

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EGL-1, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Eagle Solar & Light, LLC,)	ORDER GRANTING
for a Certificate of Authority to Engage in)	CERTIFICATE OF AUTHORITY
Business as an Electric Generator Lessor,)	TO ENGAGE IN BUSINESS AS
Pursuant to N.C.G.S. § 62-126.7 and)	AN ELECTRIC GENERATOR
Commission Rule R8-73)	LESSOR

BY THE COMMISSION: On July 27, 2017, the Governor signed into law House Bill 589 (S.L. 2017-192), which enacted Article 6B of Chapter 62 of the North Carolina General Statutes, the Distributed Resources Access Act (the Act). The Act declares, in relevant part, that “as a matter of public policy it is in the interest of the State to encourage the leasing of solar energy facilities for retail customers[.]”¹ In so enacting, the North Carolina General Assembly also directed the Commission to implement the Act, directing that the Commission adopt rules to govern the application and certification of electric generator lessors.

On January 8, 2018, in Docket No. E-100, Sub 156, after receiving comments from Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC) (together, Duke), the Public Staff, and other interested parties, the Commission issued an Order adopting Commission Rule R8-73, governing the process by which applicants can apply and become certified as electric generator lessors.

On May 11, 2018, Eagle Solar & Light, LLC (Eagle Solar), filed an application for a certificate of authority to engage in business as an electric generator lessor in accordance with the provisions of N.C.G.S. § 62-126.7 and Commission Rule R8-73.

On June 6, 2018, pursuant to Commission Rule R8-73(f)(2), the Commission issued an Order requiring Eagle Solar to mail notice of its pending application to each electric service provider in whose service territory Eagle Solar proposes to operate.

On June 8, 2018, the Public Staff filed the recommendation required by Commission Rule R8-73(f)(4), stating that Eagle Solar’s application was incomplete and deficient according to the requirements specified in Commission Rule R8-73 and N.C.G.S. §§ 62-126.6 and 126.7.

¹ N.C.G.S. § 62-126.2.

On June 15, 2018, Eagle Solar filed an amended application for certificate of authority to engage in business as an electric generator lessor.

On July 13, 2018, the Public Staff filed an additional recommendation, stating that Eagle Solar's amended application was incomplete and deficient according to the requirements specified in Commission Rule R8-73 and N.C.G.S. §§ 62-126.6 and 126.7.

On August 27, 2018, Eagle Solar filed a second amended application for certificate of authority to engage in business as an electric generator lessor.

On August 30, 2018, pursuant to the Commission's June 6, 2018 Order and Commission Rule R8-73(f)(2), Eagle Solar filed a certificate of service of its notice to both DEC and DEP, advising of Eagle Solar's pending application and intent to engage in business as an electric generator lessor in both DEC and DEP's respective service territories.

Also on August 30, 2018, the Public Staff filed its second additional recommendation, stating that it has reviewed Eagle Solar's second amended application and determined it to be in compliance with the requirements of N.C.G.S. § 62-126 and Commission Rule R8-73. The Public Staff, therefore, recommends approval of Eagle Solar's application for a certificate of authority to engage in business as an electric generator lessor.

Pursuant to Commission Rule R8-73(f)(5), more than 30 days have elapsed since Eagle Solar filed its certificate of service, and no protests were filed with the Commission. Therefore, it is appropriate for the Commission to proceed in considering and deciding the application on the basis of information contained in Eagle Solar's applications, the recommendations of the Public Staff, and the entire record in this proceeding.

On October 2, 2018, the Commission issued an Order requiring Eagle Solar to make an additional filing containing the following: (1) a statement confirming that the sample residential lease attached to the application is identical to the one Eagle Solar intends to use for non-residential installations or, alternatively, a sample non-residential lease; (2) an amended lease agreement, to include certain disclaimers and additional information as it relates to the customer's estimated savings and eligibility for participation in Duke's Solar Rebate Program; and (3) additional details regarding Eagle Solar's general liability insurance coverage.

On October 4, 2018, Eagle Solar made an additional filing, containing its third amended application, a statement confirming that Eagle Solar intends to use an identical lease agreement for both residential and non-residential customers, and attaching as a confidential exhibit proof of its adequate general liability insurance coverage.

Having carefully reviewed Eagle Solar's third amended application, the Public Staff's recommendation, and the entire record in this proceeding, the Commission determines that Eagle Solar's application is complete and compliant with the

requirements of Commission Rule R8-73 and N.C.G.S. § 62-126.7. The Commission further finds that the sample lease proposed by Eagle Solar in its October 4, 2018 filing complies with the requirements of N.C.G.S. § 62-126.6.

Based upon the foregoing and the entire record in this proceeding, the Commission finds good cause to approve Eagle Solar's application for a certificate of authority to engage in business as an electric generator lessor. The Commission further finds that Eagle Solar has demonstrated that it is fit, willing, and able to conduct business in this State as an electric generator lessor. The Commission, therefore, issues to Eagle Solar a certificate of authority to engage in business as an electric generator lessor.

IT IS, THEREFORE, ORDERED as follows:

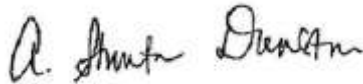
1. That the application of Eagle Solar for a certificate of authority to engage in business as an electric generator lessor within the service territories of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, shall be, and is hereby, approved;
2. That Eagle Solar shall register with the Commission each solar energy facility it leases in this State by filing both in this docket and in a consolidated small power producer docket an application for a certificate of public convenience and necessity and a report of proposed construction, and, if the facility is intended to earn renewable energy certificates eligible for compliance with the North Carolina Renewable Energy and Energy Efficiency Portfolio Standard, an application to register the facility as a new renewable energy facility pursuant to Commission Rule R8-66;
3. That Eagle Solar shall notify the Commission of any material change to the information it provided to the Commission in this proceeding, including any change to the assigned service territories in which Eagle Solar operates as an electric generator lessor;
4. That Eagle Solar shall file with the Commission annually, on or before April 1 of each year, a certification of continued compliance with Article 6B of Chapter 62 and Commission Rule R8-73;
5. That Eagle Solar shall, for the duration of the effectiveness of this Certificate of Authority, maintain general liability insurance coverage with at least \$100,000 minimum limits, and shall provide the name and contact information of the insurance carrier and policy number as part of Eagle Solar's annual report to the Commission; and

6. That this Order shall constitute the Certificate of Authority to Engage in Business as an Electric Generator Lessor, effective as of the date of issuance of this Order and to remain in effect unless terminated, suspended, or revoked by future Order of the Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of October, 2018.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Acting Deputy Clerk