

1 STAFF CONFERENCE

November 15, 2021

2 CHAIR MITCHELL: Good morning, everyone.
3 Let's come to order and go on the record, please. I'm
4 Charlotte Mitchell, Chair of the Utilities Commission,
5 and with me this morning are the following
6 Commissioners. When I call your name, please announce
7 your presence. Commission Brown-Bland.

8 COMMISSIONER BROWN-BLAND: Good morning.

9 CHAIR MITCHELL: Commissioner Gray.

10 COMMISSIONER GRAY: Good morning.

11 CHAIR MITCHELL: Commissioner Clodfelter.

12 COMMISSIONER CLODFELTER: Yes, good morning.

13 CHAIR MITCHELL: Commissioner Duffley.

14 COMMISSIONER DUFFLEY: Good morning.

15 CHAIR MITCHELL: Commissioner Hughes.

16 COMMISSIONER HUGHES: Good morning.

17 CHAIR MITCHELL: And Commissioner McKissick.

18 COMMISSIONER MCKISSICK: Good morning.

19 CHAIR MITCHELL: In compliance with the
20 State Government Ethics Act, I remind Members of the
21 Commission of their duty to avoid conflicts of
22 interest and inquire, at this time, as to whether any
23 Member of the Commission has a known conflict of
24 interest with respect to the matters coming before us

NORTH CAROLINA UTILITIES COMMISSION

1 this morning.

2 (No response)

3 CHAIR MITCHELL: The record will reflect
4 that no conflicts have been identified, so we will
5 proceed with Public Staff, Communications Item P1.
6 Ms. Proffitt, you're up.

7 MS. PROFFITT: Good morning. Item P1
8 presented an Interconnection Agreement, an amendment
9 filed by Windstream and AT&T North Carolina
10 on September 7th, 2021.

11 The Public Staff has reviewed the filings
12 and recommends that orders be issued approving the
13 agreement and amendment effective on the date they
14 were filed. The Public Staff has provided proposed
15 orders to the Commission Staff.

16 COMMISSIONER BROWN-BLAND: Move approval of
17 the recommendation.

18 COMMISSIONER GRAY: Second.

19 CHAIR MITCHELL: It's been moved and
20 seconded that the item be approved as recommended by
21 the Public Staff. Are there questions or discussion
22 on the motion?

23 (No response)

24 CHAIR MITCHELL: Hearing none, I'll call the

NORTH CAROLINA UTILITIES COMMISSION

1 roll for a vote. Indicate your support for the motion
2 with an aye and your opposition with a no.

3 Commissioner Brown-Bland.

4 COMMISSIONER BROWN-BLAND: Aye.

5 CHAIR MITCHELL: Commissioner Gray.

6 COMMISSIONER GRAY: Aye.

7 CHAIR MITCHELL: Commissioner Clodfelter.

8 COMMISSIONER CLODFELTER: Aye.

9 CHAIR MITCHELL: Commissioner Duffley.

10 COMMISSIONER DUFFLEY: Aye.

11 CHAIR MITCHELL: Commissioner Hughes.

12 COMMISSIONER HUGHES: Aye.

13 CHAIR MITCHELL: Commissioner McKissick.

14 COMMISSIONER MCKISSICK: Aye.

15 CHAIR MITCHELL: And, for the record, I
16 support the motion as well and the motion carries.

17 (Motion carries)

18 CHAIR MITCHELL: Thank you, Ms. Proffitt.
19 We'll proceed now to Public Staff, Electric Item P2.
20 It's my understanding that Item P1 has been or will be
21 pulled from the Agenda.

22 MS. BOSWELL: Yes, ma'am, that is correct.

23 CHAIR MITCHELL: Thank you, Ms. Boswell.

24 MS. BOSWELL: Michelle Boswell, Public Staff

NORTH CAROLINA UTILITIES COMMISSION

1 Accounting Division. Item P2 is Docket Number E-22,
2 Sub 611, Dominion Energy North Carolina's application
3 for approval of an Affiliate Services Agreement.

4 On October 15th, 2021, DENC filed an
5 application for approval of an Affiliate Services
6 Agreement between Birdseye Renewable, LLC and DENC.

