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SP 100 SUB 31

FILED

Morris, Paige

NOV 25 2015

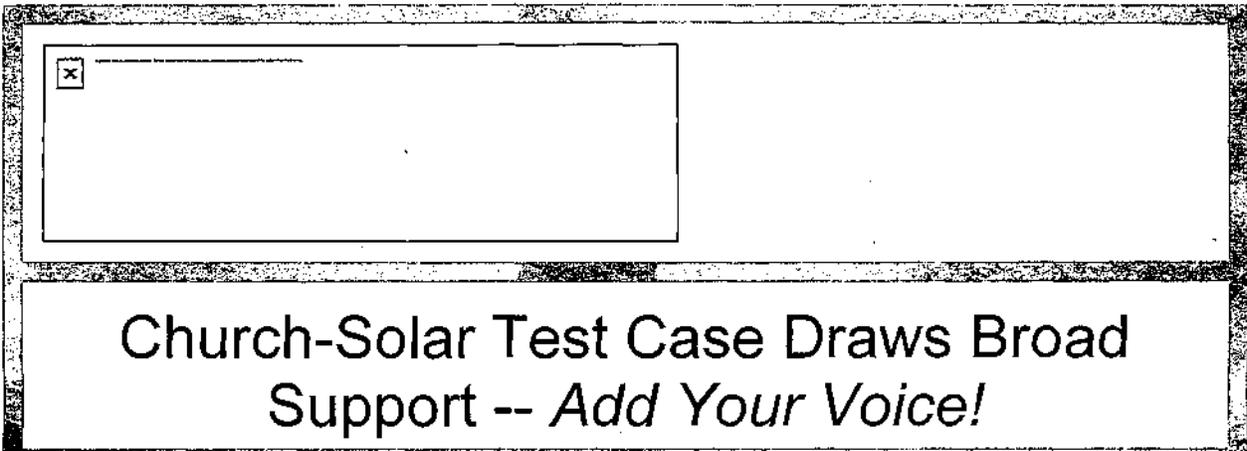
From: John A. Tedder <jatedder33@hotmail.com>
Sent: Wednesday, November 25, 2015 12:20 PM
To: ncwarn@ncwarn.org
Cc: jcocker@elon.edu; Statements; Rep. Ken Goodman; Stan.Bingham@ncleg.net; Fletcher.Hartsell@ncleg.net; Tom.McInnis@ncleg.net; Jerry.Tillman@ncleg.net; Mark.Brody@ncleg.net; bbrown@newobserver.com
Subject: Re: Action Alert: Church-Solar Test Case Draws Broad Support!

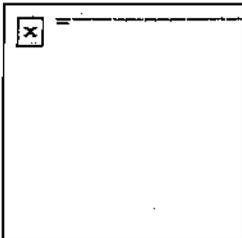
Clerk's Office
N.C. Utilities Commission

I need a connection with someone in your organization that is familiar with power companies' charters. After massive amounts of time and effort and documentation I have found that since the beginning of hydroelectric development on the Yadkin-Pee Dee river the power companies in complicity with the legislature and regulatory commissions have perverted the basic concepts of eminent domain. Briefly stated, CP&L then Progress Energy, and now Duke, have accumulated hundreds of thousands of acres of land under a "cloud of condemnation" which is the reality of "eminent domain" in the hands of a regulated monopoly. And it is obvious that the monopoly now regulates the regulators. Since the onset of the quest for a new license to operate Tillery and Blewett Falls hydroelectric plants the affected power companies have been "laundering" land with with Special Warranty Deeds with qualifying statements such as "No Opinion on the Titles" "As Is Where Is" "We (Grantors) have made not changes in the titles since acquiring." All of these land acquisitions had a statement implying "Fee Simple..." but with a qualifier to the effect that "...It is mutually understood and agreed between the parties hereto...that the property herein conveyed is to be used...in connection with a water power development on the Pee Dee River..." The buyers surely must have a gullible title insurance company...

Call me or email me with a name and I will furnish same with lots of documentation. Thanks, John Tedder, (910) 439-8007.

From: ncwarn=ncwarn.org@mail.salsalabs.net <ncwarn=ncwarn.org@mail.salsalabs.net> on behalf of NC WARN <ncwarn@ncwarn.org>
Sent: Monday, November 23, 2015 11:28 AM
To: jatedder33@hotmail.com
Subject: Action Alert: Church-Solar Test Case Draws Broad Support!





