



September 22, 2023

Ms. Shonta Dunston  
Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699

**RE Application of Duke Energy Progress, LLC, for Adjustment of Rates and  
Charges Applicable to Electric Service in North Carolina  
Docket No. E-2, Sub 1300**

Dear Ms. Dunston,

NCSEA filed its Motion for Delayed Implementation early today, September 22, 2023. NCSEA has since heard back from more counsel of record in the proceeding and would now like to submit an Amended Motion for Delayed Implementation that reflects these updated positions. The Amended Motion contains the following updates (in italics):

7. NCSEA reached out to other parties in the above-captioned docket and represents the parties' respective positions to this motion as follows:

*a. The North Carolina Justice Center, the North Carolina Housing Coalition, the Natural Resources Defense Council, the Southern Alliance for Clean Energy, and Vote Solar support this motion.*

*b. The Public Staff takes no position on this motion.*

*c. The Attorney General's Office does not oppose this motion.*



- d.* DEP opposes this motion.
- e.* NCSEA did not hear back from other counsel of record in the present docket.

NCSEA thanks the Commission for its consideration of these matters. By copy of this letter, I am serving copies of the attached to all parties of record by electronic delivery. Please do not hesitate to contact me if any questions or concerns arise in connection with this filing.

Thank you,

/s/ Ethan Blumenthal  
Ethan Blumenthal  
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Enclosures  
cc: Parties of Record

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1300

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Duke Energy Progress, LLC,	)	AMENDED MOTION FOR
for Adjustment of Rates and Charges	)	DELAYED IMPLEMENTATION
Applicable to Electric Service in North	)	OF RIDER NSC
Carolina	)	
	)	

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NOW COMES the North Carolina Sustainable Energy Association (“NCSEA”), represented by counsel, and respectfully requests that the North Carolina Utilities Commission (the “Commission”) approve this motion requesting the delayed implementation of Rider NSC in Duke Energy Progress, LLC’s (“DEP”) service territory. In support of this request, NCSEA shows the following:

1. DEP’s Application included significant changes to nonresidential net energy metering (“NEM”) tariffs. These changes are included in tariffs Rider NSC, Rider NM (as to the grandfathering provision only), and detailed within the written and oral testimony of DEP Witness Byrd. These changes were approved by the Commission in its Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Public Notice (“Order Accepting Stipulations”) issued in Docket No. E-2 Sub 1300 on August 18, 2023. Under the newly approved rate tariffs, customers that install new behind-the-meter renewable energy generation must take service under Rider NSC.

2. Riders NSC and NM, as published, provide insufficient detail for the rapid implementation of a new non-residential NEM program—particularly, the grandfathering

provision in Rider NM. There are also many outstanding questions regarding customer data access, which is essential to modeling the economic impact of behind-the-meter investments—particularly if that customer is transitioning to time-of-use (“TOU”) rates (as required by Rider NSC) for the first time. These include issues with both the level of detail included and the format in which these data are provided. These concerns are detailed further in recently submitted consumer statement of positions in this docket.

3. Notice for the changes included in this docket, including those pertaining to non-residential NEM, was required by Paragraphs 73 and 74 of the Commission Order Accepting Stipulations. DEP duly submitted its proposed notice on September 15, 2023, which was accepted by the Commission on September 21, 2023. NCSEA provided some of its members with information regarding these changes via email on August 23, 2023; however, as this was an internal effort sent only to some NCSEA members this cannot be considered public notice. With the October 1, 2023, implementation date rapidly approaching, there has been no public notice of the approved changes to non-residential NEM in DEP. Similarly, these changes are not reflected on DEP’s website for North Carolina customers. DEP is working cooperatively with NCSEA and its members to provide the details necessary to implement Rider NSC; however, delayed implementation would allow time for the stated concerns, among others, to be addressed and for information to be accurately disseminated.

4. In Docket No. E-100 Sub 180, the Commission provided a far more extensive transition period for changes to residential NEM—as well as requiring a publicly-accessible bill savings calculator to help customers navigate these changes. *See*

Order Approving Revised Net Metering Tariffs, E-100 Sub 180 (Mar. 23, 2023); *see also* Order Granting Extension of Time to Develop an Online Savings Calculator and Implement Net Energy Metering Tariffs, E-100 Sub 180 (May 17, 2023). Unlike with residential customers, “modeling nonresidential solar is very challenging because of the lack of homogeneous load shapes within those classes.” Official Tr., Vol. 11, at 351 (quoting DEP Witness Byrd). Considering the heterogeneity of non-residential customers in DEP, additional time for the implementation of significant changes to NEM is needed. The Commission should also consider requiring DEP to make a tool available, like the bill savings calculator in E-100 Sub 180, to allow customers to estimate the economic impact of investing in behind-the-meter resources more accurately.

5. In the rooftop solar market, providing customers with accurate and timely information is essential for market confidence. This is especially true regarding non-residential customers as understanding the economic basis of a project is often essential before moving forward with the investment. It is important to provide companies ample time to accurately model these changes to provide complete information to potential clients (and North Carolina ratepayers). Providing customers with accurate information and appropriate assurances has been a problem in North Carolina’s rooftop solar industry in the past.<sup>1</sup>

6. The complexity of the changes proposed to non-residential NEM, the lack of public notice regarding these changes, and the tight timeline for the implementation of

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<sup>1</sup> *See* NC Attorney General announces formal investigation into Pink Energy, WBTV (Sept. 9, 2022), <https://www.wbtv.com/2022/09/29/nc-attorney-general-announces-formal-investigation-into-pink-energy/>; NewsChannel12 Investigates: Pink Energy Part II, NewsChannel12 (Mar. 2, 2023), <https://wcti12.com/news/local/newschannel12-investigates>.

these changes cumulatively raise consumer protection concerns for North Carolina ratepayers. Customers should have a certain degree of confidence that the information being provided to them is accurate. The current implementation date of October 1, 2023, for Rider NSC presents far too compressed a timeline to ensure that the effects of the non-residential NEM changes are accurately disseminated into the market and to customers.

7. NCSEA reached out to other parties in the above-captioned docket and represents the parties' respective positions to this motion as follows:

a. The North Carolina Justice Center, the North Carolina Housing Coalition, the Natural Resources Defense Council, the Southern Alliance for Clean Energy, and Vote Solar support this motion.

b. The Public Staff takes no position on this motion.

c. The Attorney General's Office does not oppose this motion.

d. DEP opposes this motion.

e. NCSEA did not hear back from other counsel of record in the present docket.

THEREFORE, NCSEA respectfully requests:

1. That the implementation date of Rider NSC be delayed from October 1, 2023, to sometime in the first quarter of 2024.

2. That DEP be required to make available a version of the online bill savings

calculator required in Docket No. E-100 Sub 180 for the purpose of calculating changes to non-residential customers' rates with respect to NEM.

Respectfully submitted this the 22<sup>nd</sup> day of September, 2023,

/s/ Ethan Blumenthal  
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**CERTIFICATE OF SERVICE**

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing filing by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 22<sup>nd</sup> day of September, 2023.

/s/ Ethan Blumenthal  
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