

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1220

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of			
Williams Solar, LLC,)	
	Complainant)	
)	
v.)	ORDER SCHEDULING HEARING
)	
Duke Energy Progress, LLC,)	
	Respondent)	
)	

BY THE PRESIDING COMMISSIONER: On October 24, 2019, Williams Solar, LLC (Complainant) filed a verified complaint against Duke Energy Progress, LLC (Respondent), alleging that Respondent has failed to undertake and comply with its obligations under the North Carolina Interconnection Procedures (NCIP) in good faith.

In summary, Complainant alleges that it is constructing a 5-MW solar photovoltaic (PV) facility in Johnston County, North Carolina (Facility), which qualifies as a qualifying facility (QF) and thus entitled to sell the electric output of its facility to Respondent pursuant to the Public Utilities Regulatory Policies Act of 1978 (PURPA). Complainant further alleges that it applied to Respondent for interconnection to Respondent's electric distribution system, and that Respondent failed to comply with the NCIP's requirements with respect to the handling of the System Impact Study and System Impact Study Report, the Facilities Study, and the Facilities Study Agreement relevant to the Facility. More specifically, Complainant alleges that Respondent failed to act in good faith with regard to providing cost estimates of any Interconnection Facilities and Upgrades required to interconnect the Facility. Complainant requests the following relief: (1) that the Commission find and conclude that Respondent failed to estimate System Upgrade costs in good faith; (2) that the Commission order Respondent to refund all charges incurred by Complainant in connection with the Facilities Study and issue an order accounting for all monetary losses caused by Respondent's alleged breach of its obligation of good faith; (3) that the Commission enter a declaratory ruling declaring that Respondent is required to review and process all interconnection requests in accordance with the Interconnection Procedures and in good faith, where good faith requires that any estimate of costs be based on commercially reasonable actual cost data; (4) that the Commission require Respondent to promptly render a revised cost estimate and executable interconnection agreement within seven business of the order; (5) that the Commission enforce the maximum \$1,000 per day in penalties for non-compliance with

the NCIP as allowed pursuant to N.C. Gen. Stat. § 62-310(a); and (6) that the Commission grant other and further relief as the Commission may deem just and proper.

On November 1, 2019, the Commission issued an Order serving the Complaint and directing the Respondent to either satisfy the demands of Complainant and so advise the Commission or to file a response to the Complaint on or before November 27, 2019.

On November 27, 2019, the Respondent filed its answer and motion to dismiss the complaint.

On December 2, 2019, the Commission issued an Order serving the Respondent's answer and motion to dismiss on the Complainant.

On December 19, 2019, the Complainant filed its reply informing the Commission that it is not satisfied with the Respondent's answer and requesting that the Commission conduct a hearing in this proceeding.

The Presiding Commissioner has reviewed the entire record herein and finds good cause to schedule this matter for hearing and to require the pre-filing of testimony.

IT IS, THEREFORE, ORDERED as follows:

1. That this matter shall be, and is hereby, scheduled for hearing on Wednesday, May 27, 2020, at 10:00 a.m., in Commission Hearing Room 2115, 430 N. Salisbury Street, Raleigh, North Carolina;

2. That the Complainant shall file with the Commission the direct testimony of its witness(es) in support of its complaint on or before Monday, April 20, 2020, and serve a copy of the same on the Respondent;

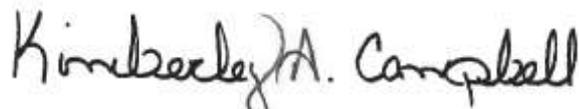
3. That the Respondent shall file with the Commission the direct testimony of its witness(es) on or before Tuesday, May 5, 2020; and

4. That the Complainant may file rebuttal testimony of its witness(es), if any, with the Commission on or before Friday, May 15, 2020.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of January, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Kimberley A. Campbell, Chief Clerk