS, THEREFORE, ORDERED:

1. That DEP's proposed modification to the Residential Service Load Control Program is hereby approved as filed, effective this date.

2. That the Residential Service Load Control Program continues to be eligible for recovery of program costs and incentives, in accordance with N.C.G.S § 62-133.9 and Commission Rule R8-69;

3. That DEP shall file with the Commission, within 10 days following the date of this order, a revised tariff showing the effective date of the tariff.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of ____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1219

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Petition by Duke Energy Progress, LLC,	)	ORDER MODIFYING
for Approval of Modifications to Service	)	SERVICE REGULATIONS
Regulations)	

BY THE COMMISSION: On December 16, 2021, Duke Energy Progress, LLC (DEP), filed a request to modify its Service Regulations to eliminate the minimum bill provision related to contract demand. The modification would clarify that new customers and customers modifying their contract demands would not be billed on the basis of contract demand in the first 12 months of service following the initiation or modification of service loads. No other modifications are proposed.

DEP states that with the implementation of the Customer Connect billing system, it found that new customers or customers amending their contract demands could immediately be charged a minimum bill based on their contract demands, rather than their actual billing demands. The modification would allow these customers to receive bills for the first 12 months of service based on their actual billing demands rather than contract demands.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on January 31, 2022. The Public Staff stated that it had reviewed the request and believed it to be reasonable. This proposed modification, which applies to non-residential customers, would allow these customers to ramp-up loads to their new contract demands without being adversely impacted during the initial 12-month ramp-up period. Thus, the proposed modification provides a 12-month grace period for customer loads to grow into the contract demand before the contract demand provisions of the minimum bill apply.

The Public Staff noted that during its investigation in the Sub 1219 rate case, data indicated that approximately 800 non-residential customers were impacted by the provisions of minimum bill. While the record from the rate case did not distinguish between minimum bill impacts on new customers versus existing customers, the Public Staff believes that the proposed modification would have minimal impact on the non-residential customer classes and revenues.

The Public Staff also noted that in Docket No. E-7, Sub 1214, Duke Energy Carolinas, LLC (DEC), made a similar filing to modify its rate schedules to allow a similar ramp-up over four months. At the time, the Public Staff asked why DEC and DEP were maintaining the differing ramp-up period lengths. DEP indicated that due to the differing structures of the non-residential rate schedules for each Company, it was not necessary to align these minimum bill ramp-up periods. DEC's non-residential schedules reflect changes in customer loads and load factors sooner than do DEP's non-residential schedules. In other words, the minimum bill provisions impact DEP's customers sooner, thus necessitating a modification to allow a longer ramp-up period. The next general rate cases for each Company will provide an opportunity for further alignment of their respective ramp-up periods.

DEP's tariffs invoke the minimum bill provision based on a minimum peak demand of 25 kW or 75% of contract demand, whichever is greater, while DEC's tariffs generally base the minimum bill on a peak demand of 30 kW or 50% of the contract demand, whichever is greater. DEC's Schedule OPT is similar but also includes an "economy demand" charge that is the difference between the on-peak billing demand and the greater of the maximum 15-minute demand or 50% of the contract demand.

Based on the foregoing, the Commission is of the opinion that DEP's request to modify the Service Regulations should be approved as filed.

IT IS, THEREFORE, ORDERED:

1. That DEP's proposed modification to the Service Regulations is hereby approved as filed, effective this date;
2. That DEP shall address alignment of DEP's and DEC's minimum bill provisions in DEP's next general rate case; and
3. That DEP shall file with the Commission, within 10 days following the date of this order, a revised Service Regulations showing the effective date.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of ____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1032

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Petition by Duke Energy Carolinas,	)	ORDER APPROVING
LLC, for Approval of Modifications to	)	PROGRAM
Power Manager Load Control Rider	)	MODIFICATION

BY THE COMMISSION: On December 29, 2021, Duke Energy Carolinas, LLC (DEC), filed a request for approval to modify its Power Manager Load Control Program (Program). The proposed modification would remove the limits on availability of the Program and open it to all residential customers. No other modifications are proposed.

The Program was originally approved February 26, 2009, in Docket No. E-7, Sub 831, as a demand-side management (DSM) program pursuant to N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-68. The current Program is designed to allow DEC to control various equipment related to the participant's HVAC system. While the current Program still employs some summer-oriented load control, the present focus is intended to reduce winter peak demands.

