

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET No. E-100, SUB 176**

In the Matter of:)
Petition to Revise Commission Rules) **CCEBA’s REPLY COMMENTS**
R8-63 and R8-64)

NOW COMES Carolinas Clean Energy Business Association (“CCEBA”), Intervenor in this Docket, and offers the following brief Reply Comments concerning the North Carolina Utilities Commission - Public Staff’s (“Public Staff”) Petition to Amend Commission Rules R8-63 and R8-64 (“Petition”). CCEBA notes that no parties filed initial Comments that were contrary to the Comments filed by CCEBA.

CCEBA stresses the concerns expressed in its initial Comments that the proposed changes to Rule R8-63’s rules applicable to merchant plants requiring the *completion* of studies performed by third parties prior to consideration of a CPCN application are overburdensome, especially in light of the difficulty applicants have had obtaining such studies on a timely basis. The Complaint filed by CCEBA before the Federal Energy Regulatory Commission (“FERC”), docket EL21-92-000 details the kinds of delays and problems encountered by projects in obtaining these kinds of studies. While that Complaint was dismissed with leave to refile in light of on-going conversations with PJM and Duke Energy Progress, LLC, those discussions are still ongoing and have *not* resulted in a resolution as of yet. Imposing these additional burdens on merchant plant applicants is both unwarranted and premature, and will likely result in substantial and unnecessary delay.

CCEBA restates all of the objections set forth in its initial Comments and joins the North Carolina Sustainable Energy Association in that part of its initial Comments cautioning the Commission from acting on this petition while so much of the law governing

the energy market in North Carolina is being revisited due to the passage of S.L. 2021-165, the pendency of the appeal from the Commission's final order in *In re: Application of Friesian Holdings, LLC for a Certificate of Public Convenience and Necessity ("Friesian")*.

In conclusion, CCEBA respectfully restates that it does not oppose some of the changes proposed by the Public Staff, as detailed in CCEBA's initial Comments, but continues to strongly oppose the burdensome and inequitable requirements that merchant plants obtain multiple interconnection studies as a pre-condition of applying for a CPCN, as also detailed in CCEBA's initial Comments. CCEBA further requests that the 5-year term for CPCNs before renewal is required under Rule R8-63 and R8-64 be maintained.

Respectfully requested, this 14th day of December 2021.

CAROLINAS CLEAN ENERGY BUSINESS
ASSOCIATION

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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 document 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 14th day of December 2021.

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