

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. M-100, SUB 147

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Amendment to Certain Rules

) ORDER AMENDING RULES TO
) CLARIFY NUMBER OF
) PAPER COPIES TO BE FILED

BY THE CHAIR: In an effort to provide for judicial economy and to assist Commission and Clerk staff in the execution of duties, the Chair finds good cause to amend the Commission Rules set forth below to clarify the number of paper copies that must be filed. The following rules are amended:

- (1) Rule R1-5(g);
- (2) Rule R1-9 (d) and (g);
- (3) Rule R1-16(a)(7);
- (4) Rule R1-24(f)(3) and (g)(3);
- (5) Rule R-25(f);
- (6) Rule R1-28(e);
- (7) Rule R8-37;
- (8) Rule R8-64(b)(10) and (c)(3);
- (9) Rule R8-66(b)(11);
- (10) Rule R8-73(b)(2);
- (11) Rule R22-4(a)(13); and
- (12) Rule R24-4(a)(13).

IT IS, THEREFORE, ORDERED that Commission Rules listed above are amended¹ effective as of the date of this Order as set forth herein in Appendix A.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of September, 2023.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk

¹ Forms associated with Rules R8-64 and R8-66 are available on the Commission's website and will be updated to reflect the revisions approved in this order.

Rule R1-5. PLEADINGS, GENERALLY.

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(g) Copies Required. — The original paper version ~~plus twenty-five (25) copies~~ of all pleadings shall be filed with the Commission (unless filed electronically pursuant to Rule R1-28 or otherwise provided ~~by Commission Order or Rule by the exceptions below~~), and shall include a certificate that a copy thereof has been served upon each party of record in the cause or upon counsel of record in accordance with Rule R1-39.

Exception 1. For filings by Class A & B electric, telephone, and natural gas utilities under Rules R1-7, R1-15, R1-17, R1-17B, ~~and R1-24, R8-60, and R8-60A~~ an original plus ~~thirty (30)~~ 12 paper copies shall be provided to the Commission.

Exception 2. For filings by Class A and B water and sewer utilities for rate increases or transfers, an original plus ~~twenty-four (24)~~ 12 paper copies shall be provided to the Commission. For all other filings by Class A and B water and sewer utilities, an original plus ~~seven (7)~~ copies shall be provided to the Commission.

For filings by Class C water and sewer utilities for rate increases or transfers, an original plus 2 ~~seven (7)~~ shall be provided to the Commission. For all other filings by Class C water and sewer utilities, an original plus 2 ~~seven (7)~~ copies shall be provided to the Commission.

Exception 3. For filings of applications by motor carriers under Rule R2-8(a)(1) and (b)(1), an original and ~~three (3)~~ copies shall be provided to the Commission.

In addition to the requirements above, when applicable, a single-sided copy of testimony and exhibits of expert witnesses shall be filed for the benefit of the Court Reporter.

NOTE: A photocopy which has been signed after copying shall be considered an original.

Rule R1-9. COMPLAINTS AND PROCEDURE THEREON; ANSWERS.

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(d) Satisfaction of Complaint. — If the defendant desires to satisfy the complaint, he shall submit to the Commission, within the time allowed for satisfaction or answer, an original ~~plus four copies~~ of a statement of the relief which he is willing to give, a copy of which the Commission will transmit forthwith to the complainant. On acceptance of this offer by the complainant with the approval of the Commission, no further proceedings need be taken.

...

~~(g) — Copies Required. — Every complaint and every answer under this rule shall be filed with the Commission, with original plus fifteen (15) copies, with an additional copy for each of the other parties of record in the case or their counsel of record. The Commission will serve such complaints and answers on the other parties or their counsel.~~

Rule R1-16. PLEDGING ASSETS, ISSUING SECURITIES, ASSUMING OBLIGATIONS.

(a) No public utility except Payphone Service Providers, Competing Local Providers, and utilities providing only intraLATA long distance service, interLATA long distance service and/or long distance operator service, and local exchange carriers that have elected regulation pursuant to G.S. § 62-133.5(h) or (m) shall pledge its assets, issue securities, or assume liabilities of the character specified in G.S. 62 161, except after application to and approval by the Commission. Such applications shall be made under oath, filed with the Commission ~~with twenty (20) copies~~, and shall contain the following specific information:

...

- (7) In any case where the applicant has filed or subsequently files a prospectus or other similar document with the Securities and Exchange Commission or with prospective investors for private placement in connection with said issue, ~~eleven copies~~ a copy of such prospectus or document shall be filed with the North Carolina Utilities Commission at the time the application is filed with the Securities and Exchange Commission or with private investors.

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Rule R1-24. EVIDENCE.

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(f) Hearing Exhibits, Generally.