The present tariff limits availability to residential customers served under Schedules RS, RE, RT, and ES. The modification would eliminate this limitation and allow all customers on any residential rate schedule to participate, including the recently approved Schedules RSTC and RETC (Docket No. E-7, Sub 1253).

The Public Staff presented this matter to the Commission at its Regular Staff Conference on January 31, 2022. The Public Staff stated that it had reviewed the request and did not discover any information that would suggest the proposed modification would adversely impact the cost effectiveness or savings from the Program. The Public Staff concluded by recommending that the Commission approve DEC's request as filed.

Based on the foregoing, the Commission is of the opinion that DEC's request to modify the Power Manager Load Control Program should be approved as filed.

IT IS, THEREFORE, ORDERED:

1. That DEC's proposed modification to the Power Manager Load Control Program is hereby approved as filed, effective this date;

2. That the Power Manager Load Control Program continues to be eligible for recovery of program costs and incentives, in accordance with N.C.G.S. § 62-133.9 and Commission Rule R8-69; and

3. That DEC shall file with the Commission, within 10 days following the date of this order, a revised tariff showing the effective date of the tariff.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of ____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1214

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	ORDER MODIFYING
Petition by Duke Energy Carolinas, LLC,	)	SERVICE REGULATIONS
for Approval of Modifications to Service	)	AND RATE SCHEDULES
Regulations and Certain Rate Schedules)	

BY THE COMMISSION: On December 16, 2021, Duke Energy Carolinas, LLC (DEC), filed a request to (1) modify certain residential rate schedules to remove the eligibility requirement that residential dwellings be constructed on permanent foundations; and (2) eliminate the minimum bill provision related to contract demand in its Service Regulations.

DEC states that the first modification would allow certain residential dwellings to be eligible for service under the residential rate schedules. The modification would extend eligibility for the rate schedules to heretofore non-qualifying dwellings, like “tiny homes,” that are not built on a permanent foundation.

DEC states that the second modification would clarify that new customers and customers modifying their contract demands would not be billed on the basis of contract demand in the first four months of service following the initiation or modification of service loads.

DEC further states that with the implementation of the Customer Connect billing system, it found that new customers or customers amending their contract demands could immediately be charged a minimum bill based on their contract demands, rather than their actual billing demands. The modification would allow these customers to receive bills for the first four months of service based on their actual billing demands rather than contract demands.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on January 31, 2022. The Public Staff stated that it had reviewed both proposed requests and believed both to be reasonable. The Public Staff further stated the modification to allow certain residential dwellings to be eligible under residential rate schedules, would align DEC’s requirements for residential service qualification with similar requirements already in effect for Duke Energy Progress, LLC (DEP). The Public Staff also stated that the proposed minimum bill modification would allow non-residential customers time to ramp-up loads to their new contract demands without being adversely

impacted during the initial four-month ramp-up period. Thus, the proposed modifications provide a four-month grace period for customer loads to grow into the contract demand before the contract demand provisions of the minimum bill apply.

The Public Staff noted that during investigation into the Sub 1214 rate case, data indicated that approximately 245 non-residential customers were impacted by the provisions of minimum bill. While the record from the rate case did not distinguish between minimum bill impacts on new customers versus existing customers, the Public Staff believes that the proposed modification would have minimal impact on the non-residential customer classes and revenues.

The Public Staff also noted that in Docket No. E-2 Sub 1219, DEP made a similar filing to modify its service regulations to allow a similar ramp-up over 12 months. The Public Staff asked why DEC and DEP were requesting differing ramp-up period lengths, and DEC indicated that due to the differing structures of the non-residential rate schedules for DEC and DEP, it was not necessary to align these minimum bill ramp-up periods. As currently structured, DEC's non-residential schedules reflect changes in customer loads and load factors sooner than do DEP's non-residential schedules. Thus, the minimum bill provisions impact DEP's customers sooner, thus necessitating a modification to allow a longer ramp-up period. The next general rate case for each Company will provide an opportunity for further alignment of their respective ramp-up periods.

DEP's tariffs invoke the minimum bill provision based on a minimum peak demand of 25 kW or 75% of contract demand, whichever is greater, while DEC's tariffs generally base the minimum bill on a peak demand of 30 kW or 50% of the contract demand, whichever is greater. DEC's Schedule OPT is similar but also includes an "economy demand" charge that is the difference between the on-peak billing demand and the greater of the maximum 15-minute demand or 50% of the contract demand.