There is still time to send your comments about our Solar Freedom test case to the NC Utilities Commission. Don't let Duke Energy block access to rooftop solar!

Email brief comments to: statements@ncuc.net (reference docket SP-100 Sub 31).

Below is a news release we issued today with an update on the Solar Freedom test case and descriptions of the broad support we are receiving.

There have also been several great opinion pieces written on the case supporting NC WARN and Faith Community Church. Listed here are two highlights. Special thanks to our friends at Greenpeace for their support.

- David and Goliath struggle over solar power -- by Monica Embrey of Greenpeace NC and Rev. Dr. Rodney Sadler of Bible at Union Presbyterian Seminary, *The News & Observer*
- Eliminate Duke's grip on renewables -- by Jeffrey S. Coker of Elon University, *The Charlotte Observer*

Duke Energy seeks massive penalty against NC WARN, but the Christian Coalition, other faith and conservation groups join state and national solar industry to seek an end to monopoly control of rooftops

Statement by Director Jim Warren:

DURHAM, NC – A round of legal filings were submitted Friday by parties in the test case over nonprofit NC WARN selling solar power to an African American community church in Greensboro. Our brief includes an admonishment of Duke Energy for grossly misrepresenting our core legal position, and for seeking a \$120,000 punishment of NC WARN.

We also urged the NC Utilities Commission to conduct a hearing for oral arguments due to a number of complicated and nuanced legal positions presented by the many parties in the case.

Duke Energy's lawyers and PR spokespeople continue claiming that NC WARN and the church are "willfully" breaking the law. But with our initial June filing, which asked the Commission to clarify the legality of the sale – and many times since – we have made a strong argument that a nonprofit selling solar power to another nonprofit is allowable under state law.

We also maintain that the Commission should be encouraging such third-party financing because it is consistent with state law promoting clean, affordable energy and with state law disallowing monopolies. Duke Energy contends that its state-approved monopoly status means no other entity can sell electricity within its captive marketplace.

Attorneys for other parties joining the case are seeking a broader approval of third-party solar financing, not just between nonprofits. A host of faith-based, public interest and solar industry groups are also calling for broad approval of third-party financing, which nationally has been a critical factor in opening up the rooftop solar power market.

Supporting Parties in the Case

NC Interfaith Power & Light, represented by the Southern Environmental Law Center, the Energy Freedom Coalition of American (SolarCity, Silevo Solar, Zep Solar), the NC Sustainable Energy Association

Other Groups Submitting Letters of Support

The Christian Coalition of NC and a joint letter submitted by Action NC, Appalachian Voices, Canary Coalition, Clean Air Carolina, Environment NC, Environmental Defense Fund, Greenpeace, the Hindu Center of Charlotte, Holy Covenant United Church of Christ, NC Conservation Network, Food and Water Watch, NC League of Conservation Voters, NC Sierra Club, Southern Alliance for Clean Energy, SHIFT the Climate, Sustain Charlotte, Little Tree Farm and Retreat Ministry, Muslim American Society of Charlotte, Being There, Universal Institute for Successful Aging of the Carolinas, Chapel Hill NAACP, Oasis of Love Church Scores of comments from the public have also been submitted, all supporting NC WARN and Faith Community Church's Solar Freedom project.

All filings on this case can be found [here](#).

Find more information about the Solar Freedom test case [here](#).

Now in its 28th year, NC WARN's mission urgency is to induce Charlotte-based Duke Energy – now the world's largest corporate utility – to make a strong shift to clean, affordable energy in order to stem pollution's damage to communities, and to help avert climate tipping points and ongoing rate hikes.

[Visit Our Website](#) [Become a Member](#) [Volunteer](#) [Events](#) [Take Action](#)

NC WARN

PO Box 61051
Durham, NC 27715-1051
Phone: (919) 416-5077
Email: ncwarn@ncwarn.org

Connect with us on [Facebook](#) and [Twitter](#).



It's easy to offer your tax-deductible support online!
We are always happy to have members circulate our messages, and hope you'll encourage others to join the clean energy movement by becoming dues-paying members of NC WARN.

You are subscribed to NC WARN as jatedder33@hotmail.com.
[Click here to unsubscribe](#)



Morris, Paige

From: Rabbi Jen Feldman <rabbijen@kehillahsynagogue.org>
Sent: Wednesday, November 25, 2015 12:59 PM
To: Statements
Subject: reference docket SP-100 Sub 31).