7 The Public Staff has reviewed the agreement
8 and recommends the Commission approve the agreement
9 between Birdseye and DENC subject to the conditions
10 set forth. The Public Staff's proposed order's
11 attached as Exhibit Number P2.

12 COMMISSIONER BROWN-BLAND: Move approval of
13 the recommendation.

14 COMMISSIONER GRAY: Second.

15 CHAIR MITCHELL: It's been moved and
16 seconded that the item be approved as recommended by
17 the Public Staff. Are there any questions or
18 discussion on the motion?

19 (No response)

20 CHAIR MITCHELL: Hearing none, I'll call the
21 roll for a vote. Indicate your support for the motion
22 with an aye and your opposition with a no.
23 Commissioner Brown-Bland.

24 COMMISSIONER BROWN-BLAND: Aye.

NORTH CAROLINA UTILITIES COMMISSION

1 CHAIR MITCHELL: Commissioner Gray.

2 COMMISSIONER GRAY: Aye.

3 CHAIR MITCHELL: Commissioner Clodfelter.

4 COMMISSIONER CLODFELTER: Aye.

5 CHAIR MITCHELL: Commissioner Duffley.

6 COMMISSIONER DUFFLEY: Aye.

7 CHAIR MITCHELL: Commissioner Hughes.

8 COMMISSIONER HUGHES: Aye.

9 CHAIR MITCHELL: Commissioner McKissick.

10 COMMISSIONER MCKISSICK: Aye.

11 CHAIR MITCHELL: And, for the record, I
12 support the motion as well and the motion carries.

13 (Motion carries)

14 CHAIR MITCHELL: Thank you, Ms. Boswell.
15 We'll proceed now to Public Staff, Electric Item P3.

16 MR. WILLIAMSON: All right. Good morning,
17 Commissioners. I'm Tommy Williamson with the Energy
18 Division, electric section. Item P3 is a filing made
19 by South River EMC for a certificate to construct
20 approximately 225 feet of a new 230 kV transmission
21 line in Cumberland County, North Carolina.

22 The application stated that the land would
23 allow South River EMC to provide redundancy and
24 increase electric reliability to customers in southern

1 Cumberland and northern Bladen counties.

2 This line will tap into the existing Duke
3 Energy Progress Cumberland, Fayetteville 230 kV
4 transmission line and connect to a new South River EMC
5 owned and operated substation.

6 The Public Staff has determined that the
7 application meets the requirement for a Certificate
8 and the conditions for waiver of the notice and
9 hearing requirements.

10 The Public Staff recommends that the
11 Commission grant the motion for waiver and issue the
12 requested Certificate to construct the line. Thank
13 you.

14 COMMISSIONER BROWN-BLAND: Move approval of
15 the recommendation.

16 COMMISSIONER GRAY: Second.

17 CHAIR MITCHELL: It's been moved and
18 seconded that the item be approved as recommended by
19 the Public Staff. Are there any questions, discussion
20 on that motion?

21 (No response)

22 CHAIR MITCHELL: Hearing none, I'll call the
23 roll for a vote. Indicate your support for the motion
24 with an aye and your opposition with a no.

1 Commissioner Brown-Bland.

2 COMMISSIONER BROWN-BLAND: Aye.

3 CHAIR MITCHELL: Commissioner Gray.

4 COMMISSIONER GRAY: Aye.

5 CHAIR MITCHELL: Commissioner Clodfelter.

6 COMMISSIONER CLODFELTER: Aye.

7 CHAIR MITCHELL: Commissioner Duffley.

8 COMMISSIONER DUFFLEY: Aye.

9 CHAIR MITCHELL: Commissioner Hughes.

10 COMMISSIONER HUGHES: Aye.

11 CHAIR MITCHELL: Commissioner McKissick.

12 COMMISSIONER MCKISSICK: Aye.

13 CHAIR MITCHELL: And, for the record, I
14 support the motion as well and the motion carries.

15 (Motion carries)

16 CHAIR MITCHELL: Thank you, Mr. Williamson.
17 We will now proceed to Public Staff, Electric Item P4.

18 MR. SAILLOR: Scott Sallor with the Energy
19 Division. Item P4 consists of applications to amend
20 and renew Certificates of Public Convenience and
21 Necessity for Solar PV Electric Generating Facilities.

