

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 124
DOCKET NO. E-100, SUB 125

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 124)	
)	
In the Matter of)	
Investigation of Integrated Resource)	ORDER REGARDING 2008
Planning in North Carolina – 2009)	REPS COMPLIANCE REPORTS
)	
DOCKET NO. E-100, SUB 125)	
)	
In the Matter of)	
2009 REPS Compliance Plans)	

BY THE COMMISSION: On February 29, 2008, and March 13, 2008, the Commission issued Orders in Docket No. E-100, Sub 113 adopting rules to implement Session Law 2007-397 (Senate Bill 3) and the Renewable Energy and Energy Efficiency Portfolio Standard (REPS) in North Carolina. Commission Rule R8-67(c)(1) provides as follows:

Each year, beginning in 2009, each electric power supplier shall file with the Commission a report describing the electric power supplier's compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f) during the previous calendar year.

For each electric public utility, the REPS compliance reports are to be filed at staggered times during the year and considered coincident with each utility's fuel adjustment clause rider. For each electric membership corporation (EMC) and municipal electric supplier, the REPS compliance report is required to be filed with the Commission on or before September 1 of each year. Rule R8-67(c)(3) further provides:

The Commission shall issue an order scheduling a hearing to consider the REPS compliance report filed by each electric membership corporation or municipal electric supplier, requiring public notice, and establishing deadlines for intervention and the filing of additional direct and rebuttal testimony and exhibits.

On or about September 1, 2009, the following EMCs filed REPS compliance reports for calendar year 2008 in Docket No. E-100, Sub 124: GreenCo Solutions, Inc.¹; Halifax EMC; and Rutherford EMC. EnergyUnited EMC included information regarding its 2008 activities in its integrated resource plan filed in that docket. Also on or about September 1, 2009, the following EMCs and municipal electric suppliers filed REPS compliance reports for calendar year 2008 in Docket No. E-100, Sub 125: North Carolina Eastern Municipal Power Agency (NCEMPA)²; North Carolina Municipal Power Agency Number 1 (NCMPA1)³; Fayetteville Public Works Commission (PWC); Murphy Electric Power Board; the cities of Concord and Kings Mountain; the towns of Black Creek, Dallas, Enfield, Forest City, Highlands, Lucama, Oak City, Pinetops, Sharpsburg, Stantonsburg, Waynesville, Windsor, and Winterville; Mountain Electric Cooperative, Inc.; Tri-State EMC; and Blue Ridge Mountain EMC. A number of EMCs and municipal electric suppliers indicated that they have signed wholesale power contracts with an electric power supplier that will also be providing REPS compliance service pursuant to G.S. 62-133.8(c)(2)(e), including the cities of Concord, Dallas, Kings Mountain and Wilson; the towns of Black Creek, Enfield, Forest City, Highlands, Lucama, Pinetops, Sharpsburg, Stantonsburg, Waynesville and Windsor; Broad River EMC; and Rutherford EMC. Three municipal electric suppliers – the Towns of Fountain, Macclesfield and Walstonburg – and Mecklenburg EMC, which is headquartered in Virginia, did not file 2008 REPS compliance reports. Although the Towns of Macclesfield and Walstonburg are served by the City of Wilson which, in turn, purchases its power from NCEMPA, it is not clear whether NCEMPA has included these towns' loads in its REPS requirements. By letter dated April 14, 2010, Mecklenburg EMC stated that it intends to work with GreenCo to meet its REPS obligation.

Of those entities responsible for REPS compliance, either for themselves or others, several reported incurring significant costs to acquire renewable energy certificates (RECs) from renewable energy facilities or energy savings from the implementation of energy efficiency measures. Others reported that they had spent little, if any, money and had acquired few, if any, RECs in 2008.

With regard to the EMCs and municipal electric suppliers, the purpose of the annual hearing required in Rule R8-67(c)(3) is to verify the factual claims made

¹ GreenCo members include Albemarle EMC, Blue Ridge EMC, Brunswick EMC, Cape Hatteras EMC, Carteret-Craven EMC, Central EMC, Edgecombe-Martin County EMC, Four County EMC, French Broad EMC, Haywood EMC, Jones-Onslow EMC, Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, Roanoke EMC, South River EMC, Surry-Yadkin EMC, Tideland EMC, Tri-County EMC, Union EMC, and Wake EMC.

² NCEMPA members include the towns of Apex, Ayden, Belhaven, Benson, Clayton, Edenton, Farmville, Fremont, Hamilton, Hertford, Hobgood, Hookerton, LaGrange, Louisburg, Pikeville, Red Springs, Robersonville, Scotland Neck, Selma, Smithfield, Tarboro, and Wake Forest, and the cities of Elizabeth City, Greenville, Kinston, Laurinburg, Lumberton, New Bern, Rocky Mount, Southport, Washington and Wilson.

³ NCMPA1 members include the towns of Bostic, Cornelius, Drexel, Granite Falls, Huntersville, Landis, Maiden and Pineville, and the cities of Albemarle, Cherryville, Gastonia, High Point, Lexington, Lincolnton, Monroe, Morganton, Newton, Shelby and Statesville.

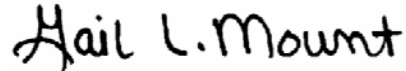
regarding REPS compliance. The Commission recognizes that little is served at this time, prior to the initial REPS compliance year, by requiring EMCs or municipal electric suppliers that have earned or acquired few, if any, RECs or that have spent very little, if any, money to prove such claims. The Commission, therefore, will waive the hearing requirement and accept for filing the 2008 REPS compliance reports filed by those electric power suppliers. The 2008 REPS compliance reports filed by NCEMPA, NCMPA1, GreenCo, EnergyUnited EMC and Halifax EMC, however, claim substantial progress toward meeting the REPS requirements and/or raise important issues for consideration by the Commission. The Commission, therefore, finds good cause to issue separate orders opening new company-specific dockets to consider the 2008 REPS compliance reports filed by NCEMPA, NCMPA1, GreenCo, EnergyUnited EMC and Halifax EMC; to schedule hearings; to establish discovery guidelines and deadlines for the filing of testimony; and to require publication of notice. Lastly, any EMC or municipal electric supplier that has not filed a 2008 REPS compliance report shall file its report or before September 1, 2010, together with its 2009 REPS compliance report.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of May, 2010.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, flowing style.

Gail L. Mount, Deputy Clerk

Commissioners William T. Culpepper, III, and Lucy T. Allen did not participate in this decision.

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