

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 101

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Generator Interconnection Standard,)	ORDER GRANTING LIMITED
Tariffs and Contract Forms)	WAIVER AND AUTHORIZATION TO
)	MODIFY THE NORTH CAROLINA
)	INTERCONNECTION AGREEMENT

BY THE COMMISSION: On May 27, 2022, Duke Energy Progress, LLC (DEP), filed a Petition for Limited Waiver and Authorization to Modify the North Carolina Interconnection Agreement to Accommodate Interconnection Customer Requirements, to modify certain sections of the North Carolina Interconnection Agreement (NCIA) to accommodate an interconnection customer. Attached to the petition as Attachment A is a redlined version of the proposed revisions to the NCIA.

In the petition, DEP notes that it has been awarded a contract to develop a 1.1 MW floating photovoltaic solar array project (Project) by the United States Department of the Army (Army). The Project is to be constructed at Camp Mackall which is a part of Fort Bragg. Under the contract, the Project will be transferred to the Army prior to the Project beginning parallel operation. While a business affiliate of DEP is constructing the Project and will pay the interconnection costs, the Army will maintain operational control of the Project during its operation, and therefore will be subject to the terms of the NCIA. The Army has identified certain provisions of the NCIA that require modification to ensure consistency with laws and regulations applicable to federal executive branch agencies, including provisions related to payment obligations, ongoing financial security requirements, indemnification, insurance, disputes, and conflict of laws. DEP further states that the proposed modifications would not adversely impact power quality and reliability on its system, would not unduly shift commercial risk to the utility, and does not require the North Carolina Interconnection Standard to be revised on a permanent basis.

DEP notes that Section 12.2 of the NCIA provides that parties may amend the agreement if both parties agree to the amendment in writing. DEP further notes that the Commission granted a waiver in 2020 for another federal entity that requested modifications to the NCIA. On April 12, 2020, the Commission issued an Order Granting Limited Waiver and Authorization to Modify the North Carolina Interconnection Agreement in the above captioned docket related to modifications to the NCIA proposed by the United States Coast Guard (Coast Guard) and Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC). DEP states in its petition that the modifications to the NCIA that it is requesting largely mirror the approved modifications proposed by the Coast Guard and DENC.

On July 1, 2022, the Public Staff filed a letter stating it had reviewed DEP's petition and proposed modifications to the NCIA, that it does not object to the modifications, and that under Section 12.2 of the NCIA parties may mutually agree to make changes to the NCIA as long as those parties agree to the changes in writing. The Public Staff agrees that it is reasonable for DEP to accommodate other federal agency interconnection customers by making similar amendments to the NCIA in the future. The Public Staff recommends that the Commission direct DEP to file proposed modifications to the NCIA for other federal agency customers for Commission review to the extent the revisions vary from the amendments filed in this petition.

After careful consideration, the Commission finds good cause to grant the motion and allow DEP a limited waiver to amend the NCIA as proposed in its application. The Commission further finds it is reasonable for DEP to accommodate other federal agency interconnection customers by making similar amendments to the NCIA in the future. To the extent any future modifications to the NCIA for federal agency customers vary from the amendments filed in this petition, DEP shall file the NCIA modifications for Commission review.

IT IS, THEREFORE, ORDERED as follows:

1. That the modifications to the NCIA presented by DEP in its application are approved to meet the needs of the Army and any future federal agency customers; and
2. That DEP shall file NCIA modifications for federal agency customers in redline form for Commission review to the extent the modifications vary from the amendments filed in this petition.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of July, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Erica N. Green". The signature is fluid and cursive, with the first name "Erica" being more prominent.

Erica N. Green, Deputy Clerk