22 Public Staff recommends the Commission
23 approve the applications and issue the amended and
24 renewed Certificates.

1 COMMISSIONER BROWN-BLAND: Move approval of
2 the recommendation.

3 COMMISSIONER GRAY: Second.

4 CHAIR MITCHELL: It's been moved and
5 seconded that the item be approved as recommended by
6 the Public Staff. Any questions, discussion on the
7 motion?

8 (No response)

9 CHAIR MITCHELL: Hearing none, I'll call the
10 roll for a vote. Indicate your support with an aye
11 and your opposition with a no. Commissioner
12 Brown-Bland.

13 COMMISSIONER BROWN-BLAND: Aye.

14 CHAIR MITCHELL: Commissioner Gray.

15 COMMISSIONER GRAY: Aye.

16 CHAIR MITCHELL: Commissioner Clodfelter.

17 COMMISSIONER CLODFELTER: Aye.

18 CHAIR MITCHELL: Commissioner Duffley.

19 COMMISSIONER DUFFLEY: Aye.

20 CHAIR MITCHELL: Commissioner Hughes.

21 COMMISSIONER HUGHES: Aye.

22 CHAIR MITCHELL: Commissioner McKissick.

23 COMMISSIONER MCKISSICK: Aye.

24 CHAIR MITCHELL: And, for the record, I

NORTH CAROLINA UTILITIES COMMISSION

1 support the motion as well and the motion carries.

2 (Motion carries)

3 CHAIR MITCHELL: Thank you, Mr. Saillor. We
4 will proceed now to Public Staff, Water Item P1.

5 MR. CREECH: Thank you, Chair Mitchell.
6 William Creech, Zeke Creech, attorney with the Public
7 Staff Legal Division. Water Item P1, document number
8 W-1063, Sub 5.

9 On August 27th, 2021, C & P Enterprises,
10 Inc. filed an application with the Commission seeking
11 authority to increase its rates for providing sewer
12 utility service.

13 On September 20th, 2021, the Commission
14 issued an order establishing general rate case and
15 suspending rates. The Public Staff recommends that
16 the matter be scheduled for a customer hearing subject
17 to cancellation if no significant protests are
18 received.

19 That the matter should also be scheduled for
20 an expert witness hearing and that the applicant
21 should be required to provide notice to customers.
22 The Public Staff recommends that the Commission issue
23 an order scheduling hearings and requiring customer
24 notice. Thank you.

1 COMMISSIONER BROWN-BLAND: Move approval of
2 the recommendation.

3 COMMISSIONER GRAY: Second.

4 CHAIR MITCHELL: It's been moved and
5 seconded, that the Item be approved as recommended by
6 the Public Staff. Any questions or discussion on that
7 motion?

8 (No response)

9 CHAIR MITCHELL: Hearing none, I'll call the
10 roll for a vote. Indicate your support with an aye
11 and your opposition with a no. Commissioner
12 Brown-Bland.

13 COMMISSIONER BROWN-BLAND: Aye.

14 CHAIR MITCHELL: Commissioner Gray.

15 COMMISSIONER GRAY: Aye.

16 CHAIR MITCHELL: Commissioner Clodfelter.

17 COMMISSIONER CLODFELTER: Aye.

18 CHAIR MITCHELL: Commissioner Duffley.

19 COMMISSIONER DUFFLEY: Aye.

20 CHAIR MITCHELL: Commissioner Hughes.

21 COMMISSIONER HUGHES: Aye.

22 CHAIR MITCHELL: Commissioner McKissick.

23 COMMISSIONER MCKISSICK: Aye.

24 CHAIR MITCHELL: And, for the record, I

NORTH CAROLINA UTILITIES COMMISSION

1 support the motion as well and the motion carries.