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Clerk's Office
N.C. Utilities Commission

To whom it may concern:

I am writing regarding the Solar Freedom test case. Our community was able to fundraise to create a solar system on our roof that reduces our carbon footprint by 75%. Other organizations and individuals are not so fortunate to have these in-house donors. For the sake of the health of the planet and all of us, we must move off solar fuels. Churches and non-profits can serve as models for others. Please change the law so that there can be third party financing of Solar panels for churches, synagogues and non-profits.

Sincerely,
Rabbi Jen Feldman

--

Rabbi Jen Feldman
For appointments: 919 942 8914
Rabbi's Study: 919 942 5915
www.kehillahsynagogue.org

Morris, Paige

From: win <southworthw@hotmail.com>
Sent: Wednesday, November 25, 2015 1:04 PM
To: Statements
Subject: Docket SP-100 Sub 31

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**Clerk's Office
N.C. Utilities Commission**

Dear NC Utilities Commission

I understand that Duke Energy has asked the N.C. Utilities Commission to fine NC WARN, \$1000 per day for selling solar energy to a church in Greensboro. What has happened to our strong support for the democratization of the marketplace!

Monopolies have no place in a democratic society, particularly when they are structural barriers to progress. As we know, progress benefits all of us in so many ways.

Thank you for supporting the democratic process and not allowing monopolies to exert control over we the people.

Sincerely, Win Southworth, Asheville

Read more here: <http://www.charlotteobserver.com/opinion/op-ed/article43839831.html#storylink=cpy>

Morris, Paige

From: Ben Spencer <benspencer8@msn.com>
Sent: Wednesday, November 25, 2015 1:43 PM
To: Statements
Subject: SP-100 Sub 31

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**Clerk's Office
N.C. Utilities Commission**

Dear NC Utilities Commission,

I'm asking you to side and stand with NC Warn in its claim that selling solar from one non-profit organization to another is permissible under NC law. I support NC Warn's efforts to provide solar energy to the church in Greensboro, and I stand against Duke Energy's efforts to make a monopoly of energy distribution in NC.

Sincerely,

Ben Spencer

Mount, Gail

From: Martha Kennedy <martha_kennedy@bellsouth.net>
Sent: Thursday, November 26, 2015 4:34 AM
To: Statements
Subject: docket SP-100 Sub31

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Clerk's Office
N.C. Utilities Commission

I'm writing in support of the right of NC Warn to lease solar panels for the use of customers, and their right to use green energy. Coal and other fossil fuels must be left in the ground to greatest extent possible.

Martha Kennedy
martha_kennedy@bellsouth.net

Mount, Gail

From: Carole Troxler <troxlerc@elon.edu>
Sent: Wednesday, November 25, 2015 4:00 PM
To: Statements
Subject: docket SP-100 sub 31

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Clerk's Office
N.C. Utilities Commission

We have followed the issue now before you concerning the legality or illegality of a nonprofit organization selling power to another nonprofit group.

We believe Duke Energy has misrepresented the basic legal question that has been raised by NC WARN and Faith Community Church. NC WARN asked the Commission to clarify the legality of their sale of electricity to the church in June, early in the project, and set forth their position at that time. In response, Duke Energy simply states that third party sales are illegal, as though the sale were for-profit.

There are other utility policy issues involved than the simple legislation against third-party sales. We hope you will look at the needs of the state within the legal framework with which you function. We believe it is not a narrow matter.

On the contrary, we believe that third-party financing of the sort presented in SP-199 sub 31 is consistent with state law promoting affordable, clean energy. It certainly is for the common good. Churches do not have enough money to pay for solar panels upfront, and NC WARN's actions give hope for congregational actions that embrace the biblical vision of stewardship of the earth. More and more Christian groups, and also others, are seeing this mandate as basic in their faith commitment. We share this conviction. It is not new, simply more urgent.

Aside from personal religious outlooks, we observe that as long as power-generating utilities can "count" the sustainably produced energy they buy towards their record of increasing use of sustainable, cleaner, energy, there is little or no motivation for the utility to significantly increase its own level of sustainable, clean, energy production (as distinct from distribution).

Humanly-compelled climate change is not slowing down for us to dicker about this. The Utilities Commission can regulate third party sales to safeguard the public interest. You can make a significant difference in the big picture, which is the one that counts.

Thank you for what you do, and thank you for trying to see these issues from a perspective of reality.

Mr. and Mrs. George Troxler
2748 Amick Rd.
Elon, N.C. 27244

Carole Watterson Troxler
Professor Emerita of History
<http://facstaff.elon.edu/troxlerc/>