

NORTH CAROLINA UTILITIES COMMISSION
MINUTES OF REGULAR COMMISSION STAFF CONFERENCE

February 7, 2022

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, February 7, 2022, at 10:00 a.m., with Chair Mitchell presiding. The remote meeting was conducted by use of simultaneous communication (via Webex) pursuant to N.C. Gen. Stat. § 166A-19.24, streamed live online, and available to the public.

The following were present:

COMMISSIONERS:

Commissioner Brown-Bland
Commissioner Gray
Commissioner Clodfelter
Commissioner Duffley
Commissioner Hughes

Commissioner McKissick was present at the start of the meeting and intermittently throughout the meeting; however, due to technical difficulties, he was not present during the votes on some of the agenda items.

COMMISSION STAFF: Ms. Lazo, Mr. Green, Ms. Fennell, Ms. Harrod, Ms. Ackerman, Ms. Hilburn, Ms. Paschal, Ms. Zhang, Ms. Jayasheela, Ms. Burns, Mr. Gajda, Mr. McCoy

PUBLIC STAFF: Mr. Creech, Ms. Luhr, Ms. Coxton, Mr. Josey, Mr. Saillor, Mr. T. Williamson, Mr. Lawrence, Ms. Proffitt

ATTORNEY GENERAL:

COURT REPORTER: Ms. Mitchell

TO: Agenda – Commission Conference – February 7, 2022

FROM: PUBLIC STAFF – North Carolina Utilities Commission

C. COMMUNICATIONS

P1. FILING OF INTERCONNECTION AGREEMENTS AND AMENDMENTS BY MEBTEL, CENTURYLINK, AND VERIZON SOUTH

EXPLANATION: The following interconnection agreements and amendments were filed for Commission approval between November 18, 2021, and December 13, 2021:

Mebtel, Inc., d/b/a CenturyLink

Docket No. P-35, Sub 156 – Agreement and amendment with DISH Wireless L.L.C., filed on November 18, 2021. The agreement specifies the terms and conditions for interconnection, and the amendment adds terms and conditions under which the parties may use a Third Party Transit Provider to exchange traffic between their networks. The agreement and amendment supersede all previous agreements between the parties.

Carolina Telephone and Telegraph Company, LLC and Central Telephone Company, d/b/a CenturyLink

Docket Nos. P-7, Sub 1298, and P-10, Sub 911 – Agreement and amendment with DISH Wireless L.L.C., filed for approval on November 18, 2021. The agreement specifies the terms and conditions for interconnection, and the amendment adds terms and conditions under which the parties may use a Third Party Transit Provider to exchange traffic between their networks. The agreement and amendment supersede all previous agreements between the parties.

Verizon South Inc.

Docket No. P-19, Sub 464 – Amendment filed on December 2, 2021, to an existing interconnection agreement with Metropolitan Telecommunications of North Carolina, Inc., which the Commission approved on July 25, 2003. The amendment implements changes mandated by the Federal Communications Commission in its Report and Order in WC Docket No. 19-308, Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services (2020 UNE Order), related to unbundled access to network elements, which became effective on February 8, 2021.

Docket No. P-19, Sub 544 – Amendment filed on December 13, 2021, to an existing interconnection agreement with Comcast Phone of North Carolina, LLC, which was approved by the Commission on November 14, 2019. The amendment implements the changes mandated by the 2020 UNE Order.

These filings were made in compliance with Commission Rule R17-4(d) and Sections 252(e) and 252(i) of the Telecommunications Act of 1996. The Act provides for the filing of such agreements and amendments with the state commission and approval or rejection by the state commission within 90 days after filing. On June 18, 1996, the Commission issued an Order in Docket No. P-100, Sub 133, allowing interim operation under negotiated agreements filed as public records prior to Commission approval of the agreements.

The Public Staff has reviewed the filings and recommends Commission approval.

The Public Staff recommended that orders be issued approving the agreements and amendments effective on the date they were filed. The Public Staff has provided proposed orders to the Commission Staff.

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

Commissioner McKissick did not participate in this decision.

D. ELECTRIC

P1. DOCKET NO. E-22, SUB 612 – VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY NORTH CAROLINA – APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY AND MOTION FOR WAIVER OF NOTICE AND HEARING

EXPLANATION: On December 3, 2021, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC 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), DENC 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 200 feet in length to support the interconnection of a 100-MW solar facility in Currituck County, North Carolina. The prefiled application stated that the proposed Tap Line will connect an existing 230-kV transmission line to a new 230-kV substation. As detailed in DENC's prefiled application, the Company will construct the Tap Line on the interconnection customer's property and an additional 150 feet of new right of way.

On December 28, 2021, DENC formally filed the application for a certificate and motion for waiver of notice and hearing.

On January 28, 2022, the Company filed an update to Figure 4 of its application. The Company stated that since the initial December 28, 2021 filing, it had received multiple

permits, which are included in this updated filing. Additionally, the Company stated that it has yet to obtain a railroad right-of-entry permit, but that it will be filed once it is received.

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. DENC's application states that the Company will construct the Tap Line on the customer's property and 150 feet of new right of way, and that the total length of the line is approximately 200 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.

The Public Staff recommended 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.

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

Commissioner McKissick did not participate in this decision.

P2. 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 Carolinas, LLC:

- Docket No. SP-26335, Sub 0 – Application of Quaker Creek Farm Solar, LLC, for a certificate of public convenience and necessity to construct a 35-MW solar photovoltaic facility in Alamance County, North Carolina.

The registration statement includes certified attestations, as required by Commission Rule R8-66(b), that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a new renewable energy facility; (3) the applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C.G.S. §. 62-133.8; and (4) the applicant will consent to the auditing of its books and records by the Public Staff – North Carolina Utilities Commission (Public Staff) insofar as those records relate to transactions with North Carolina electric power suppliers.

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.

The Public Staff recommended 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.

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

Commissioner McKissick did not participate in this decision.

Minutes of the Regular Commission Staff Conference for January 31, 2022 were approved.

Minutes prepared by Le Anne Ackerman.