2 (Motion carries)

3 CHAIR MITCHELL: Thank you, Mr. Creech. We
4 will proceed now to Public Staff, Water Item P2.

5 MS. CASSELBERRY: Good morning. Gina
6 Casselberry. Item P2 is Docket Number W-1205, Sub 16.
7 On October 5th, 2021, Clarke Utilities, Incorp. filed
8 an application for a Certificate of Public Convenience
9 and Necessity to provide water utility service in
10 Creedmoor Manor subdivision in Wake County, North
11 Carolina and for approval of rates.

12 Clarke Utilities proposes to charge the
13 rates currently approved by the Commission on July 28,
14 2021 and Docket Number W-1205, Sub 14.

15 The Public Staff recommends that the
16 Commission issue the proposed order, including the
17 Commission's Staff's changes granting franchise and
18 improving rates.

19 COMMISSIONER BROWN-BLAND: Move approval of
20 the recommendation.

21 COMMISSIONER GRAY: Second.

22 CHAIR MITCHELL: It's been moved and
23 seconded that the Item be approved as recommended by
24 Public Staff. Any questions or discussion on the

NORTH CAROLINA UTILITIES COMMISSION

1 motion?

2 (No response)

3 CHAIR MITCHELL: Hearing none, I'll call the
4 roll for a vote. Indicate your support with an aye
5 and your opposition with a no. Commissioner
6 Brown-Bland.

7 COMMISSIONER BROWN-BLAND: Aye.

8 CHAIR MITCHELL: Commissioner Gray.

9 COMMISSIONER GRAY: Aye.

10 CHAIR MITCHELL: Commissioner Clodfelter.

11 COMMISSIONER CLODFELTER: Aye.

12 CHAIR MITCHELL: Commissioner Duffley.

13 COMMISSIONER DUFFLEY: Aye.

14 CHAIR MITCHELL: Commissioner Hughes.

15 COMMISSIONER HUGHES: Aye.

16 CHAIR MITCHELL: Commissioner McKissick.

17 COMMISSIONER MCKISSICK: Aye.

18 CHAIR MITCHELL: And, for the record, I
19 support the motion as well and the motion carries.

20 (Motion carries)

21 CHAIR MITCHELL: Thank you, Ms. Casselberry.
22 We'll proceed now to Public Staff, Water Item P3.

23 MR. LITTLE: Good morning. John Little,
24 attorney with the Public Staff Legal Division.

1 Water Item P3, Docket Number W-1250, Sub 8, Saxapahaw
2 Utility Company, filed an application seeking
3 authority to increase its rates for providing water
4 utility service in the Village of Saxapahaw in
5 Alamance County.

6 Saxapahaw Utility Company serves
7 approximately 268-metered water customers. The Public
8 Staff recommends that the Commission issue the
9 proposed order establishing a general rate case and
10 suspending rates.

11 COMMISSIONER BROWN-BLAND: Move approval of
12 the recommendation.

13 COMMISSIONER GRAY: Second.

14 CHAIR MITCHELL: It's been moved and
15 seconded, and that the Item be approved as recommended
16 by the Public Staff. Any questions or discussion on
17 the motion?

18 (No response)

19 CHAIR MITCHELL: Hearing none, I'll call the
20 roll for a vote. Indicate your support with an aye
21 and your opposition with a no. Commissioner
22 Brown-Bland.

23 COMMISSIONER BROWN-BLAND: Aye.

24 CHAIR MITCHELL: Commissioner Gray.

NORTH CAROLINA UTILITIES COMMISSION

1 COMMISSIONER GRAY: Aye.

2 CHAIR MITCHELL: Commissioner Clodfelter.

3 COMMISSIONER CLODFELTER: Aye.

4 CHAIR MITCHELL: Commissioner Duffley.

5 COMMISSIONER DUFFLEY: Aye.

6 CHAIR MITCHELL: Commissioner Hughes.

7 COMMISSIONER HUGHES: Aye.

8 CHAIR MITCHELL: Commissioner McKissick.

9 COMMISSIONER MCKISSICK: Aye.

10 CHAIR MITCHELL: And, for the record, I
11 support the motion as well and the motion carries.

12 (Motion carries)

13 CHAIR MITCHELL: Thank you, Mr. Little.

14 We'll proceed now to Public Staff, Water Item P4.

15 MS. CASSELBERRY: Item P4 is Docket Number
16 W-1305, Sub 31. On March 10th, 2021, Pluris
17 Hampstead, LLC filed a notification, attention to
18 begin operations in the area contiguous to present
19 service area, to provide sewer utility service in
20 Hampstead Pines subdivision in Heartwood Drive
21 extension in Pembroke County, North Carolina.