Based on the foregoing, the Commission is of the opinion that DEC's request to modify the Service Regulations and certain rate schedules impacted by the modification to the minimum bill provision should be approved as filed.

IT IS, THEREFORE, ORDERED:

1. That DEC's proposed modifications to the Service Regulations and certain rate schedules impacted by the minimum bill provision are hereby approved as filed, effective this date;
2. That DEC shall address the alignment of DEC's and DEP's minimum bill provisions in DEC's next general rate case; and
2. That DEC shall file with the Commission, within 10 days following the date

of this order, a revised Service Regulations showing the effective date.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of ____, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1285

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Progress, LLC, for a)
Certificate of Environmental Compatibility and Public	) ORDER WAIVING NOTICE
Convenience and Necessity and Motion for Waiver	) AND HEARING
of Notice and Hearing Pursuant to N.C. Gen. Stat.	) REQUIREMENT AND
§§ 62-100 <u>et seq.</u> to Construct Approximately 1,300	) ISSUING CERTIFICATE
feet of New 230-kV Transmission Line in Buncombe)
County, North Carolina)

BY THE COMMISSION: On December 1, 2021, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, Duke Energy Progress, LLC (DEP or the Company), filed with the Commission a letter of intent to file for a waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. On the same date, pursuant to Commission Rule R8-62(k), DEP prefiled with the Public Staff an application for a certificate of environmental compatibility and public convenience and necessity to construct a new 230-kV transmission tap line (Tap Line) approximately 1,300 feet in length to support the load needs of a new aircraft manufacturing customer in Asheville, North Carolina. The prefiled application stated that the proposed Tap Line will connect the existing Asheville Plant-Enka 230-kV transmission line to a new 230-kV/24-kV industrial substation. As detailed in DEP's prefiled application, the Company will construct the Tap Line on all new right-of-way on the customer's property or within the existing 170-foot wide DEP easement.

On December 28, 2021, DEP formally filed the application for a certificate and motion for waiver of notice and hearing. On January 21, 2022, DEP submitted the easement documentation referenced in its application.

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and either the transmission line is less than one mile long or to connect an existing transmission line to a substation, to another public utility, or to a public utility customer when any of these is in proximity to the existing transmission line. DEP's application states that the Company will construct the Tap Line on property that is on all new right-of-way on the customer's property or within the existing 170-foot wide DEP easement, and that the total length of the line is approximately 1,300 feet. Thus, the conditions of N.C.G.S.

§ 62-101(d)(1) for a waiver of notice and hearing have been met. The application is also supported by a Certificate Application Report. This report satisfies the requirements of N.C.G.S. § 62-102(a).

The Public Staff presented this matter at the Commission's Staff Conference on January 31, 2022. The Public Staff stated that the application meets the requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. § 62-101(d)(1) for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104. The Public Staff recommended that the Commission grant the motion for waiver and issue the requested certificate.

Based on the foregoing and the recommendation of the Public Staff, the Commission finds and concludes that the notice and hearing requirements of N.C.G.S. §§ 62-102 and 62-104 should be waived as allowed by N.C.G.S. § 62-101(d)(1) and that a certificate of environmental compatibility and public convenience and necessity should be issued for the proposed construction of a new 230-kV transmission tap line.

IT IS, THEREFORE, ORDERED as follows:

1. That, pursuant to N.C.G.S. § 62-101, the requirement for publication of notice and hearing is waived; and
2. That, pursuant to N.C.G.S. § 62-102, a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct approximately 1,300 feet of new 230-kV transmission line in Buncombe County, North Carolina, as described in DEP's application is issued, and the same is attached as Appendix A.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of January, 2022

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1285

Know All People by These Presents, That

Duke Energy Progress, LLC

is hereby issued this

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC
CONVENIENCE AND NECESSITY PURSUANT TO N.C. GEN. STAT. § 62-102**

to construct approximately 1,300 feet of new 230-kV transmission line to connect the existing Asheville Plant-Enka 230-kV transmission line to a new 230-kV/24-kV industrial substation in Buncombe County, North Carolina

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other orders, rules, regulations, and conditions as are now or may hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of January, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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