

NORTH CAROLINA UTILITIES COMMISSION
MINUTES OF REGULAR COMMISSION STAFF CONFERENCE
September 13, 2021

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, September 13, 2021, 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 during the entirety of the remote meeting:

COMMISSIONERS

Commissioner Brown-Bland
Commissioner Gray
Commissioner Clodfelter
Commissioner Duffley
Commissioner McKissick

COMMISSION STAFF: Ms. McMillen, Ms. Lazo, Ms. Duffy, Ms. Webb-Shackleford, Ms. Barnes, Ms. Hilburn, Ms. Paschal, Ms. Burns, Mr. Hardy, Mr. McCoy

PUBLIC STAFF: Ms. Culpepper, Mr. Creech, Ms. Edmondson, Ms. Luhr, Mr. Saillor, Mr. Lucas, Mr. T. Williamson, Mr. Lawrence, Mr. Junis, Ms. Proffitt

ATTORNEY GENERAL:

COURT REPORTER: Ms. Mitchell

C. COMMUNICATIONS**P1. DOCKET NO. P-100, SUBS 133L, 133N, AND 171 – CERTIFICATION OF ELIGIBLE TELECOMMUNICATIONS CARRIERS TO CONTINUE TO RECEIVE FEDERAL UNIVERSAL SERVICE HIGH-COST SUPPORT**

In order to receive Federal Universal Service High-Cost Support for the calendar year 2022, a state is required pursuant to Section 54.314(a) of the rules of the Federal Communications Commission (FCC) to file an annual certification with the FCC and the Universal Service Administrative Company (USAC). The certification must state that all federal high-cost support provided to carriers within that state was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Absent such certification, eligible companies will not receive federal high-cost support for the calendar year 2022. For a carrier to receive support throughout the succeeding calendar year, the certification from the state must be received on or before October 1. In order to make this certification to the FCC and USAC, eligible high-cost regulated telephone companies in North Carolina must submit to the Commission a sworn affidavit written in the manner required by 54.314(a).

The Commission has received affidavits from 23 eligible telecommunications carriers:

Atlantic Telecom Multimedia Consolidated, LLC
Barnardsville Telephone Company
BellSouth Telecommunications, LLC¹
Carolina Telephone and Telegraph Company
Central Telephone Company
CenturyLink Communications, LLC
Charter Fiberlink NC - CCO, LLC
Citizens Telephone Company
Ellerbe Telephone Company
Frontier Communications of the Carolinas LLC
Mehtel, Inc.
North State Telephone Company
Pineville Telephone Company
Randolph Telephone Telecommunications, Inc.
RiverStreet Communications of NC, Inc.

¹ On July 13, 2021, BellSouth Telecommunications, LLC d/b/a AT&T North Carolina (AT&T) filed in Docket No. P-55, Sub 1934, for Commission approval of relinquishment of its ETC designation in North Carolina. On August 31, 2021, AT&T filed a letter in Docket Nos. P-55, Sub 1934 and P-100, Sub 133c stating that it filed its Federal High-Cost Support Affidavit on July 13, 2021 because it included the required certification that AT&T used its 2020 calendar year high-cost support consistent with the relevant statutes and FCC rules. Additionally, AT&T noted that its request to relinquish its ETC designation had not been approved. AT&T noted that while it does not anticipate being eligible for any high-cost support administered by the FCC in 2022, in the unlikely event the FCC were to extend AT&T's CAF II payments into 2022, AT&T could receive some additional CAF II payments until the effective date of its ETC relinquishment, should the Commission choose to confirm AT&T's petition.

Saluda Mountain Telephone Company
Service Telephone Company
Time Warner Cable Information Services (North Carolina), LLC
Wilkes Communications, Inc.
Windstream Communications, LLC
Windstream Concord Telephone LLC
Windstream Lexcom Communications, LLC
Windstream North Carolina, LLC

The Public Staff recommended that based on the filed information, the Commission send appropriate letter(s) to the FCC and USAC certifying that the 23 high-cost telephone companies in North Carolina that submitted affidavits are in compliance with Section 254(e) of the Telecommunications Act of 1996 and are eligible to receive federal high-cost support for the year 2022.

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

D. ELECTRIC

P1. APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITIES

The following applications seek to amend or renew certificates of public convenience and necessity for construction of solar photovoltaic (PV) electric generating facilities pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

Duke Energy Carolinas, LLC:

- Docket No. SP-7797, Sub 0 – Application of Clarksbury Solar, LLC, to renew the certificate of public convenience and necessity to construct a 4.999-MW solar PV facility in Davidson County, North Carolina (registration statement issued previously).
- Docket No. SP-17123, Sub 0 – Application of Partin Solar, LLC, to amend the certificate of public convenience and necessity to construct a 50-MW solar PV facility in Surry County, North Carolina (registration statement issued previously).

The Public Staff has reviewed the applications and determined that they comply with the requirements of N.C.G.S. § 62-110.1 and Commission Rule R8-64.

The Public Staff recommended that the Commission issue orders approving the applications and issuing the requested amended or renewed certificates for the facilities. Proposed orders have been provided to the Commission Staff.

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

P2. DOCKET NO. E-2, SUB 1279 – DUKE ENERGY PROGRESS, LLC – APPLICATION FOR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY AND MOTION FOR WAIVER OF NOTICE AND HEARING

On July 20, 2021, pursuant to N.C. Gen. Stat. §§ 62-101 and 62-102, Duke Energy Progress, LLC (DEP or the Company), filed with the North Carolina Utilities Commission (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 that same date, pursuant to Commission Rule R8-62(k), DEP 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 250 feet in length to connect to a new transformer bank in the Bailey 230-kV substation to avoid projected overloads.

On August 11, 2021, DEP formally filed the Application and a Motion for Waiver of Notice and Hearing (Application). DEP indicated in its Application that the proposed Tap Line will connect to the existing Bailey 230-kV Substation tap line, which is connected to the Wilson-Zebulon 230kV transmission line.

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 the transmission line is less than one mile long. DEP indicates in its Application that DEP will construct the approximate 250-foot Tap Line on a) right-of-way acquired from landowners who do not object to the waiver of notice and hearing or b) DEP-owned property at the Bailey 230-kV substation. 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 that 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.

Minutes of the Regular Commission Staff Conference of September 7, 2021, were approved.

Minutes prepared by Portia Barnes.