22 Pluris Hampstead requests approval of the
23 sewer utility rates currently approved for the Coastal
24 Plantation Service Area.

1 The Public Staff recommends that the
2 Commission issue the proposed order recognizing the
3 contiguous extension and approving rates.

4 COMMISSIONER BRONW-BLAND: Move approval of
5 the recommendation.

6 COMMISSIONER GRAY: Second.

7 CHAIR MITCHELL: It's been moved and
8 seconded that the Item be approved as recommended by
9 the Public Staff. Any questions or discussion on the
10 motion?

11 (No response)

12 CHAIR MITCHELL: Hearing none, I'll call the
13 roll for a vote. Indicate your support with an aye
14 and your opposition with a no. Commissioner
15 Brown-Bland.

16 COMMISSIONER BROWN-BLAND: Aye.

17 CHAIR MITCHELL: Commissioner Gray.

18 COMMISSIONER GRAY: Aye.

19 CHAIR MITCHELL: Commissioner Clodfelter.

20 COMMISSIONER CLODFELTER: Aye.

21 CHAIR MITCHELL: Commissioner Duffley.

22 COMMISSIONER DUFFLEY: Aye.

23 CHAIR MITCHELL: Commissioner Hughes.

24 COMMISSIONER HUGHES: Aye.

NORTH CAROLINA UTILITIES COMMISSION

1 CHAIR MITCHELL: Commissioner McKissick.

2 COMMISSIONER McKISSICK: Aye.

3 CHAIR MITCHELL: And, for the record, I
4 support the motion as well and the motion carries.

5 (Motion carries)

6 CHAIR MITCHELL: Thank you, Ms. Casselberry.
7 We will proceed now to Public Staff, Water Item P5.

8 MR. FRANKLIN: Good morning, Commissioners.
9 Mike Franklin, Public Staff, Water, Sewer, and
10 Telephone Division. Water Item P5, Currituck Water
11 and Sewer, LLC, (CWS) and Sandler Utilities at Mill
12 Run, LLC, Sandler, filed an application with the
13 Commission seeking authority to transfer Sandler's
14 waste water utility services of the Mill Creek
15 subdivision, Mill Creek Golf Club in Moyock Middle
16 School to CWS.

17 Sandler is the Eagle Creek developer and is
18 the franchise holder for the Eagle Creek Waste Water
19 Utility System. The Eagle Creek Waste Water
20 Collection System is a vacuum collection system with a
21 system maintained at negative pressure.

22 The residential homes, the waste water from
23 the home, is gravity drained to a 40-gallon valve pit
24 that is shared by two residences. The contents and

1 the valve pit is then pulled into the vacuum made
2 by vacuum force. The Eagle Creek Waste Water System
3 is the only Vacuum Waste Water System regulated by the
4 Commission.

5 The vacuum system has a history of
6 reliability problems, which has significantly worsened
7 since September of 2020. The waste water system has
8 experienced more than 45 days of significant service
9 disruptions in the past 13 years.

10 As a result, the Consent Judgment was issued
11 to Sandler by the North Carolina Department of
12 Environmental Quality and filed with the Currituck
13 County Superior Court on July 1st, 2021.

14 Upon acquisition of the system, CWS proposes
15 to charge the current Commission-approved rates for
16 Sandler as shown in the Agenda Item.

17 CWS also proposes to replace the
18 Vacuum Waste Water Collection System with the gravity
19 drained system. The residents of Eagle Creek are
20 divided on whether to replace the system with the
21 gravity system or repair the existing vacuum system.