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(3) Copies. — Unless otherwise provided by Order of the Commission, ~~Not less than an original plus thirty (30) 12 paper~~ copies of each exhibit shall be provided for the use of the Commission, ~~with an extra plus a copy for each party to the proceeding, unless the Commission shall require a larger number in the particular case.~~

(g) Pre-filed Expert Witness Testimony and Exhibits by Expert Witnesses.

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(3) Copies Required. — An original plus ~~thirty~~ 12 paper complete copies of the testimony and exhibits of each expert witness, as required by this rule, shall be ~~filed with~~ provided to the Commission for its use.

Rule R1-25. PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND BRIEF; SUMMARY STATEMENTS AND REPLY STATEMENTS.

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~~(f) — Copies. — Twelve copies shall be furnished to the Chief Clerk and additional copies provided to all parties.~~

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Rule R1-28. GIVING NOTICE OR FILING PAPERS WITH THE COMMISSION BY MAIL; ELECTRONIC FILING.

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(e) The following documents should be filed electronically; provided, however, ~~fifteen (15)~~ 12 three-hole punched paper copies of the entire filing, one of which shall be single-sided, must be provided to the Commission on the following business day in lieu of the number of copies required pursuant to the applicable statute, rule, or order. If such filing is made electronically on the day of or day before a hearing on the matter, the paper copies shall be provided to the Commission no later than one ~~(4)~~ hour prior to the scheduled start of the hearing. The failure to provide the required number of paper copies within the prescribed timeframe may result in the electronic filing being rejected and excluded from the record in that proceeding.

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Rule R8-37. COPIES REQUIRED.

At least ~~five (5) copies~~ one copy of each filing will be forwarded to the Commission.

Rule R8-64. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY CPRE PROGRAM PARTICIPANT, QUALIFYING COGENERATOR, OR SMALL POWER PRODUCER; PROGRESS REPORTS.

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(b) The Application. The application shall be comprised of the following five exhibits:

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- (10) The application shall be in the form adopted by the Commission and accompanied by the filing fee required by G.S. 62-300. The application may be filed electronically or by transmission of an original ~~plus 12 copies~~ to the Chief Clerk of the Utilities Commission.

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(c) Procedure upon receipt of Application. — Upon the filing of an application appearing to meet the requirements set forth above, the Commission will process it as follows:

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- (3) The Chief Clerk will ~~deliver 2 copies~~ provide a copy of the application and the notice to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application.

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Rule R8-66. REGISTRATION OF RENEWABLE ENERGY FACILITIES; ANNUAL REPORTING REQUIREMENTS.

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(b) The owner, including an electric power supplier, of each renewable energy facility, whether or not required to obtain a certificate of public convenience and necessity pursuant to G.S. 62-110.1, that intends for renewable energy certificates it earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its facility to participate in the Competitive Procurement of Renewable Energy Program, shall register the facility with the Commission. The registration statement shall be in the form adopted by the Commission, may be filed separately or together with an application for a certificate of public convenience and necessity, or with a report of proposed construction by a person exempt from the certification requirement. All relevant renewable energy

facilities shall be registered prior to their having RECs issued in the North Carolina Renewable Energy Tracking System (NC-RETS) pursuant to Rule R8-67(h). Contracts for power supplied by an agency of the federal government are exempt from the requirement to register and file annually with the Commission if the renewable energy certificates associated with the power are bundled with the power purchased by the electric power supplier.

...

- (11) The applicant may file the registration statement electronically or by filing an original ~~and 9 copies~~ of the registration statement with the Chief Clerk of the Utilities Commission. The registration statement shall be accompanied by the fee required by G.S. 62-300.

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Rule R8-73. APPLICATIONS FOR CERTIFICATE OF AUTHORITY TO ENGAGE IN BUSINESS AS AN ELECTRIC GENERATOR LESSOR; TRANSFERS; AND NOTICE.

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- (b) The Application.

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- (2) Application for authority to engage in business as an electric generator lessor shall be made on the form furnished by the Commission and any exhibits must be attached thereto and made a part of the application. The original ~~and three (3) complete copies~~ of the application, including exhibits, must be filed with the Commission with a copy to the Public Staff. ~~The original and the copies shall be fastened separately.~~ No application shall be deemed filed until the Commission receives and collects the filing fee as set forth in G.S. 62-300.

Rule R22-4. APPLICATION FOR AUTHORITY.

- (a) Every application for authority to charge for the costs of providing electric service shall be in such form and detail as the Commission may prescribe and shall include:

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- (13) ~~one (1) an original and seven (7) collated copies~~ of the application; and

Rule R24-4. APPLICATION FOR AUTHORITY.

(a) Every application for authority to charge for the costs of providing natural gas service shall be in such form and detail as the Commission may prescribe and shall include:

...

(13) ~~one (1) an original and seven (7) collated copies~~ of the application; and