22 The Public Staff has provided proposed order
23 and recommends the Commission issue the proposed order
24 scheduling hearings, establishing discovery guidelines

1 requiring customer notice.

2 The Public Staff expects a large turnout of
3 impassioned customers during the public hearing.

4 Ms. Brittany Willis, representing Sandler and Mr. Ed
5 Finley, representing CWS, are in attendance, in
6 addition to myself, Mr. William Grantmyre, are
7 available to answer any questions.

8 MR. GRANTMYRE: Chair Mitchell, this is
9 William Grantmyre, Public Staff Legal. I just have
10 several supplementary comments.

11 Number one, this is, as he said, a
12 developer-installed and operated system. It was
13 installed 22 years ago. And every emergency operator,
14 in the 44 years I've been doing these cases, has been
15 a developer-installed and operated system.

16 And the Public Staff, in the future, will be
17 giving -- recommending much, much larger bonds for
18 a developer-owned systems. What I mean much larger, I
19 mean several hundred thousand, at a minimum.

20 Also, in the Agenda Item, it points out the
21 problems customers have experienced, but there's also
22 been numerous raw waste water backups into the houses
23 and into the customer yards, so this has been a very
24 significant occurrence that really accelerated in

1 September -- the end of September of 2020. Thank you.

2 CHAIR MITCHELL: Thank you, Mr. Grantmyre,
3 for those supplemental comments. I appreciate your
4 providing us with that information.

5 So the Public Staff has made its
6 recommendation. I'll take a motion, at this time.

7 COMMISSIONER HUGHES: Move approval of the
8 recommendation.

9 COMMISSIONER BROWN-BLAND: Second.

10 CHAIR MITCHELL: We've got a motion for
11 approval as recommended by the Public Staff from
12 Commissioner Hughes with a second by Commissioner
13 Brown-Bland. Questions or discussion on the motion
14 from Commissioners?

15 (No response)

16 CHAIR MITCHELL: Hearing nothing, I'll go
17 ahead and call for a vote. Indicate your support for
18 the motion with an aye and your opposition with a no.
19 Commissioner Brown-Bland.

20 COMMISSIONER BROWN-BLAND: Aye.

21 CHAIR MITCHELL: Commissioner Gray.

22 COMMISSIONER GRAY: Aye.

23 CHAIR MITCHELL: Commissioner Clodfelter.

24 COMMISSIONER CLODFELTER: Aye.

1 CHAIR MITCHELL: Commissioner Duffley.

2 COMMISSIONER DUFFLEY: Aye.

3 CHAIR MITCHELL: Commissioner Hughes.

4 COMMISSIONER HUGHES: Aye.

5 CHAIR MITCHELL: Commissioner McKissick.

6 COMMISSIONER McKISSICK: Aye.

7 CHAIR MITCHELL: And, for the record, I
8 support the motion as well and the motion carries.

9 (Motion carries)

10 CHAIR MITCHELL: Thank you, Mr. Little and
11 Mr. Grantmyre. The Commission has before us, for
12 approval, our minutes from the November 1st, 2021
13 Staff Conference. I'll take a motion.

14 COMMISSIONER GRAY: Move approval.

15 COMMISSIONER DUFFLEY: Second.

16 CHAIR MITCHELL: Any questions or discussion
17 on that motion?

18 (No response)

19 CHAIR MITCHELL: All in favor of approving
20 the minutes, indicate with an aye.

21 (All Commissioners say aye)

22 CHAIR MITCHELL: Is there anyone opposed?

23 (No response)

24 CHAIR MITCHELL: The minutes are approved.

NORTH CAROLINA UTILITIES COMMISSION

1 Before we adjourn this morning, is there additional
2 business for the Commission?

3 (No response)

4 CHAIR MITCHELL: Hearing none, we will be
5 adjourned. Thank you very much, everybody. Let's go
6 off the record, please.

7 -----
8 WHEREUPON, this conference is adjourned.
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C E R T I F I C A T E

I, TONJA VINES, DO HEREBY CERTIFY that the proceedings in the above-captioned matter were taken before me, that I did report in stenographic shorthand the Proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.



Tonja Vines